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New Spending Law Likely to Jolt Politics

By R. W. APPLE Jr.

Special to The New York Times

WASHINGTON, May 17—

No subject has more to do with who gets elected to gressional elections—and with what strange small provisions that and why. “Money is the moth-seem irrelevant—a limit, for

FEDERAL ELECTION COMMISSION

1325 K Street, N.W.
Washington, D.C. 20463

RELEASE: ON RECEIPT

MONDAY, JANUARY 5, 1975

CONTACT: DAVID FISKE
SUSAN TIFFT
(202) 382-4733

FEC ADVISORY PANEL DISCUSSES STATE AND LOCAL ELECTION ADMINISTRATION

WASHINGTON - JANUARY 5 - The first meeting of the Advisory Panel of the Federal Election Commission Clearinghouse on Election Administration will be held Tuesday and Wednesday of this week at the Sheraton-Carleton Hotel in Washington.

The Advisory Panel was created this winter to advise the Commission on new research projects undertaken by the FEC Clearinghouse on Election Administration. Attached is a list of the seventeen member panel.

Under the 1974 Federal Election Campaign Act Amendments, the Commission must "serve as a national clearinghouse for information in respect to the administration of elections" and involve "officials and personnel working on boards of elections; practices relating to the registration of voters; and voting and counting methods."

State and Local Government Expenditure for Election Administration: Fiscal Years 1970-1973, released recently by the Clearinghouse, describes the relationship between the growing cost of running elections, and new vote-counting equipment and voter registration procedures. The Panel, comprised of eight Secretaries of State or equivalent state officers, six county and/or local election administrators, two state legislative officers, and one state governor, will advise the Commission on what information and research will be most helpful to state and local election officials in dealing with these costs and new methods.

Research projects to be discussed include the following:

- 1) The relationship of voting equipment to voters and voting behavior.
- 2) Survey of ballot formats
- 3) Political problems associated with automated voter registration
- 4) Procedures for vote recount
- 5) Role of political parties in election administration
- 6) Survey of state and local election officials' training materials

Panel meetings will be held both days in the Mount Vernon Room of the Sheraton-Carleton Hotel from 9 a.m. - 4:30 p.m., and are open to the public and the press.





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

ADVISORY PANEL MEMBERS

<u>STATE</u>	<u>REPRESENTATIVE</u>
TENNESSEE	Mr. Shirley Hassler Coordinator of Elections
MISSOURI	The Honorable James Kirkpatrick Secretary of State
CONNECTICUT	The Honorable Gloria Schaffer Secretary of State
NEW YORK	Mr. Thomas W. Wallace Director, New York State Board of Elections
MICHIGAN	Mr. Bernard J. Apol Director of Elections
KANSAS	The Honorable Elwill Shanahan Secretary of State
OREGON	The Honorable Clay Myers Secretary of State
NEBRASKA	The Honorable Allen J. Beerman Secretary of State
CALIFORNIA	Mr. William J. Durley Assistant Secretary of State for Elections and Political Reform
MARYLAND	Mrs. Marie Garber Supervisor of Elections
FLORIDA	Mrs. Joyce V. Dieffenderfer Dade County Election Department
ILLINOIS	Mr. Tom Walsh LaSalle County Clerk



STATE

REPRESENTATIVE

PENNSYLVANIA

Mr. Will Alton
Commissioner, Allegheny County Bureau of
Elections

WASHINGTON

Mr. J. Barbano
King County Department of Records and
Administration

NEVADA

Assemblyman Daniel J. Demers

OHIO

Representative Allen E. Norris

MAINE

The Honorable James B. Longley
The Governor of Maine

Tuesday 3/4/75

10:00 Pat O'Donnell would appreciate a call --
has something fairly hot on the Federal
Elections Commission.

2757



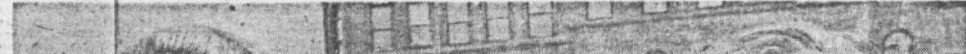
Glassley → For Campaign Law file

New Campaign Fund Law Already Making Critical Impact

By Jules Witcover
Washington Post Staff Writer

A year before the first 1976

openly speculating—and hoping—that another potential starter, Sen. Frank Church of Idaho, will be out of it if he



The new law forces a campaign to spend a great deal of time on not spending as well as small amounts from specific states to enable his candidate to qualify for federal matching money.



Republican
National
Committee.

Mary Louise Smith
Chairman

*Campaign
Federal*

March 19, 1975

Mr. Philip W. Buchen
Counsel to the President
The White House
Washington, D. C. 20500

Dear Phil:

We are pleased to be able to provide you with the enclosed Federal Election Law Manual. We commissioned this work shortly after the 1974 campaign act was passed last year but this is much broader in scope than that.

We have attempted to include all federal legislation affecting campaigns including pertinent tax legislation and rulings.

All Republican members of Congress and each State GOP headquarters are being provided copies at no charge. Additional copies may be obtained at a cost of \$25.00 for party affiliated individuals and groups and for \$50.00 each for other groups. Such requests should be forwarded to Jacquie Nystrom at the Republican National Committee's headquarters or call at (202) 484-6693.

You will receive (as will all those who purchase the books) timely updates as various rulings and court interpretations are handed down. It may prove necessary for us to levy a small additional charge to continue this service next year.

I hope you find this work useful and urge you to let us know if you see any changes or improvements that you think might make it even better.

Sincerely,

Mary Louise

Mary Louise Smith



COMPTROLLER GENERAL OF THE UNITED STATES

U.S. GENERAL ACCOUNTING OFFICE

Washington, D.C.

REPORT OF RECEIPTS AND EXPENDITURES

FOR A

CANDIDATE

FOR NOMINATION OR ELECTION TO THE OFFICE OF THE PRESIDENT OR VICE PRESIDENT OF THE UNITED STATES

Gerald R. Ford

(Full Name of Candidate)

1600 Pennsylvania Ave.

(Street)

Washington, D. C. 20006

(City, State, ZIP code)

State (If Primary, Convention, or Caucus)

Republican

(Party Affiliation)

TYPE OF REPORT

(Check Appropriate Box and Complete, if Applicable)

- March 10 report.
July 10 report
September 10 report.
January 31 report.
Fifteenth day report preceding election on
Fifth day report preceding election on
Termination report.

VERIFICATION BY OATH OR AFFIRMATION

State of District of Columbia

ss.

County of

I, Gerald R. Ford, being duly sworn, depose (affirm) and say that this Report of Receipts and Expenditures is complete, true, and correct.

Signature of Candidate

Subscribed and sworn to (affirmed) before me this 10th day of July, A.D. 1975.

