

Richard Nixon Presidential Library
 Contested Materials Collection
 Folder List

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>No Date</u>	<u>Subject</u>	<u>Document Type</u>	<u>Document Description</u>
30	3	3/7/1972	<input type="checkbox"/>	Campaign	Memo	From G. Gordon Liddy to Mitchell RE: the Federal Election Campaign Act of 1971. Copy of the act and various reports and proposals related to it attached. 112 pgs.
30	3		<input checked="" type="checkbox"/>	Campaign	Letter	Form letter from Maurice Stans to potential RN supporters RE: contributions to the Finance Committee for the Re-election of the President. Envelope, application, membership card, and return envelope included. 7 pgs.
30	3		<input checked="" type="checkbox"/>	Campaign	Letter	Form letter from Maurice Stans to potential RN supporters RE: contributions to the Finance Committee for the Re-election of the President. Envelope, application, membership card, and return envelope included. 7 pgs.
30	3	3/13/1972	<input type="checkbox"/>	Campaign	Memo	From Gergen to Strachan RE: an attached campaign form letter for mass mailing. 1 pg.

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>No Date</u>	<u>Subject</u>	<u>Document Type</u>	<u>Document Description</u>
30	3		<input checked="" type="checkbox"/>	Campaign	Letter	Form letter from Maurice Stans to potential RN supporters RE: contributions to the Finance Committee for the Re-election of the President. 2 pgs.
30	3	3/8/1972	<input type="checkbox"/>	Campaign	Memo	From Dent to Mitchell RE: Joel Broyhill and the Virginia Senate race. 1 pg.
30	3	3/28/1972	<input type="checkbox"/>	Campaign	Memo	From Dent to Haldeman RE: attached information. 1 pg.
30	3	3/27/1972	<input type="checkbox"/>	Campaign	Memo	From Wallace Henley to Dent RE: information from the National American Party on its convention and Wallace. 2 pgs.
30	3	3/22/1972	<input type="checkbox"/>	Campaign	Report	From Dent to Haldeman RE: an attached document. 1 pg.

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>No Date</u>	<u>Subject</u>	<u>Document Type</u>	<u>Document Description</u>
30	3	3/22/1972	<input type="checkbox"/>	Campaign	Memo	From Brad E. Hainsworth to Dent RE: Jim Abourezk and a Gallup subsidiary poll conducted in South Dakota. 1 pg.
30	3	3/13/1972	<input type="checkbox"/>	Campaign	Memo	From Dent to Haldeman RE: attached information. 1 pg.
30	3	3/9/1972	<input type="checkbox"/>	Campaign	Memo	From Hainsworth to Dent RE: running Ben Reifel for Mundt's seat. 2 pgs.
30	3	3/13/1972	<input type="checkbox"/>	Campaign	Memo	From Dent to Haldeman RE: an attached document. 1 pg.
30	3	3/13/1972	<input type="checkbox"/>	Campaign	Memo	From Hainsworth to Dent RE: Reifel's announcement on whether or not he will seek election to the Senate. 1 pg.

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>No Date</u>	<u>Subject</u>	<u>Document Type</u>	<u>Document Description</u>
30	3	3/22/1972	<input type="checkbox"/>	Campaign	Memo	From Dent to Haldeman RE: attached political information. 1 pg.
30	3	3/20/1972	<input type="checkbox"/>	Campaign	Letter	From Jack Huss to Dent RE: a Central Surveys poll on the presidential race in North Dakota. 1 pg.
30	3		<input checked="" type="checkbox"/>	Campaign	Report	Central Surveys, Inc. Voter Opinion Survey on North Dakota from February 4 to February 12, 1972. 34 pgs.
30	3	3/29/1972	<input type="checkbox"/>	Campaign	Memo	From Dent to Mitchell RE: Reifel's decision not to seek election to the U.S. Senate for the State of South Dakota. 1 pg.
30	3	3/29/1972	<input type="checkbox"/>	Campaign	Memo	From Buchanan to RN RE: the prediction that McGovern will win the Wisconsin Democratic Primary. 2 pgs.

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>No Date</u>	<u>Subject</u>	<u>Document Type</u>	<u>Document Description</u>
30	3	3/15/1972	<input type="checkbox"/>	Campaign	Memo	From Strachan to Haldeman RE: revising a Republican National Committee film. Handwritten notes added by unknown. 1 pg.
30	3	3/21/1972	<input type="checkbox"/>	Campaign	Memo	From McWhorter to Mitchell RE: obtaining the support of Democratic governors for RN following the Republican National Convention. 2 pgs.
30	3	3/21/1972	<input type="checkbox"/>	Campaign	Memo	From McWhorter to Mitchell RE: a congenial political atmosphere for Republicans in New York in 1972. 1 pg.
30	3	3/6/1972	<input type="checkbox"/>	Campaign	Memo	From McWhorter to Haldeman summarizing a meeting of the Republican National Committee. 1 pg.

COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

March 7, 1972

1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20006
(202) 333-0920

CONFIDENTIAL

MEMORANDUM FOR: THE HONORABLE JOHN N. MITCHELL
FROM: G. GORDON LIDDY *GL*
SUBJECT: The Federal Election Campaign Act of 1971.

Attached per your request are the following:

Copy of the Federal Election Campaign Act of 1971 at Tab A.

Copy of the conference report on the Federal Election Campaign Act of 1971 at Tab B.

Summary of the Federal Election Campaign Act of 1971, prepared by the office of John Dean, at Tab C.

Copy of draft regulations proposed to be issued by the Comptroller General under Title I of the Federal Election Campaign Act of 1971 at Tab D.

Copy of draft regulations proposed to be issued by the Comptroller General under Title III of the Federal Election Campaign Act of 1971 at Tab E.

Copy of page S-21635 of the Congressional Record for December 14, 1971, at Tab F.

You will note that Chapter I, Subchapter A, Section 4.3 (b) (page 11) of the draft regulations of the Comptroller General for Title I (Tab D) and infra where appropriate, as well as in the draft regulations

of the Comptroller General under Title III, subchapter B, subpart B, part 14, section 14.3 (b) (page 17) (Tab E) the Comptroller General proposes to compel the deduction, from the amount permitted to be expended for controlled media in the forthcoming (1972) Presidential campaign, sums expended prior to the effective date of the Act (April 7, 1972) for goods and services to be delivered after the effective date of the Act.

In my opinion the foregoing is:

- (a) Not in conformity with the language of the statute.
- (b) Not in keeping with the legislative history of the law (see Tab F, right hand column, where marked).
- (c) Unconstitutional. Reading against the appropriate sections of the statute and regulations issued thereunder are criminal sanctions of felony degree. The Comptroller General proposes to punish criminally acts committed prior to the effective date of the statute. As you know, it is a fundamental principle of criminal law that all elements of a crime must have been committed after the effective date of the statute creating the crime. Thus, the Comptroller General's regulation cannot reach acts such as prepayment transactions undertaken before the effective date of the statute. Nor can an appeal to the "spirit of the law" be viable here; as criminal sanctions apply to the regulatory aspects of the law, there comes into operation the basic principle of criminal law that a penal statute must be construed strictly. Finally there is the overriding prohibition in the Federal constitution against the creation of ex post facto crimes.

As I am informed that prepayment is important to us, you may wish to:

CONFIDENTIAL

- (1) Obtain another opinion on this question from Don Santarelli and/or the Office of Legal Counsel in the Department of Justice and
- (2) Take this matter up with the Comptroller General before the regulations are issued.

It is my opinion that we may pre-pay in any event, as the issuance of regulations to the contrary by the Comptroller General does not change the facts of the law. It could, however, create a potential public relations problem should the matter surface.



Public Law 92-225
92nd Congress, S. 382
February 7, 1972

An Act

To promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Election Campaign Act of 1971".

Federal Election Campaign Act of 1971.

TITLE I—CAMPAIGN COMMUNICATIONS

SHORT TITLE

SEC. 101. This title may be cited as the "Campaign Communications Reform Act".

Citation of title.

DEFINITIONS

SEC. 102. For purposes of this title:

(1) The term "communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but, with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment, used by a candidate for Federal elective office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).

86 STAT. 3

(2) The term "broadcasting station" has the same meaning as such term has under section 315(f) of the Communications Act of 1934.

86 STAT. 4

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States (and for purposes of section 103(b) such term includes the office of Vice President).

Post, p. 7.

(4) The term "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate, and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

(5) The term "voting age population" means resident population, eighteen years of age and older.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

MEDIA RATE AND RELATED REQUIREMENTS

SEC. 103. (a) (1) Section 315(b) of the Communications Act of 1934 is amended to read as follows:

66 Stat. 717.
47 USC 315.

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

74 Stat. 894.
47 USC 312.

"(2) at any other time, the charges made for comparable use of such station by other users thereof."

(2) (A) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new paragraph:

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy."

66 Stat. 717.
47 USC 315.
Nonbroadcast
media rates.

(B) The second sentence of section 315(a) of such Act is amended by inserting "under this subsection" after "No obligation is imposed".

(b) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

86 STAT. 4
86 STAT. 5

LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

SEC. 104. (a) (1) Subject to paragraph (4), no legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

- (i) 10 cents multiplied by the voting age population (as certified under paragraph (5)) of the geographical area in which the election for such office is held, or
- (ii) \$50,000, or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

Primaries.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

- (A) for the use of communications media, or
- (B) for the use of broadcast stations,

on behalf of his candidacy in such election a total amount in excess of the amounts determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

Presidential
primaries.

(3) (A) No person who is a candidate for presidential nomination may spend—

- (i) for the use in a State of communications media, or
- (ii) for the use in a State of broadcast stations,

on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively, had he been a candidate for election for the office of Senator from such State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph (3), a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination for election to the office of President. He shall be considered to be such a candidate during the period—

(i) beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(ii) ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communications Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

(C) The Comptroller General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States of a communications medium shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications medium.

(4) (A) For purposes of subparagraph (B):

(i) 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.

(ii) The term "base period" means the calendar year 1970.

(B) At the beginning of each calendar year (commencing in 1972), as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the per centum difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under paragraph (1) (A) (i) and (ii) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

(5) Within 60 days after the date of enactment of this Act, and during the first week of January in 1973 and every subsequent year, the Secretary of Commerce shall certify to the Comptroller General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

(6) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(7) For purposes of this section and section 315(c) of the Communications Act of 1934—

(A) spending and charges for the use of communications media include not only the direct charges of the media but also agents' commissions allowed the agent by the media, and

(B) any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies in writing to the

66 Stat. 717;
73 Stat. 557.
47 USC 315.
Regulations.
86 STAT. 5
86 STAT. 6

"Price index."

"Base period."

Publication in
Federal Register.

Publication in
Federal Register.

Post, p. 7.

Certification
requirement.

PENALTIES

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66 Stat. 717,
47 USC 315.

person making such charge that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (g) and by inserting after subsection (b) the following new subsections:

"(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

"(d) If a State by law and expressly—

"(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection,

"(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election,

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this subsection, and

"(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under section 104(a)(1)(B) or 104(a)(2)(B) (whichever is applicable) of the Campaign Communications Reform Act had such election been an election for a Federal elective office or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate such State limitation.

"(e) Whoever willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed \$5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of either such subsection.

"(f) (1) For the purposes of this section:

"(A) The term 'broadcasting station' includes a community antenna television system.

"(B) The terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, means the operator of such system.

"(C) The term 'Federal elective office' means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States.

"(2) For purposes of subsections (c) and (d), the term 'legally qualified candidate' means any person who (A) meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors."

REGULATIONS

Sec. 105. The Comptroller General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 103(b), 104(a), and 104(b) of this Act.

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Penalty.

47 USC 501-503.

Definitions.

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Sec. 106. Whoever willfully and knowingly violates any provision of section 103(b), 104(a), or 104(b) or any regulation under section 105 shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than five years, or both.

TITLE II—CRIMINAL CODE AMENDMENTS

Sec. 201. Section 591 of title 18, United States Code, is amended to read as follows: 62 Stat. 719.

§ 591. Definitions

"When used in sections 597, 599, 600, 602, 608, 610, and 611 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money 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), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees;

Post, pp. 9, 10.

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62 Stat. 721.

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62 Stat. 723.

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose; and

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money 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), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

SEC. 202. Section 600 of title 18, United States Code, is amended to read as follows:

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

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special 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, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a) (1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) \$50,000, in the case of a candidate for the office of President or Vice President;

"(B) \$35,000, in the case of a candidate for the office of Senator; or

"(C) \$25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons."

"Immediate family."

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000, imprisonment for not to exceed one year, or both."

Penalty.

SEC. 204. Section 609 of title 18, United States Code, is repealed.

Repeal.

SEC. 205. Section 610 of title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following paragraph:

62 Stat. 723.

"As used in this section, the phrase 'contribution or expenditure' shall include 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; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families or any subject; nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization: *Provided*, That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or any thing 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 monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction."

"Contribution or expenditure."

SEC. 206. Section 611 of title 18, United States Code, is amended to read as follows:

62 Stat. 724.

"§ 611. Contributions by Government contractors

"Whoever—

"(a) entering 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 (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly 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

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period; shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

Sec. 207. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures.";

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed.";

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors."

TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN

FUNDS

DEFINITIONS

Sec. 301. When used in this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expres-

sion of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, and

(3) a transfer of funds between political committees;

(g) "supervisory officer" means the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case;

(b) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

ORGANIZATION OF POLITICAL COMMITTEES

Sec. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of \$10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and

Exception.

address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

Recordkeeping.

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

- (1) all contributions made to or for such committee;
- (2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of \$10, and the date and amount thereof;
- (3) all expenditures made by or on behalf of such committee; and
- (4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

Receipts, preservation.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the supervisory officer.

Unauthorized activities, notice.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

Funds solicitation, notice.

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

Annual report.

(2) (A) The supervisory officer shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

- (i) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and
- (ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the supervisory officer.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

Sec. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the supervisory officer a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the supervisory officer at such time as he prescribes.

(b) The statement of organization shall include—

- (1) the name and address of the committee;
- (2) the names, addresses, and relationships of affiliated or connected organizations;
- (3) the area, scope, or jurisdiction of the committee;
- (4) the name, address, and position of the custodian of books and accounts;
- (5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;
- (6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;
- (7) a statement whether the committee is a continuing one;
- (8) the disposition of residual funds which will be made in the event of dissolution;
- (9) a listing of all banks, safety deposit boxes, or other repositories used;
- (10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and
- (11) such other information as shall be required by the supervisory officer.

(c) Any change in information previously submitted in a statement of organization shall be reported to the supervisory officer within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the supervisory officer.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

Sec. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office, and each candidate for election to such office, shall file with the appropriate supervisory officer reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing, except that any contribution of \$5,000 or more received after the last report is filed prior to the election shall be reported within forty-eight hours after its receipt.

Receipts and expenditures.

Completion date, exception.

(b) Each report under this section shall disclose—

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

(2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of \$100 not otherwise listed under paragraphs (2) through (6);

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

(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(10) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

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

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the supervisory officer may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the supervisory officer may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the supervisory officer.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year shall file with the supervisory officer a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the supervisory officer in a published regulation.

(c) The supervisory officer may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The supervisory officer shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

Noncompliance relief.

Debts, pledges, etc., separate schedules.

REPORTS ON CONVENTION FINANCING

SEC. 307. 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 sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Comptroller General of the United States a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

DUTIES OF THE SUPERVISORY OFFICER

SEC. 308. (a) It shall be the duty of the supervisory officer—

(1) 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 him under this title;

(2) to prepare, publish, and furnish to the person required to

Public
inspection.

file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

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

(4) to make the reports and statements filed with him available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

Preservation.

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

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

Annual report.

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the national, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of \$100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

Information
dissemination.

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

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

Rules and
regulations.

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) The supervisory officer shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

Comptroller
General,
information
and studies.

(c) It shall be the duty of the Comptroller General to serve as a national clearinghouse for information in respect to the administration of elections. In carrying out his duties under this subsection, the Comptroller General shall enter into contracts for the purpose of conducting independent studies of the administration of elections. Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

- (2) practices relating to the registration of voters; and
(3) voting and counting methods.

Studies made under this subsection shall be published by the Comptroller General and copies thereof shall be made available to the general public upon the payment of the cost thereof. Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any comment or recommendation of the Comptroller General in any such study.

(d)(1) Any person who believes a violation of this title has occurred may file a complaint with the supervisory officer. If the supervisory officer determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the supervisory officer, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) 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, United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

STATEMENTS FILED WITH STATE OFFICERS

SEC. 309. (a) A copy of each statement required to be filed with a supervisory officer by this title 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. For purposes of this subsection, the term "appropriate State" means—

(1) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of President or Vice President of the United States, each State in which an expenditure is made by him or on his behalf, and

(2) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in,

Publication.

Violation.

Hearing
opportunity;
injunction.Judicial
review.

62 Stat. 928.

"Appropriate
State."

State officer,
duties.

or Delegate or Resident Commissioner to, the Congress of the United States, the State in which he seeks election.

(b) It shall be the duty of the Secretary of State, or the equivalent State officer, under subsection (a)—

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

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

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

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

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 310. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 311. (a) Any person who violates any of the provisions of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

TITLE IV—GENERAL PROVISIONS

EXTENSION OF CREDIT BY REGULATED INDUSTRIES

SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), 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.

PROHIBITION AGAINST USE OF CERTAIN FEDERAL FUNDS FOR ELECTION ACTIVITIES

SEC. 402. No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 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. As used in this section, the term "election" has the same meaning given such term by section 301(a) of the Fed-

78 Stat. 508,
42 USC 2701
note.

"Election."

Ante, p. 11.

eral Election Campaign Act of 1971, and the term "Federal office" has the same meaning given such term by section 301(c) of such Act.

"Federal
office."
Ante, p. 11.

EFFECT ON STATE LAW

SEC. 403. (a) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.

(b) Notwithstanding subsection (a), no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure (as such term is defined in section 301(f) of this Act) which he could lawfully make under this Act.

PARTIAL INVALIDITY

SEC. 404. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 405. The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241-256), is repealed.

EFFECTIVE DATE

SEC. 406. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

Approved February 7, 1972.

43 Stat. 1070.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 92-564 accompanying H.R. 11060 (Comm. on House Administration) and No. 92-752 (Comm. of Conference).

SENATE REPORTS: No. 92-96 (Comm. on Commerce), No. 92-229 (Comm. on Rules and Administration) and No. 92-580 (Comm. of Conference).

CONGRESSIONAL RECORD:

Vol. 117 (1971): July 21, 23, Aug. 2-5, considered and passed Senate, Nov. 18, 29, 30, considered and passed House, amended, in lieu of H.R. 11060, Dec. 14, Senate agreed to conference report.

Vol. 118 (1972): Jan. 19, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 8, No. 7:
Feb. 7, Presidential statement.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

DECEMBER 14, 1971.—Ordered to be printed

Mr. HAYS, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 382]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Federal Election Campaign Act of 1971".

TITLE I—CAMPAIGN COMMUNICATIONS

SHORT TITLE

Sec. 101. This title may be cited as the "Campaign Communications Reform Act".

DEFINITIONS

Sec. 102. For purposes of this title:

(1) *The term "communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but, with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment, used by a candidate for Federal elective office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).*

(2) The term "broadcasting station" has the same meaning as such term has under section 315(f) of the Communications Act of 1934.

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States (and for purposes of section 103(b) such term includes the office of Vice President).

(4) The term "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate, and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

(5) The term "voting age population" means resident population, eighteen years of age and older.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

MEDIA RATE AND RELATED REQUIREMENTS

SEC. 103. (a)(1) Section 315(b) of the Communications Act of 1934 is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

"(2) at any other time, the charges made for comparable use of such station by other users thereof."

(2)(A) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new paragraph:

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy."

(B) The second sentence of section 315(a) of such Act is amended by inserting "under this subsection" after "No obligation is imposed".

(b) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

SEC. 104. (a)(1) Subject to paragraph (4), no legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

(i) 10 cents multiplied by the voting age population (as certified under paragraph (5)) of the geographical area in which the election for such office is held, or

(ii) \$50,000, or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

(A) for the use of communications media, or

(B) for the use of broadcast stations,

on behalf of his candidacy in such election a total amount in excess of the amounts determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

(3)(A) No person who is a candidate for presidential nomination may spend—

(i) for the use in a State of communications media, or

(ii) for the use in a State of broadcast stations,

on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively, had he been a candidate for election for the office of Senator from such State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph (3), a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination for election to the office of President. He shall be considered to be such a candidate during the period—

(i) beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(ii) ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communications Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

(C) The Comptroller General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States of a communications medium shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications medium.

(4)(A) For purposes of subparagraph (B):

(i) 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.

(ii) The term "base period" means the calendar year 1970.

(B) At the beginning of each calendar year (commencing in 1972), as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the per centum difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under paragraph (1)(A)(i) and (ii) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

(5) Within 60 days after the date of enactment of this Act, and during the first week of January in 1973 and every subsequent year, the Secretary of Commerce shall certify to the Comptroller General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

(6) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(7) For purposes of this section and section 315(c) of the Communications Act of 1934:

(A) spending and charges for the use of communications media include not only the direct charges of the media but also agents' commissions allowed the agent by the media, and

(B) any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies in writing to the person making such charge that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (g) and by inserting after subsection (b) the following new subsections:

"(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge

will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

"(d) If a State by law and expressly—

"(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection,

"(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election,

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this subsection, and

"(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under section 104(a)(1)(B) or 104(a)(2)(B) (whichever is applicable) of the Campaign Communications Reform Act had such election been an election for a Federal elective office or nomination thereto, then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate such State limitation.

"(e) Whoever willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed \$5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of either such subsection.

"(f)(1) For the purposes of this section:

"(A) The term 'broadcasting station' includes a community antenna television system.

"(B) The terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system.

"(C) The term 'Federal elective office' means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States.

"(2) For purposes of subsections (c) and (d), the term 'legally qualified candidate' means any person who (A) meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors."

REGULATIONS

SEC. 105. The Comptroller General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 103(b), 104(a), and 104(b) of this Act.

PENALTIES

SEC. 106. Whoever willfully and knowingly violates any provision of section 103(b), 104(a), or 104(b) or any regulation under section 105 shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than five years, or both.

TITLE II—CRIMINAL CODE AMENDMENTS

SEC. 201. Section 591 of title 18, United States Code, is amended to read as follows:

§ 591. Definitions

"When used in sections 597, 599, 600, 602, 608, 610, and 611 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money 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), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees;

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of

another person which are rendered to such candidate or political committee without charge for any such purpose; and

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money 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), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

SEC. 202. Section 600 of title 18, United States Code, is amended to read as follows:

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

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special 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, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:

“§ 608. Limitations on contributions and expenditures

"(a)(1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) \$50,000, in the case of a candidate for the office of President or Vice President;

"(B) \$35,000, in the case of a candidate for the office of Senator;

or

"(C) \$25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000, imprisonment for not to exceed one year, or both."

SEC. 204. Section 609 of title 18, United States Code, is repealed.

SEC. 205. Section 610 of title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following paragraph:

"As used in this section, the phrase 'contribution or expenditure' shall include 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; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject: nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization: Provided, That it shall be unlawful 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 monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction."

SEC. 206. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever—

"(a) entering 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 (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly 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

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period; shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 207. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures."

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed."

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors."

TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

DEFINITIONS

SEC. 301. When used in this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation, by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, and

(3) a transfer of funds between political committees;

(g) "supervisory officer" means the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of \$10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

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

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

(2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of \$10, and the date and amount thereof;

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

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the supervisory officer.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice: "A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

(2) (A) The supervisory officer shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(i) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the supervisory officer.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

Sec. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the supervisory officer a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the supervisory officer at such time as he prescribes.

(b) The statement of organization shall include—

- (1) the name and address of the committee;
- (2) the names, addresses, and relationships of affiliated or connected organizations;
- (3) the area, scope, or jurisdiction of the committee;
- (4) the name, address, and position of the custodian of books and accounts;
- (5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;
- (6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;
- (7) a statement whether the committee is a continuing one;
- (8) the disposition of residual funds which will be made in the event of dissolution;
- (9) a listing of all banks, safety deposit boxes, or other repositories used;
- (10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and
- (11) such other information as shall be required by the supervisory officer.

(c) Any change in information previously submitted in a statement of organization shall be reported to the supervisory officer within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the supervisory officer.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

Sec. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office, and each candidate or election to such office, shall file with the appropriate supervisory officer reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing, except that any contribution of \$5,000 or more received after the last report is filed prior to the election shall be reported within forty-eight hours after its receipt.

(b) Each report under this section shall disclose—

- (1) the amount of cash on hand at the beginning of the reporting period;
- (2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions;
- (3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);
- (4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;
- (5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;
- (6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;
- (7) each contribution, rebate, refund, or other receipt in excess of \$100 not otherwise listed under paragraphs (2) through (6);
- (8) the total sum of all receipts by or for such committee or candidate during the reporting period;
- (9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;
- (10) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an

expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

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

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the supervisory officer may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the supervisory officer may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the supervisory officer.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year shall file with the supervisory officer a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the supervisory officer in a published regulation.

