

of this title, sections 614 to 617 of Title 18, Crimes and Criminal Procedure, and sections 9031 to 9042 of Title 26, Internal Revenue Code; amending this section and sections 432 to 437, 438, 439 and 451 to 453 of this title, sections 1501 to 1503 of Title 5, Government Organization and Employees, sections 591, 608, 610, 611, and 613 of Title 18, sections 276, 6012, 9002 to 9012 of Title 26, and section 315 of Title 47, Telegraphs, Telephones, and Radiotelegraphs; repealing section 440 of this title, section 9021 of Title 26, and sections 801 to 805 of Title 47; and enacting provisions set out as notes under this section and sections 434, 437c, and 438 of this title, sections 591 and 608 of Title 18, and section 9006 of Title 26] may be cited as the 'Federal Election Campaign Act Amendments of 1974'."

SHORT TITLE

Section 1 of Pub. L. 92-225 provided: "That this Act [enacting this chapter and chapter 7 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, amending sections 591, 600, 608, 610, and 611 of Title 18, Crimes and Criminal Procedure, and sections 312 and 315 of Title 47, repealing sections 241 to 256 of this title and section 609 of Title 18, and enacting provisions set out as notes under this section and section 801 of Title 47] may be cited as the 'Federal Election Campaign Act of 1971'."

TRANSFER OF FUNCTIONS

Federal Savings and Loan Insurance Corporation abolished and functions transferred, see Pub. L. 101-73, title IV, §§ 401-406, Aug. 9, 1989, 103 Stat. 354-363, set out as a note under section 1437 of Title 12, Banks and Banking.

TRANSITION PROVISIONS

Section 303 of Pub. L. 96-187 provided that:

"(a) The Federal Election Commission shall transmit to the Congress proposed rules and regulations necessary for the purpose of implementing the provisions of this Act, and the amendments made by this Act [see Short Title of 1980 Amendment note set out above], prior to February 29, 1980.

"(b) The provisions of section 311(d) of the Federal Election Campaign Act of 1971 [section 438(d) of this title] allowing disapproval of rules and regulations by either House of Congress within 30 legislative days after receipt shall, with respect to rules and regulations required to be proposed under subsection (a) of this section, be deemed to allow such disapproval within 15 legislative days after receipt."

STUDY AND REPORT ON CLEAN MONEY CLEAN ELECTIONS LAWS

Pub. L. 107-155, title III, § 310, Mar. 27, 2002, 116 Stat. 104, provided that:

"(a) CLEAN MONEY CLEAN ELECTIONS DEFINED.—In this section, the term 'clean money clean elections' means funds received under State laws that provide in whole or in part for the public financing of election campaigns.

"(b) STUDY.—

"(1) IN GENERAL.—The Comptroller General shall conduct a study of the clean money clean elections of Arizona and Maine.

"(2) MATTERS STUDIED.—

"(A) STATISTICS ON CLEAN MONEY CLEAN ELECTIONS CANDIDATES.—The Comptroller General shall determine—

"(i) the number of candidates who have chosen to run for public office with clean money clean elections including—

"(I) the office for which they were candidates;

"(II) whether the candidate was an incumbent or a challenger; and

"(III) whether the candidate was successful in the candidate's bid for public office; and

"(ii) the number of races in which at least one candidate ran an election with clean money clean elections.

"(B) EFFECTS OF CLEAN MONEY CLEAN ELECTIONS.—The Comptroller General of the United States shall describe the effects of public financing under the clean money clean elections laws on the 2000 elections in Arizona and Maine.

"(c) REPORT.—Not later than 1 year after the date of enactment of this Act [Mar. 27, 2002], the Comptroller General of the United States shall submit a report to the Congress detailing the results of the study conducted under subsection (b)."