Notary Public

My commission expires May 31, 1978



RETURN COMPLETED REPORT AND ATTACHMENTS TO: Office of Federal Elections, U.S. General Accounting Office, 441 G Street, N.W., Washington, D.C. 20548



GENERAL INFORMATION

(In accordance with the provisions of the Federal Election Campaign Act of 1971, P.L. 92-225)

SEE APPROPRIATE SUPERVISORY OFFICER'S MANUAL FOR ADDITIONAL REGULATIONS AND INSTRUCTIONS

A. Each candidate for election to the office of the President or Vice President of the United States shall file with the Comptroller General of the United States periodic reports of receipts and expenditures on the tenth day of March, June and September and by the thirty-first day of January in each year, and shall file preelection reports on the fifteenth and fifth days next preceding the date on which the election is held. All of the periodic reports shall be complete as of the close of the next preceding month and the preelection reports shall be complete as of midnight of the seventh day next preceding the filing date. Any contribution of \$5,000 or more (including a transfer of funds from a candidate or committee) which is received after the closing date prescribed for books for the last report prior to an election shall be separately reported within 48 hours after its receipt. Such contribution shall be reported to the Comptroller General by telegraph or hand delivered letter and shall be declared in the next report due under the Act. (Sec. 304.)

B. The Reports of Receipts and Expenditures 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 candidate shall file a statement to that effect. (Sec. 304.)

C. A copy of the Report of Receipts and Expenditures shall be preserved by the candidate filing under the Act for a period of four (4) years.

D. Any correction of information previously submitted in a Report of Receipts and Expenditures shall be reported to the Comptroller General within ten (10) days following discovery of the error. Such amendment to the Report of Receipts and Expenditures shall contain the date, identity of the candidate, and the corrections appropriately identified, and shall be verified by the oath or affirmation of the person filing such information, taken before any officer authorized to administer oaths.

DEFINITIONS FOR USE WITH THIS FORM

"*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;

"*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;

"*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;

"*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 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 an expenditure, and (3) a transfer of funds between political committees;

"*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;

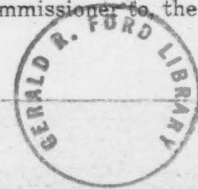
"*file*", "*filed*", and "*filing*" mean: delivery to the Comptroller General of the United States, Washington, D.C., by midnight of the prescribed filing date, or deposit as certified air mail, in an established U.S. Post Office, postage prepaid, no later than midnight of the second day next preceding the filing date. Certified mail receipt shall be retained as evidence of mailing. Documents deposited within 500 miles from Washington, D.C. need not be sent by air mail but shall be certified. In the event the mailing deadline falls on a day in which no mail is certified, the next preceding day on which mail is certified shall be deemed the mailing date;

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

"*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;

"*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; and

"*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.



EXTRACTS FROM THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

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.

(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.

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.

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.



Name of Candidate Gerald R. Ford

SUMMARY REPORT COVERING PERIOD FROM 6/20/75 THRU 6/30/75

	Column A— This period	Column B— Calendar year to date
SECTION A—RECEIPTS:		
Part 1. Individual contributions:		
a. Itemized (use schedule A*)	\$ 0	
b. Unitemized	\$ 0	
	Total individual contributions	\$ 0
Part 2. Sales and collections:		
Itemized (use schedule B*)	\$ 0	\$ 0
Part 3. Loans received:		
a. Itemized (use schedule A*)	\$ 0	
b. Unitemized	\$ 0	
	Total loans received	\$ 0
Part 4. Other receipts (refunds, rebates, interest, etc.):		
a. Itemized (use schedule A*)	\$ 0	
b. Unitemized	\$ 0	
	Total other receipts	\$ 0
Part 5. Transfers in:		
Itemize all (use schedule A*)	\$ 0	\$ 0
	TOTAL RECEIPTS	\$ 0
SECTION B—EXPENDITURES:		
Part 6. Communications media expenditures:		
Itemize all (use schedule C*)	\$ 0	\$ 0
Part 7. Expenditures for personal services, salaries, and reimbursed expenses:		
a. Itemized (use schedule D*)	\$ 0	
b. Unitemized	\$ 0	
	Total expenditures for personal services, salaries, and reimbursed expenses	\$ 0
Part 8. Loans made:		
a. Itemized (use schedule D*)	\$ 0	
b. Unitemized	\$ 0	
	Total loans made	\$ 0
Part 9. Other expenditures:		
a. Itemized (use schedule C*)	\$ 0	
b. Unitemized	\$ 0	
	Total other expenditures	\$ 0
Part 10. Transfers out:		
Itemize all (use schedule D*)	\$ 0	\$ 0
	TOTAL EXPENDITURES	\$ 0
SECTION C—CASH BALANCES:		
Cash on hand at beginning of reporting period	\$ 0	
Add total receipts (section A above)	\$ 0	
Subtotal	\$ 0	
Subtract total expenditures (section B above)	\$ 0	
Cash on hand at close of reporting period	\$ 0	

*Schedules are to be used only when itemization is required. (See each Schedule for instructions.) When itemization is unnecessary for a given Part, the total of any amounts for that Part is to be entered as a lump sum on the "Unitemized" line of the appropriate Part of the Summary Report. The word "None" should be entered on any line of the Summary Report when no amount is being reported.



COMPTROLLER GENERAL OF THE UNITED STATES

U.S. GENERAL ACCOUNTING OFFICE

Washington, D.C.

REPORT OF RECEIPTS AND EXPENDITURES

FOR A

CANDIDATE

FOR NOMINATION OR ELECTION TO THE OFFICE OF THE PRESIDENT OR VICE PRESIDENT OF THE UNITED STATES

Gerald R. Ford

(Full Name of Candidate)

1600 Pennsylvania Ave.

(Street)

Washington, D. C. 20006

(City, State, ZIP code)

State (If Primary, Convention, or Caucus)

Republican

(Party Affiliation)

TYPE OF REPORT

(Check Appropriate Box and Complete, if Applicable)

March 10 report.

~~XXXXXX~~ July 10 report

September 10 report.

January 31 report.

Fifteenth day report preceding _____ election on _____
(Primary, general, caucus, or convention) (Date)

Fifth day report preceding _____ election on _____
(Primary, general, caucus, or convention) (Date)

Termination report.

VERIFICATION BY OATH OR AFFIRMATION

State of District of Columbia

ss.

County of _____



I, Gerald R. Ford, being duly sworn, depose (affirm) and say
(Full Name of Candidate)
that this Report of Receipts and Expenditures is complete, true, and correct.