(c) The supervisory officer may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a state-wide basis.

(d) The supervisory officer shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

SEC. 307. 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 sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Comptroller General of the United States a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

DUTIES OF THE SUPERVISORY OFFICER

SEC. 308. (a) It shall be the duty of the supervisory officer—

(1) 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 him under this title;

(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

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

(4) to make the reports and statements filed with him available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: Provided, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

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

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the national, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the national, State, and local levels for candidates and political commit-

tees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of \$100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

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

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) The supervisory officer shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

(c) It shall be the duty of the Comptroller General to serve as a national clearinghouse for information in respect to the administration of elections. In carrying out his duties under this subsection, the Comptroller General shall enter into contracts for the purpose of conducting independent studies of the administration of elections. Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

(2) practices relating to the registration of voters; and

(3) voting and counting methods.

Studies made under this subsection shall be published by the Comptroller General and copies thereof shall be made available to the general public upon the payment of the cost thereof. Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any comment or recommendation of the Comptroller General in any such study.

(d)(1) Any person who believes a violation of this title has occurred may file a complaint with the supervisory officer. If the supervisory officer determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the supervisory officer, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) 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, United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

STATEMENTS FILED WITH STATE OFFICERS

SEC. 309. (a) A copy of each statement required to be filed with a supervisory officer by this title 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. For purposes of this subsection, the term "appropriate State" means—

(1) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of President or Vice President of the United States, each State in which an expenditure is made by him or on his behalf, and

(2) for reports relating to expenditures and contributions 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 of the United States, the State in which he seeks election.

(b) It shall be the duty of the Secretary of State, or the equivalent State officer, under subsection (a)—

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

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

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

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

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 310. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 311. (a) Any person who violates any of the provisions of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

TITLE IV—GENERAL PROVISIONS

EXTENSION OF CREDIT BY REGULATED INDUSTRIES

SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), 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.

PROHIBITION AGAINST USE OF CERTAIN FEDERAL FUNDS FOR ELECTION ACTIVITIES

SEC. 402. No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 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. As used in this section, the term "election" has the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971, and the term "Federal office" has the same meaning given such term by section 301(c) of such Act.

EFFECT ON STATE LAW

SEC. 403. (a) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.

(b) Notwithstanding subsection (a), no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure (as such term is defined in section 301(f) of this Act) which he could lawfully make under this Act.

PARTIAL INVALIDITY

SEC. 404. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 405. The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241-256), is repealed.

EFFECTIVE DATE

SEC. 406. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

And the House agree to the same.

WAYNE L. HAYS,
W. M. ABBITT,
KEN GRAY,
JAMES HARVEY,
WM. L. DICKINSON,
*Managers on the Part of the House
as to titles III, IV, and V of the House amendment.*

HARLEY O. STAGGERS,
T. H. MACDONALD,
LIONEL VAN DEERLIN,
SAMUEL L. DEVINE,
ANCHER NELSEN,
*Managers on the Part of the House,
as to titles I and II of the House amendment.*

JOHN O. PASTORE,
P. A. HART,
VANCE HARTKE,
B. EVERETT JORDAN,
HOWARD W. CANNON,
CLAIBORNE PELL,
HOWARD BAKER,
MARLOW COOK,
TED STEVENS,
HUGH SCOTT,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

CAMPAIGN COMMUNICATIONS

EQUAL TIME AND RELATED MATTERS

REPEAL OF EQUAL TIME REQUIREMENT FOR CANDIDATES FOR FEDERAL ELECTIVE OFFICE

Senate bill.—The Senate bill amended subsection (a) of section 315 of the Communications Act of 1934 (which presently provides that if a licensee permits any legally qualified candidate for public office to use his station, he must afford equal opportunities to all other candidates for the same office in the use of his station), to make that subsection inapplicable to candidates for Federal elective office (President, Vice President, Senator, Representative, Delegate, and Resident Commissioner).

House amendment.—The House amendment made no change in section 315(a).

Conference substitute.—The conference substitute does not include this provision of the Senate bill.

PROGRAM FORMAT

Senate bill.—The Senate bill also provided that when a licensee permits a legally qualified candidate for Federal elective office to use his broadcasting station in connection with the candidate's campaign, the licensee must afford the candidate maximum flexibility in choosing his program format.

House amendment.—No comparable provision.
Conference substitute.—The Senate recedes on this provision.

MEDIA RATE AND ACCESS REQUIREMENTS

CHARGES BY BROADCAST STATIONS

Both the Senate Bill and the House amendment revised section 315(b) of the Communications Act of 1934. Under the existing section 315(b), the charges made for the use of any broadcast station for any of the purposes set forth in section 315 may not exceed the charges made for comparable use of the station for other purposes.

House amendment.—The House amendment provided that the charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office could not exceed "the actual charges made by such station for any comparable use of such station for other purposes". (Matter inserted in existing law in italic.)

Senate bill.—The Senate bill revised section 315(b) to require that the charges made for the use of a broadcast station by any person who is a legally qualified candidate for public office could not, during the 45 days preceding a primary election and during the 60 days preceding a general or special election, exceed the lowest unit charge of the station for the same class and amount of time for the same period. The comparable rate requirement under existing law would have continued to apply except during these 45 and 60 day periods.

Conference substitute.—The conference substitute includes this provision of the Senate bill.

ACCESS TO BROADCAST STATIONS

Senate bill.—The Senate bill made a broadcast license subject to revocation under section 312(a) of the Communications Act for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by any legally qualified candidate on behalf of his candidacy.

House amendment.—No comparable provision.

Conference substitute.—This provision is included in the conference substitute, with a clarifying amendment limiting the provision to use of broadcast stations by candidates for Federal elective office. A conforming amendment is also made to section 315(a).

NONBROADCAST MEDIA RATES

House amendment.—The House section 103(b)(1) provided that, to the extent that any person sold space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with that candidate's campaign, the charges made for the use of the space in connection with his campaign could not exceed the charges made for comparable use of such space for other purposes.

Senate bill.—The Senate bill provided that during the 45 days preceding any primary election, and during the 60 days preceding any general or special election, the charges made for the use of any non-broadcast communications medium (newspapers, magazines, other periodicals, billboards) by an individual who is a legally qualified

candidate for Federal elective office may not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount and class of space.

Conference substitute.—The conference substitute contains the provisions of the House amendment in this respect.

NONBROADCAST MEDIA ACCESS

House amendment.—Section 103(b)(2) of the House version required any person who made space available in any newspaper or magazine to any legally qualified candidate for Federal elective office, or nomination thereto, in connection with the candidate's campaign, to make equivalent space available on the same basis to all candidates for the same office.

Senate bill.—The Senate bill contained no provision comparable to section 103(b)(2) of the House amendment.

Conference substitute.—The House recedes.

FREE OR REDUCED RATE USE OF NONBROADCAST MEDIA

Senate bill.—Section 103(e) of the Senate bill provided that any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate without charge or at a reduced rate would be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate (if any) charged such candidate.

House amendment.—The House amendment contained no comparable provision.

Conference substitute.—The Senate recedes.

LIMITATIONS ON EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

Both the Senate bill and the House amendment imposed limitations on expenditures for the use of communications media by candidates for Federal elective office.

AMOUNT OF LIMITATION

House amendment.—The House bill contained an overall limit on expenditures for the use of communications media of the greater of (1) 10¢ times voting age population, or (2) \$50,000. In addition, the House bill provided that not more than 60% of the overall communications media limitation could be spent for the use of broadcasting stations.

Senate bill.—The Senate bill had two separate limitations: One limitation of 5¢ times voting age population (or, if greater, \$30,000), applicable to expenditures for the use of broadcast stations; and a second limitation of 5¢ times voting age population (or, if greater, \$30,000), applicable to expenditures for the use of nonbroadcast communications media. Section 104 of the Senate bill permitted not more than 20% of either of the two limitations to be transferred to the other, if the Federal Elections Commission was notified.

Conference substitute.—The conference substitute incorporates the provisions of the House amendment.

PRIMARIES

Both the Senate bill and the House amendment provided that each primary, general, special, or runoff, election would be treated as a separate election and have a separate expenditure limitation applicable to it. The conference substitute contains this provision.

PRESIDENTIAL PRIMARIES

Senate bill.—The Senate bill provided that in computing the limitations for broadcast and nonbroadcast expenditures applicable to Presidential primary elections, the voting age population in the State in which the election is held would be used to compute the expenditure limitations, and that a candidate's expenditures for a Presidential primary in a State could not exceed the limitations applicable to that State.

House amendment.—The House amendment imposed State-by-State limitations on media expenditures by candidates for Presidential nomination. Under the amendment, no candidate for Presidential nomination could spend for the use in a State of communications media, or for the use in a State of broadcast stations, on behalf of his candidacy for Presidential nomination a total amount in excess of either the overall communications media limitation, or the broadcast limitation, which would have been applicable to him had he been a candidate for the office of Senator from that State (or for Delegate or Resident Commissioner in the case of the District of Columbia or Puerto Rico).

Under the House amendment, a person would be considered a candidate for Presidential nomination if he made (or any other person made on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination in an election to the office of President. He was considered to be such a candidate during the period—

- (i) beginning on the date on which such an expenditure was first made or, if later, on January 1 of the year of the election, and
- (ii) ending on the date on which the political party nominated a candidate for the office of President.

The Attorney General was directed to prescribe regulations under which any expenditure for the use in two or more States of a communications medium by a candidate for Presidential nomination would be attributed to the candidate's expenditure limitation in each of the States, based on the number of persons in the State who could reasonably be expected to be reached by such medium.

The House amendment also provided that, for purposes of the bill and section 315 of the Communications Act, a candidate for Presidential nomination would be considered a legally qualified candidate for public office.

Conference substitute.—The conference substitute contains the provisions of the House amendment respecting candidates for presidential nomination, except that the function of prescribing regulations is vested in the Comptroller General rather than the Attorney General.

"ESCALATOR" PROVISION

Senate bill.—The Senate bill provided that the broadcast and nonbroadcast expenditure limitations computed under the "5 cent" formulas would be increased (beginning in 1972) in proportion to increases in the Consumer Price Index over calendar year 1970.

House amendment.—Under the House amendment, the Secretary of Commerce was directed to set up a communications price index to measure changes in the charges to candidates for the use of communications media. Biennially, beginning in 1974, the Secretary of Commerce would certify a proportionate increase or decrease in the 10 cent multiplier and the \$50,000 alternative limit, based on changes in the communications price index.

Conference substitute.—The conference substitute follows the provisions of the Senate bill with technical and conforming changes. Under the conference substitute each communications media expenditure limitation computed under section 104(a)(1)(A) would be increased in proportion to increases in the Consumer Price Index, with base period being calendar year 1970. The first year in which an increase could occur would be 1972.

For example, since the Consumer Price Index for the base period (1970) is 100, if the Consumer Price Index for 1971 was 104.3, each limitation under section 104(a)(1)(A) would be increased by 4.3 percent. Thus, in a State which for 1971 had a voting age population of 400,000, the overall media expenditure limitation for senatorial candidates would be the greater of—

- (A) \$41,720 (the product of $10\frac{1}{2}\times 400,000$, increased by 4.3 percent), or
- (B) \$52,150 (\$50,000 increased by 4.3 percent).

The broadcast limitation in this example would be \$31,290 (60 percent of the \$52,150 overall limit). The primary election limit would be identical to the limits for the general election: \$52,150 for all media expenditures, and \$31,290 for broadcast expenditures.

VOTING AGE POPULATION

Senate bill.—Under the Senate bill the "5 cent" formulas were based on "resident population of voting age", determined annually for the year preceding the election.

House amendment.—The House "10 cent" formula was based on "resident civilian population, 18 years of age and older", estimated biennially, beginning in 1972.

Conference substitute.—The conference substitute bases its "10 cent" formula on "resident population, 18 years of age and older" estimated annually, beginning in 1972.

EXPENDITURES BY POLITICAL COMMITTEES, ETC., OR BY VICE PRESIDENTIAL CANDIDATES

Both the Senate bill and the House amendment provided, and the conference substitute provides, that amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) will, for purposes of the expenditure limitations of the bill, be deemed to have

been spent by the candidate. Under this provision, the expenditure limitations of the bill apply to all communications media expenditures on behalf of the candidate, whether made by the candidate, a political committee, an individual, or otherwise, and whether or not the person making the expenditure is authorized by the candidate to do so. (See the second following paragraph for requirement of certification from candidate.)

In addition, amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for Vice President will, for the purposes of such limitations, be deemed to have been spent by the candidate for the office of President with whom he is running.

CERTIFICATION REQUIREMENTS

The Senate bill, House amendment, and conference substitute all provide that no charge may be made for the use of any newspaper, magazine, outdoor advertising facility, or broadcasting station unless the candidate or his authorized representative certifies that payment of the charge will not violate the applicable expenditure limitations.

SPECIAL RULES RELATING TO AGENCY COMMISSIONS; DETERMINATION OF ELECTION TO WHICH EXPENDITURE IS ALLOCABLE

House amendment.—The House amendment provided that in computing the amount of a candidate's expenditures for the use of communications media, there would be included not only the direct charges of communications media, but also agents' commissions allowed the agent by the media. In addition the House amendment provided that for purposes of section 104 of the House amendment and section 315(c) of the Communications Act, any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) would be charged against the expenditure limitation applicable to the election in which the medium is used.

Senate bill.—No comparable provisions.

Conference substitute.—The conference substitute contains the provisions of the House amendment.

REPORTING TO FCC

Senate bill.—The Senate bill contained a provision requiring broadcasting stations and candidates to file such reports as were required under FCC regulations.

House amendment.—No comparable provision.

Conference substitute.—This provision was not included in the conference substitute because the FCC has adequate authority to require reports under existing law.

OPTIONAL COVERAGE OF STATE AND LOCAL ELECTIONS

Senate bill.—The Senate bill contained a provision permitting States, if certain conditions were met, to impose limitations under State law on expenditures for use of broadcasting stations by or on behalf of candidates for State and local elective offices, and prohibiting any broadcast station from making any charge for the use of such

station unless the candidate (or his representative) certifies that the payment of the charge will not violate the applicable State expenditure limitation.

House amendment.—The House amendment contained no comparable provision.

Conference substitute.—The House recesses.

DEFINITIONS FOR TITLE I

COMMUNICATIONS MEDIA

Senate bill.—Title I of the Senate bill applied to broadcasting stations (defined, *infra*) and nonbroadcast communications media. Nonbroadcast communications media was defined as newspapers, magazines, and other periodical publications, and billboards.

House amendment.—Communications media was defined, for purposes of title I of the House amendment, as broadcasting stations, newspapers, magazines, and outdoor advertising facilities. Title II of the House amendment expanded the coverage of the expenditure limitation provisions of the House amendment to include the cost of telephone campaigns when banks of five or more instruments are used, and postage for computerized or identical mailings in quantities of 200 or more. (See below for description of this provision in House amendment.)

Conference substitute.—The conference substitute defines communications media as broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but provides that, with respect to telephones, spending or an expenditure will be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment, used by a candidate for Federal elective office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).

BROADCASTING STATIONS, LICENSE, STATION, LICENSEE

The definitions of the terms "broadcasting station", "license", and "station licensee" are identical in the Senate bill, House amendment, and conference substitute. The definition of broadcasting station incorporates the definition of broadcasting station used for purposes of the Communications Act, but adds to that definition community antenna television systems.

FEDERAL ELECTIVE OFFICE

Senate bill.—Federal elective office was defined for purposes of title I of the Senate bill to include President, Vice President, Senator, Representative, Delegate, and Resident Commissioner.

House amendment.—The definition of Federal elective office for purposes of title I of the House amendment was identical to the Senate definition except that the office of Vice President was not treated as a Federal elective office for purposes of the expenditure limitation provisions of that title. (Expenditures on behalf of the candidacy of a Vice Presidential candidate are deemed to have been made on behalf of the Presidential candidate with whom he is running.)

Conference substitute.—The Senate recesses.

LEGALLY QUALIFIED CANDIDATE

Senate bill.—Legally qualified candidate was defined under title I of the Senate bill as a person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

House amendment.—Under title I of the House amendment, the definition of legally qualified candidate incorporated the FCC's definition of legally qualified candidate for purposes of section 315(d) of the Communications Act. The FCC's regulations presently define legally qualified candidate as a person who has publicly announced his candidacy, who holds the qualifications for the office, and who has either qualified for a place on the ballot or is a write-in or similar candidate who meets certain requirements.

Conference substitute.—The conference substitute follows the provisions of the Senate bill.

USE OF MEDIA BY OR ON BEHALF OF CANDIDATE

Senate bill.—Under title I of the Senate bill, use of communications media by or on behalf of any candidate includes not only amounts spent for advocating a candidate's election, but also amounts spent for urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

House amendment.—The House amendment contains no comparable provision.

Conference substitute.—The conference substitute does not include this provision of the Senate bill. However, the conferees wish to stress that the deletion of this provision does not evince an intention to exclude from the coverage of the expenditure limitations expenditures urging the defeat of a candidate or derogating his stand on campaign issues. In many cases such an expenditure is clearly on behalf of another candidate, and would be treated so for purposes of the expenditure limitations. The conferees expect that the Comptroller General will prescribe regulations respecting this matter.

VOTING AGE POPULATION

See explanation on page 25.

STATE

House amendment.—State was defined under the House amendment to include Puerto Rico and the District of Columbia.

Senate bill.—No comparable provision.

Conference substitute.—The Senate recedes.

REGULATIONS

Senate bill.—Title I of the Senate bill contained no provision generally authorizing any Federal officer or agency to prescribe regulations to carry out title I, although the Federal Elections Commission was

authorized to prescribe regulations under section 104 (relating to limited interchange between expenditure limitations) and the Federal Communications Commission's general rulemaking authority under the Communications Act applied to the sections of the bill amending that Act.

House amendment.—The House Amendment authorized the Attorney General to prescribe regulations to carry out section 102 (definitions), section 103(b) (charges by and access to newspapers and magazines), section 104(a) (expenditure limitations), and section 105(b) (certification requirements for use of nonbroadcast media). The Federal Communications Commission had authority to prescribe regulations to carry out the provisions of the bill which amended the Communications Act. Violation of the Attorney General's regulations was subject to the penalties provided in section 106 of the House amendment.

Conference substitute.—The conference substitute contains the provisions of the House amendment except that the functions of the Attorney General are vested in the Comptroller General.

PENALTIES

Senate bill.—Under the Senate bill, willful and knowing violations of section 103 of the bill or section 315(e) or (d) of the Communications Act were punishable by a fine not to exceed \$5,000 or imprisonment of not more than five years, or both. Title V of the Communications Act would not apply to these violations.

House amendment.—Section 106(a) of the House amendment made any person who violated the provisions of title I (other than those amending the Communications Act) liable for a civil penalty of \$1,000 for each violation. The sanctions provided in title V of the Communications Act would apply to persons violating the provisions added to the Communications Act by title I.

Section 106(b) made any candidate who willfully violated the expenditure limitations of title I subject to criminal penalties in addition to the civil penalties to which he was subject under 106(a). The maximum penalty under this subsection was a fine of \$10,000, or 1 year's imprisonment, or both.

Conference substitute.—The conference substitute makes violations of the provisions of title I (other than those amending the Communications Act) and of the regulations of the Comptroller General subject to the penalties provided in the Senate bill. The penalties for violations of the provisions of the bill amending the Communications Act follow the provisions of the Senate bill.

EFFECTIVE DATE

Senate bill.—The provisions of the Senate bill (other than section 401) would have taken effect on December 31, 1971, or 60 days after the date of enactment of the bill, whichever was later.

House amendment.—Section 107 of the House amendment provided that section 103 (media rate requirements) would take effect on January 1, 1972. The expenditure limitations under section 104 would apply to expenditures for communication media if the use of the media occurs on or after January 1, 1972.

Conference substitute.—The House recedes. The conferees intend however that the expenditure limitations would apply to all expenditures for communications media the use of which occurs after the effective date of the bill.

EXPENDITURE LIMITS FOR CERTAIN TELEPHONES AND POSTAGE

House amendment.—Title II of the House amendment imposed expenditure limitations—

(1) on telephone campaigns, including the cost of telephones, paid telephonists and automated equipment, when telephones are used in banks of five or more instruments to communicate with potential voters, and

(2) on postage for computerized or identical mailings in quantities of 200 or more.

Under this provision, no candidate for Federal elective office could spend for these purposes, in a primary, primary runoff, or general election, an amount in excess of the limitations imposed on expenditures for the use of communications media under title I, and any amounts spent for the use of communications media would be counted against the limitation under this title.

Senate bill.—No comparable provision.

Conference substitute.—The conference substitute deletes title II of the House amendment. However, certain expenditures for costs of telephones, paid telephonists, and automated telephone equipment are included in the overall communications media expenditure limitation under title I.

CRIMINAL CODE AMENDMENTS

CONTRIBUTIONS OR EXPENDITURES BY NATIONAL BANKS, CORPORATIONS, OR LABOR ORGANIZATIONS

AMENDMENT TO SECTION 610 OF TITLE 18, UNITED STATES CODE

Senate bill.—No comparable provision.

House amendment.—Section 305 of the House amendment amended section 610 of title 18 of the United States Code, relating to contributions or expenditures by national banks, corporations or labor organizations, to add a new paragraph defining the phrase "contribution or expenditure" to include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in such section. In the case of a contribution or expenditure by a national bank, or by a corporation organized by authority of any law of Congress, section 610 refers to "any political office". In the case of a contribution or expenditure by any corporation whatever, or by any labor organization, section 610 refers to the offices of presidential and vice presidential electors; Senator; and Representative in, or Delegate or Resident Commissioner to, the Congress.

The House amendment specifically provided that the phrase "contribution or expenditure" did not include

(1) communications by a corporation to its stockholders and their families or by a labor organization to its members and their families;

(2) nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families or by a labor organization aimed at its members and their families;

(3) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization.

The House amendment further provided that it would be unlawful for any such separate segregated fund to make a contribution or expenditure—

(A) by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat thereof; or

(B) by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment; or

(C) by monies obtained in any commercial transaction.

Conference substitute.—The conference substitute is identical with the House amendment except that the phrase "contribution or expenditure" does not include 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.

DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

DEFINED TERMS

CONTRIBUTIONS AND EXPENDITURES

Senate bill.—For the purposes of provisions relating to the disclosure of Federal campaign funds, section 301 of the Senate bill contained a comprehensive definition of the term "contribution" and of the term "expenditure". Each such definition included a loan of money made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States.

House amendment.—The House amendment contained identical definitions of the terms "contribution" and "expenditure", except that, in each case, the House amendment specifically excluded 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.

Conference substitute.—The conference substitute follows the Senate bill.

FEDERAL ELECTIONS COMMISSION AND SUPERVISORY OFFICER

Senate bill.—Section 301 of the Senate bill defined the term "Commission" to mean the Federal Elections Commission. Section 310 of the Senate bill provided for the establishment of the Commission and various provisions of title III of the Senate bill vested in the Commission virtually all of the functions, powers, and duties relating to the reporting and disclosure of campaign funds.

House amendment.—The House amendment omitted the definition of the term "Commission" and substituted a definition of the term "supervisory officer". The House amendment defined the term "supervisory officer" to mean the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General in any other case. The House amendment omitted all references to the Commission and substituted references to the appropriate supervisory officer in each instance. Thus, under the House amendment, the functions, powers, and duties relating to the reporting and disclosure of campaign funds were vested in the supervisory officer having jurisdiction with respect to particular candidates.

Conference substitute.—The conference substitute is the same as the House amendment.

REPORTING OF CONTRIBUTIONS BY POLITICAL COMMITTEES AND CANDIDATES

Senate bill.—Section 304(b) of the Senate bill required that each report of receipts and expenditures by a political committee or a candidate disclose the full name and mailing address (occupation and the principal place of business, if any) of each person who made one or more contributions to or for such committee or candidate (including the purchase of tickets for fundraising events) within the calendar year in an aggregate amount or value of "\$100 or more", together with the amount and date of such contributions.

House amendment.—The House amendment was identical, except that it required reporting of such contributions in an aggregate amount "in excess of \$100" within the calendar year.

Conference substitute.—The conference substitute is the same as the House amendment.

REPORTS ON CONVENTION FINANCING

Senate bill.—Section 307 of the Senate bill required each committee or other organization which—

- (1) represented a State, or 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) represented a national political party in making arrangements for such a convention,

to file a complete financial statement of the sources from which its funds were derived and the purposes for which such funds were expended. Such statement was required to be filed with the Federal Elections Commission within 60 days following the end of the convention, but not later than 20 days before the date on which presidential and vice presidential electors were chosen.

House amendment.—The House amendment was identical, except that it required the statement to be filed with the Comptroller General of the United States.

Conference substitute.—The conference substitute is the same as the House amendment.

INFORMATION AND STUDIES RELATING TO ELECTIONS

Senate bill.—No comparable provision.

House amendment.—Section 408(b) of the House amendment required the Comptroller General to serve as a national clearing house for information in respect to the administration of elections. It also provided that, in carrying out his duties, the Comptroller General was required to enter into contracts for independent studies of the administration of elections, including, but not limited to, studies of (1) the method of selection of, and the type of duties assigned to, officials and personnel on boards of elections; (2) practices relating to the registration of voters; and (3) voting and counting methods. The Comptroller General was required to publish such studies and make copies available for sale to the general public. The Comptroller General was prohibited from requiring that any such study include any comment or recommendation made by him.