VOTING SYSTEM STUDY; REPORT TO CONGRESS; COST OF STUDY

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

§ 432. Organization of political committees

(a) Treasurer; vacancy; official authorizations

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

(b) Account of contributions; segregated funds

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

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

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

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

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

(c) Recordkeeping

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

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

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

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

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

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

(d) Preservation of records and copies of reports

The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this subchapter for 3 years after the report is filed. For any report filed in electronic format under section 434(a)(11) of this title, the treasurer shall retain a machine-readable copy of the report as the copy preserved under the preceding sentence.

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

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

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

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

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

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

(B) As used in this section, the term “support” does not include a contribution by any author-

ized committee in amounts of \$2,000 or less to an authorized committee of any other candidate.

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

(5) The name of any separate segregated fund established pursuant to section 441b(b) of this title shall include the name of its connected organization.

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

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

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

(g) Filing with and receipt of designations, statements, and reports by Secretary of Senate; forwarding to Commission; filing requirements with Commission; public inspection and preservation of designations, etc.

(1) Designations, statements, and reports required to be filed under this Act by a candidate for the office of Senator, by the principal campaign committee of such candidate, and by the Republican and Democratic Senatorial Campaign Committees shall be filed with the Secretary of the Senate, who shall receive such designations, statements, and reports, as custodian for the Commission.

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

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

(4) The Secretary of the Senate shall make the designations, statements, and reports received under this subsection available for public inspection and copying in the same manner as the Commission under section 438(a)(4) of this title, and shall preserve such designations, statements, and reports in the same manner as the Commission under section 438(a)(5) of this title.

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

(1) Each political committee shall designate one or more State banks, federally chartered depository institutions, or depository institutions the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corpora-

tion, or the National Credit Union Administration, as its campaign depository or depositories. Each political committee shall maintain at least one checking account and such other accounts as the committee determines at a depository designated by such committee. All receipts received by such committee shall be deposited in such accounts. No disbursements may be made (other than petty cash disbursements under paragraph (2)) by such committee except by check drawn on such accounts in accordance with this section.

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

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

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

(Pub. L. 92-225, title III, §302, Feb. 7, 1972, 86 Stat. 12; Pub. L. 93-443, title II, §§202, 208(c)(2), Oct. 15, 1974, 88 Stat. 1275, 1286; Pub. L. 94-283, title I, §103, May 11, 1976, 90 Stat. 480; Pub. L. 96-187, title I, §102, Jan. 8, 1980, 93 Stat. 1345; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 104-79, §§1(b), 3(a), Dec. 28, 1995, 109 Stat. 791, 792; Pub. L. 105-61, title VI, §637, Oct. 10, 1997, 111 Stat. 1316; Pub. L. 108-447, div. H, title V, §525, Dec. 8, 2004, 118 Stat. 3271.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

AMENDMENTS

2004—Subsec. (e)(3)(B). Pub. L. 108-447 substituted “\$2,000” for “\$1,000”.

1997—Subsec. (g)(1). Pub. L. 105-55 struck out “and” after “Senator,” and inserted “and by the Republican and Democratic Senatorial Campaign Committees” after “candidate.”

1995—Subsec. (d). Pub. L. 104-79, §1(b), inserted at end “For any report filed in electronic format under section 434(a)(11) of this title, the treasurer shall retain a machine-readable copy of the report as the copy preserved under the preceding sentence.”

Subsec. (g)(1). Pub. L. 104-79, §3(a)(1), (2), redesignated par. (2) as (1) and struck out former par. (1) which read as follows: “Designations, statements, and reports required to be filed under this Act by a candidate or by an authorized committee of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, and by the principal campaign committee of such a candidate, shall be filed with the Clerk of the House of Representatives, who shall receive such designations, statements, and reports as custodian for the Commission.”

Subsec. (g)(2). Pub. L. 104-79, §3(a)(2), (3), redesignated par. (3) as (2), struck out “Clerk of the House of Representatives and the” before “Secretary of the Senate”, and substituted “filed with the Secretary” for “filed with them”. Former par. (2) redesignated (1).