Gerald R. Ford
(Signature of Candidate)

Subscribed and sworn to (affirmed) before me this 10th day of July, A.D. 1975

John F. Ratcliff
(Notary Public)

My commission expires May 31, 1978



RETURN COMPLETED REPORT AND ATTACHMENTS TO:
Office of Federal Elections
U.S. General Accounting Office
441 G Street, N.W.
Washington, D.C. 20548



GENERAL INFORMATION

(In accordance with the provisions of the Federal Election Campaign Act of 1971, P.L. 92-225)

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D. Any correction of information previously submitted in a Report of Receipts and Expenditures shall be reported to the Comptroller General within ten (10) days following discovery of the error. Such amendment to the Report of Receipts and Expenditures shall contain the date, identity of the candidate, and the corrections appropriately identified, and shall be verified by the oath or affirmation of the person filing such information, taken before any officer authorized to administer oaths.

DEFINITIONS FOR USE WITH THIS FORM

"*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;

"*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;

"*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;

"*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 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 an expenditure, and (3) a transfer of funds between political committees;

"*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;

"*file*", "*filed*", and "*filing*" mean: delivery to the Comptroller General of the United States, Washington, D.C., by midnight of the prescribed filing date, or deposit as certified air mail, in an established U.S. Post Office, postage prepaid, no later than midnight of the second day next preceding the filing date. Certified mail receipt shall be retained as evidence of mailing. Documents deposited within 500 miles from Washington, D.C. need not be sent by air mail but shall be certified. In the event the mailing deadline falls on a day in which no mail is certified, the next preceding day on which mail is certified shall be deemed the mailing date;

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

"*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;

"*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; and

"*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.



EXTRACTS FROM THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

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.

(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.

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.

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.



Name of Candidate Gerald R. Ford

SUMMARY REPORT COVERING PERIOD FROM 6/20/75 THRU 6/30/75

	Column A— This period	Column B— Calendar year to date
SECTION A—RECEIPTS:		
Part 1. Individual contributions:		
a. Itemized (use schedule A*)	\$ 0	
b. Unitemized	\$ 0	
	Total individual contributions	\$ 0
Part 2. Sales and collections:		
Itemized (use schedule B*)	\$ 0	\$ 0
Part 3. Loans received:		
a. Itemized (use schedule A*)	\$ 0	
b. Unitemized	\$ 0	
	Total loans received	\$ 0
Part 4. Other receipts (refunds, rebates, interest, etc.):		
a. Itemized (use schedule A*)	\$ 0	
b. Unitemized	\$ 0	
	Total other receipts	\$ 0
Part 5. Transfers in:		
Itemize all (use schedule A*)	\$ 0	\$ 0
	TOTAL RECEIPTS	\$ 0
SECTION B—EXPENDITURES:		
Part 6. Communications media expenditures:		
Itemize all (use schedule C*)	\$ 0	\$ 0
Part 7. Expenditures for personal services, salaries, and reimbursed expenses:		
a. Itemized (use schedule D*)	\$ 0	
b. Unitemized	\$ 0	
	Total expenditures for personal services, salaries, and reimbursed expenses	\$ 0
Part 8. Loans made:		
a. Itemized (use schedule D*)	\$ 0	
b. Unitemized	\$ 0	
	Total loans made	\$ 0
Part 9. Other expenditures:		
a. Itemized (use schedule C*)	\$ 0	
b. Unitemized	\$ 0	
	Total other expenditures	\$ 0
Part 10. Transfers out:		
Itemize all (use schedule D*)	\$ 0	\$ 0
	TOTAL EXPENDITURES	\$ 0
SECTION C—CASH BALANCES:		
Cash on hand at beginning of reporting period	\$ 0	
Add total receipts (section A above)	\$ 0	
Subtotal	\$ 0	
Subtract total expenditures (section B above)	\$ 0	
Cash on hand at close of reporting period	\$ 0	

*Schedules are to be used only when itemization is required. (See each Schedule for instructions.) When itemization is unnecessary for a given Part, the total of any amounts for that Part is to be entered as a lump sum on the "Unitemized" line of the appropriate Part of the Summary Report. The word "None" should be entered on any line of the Summary Report when no amount is being reported.



THE WHITE HOUSE

WASHINGTON

August 4, 1975

MEMORANDUM FOR: PHIL BUCHEN

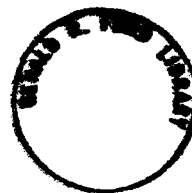
FROM: BARRY ROTH *BR*

SUBJECT: Use of Donated Vehicles
by the Secret Service

Attached for your information is the exchange of correspondence between the Secret Service and the FEC concerning the Service's use of donated vehicles. In my opinion, Dave Martin's letter did not accurately state the issue with which he was concerned, for the White House is not involved in any way with this security matter.

An option remains for the Secret Service to go back to the FEC for a clarifying opinion. I recommend that we not suggest they do so, at least at the present time. I have been advised by the Service that it intends to pay the full cost of these security related vehicles from appropriated funds, and in their view the issue is now moot. Unless the FEC is to later rule that appropriated funds cannot be spent for security matters related to political appearances, the issue here is not one that involves the White House.

I also believe it to be unlikely that the FEC will focus on that issue. Normally, GAO rules on the use of appropriated funds. During the course of the Brooks' hearings on security expenditures for former President Nixon, no suggestion was made by GAO, or anyone else, that the protection costs in issue here were improperly paid from appropriated funds.



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

July 31, 1975

OC 1975-1

Mr. David H. Martin
Legal Counsel
United States Secret Service
Department of the Treasury
Washington, D. C. 20223

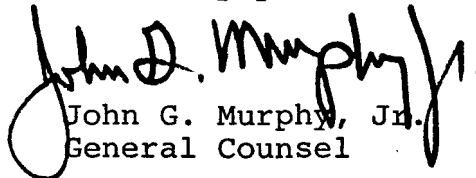
Dear Mr. Martin:

This letter responds to yours of June 6, 1975, requesting an opinion. We regret the inordinate delay in responding to your request and want to assure you that future inquiries will be handled more expeditiously.

Under the express terms of 2 U.S.C. Section 437f, your inquiry does not seem appropriate for consideration as a request for an advisory opinion. However, the Commission is of the view that your letter calls for the issuance of an opinion of counsel.

The question which you have raised is whether the gratuitous furnishing of vehicles for the President by the Ford Motor Company would constitute a violation of the Federal Election Campaign laws. Section 610 of Title 18, United States Code, prohibits corporations from making contributions or expenditures in connection with a political convention or caucus. Contribution is defined to include "any direct or indirect . . . gift of . . . any services, or anything of value" The Commission would consider the President's participation in a fundraiser for Federal candidates as being in connection with an election, convention or caucus. Thus, for the Ford Motor Company, a corporation, to gratuitously furnish vehicles to the President for his use for this purpose or in connection with any Federal election, convention or caucus would constitute a contribution in violation of this section.