Conference substitute.—The conference substitute is the same as the House amendment.

ADDITIONAL FILING OF STATEMENTS

STATEMENTS FILED WITH STATE OFFICERS

Senate bill.—Section 309 of the Senate bill provided that a copy of each statement required to be filed with the Federal Elections Commission under title III of the Senate bill must be filed with the clerk of the United States district court in which is located the residence of the candidate or the principal office of the political committee. The Commission was authorized to require the filing of such statements with clerks of other United States district courts where it determined such additional filing would serve the public interest. Under the Senate bill, the clerk of each United States district court was required—

- (1) to receive and maintain all statements filed with him;
- (2) to preserve all such statements for ten years, except that statements relating solely to candidates for the House of Representatives were required to be preserved for only five years;
- (3) to make such statements available for public inspection and copying; and
- (4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

House amendment.—No comparable provision.

Conference substitute.—The conference substitute, instead of requiring filing with the clerks of district courts, requires copies of statements filed with a supervisory officer under title II of the Act (relating to disclosure of Federal campaign funds) to be filed with the Secretary of State (or equivalent officer) of the State in which the election is held (in the case of candidates for nomination for election, or election, as Senator, Representative, or Delegate or Resident Commissioner to the Congress) or each State in which an expenditure is made (in the case of a candidate for nomination for election, or election, as President or Vice President). The duties imposed by the Senate bill on district court clerks with respect to the preservation and availability to the public of copies of such statements filed with him are imposed by the conference substitute on the State officer with whom the copies are filed.

FEDERAL ELECTIONS COMMISSION

ESTABLISHMENT AND ORGANIZATION OF THE COMMISSION

Senate bill.—Section 310 of the Senate bill provided for the establishment of a bipartisan Federal Elections Commission composed of six members appointed by the President, by and with the advice and consent of the Senate. Members of the Commission were required to be appointed to serve staggered terms of twelve years, with the term of one of the members expiring every two years. The President was required to designate one member to serve as Chairman and one member to serve as Vice Chairman. This section of the Senate bill also contained several provisions relating to the organization and operation of the Commission, including provisions—

- (1) requiring four members of the Commission to constitute a quorum;
- (2) requiring an official seal;
- (3) requiring an annual report to the President and to the Congress on matters within the jurisdiction of the Commission and recommending further legislation;
- (4) requiring the Director of the Office of Management and Budget to fix the compensation of the members of the Commission at a rate not to exceed \$100 per day;
- (5) requiring the principal office of the Commission to be located in or near the District of Columbia;
- (6) requiring that all officers and employees of the Commission be subject to the provisions of section 9 of the Hatch Political Activities Act, restricting political activities by officers and employees of the executive branch of the Government;
- (7) requiring the appointment of an Executive Director, without regard to the provisions of the civil service laws governing appointments in the competitive service, to serve at the pleasure of the Commission at level V of the Executive Schedule (\$36,000 per annum);

(8) requiring the appointment of additional personnel to carry out the duties of the Commission, subject to the civil service laws; and

(9) permitting the hiring of consultants.

This provision of the Senate bill also required the Commission to avail itself of the assistance (including personnel and facilities) of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General were authorized to make such assistance available, with or without reimbursement, in accordance with the request of the Commission.

Other provisions of title III of the Senate bill vested in the Commission virtually all functions, powers, and duties relating to the disclosure of Federal campaign funds. Such functions, powers, and duties included, among other things, prescribing recordkeeping requirements for political committees; registration of political committees with the Commission; the filing of reports with the Commission by political committees, candidates, and others; and the filing of reports on convention financing. The Senate bill also required the Commission to prescribe and furnish forms for the filing of reports; to compile and maintain a current list of all statements or parts thereof pertaining to each candidate; to prepare and publish an annual report of contributions and expenditures for all candidates, political committees, and others; to prescribe rules and regulations to carry out the disclosure requirements; to investigate complaints of violations; and to cooperate with State election officials to develop procedures to eliminate multiple filings by permitting the filing of Federal reports to satisfy State requirements.

House amendment.—The House amendment did not provide for the establishment of a Federal Elections Commission. Under the House amendment, all functions, powers, and duties relating to the disclosure of Federal campaign funds, referred to above in the discussion of the Senate bill, were vested in the appropriate supervisory officer. The House amendment defined the term "supervisory officer" to mean the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress; and the Comptroller General of the United States in any other case.

Conference substitute.—The conference substitute is the same as the House amendment.

GENERAL PROVISIONS

PROHIBITION AGAINST USE OF CERTAIN FEDERAL FUNDS FOR ELECTION ACTIVITIES

Senate bill.—No comparable provision.

House amendment.—Section 502 of the House amendment prohibited the use of any funds appropriated to carry out the Economic Opportunity Act of 1964 to finance, directly or indirectly, any voter registration activity, or any activity designed to influence the outcome of any election to Federal office, 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, engaged in any such activity. This section of the House amendment also provided that the terms "Federal office" and "election" would have the same meanings given such terms by section 401 of the House amendment, relating to disclosure of Federal campaign funds. The term "Federal office" was defined to mean the office of President or Vice President; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress. The term "election" was defined to mean (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (4) a primary election held for the selection of delegates to a national nominating convention of a political party.

Conference substitute.—The conference substitute is the same as the House amendment.

EFFECT ON STATE LAW

Senate bill.—Section 313(a) of the Senate bill provided that nothing in title III of the Senate bill (relating to disclosure of Federal campaign funds) would be deemed to invalidate or make inapplicable any provision of State law, except where compliance with State law would result in a violation of such title III.

House amendment.—The House amendment provided that nothing in the House amendment (not just the provisions relating to disclosure of Federal campaign funds) would be deemed to invalidate or make inapplicable any provision of State law, except where compliance with State law would result in a violation of the House amendment.

The House amendment also provided that no provision of State law could be construed to prohibit any person from taking any action authorized by the House amendment or from making any expenditure he could lawfully make thereunder.

Conference substitute.—The conference substitute is the same as the House amendment.

SEPARABILITY

Senate bill. Section 314 of the Senate bill provided that if any provision of title III of the Senate bill (relating to disclosure of Federal campaign funds), or the application of such provision to any person or circumstance, was held invalid, the validity of the remainder of such title III and the application of any such provision to other persons and circumstances would not be affected.

House amendment.—The House amendment was similar, except that it extended the application of the separability provision to any provision of the House amendment and was not limited to the provisions relating to disclosure of Federal campaign funds.

Conference substitute.—The conference substitute is the same as the House amendment.

WAYNE L. HAYS,
W. M. ARBITT,
KEN GRAY,
JAMES HARVEY,
WM. L. DICKINSON,

*Managers on the Part of the House
as to titles III, IV, and V of the House amendment.*

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
LIONEL VAN DEERLIN,
SAMUEL L. DEVINE,
ANCHER NELSEN,

*Managers on the Part of the House,
as to titles I and II of the House amendment.*

JOHN O. PASTORE,
P. A. HART,
VANCE HARTKE,
B. EVERETT JORDAN,
HOWARD W. CANNON,
CLAIBORNE PELL,
HOWARD BAKER,
MARLOW COOK,
TED STEVENS,
HUGH SCOTT,

Managers on the Part of the Senate.

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SUMMARY OF
THE NEW FEDERAL ELECTIONS LAW

On February 7, 1972 the President signed the recently enacted Federal Election Campaign Act of 1971. This new law, which is designed to close the "loopholes" in the existing law, repeals and replaces the old reporting and disclosure provisions of the Corrupt Practices Act of 1925, amends provisions of the Federal Criminal Code dealing with elections, and imposes new spending limitations on the use of communications media in federal elections.

The law covers all elections (general, special, primary or runoff) for federal office (President, Vice President, Senate or Representative), and also includes political party conventions and primary elections for the selection of delegates to national conventions. The major features of the new law (which become effective on April 7, 1972) are summarized below. Since failure to comply with the law is a crime, persons who are affected by it should study it carefully. This summary is only intended to direct your attention to the general requirements of the federal elections laws, as recently amended by Congress.

Reporting and Disclosures:

-- Political Committees

Under the new law a "political committee" is any committee, organization or person that accepts contributions or makes expenditures in excess of \$1,000 in connection with a federal election.

Every political committee must file within 10 days after its organization a registration statement setting forth its organization, i. e., names and addresses of officers, relationships to other organizations, purposes, custodian of records, names and party of candidates or individuals supported by the committee, and other details of the committee's organization and operation. This statement is filed with the appropriate supervisory officer: the Clerk of the House for committees backing candidates for House seats, the Secretary of the Senate for committees backing candidates for Senate seats, and the Comptroller General for committees supporting Presidential candidates. This report is designed to inform the appropriate supervisory officer of the committee's existence. If the committee disbands, it must so notify the appropriate supervisory officer. NOTE: Any political committee in existence on February 1972 (the date of enactment of the new law) will be required to file an organization statement.

Every political committee must have a chairman and treasurer, one of which must authorize each expenditure. The treasurer is responsible for compiling and maintaining records of all contributions and expenditures, including the name, address, occupation, and place of business of all persons receiving expenditures and of all contributors giving in excess of \$10.00 and the amounts and dates of the contributions or expenditure.

Any political committee which solicits contributions or makes expenditures on behalf of any candidate, and is not authorized in writing by the candidate to do so, must include a notice on the front page of all literature and advertisements published in connection with such candidate's campaign advertising that the committee is not authorized by the candidate and that the candidate is not responsible for the activities of the committee.

All political committees must include on the face of all literature and advertisements soliciting funds a notice advising:

"A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D. C. 20402."

-- Reports by Political Committees, Candidates and Others

All political committee treasurers and candidates must file with the appropriate supervisory officer reports of receipts and

expenditures on forms prescribed by that officer. Copies of these reports must be filed with the Secretary of State of the appropriate states. Any person who makes contributions or expenditures exceeding \$100 to other than a political committee or a candidate must also file reports in the same manner.

These reports must be filed on the 10th of March, June and September of each year (except the March report in 1972 will not be required because the law will not become effective until April) and on the 15th and 5th days preceding an election and January 31st following an election. Contributions of \$5,000 or more received after the last report filed prior to an election must be reported within 48 hours of receipt.

Each report must disclose:

-- the amount of cash on hand at the beginning of the reporting period;

-- the names and addresses (occupation and principal place of business) of persons making aggregate contributions (including the purchase of tickets for dinners and similar fund raising events) or receiving expenditures in excess of \$100 within the calendar year, together with the amounts and dates;

-- the total sum of all other contributions during the reporting period not reported under the above paragraph;

-- details involving any transfers of funds;

- details of all loan arrangements in excess of \$100;
- the total amount of proceeds from the sale of tickets at fund raising events, mass collections at such events, and sales of campaign paraphernalia like buttons and pins;
- amounts and the nature of debts and obligations owed by or to the committee and a continuous reporting of these obligations after the election until they are extinguished; and
- any other information required by the supervisory officer.

The supervisory officer may relieve any committee of the reporting requirements if such committee primarily supports persons seeking state or local office and does not substantially support candidates for federal office and does not operate in more than one state or on a statewide basis.

General Criminal Prohibitions:

-- Limitations on Contributions and Expenditures

The \$5,000 limitation on contributions by an individual to a single political committee during any calendar year is removed. Also, political committees are no longer restricted to receiving contributions or making expenditures of not more than \$3 million during a calendar year. In place of these former limitations, a new -- more limited -- restriction is placed on a candidate's use of personal funds. No

candidate may make expenditures from his personal funds or the funds of his immediate family in excess of \$50,000 in the case of Presidential candidates; \$35,000 in the case of senatorial candidates; or \$25,000 in the case of candidates for the House.

-- Contributions by Corporations and Unions

The provisions of the Criminal Code which prohibit labor unions, corporations and national banks from making contributions or expenditures in connection with federal elections, has been amended to conform with existing case law. The effect of the revision is to distinguish between the use of union or corporate funds for active electioneering directed at the general public, which is prohibited, and certain non-partisan communications by corporations and unions to their stockholders and members, which are presently permitted.

This amended law specifically allows communications by a corporation to its stockholders or by a union to its members on any subject; nonpartisan registration and get out the vote campaigns by a corporation aimed at its stockholders or by a union aimed at its members; and the solicitation of contributions into a separate segregated, political fund by a corporation or union, provided that money solicited for the fund is secured voluntarily. The prohibition against corporations or unions paying salaries to employees detailed to work on political campaigns remains unchanged.

-- Promises of Benefit and Contributions by Government Contractors

The Criminal Code provisions which prohibit any promise of employment or other benefit as a reward for any political activity has been strengthened to also prohibit any special consideration in obtaining any governmental benefit in return for political support.

The prohibition on contributions by firms contracting with the United States is amended to apply the restriction during the period of time between the commencement of negotiations and the later of either completion of performance or termination of negotiations.

Expenditure Limitations and Charges for Communications Media:

The new law establishes spending limitations on "communications media," and imposes charge limitations on broadcasters, newspapers and magazines. No change has been made, however, in the equal time provisions of the Communications Act of 1934.

-- Communications Media

"Communications media" is defined as broadcasting stations, newspapers, magazines, outdoor advertising facilities and telephones, paid telephonists, and automatic telephone equipment used to communicate with voters. Any costs of telephones incurred by a volunteer for use of telephones by him are excluded. Spending for the use of communications media also includes the agents' commissions allowed the agent by the media.

-- Expenditure Limitations

Candidates may spend for the use of communications media no more than the greater of 10 cents multiplied by the voting age population in the geographical area in which the election is held or \$50,000. Not more than 60 percent of this limitation may be spent for the use of broadcasting stations. These two limitations are both subject to a cost of living escalator.

Amounts spent for the use of communications media "on behalf of" a candidate are charged against the candidate's limitation. Amounts spent by or on behalf of a Vice Presidential candidate are deemed to have been spent by his running mate. All expenditures are charged against the expenditure limitation applicable to the election in which the medium is used.

No person may make any charge for the use of a broadcasting station, newspaper, magazine, or outdoor advertising facility by or on behalf of a candidate unless the candidate or his designee certifies in writing that payment of such charge will not exceed the limitations.

-- Charges for the Use of Communications Media

During the 45 days preceding a primary election and the 60 days preceding a general election, broadcasting stations may

charge candidates for federal office no more than the "lowest unit charge of the station for the same class and amount of time for the same period." At any other time, the charge may not exceed the charges made for "comparable use of such station by other users."

Persons selling space in any newspaper or magazine to candidates for federal office may not charge a rate in excess of that made for "comparable use of such space for other purposes." Broadcasters are further subject to revocation of their licenses for willful or repeated failure to allow a candidate reasonable access to their station.

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Revised Draft
February 26, 1972

TITLE I OF PUBLIC LAW 92-225
REGULATIONS OF THE COMPTROLLER GENERAL

Title 11 - Federal Elections

Chapter I - Comptroller General

Subchapter A - Campaign Communications

Subchapter B - Disclosure of Federal Campaign Funds

There is hereby established a new title 11, entitled Federal Elections, in the Code of Federal Regulations.

Introductory Statement

The Federal Election Campaign Act of 1971 (Pub. L. 92-225, approved February 7, 1972) was enacted to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes. The Act directs the Comptroller General to prescribe rules and regulations under title I, the "Campaign Communications Reform Act", and under title III entitled "Disclosure of Federal Campaign Funds". This chapter is entirely new and is issued by the Comptroller General to carry out the statutory mandate.

Subchapter A contains regulations issued under title I of the Act, and subchapter B contains regulations issued under title III of the Act. Both subchapters will be amended from time to time in the light of experience under the Act. Such amendments will be published in the Federal Register and codified in Code of Federal Regulations, title 11.

Subchapter A - Campaign Communications

(Table of part and section headings to be inserted)

PART 1 - SCOPE OF SUBCHAPTER AND
EFFECTIVE DATE

(Table of section headings to be inserted in each part)

AUTHORITY: This part issued under section 105, 86 Stat. 7, _____
U.S.C. _____. Interpret or apply sections 102, 103(b), 104(a), and
104(b), 86 Stat. 3-7, _____ U.S.C. _____.

§ 1.1 Scope

(a) This subchapter applies to all legally qualified candidates (as defined in § 2.8 below) for nomination or election to the offices of President or Vice President of the United States, or the offices of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States. It relates to expenditures for communications media (as defined in § 2.1 below) by such candidates in connection with their campaigns for nomination or election.

(b) This subchapter is to be read together with the regulations issued by the Federal Communications Commission under section 103(a) and section 104(c) of the Campaign Communications Reform Act, and with the regulations issued under title III of the Federal Election Campaign Act of 1971 by the supervisory officers named therein (Secretary of the Senate, Clerk of the House of Representatives, and Comptroller General).

§ 1.2 Effective date

This subchapter is effective on April 7, 1972.

PART 2 - MEANING OF TERMS USED IN THIS SUBCHAPTER

(Table)

AUTHORITY: Section 105, 86 Stat. 7, _____ U.S.C. _____. Interpret or apply section 102, 86 Stat. 3.4.

§ 2.1 Communications media

"Communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but, with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment used by a candidate for Federal elective office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).

§ 2.2 Broadcasting Station

"Broadcasting station" means a radio or television station or a community antenna television system providing a broadcasting service in which sound or sight transmissions are intended for direct reception by the general public, as further defined by the regulations or guidelines of the Federal Communications Commission.

§ 2.3 Outdoor Advertising Facilities

"Outdoor advertising facilities" means billboards and commercial advertising signs and displays used outdoors, and in buses, subways and other mass transit facilities including stations. It does not include bumper stickers, emblems, banners, handouts and handbills, and similar items sold or distributed free in connection with election campaigns, and does not include posters placed by volunteers.

§ 2.4 Expenditure and Spend

"Expenditure" and "spend" mean the purchase, promise to purchase, or payment for, any use of the communications media on behalf of any legally qualified candidate's candidacy for nomination or election to Federal elective office.

§ 2.5 Newspaper

"Newspaper" means

§ 2.6 Magazine

"Magazine" means

§ 2.7 Federal elective office

"Federal elective office" means the office of President of the United States, or of Senator or Representative in , or Resident Commissioner or Delegate to, the Congress of the United States.

§ 2.8 Legally qualified candidate

"Legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate, and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

§ 2.9 Federal candidate

"Federal candidate" means any legally qualified candidate for Federal elective office.

§ 2.10 Voting age population

"Voting age population" means resident population, eighteen years of age and older.

§ 2.11 State

"State" includes the District of Columbia and the Commonwealth of Puerto Rico.

§ 2.12 Election

"Election" means a general, special, primary, or runoff election for a Federal elective office.

§ 2.13 Act

"Act" means title I of the Federal Election Campaign Act of 1971 entitled the Campaign Communications Reform Act.

§ 2.14 Comptroller General

"Comptroller General" means the Comptroller General of the United States

§ 2.15 Person

"Person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons.

§ 2.16 Supervisory officer

"Supervisory officer" means the Secretary of the Senate with respect to candidates for United States Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case.

PART 3 - NEWSPAPER AND MAGAZINE
CHARGES FOR CAMPAIGN USE

(Table)

AUTHORITY: This part issued under section 105, 86 Stat. 7, _____
U.S.C. _____. Interpret or apply section 103(b), 86 Stat. 4, _____
U.S.C. _____.

§ 3.1 Scope of part

(a) This part applies to any newspaper or magazine and to any person who sells space therein to any legally qualified candidate for nomination or election to Federal elective office (as defined in §2.3 above) or to any political committee or other person for use in connection with such candidate's campaign. It, however, applies only to the extent that any

person sells space in a newspaper or magazine to such candidate, committee, or other person.

§ 3.2 Comparable use charges

(a) The charges made for the use of space in any newspaper or magazine in connection with a campaign for nomination or election to Federal elective office shall not exceed the charges made for comparable use of such space for other purposes. Such charges may not be higher than the rate the newspaper or magazine would charge if the Federal candidate were a general rate advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. The rate shall take into account the amount of space used, the number of times used, the frequency of use, and the kind of space used, as well as the type of advertising copy submitted by or on behalf of the candidate. All discount privileges otherwise offered by a newspaper or magazine to general rate advertisers shall be available upon equal terms to all candidates for public office.

(b) A newspaper or magazine may, if it chooses, require payment in advance or the posting of security for the use of space in connection with a campaign. See, however, § 4.11 below for the requirement of certification by the Federal candidate or an authorized agent in order for any charge to be made.

§ 3.3 Rate Cards

Every newspaper and magazine which sells space to or for any Federal candidate shall maintain an advertising rate schedule or card

showing its commercial advertising rates and discounts. Such schedule or card shall be made available for inspection by such candidates, or their authorized representatives, and by the supervisory officers, or their authorized representatives, upon request.

§ 3.3 Publisher's certificate (alternative)

In connection with any sale of space in a newspaper or magazine to or for any Federal candidate, the newspaper or magazine, by an authorized person, shall certify in writing to the candidate that the charges made for the campaign use of such space do not exceed the charges made to other users for comparable use of such space for other purposes. At the option of the newspaper or magazine, such certificate may be a part of the contract, invoice, bill, or statement of charges rendered for the transaction or on a separate form. In any case, the newspaper or magazine shall retain a copy of its certificate for a period of two years from the date of the certificate.

§ 3.4 Complaints of violations

(a) Any legally qualified candidate for Federal elective office or nomination thereto who believes that a newspaper or magazine has violated any provision of this part may file a complaint with the Comptroller General, after making reasonable good faith efforts to resolve the difference with the newspaper or magazine.

(b) The complaint shall give details of the alleged violation and shall be as specific as possible. The complainant shall simultaneously send a copy of the complaint to the newspaper or magazine. The latter shall furnish to the Comptroller General as promptly as possible a full

explanation of its position. Both parties shall furnish each other with a copy of all correspondence and documents sent to the Comptroller General.

(c) The Comptroller General shall promptly investigate any such complaint, and if he determines that there has been an apparent violation of this part, he shall refer the matter to the Attorney General of the United States for appropriate action.

PART 4 - EXPENDITURE LIMITATIONS FOR
USE OF COMMUNICATIONS MEDIA

(Table)

AUTHORITY: Section 105, 86 Stat. 7, ____ U.S.C. ____ . Interpret or apply section 104(a) of the Act, 86 Stat. 5, ____ U.S.C. ____ .

SUBPART A - AMOUNT OF LIMITATION

§ 4.1 Determination by Comptroller General

(a) The expenditure limitations for the use of communications media are applicable to all legally qualified candidates for Federal elective office. Expenditures by and on behalf of such a candidate for campaign purposes may not exceed an amount arrived at by multiplying 10 cents by the voting age population of the geographical area in which the election is held, or \$50,000, whichever is greater. Expenditures for the use of broadcasting stations for such purposes is limited to 60 percent of the total amount allowable for communications media.

(b) The allowable amount shall be increased for each calendar year by the percentage, if any, by which the Consumer Price Index (all items-- United States city average) for the preceding 12 months increased over the index for calendar year 1970. The Secretary of Labor shall determine this percentage increase at the beginning of each calendar year (commencing in 1972) certify it to the Comptroller General, and publish it in

the Federal Register.

(c) The Secretary of Commerce, on or before April 7, 1972, and during the first week of January 1973 and every subsequent year, shall certify to the Comptroller General and publish in the Federal Register an estimate of the voting age population of each State, including Puerto Rico and the District of Columbia, and each congressional district for the preceding calendar year. Such estimates shall be based on a mid-year date in accordance with standard procedures used in the Department of Commerce for estimating population for other purposes.

(d) The Comptroller General, as soon as practicable after he has received such data from the Secretary of Labor and the Secretary of Commerce, shall determine the amount of the expenditure limitation for each State and congressional district and for the nation and shall publish such amounts in the Federal Register and otherwise make them available to all candidates, political committees, and other interested persons. The amounts as determined above shall apply throughout the calendar year when such determinations are made and thereafter to any special election which may be held before new determinations have been certified to the Comptroller General by the Secretary of Labor and the Secretary of Commerce.

§ 4.2 Separate limitation for each election

Each primary, general, special, or runoff election is a separate election, and a new expenditure limitation is applicable thereto. The limitation in each election is the amount determined under § 4.1 above for the applicable geographical area and calendar year. No amount shall be carried over from one election to another.

§ 4.3 "Expenditure" and "spend"; when deemed to take place; election attributed to

(a) An expenditure or spending is deemed to take place on the date or dates when the particular communications medium is actually used, regardless of when payment therefor is made and regardless of the date of any contract or promise. Such expenditure or spending shall be charged against the amount of the expenditure limitation applicable to the election in connection with which the particular communications medium is actually used, regardless of when payment therefor is made and regardless of the date of any contract or promise.

(b) Any expenditure or spending for the use of a communications medium, when such use occurs on or after April 7, 1972, the effective date of the Act, shall be reported and charged against the expenditure limitation applicable to the election in which such medium is used, regardless of whether or not the use is paid for or contracted for prior to such date. However, no charge against the limitation shall be made when such use occurs entirely before the effective date of the Act, regardless of whether or not the use is paid for on or after the effective date.