Subsec. (g)(3). Pub. L. 104-79, §3(a)(2), (4), redesignated par. (4) as (3) and substituted “paragraph (1)” for

“paragraphs (1) and (2)”. Former par. (3) redesignated (2).

Subsec. (g)(4). Pub. L. 104-79, §3(a)(2), (5), redesignated par. (5) as (4) and struck out “Clerk of the House of Representatives and the” before “Secretary of the Senate”. Former par. (4) redesignated (3).

Subsec. (g)(5). Pub. L. 104-79, §3(a)(2), redesignated par. (5) as (4).

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

1980—Subsec. (a). Pub. L. 96-187 struck out reference to the chairman as a person authorized to accept or make a contribution on behalf of a political committee.

Subsec. (b). Pub. L. 96-187 redesignated subsec. (b) as par. (1) of subsec. (b), substituted “for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of \$50 the name and address of the person making the contribution and the date of the receipt.” for “in excess of \$50 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 of the contribution and the identification 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.”, and added pars. (2) and (3).

Subsec. (c). Pub. L. 96-187 substituted “The treasurer of a political committee shall keep an account of” for “It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of” in introductory clause; substituted in par. (1) “all contributions received by or on behalf of such political committee” for “all contributions made to or for such committee”; substituted in par. (2) “the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of such contribution by any person” for “the identification of every person making a contribution in excess of \$50, and the date and amount thereof and, if a person’s contributions aggregating more than \$100, the account shall include occupation, and the principal place of business (if any)”; substituted in par. (3) “the identification of any person who makes a contribution or contributions aggregating more than \$200 during a calendar year, together with the date and amount of any such contribution” for “all expenditures made by or on behalf of such committee; and”; substituted in par. (4) “the identification of any political committee which makes a contribution, together with the date and amount of any such contribution, and” for “the identification 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”, and added par. (5).

Subsec. (d). Pub. L. 96-187 substituted provisions requiring the treasurer to preserve all records required by this section and copies of all reports to be filed by this subchapter for 3 years after the filing of the report for provisions requiring the treasurer to keep receipted bills for expenditures in excess of \$100, and for expenditures of lesser amounts if the aggregate amount to the same person during a calendar year exceeds \$100, such receipts to be kept for a period to be determined by the Secretary.

Subsec. (e). Pub. L. 96-187 in par. (1) substituted provisions requiring a written designation of a political committee no later than 15 days after becoming a candidate, with the designation of additional committees to be filed with the principal committee, for provisions prohibiting the designation of a committee as the principal campaign committee of more than one candidate except that the presidential candidate may nominate

the national committee of a political party as his principal campaign committee; in par. (2) substituted provisions considering any candidate receiving a contribution or loan or making a disbursement as an agent of the authorized committees for provisions requiring the filing of any report or statement of contributions required to be filed with the Commission to be filed instead with the principal campaign committee; in par. (3) redesignated existing provisions as introductory clause of par. (3)(A), and in such clause as so redesignated, substituted provision that no political committee which supports or has supported more than one candidate may be designated as an authorized committee for provisions requiring principal committee to receive reports and statements and to compile and file such reports and statements together with its own reports and statements with the Commission, and added pars. (3)(A)(i), (ii), (4) and (5).

Subsecs. (f) to (i). Pub. L. 96-187 added subsecs. (f) to (i).

1976—Subsec. (b). Pub. L. 94-283, §103(a), substituted “\$50” for “\$10”.

Subsec. (c)(2). Pub. L. 94-283, §103(b), substituted “\$50” for “\$10”.

Subsecs. (e), (f). Pub. L. 94-283, §103(c), (d), redesignated subsec. (f) as (e) and in par. (1) of subsec. (e) as so redesignated inserted provision that occasional, isolated, or incidental support of a candidate not be construed as support for such a candidate for purposes of determining whether a political committee supports more than one candidate. Former subsec. (e) providing for the giving of notice by a candidate that a political committee soliciting funds on his behalf is not authorized to do so and that he is not responsible for the activities of that committee was eliminated.