Sincerely yours,


John G. Murphy, Jr.
General Counsel



file

H73

370.0

JUN 6 1976

Mr. John G. Murphy, Jr.
General Counsel
Federal Elections Commission
1325 K Street, N. W.
Washington, D. C. 20463

Dear Mr. Murphy:

This letter is to seek an opinion from your office as to whether or not the gratuitous furnishing of vehicles for the President constitutes a violation of the 1974 Federal Elections Campaign Reform Act. For obvious reasons of product visibility and sales promotional benefits, the Ford Motor Company has in the past gratuitously provided vehicles for the use of the President during his movements. However, they now question whether or not when the President's movements are politically partisan in nature, such as fund raisers, etc., they are making a political contribution.

It is our position that the Ford Motor Company is not providing this service for the President as an individual but to the President as an office and that regardless of where the President might go or his purpose, it could not be construed as a political contribution.

Your opinion as to whether or not this practice would violate the Campaign Reform Act would be most appreciated.

Sincerely yours,

David H. Martin

David H. Martin
Legal Counsel



Campaign

THE WHITE HOUSE
WASHINGTON

October 2, 1975

MEMORANDUM FOR: PHIL BUCHEN
FROM: BARRY ROTH *BR*
SUBJECT: Quarterly Campaign Disclosure Reports

For your information, quarterly campaign disclosure reports covering the period July 1 through September 30, 1975 must be filed by midnight October 10. As you will recall, 2 U.S.C. § 434(c) requires the candidate as well as the political committee to file such reports. Dean Burch handled the report last July. Will or should it come through you before it goes to the President for signature? *It should but whether it will depends on your seeing that it does.*

It may also be a good idea for us to keep a set of these reports in our office for possible reference. If you agree, I will ask Bob Visser to send copies as the reports are filed with the FEC.

*I agree.
P.*

*your seeing that it does.
R*



FEC

Note to Jim Connor:

It would be very
desirable to have
President sign today
(10/7) so his form could
go in with the PFC form
J.



THE PRESIDENT HAS SEEN....

THE WHITE HOUSE

WASHINGTON

October 7, 1975

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: PHILIP W. BUCHEN *P.W.B.*

SUBJECT: Candidate's Quarterly Report to the
Federal Election Commission

The Federal Election Campaign Act provides for quarterly reports of receipts and expenditures by both political committees supporting candidates for election to Federal office and the candidates themselves.

Attached is the quarterly report for your signature covering the period from July 1 through September 30, 1975 and which must be filed with the FEC no later than October 10. It was prepared by the President Ford Committee which shares my understanding that you personally have neither accepted any contributions for your candidacy nor made any expenditures on your own for this purpose.

For your information, the PFC will file its quarterly report on October 8.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

REPORT OF RECEIPTS AND EXPENDITURES

FOR A
CANDIDATE

FOR NOMINATION OR ELECTION TO FEDERAL OFFICE

Gerald R. Ford

(Full Name of Candidate)

1600 Pennsylvania Avenue

(Street)

Washington, D. C. 20500

(City, State, ZIP code)

State (If Primary, Convention, or Caucus)

Republican

(Party Affiliation)

(Office Sought)

Check if New Address

TYPE OF ELECTION

PRIMARY GENERAL SPECIAL RUNOFF CONVENTION OR CAUCUS

TYPE OF REPORT

10 DAY PRE-ELECTION

30 DAY POST-ELECTION

APRIL 10

JULY 10

OCTOBER 10

JANUARY 10

AMENDMENT TO _____ REPORT

SUSPENSION

TERMINATION

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE EXAMINED THIS REPORT INCLUDING SCHEDULES AND STATEMENTS, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS TRUE, CORRECT, AND COMPLETE.



Gerald R. Ford

Signature of Candidate

10/8/75

Date

RETURN COMPLETED REPORT AND ATTACHMENTS TO:

FEDERAL ELECTION COMMISSION

1325 K STREET, N.W.

WASHINGTON, D.C. 20463

SUMMARY PAGE

Name of Candidate Gerald R. Ford

REPORT COVERING PERIOD FROM 7/1/75 THRU 9/30/75

	Column A— This period	Column B— Calendar year to date
SECTION A—RECEIPTS:		
Part 1. Individual contributions:		
a. Itemized (use schedule A*)	\$ 0	
b. Unitemized	\$ 0	
Total individual contributions	\$ 0	\$ 0
Part 2. Sales and collections:		
Itemized (use schedule B and as necessary schedule A*)	\$ 0	\$ 0
Part 3. Loans received:		
a. Itemized (use schedule A*)	\$ 0	
b. Unitemized	\$ 0	
Total loans received	\$ 0	\$ 0
Part 4. Other receipts (refunds, rebates, interest, etc.):		
a. Itemized (use schedule A*)	\$ 0	
b. Unitemized	\$ 0	
Total other receipts	\$ 0	\$ 0
Part 5. Transfers in:		
Itemize all (use schedule A*)	\$ 0	\$ 0
TOTAL RECEIPTS	\$ -0-	\$ -0-
SECTION B—EXPENDITURES:		
Part 6. Void: Use Part 9.		
Part 7. Expenditures for personal services, salaries, and reimbursed expenses:		
a. Itemized (use schedule D*)	\$ 0	
b. Unitemized	\$ 0	
Total expenditures for personal services, salaries, and reimbursed expenses	\$ 0	\$ 0
Part 8. Loans made:		
a. Itemized (use schedule D*)	\$ 0	
b. Unitemized	\$ 0	
Total loans made	\$ 0	\$ 0
Part 9. Media and other expenditures:		
a. Itemized (use schedule C*)	\$ 0	
b. Unitemized	\$ 0	
Total other expenditures	\$ 0	\$ 0
Part 10. Transfers out:		
Itemize all (use schedule D*)	\$ 0	\$ 0
TOTAL EXPENDITURES	\$ -0-	\$ -0-
SECTION C—CASH BALANCES:		
Cash on hand at beginning of reporting period	\$ 0	
Add total receipts (section A above)	\$ 0	
Subtotal	\$ 0	
Subtract total expenditures (section B above)	\$ 0	
Cash on hand at close of reporting period	\$ 0	

*Schedules are to be used only when itemization is required. (See each Schedule for instructions.) When itemization is unnecessary for a given Part, the total of any amounts for that Part is to be entered as a lump sum on the "Unitemized" line of the appropriate Part of the Summary Report. The word "None" should be entered on any line of the Summary Report when no amount is being reported.