§ 4.4 Expenditures on behalf of a Federal candidate

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Expenditures by a candidate, a political committee, or other person, whether or not authorized by the candidate; for the use of communications media on behalf of the candidacy of any legally qualified candidate for nomination or election to Federal elective office are deemed, for the purposes of this part to be made or spent by the candidate. A use is deemed to be "on behalf of the candidacy" of any such candidate if it and advocates his candidacy;

(a) involves his participation by voice or image, or (b) mentions his name, directly or by implication, and advocates his candidacy.

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The amount of any such expenditure shall be charged against the expenditure limitation of the candidate for the election in which the communications medium is used. Such expenditures by or on behalf of any legally qualified candidate for Vice President are deemed, for the purposes of this part, to be spent by the candidate for the office of President with whom he is running. See § 4.11 below for the requirement of certification by the candidate or an authorized agent in order for any charge to be made.

§ 4.5 Amounts spent urging opponent's defeat or derogating his stand

(a) Any expenditure for the use of communications media urging the defeat of a candidate's opponent or derogating his stand on campaign issues shall be deemed to be an expenditure for the use of communications media by or on behalf of the candidate and shall be charged against the candidate's expenditure limitation for the election in connection with which the particular medium is used, whether or not such use involves the candidate's name or appearance, if the candidate has directly or indirectly authorized such use or if the circumstances of such use taken as a whole are such that knowledge and consent may reason-

(b) In the case of expenditures included within subsection (a), the particular communications medium used shall determine the identity and organizational affiliation, if any, of the person making the expenditure and shall require such person to state in writing whether or not he is authorized by a candidate to make such expenditure, or whether a candidate has knowledge of such expenditure and has given consent to it. If the person states that a candidate has authorized the expenditure or that it is being made with a candidate's knowledge and consent, the medium may not make a charge for such use without a certification from such candidate or an authorized agent as required under § 4.11 below. If the person states that no candidate has authorized the expenditure or consented to it with knowledge, the medium may allow the use and make a charge therefor, provided that it has taken reasonable precautions under the particular circumstances to verify the identify and affiliation of such person and the accuracy of the written statement. Any doubts as to the identity, organizational affiliation or the accuracy of the written statements should be resolved by the medium in favor of requiring a certification from a candidate or his authorized agent, as required under § 4.11 below, before making the charge.

(c) Any willfully false or fraudulent statements or representations in such a statement will subject the person making the same to the criminal penalties provided by section 1001 of title 18- United States Code.

(d) There is no requirement intended under this subchapter that any such advertising be accepted. Each communications medium is responsible for assuring itself that any use of its facilities does not result in a violation of the Act or this subchapter.

§ 4.6 Allocation of expenditure between candidates

(a) Whenever a single use of a particular communications medium is by or on behalf of two or more candidates for Federal elective offices, the amount attributable to the expenditure limitation of each candidate shall be the amounts agreed upon by the candidates involved in advance of the use and shown on the certificate required under sections 104(b) and 104(c) of the Act and section 4.11 of this Subchapter. Such allocation must be based on reasonable standards. Any allocation under this subsection shall be reported to each appropriate supervisory officer as an expenditure under title III of the Act and each candidate shall retain for audit all documents supporting the allocation.

(b) Whenever a single use of a particular communications medium is by or on behalf of one or more candidates for Federal elective office and also one or more candidates for State or local office, allocation must be made of a portion of the cost to the limitation prescribed in section 104(a) of the Act for each such Federal candidate. In so allocating, the same considerations set forth in subsection(a) above shall apply. If the amount so allocated to the Federal candidate's limitation exceeds the cost to him or his organization for such use, the difference must be treated as a contribution in kind to the candidate by the individual or organization bearing that cost.

(c) The particular communications medium involved shall require a certification, as prescribed in Section 4.11 of this Subchapter, to the effect that payment of such portion of the charge as is allocated to each Federal candidate will not violate his spending limitation. Where the use is on behalf of more than one Federal candidate such certification must be made by

§ 4.7 Records of communications media expenditures

It is the responsibility of each candidate for Federal elective office, by whom or on whose behalf there is spent any amount for the use of communications media included under this subchapter, to maintain accurate and complete current records of such expenditures apart from records of expenditures for other purposes.

SUBPART B - CERTIFICATION REQUIREMENTS
FOR USE OF NEWSPAPERS, MAGAZINES
AND OUTDOOR ADVERTISING FACILITIES

AUTHORITY: This subpart issued under section 105, 86 Stat. 7,
U.S.C. _____. Interpret or apply section 104(b), 86 Stat. _____,
U.S.C. _____.

§ 4.11 Prohibition of charges without certification

(a) No person may make any charge for the use of any newspaper, magazine, or outdoor advertising facility by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office), unless the candidate, or a person specifically authorized by the candidate in writing to do so, certifies in writing that the payment of such charge, including any agent's commission allowed the agent by the media, will not violate the expenditure limitation applicable to the candidate for the election in connection with which the newspaper, magazine or outdoor advertising facility is used. Certifications must be obtained for each individual use or series of uses from each such candidate by or for whom or on whose behalf such use is made. Joint certifications, showing the allocation of the total cost among the candidates as prescribed in section 4.6 of these regulations, must be obtained from joint users.

(b) While there is no intent in these regulations to prohibit the donation of space by a newspaper, magazine, or outdoor advertising business for use by or on behalf of a candidate for Federal elective office, the value of such a donation may ^{constitute} a contribution in kind, ^{an} or/expenditure which must be reported by the recipient as prescribed in Title III of the Federal Election Campaign Act of 1971, and which is subject to the provisions of title II of said Act and section 610 of title 18, United States Code, making it unlawful for national banks, corporations or labor organizations to make contributions or expenditures, except under certain circumstances.

§ 4.12 Form of certification and authorization

(a) Each certification required under § 4.11 above shall state the name and address of the newspaper, magazine, or outdoor advertising facility, the date(s) used, a brief description of the advertisement, the office sought and the election involved, the name and political affiliation of the candidate, and the rate and amount of the charge, and it shall be signed and dated by the candidate (or a person specifically authorized by such candidate in writing to do so). The certification shall be substantially in the following form:

"I _____ certify that the payment of the charge in the amount of \$ _____ by _____ for the use of advertising space on behalf of the candidacy of _____ (name & address of media firm) _____ (name & political affiliation of candidate) in the _____ (primary, run off, or general election) for _____ (Title of office, including Congressional district if appropriate) in the State of _____; will not violate the candidate's expenditure limitation under paragraph (1)(2) or (3) of Section 104(a)

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of the Campaign Communications Reform Act, Public Law 92-225. The advertising referred to in this certification is for display or publication on _____ in _____

(indicate date or dates)

(Newspaper, magazine or

location of outdoor advertising)

(Date signed)

(Signature of candidate (or a person specifically authorized in writing by the candidate to so certify))

(b) The original certification shall be given to the person making the charge before the order or agreement for the particular use is accepted. One copy of the certification shall be retained by the candidate or such authorized person. If there is a change in the amount of the charge or the date of the use, an amended certification shall be required.

(c) Each authorization by a candidate to another person/^{or persons} to make certifications on behalf of the candidate shall state the name, address and organizational affiliation of each authorized individual, the name of the candidate, the office sought and the election involved, and any restrictions or limitations imposed, and it shall be signed and dated by the candidate. The authorized individual shall provide a copy of the authorization to the person making the charge together with his certification.

(d) Every newspaper, magazine or outdoor advertising facility shall keep and permit public inspection of all certifications and copies of authorizations made by or on behalf of each legally qualified candidate for Federal elective office, together with an appropriate notation showing the use actually made by each such candidate and the charges made, if any. Such records shall be retained for a period of five years. *Two long*

(e) Any person who willfully makes a false or fraudulent certification or authorization under this subpart will be subject to the criminal penalties provided by section 1001 of title 18, United States Code.

SUBPART C - OUTDOOR ADVERTISING FACILITIES.

AUTHORITY: This subpart issued under section 105, 86 Stat. 7, U.S.C. _____. Interpret or apply section 102(1), 86 Stat. 3, U.S.C. _____.

§ 4. 21 Apportionment when used in more than one election

When an outdoor advertising facility is used in connection with more than one election (e.g., in both a primary and a general election) the expenditure for the facility shall be apportioned between such elections on the basis of the number of days used for each such election.

SUBPART D - TELEPHONE USE TO COMMUNICATE WITH POTENTIAL VOTERS

AUTHORITY: This subpart issued under section 105, 86 Stat. 7; U.S.C. _____. Interpret or apply section 102(1), 86 Stat. _____, U.S.C. _____.

§ 4.21 Applicability

(a) An expenditure by or on behalf of a Federal candidate for telephones is deemed to be for the use of communications media and is to be charged against the candidate's spending limitation under section 104 of the Act

only if it is for the costs of telephones, paid telephonists, and automatic telephone equipment obtained for the specific purpose of communicating with potential voters. Other telephone costs of a candidate, his staff and his authorized committees for campaign *and financing* purposes are excluded.

(b) Any telephone costs incurred by a volunteer for use of telephones by him are also excluded. For the purposes of this subchapter, any individual other than a candidate, his paid staff, or the paid staff of his authorized committees, who incurs telephone costs for use by such individual without authority from the candidate and without charge to *why?* *right* the candidate, is considered to be a volunteer, and his costs are excluded from the candidate's spending limitations under the Act.

(c) However, the costs of any such volunteer may constitute a contribution in kind or an expenditure which must be reported under title III of the Federal Election Campaign Act of 1971, and which may be subject to the provisions of title II of that Act.

SUBPART E - BROADCASTING STATIONS

AUTHORITY: This subpart issued under section 105, 86 Stat. 7, U.S.C. _____. Interpret or apply sections 102(2) and 104(a), 86 Stat. _____, U.S.C. _____.

§ 4.41 Charges by broadcasting stations to Federal candidates

(a) Expenditures for the use of broadcasting stations by or on behalf of the candidacy of a Federal candidate for the purposes of section 104(a) of the Act and this subchapter include not only the direct charges of the media but also agents commissions allowed the agent by the media.

why limit to broadcasting?

(b) Such expenditures for the purposes of section 104(a) of the Act and this subchapter, are limited to time charges for the use of broadcasting stations and do not include production costs or incidental costs whether charged by the station or by any other person.

PART 5 - ADMINISTRATION AND PENALTIES

AUTHORITY: This part issued under section 105, 86 Stat. 7, U.S.C. _____. Interpret or apply sections 102, 103(b), 104(a), 104(b), 105, and 106, 86 Stat. _____, _____ U.S.C. _____.

§ 5.1 Administration by supervisory officers

It shall be the responsibility of each supervisory officer to administer the regulations contained in the subchapter with respect to candidates under his jurisdiction, namely: (a) the Clerk of the House of Representatives with respect to candidates for the office of Representative in, or Resident Commissioner or Delegate to, the Congress of the United States; (b) the Secretary of the Senate with respect to candidates for the office of Senator in the Congress of the United States; and (c) the Comptroller General with respect to candidates for nomination or election to the Office of President or Vice President of the United States and in any other case.

§ 5.2 Reporting communications media expenditures

All expenditures made for the use of communications media on behalf of the candidacy of any Federal candidate in each election shall be reported to the appropriate supervisory officer by the candidate or the person or the political committee making the expenditure on behalf of the candidate as a part of the periodic reports required under section 304 or section 305 of the Federal Election Campaign Act of 1971.

§ 5.3 Retained copies and records

(a) Every Federal candidate, person, or the treasurer of a political committee required to report communication media expenditures to the appropriate supervisory officer under § 5.2 above, shall preserve a copy of each such report for five years after the date of filing and shall maintain records on the matters required to be reported, including vouchers, worksheets, and receipts, which will provide in sufficient detail the necessary information and data from which the filed reports and statements may be verified, explained or clarified, and checked for accuracy and completeness, and shall keep such records available for examination by the supervisory officer, or his authorized representatives, for a period of not less than five years after the filing of the reports or statements or any amendments based on the information which they contain.

§ 5.4 Investigations, complaints of violations, and referrals to Attorney General

The appropriate supervisory officer shall be responsible for administering the spending limitations applicable to candidates under his jurisdiction and on his own initiative or on the basis of a complaint by any person, shall promptly investigate any alleged violation or irregularity. If the supervisory officer determines that there has been an apparent violation of law, he shall refer the matter to the Attorney General of the United States for appropriate action.

§ 5.5 Penalties

Any person who willfully and knowingly violates any provision of sections 103(b), 104(a), or 104(b) of the Act or any regulation in this subchapter shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than five years, or both.

PART 6 - EXPENDITURE LIMITATIONS FOR CANDIDATES
FOR PRESIDENT AND VICE PRESIDENT

SUBPART A - PRE-NOMINATION EXPENDITURES

AUTHORITY: This subpart issued under sections 104(a)(3)(C) and 105, 86 Stat. _____, _____ U.S.C. _____. Interpret or apply sections 104(a)(3) and 104(a)(3)(C), 86 Stat. _____, _____ U.S.C. _____.

§ 6.1 Coverage

(a) This subpart applies only to candidates for presidential nomination with respect to expenditures incurred on behalf of their candidacies for such nomination. Subpart B below applies to candidates for President and Vice President after nomination and with respect to the general election.

(b) For purposes of this subpart, a candidate for presidential nomination is considered to be such a candidate in each state in which he makes an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination for election to the office of President, whether or not the political party in the particular State selects its delegates to its national nominating convention by means of a convention or caucus, a presidential preference primary election, or a delegate selection primary election.

(c) For purposes of this subpart, a person is a candidate for presidential nomination during the period--

(i) beginning on the date on which he (or any other person on his behalf) makes an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination, but in any event not earlier than January 1st of the year in which the presidential election is to be held, and

(ii) ending on the date on which such political party
nominates a candidate for the office of President.

The foregoing sentence applies regardless of whether the person has made a public announcement of his candidacy. It also applies during the period after the selection of delegates by State primary or convention up to and including the date of conclusion of such party's national nominating convention. OK

(d) In the case of any person who is seeking the presidential nomination of more than one political party, such a person is considered to be a candidate for presidential nomination until he is nominated by one of those parties. Thereafter, he shall be considered to be a candidate for such office in the general election, and his expenditures will be charged against his limitation under section 104(a)(1) of the Act.

(e) In calendar year 1972, however, no person shall be considered to be a candidate for presidential nomination prior to April 7, 1972, the effective date of the Act. Nonetheless, any expenditure for the use of communications media, when such use occurs on or after April 7, 1972, is required to be reported and charged against the expenditure limitation applicable to the election in which used, regardless of whether or not the use is paid for or contracted for prior to April 7, 1972. OK

§ 6.22 Expenditure limitations by State

No candidate for presidential nomination may spend for use of communications media or broadcasting stations in any State in excess of the amounts which are allowable to a candidate for the United States Senate from such State (or for Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico). This

limitation applies in States holding conventions or caucuses for the selection of delegates, as well as in States holding primary elections.

In the case of expenditure for nationwide use of communications media, it shall be attributed to each State reached under § 6.3 below, and the candidate may not exceed his limitation in any such State.

§ 6.3 Apportioning amounts spent for use of communication media in two or more States

AUTHORITY: This section issued under section 104(a)(3)(C), 86 Stat. _____, _____ U.S.C. _____.

(a) This section shall apply only when a candidate for presidential nomination makes an expenditure for the use of a communication medium and the particular communication medium used can reasonably be expected to reach persons in two or more States. In each case where the foregoing criterion is met, the expenditure shall be attributed to the candidate's expenditure limitation in each such State, apportioned on the basis of the number of persons in such State who can reasonably be expected to be reached by such communication medium in the same proportion as that number of figure bears to the total/persons reached by that medium in all states. In no case, will there be any apportionment of an expenditure where the particular use is clearly directed at persons in only one State. Expenditures for outdoor advertising are deemed to be directed at persons only in the state where the outdoor advertising facilities being used are located and, therefore, there shall be no apportionment of outdoor advertising costs.

(b) For purposes of computing amounts to be apportioned to the limitation in each state for use of a particular communication medium directed at persons in two or more States,

(1) When entering into an agreement for a time purchase on a broadcasting station or network by or on behalf of a candidate for presidential nomination, the broadcasting station or network shall inform the purchaser of the total population in each state receiving "primary service" (as defined by FCC standards) from such station or network. For TV stations, the Grade B contour shall be used. For FM stations, the 1 mv/m contour shall be used. For AM stations, the percentage shall be related to daytime and nighttime coverage;

(2) When entering into an agreement for the purchase of space in a newspaper or magazine, the publication shall inform the purchaser of its circulation figures in each State reached by the publication.

SUBPART B- POST-NOMINATION EXPENDITURES

§ 6.11 Expenditure limitation in general election

(a) During the period beginning on the day after his acceptance of a party's nomination or on the day he becomes a legally qualified candidate in any State, no legally qualified candidate for the office of President may spend for the use of communications media on behalf of his candidacy for election to such office a total amount in excess of the expenditure limitation for the national as a whole as determined by the Comptroller General under § 4.1 above, or spend for the use of broadcasting stations on behalf of his candidacy a total amount in excess of 60 percent of such national expenditure limitation.

(b) Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

P. 6

TITLE III OF PUBLIC LAW 92-225
REGULATIONS OF THE COMPTROLLER GENERAL

(11 CFR, CH. I)

Subchapter B - Disclosure of Federal Campaign Funds

(Table of part and section heading to be inserted)

PART 11 - SCOPE OF SUBCHAPTER, EFFECTIVE
DATE, AND DEFINITIONS

(Table of section headings to be inserted in each part)

AUTHORITY: This part issued under section 308(a)(13), 86 Stat.
U.S.C. _____. Interpret or apply section 301, 86 Stat. ____,
U.S.C. _____.

SUBPART A - SCOPE AND EFFECTIVE DATE

§ 11.1 Scope

This subchapter is issued by the Comptroller General of the United States in his capacity as a supervisory officer under title III of the Federal Election Campaign Act of 1971 (Public Law 92-225) and is applicable to campaigns for nomination or election to the offices of President and Vice President of the United States. It is to be read together with the regulations issued by the Comptroller General and with the guidelines or regulations issued by the Federal Communications Commission under title I of the Act, as well as with the regulations issued by the other supervisory officers under title III of the Act, namely the Secretary of the Senate with respect to senatorial campaigns and the Clerk of the House of Representatives with respect to congressional campaigns.

§ 11.2 Effective date

This subchapter is effective on April 7, 1972, the effective date of the Act.

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SUBPART B - MEANING OF TERMS USED IN THIS SUBCHAPTER

§ 11.11 Election

"Election" means (1) a general special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

§ 11.12 Candidate

"Candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

§ 11.13 Federal office

"Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

§ 11.14 Political committee

"Political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

§ 11.15 Contribution

"Contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing meanings of "contribution"

the word shall not be construed to include services provided without compensation, by individuals volunteering a portion of all of their time on behalf of a candidate or political committee;

§ 11.16 Expenditure

"Expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

§ 11.17 Supervisory officer

"Supervisory officer" means the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representatives in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case;

§ 11.18 Person

"Person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

§ 11.19 State

"State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

§ 11.20 Act

"Act" means the Federal Election Campaign Act of 1971, enacted February 7, 1972, and effective April 7, 1972;

§ 11.21 Comptroller General

"Comptroller General" means the Comptroller General of the United States;

§ 11.22 Director

"Director" means the Director of the Office of Federal Elections in the United States General Accounting Office;

§ 11.23 Office

"Office" means the Office of Federal Elections in the United States General Accounting Office;

§ 11.24 Public Documents Room

"Public documents room" means the room designated by the Director for public inspection and copying of any report or statement required to be made available to the public under the Act. The room designated shall be in the General Accounting Office Building located at 441 G Street, N.W., Washington, D. C. 20548;

§ 11.25 Report of statement

"Report" or "statement" means any report or statement required to be filed with the Comptroller General (except where the reference is specifically to a report required to be made by the Comptroller General). The two terms may be used interchangeably, and either term when used alone includes the other.

PART 12 - ORGANIZATION OF POLITICAL COMMITTEES

(Table)

AUTHORITY: This part issued under section 308(a)(13), 86 Stat. _____, _____ U.S.C. _____. Interpret or apply section 302, 86 Stat. _____, _____ U.S.C. _____.

§ 12.1 Organization

(a) Every political committee (as defined in § 11.14 above) shall have a chairman and a treasurer, who shall be separate individuals.

(b) No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of either the chairman or the treasurer thereof.

(c) No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

§ 12.2 Duty of person receiving contribution for a political committee

Every person who receives a contribution in excess of \$10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received.

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§ 12.3 Funds

All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

§ 12.4 Account of contributions and expenditures

(a) Contributions

(1) The treasurer of a political committee shall keep a detailed and exact account of all contributions made to or for such committee, including the full name, residential mailing address, occupation, and principal place of business of every person making a contribution in excess of \$10, and the date and amount thereof. Occupation includes job title or description, if the person is employed, and principal place of business, includes the name and address of the person's employer.

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(2) For the purposes of this subchapter, the treasurer shall use reasonable efforts to obtain the information required in paragraph (1) including a request for such information on all mail, advertising, and personal solicitations of funds. When a contribution in excess of \$10 but not in excess of \$100 is received without all of such information, the treasurer is not required to request the missing information. When a contribution in excess of \$100 is received without all of such information, the treasurer is required to request the missing information, and he shall keep a complete record of his efforts to do so. When a contribution in excess of \$500 is received without all of such information, the treasurer

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shall return the contribution to the person making the same
unless all of such information is obtained within 30 days after
the date of receipt.

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(b) Expenditures. The treasurer of a political committee shall keep

a detailed and exact account of all expenditures made by or on behalf of such committee, including the full name, business mailing address, occupation and principal place of business of every person to whom any expenditure is made, the date and amount thereof, and the name, address, and office sought by, each candidate (including candidates for State or local office) on whose behalf such expenditure was made.

§ 12.5 Receipted bills for expenditures exceeding \$100

The treasurer shall obtain and keep a receipted bill, stating the particulars of the expenditure and the purpose for which made, for every expenditure made by or on behalf of a political committee in excess of \$100, and for expenditures in lesser amounts if the aggregate amount to the same person during the calendar year exceeds \$100. In lieu of a bill receipted by the person to whom the expenditure is made, the treasurer may keep the cancelled check or checks showing payment of the bill, together with the bill, invoice, or a contemporaneous memorandum of the transaction stating the particulars of the expenditure and the purpose for which made.

§ 12.6 Notice of lack of authority from candidate

Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face

or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

§ 12.7 Notice of availability of committee reports from Government Printing Office

Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

§ 12.8 Publication of annual report for each political committee

(a) The Comptroller General shall compile and furnish to the Public Printer, not later than the last day of march of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceeding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain--

(1) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(2) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of

the year in which the annual report is so furnished to the Public Printer.

(b) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the Comptroller General.

PART 13 - REGISTRATION OF POLITICAL COMMITTEES

(Table)

AUTHORITY: This part issued under section 308(a)(13), 86 Stat. _____, U.S.C. _____. Interpret or apply section 303, 86 Stat. _____, U.S.C. _____.

§ 13.1 Registration of political committees with Comptroller General

(a) Each political committee which anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding \$1,000, any portion of which will be expended for the purpose of influencing the nomination or election of any candidate or candidates to the office of President or Vice President of the United States shall file a statement of organization with the Comptroller General within 10 days after the effective date of this subchapter, within 10 days after its organization, or within 10 days after the committee has information which causes it to anticipate receiving such contributions or making such expenditures exceeding \$1,000, whichever is later.

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4-7-75*

(b) Any political committee which supports candidates who are under the jurisdiction of more than one supervisory officer is required to register with each such supervisory officer. Such a committee should consult also the regulations issued by the Secretary of the Senate and

the Clerk of the House of Representatives. No political committee which is included within subsection (a) shall be excused from filing a statement of organization with the Comptroller General by reason of being required to file also with another supervisory officer.

§ 13.2 Forms and filing

(a) The statement of organization shall be filed on Form _____, which may be obtained from the Office of Federal Elections, General Accounting Office, 441 G Street, N.W., Washington, D.C. 20548. The statement shall include the following:

- (1) the name and address of the committee;
- (2) the names, addresses, and relationships of affiliated or connected organizations;
- (3) the area, scope, or jurisdiction of the committee;
- (4) the name, address, and position of the custodian of books and accounts;
- (5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;
- (6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;
- (7) a statement whether the committee is a continuing one;

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

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

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the Comptroller General.

(b) For the purposes of this part, the term "affiliated or connected organization" means any corporation, business firm, labor union, foundation, association or other group of persons—

(1) whose membership is a substantial source of gift, donation, contribution, or loan to the registering committee; or

(2) which has organized the registering committee or caused it to be organized; or

(3) whose membership or officers coincides substantially with the registering committee; or

(4) which supplies facilities or staff to the registering committee.

(c) A statement of organization required by the Comptroller General shall be filed with the Office of Federal Elections, General Accounting Office, 441 G Street, N.W., Washington, D.C. 20548 (1) by hand delivery to the Office before the close of business on the last day prescribed under § 13.1 above, or (2) by deposit postage prepaid and properly

addressed, in an established U.S. post office in time to be received at the Office before the close of business on the last day prescribed under § 13.1 above.