1974—Subsec. (b). Pub. L. 93-443, §202(a)(1), substituted “of the contribution and the identification” for “, the name and address (occupation and principal place of business, if any)”.

Subsec. (c)(2). Pub. L. 93-443, §202(a)(2), (3), substituted “identification” for “full name and mailing address (occupation and the principal place of business, if any)” before “of every person” and inserted end text reading “and, if a person’s contributions aggregate more than \$100, the account shall include occupation, and the principal place of business (if any)”.

Subsec. (c)(4). Pub. L. 93-443, §202(a)(2), substituted “identification” for “full name and mailing address (occupation and the principal place of business, if any)” before “of every person”.

Subsec. (d). Pub. L. 93-443, §208(c)(2), substituted “Commission” for “supervisory officers”.

Subsec. (f). Pub. L. 93-443, §202(b), substituted provisions respecting principal campaign committees for prior provisions respecting notice of funds solicitation by political committees and availability for purchase of annual reports of the political committees from the Superintendent of Documents made available through the Public Printer, now covered in section 435(b) of this title.

EFFECTIVE DATE OF 1995 AMENDMENT

Section 1(c) of Pub. L. 104-79 provided that: “The amendments made by subsection (a) and subsection (b) [amending this section and section 434 of this title] shall apply with respect to reports for periods beginning after December 31, 1996.”

Section 3(d) of Pub. L. 104-79 provided that: “The amendments made by this section [amending this section and sections 434 and 438 of this title] shall apply with respect to reports, designations, and statements required to be filed after December 31, 1995.”

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96-187, set out as a note under section 431 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93-443, set out as a note under section 431 of this title.

TRANSFER OF FUNCTIONS

Federal Savings and Loan Insurance Corporation abolished and functions transferred, see Pub. L. 101-73, title IV, §§401-406, Aug. 9, 1989, 103 Stat. 354-363, set out as a note under section 1437 of Title 12, Banks and Banking.

§ 433. Registration of political committees

(a) Statements of organizations

Each authorized campaign committee shall file a statement of organization no later than 10 days after designation pursuant to section 432(e)(1) of this title. Each separate segregated fund established under the provisions of section 441b(b) of this title shall file a statement of organization no later than 10 days after establishment. All other committees shall file a statement of organization within 10 days after becoming a political committee within the meaning of section 431(4) of this title.

(b) Contents of statements

The statement of organization of a political committee shall include—

- (1) the name, address, and type of committee;
- (2) the name, address, relationship, and type of any connected organization or affiliated committee;
- (3) the name, address, and position of the custodian of books and accounts of the committee;
- (4) the name and address of the treasurer of the committee;
- (5) if the committee is authorized by a candidate, the name, address, office sought, and party affiliation of the candidate; and
- (6) a listing of all banks, safety deposit boxes, or other depositories used by the committee.

(c) Change of information in statements

Any change in information previously submitted in a statement of organization shall be reported in accordance with section 432(g) of this title no later than 10 days after the date of the change.

(d) Termination, etc., requirements and authorities

(1) A political committee may terminate only when such a committee files a written statement, in accordance with section 432(g) of this title, that it will no longer receive any contributions or make any disbursements and that such committee has no outstanding debts or obligations.

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

- (A) the determination of insolvency with respect to any political committee;
- (B) the orderly liquidation of an insolvent political committee, and the orderly application of its assets for the reduction of outstanding debts; and
- (C) the termination of an insolvent political committee after such liquidation and application of assets.

(Pub. L. 92-225, title III, §303, Feb. 7, 1972, 86 Stat. 14; Pub. L. 93-443, title II, §§203, 208(c)(3),