Presidential
Library

Note to Jim Connor:

It would be very
desirable to have
President sign today
(10/8) so his form could
go in with the PFC form
P.



THE WHITE HOUSE
WASHINGTON

October 7, 1975

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM:

PHILIP W. BUCHEN

P.W.B.

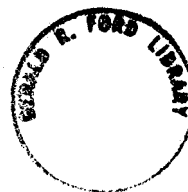
SUBJECT:

Candidate's Quarterly Report to the
Federal Election Commission

The Federal Election Campaign Act provides for quarterly reports of receipts and expenditures by both political committees supporting candidates for election to Federal office and the candidates themselves.

Attached is the quarterly report for your signature covering the period from July 1 through September 30, 1975 and which must be filed with the FEC no later than October 10. It was prepared by the President Ford Committee which shares my understanding that you personally have neither accepted any contributions for your candidacy nor made any expenditures on your own for this purpose.

For your information, the PFC will file its quarterly report on October 8.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

REPORT OF RECEIPTS AND EXPENDITURES

FOR A
CANDIDATE

FOR NOMINATION OR ELECTION TO FEDERAL OFFICE

Gerald R. Ford

(Full Name of Candidate)

1600 Pennsylvania Avenue

(Street)

Washington, D. C. 20500

(City, State, ZIP code)

State (If Primary, Convention, or Caucus)

Republican

(Party Affiliation)

(Office Sought)

Check if New Address

TYPE OF ELECTION

PRIMARY GENERAL SPECIAL RUNOFF CONVENTION OR CAUCUS

TYPE OF REPORT

10 DAY PRE-ELECTION

30 DAY POST-ELECTION

APRIL 10

JULY 10

OCTOBER 10

JANUARY 10

AMENDMENT TO _____ REPORT

SUSPENSION

TERMINATION

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE EXAMINED THIS REPORT INCLUDING SCHEDULES AND STATEMENTS, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS TRUE, CORRECT, AND COMPLETE.

Signature of Candidate

Date

RETURN COMPLETED REPORT AND ATTACHMENTS TO:

FEDERAL ELECTION COMMISSION
1325 K STREET, N.W.
WASHINGTON, D.C. 20463



THE WHITE HOUSE

WASHINGTON

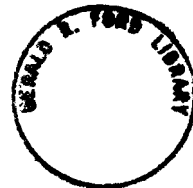
*PH
00-1115*

October 8, 1975

MEMORANDUM FOR: PHIL BUCHEN
FROM: BARRY ROTH *BR*
SUBJECT: FEC Disclosure and Reporting Regulations

Bob Visser has provided me with a copy of draft regulations of the disclosure and implement reporting provisions of the FECA that the FEC is about to publish for comment in the Federal Register. The proposed regulations permit salaried employees to volunteer their services to a political committee or candidate during the normal working day, as long as the individual agrees to make up any such time away from his duties within a reasonable time, or uses bona fide vacation time. The regulation also goes beyond the face of the FECA in encouraging volunteers to participate in campaign activities by specifically providing that persons may volunteer their services whether or not the services performed are those ordinarily performed in their trade, e.g., lawyers, accountants, secretaries, etc.

This draft regulation adopts the recommendation made by Bob Visser to the FEC staff and is quite important in its flexibility and encouragement to permit the use of volunteers.



THE WHITE HOUSE

WASHINGTON

November 12, 1975

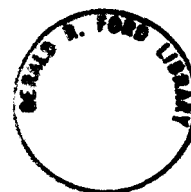
MEMORANDUM FOR:

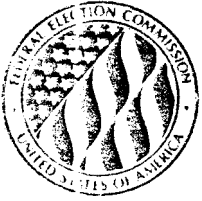
PHIL BUCHEN ✓
JIM CONNOR

FROM:

BARRY ROTH *BR*

The attached letter from FEC Vice Chairman Staebler requires the President to make certain certifications in writing to the FEC that are required by statute and FEC regulations in connection with his election campaign and its eligibility for matching federal funds. I have forwarded the letter to Bob Visser at the PFC who will prepare an appropriate response on PFC letterhead and will return it through this office for the President's signature.





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 7, 1975

The Honorable Gerald R. Ford
The White House
Washington, D.C. 20500

Dear Mr. President:

rk
ENCLOSURE

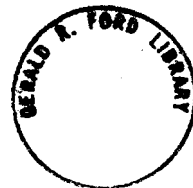
The Federal Election Commission has established interim procedures to be used to determine eligibility for matching funds pursuant to Section 9033 of Title 26 of the United States Code (26 U.S.C. 9033). As you may know, that Section requires you, as a candidate, to certify in writing to the Commission that:

1. You and your authorized committees will not incur qualified campaign expenses in excess of limitations on such qualified campaign expenses.
2. You are seeking nomination by a political party for election to the office of President of the United States.
3. You have received matching contributions which, in the aggregate, exceed \$5,000 in contributions from residents of each of at least 20 states.
4. The aggregate of contributions certified with respect to any person under Item 3 above does not exceed \$250.00.

In addition, it is required that you, as a candidate, agree in writing:

1. To obtain and furnish to the Commission any evidence requested concerning qualified campaign expenses.
2. To keep and furnish to the Commission any records, books, or other information requested.
3. To submit to an audit and examination under 26 U.S.C. 9038, and to pay any amounts under such Section.

These requirements can be fulfilled by a letter to the Commission signed by the candidate.



Please note that in accordance with 2 U.S.C. 437b, you must designate one or more national or state banks as your campaign depositories and disclose your designations to the Commission. Furthermore, all contributions received must be deposited to these accounts. Also, all expenditures shall be made by check drawn on these accounts, other than petty cash expenditures not in excess of \$100.00. In addition, the Commission's Interim Guideline on Eligibility for Matching Payments published on October 9, 1975, in the Federal Register (copy enclosed for your reference), requires candidates to submit to the Commission the name and address of the person to whom the matching payment should be sent and the name and address of the National or State bank used as the candidate's campaign depository for such payment.

The Interim Guideline also requires candidates wishing to be certified for eligibility to submit to the Commission an alphabetical list of contributions, grouped by each state, together with photocopies of the check or other written instrument for each contribution being submitted correlated to the appropriate deposit slip and bank statement. Contributions submitted to determine eligibility for matching payments will be accepted without regard to fund-raising costs, except that a contribution in the form of a purchase price paid for an item with significant intrinsic and enduring value is not a matchable campaign contribution.