§ 13.3 Changes in information

Any change in information previously submitted in a statement of organization shall be reported to the Comptroller General within 10 days following the date of the change.

§ 13.4 Discontinuance of registration

Any committee which, after having filed one or more statements of organization with the Comptroller General, disbands or determines that it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000, shall so notify the Comptroller General. Such notification shall include a statement as to the disposition of residual funds if the committee is disbanding.

§ 13.5 Registration number

Upon receipt of a statement of organization under this part, the Office of Federal Elections shall assign an identifying registration number to the statement, acknowledge receipt thereof and notify the political committee of the number assigned. This registration number shall be entered by the political committee on all subsequent reports or statements filed with the Comptroller General under the Act, as well as on all communications concerning such reports or statements.

PART 14 - REPORTS BY POLITICAL COMMITTEES AND CANDIDATES TO THE COMPTROLLER GENERAL

(Table)

AUTHORITY: This part issued under section 308(2)(13), 86 Stat.

_____, ____ U.S.C. _____. Interpret or apply section 304, 86 Stat. _____,
____ U.S.C. _____.

§ 14.1 Filing requirements

Periodic reports of receipts and expenditures under section 304(a) of the Act are required to be filed with the Comptroller General by—

- (a) Every candidate for nomination or election to the office of President or Vice President of the United States;
- (b) Every political committee (by its treasurer) which supports a candidate or candidates for nomination or election to the office of President or Vice President of the United States. See § 16.3 below for regulations relieving certain political committees of this reporting obligation.

§ 14.2 Form and contents

(a) Reports of receipts and expenditures required under this part shall be filed on Form _____, which may be obtained from the Office of Federal Elections, General Accounting Office, 441 G Street, N.W., Washington, D.C. 20548.

(b) Each report under this part shall disclose—

- (1) the amount of cash on hand at the beginning of the reporting period, including cash in banks, savings and loan associations and other depositories, and other assets of the committee;
- (2) the full name, residence mailing address, occupation, and principal place of business, if any, of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for fundraising events, such as dinners, luncheons, rallies, and similar events held to raise funds for the committee or candidate) within the calendar year

in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2) above (do not list individual names or amounts for contributions of \$100 or less);

(4) the name and mailing address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fund raising events; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of \$100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period and the calendar year;

(9) the full name and business mailing address (occupation and the principal place of business, if any) of each person to whom expenditures have been made by or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, together with the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(10) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by or on behalf of such committee or candidate during the reporting period and the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, and a continuous reporting of their debts and obligations after the election on separate schedules in accordance with the terms prescribed in part 16 of these regulations until such debts and obligations are liquidated; and

(13) such other information as shall be required by the Comptroller General.

§ 14.3 Uniform identity of contributors

(a) Each contributor of an amount in excess of \$100 shall be identified by full name, residence mailing address, including zip code, occupation, and principal place of business, if employed. See § 12. above for the requirements imposed on the committee or candidate to obtain such information if it is missing from the contribution. Such information for each such contributor shall be stated identically on each report in which his name appears during the calendar year. If a contributor's name or address should change during the calendar year, the exact name and address previously used shall be noted with each subsequent entry.

(b) In each case when the unitemized contributions of a single contributor shall aggregate \$100 within a calendar year, the name and address of that contributor shall then be listed on the appropriate schedule for itemized contributions and shall be designated by an asterisk to indicate the prior reporting of \$100 as an unitemized receipt. Only those contributions in excess of the prior reported \$100 shall be reported on the schedule for itemized contributions.

§ 14.4 Preservation of records of proceeds of events

The treasurer of each political committee shall keep full and complete records of proceeds from the sale of tickets and mass collections at dinners, luncheons, rallies, and other fundraising events, and such records shall include the date, location and nature of the event. He shall also keep full and complete records of the proceeds from the sale of items such as political campaign pins, buttons, badges, flags,

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emblems, hats, banners, literature and similar materials and such records shall reflect the cost of the items to the committee, the sale price and the total volume sold of each general category of item.

§ 14.5 Disclosure of receipt and consumption of contributions in kind

Contributions in kind shall be declared at fair market value and reported on the appropriate schedule of receipts. That portion of such goods and services contributed in kind, as shall be consumed in the reporting period, shall be declared as expenditures at fair market value prorated, and reported on the appropriate expenditure schedule.

§ 14.6 Filing dates and periods covered

(a) Reports of receipts and expenditures required under this part shall be filed on or before March 10, June 10, September 10, and January 31 for each calendar year. Such reports shall cover the following periods of time:

Report Due

March 10
June 10
September 10
January 31

Period Covered

January and February
March, April and May — *to May 31*
June, July and August — *to Aug 31*
September, October,
November and December — *to Dec 31*

(b) In addition, such reports shall be filed on or before the fifteenth and fifth days next preceding each presidential primary and general election, including national nominating conventions, in which such candidate or committee is involved. Reports due on the fifteenth day before each such election shall be complete as of the twenty-second day before the election, and reports due on the fifth day before each

such election shall be complete as of the twelfth day before the election. Any contribution of \$5,000 or more (including a transfer of funds from another committee) which is received after such closing date for the final report before an election shall be separately reported within 48 hours after its receipt. Such contributions shall be reported on Form _____ which may be obtained from the Office of Federal Elections, General Accounting Office, 441 G Street, N.W., Washington, D.C. 20548. However, no report is required before the effective date of the Act (April 7, 1972) and no preelection report is required if the date as of which such report is to be complete precedes the effective date of the Act.

(c) During 1972, the first year during which the Act will be effective, the term "calendar year" as used in section 304 of the Act and in this part shall be considered to mean only the period from April 7, 1972, to and including December 31, 1972. No report is required to show any expenditure or contribution which occurred before the effective date of the Act, except that any expenditure for the use of communications media (as defined in title I of the Act and subchapter A of this chapter) on or after the effective date of the Act is required to be reported under this part and charged against the candidate's expenditure limitation applicable to the election in which used, regardless of whether or not the use is paid for or contracted for prior to the effective date of the Act. For further information concerning communications media spending see subchapter A.

§ 14.7 Time and manner of filing

(a) Each report required to be filed with the Comptroller General under this part shall be filed with the Office of Federal Elections, General Accounting Office, 441 G Street, N.W., Washington, D.C. 20548, either (1) by hand delivery before the close of business on the prescribed filing date, or (2) by certified air mail, postage prepaid and properly addressed, deposited in an established United States post office not later than noon of the second day next preceding the filing date (48 hours before noon of the prescribed filing date). A report mailed from a post office within 500 miles of Washington, D.C., may be sent by certified first class mail in lieu of air mail. The sender shall obtain postmarked Receipt for Certified Mail from the post office at the time of mailing and shall retain it with his copy of such report.

(b) All reports should be deposited in preprinted return envelopes supplied by the Comptroller General, bearing a declaration of contents and requesting priority handling.

(c) An original and one copy of each report is required to be filed. Both the original and the copy shall be verified as prescribed under part 16 below. The copy may be a carbon copy, a photocopy, or otherwise mechanically reproduced as long as it is complete and easily readable.

§ 14.8 Exemptions from preelection and prenational convention reporting

(a) In a presidential preference or delegate selection primary election, the following political committees shall not be required to file the reports due on the fifteenth and fifth days preceding such election—

(1) Any political committee which, although it supports a candidate who is entered in such primary election, has not made contributions or expenditures, including a transfer of funds to another political committee for the purpose of influencing the result of such election;

(2) the national committee of any political party, unless such national committee endorses or supports a candidate in such primary election; and

(3) any other political committee, not located in the State where such primary election is held, which has not made contributions or expenditures, including a transfer of funds to another political committee, for the purpose of influencing the result of such election.

(b) In a national nominating convention of a political party held to nominate candidates for the offices of President and Vice President, the following political committees shall not be required to file the reports due on the fifteenth and fifth days preceding such convention—

(1) the national committee of such political party, unless it endorses or supports a candidate in such convention; and

(2) any other political committee which has not made contributions or expenditures, including a transfer of funds to another

political committee, for the purpose of influencing the result of such convention.

§ 14.9 Waiver of duplicate filings

If a preelection or prenational convention report required under this part is due on, or within 7 days prior to, the specified filing date for a regular periodic report required under this part, the filing of the preelection report shall fulfill both requirements and shall be so indicated on the report form.

§ 14.10 Cumulative reports

The reports required to be filed under this part shall be cumulative during the calendar year to which they relate. However, where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the candidate or the treasurer of the political committee shall file a statement to that effect.

§ 14.11 Allocation of expenditures between candidates

(a) A political committee making an expenditure for or on behalf of more than one candidate for Federal office shall allocate the expenditures among such candidates by any reasonable standard and report the allocation on the prescribed form to each appropriate supervisory officer, provided that its treasurer retains for audit all documents supporting the allocation.

(b) Allocations of expenditures for the use of communications media shall comply with the provisions of subchapter A of this chapter.

PART 15 - REPORTS BY OTHER PERSONS

(Table)

AUTHORITY: This part issued under section 308(a)(13), 86 Stat. 17, U.S.C. _____. Interpret or apply section 305, 86 Stat. 16, U.S.C. _____.

§ 15.1 Filing requirement

(a) Any person (other than a political committee or candidate), who makes contributions or expenditures, other than by contribution to a political committee or candidate, for or on behalf of a candidate or candidates for nomination or election to the office of President or Vice President of the United States, in an aggregate amount in excess of \$100 during a calendar year, shall file a report with the Comptroller General containing the information required under part 14 above.

(b) During 1972, the term "calendar year" in subsection (a) shall mean only the period from April 7, 1972, the effective date of the Act, to and including December 31, 1972.

(c) The term "other than by contribution to a political committee or candidate" in subsection (a) shall be deemed to exclude only contributions made directly to a candidate or directly to a political committee. In those cases, the candidate or the committee is required to report aggregate contributions exceeding \$100 by any person. It shall not be deemed to exclude contributions exceeding an aggregate amount of \$100 made to any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount of \$1,000 or less, nor shall it be deemed to

exclude such contributions aggregating more than \$100 made to any individual other than a candidate. In those cases, the person making the contribution aggregating more than \$100 is required to report the same to the Comptroller General under subsection (a).

§ 15.2 Time and manner of filing

Statements required by § 15.1 shall be subject to the same filing requirements as set forth in part 14, but such statements need not be cumulative.

PART 16 - FORMAL REQUIREMENTS RESPECTING REPORTS
AND STATEMENTS

(Table)

AUTHORITY: This part issued under section 308(a)(13), 86 Stat. 17, ____ U.S.C. ____ . Interpret or apply section 306, 86 Stat. 16, ____ U.S.C. ____ .

§ 16.1 Verification

Each report or statement required to be filed with the Comptroller General under this subchapter by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

§ 16.2 Retained copies and records

(a) Every person filing a report or statement with the Comptroller General under this subchapter shall preserve a copy thereof for five years from the date of filing.

(b) Every candidate, political committee, or other person required to file any report or statement with the Comptroller General under this subchapter shall maintain records on the matters required to be reported

including vouchers, worksheets, and receipts, which will provide in sufficient detail the necessary information and data from which the filed reports and statements may be verified, explained or clarified, and checked for accuracy and completeness, and shall keep such records available for examination by the Comptroller General, or his authorized representatives, for a period of not less than five years from the date of filing of the reports or statements or any amendments thereto based on the information which they contain.

§ 16.3 Waiver of reporting requirements

(a) Any political committee required to file reports with the Comptroller General under part 14 above is hereby relieved of the duty to comply with such requirement if each of the following conditions is satisfied--

(1) the committee is a local, city, or county committee and does not have membership or offices throughout the particular State or in any other State; and

(2) the committee primarily supports persons seeking State or local office and does not expend more than 50 percent of its funds for or on behalf of Federal candidates; and

(3) the committee does not make contributions or expenditures, including transfers of funds to any other political committees, to or for one or more candidates for nomination or election to the offices of President or Vice President of the United States in an aggregate amount exceeding \$1,000 in a calendar year.

§ 16.4 Manner of reporting debts and contracts, agreements, and promises to make contributions or expenditures

(a) Contributions and expenditures in the nature of debts and contracts, agreements, and promises to make contributions or expenditures incurred after the effective date of the Act (April 7, 1972) shall be reported in separate schedules on the reporting forms prescribed by the Comptroller General until such debts, contracts, agreements, and promises are liquidated. In determining aggregate amounts of contributions and expenditures, the amounts reported on separate schedules as provided in this part shall not be considered until actual payment is made, except that expenditures for the use of communications media by or on behalf of any Federal candidate shall be charged against the expenditure limitation under subchapter A applicable to the election in which such medium is used regardless of when payment is made.

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(b) No contract, agreement, or promise to make a contribution need be reported to the Comptroller General in advance of actual payment unless it is in writing and exceeds the amount of \$1,000.

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(c) No contract, agreement, or promise to make an expenditure need be reported to the Comptroller General in advance of actual payment, unless it is in writing and exceeds the amount of \$1,000.

§ 16.5 Effect of acknowledgment and filing by the Office

Acknowledgment by the Office of Federal Elections of the receipt of any statement of organization or any report or statement filed under this chapter is intended solely to inform the person filing the same of

the receipt thereof by the Office, and neither such acknowledgment nor the acceptance and filing of any such report or statement by the Office shall constitute express or implied approval thereof, or in any manner indicate that the contents of any such report or statement fulfill the filing or other requirements of the Act or of the regulations thereunder.

§ 16.6 Personal responsibility of person signing statement

(a) Every treasurer of a political committee, candidate, or other person required to sign any report or statement with the Comptroller General under the Act and under this subchapter shall be personally responsible for the timely and complete filing of such report or statement and for any information or statement contained therein which he knows to be false.

(b) Any willfully false or fraudulent statements or representations in such a report or statement will subject the person making the same to the criminal penalties provided under section 1001 of title 18, United States Code.

PART 17 - REPORTS ON NATIONAL CONVENTION FINANCING

(Table)

AUTHORITY: This part issued under section 308(a)(13), 86 Stat. 17, U.S.C. _____. Interpret or apply section 307, 86 Stat. 16, U.S.C. _____.

§ 17.1 Filing requirement

Within 60 days following the end of a national party's presidential nominating convention (but not later than 20 days prior to the date of the presidential election), a full and complete financial statement of the sources from which it derived its funds and the purposes for which

funds were expended shall be filed with the Comptroller General by each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons in dealing with national party officials with respect to such nominating convention,
or

(2) represents such national party in making arrangements for such nominating convention.

§ 17.2 Forms

Such reports shall be prepared on forms to be prescribed by the Comptroller General, and which may be obtained from the Office of Federal Elections, General Accounting Office, 441 G Street, N.W., Washington, D.C. 20548, and shall be filed by hand delivery or by mail to the same address.

PART 18 - ADMINISTRATIVE DUTIES AND COMPLAINTS OF VIOLATIONS

(Table)

SUBPART A - DUTIES OF THE COMPTROLLER GENERAL AS SUPERVISORY OFFICER

AUTHORITY: This subpart issued under section 308(a)(13), 86 Stat. 17, U.S.C. . Interpret or apply section 308(a), 86 Stat. 16, U.S.C. .

§ 18.1 Forms

The Comptroller General will develop forms for the reports and statements required to be filed with him under this subchapter and will furnish the forms, without charge, to persons required to file.

§ 18.2 Uniform manual

The Comptroller General will prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting and will furnish the manual, without charge, to persons required to file reports or statements with the Comptroller General under this subchapter.

§ 18.3 Filing, coding, and cross-indexing

The Comptroller General will develop a filing, coding, and cross-indexing system, consonant with the purposes of title III.

§ 18.4 Public inspection and copying of reports

(a) Reports and statements filed with the Comptroller General under this subchapter will be made available for inspection and copying by any person, commencing as soon as practicable after receipt and, in any case, not later than the end of the second day following the day of receipt, at the:

Office of Federal Elections
General Accounting Office Building
441 G Street, N. W.
Washington, D. C. 20548

The Office will be open for business during the hours of 9 a.m. to 5 p.m. from Monday through Friday each week, except Federal holidays.

In addition, during the period when preelection reports for presidential elections are being filed, the Office will be open on Saturdays from 9 a.m. to 5 p.m.

(b) Reports and statements will be made available to the public on a first-come, first-served basis. If there are other persons waiting to see a particular report, a reasonable restriction may be placed on the

amount of time that a person may inspect such report.

(c) Reports may not be removed from the Office. Subject to any time restrictions that may be imposed under subsection (b), a person may copy any such report by hand.

(d) At the request of any person, the Office will reproduce not more than one copy of any report or statement at the expense of such person. A list of charges will be posted at the Office. Copies will be made in the order in which they are requested, and payment must be made with the request. Other persons waiting to see a particular report shall have preference over requests for reproduction.

(e) Any information copied or obtained from reports and statements shall not be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose. For purposes of this regulation, "any commercial purpose" means any sale, trade, or barter of any list of names or addresses taken from such reports and statements and any use of any such lists for any commercial solicitation. For purposes of this regulation, "soliciting contributions" means requesting gifts or donations of money, or anything of value for any cause or organization--political, social, charitable, religious, or otherwise. Violations of this subsection are subject to the criminal penalties provided in section 311 of the Act.

§ 18.5 Preserving filed reports and statements

(a) Reports and statements filed with the Comptroller General under the Act will be preserved for a period of ten years from the date of

receipt. After the expiration of the ten-year period, the original report or statement will be transferred to the National Archives and Records Service of the General Services Administration. Microfilm, microfiche, or microform copies may be retained after the ten-year period, in the discretion of the Office.

§ 18.6 Current lists pertaining to candidates

(a) The Comptroller General will compile and maintain a current list of all reports and statements or parts thereof pertaining to each candidate. For each candidate, the list will identify (by date and name of person filing) any report or statement filed with the Comptroller General during the calendar year which shows a contribution made to or for such candidate or an expenditure made by or for such candidate.

(b) A copy of each such list will be maintained at the Office of Federal Elections for inspection by any person during regular business hours. Each list will be brought up to date to include the latest information available on at least a daily basis during election campaigns.

§ 18.7 Annual report

The Comptroller General will prepare and publish an annual report for the preceding calendar year, including compilations of—

(A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year;

(B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the national, State, and local levels;

(C) total amounts expended for influencing nominations and elections stated separately;

(D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the national, State, and local levels for candidates and political committees; and

(E) aggregate amounts contributed by any contributor shown to have contributed in excess of \$100.

§ 18.8 Special reports comparing various contributions and expenditures in prior elections

From time to time, the Comptroller General will prepare and publish special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections.

§ 18.9 Other reports

From time to time, the Comptroller General will prepare and publish such other reports as he may deem appropriate.

§ 18.10 Dissemination of statistics, summaries and reports

The Comptroller General will assure wide dissemination of statistics, summaries, and reports prepared by him under title III of the Act.

§ 18.11 Audits and field investigations

(a) The Comptroller General will make audits and field investigations, from time to time, with respect to reports and statements filed with him under this subchapter and with respect to alleged failures to file any such required report or statement.

(b) Audits and field investigations will be made as directed by

the Director of the Office of Federal Elections on his own initiative, on the basis of information received by the Office, or on the basis of complaints received.

(c) All candidates and political committees required to file reports under this subchapter shall keep adequate books and records and shall follow the recommended uniform methods of bookkeeping and reporting contained in the Manual published by the Comptroller General under this subchapter. Such books and records shall be maintained on a current basis and shall be made available for inspection and audit by authorized representatives of the Comptroller General at any time during normal business hours. Such books and records shall be preserved for a period of five years following the date of filing of the reports to which they pertain.

(d) Any omissions or mistakes discovered in filed reports or statements will be called to the attention of the person who filed it with a request for completion or correction. If possible, the completion or correction shall be made at the Office on the original document, identified by the signature of such person and the date of correction in the margin. If that is not possible, a corrected report or statement, verified in the same manner as the original, is required. In no case shall the filed report or statement be returned or allowed out of the Office.

§ 18.12 Reporting violations to law enforcement authorities

(a) The Comptroller General will report apparent violations of any provision of title III of the Act or of this subchapter to the Attorney

General of the United States for appropriate action.

(b) In the case of any alleged failure to file any report required to be filed with the Comptroller General under the provisions of title III of the Act, the person required to so file shall be notified and requested to explain such failure to file. If the explanation is not made within the time period stated in the letter of notification, or if the explanation is not satisfactory, in the judgment of the Director, the case shall be immediately referred to the Attorney General for appropriate action.

§ 18.13 Regulations and interpretations

(a) The Comptroller General may prescribe additional rules and regulations to carry out the provisions of the Act pertaining to his duties as a supervisory officer. Such rules and regulations and any amendment of this chapter will be published in the Federal Register and distributed to political committees registered with the Comptroller General and will otherwise be made available to any interest person. The effective date thereof shall be the date of publication in the Federal Register, unless another date is specified in the document itself.

(b) The Comptroller General will, in his discretion, issue interpretations, interpretive rulings, and advisory opinions with respect to the provisions of the Federal Election Campaign Act of 1971 in order to provide those affected by the Act with a practical guide as to how the Comptroller General interprets the Act and will seek to apply the Act. The correctness of an interpretation can be determined finally and authoritatively only by the courts. It is necessary, however, for

the Comptroller General to reach informed conclusions as to the meaning of the law to enable him to carry out his statutory duties under this Act. Normally, such interpretations will be limited to general statements applicable to all those affected. In his discretion, however, the Comptroller General will consider requests for interpretative rulings or advisory opinions in specific instances where the critical facts are known or are explicitly stated without the possibility that subsequent events will alter them. In response to general inquiries, the Comptroller General will limit himself to giving general guidelines to help a person determine his rights and obligations under the Act.

SUBPART B - COOPERATION WITH STATE ELECTION OFFICIALS

AUTHORITY: This subpart issued under section 308(a)(13), 86 Stat. 17, ____ U.S.C. _____. Interpret or apply section 308(b), 86 Stat. 17, ____ U.S.C. _____.

§ 18.21 Procedures to eliminate multiple filings

(a) The Director shall be responsible to the Comptroller General for encouraging and cooperating with the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy State requirements.

(b) In carrying out his responsibility, the Director shall communicate with the election officials in each State (including the District of Columbia, Commonwealth of Puerto Rico, and any territory or possession of the United States) and shall ascertain the statutory and administrative requirements of each State. He shall obtain copies of the report forms used in each State and information as to the dates established for filing reports.

(c) Based on the information obtained by the Director, the Comptroller General may modify the forms prescribed under this subchapter so as to enable their use to satisfy State requirements and recommend to Congress a change in reporting dates if he deems it desirable to do so to eliminate multiple filings. The Comptroller General may also make such recommendations to the States for changes in State laws or administrative regulations as he feels are desirable to eliminate multiple filings, and he shall cooperate with the State election officials to the greatest extent practicable to achieve such changes.

SUBPART C - NATIONAL CLEARINGHOUSE FOR INFORMATION
ON THE ADMINISTRATION OF ELECTIONS

AUTHORITY: This subpart issued under section 308(a)(13), 86 Stat. 17, _____ U.S.C. _____. Interpret or apply section 308, 86 Stat. 17, _____ U.S.C. _____.

§ 18.31 Delegation of responsibility

(a) The Director shall be responsible to the Comptroller General to carry out the duty of serving as a national clearinghouse for information in respect to the administration of elections.

(b) Any State or local election official or any other person may furnish information or advice to the Director concerning the administration of Federal, State, or local elections. Any information or advice submitted may be made available, in the discretion of the Director, to any such official or other person.

§ 18.32 Contracts for studies

(a) In carrying out his duties under this section, the Director is authorized to enter into contracts, as he deems necessary, and to the extent funds are available, for the purpose of conducting independent

studies of the administration of elections.

(b) Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

(2) practices relating to the registration of voters; and

(3) voting and counting methods.

Other studies may be initiated from time to time as deemed advisable by the Director.

(c) Studies made under this authority shall be published by the Comptroller General and copies thereof shall be made available upon payment of the cost to be established for each publication. A limited number of copies may, in the Director's discretion, be distributed to State and local election officials without charge.

(d) Neither the Comptroller General nor the Director shall require the inclusion of any comment or recommendation made by them in any such study. The Comptroller General, however, may separately make and publish any comment or recommendation he considers necessary concerning the administration of elections, and he may make such recommendations to the Congress, the State legislatures, local governing bodies, and State and local election officials, as he believes appropriate.

SUBPART D - COMPLAINTS OF VIOLATIONS

AUTHORITY: This subpart issued under section 303(a)(13), 86 Stat. 17, _____ U.S.C. _____. Interpret or apply section 303(d), 86 Stat. 18, _____ U.S.C. _____.

§ 18.41 Filing of complaints

(a) Any person who believes a violation of title III of the Act or of this subchapter, pertaining to the duties and responsibilities of the Comptroller General, has occurred may file a complaint in person or by mail with the Office of Federal Elections, General Accounting Office, 441 G Street, N.W., Washington, D. C. 20548. When a complaint is received, it shall be stamped to show the date and time of receipt. If filed by mail, receipt of the complaint shall promptly be acknowledged by mail. If filed in person, a written acknowledgment shall be given to the person filing it.

(b) There is no prescribed form for a complaint, but it is required to be typewritten or handwritten legibly in ink. The name and address of the person making the complaint must be typewritten or hand printed on the complaint, and it must be signed by such person and verified by the oath or affirmation of such person, taken before any officer authorized to administer oaths. A complaint shall be specific in naming the alleged violator and in describing the alleged violation. Complaints will be held in confidence, and officials and employees of the Office will be instructed not to divulge information about complaints without specific authorization from the Director. Complaints are not public documents and will not be available for public inspection or copying.

§ 18.42 Investigation

(a) If a complaint is frivolous on its face, illegible, too indefinite, or does not identify any violator, no investigation is required and the complainant shall be so notified. In any other case, the

Director shall expeditiously undertake an investigation of the complaint. If the complainant is a candidate, the investigation shall include the reports and statements filed by the complainant.

(b)(1) On the basis of the investigation, and as promptly as possible, the Director shall determine whether or not there appears to be any violation by any person of any provision of title III of the Act or of any regulation or order issued thereunder.

(2) If the Director decides that there does not appear to be any such violation, he shall so notify the complainant and briefly state the reasons for the decision. The complainant may, if he is not satisfied with the Director's decision, request a review of the decision by the Comptroller General. Such request must be in writing and must state the reasons why the complainant believes the Director's decision is incorrect.

(3) If the Director decides that there appears to be such a violation by any person, he shall notify the alleged violator of the decision and advise him of the action proposed to be taken and of his right to a hearing. The notice shall specify the period of time within which a hearing may be requested, which period shall not be less than five calendar days from the date when the notice is mailed or hand delivered to the alleged violator.

(c)(1) Upon timely request by an alleged violator, the Director shall promptly schedule a hearing on the complaint and shall notify the alleged violator of the time and place of the hearing.

(2) The hearing shall be held before the Director or his designee and shall be held at the Director's office in Washington, D.C., or, in the Director's discretion, at a location in the geographical area of the election involved.

(3) The hearing shall be informal and formal rules of evidence shall not apply. However, the Director or his designee may, in his discretion, exclude any evidence that he considers to be immaterial, repetitious, or scandalous. The alleged violator shall have the right to be represented by an attorney or other representative. The hearing shall be closed unless the Director or his designee decides that the public may be admitted and the alleged violator consents in writing to public admission. There shall be no recording and no transcript of the hearing, unless the Director, or his designee, in his discretion, decides to allow recording or transcription.

(d) Following the hearing or, if no hearing is requested within the time period specified in the notice, then following the expiration of such time period, if the Director believes, in the exercise of his judgment based on the investigation and hearing, if any, that any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of title III of the Act or any regulation or order issued thereunder, the Director shall, without further notice, refer the matter to the Attorney General of the United States with a request that a civil action for

injunctive or other relief be instituted in the appropriate district court of the United States as provided for by section 308(d)(1) of the Act.

PART 19 - FILING COPIES OF STATEMENTS WITH STATE OFFICERS

(Table)

AUTHORITY: This part issued under section 308(a)(13), 86 Stat. 17, U.S.C. _____. Interpret or apply section 309, 86 Stat. 18, U.S.C. _____.

§ 19.1 Filing requirements

(a) A copy of each statement required to be filed with the Comptroller General under 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. For purposes of this part, the term "appropriate State" means the State or other jurisdiction designated in § 19.3 below.

§ 19.2 Filing of copy of statement of organization

A copy of each statement of organization required to be filed with the Comptroller General under part 13 above by political committees supporting any candidate for nomination or election to the office of President or Vice President shall be filed with the State officer of the State or other jurisdiction where the committee has its principal office.

§ 19.3 Filing of copy of reports of expenditures and contributions

A copy of each report required to be filed with the Comptroller General under part 14 or 15 above, relating to contributions and expenditures in connection with the campaign of a candidate for

nomination or election to the office of President or Vice President, shall be filed with the State officer of each State or other jurisdiction in which an expenditure is made by him or on his behalf.

§ 19.4 Time and manner of filing copy

A copy required to be filed with a State officer under this part shall be filed at the same time and in the same manner as the original report is filed with the Comptroller General, except that the person filing a report with the Comptroller General by mail may elect to file the copy with the State officer by hand delivery, provided that such delivery is made on or before the filing date prescribed by this subchapter. Each such copy of a report or statement shall be a complete, true, and legible copy of the original report or statement filed with the Comptroller General. Each such copy shall be signed and verified in the same manner and by the same person as the original report or statement.

§ 19.5 Failure to file copy

Any failure to file a copy of a report or statement with a State officer as required by this part, shall be considered to be a violation of title III of the Act and of this subchapter and shall be subject to the penalties provided by section 311 of the Act.

§ 19.6 Duty of State Officers

Under section 309(b) of the Act, it is the duty of the Secretary of State, or the equivalent State officer, under section 309(a)—

- (1) to receive and maintain in an orderly manner all reports and statements required by title III of the Act to be filed with him;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

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

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

PART 20 - PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

(Table)

AUTHORITY: This part issued under section 308(a)(13), 86 Stat. 17, U.S.C. _____. Interpret or apply section 310, 86 Stat. 19, U.S.C. _____.

§ 20.1 Prohibition

No person shall make a contribution (as defined in part 1 above in the name of another person in connection with any candidate's campaign for nomination or election to the office of President or Vice President, presidential primary, runoff, or general election, and no person shall knowingly accept such a contribution made by one person in the name of

another person in connection with any such campaign. The foregoing sentence applies to any contributor, as well as to any candidate, or any officer or employee of a political committee, or any other person. A violation of such prohibition by any such person shall be considered to be a violation of title III of the Act and of this subchapter and shall be subject to the penalties provided by section 311 of the Act.

§ 20.2 Anonymous contributions

No person shall make an anonymous contribution in excess of \$10 in connection with any candidate's campaign for nomination or election to the office of President or Vice President, and no person shall knowingly accept an anonymous contribution in excess of \$10 in connection with any such election. The foregoing sentence applies to any contributor, as well as to any candidate, or any officer or employee of a political committee, or any other person. A violation of such prohibition by any such person shall be considered to be a violation of title III of the Act and of this subchapter and shall be subject to the penalties provided by section 311 of the Act.

PART 21 - PENALTIES FOR VIOLATIONS

(Table)

AUTHORITY: This part issued under section 303(a)(13), 86 Stat. 17, U.S.C. _____. Interpret or apply section 311, 86 Stat. 19, U.S.C. _____.

§ 21.1 Administration

The Comptroller General as a supervisory officer under title III administer of the Act will the provisions of said title and the regulations of this subchapter in accordance with the foregoing regulations.

Any apparent violation of the Act or these regulations by any person subject to the jurisdiction of the Comptroller General under title III of the Act will be referred to the Attorney General of the United States for appropriate action.

§ 21.2 Penalties

Under section 311(a) of the Act, any person who violates any provision of title III of the Act shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Under section 311(b) of the Act, in the case of any conviction under title III, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

President, it seems to me that such is unwarranted because I understand that the House has already decided to take up this particular report until return next January. In the meantime we are faced with the prospect of going through a major piece of legislation which we have not had an opportunity to consider in any detail, the specifics of which we know of only through newspaper reports of the conference, plus brief explanation by my two distinguished colleagues.

We delayed this matter for even 24 hours we could at least get the conference report printed and have a chance to compare what actually was done in conference with the Senate bill which passed this body last August. We are not even that privileged.

I understand that this being a privileged matter the Senator from Rhode Island can proceed to bring it up at any time; that there is no requirement in the Senate rules that a conference report must be printed. Rather than appealing on the basis of Senate procedure, Mr. President, I am appealing to the judgment of the Senate in considering such major legislation in this hurried manner. If passed, this bill will relate to expenditure reporting procedures and requirements for the most important elections in the United States—those of the President and of Members of Congress, both Senators and Representatives.

As I understand it, if I read the newspaper reports correctly and if I have listened carefully enough to my colleagues, the bill will determine how often voters in the United States will be able to hear or see or read about the proposed platforms and policies of the various presidential and congressional candidates. The impact of this legislation will be substantial, just in the upcoming election year. We have 33 Senators coming up for election next year—34 counting the distinguished Senator from Vermont (Mr. STAFFORD), who will be running for election in January. We have the President of the United States hopefully running for reelection. We have one Member of the Congress who has announced his intention to run for President. We have at least six Members on the Democratic side of the Senate running for the Presidency, either presently or without having officially declared themselves to be candidates.

It is of enormous importance to the future of all the people in this country to have the opportunity to hear and see what the programs and platforms of the various candidates are, and this bill substantially limits these opportunities, if I understand the newspaper reports correctly. Again I reiterate that nobody has had a chance to study the conference report except the conferees.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOMINICK. I am glad to yield to the Senator from Rhode Island.

Mr. PASTORE. The fact is that we passed that bill in the Senate, and they passed it in the House. The Senator does not have to have the newspaper reports. It is 10 cents in every senatorial district or congressional district, multiplied by

the number of people of the age of 18 or over living in that particular area. This is what we determined in the Senate, and we discussed all this for several days, and they did the same thing in the House. So one does not have to read the newspapers to know that. That is the guts of the bill, and it has always been there. And that is what passed in the Senate.

Mr. DOMINICK. It was my understanding that the conference report altered the scope of campaign expense affected.

Mr. PASTORE. Just the telephone expense.

Mr. DOMINICK. Does the conference report expand the coverage of the original Senate bill concerning campaign expenses?

Mr. PASTORE. No, no; the only thing added was what the Senator from Pennsylvania just mentioned, the pay telephones.

Mr. DOMINICK. So pay telephones are within the restrictions also?

Mr. PASTORE. Yes; pay telephones are.

Mr. DOMINICK. What about volunteer telephones?

Mr. PASTORE. They are not. That was the only change we made in that respect.

Mr. DOMINICK. How does the conference report define "pay telephones"?

Mr. PASTORE. No, it means with the telephone bill not being paid by any committee or on behalf of the candidate himself. The Senator knows that there is no such thing as a free telephone bill, because A.T. & T. would be out of business. Let us not be absurd.

What it means is a volunteer; in other words, if someone likes you very much in Colorado, and wants to pick up a telephone, call someone, and say, "Vote for my good friend Pete Dominick," that is not charged up to the candidate. That is a volunteer.

Mr. DOMINICK. But if you have a voluntary group organized to make a telephone campaign, is that covered or not?

Mr. PASTORE. No, it is not. They are still volunteers.

Mr. CURTIS. Mr. President, will the Senator yield to me for the purpose of addressing a question to the manager of the conference report?

Mr. DOMINICK. I am glad to yield to the Senator from Nebraska.

Mr. CURTIS. I ask the distinguished Senator from Rhode Island what items of campaigning are included in the 10-cent limitation.

Mr. PASTORE. Electronic media, the newspapers, outdoor advertising facilities, newspapers and magazines, and the House insisted on the telephones. They had had direct mailing in there, too.

Mr. CURTIS. Is direct mail included?

Mr. PASTORE. No, it is not, for the simple reason that it would be unfair to someone running against an incumbent. I resisted that. I mean, the incumbent has his right of franking, and he has his newsletter, which he can use up until election day. I did not want to be accused of making it an incumbent's bill, and, realizing that the frank might be used by some people, I did not want to be in

the bind of passing on that, and that is how we compromised. The House conferees listed telephones and computerized mail. Finally the suggestion was made by the Senator from Pennsylvania that he would be amenable to taking the telephone part of it if they took out the mailing part, and that is how it was resolved. I am sorry the Senator from Pennsylvania is not here.

Mr. CURTIS. I ask further, What is the effective date of the measure?

Mr. PASTORE. December 31, or 60 days after enactment, whichever is later.

Mr. CURTIS. Are any transactions prior to the effective date affected in any way by this measure?

Mr. PASTORE. No. I do not think we need fear about that. Does the Senator have in mind that Muskie and the rest of these potential candidates for the presidency are out campaigning a little bit?

Mr. CURTIS. No, I am thinking of Members of Congress who may have entered into contracts, made expenditures, or raised money.

Mr. PASTORE. No. Fundamentally, it does not affect anyone until the day it becomes effective. It is not retroactive.

Mr. CURTIS. I thank the Senator.

Mr. DOMINICK. Mr. President, as long as we are on the subject of what is or is not included, I now have before me for the first time, a print of the conference report defining what is included within the term "communications media." Such term is, in turn, restricted, as I understand it, to 6 cents per voter of the age of 18 or over for broadcast communication media is that correct?

Mr. PASTORE. Well, it is 10 cents, but not more than 6 cents for the electronic media.

Mr. DOMINICK. Ten cents, but not more than 6 cents for the electronic media?

Mr. PASTORE. That is right.

Mr. DOMINICK. Here is what it includes:

The term "communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, switchboards, paid telephonists, and automatic telephone equipment used by a candidate for federal elective office to communicate with potential voters, excluding any costs of telephones incurred by a volunteer for use of telephones by him.

I do not know why reference to a female candidate was not included in the definition.

Let me pose a hypothetical; suppose we had a bank of telephones in a company's office, whether it be a business or a labor union, and a group of people go down there at night and use those telephones after business hours to carry on a telephone campaign in a candidate's State or district, or nationally. They are voluntarily undertaking the communicating. The question is, if a committee is formed, to pay the expenses of the telephoning, then they would fall within the coverage of the bill; but if the volunteers themselves, without making a



FINANCE COMMITTEE

FOR THE RE-ELECTION OF THE PRESIDENT

1701 Pennsylvania Ave. N.W. Washington D.C. 20006

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Now that President Nixon has announced that he will be a candidate for re-election, we need your help to make that re-election a reality!

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We need your help most urgently. We must depend on contributions from thousands of concerned individuals like yourself.

A contribution of \$15.00 or more will make you a member of our Committee. The card enclosed, signed by you after you mail your check, will be a keepsake you'll be proud to own for years to come.

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Second, we believe President Nixon deserves re-election because he has helped bring back law and order to America. The riots, demonstrations, killings and flouting of the law that harried our country under the Democrats have been steadily reduced since President Nixon took office.

The courts are once more concerned about the rights of law-abiding citizens as well as accused law-breakers. He has appointed four members to the Supreme Court--Chief Justice Burger, Justice Blackmun, Justice Powell and Justice Rehnquist--who can be expected to give a strict interpretation of the Constitution, and protect the interests of the average, law-abiding American.

Third, we believe President Nixon should be re-elected because he has halted the runaway inflation he inherited from the Democrats, and has helped return America to a sound fiscal economy, which will mean better living for all. When he came into office, soaring prices and faltering foreign trade were creating a ruinous cost of living, and a high level of unemployment. The inflation has now been reduced through his price stabilization program and the international monetary agreement, which he put through. He has been responsible for an increasing prosperity, with more and more jobs available, and will continue to foster that prosperity if re-elected.

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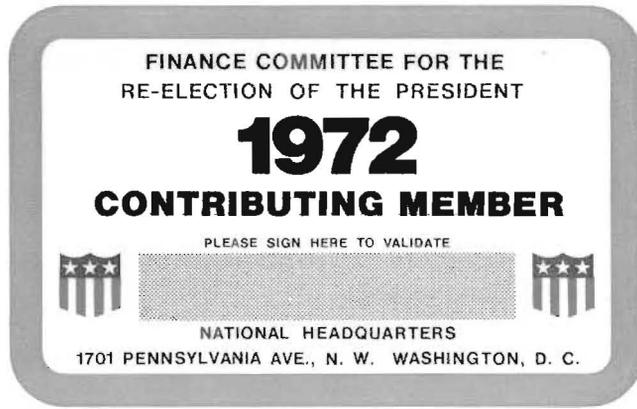
Cordially,



Maurice H. Stans
Chairman

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The White House
Washington, D.C. 20500

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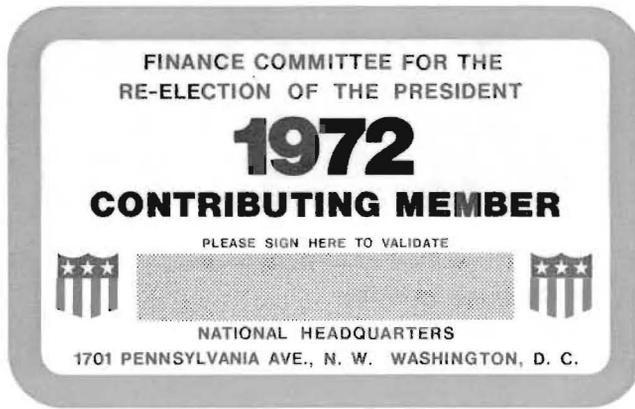
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3/13/72

TO: GORDON STRACHAN

FM: DAVE GERGEN

There is some confusion here about this letter: we thought this was the type of letter that you specifically wanted to avoid -- and hence the rewrite here. For future reference, it would be helpful if you could enlighten us.

Thanks.

G → Steve + Dave
OIC Dave



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Now that President Nixon has announced that he will be a candidate for re-election, we need your help to make that re-election a reality!

This is why the Finance Committee for the Re-election of the President invites you now to join its ranks--to help our country achieve four years of peace, prosperity, law and order, under Richard M. Nixon's continued leadership.

We need your help most urgently. We must depend on contributions from thousands of concerned individuals like yourself.

A contribution of \$15.00 or more will make you a member of our Committee. The card enclosed, signed by you after you mail your check, will be a keepsake you'll be proud to own for years to come.

Why do we believe that President Nixon should be re-elected? First, because he has brought us out of a devastating war and set us on the path to peace.

When he took office, America had more than 540,000 troops in Vietnam. Today America's orderly withdrawal from Vietnam is rapidly reaching completion. In his search for peace, the President is travelling around the globe and meeting with all major world leaders. We believe that President Nixon's re-election will help assure a whole generation of peace for America.

Second, we believe President Nixon deserves re-election because he has helped bring back law and order to America. The riots, demonstrations, killings and flouting of the law that harried our country under the Democrats have been steadily reduced since President Nixon took office.

The courts are once more concerned about the rights of law-abiding citizens as well as accused law-breakers. He has appointed four members to the Supreme Court--Chief Justice Burger, Justice Blackmun, Justice Powell and Justice Rehnquist--who can be expected to give a strict interpretation of the Constitution, and protect the interests of the average, law-abiding American.

Third, we believe President Nixon should be re-elected because he has halted the runaway inflation he inherited from the Democrats, and has helped return America to a sound fiscal economy, which will mean better living for all. When he came into office, soaring prices and faltering foreign trade were creating a ruinous cost of living, and a high level of unemployment. The inflation has now been reduced through his price stabilization program and the international monetary agreement, which he put through. He has been responsible for an increasing prosperity, with more and more jobs available, and will continue to foster that prosperity if re-elected.

These are some of the reasons why we are supporting President Nixon --and why we ask you to help. Membership in our Committee is open to any American citizen who makes a contribution to the Committee of \$15.00 or more. (If you can give \$25.00, \$50.00, \$100.00 or more, this is the time to do it!) Every penny that you give will be used to help re-elect President Nixon.

So please--help us set this great crusade in motion. Send in your contribution today! After you do so, be sure to sign the Membership Card enclosed with this letter--and keep it as a proud reminder that you are doing something positive to help assure President Nixon's re-election!

A \$12.50 tax credit (\$25.00 if you and your wife file a joint return) to be subtracted from your total tax bill; or a deduction of \$50.00 from your taxable income (\$100.00 if you and your wife file a joint return) for political contributions. We suggest you consider giving either \$25.00 or \$100.00 now. We will send you a receipt for tax purposes.

Cordially,



Maurice H. Stans
Chairman

P.S. In order to reach as many concerned Americans as possible, we have sent copies of this letter to a number of mailing lists, which we were unable to check for duplication. If you have already received a duplicate copy of this letter--please excuse this second appeal--and perhaps you will pass this letter on to a friend.

No
need
for H
to tell
- in press

March 8, 1972

MEMORANDUM FOR: JOHN MITCHELL
FROM: HARRY S. DENT *HSD*

The Virginia Senate picture changes from day to day. Congressman Joel Broyhill told me today it would be absolutely stupid for him to run for Spong's seat in view of his 20 years seniority and membership now on the Ways and Means Committee. He therefore pushes very hard the idea of having the President meet with Congressman Dan Daniel, the conservative Byrd Democrat, in view of the letter Daniel has written to the President asking for an appointment. Broyhill says he and Stets Coleman had Daniel in Florida recently and convinced him to at least check at the top to see if he would have encouragement there to make this effort.

Broyhill says that even Governor Holton now privately concedes that Congressman Scott must be stopped at the convention and in view of this agreement by Holton that even a switching Democrat can beat Scott. He says nobody wants Scott to be the nominee.

Broyhill thinks it is important that this be a private meeting with you and the President or this thing may slip through the crack when we have one final chance to do something.

✓ bcc: H. R. Haldeman

THE WHITE HOUSE
WASHINGTON

4

Date: March 28, 1972

TO: H. R. HALDEMAN

FROM: HARRY DENT

ASD

Please handle _____

For your information ✓

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 27, 1972

MEMORANDUM TO: Harry Dent
FROM: Wallace Henley

The Executive Committee of the National American Party met last weekend in Dallas to consider a site for their national convention, which is to be held August 3-5.

The NAP is a conglomerate of affiliated parties in about 40 states, which served as vehicles for George Wallace to run in their states in 1968.

The 13-member committee heard presentations from Houston, Louisville, Dallas, and Cincinnati. It's expected that a decision will be announced in two or three weeks.

Several points to be noted:

1. Originally announced that NAP Convention would be in Toledo. Then, it was announced that city had "withdrawn" its invitation. But my source checked city and convention bureau officials, and they say that the invitation was never offered.
2. Wallace addressed a meeting of NAP leaders in Memphis earlier this year. Since, he has spoken at fundraisers for some of the affiliated parties in New York, Los Angeles, Chicago, Jacksonville, and Dallas. Money goes 85 per cent to Wallace campaign in Montgomery, 10 per cent to the NAP affiliated state party, and five per cent to national NAP headquarters in Richmond.
3. During the year, NAP affairs are taken care of by the Central Committee. But the real power rests with that group's executive committee, made up of the following:

- T. Coleman Andrews, Richmond, Chairman
- State Senator William Davis, Covington, Tenn.,
Vice Chairman
- William E. Shipler, Cleveland, Ohio, Secretary
- Judge Reuel Little, Madill, Oklahoma, Treasurer
- Keith Greene, Los Angeles, Parliamentarian
(May live in Sacramento or San Francisco)
- William K. Shearer, La Mesa, California, Member
- Dr. Raymond Sitta, Farmington, New Mexico,
Member
- Don Riddle, Casper, Wyoming, Member
- Robert McLain, Laramore, North Dakota, Member
- Alan MacNeil, Newtonville, Massachusetts,
Member
- Charles R. Ryan, Cornelius, New York, Member
- Andrew J. Watson, Harrisburg, Pa., Member
- Richard Weimer, Indianapolis, Ind., Member
- (William Hudgins, Richmond, executive director)

4. The NAP's presidential candidate will have a slate of electors placed on the ballot by affiliated parties in the various states. (If Wallace uses his vehicle in the general election, he'll still have to set up affiliated parties in the ten states where NAP has no affiliates. I'm trying to get the names of those states. It'll be interesting to see if any effort is made in the ten to set up something).

THE WHITE HOUSE
WASHINGTON

X

Date : March 22, 1972

To: H. R. HALDEMAN

FROM: HARRY DENT

Please handle _____

For your information _____

THE WHITE HOUSE
WASHINGTON

March 22, 1972

TO: Harry S. Dent

FROM: Brad E. Hainsworth

SUBJECT: South Dakota

Jim Abourezk has had a private poll taken by a Gallup subsidiary. It is alleged to show him 2 to 1 over all known GOP candidates. He had not polled Reifel, but had it done later by phone. He is supposed to be leading Reifel by a heavy margin in the 2nd District and a lesser margin in the 1st District. Abourezk is supposed to be quite confident that he can whip Reifel. His chief issue is going to be the economy. He believes the war is a dead issue and that he can defeat Reifel on the age issue alone. His poll is supposed to show Nixon leading, but not by a strong margin.

Mr. Tolson
(for Homan)
gpd

THE WHITE HOUSE
WASHINGTON

X

Date: March 13, 1972

TO: H. R. HALDEMAN

FROM: HARRY DENT

HD

Please handle _____

For your information _____

MEMORANDUM

AG
1/2/72

THE WHITE HOUSE
WASHINGTON

March 9, 1972

MEMORANDUM FOR: Harry Dent
FROM: Brad Hainsworth *BA*
SUBJECT: Ben Reifel

Background

Bill Dickey (Deputy Assistant Secretary of Treasury) has written a memo in behalf of Ben Reifel's alleged candidacy for Mundt's seat. He argues that: (1) Ben is the sole possible candidate that has a chance of winning, and (2) if elected, he will be better able to serve in a credible way.

Reifel is having a fund-raising party on May 24 and will probably announce then.

Analysis

Reifel's past political history indicates that he would be a strong candidate. He has always led the ticket. In 1964, he received 57.5% compared to Goldwater's 44.4%; in 1966, he took 66.7% compared to Mundt's 66.3%; and in 1968, he received 58% compared to Nixon's 53.3%.