The Commission intends to make the determination of the eligibility of presidential candidates for matching payments based upon field audits of candidate and committee records where possible. The Commission staff will trace each contribution to the accompanying supporting documents. Contributions which cannot be verified will be recorded separately and reviewed with your staff. If a sufficient number of contributions can be verified to establish eligibility to receive matching payments pursuant to Section 9033, the Assistant Staff Director for Disclosure and Compliance will make such a report to the Commission.

Upon approval of this report by the Commission, candidates will be notified that they have met the requirements of Section 9033(b)(3) and (4). The Commission will make a formal announcement of candidate eligibility and, within ten days thereafter, certify to the Secretary of the Treasury the initial entitlement for each candidate. Pursuant to Section 9037, the Secretary of the Treasury cannot transfer any funds certified by the Commission from the Matching Payment Account to the candidate before the beginning of the matching payment period.

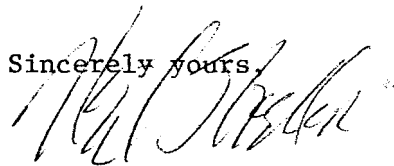


However, after you have received the above described notification, the Commission will be prepared to receive the alphabetical listing of contributions being submitted for matching payments, supported by photocopies of contributor checks or other written instruments correlated to the appropriate deposit slips and bank statements, to determine your initial entitlement of funds from the Presidential Primary Matching Payment Account. Such submissions should include all matchable contributions received from January 1, 1975 through October 31, 1975. Subsequent submissions may be made following the Commission's formal announcement of candidate eligibility. Except as necessary to establish eligibility under Section 9033 and the Commission's Interim Guideline, the segregation by state of the alphabetical list of contributions and the accompanying supporting documents is not required.

If you have any questions concerning these procedures, or if we may be of assistance to you, please address your inquiries to Mr. Gordon Andrew McKay, Assistant Staff Director for Disclosure and Compliance, at (202) 382-6023.

With kind regards, I am

Sincerely yours,



Neil Staebler
Vice Chairman

NS:dmm
Enclosure as stated



federal register

THURSDAY, OCTOBER 9, 1975

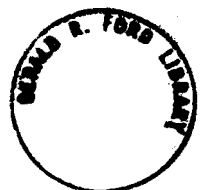


PART IV:

FEDERAL ELECTION COMMISSION

■

**SUBPENA REGULATIONS;
PRESIDENTIAL PRIMARY
MATCHING FUNDS;
ADVISORY OPINIONS**



PROPOSED RULES

FEDERAL ELECTION COMMISSION

[11 CFR Part 116]

[Notice 1975-59]

SUBPENA REGULATIONS

Notice of Proposed Rulemaking

The Federal Election Commission today publishes a proposed regulation covering its subpoena power in Title 2, U.S.C. This regulation is intended to be comprehensive in this area.

Comment period. Interested persons are invited to submit written comments on these proposed regulations to the Rulemaking Section, Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Comments should be received on or before November 10, 1975. The Commission emphasizes that comments from all affected parties are strongly desired.

Effective date. This regulation shall become effective on a date specified in a future notice published in the FEDERAL REGISTER, which effective date shall not be less than 30 calendar days after the date of this notice of proposed rulemaking, nor before approval by the United States Congress.

AUTHORITY: This regulation is proposed under authority of 2 U.S.C. 438.

Dated: October 2, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

Accordingly, it is proposed to amend Title II, Code of Federal Regulations, by adding Part 116 which would read as follows:

PART 116—SUBPENAS

- Sec.
116.1 Issuance of subpoenas and subpoenas duces tecum.
116.2 Service of subpoenas.
116.3 Motions to quash.
116.4 Witness fees and mileage.

AUTHORITY: 2 U.S.C. 438.

116.1 Issuance of subpoenas and subpoenas duces tecum.

(a) The Commission, by majority vote, shall issue subpoenas signed by the Chairman or the Vice Chairman requiring the attendance and testimony of witnesses and subpoenas requiring the production of documentary or other tangible evidence upon request therefor by the General Counsel.

(b) All requests by the General Counsel for subpoenas, whether written or oral, shall contain a statement or showing of general relevance and reasonable scope of the evidence sought, and shall be accompanied by a copy of a draft of the subpoena sought which shall describe the documentary or tangible evidence to be subpoenaed with as much particularity as is feasible, and state the time at which such evidence must be produced.

(c) The Commission shall issue subpoenas only upon such conditions as fairness requires.

116.2 Service of subpoenas.

(a) Service of a subpoena upon a person named therein shall be made by delivering a copy of the subpoena to such

person and by tendering the fees for one day's attendance and the mileage as specified by § 116.3. Fees and mileage need not be tendered at the time of service.

(b) Whenever service is to be made upon a person who is represented in the pending proceeding by an attorney, the service may be made upon the attorney.

(c) Delivery of a copy of a subpoena and tender of the fees to a natural person may be made by handing them to the person; or leaving them at his office with the person in charge thereof; or leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein; or mailing them by registered or certified mail to him at his last known address; or by any method whereby actual notice is given to him and the fees are made available prior to the return date.

(d) When the person to be served is not a natural person, delivery of a copy of the subpoena and tender of the fees may be effected by handing them to a registered agent for service, or to any officer, director, or agent in charge of any office of such person, or by mailing them by registered or certified mail to such representative at his last known address; or by any method whereby actual notice is given to such representative and the fees are made available prior to the return date.

§ 116.3 Motions to quash.

Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 2 days after the date of service of such subpoena, apply to the Commission, to quash or modify such subpoena, accompanying such application with a brief statement of the reasons therefor. The Commission may deny the application, or upon notice to the person upon whose request the subpoena was issued, and opportunity for reply, may:

- (a) Deny the application,
- (b) Quash or
- (c) Modify the subpoena.

§ 116.4 Witness fees and mileage.

(a) Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(b) Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

[FR Doc.75-26942 Filed 10-8-75;8:45 am]

[11 CFR Parts 130, 131, 132, 133]

[Notice 1975-57]

FEDERAL CAMPAIGN FUNDS

Presidential Primary Election Matching Fund Regulation

The Federal Election Commission today publishes proposed regulations covering Presidential Primary Election

Matching Funds, generally 26 U.S.C. 9031-9038.

Comment period. Interested parties are invited to submit written comments on these proposed regulations to the Rulemaking Section, Office of the General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Comments should be received on or before November 10, 1975.

In particular, the Commission requests comments on the following key points:

(1) The definition of "matchable campaign contribution" in § 130.7, on which the Commission had a split vote, and for which it has included two alternative formulations which it considered, but rejected;

(2) The provision in § 131.2(c), which requires candidates to provide photocopies of written instruments, attached to deposit slips and bank statements and segregated by state;

(3) The absence of a provision in part 132 to permit candidates to question the Commission's refusal to certify a contribution as matchable; and

(4) An equitable method of informing the candidate of possible repayments under § 133.2.

Hearings. The schedule for public hearings on the proposed regulation will be published in the near future.

Effective date. These regulations shall become effective on a date specified in a future notice published in the FEDERAL REGISTER, which effective date shall not be less than 30 calendar days after the date of this notice of proposed rulemaking, nor before approval by the United States Congress.

PART 130—DEFINITIONS

- Sec.
130.1 Authorized committee.
130.2 Candidate.
130.3 Commission.
130.4 Matching payment account.
130.5 Matching payment period.
130.6 Primary election.
130.7 Matchable campaign contribution.
130.8 Qualified campaign expense.

AUTHORITY: 26 U.S.C. 9031-9038.

§ 130.1 Authorized committee.

"Authorized committee" means a political committee which is actually or constructively authorized by a candidate to solicit or receive contributions or to make expenditures on behalf of the candidate.

§ 130.2 Candidate.

For purpose of this section, "candidate" means an individual who seeks the nomination for election to be President of the United States. An individual is deemed to seek the nomination for election if he or she—

(a) Takes the action necessary under the law of a state to qualify for nomination for election; or

(b) Receives contributions or incurs qualified campaign expenses; or

(c) Gives consent for any other person to receive contributions or to incur qualified campaign expenses on his or her behalf.

§ 130.3 Commission.

"Commission" means the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, telephone (202) 382-5162.

§ 130.4 Matching payment account.

"Matching payment account" means the Presidential Primary Matching Account established under 26 U.S.C. 9037 (a) and part 133.

§ 130.5 Matching payment period.

"Matching payment period" means the period beginning January 1 of the year in which a general election for the office of President of the United States is held and ending on the date on which the national convention of the party, whose nomination a candidate seeks, nominates its candidate for the office of President of the United States, or, in the case of a party which does not make such nomination by national convention, the last day for the matching period shall be the earlier of (a) the date such party nominates its candidate for the office of President of the United States; or (b) the last day of the last national convention held by a major party.

§ 130.6 Primary election.

"Primary election" means an election under § 100.6 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 candidates for election to the office of President of the United States.

§ 130.7 Matchable campaign contribution.

(a) "Matchable campaign contribution" means a gift of money other than a loan, advance, subscription, deposit or anything of value (see § 100.4(a)(1)), made by a written instrument identifying the individual making the contribution by full name, and mailing address.

(1) Gifts of money will be considered matchable campaign contributions only to the extent of the first \$250 contributed by an individual.

(2) Such amount must be actually received by the candidate or his or her committee and deposited in a designated campaign depository, and

(3) Such amount must be received by the candidate on or after the first day of the calendar year immediately preceding the calendar year of the presidential election.

(b) For the purpose of this definition the term "money" means currency of the United States and foreign currency, checks, money orders or any other negotiable instrument payable on demand.

(c) For purposes of the foregoing and subject to paragraph (d) of this section, "written instrument" means a check, money order, or any other negotiable instrument payable on demand, which contains the name of the contributor, and the amount and date of the contribution, and which contains the address of the contributor on the written instrument or on an attached record.

Such written instrument may include a written receipt for a cash gift (not exceeding \$100 and not made in violation of 18 U.S.C. 615) issued by or on behalf of the contributee candidate; countersigned in ink by the contributor; and including the contributor's full name, residential address, and the amount and date of the gift.

(d) For the purposes of Parts 130-39, contributions eligible for matching are determined without regard to costs incurred by a candidate in raising the contribution, except that a contribution in the form of the purchase price paid for an item with significant intrinsic and enduring value is not a matchable campaign contribution.

TWO ALTERNATIVES CONSIDERED

I. (d) For purposes of parts 130-39, contributions eligible for matching are determined without regard to costs incurred by a candidate in raising the contribution, except that (1) gifts of money received due to an event, sale or other occurrence which confers a private benefit upon the contributor are contributions only to the extent that the amount received exceeds the cost or, in appropriate cases to be determined by the Commission, the fair market value of such private benefit. The candidate or committee shall maintain records to establish the cost or fair market value; and (2) a contribution in the form of the purchase price paid for an item with significant intrinsic and enduring value is not a matchable campaign contribution.

II. (d) For the purposes of Parts 130-39, contributions eligible for matching are determined without regard to the costs incurred by a candidate in raising the contribution, except that—

(1) A contribution in the form of the purchase price paid for an item with significant intrinsic and enduring value is not a matchable campaign contribution; and

(2) A contribution in the form of the payment for a ticket purchased for a concert shall be matchable only to the extent that the contribution exceeds the per capita cost or in appropriate cases, fair market value, of holding the concert. The candidate or committee shall maintain records to establish the cost or fair market value.

§ 130.8 Qualified campaign expense.

"Qualified campaign expense" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value—

(a) Incurred by a candidate or by his or her authorized committee, or by a person authorized in writing by such candidate or committee, in connection with his or her campaign for nomination for election; and

(b) Neither the incurrence, nor payment of which, constitutes a violation of any law of the United States or of any State in which the transaction occurred.

PART 131—ELIGIBILITY FOR PAYMENTS
Sec.

- 131.1 Candidate agreements.
- 131.2 Candidate certifications, threshold amount.
- 131.3 Candidate entitlement.

AUTHORITY: 26 U.S.C. 9031-9038.

§ 131.1 Candidate agreements.

To be eligible to receive Presidential primary matching fund payments, a candidate shall agree in a letter to the Com-

mission, signed by the candidate, that the candidate will—

(a) Obtain and furnish to the Commission, upon reasonable written or oral request, any evidence it may request regarding qualified campaign expenses.

(b) Keep, and furnish to the Commission upon reasonable written or oral request, any books, records or other information it may request; and

(c) Permit an audit and examination by the Commission, pursuant to part 133, and to pay any amounts required to be paid under such part.

§ 131.2 Candidate certifications, threshold amount.

To be eligible to receive Presidential primary matching fund payments, a candidate shall certify to the Commission, in a written statement signed by the candidate under penalty of perjury, that—

(a) He or she is seeking nomination by a political party to the office of President of the United States;

(b) The candidate and his authorized committee(s) will not incur qualified campaign expenses in excess of ten million dollars, except that the aggregate of expenditures in any one state shall not exceed twice the expenditure limitation applicable in such state to a candidate for nomination for election to Senator, Delegate or Resident Commissioner as the case may be;

(c) The candidate and his authorized committees have received matchable campaign contributions which, in the aggregate, exceed \$5,000 in contributions from individuals who are residents of at least 20 states, and which in respect to any individual do not exceed \$250. The submission to the Commission for certification as to eligibility for matching funds shall be made in the following way:

(1) For each state in which the candidate certifies he or she has met the requirement of paragraph (c) of this section, the candidate shall submit an alphabetical list of each contributor, showing his or her full name, residential address, date of contribution, dollar amount of total contributions, and dollar amount submitted for matching purposes;

(2) The candidate shall submit a photocopy of each check or other written instrument for each contribution which the candidate submits to receive matching funds. Such photocopies shall be segregated by state, and shall be accompanied by copies of the relevant deposit slip and the relevant bank statement.