This is all well and good, but his age combined with Mundt's illness may combine to nullify Reifel's excellent past record. Reifel is 66, so was Mundt last time he ran ("and look what happened to him," the Democrats will say).

Page 2

Harry Dent
March 9, 1972

If Reifel were only ten years younger, he would be the ideal candidate; and, he still may be in spite of his age. Reifel has some impressive arguments in his favor:

- name recognition
- proven vote getter
- loyal to the administration (Abourezk is further left than McGovern)
- minority group standing as an Indian
- -- does not look his age; in fact, he has a timeless quality to his looks
- Harvard Ph. D.

In short, his only liability is his age, and that is serious only in light of Mundt's unfortunate experience.

Action

It may be best to keep hands off and let nature take its course. State party officials feel he will do more damage than good and split the party for the general elections. But if his past record is indicative of anything, it's his ability to win.

THE WHITE HOUSE
WASHINGTON

X

Date: March 13, 1972

TO: H. R. HALDEMAN

FROM: HARRY DENT

ASD

Please handle _____

For your information _____ ✓

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

Handwritten notes:
H. S. Dent
X. 15

March 13, 1972

TO: Harry S. Dent
FROM: Brad E. Hainsworth *BEH* /
SUBJECT: Ben Reifel

Bill Dickey contacted me today and indicated that Reifel told him that Reifel will announce for the Senate this week in Aberdeen - probably on Wednesday, the 15th.

THE WHITE HOUSE
WASHINGTON

Date : March 22, 1972

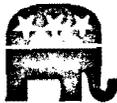
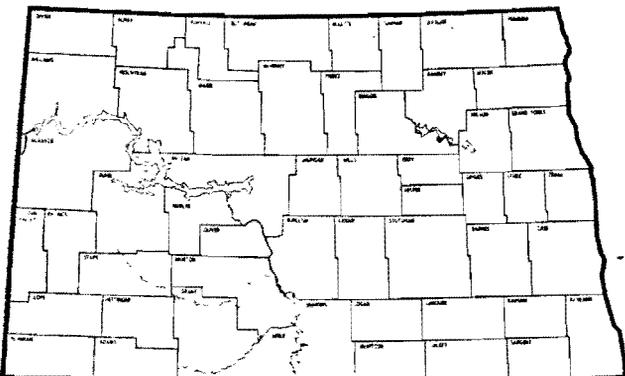
To: H. R. HALDEMAN

FROM: HARRY DENT

Please handle _____

For your information _____

Haldeman
Jed



Carl

**NORTH DAKOTA
REPUBLICAN STATE COMMITTEE**

P. O. BOX 1917 • 202½ N. THIRD STREET
BISMARCK, NORTH DAKOTA 58501
TELEPHONE 255-0030 March 20, 1972

Mr. Harry Dent
Special Counsel to the President
The White House
Washington, D. C.

Dear Harry:

Here is a copy of the poll taken in North Dakota by Central Surveys between February 4-12.

You will find in studying this over that the President was showing up well at that time. The voters are concerned, however, with his handling of Agriculture and the Economy and Welfare. Also, note that his approval rating has been coming down each year since 1968. This concerns me.

We included several questions specifically aimed at Agriculture. Only 17% of those interviewed approved of the Administration's handling of Agriculture. I think this bears out my previous concern about the Administration's image among the farmers. Secretary Butz is doing a good job of speaking out on the subject. I think this will change the farmer's feeling that the Administration has not been interested in them.

The real question still is, however, whether or not they are "buying" what the Secretary is "selling".

I will be interested in your analysis of these poll results and any comments you have regarding them.

Sincerely,

Jack Huss, Chairman

JH:bg
Enclosures

Voter Opinion Survey

NORTH DAKOTA

February 4 - 12, 1972

Central Surveys, Inc.

Shenandoah, Iowa

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INTRODUCTION

This report is based on 398 interviews with permanent adult residents of North Dakota. All interviews were made in respondents' homes from February 4 through 12, 1972.

Sampling points included 58 precincts located in 21 counties. Precincts were selected to provide a representative cross section of voters in the state. The following table compares the 1968 vote for Republican candidates in the selected precincts with the total vote received.

	<u>Percent Republican</u>	
	<u>Total</u> <u>Vote</u>	<u>Sampled</u> <u>Precincts</u>
	(%)	(%)
President	56.1	57.1
U.S. Senator	64.8	63.9
Governor	43.7	42.2
U.S. Congress, District One	71.9	68.7
U.S. Congress, District Two	49.9	51.9

The survey included questions on a number of topics of statewide interest, but only those germane to this report are included here.

Total answers to certain questions may exceed 100 percent where multiple responses are possible.

The precincts sampled and the number of interviews allocated to each follow.

Distribution of Interviews

<u>County</u>	<u>Precinct</u>	<u>Number of Interviews</u>
<u>CONGRESSIONAL DISTRICT ONE</u>		
Barnes	43	10
Barnes	63	10
Cass	Fargo #5	18
Cass	Fargo #21	16
Cass	Stanley Township	7
Cass	Hunter Township	5
Dickey	Ellendale, Ward 3	6
Grand Forks	Grand Forks, Ward 2, Precinct 1	12
Grand Forks	Grand Forks, Ward 7, Precinct 2	19
Grand Forks	Larimore City	5
Grand Forks	Agnes, Elm Grove, Hegton, and Wheatfield Townships	5
Pembina	Pembina City	4
Pembina	Cavalier Township	7
Ramsey	Deeble Lake #6	2
Ramsey	Creech Township	11
Richland	Wahpeton, Ward 4, Precinct 1	8
Richland	Wyndmere City	7
Steele	Findlay City #1	5
Steele	Broadlawn, Colgate, Edendale, and Hugo Townships	6
Stutsman	Jamestown, Ward 2	18
Stutsman	Streeter City and Township	7
Walsh	Grafton, Ward 4, Precinct 1	9
Walsh	Latona and Shepherd Townships	5

Total C.D.#1 208

<u>County</u>	<u>Precinct</u>	<u>Number of Interviews</u>
<u>CONGRESSIONAL DISTRICT TWO</u>		
Divide	Crosby, Ward 1	6
Divide	Clinton, DeWitt, Fortuna, and Wesby Townships	4
Dunn	New Hradec	3
Dunn	Manning	4
Golden Valley	Beach City	10
Golden Valley	Beach Township	5
Burleigh	#57 Bismarck	20
Burleigh	Apple Creek, Hay Creek, and Gibbs Townships	8
Morton	#8 Mandan	7
Morton	#46 Glen Ullin	6
Mountrail	Stanley #3	5
Mountrail	Newtown #1	5
Kenmare	MONARD CITY	10
Stark	Dickinson, Ward 4, Precinct 2	12
Stark	Belfield City	8
Ward	Minot, Ward 4, Precinct 2	24
Ward	Kenmare, Ward 2	7
Ward	Harrison Township	9
Ward	Nedrose Township	7
Wells	Heindal and Manfred Townships	6
Wells	#38 Harvey, Ward 2	7
Williams	#73 Williston, Ward 7	<u>17</u>
	Total C.D.#2	<u>190</u>
	GRAND TOTAL	398

SURVEY HIGHLIGHTS

President Nixon's popularity continues at a high level with North Dakota voters. At the present time he leads both presidential hopefuls, Muskie and Humphrey, by a wide margin.

The president's actions are met with approval in connection with Viet Nam, the number one national concern of these voters. However, on several other important issues - specifically the economy, agriculture, and welfare - the administration draws a substantial amount of criticism.

Voters are especially unhappy about the farm situation. Farmers themselves are more dissatisfied than any other group. Many residents think agriculture was in better shape when Orville Freeman was Secretary of Agriculture.

Although the public disapproves of the administration's handling of agriculture and takes a rather dim view of the current farm economy, the administration is credited with good intentions in trying to help and much of the difficulty is blamed on misunderstanding.

Farm problems are named as the major state issue along with taxes and unemployment. Both the bicameral legislature and the Right-to-work law receive strong support from the public.

Governor Guy rates high with North Dakota voters and to a lesser extent Senator Quentin Burdick gets voter approval.

In a trial heat between Arthur Link and Robert McCarney for the office of Governor, Link has a decided advantage, mainly due to heavy criticism of McCarney.

SURVEY QUESTIONS AND ANSWERS

NOTE: Unless otherwise indicated, percentages are based on a total of 398 respondents - 171 Republicans, 151 Democrats, and 76 Independents.

Q. 1: About how long have you lived in North Dakota? (6 months minimum)

This question asked to qualify the person as a respondent. Results not tabulated.

Q. 2: Generally, do you approve or disapprove of the way Richard Nixon is handling his job as president?

	<u>Total</u>	<u>Repub- licans</u>	<u>Demo- crats</u>	<u>Inde- pendents</u>
Approve	60%	87%	34%	54%
Disapprove	28	9	54	18
No opinion	12	4	12	28

Q. 3: What problems facing the government and the country are you most concerned about at the present time? What else?

The war. Viet Nam. get prisoners home, ending the war	56%	52%	65%	45%
Inflation, high cost of living, price freeze	32	38	30	25
Unemployment, wages, labor problems, strikes, wage freeze	21	21	24	26
Farm problems and prices	17	16	23	9
Welfare problems, poverty, more help for the aged	10	9	9	12
Taxes, high taxes	8	11	3	12
Drugs, drug abuse	6	5	5	9
Fiscal policies, national debt, government spending, foreign aid	5	6	5	5
Pollution, ecology, the environment	5	4	5	5
Racial problems, Civil Rights	4	5	3	4
Foreign affairs, India and Israel, national image, Ireland, trip to China, Asia	4	2	4	7
Crime, lawlessness, law and order	3	4	2	4
Schools, support for education	3	5	1	4
Demonstrations, rioting, student unrest	3	2	3	4
Miscellaneous other problems	10	9	11	12
Name no problems	5	6	5	4

Q. 4: If the candidates for president next November are Richard Nixon, for the Republicans and Senator Ed Muskie for the Democrats, which one will you probably vote for - Muskie or Nixon?

	<u>Total</u>	<u>Repub- licans</u>	<u>Demo- crats</u>	<u>Inde- pendents</u>
Prefer Nixon	50%	82%	18%	41%
Prefer Muskie	35	8	70	28
No preference, undecided	15	10	12	31

Q. 5: If the election for president in November is between Richard Nixon for the Republicans, Hubert Humphrey for the Democrats, and George Wallace as an Independent, which one would you probably vote for - Humphrey, Nixon, or Wallace?

Prefer Nixon	54%	84%	23%	46%
Prefer Humphrey	28	7	56	22
Prefer Wallace	8	5	11	9
No preference, undecided	10	4	10	23

Q. 6: I will name some of the prominent issues or problems of the present administration. Please tell me whether you approve or disapprove of the way the Nixon administration has handled each of them.

War in Viet Nam

Approve	56%	75%	38%	46%
Disapprove	35	19	54	37
No opinion	9	6	8	17

Other foreign affairs

Approve	44%	56%	32%	39%
Disapprove	27	17	38	28
No opinion	29	27	30	33

The nation's economy

Approve	31%	49%	13%	28%
Disapprove	53	39	75	40
No opinion	16	12	12	32

Q. 6: (Continued)

	<u>Total</u>	<u>Repub- licans</u>	<u>Demo- crats</u>	<u>Inde- pendents</u>
<u>Agriculture</u>				
Approve	17%	26%	10%	11%
Disapprove	59	51	68	59
No opinion	24	23	22	30
<u>Racial problems</u>				
Approve	44%	53%	33%	47%
Disapprove	29	26	34	24
No opinion	27	21	33	29
<u>Anti-war demonstrations</u>				
Approve	40%	48%	30%	42%
Disapprove	38	35	49	24
No opinion	22	17	21	34
<u>Welfare problems</u>				
Approve	26%	36%	17%	20%
Disapprove	57	51	66	57
No opinion	17	13	17	23

Q. 7: Generally, would you say the farm economy is better off, worse off, or about the same now as when Orville Freeman was Secretary of Agriculture?

Better off	13%	20%	5%	13%
Worse off	35	23	49	34
About the same	30	38	24	24
Don't know	22	19	22	29

Q. 8: (Ask only in rural areas) The present farm program is said to give farmers more freedom of planning and decision than under previous programs. Do you agree or disagree?

Number of respondents	<u>Total</u> (235)	<u>Repub- licans</u> (111)	<u>Demo- crats</u> (90)	<u>Inde- pendents</u> (34)
Agree	36%	44%	31%	21%
Disagree	33	25	40	39
No opinion	31	31	29	40

Q. 9: The present price of wheat is said to be a concern to North Dakota farmers. Which of the following would you say is the principal cause for the present wheat prices?

Government farm program	31%	30%	33%	29%
Overproduction	25	28	23	22
Cost of food distribution	17	15	17	24
Dock strikes	14	18	11	12
Don't know which, none	18	16	17	21

Q. 10: (CARD) Which of the following would you say mostly nearly reflects the attitude of the Nixon administration toward agriculture?

Trying to help	32%	45%	21%	24%
Misunderstanding	23	21	25	21
Unconcern	15	8	22	15
Neglect	8	5	11	8
Thinks no problem exists	8	7	8	8
Much concern	5	6	3	4
Helping a great deal	3	4	1	5
Don't know which, none	10	6	11	16

Q. 11: What problems facing the government of North Dakota are you concerned about at the present time? What else?

	<u>Total</u>	<u>Repub- licans</u>	<u>Demo- crats</u>	<u>Inde- pendents</u>
Farm problems and prices	23%	19%	28%	20%
Taxes, high taxes	13	15	11	12
Unemployment, wages, labor problems	13	9	17	12
Schools, education support	10	11	9	11
Constitutional convention, new constitution, adopting a constitution	10	12	8	8
Industrial development, need for new industry	9	10	7	11
Population decrease, people leaving the state	9	8	9	8
Inflation, high cost of living	5	6	5	4
The governor, who our next governor will be	5	6	4	1
Welfare problems, poverty, the aged	4	3	5	3
Drugs, drug abuse	4	4	2	5
Environment, ecology, the environment	3	3	3	-
Fiscal policies, state spending	2	3	1	4
State government, legislature, officials	2	4	1	1
Transportation, roads and highways	2	4	1	3
Water problems, flood program going too far, wet lands, Garrison Diversion project, irrigation	2	1	3	3
Right-to-work law	2	1	2	3
Miscellaneous other issues	11	11	11	9
Don't know, none	20	16	21	28

Q. 12: When voting on the new constitution, voters will be asked to choose between a bicameral legislature which is two houses such as North Dakota has now, and a unicameral legislature which is only one house. Which do you favor - the two houses or single house?

Favor two house legislature	68%	66%	70%	68%
Favor single house	23	25	23	21
No opinion	9	9	7	11

Q. 13: North Dakota's Right-to-work law says a worker does not have to join a labor union in order to hold his job. Do you favor or oppose such a law for North Dakota?

	<u>Total</u>	<u>Repub- licans</u>	<u>Demo- crats</u>	<u>Inde- pendents</u>
Favor	78%	86%	70%	76%
Oppose	19	12	26	20
No opinion	3	2	4	4

Q. 14: (CARD) Here is a list of names of men who are active in politics and government in North Dakota. Which ones have you heard of before?

Quentin Burdick	99%	99%	99%	99%
Milton Young	97	99	95	97
Mark Andrews	96	98	94	95
Robert McCarney	96	95	95	97
Arthur Link	88	90	87	84
Richard Larsen	74	79	70	70

Q. 15: Generally, would you say Senator Quentin Burdick is doing a good job, only fair, or not too good a job?

Good job	55%	44%	70%	47%
Only fair	35	41	27	40
Not too good	5	9	2	1
No opinion	5	6	1	12

Q. 16: Generally, would you say Second District Congressman Arthur Link is doing a good job, only fair, or not too good a job?

Good job	37%	32%	45%	36%
Only fair	30	35	27	24
Not too good	3	3	1	4
No opinion	30	30	27	36

Q. 17: Generally, would you say Governor Guy has done a good job, only fair, or not too good a job?

	<u>Total</u>	<u>Repub- licans</u>	<u>Demo- crats</u>	<u>Inde- pendents</u>
Good job	67%	56%	82%	61%
Only fair	25	32	16	30
Not too good	5	10	1	3
No opinion	3	2	1	6

Q. 18: If the candidates for governor are former candidate Robert McCarney as an Independent Republican and Congressman Arthur Link for the Democrats, which would you probably vote for - Link or McCarney?

Prefer Robert McCarney	20%	27%	9%	25%
Prefer Arthur Link	64	47	87	54
No preference, undecided	16	26	4	21

Q. 18a: Why do you favor (McCarney) (Link)?

Replies are shown in verbatim form beginning on Page 24.

Q. 19: In politics do you usually consider yourself as a Republican or Democrat?

Q. 19a: (If Independent, "vote for the man," etc.) Well, do you consider yourself closer to the Democratic Party or closer to the Republican Party?

	<u>Total</u>
Republican	31%
Lean Republican	12
Democrat	30
Lean Democrat	8
Independent	19

SECTION I - NIXON ADMINISTRATION AND NATIONAL ISSUES

Rating of President Nixon
(Q. 2)

Confidence in President Nixon is expressed by three out of five North Dakota voters. Republicans approve of the president by a ratio of almost 10 to 1 and Independents support him by 3 to 1. A majority of Democrats, on the other hand express disapproval.

Democrats and Independents are more critical of Richard Nixon now than in 1970. Comparison with replies from an opinion survey made in June of 1970 shows Republican support has continued strong over the past 20 months, but criticism among others has increased significantly.

These comparisons are shown in the table below:

President Nixon's Popularity 1970 and 1972

	<u>Approve</u>	<u>Disapprove</u>	<u>No Opinion</u>
	(Percentages read across)		
<u>Survey Total</u>			
February, 1972	60%	28	12
June, 1970	65%	20	15
<u>Republicans Only</u>			
February, 1972	87%	9	4
June, 1970	83%	8	9
<u>Democrats Only</u>			
February, 1972	34%	54	12
June, 1970	47%	36	17
<u>Independents Only</u>			
February, 1972	54%	18	28
June, 1970	67%	7	26

Nixon vs. Muskie
(Q. 4)

With North Dakota voters, Richard Nixon leads presidential hopeful Edmund Muskie by a 15 point margin. If Muskie would be the Democrat to oppose the president, half would choose Nixon, 35 percent prefer Muskie and 15 percent are undecided.

Republicans strongly support the president (82% to 8%), and Independents choose him 41 percent to 28 percent. Of the Democrats, 18 percent defect to Nixon while 70 percent stay with Muskie.

Nixon - Humphrey - Wallace
(Q. 5)

In a three-way race against Humphrey and Wallace, the President wins 54 percent of the voters. Hubert Humphrey is the choice of 28 percent and 8 percent prefer George Wallace.

Nixon runs slightly stronger with all three political groups in this three-way match than when Muskie, alone, is his opposition. Humphrey is supported by just 56 percent of the Democrats and draws only 22 percent of the Independents. Wallace gets more support from Democrats than from either Independents or Republicans.

An opinion survey made in September 1968 found Richard Nixon leading Hubert Humphrey by 47 percent to 27 percent, George Wallace trailed with 8 percent and 18 percent were undecided.

In the present survey Nixon is shown to get more Democratic and Independent support than he did in 1968 and is a few percentage points better with Republicans as well.

George Wallace is the choice of fewer Republicans in 1972 than in 1968, but more Democrats and Independents prefer him now.

Comparisons with survey results from September 1968 are made in the table below:

Nixon vs. Humphrey vs. Wallace

	<u>Prefer Nixon</u>	<u>Prefer Humphrey</u>	<u>Prefer Wallace</u>	<u>No Opinion</u>
	(Percentages read across)			
<u>Survey Total</u>				
February, 1972	54%	28	8	10
September, 1968	47%	27	3	13
<u>Republicans Only</u>				
February, 1972	84%	7	5	4
September, 1968	80%	3	8	9
<u>Democrats Only</u>				
February, 1972	23%	56	11	10
September, 1968	15%	54	8	23
<u>Independents Only</u>				
February, 1972	46%	22	9	23
September, 1968	37%	-	5	58

National Issues
(Q. 3)

The war in Viet Nam is named as the most important national issue by North Dakota voters. Concern about the Viet Nam situation is cited by 56 percent in reply to the question, "What problems facing the government and the country are you most concerned about at the present time?"

Economic issues are named by over half, 32 percent are worried about inflation, the high cost of living, etc., and 21 percent mention concerns such as unemployment, wages and labor problems. A substantial proportion also name farm problems (17%) and welfare issues (10%) as important issues.

Other problems mentioned include taxes, drug usage, national fiscal problems and the environment. A complete list of concerns appear on Page 2 in the Question and Answer Section.

Specific Issues

(Q. 6)

When voters are asked about seven prominent issues facing the country, more are favorable about the administration's handling of the war in Viet Nam than about any other issue.

Public approval exceeds disapproval about foreign affairs, racial policies and anti-war demonstrations.

On other points the voters are more critical. A majority disapproves of the administration's actions in connection with the economy, agriculture and welfare.

A rough measure of the importance given by the public to each of the seven issues can be made from ranking the concerns as expressed in replies to Question 3. When the seven issues are ranked from one to seven, we find the administration is rated highly for its handling of the most important issue - the war in Viet Nam. It is criticized by a majority for its actions in connection with the second, third and fourth ranked problems - the economy, agriculture and welfare.

On issues of less importance to the public - racial problems, foreign affairs and anti-war demonstrations - the administration gets generally favorable marks.

Replies about the seven national issues are compared in the following table.

<u>Issues by Frequency of Mention on Question 3:</u>	<u>Rating of the Administration</u>		
	<u>Approval</u>	<u>Disapproval</u>	<u>No Opinion</u>
	(Percentages read across)		
War in Viet Nam (56%)	56%	35	9
Nation's Economy (53%)	31%	53	16
Agriculture (17%)	17%	59	24
Welfare Problems (10%)	26%	57	17
Racial Problems (4%)	44%	29	27
Other Foreign Affairs (4%)	44%	27	29
Anti war Demonstrations (2%)	40%	39	22

While Republicans are generally favorable toward the administration, more than half are critical about agricultural and welfare policies. Independents are critical on these two points, but are also more critical than favorable about economic policies.

Predictably, Democrats are opposed to the administration. Democratic opinions divide most evenly about Nixon's handling of foreign policies and racial issues.

SECTION II - FARM POLICIESFarm Economy

(Q. 7)

More than a third (35%) say North Dakota's farm economy is worse off now than when Orville Freeman was secretary of agriculture. Not quite as many, 30 percent, say things are "about the same" while 13 percent think farmers are now better off than before.

Republicans say things are about the same, rather than either better or worse. Independents are inclined to judge the current situation as worse than previously by a margin of 34 percent to 13 percent, while Democrats are decidedly pessimistic - 49 percent say the farm economy is worse than when Freeman was secretary of agriculture compared to 5 percent who say it is better.

More than any other group, farmers themselves think the farm situation has deteriorated. By 60 percent to 7 percent farmers say, economically, the situation is worse now than when Freeman was in office, 24 percent say it is the same. Opinions of white collar workers are more favorable than those in other occupational groups.

Opinions for occupational categories are shown in the table below.

Q. 7: Generally would you say the farm economy is better off, worse off, or about the same now as when Orville Freeman was secretary of agriculture?

<u>Occupations:</u>	<u>Number of Respondents</u>	<u>Better off</u>	<u>Worse off</u>	<u>About the same</u>	<u>Don't Know</u>
		(Percentages read across)			
White collar	147	17%	28	29	26
Blue collar	110	12%	30	30	28
Farmers and farm labor	70	7%	60	24	9
Retired	52	12%	33	38	17
Miscellaneous (unemployed, students, etc.)	19	11%	31	37	21

Freedom of Planning
(Q. 8)

Residents of rural areas (including towns of 2,500 or less) were told, "The present farm program is said to give farmers more freedom of planning and decision than under previous programs" and then asked, "Do you agree or disagree?"

Opinions are rather evenly divided; 36 percent agree that there is now more freedom than previously, 33 percent disagree, and 31 percent don't attempt a judgment.

Responses divide somewhat along party lines with a plurality of Republicans viewing the present situation as one of greater freedom and a plurality of Democrats disagreeing. Independents side with the Democrats on this question.

As shown in the following table, a majority of farmers see the present program as providing more freedom than previous programs. Of this group with first-hand knowledge, 55 percent agree that the present farm program provides more freedom of planning and decision, 35 percent disagree.

Q. 8: The present farm program is said to give farmers more freedom of planning and decision than under previous programs. Do you agree or disagree?

<u>Occupations:</u>	<u>Number of Respondents</u>	<u>Agree</u>	<u>Disagree</u>	<u>No Opinion</u>
		(Percentages read across)		
White collar	63	25%	24	51
Blue collar	59	29%	32	39
Farmers and farm labor	70	55%	35	10
Retired	31	32%	42	26
Miscellaneous others	12	33%	50	17

Wheat Prices
(Q. 9)

Three out of each ten (31%) blame the government farm program for the present low price of wheat. Overproduction is blamed by 25 percent, 17 percent blame the cost of food distribution, and 14 percent say dock strikes are the cause.

Among voters in all three political groups, the government farm program gets the most blame for low wheat prices. But there is some disagreement about the importance of the other three factors. Independents place somewhat greater importance on the cost of food distribution while Republicans more often mention overproduction and dock strikes as contributing to low wheat prices.

North Dakota farmers are of the opinion that overproduction is the main reason prices are low. More often than other groups, blue collar workers tend to blame the government farm program, while they place little blame on the dock strike. These figures are shown in the table below:

Q. 9: The present price of wheat is said to be a concern to North Dakota farmers. Which of the following would you say is the principal cause for the present wheat prices?

<u>Occupations:</u>	<u>Number of Respondents</u>	<u>Gov't Program</u>	<u>Over Production</u>	<u>Food Distribution</u>	<u>Dock Strikes</u>	<u>Don't Know</u>
			(Percentages read across)			
White collar	147	31%	26	16	14	21
Blue collar	110	40%	16	21	8	16
Farmers, farm labor	70	26%	41	14	19	7
Retired	52	17%	21	15	21	25
Miscellaneous	19	31%	16	21	16	21

Attitude of Nixon Administration
(Q. 10)

While a majority in the state disapproves of Nixon's agricultural policies, many are inclined to credit the administration with trying to help but misunderstanding the situation.

Respondents were shown a card with seven phrases and asked to choose which reflects the administration's attitude toward agriculture. Almost a third (32%) select "trying to help" and 23 percent choose "misunderstanding." The phrase "unconcern" is chosen by 15 percent, while 8 percent each, pick "neglect" and "thinks no problem exists." Only a few select "much concern" (5%) and "helping a great deal" (3%).

If the phrases are grouped as generally favorable toward the administration and generally unfavorable, 63 percent appear to feel that the administration is sympathetic to agriculture or, at the worst, subject to misunderstanding. Less than a third are clearly critical.

Republicans are most favorable toward the administration, Democrats most critical, while Independents take a position between the two.

Farmers in the state are more critical about agricultural policies than other voters. Of this group, 23 percent say the administration is "trying to help," but more, 28 percent, choose "misunderstanding." More often than others, farmers choose "unconcern" (26%), neglect (10%) and "thinks no problem exists" (11%).

In the table on the following page, replies are grouped into favorable and critical categories and shown for farmers as compared to the survey average.

18.

Administration's Attitude Toward Agriculture

	<u>Total</u>	<u>Farmers Only</u>
<u>FAVORABLE</u>		
Trying to help	32%	23%
Much concern	5	1
Helping a great deal	3	-
Misunderstanding	<u>23</u>	<u>28</u>
	(63%)	(52%)
 <u>CRITICAL</u>		
Unconcern	15%	26%
Neglect	8	10
Thinks no problem exists	<u>8</u>	<u>11</u>
	(31%)	(47%)

SECTION III - STATE ADMINISTRATION AND POLITICAL ISSUESState Problems

(Q. 11)

Voters were asked, "What problems facing the government of North Dakota are you most concerned about at the present time?" As was the case in 1968 and again in 1970 when similar questions were asked, respondents most often express concern about farm problems. In this survey, 23 percent cite agricultural issues.

Two other concerns of major importance, each mentioned by 13 percent, are taxes and employment problems. Education and the adoption of a new constitution are each top issues with 10 percent of the public.

Other topics of interest to voters are the need for industrial development, inflation and the election of a new governor.

A complete percentage distribution of state problems is shown on Page 6 in the Question and Answer Section.

Farm problems and employment concerns are mentioned more often by Democrats than by Republicans and Independents. The proportion mentioning other issues varies only a little along party lines.

Rating of Governor Guy

(Q. 17)

Voter approval of Governor Bill Guy continues high. Unusual appreciation for many years of public service is shown by the excellent rating granted the governor. This rating is the best in the period covered by recent voter opinion surveys. At the present time, 67 percent say he is doing a good job compared to 5 percent who are critical.

Below is a table showing a comparison of the ratings of Governor Guy in previous surveys.

Rating of Governor Bill Guy

	<u>Sept. 1966</u>	<u>April 1968</u>	<u>Sept. 1968</u>	<u>June 1970</u>	<u>Feb. 1972</u>
Good job	53%	53%	65%	63%	67%
Only fair	34	37	24	30	25
Not too good	7	6	8	6	5
No opinion	6	4	3	1	3

Bicameral vs. Unicameral
(Q. 12)

Most North Dakota voters prefer to keep the bicameral legislature. It is favored almost 3 to 1 (68% to 23%). There is very little difference of opinion on this question among the three political groups.

Right-to-work Law
(Q. 13)

The Right-to-work law is supported by almost eight out of ten voters; 78 percent favor it, 19 percent oppose. Republicans give it a wider margin than Democrats, but even with Democrats the Right-to-work law is favored by a 44 point margin.

Name Recognition
(Q. 14)

From a list of names of men active in North Dakota politics, respondents were asked to identify the men with whom they are familiar. Most of the men on

the list are very well known to the public. Best known are Quentin Burdick, identified by 99 percent, Milton Young by 97 percent, Mark Andrews by 96 percent and Robert McCarney also by 96 percent.

Arthur Link's name is recognized by 88 percent while Richard Larson is known to 74 percent.

Name recognition for Burdick, Young and Andrews was reported at the same level in 1970 in a statewide voter opinion survey.

Rating of Senator Burdick
(Q. 15)

Senator Burdick is well thought of by his North Dakota constituents. By a ratio of 11 to 1, the public says he is doing a good job rather than not too good a job; 55 percent give him a top rating, 35 percent say "only fair" while 5 percent are critical.

Voters rate Burdick slightly better now than in 1970. The comparison with 1970 is shown below.

Rating of Senator Burdick 1970 and 1972

	<u>June 1970</u>	<u>February 1972</u>
Good job	49%	55%
Only fair	37	35
Not too good	3	5
No opinion	11	5

Rating of Arthur Link
(Q. 16)

Second District Congressman Arthur Link receives a statewide rating of "good" by 37 percent, 30 percent say "only fair," and 3 percent say "not too good."

In his old district, Link fares better with over half rating him "good" and 4 percent critical. These figures are shown in the following table.

Rating of Arthur Link

	<u>Survey Total</u>	<u>First District</u>	<u>Second District</u>
Good	37%	23%	53%
Only fair	30	28	32
Not too good	3	1	4
No opinion	30	48	11

Democrats are the most favorable about Link, 45 percent say he is doing a good job. However, 32 percent of the Republicans and 36 percent of the Independents also credit the congressman with good work, while relatively few are critical.

Link vs. McCarney
(Q. 18-18a)

By more than 3 to 1 (64% to 20%) voters would prefer Congressman Arthur Link for governor rather than Robert McCarney. Link's wide favorable margin comes not only because of strong Democratic support but because about half of the Republicans and Independents also favor him.

Criticism of McCarney is the main reason Link gets such widespread support. The extensive criticism of McCarney is shown along with other reasons voters give for choosing each candidate in the verbatim section beginning on Page 24.

Political Parties

(Q. 19-19a)

A total of 43 percent identify themselves as Republicans or closer to the Republican Party; 38 percent say they are Democrats or closer to the Democratic Party. Those who do not support either party or say they are Independents make up 19 percent of the voters.

In comparison to previous surveys, somewhat fewer identify themselves with political parties. The proportion of Democrats is smaller now than in other years. These results certainly suggest that Democrats are losing strength in North Dakota. This survey is earlier in an election year than previous surveys, however, and some who are not strong in political loyalties may return to a party identification as political interest increases.

Political Parties, 1966 to 1972

	<u>Sept.</u> <u>1966</u>	<u>April</u> <u>1968</u>	<u>Sept.</u> <u>1968</u>	<u>June</u> <u>1970</u>	<u>February</u> <u>1972</u>
Republicans	46%	43%	48%	43%	43%
Democrats	47	48	48	43	38
Independents	7	9	4	14	19

Preference for Governor

Q. 22: "If the candidates for governor are former candidate Robert McCarney as an Independent Republican and Congressman Arthur Link for the Democrats, which would you probably vote for - Link or McCarney?"

Q. 22a: "Why do you favor (McCarney) (Link)?"

(398 respondents in sample)

79 PREFER McCARNEY (giving various reasons as follows)

15 give personal qualities or qualifications: "He's got a lot of guts," "He's a loser but he's got guts enough to stick in there and fight," "He's fair," "I found him to be fair in everything," "Because he is always in there pitching," "He takes a firm stand," "He stands up for the people," "He is independent - he doesn't necessarily go along with the system because the system says this," "McCarney seems to know what he is doing," "I like his way of speaking," "He is a very successful businessman," "He has more qualifications," etc.

14 agree with his views, stands, policies.

2 "He's trying his referendums - save taxpayers' money" or "He would save us on taxes."

1 "His referendums has helped."

1 "He would cut the cost of the state government spending."

1 "He's big for business - he'd be for the small businessman."

1 "McCarney has good ideas on education."

1 "I like a lot of his views and particularly his appeal to the young people."

1 "I think he will favor the underdog or poorer people."

1 "Because he is a more conservative man - he is a man that had to start from scratch and made it."

5 "I like some of his viewpoints," "His ideas sound good," "I like his ideas," etc.

12 mention his record or experience: "He's done a good job," "He's been trying," "His experience," etc.

- 7 refer to his familiarity or acquaintance: "I know a little more about him," "I don't know anything about Link," "Because I've heard more about him," "McCarney is my husband's boss," etc.
- 5 give political party reasons: "Because I'm a Republican," "He's a Republican," "I vote Republican," etc.
- 5 express general approval: "I think he's a good man," "I like McCarney," "I think McCarney can do better than the rest," etc.
- 2 criticize Link.
- 1 "I don't think much of Link."
- 1 "I don't have much use for Link - he's too much for Farmers Union."
- 2 say he works for the state, represents the people: "I think he has a lot of good ideas for this state" or "McCarney has a lot of good points - he would be a very good man to work for the state."
- 7 give miscellaneous reasons.
- 4 "Just to see what he could do," "He may show us something," or "I'd like to give him a chance and see what he can do."
- 1 "The viewpoint of change."
- 1 "He could be another Langer."
- 1 "He is a new man."
- 12 can give no reason.

253 PREFER LINK (giving various reasons as follows)147 criticize McCarney.

- 36 "Because I don't like McCarney," "I don't care for McCarney," "I dislike McCarney," "I don't have much love for McCarney," "I don't agree with his actions," "I don't approve of some of the things he has done," etc.

1 adding, "He's another Wallace."
1 "I think the candidate should be a party endorsement."

- 27 "I'm against McCarney," "I'm not for McCarney," "I wouldn't vote for Robert McCarney so I'd have to go with Link," "I disfavor McCarney," "I'm not too big a fan of McCarney's," "I just oppose McCarney," "I wouldn't vote for McCarney if my life depended on it," "I'd vote for anybody McCarney is running against," etc.

1 adding, "I think McCarney is just terrible."

- 19 "I haven't got much time for McCarney - he's just a troublemaker," "Oh, McCarney is only a troublemaker," "McCarney stirred up a lot of stuff he shouldn't have," "McCarney is trying to stick his nose into everything," "McCarney is kind of a rabble-rouser," "McCarney has been too controversial," "I couldn't see voting for anyone as controversial as Robert McCarney." "I hate McCarney he's such an activist - brings up things that shouldn't be brought up," etc.

1 adding, "and he is just looking for publicity."
1 "and he doesn't have any backing."
1 "He isn't a stable person."

- 8 "I don't think much of McCarney - he's too radical," "I think McCarney is on the radical order," "I wouldn't vote for McCarney as he is too much of a radical," "I don't like McCarney - I think he is a bit radical," etc.

1 adding, "and he is raising a lot of hell and he cost us a lot of money."

- 9 "McCarney's publicity is bad," "McCarney had too much publicity," "I've heard too much against McCarney," "Because I don't like all of his publicity," "I haven't heard too favorable reports on McCarney," "Because McCarney doesn't have a good reputation," "I didn't like the way he advertised himself," "He agitates to get attention to himself," etc.
- 9 "McCarney's whole image does not let you trust him," "I don't think we could trust McCarney," "I don't think you can trust a man that is as changeable as McCarney," "He is unpredictable," "He is not dependable," etc.

- 7 "McCarney is too much noise," "I can't stand McCarney - he is too much of a loudmouth," "I don't like McCarney - he's a bag of wind," "Anybody would favor Link over McCarney - McCarney is just a big mouth," "He is too outspoken," etc.

1 adding, "He isn't interested in the good of the country. His referrals make me sick."

- 5 "I just don't like McCarney - he wouldn't make a good governor," "I don't think McCarney is suited for the job," "McCarney is not the man for the top office," etc.

1 adding, "He has no tact."

- 3 "I don't like McCarney's philosophy," "I just don't approve of some of McCarney's ideas," or "I don't care for McCarney's attitude on almost everything."

- 2 "I think McCarney should stick with his auto industry - he's no politician" or "McCarney should stick to selling Fords."

- 1 "I don't even like McCarney's garage."

- 2 "McCarney has no business in politics - he's not very smart" or "McCarney doesn't know too much."

- 2 "McCarney is a crook."

- 2 "McCarney can't get along with his own party" or "McCarney has done the Republican Party lots of damage."

- 5 "McCarney has cost the state a lot of money with no success on ideas," "McCarney has cost the state too much money," "McCarney would spend too much money," "I don't like McCarney at all - he cost the taxpayer thousands of dollars and nothing gained," or "McCarney is just costing the taxpayers money by his referrals."

- 1 "I don't think McCarney has done any good with his referrals."

- 1 "McCarney doesn't show too much diplomacy in dealing with people - he's kind of a hard-nose."

- 1 "McCarney is a nut - the majority of people are not for him."

- 1 "McCarney is not serious or experienced."

- 1 "McCarney is much less superior to Link."

- 1 "McCarney is a big farce."

- 1 "I didn't like McCarney's attitude toward Governor Guy."
- 1 "McCarney served his purpose in North Dakota on the political scene, but as a governor he would be inconsistent."
- 1 "McCarney can only buy because he has the money and I don't like that."
- 1 "I don't have any use at all for McCarney or his buddies when he got tied up with Bjornson, that ended it for me."
- 27 give political party reasons: "He's a Democrat," "Because I am a Democrat," "For the party," etc.
- 21 express general approval: "I just prefer Link," "He's the best man to run," "He's a good man," "I like him," etc.
- 16 approve his record or experience: "For experience," "Link has done a good job," "He's trying to do a good job," "He's experienced," etc.
- 15 give personal qualities or qualifications. "I think he is well qualified," "He is better qualified," "Link is a more polished candidate," "He is a smarter man and a good sensible fellow," "He has more brains," "Link has a better head on his shoulders," "Link is a straightforward man," "I think he is honest," "I feel we need a leader who is more stable," "He is more of a common man than McCarney," etc.
- 10 agree with his views, policies, stands.
- 5 "He has a good attitude towards farmers from the speeches I've heard him make," "His farm program," "He is good for the farmers and the farming area," etc.
- 2 "He's for labor" or "I think he's better for the poor guy."
- 1 "He is conservative."
- 2 "I like his speeches a lot better" or "I go along with his line of reasoning."

5 mention familiarity or acquaintance: "I don't really know about McCarney at all," "Link is well known," "I don't know McCarney," etc.

4 say he works for the state of North Dakota, represents the people: "He knows more about the problems of North Dakota," "He's for his constituents," "He puts the peoples wants before his own," etc.

2 give miscellaneous reasons.

1 "We should give him a chance."

1 "Because I am Chairman for District #14 for Link for Governor."

21 can give no reason.

66 EXPRESS NO PREFERENCE.

March 29, 1972

MEMORANDUM FOR: JOHN MITCHELL
FROM: HARRY S. DENT ASD
SUBJECT: South Dakota

Former Congressman Ben Reifel has announced that he will not be a candidate for the U. S. Senate.

The State Chairman, Bob Burns, is satisfied that Reifel's announcement is for the best. He would have been an extremely divisive influence in a crowded primary and his age (66) could have defeated him in November.

✓ bcc: H. R. Haldeman

THE WHITE HOUSE

WASHINGTON

March 29, 1972

MEMORANDUM TO THE PRESIDENT (Per HRH)

FROM: PATRICK J. BUCHANAN

McGovern's Deputy Campaign Manager, a friend from my Soviet trip, a level-headed fellow, called me today to say that McGovern will win in Wisconsin. He gave me the following polls:

MCGOVERN'S PRIVATE POLLS		AFL-CIO QUAYLE POLL	
Humphrey	23	McGovern	24
McGovern	19	Humphrey	18
Muskie	14	Muskie	15
Jackson	13	Jackson	13
Wallace	9	Wallace	10
Lindsay	4	Lindsay	1
Other	3	Undecided	19
Undecided	14		

My friend tells me that in the McGovern Poll, McGovern is carried much lower than normal -- since it does not include the Second District (Madison) where McGovern is conceded to be immensely strong, compared with the other Democrats. Further, he says that those polled were those who intended to vote in the Democratic Primary, including Republicans.

This is hard to believe. Seems to me, even if these figures are accurate, however, that George Wallace will pick up some of the undecided -- he surely did in Florida.

But the McGovern fellow contends that Muskie could come in fourth or even fifth in the race -- which would be a climactic disaster for Big Ed.

Again, if these figures are accurate -- McGovern would be greatly enhanced; the liberal press would fall all over him for the next two weeks. Humphrey would be set back. Muskie would sustain a near fatal blow. Big John Lindsay would be finished. The situation would be more confused than ever. The likelihood of a first ballot nomination for the Democrats would be increasingly remote. In short, if this is the outcome, it would seem that the pressures on Kennedy would be substantial to move.

Buchanan

NOTE: If we have some hard poll information, and this is a possibility, then we should have Republicans cross over and vote for George McGovern. Word should go forth today.

PJB

~~1/16~~

MEMORANDUM

Goode Miller

~~12/23~~

~~12/17~~

~~12/13~~

~~12/8~~

THE WHITE HOUSE

WASHINGTON

FU

~~10/15~~

~~9-29~~

September 15, 1971

MEMORANDUM FOR:

H. R. HALDEMAN

FROM:

GORDON STRACHAN

SUBJECT:

RNC Film

G FU
~~1/27~~
~~1/28~~
~~1/8~~

original in RNC file

The Republican National Committee film has been completed by the Robert Goodman Agency. It was screened by Chapin, Carruthers, Goode, Tom Evans, Magruder, Kehrl, and myself. It needs a good deal of work and Magruder has asked Chapin to allow Goode to work with the Robert Goodman Agency. Chapin agreed to this arrangement on the theory that the best talent available within the White House, Committee, and RNC structure should work on a final product. Goode expects at least a month of work needs to be done.

- 9/30 - DC tracking, SS out
- 10/18 - meet this aft on final script
- ~~12/10~~ - approved scripts
- 12/8 - Screen - mon 12/14
- shoot AFO, outside
- 12/20 - Goode - Bermude
- 12/28 - G + DC + Miller
"a disaster"
- 1/24 - color print for screen
- 1/26 - DC + G - blab
- 3/23 - will use in small events

Miller
JGM signed off

0
March 21, 1972

Memorandum

To: John Mitchell

From: Charlie McWhorter

Re: Democrat Governors

Ever since the elections of 1970, a major effort has been made by Larry O'Brien to line up support of Democrat governors for the National Democrat ticket in 1972. The Democrat governors have met privately in advance of meetings of the National Governors Conference and this is likely to continue in spite of the presence of George Wallace. However, an examination of the current roster of Democrat governors shows that there is a broad spectrum of opinion within this group. At the present time, O'Brien is helped by the prospect that many Democrat governors believe that they might be chosen as the nominee for Vice President. Both Muskie and Humphrey have been cultivating this kind of thinking although it must inevitably result in a large number of disappointed governors.

I have had some preliminary talks with Governor Milliken of Michigan about the possibility of having an improved liaison with certain Democrat governors for the balance of this campaign year. There is no likelihood of having all 30 Democrat governors make a public defection, but there is a strong probability that a large number can be persuaded for various reasons that they have no great personal reason to oppose the President this year and to become personally involved in trying to carry their state for the National Democrat ticket. The relative neutrality or lack of commitment by a Democrat governor could result in a significant impact during the campaign. For instance, a governor has political resources that he can mobilize in support of the Presidential candidate such as activities by employees of the State Road Commission, State Liquor Authority and other political resources. If a Democrat governor, for whatever reason, decides to make less than an all out effort in behalf of the Democrat National ticket, the result will obviously be of help to the President.

Our Republican leaders have very little direct contact with Democrat governors and this really is no surprise since there is no particular reason to develop such contacts. However, there are several Republican governors who have established good personal relations with Democrat governors as a result of their activities and functions through the National Governors Conference. It seems to me that it would be a good idea if Republican governors could be encouraged to develop personal contacts with selected Democrat governors and that once the Miami Convention is over that an effort be made to reduce their personal enthusiasm for a National Democrat victory in 1972.

As you know, the Republican governors will be meeting at the Greenbrier Hotel on April 30-May 2. This would be a good opportunity for a small group of Republican governors to discuss the matter, providing you think it desirable, and to set up a "buddy system" with selected Democrat governors for the balance of this campaign year. I would be glad to discuss this with you in further detail at your convenience but would hope that you would have a chance to talk with Governor Milliken about this in advance of the meeting at the Greenbrier.

bcc: H. R. Haldeman ✓

March 21, 1972

Memorandum

To: John Mitchell
From: Charlie McWhorter
Re: New York

In my checking around New York City and New York State about the prospects for 1972, I am cautiously optimistic at this point. It seems clear to me, however, that there must be a high degree of cooperation between Republican and Conservative efforts on behalf of the President this year. Frankly, I don't think it makes any real difference in terms of votes whether there are joint electors. It would be a serious problem if the Conservative Party were to run a separate slate of electors pledged to someone other than the President. What seems to be at stake is symbolic of cooperation and unity which joint electors would represent. In 1970, however, there were effective working relationships between the Republican and Conservative organizations, at least on a local level, that resulted in maximizing the votes cast for both Governor Rockefeller and Senator Buckley. I would settle for that in 1972 although in some cases, such as Nassau County, it might be difficult.

Specifically, I think it would be a worthwhile objective to have both Senator Javits and Senator Buckley serve as Co-chairmen of the Nixon campaign in New York under Governor Rockefeller's leadership. This would probably require some extended discussions by you with both Senators. I would hope that Senator Javits could be persuaded that it is in his best long-range interest to cooperate in this approach rather than to insist that the Republican Party in New York continue to follow the liberal strategy which, while it has worked well for Senator Javits in the past, is now probably outdated in terms of the political realities of the 1970's.

Without getting into the specifics of future campaigns, it might be pointed out to Senator Javits that cooperation among all persons who want to support the President will be essential if New York is to deliver its electoral votes for the President in 1972; that he could, and hopefully will, make a positive contribution to that result through his personal efforts and leadership. Senator Javits should realize that it is in his best interest to avoid a confrontation with the moderate and conservative elements within the Republican Party even though he will probably have a hard core of bitter opposition.

It certainly is in the GOP's best interest to run a joint city wide campaign in 1973 and for the reelection of Senator Buckley in 1976. This could result in some sharp trading about 1974, but there is no need at this point to try to resolve all of those problems. What is required for 1972 is acceptance by all concerned of the priority for cooperation in support of the President. If the President is successful in carrying New York State in 1972 this will obviously facilitate cooperation in future campaigns and that should interest both Senators Javits and Buckley.

bcc: H. R. Haldeman ✓

March 6, 1972

CONFIDENTIAL

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By CP NARS, Date 3-30-82

Memorandum

To: Bob Haldeman

From: Charlie McWhorter

Re: GOP Meetings - March 1-3, 1972

Last week there was a one-day meeting of the Republican National Committee and its various subdivisions plus a two-day session of the 1972 Republican Leadership Conference attended by 1,500 delegates from all states. In my opinion, the spirit of both meetings was quite positive.

There was a little resentment over the news that state party organizations were expected to sell advertising for the convention program but this is part of the general unhappiness over the problems which stem from the choice of San Diego as a convention site, such as limited housing and convention facilities. The problem is not serious, however, and I am sure it will be a fine convention.

Specifically, the thing that seemed to give me the greatest reassurance was the reaction to the President's recent visit to China. There was practically no objection even from some of the most conservative party types to the substantive provisions of the joint statement. The thing which seemed to come through of greatest importance was the fresh insight given to the American people about the personal leadership qualities of the President and Mrs. Nixon. For years Nixon supporters have been told that there should be some way in which the warm personal qualities of the President should be made better known to the general public. I am sure you are familiar with this general situation. Now, for the first time, there seems to have been a major breakthrough in this regard and millions of Americans seem to have been made aware of qualities of personality, intellect and character that those who have worked closely with the President have always known.

The second reassuring view that I got from extended discussions at this convention and from my talks at the National Governors Conference the week before, relates to the marked improvement in the President's standing among farmers in the midwest. This had been a major trouble spot. Thanks to the effective work of Secretary Butz, the tide has turned. I strongly recommend that Butz be encouraged to keep up his speaking schedule and not modify his strong support for the position of farmers even though this may put him at odds with some parts of the consumer oriented programs. His credibility as a spokesman for the farmers within the Administration and one who has the ear of the President is one which must be maintained throughout this campaign.