(i) Those candidates who cannot provide photocopies of checks or other written instruments for contributions received prior to August 11, 1975 (see Federal Election Commission Interim Guideline [Notice 1975-22], 40 FR 33817, August 11, 1975) shall submit a written statement to the Commission stating that the candidate is unable to provide photocopies, and the reason(s) therefor;

(ii) Upon receipt of the foregoing statement, the Commission shall review the amounts and records of contributions, and such other information as the Commission deems necessary, to deter-

mine if such amounts, records and other information justify certification for matching funds.

§ 131.3 Candidate Entitlements.

Every candidate who is certified by the Commission under § 131.2 as eligible to receive payments is then entitled to payments—

(a) In an amount equal to the amount of each matchable campaign contribution, as defined in § 130.7,

(b) But not in excess of \$5 million, see 26 U.S.C. 9034(b).

PART 132—CERTIFICATION AND DISBURSEMENT

Sec.

132.1 Initial certification.

132.2 Additional certifications.

132.3 Presidential Primary Matching Payments.

AUTHORITY: 26 U.S.C. 9031—9038.

§ 132.1 Initial certification.

(a) Within 10 calendar days after a candidate is certified by the Commission as eligible under part 131 to receive payments, the Commission shall certify to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

(b) To receive the initial payment, the candidate shall submit to the Commission, in addition to the information required under part 131,

(1) The name and mailing address of the person to whom the payment should be sent;

(2) The name and address of the national or state bank to be used as the candidate's designated campaign depository, see Part 4.

§ 132.2 Additional certifications.

(a) For certification after a candidate has received his or her initial certification and payment, a candidate shall file all information required for the initial eligibility under part 131,

(1) Except that the alphabetical listing of contributors need not be submitted under separate State headings, and

(2) The candidate need not resubmit the agreements under § 131.1 and the certifications under § 131.2.

(b) Within 15 calendar days of receipt of the information required by paragraph (a) of this section, the Commission shall certify to the Secretary of the Treasury of the amount to which a candidate is eligible.

§ 132.3 Presidential primary matching payments.

(a) Upon receipt of a written certification from the Commission but not before the beginning of the matching payment period, the Secretary of the Treasury or his or her delegate shall promptly transfer the amount certified from the matching payment account to the candidate.

(b) Such payments shall be the full amount to which the candidate is entitled unless, in the Secretary's judgment, the Presidential Primary Matching Payment Account lacks sufficient funds to meet current demands, in which case the Secretary shall seek to achieve an equitable distribution of available funds among candidates of the same political party, taking into account the sequence in which the certifications are received.

PART 133—EXAMINATIONS AND AUDITS; REPAYMENTS

Sec.

133.1 Audit.

133.2 Repayments.

133.3 Liquidation of obligations; repayment.

AUTHORITY: 26 U.S.C. 9031—9038.

§ 133.1 Audit.

Within 90 days of the close of a Matching Payment Period, the Commission shall conduct an audit of the qualified campaign expenses of every candidate and his or her authorized committees who received presidential primary matching funds.

§ 133.2 Repayments.

If the Commission determines that:

(a) Any portion of the payments made to a candidate from the matching payment account was in excess of the aggregate amount to which such candidate was entitled, or

(b) Any amount of any payment made to a candidate from the matching pay-

ment account was used for any purpose other than to defray qualified campaign expenses, including the repayment of loans, then the Commission shall so inform the candidate no later than 3 years after the end of such matching payment period, and the candidate shall repay to the Secretary of the Treasury, within 90 days of such notice, an amount equal to the excess payments, or an amount equal to the amount of non-qualified campaign expenditures. Upon application submitted by the candidate, the Commission may grant a 90 day extension of the repayment period.

§ 133.3 Liquidation of obligations; repayment.

(a) Obligations incurred with respect to primary elections may be liquidated through use of matching payment funds during a period up to 6 months after the end of the Matching Payment period.

(b) After all obligations have been liquidated, the candidate shall so inform the Commission in writing.

(c) (1) Within 30 days of such notification, and

(2) If any unexpended balance remains in any campaign depository of the candidate or any of his authorized committees into which matching payments were deposited,

then the candidate shall repay to the Secretary of the Treasury an amount equal to that portion of the unexpended balance remaining in the candidate's depositories which bears the same ratio to the total unexpended or unencumbered balance as the total amount received from the matching payment account bears to the total of all deposits made into all of the candidate's depositories.

(d) All payments received by the Secretary under § 133.3 or 4 shall be deposited in the Matching Payment Account.

Dated: October 1, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-26860 Filed 10-8-75;8:45 am]

THE WHITE HOUSE

WASHINGTON

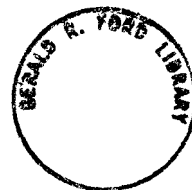
November 26, 1975

MEMORANDUM FOR: DICK CHENEY

FROM: PHIL BUCHEN 

The PFC has asked that this letter be signed by the President as soon as possible and returned to Bob Visser for filing at the FEC along with certain other materials they have compiled relating to the first payment of Federal matching funds.

Attachment



THE WHITE HOUSE

WASHINGTON

ACTION

November 26, 1975

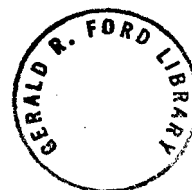
MEMORANDUM FOR THE PRESIDENT

THROUGH: RICHARD CHENEY
FROM: PHILIP BUCHEN *P.W.B.*
SUBJECT: Matching Funds Certification Letter

In accordance with the Federal Election Campaign Act Amendments of 1974, the Federal Election Commission (FEC) requires each candidate (at Tab A) to personally make certain written certifications to the FEC in order to qualify for Federal Matching Funds.

Attached at Tab B for your signature is a letter drafted by the President Ford Committee which contains the certifications and agreements from you that are required by the FEC for this purpose. For contributions received through October 31, 1975, you will be eligible for matching funds, to be paid in early January, totaling approximately \$400,000. The PFC indicated that without these Federal funds they would be unable to finance from cash on hand the activities which are contemplated in January in relation to the New Hampshire and Florida primaries.

Attachments







FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 7, 1975

The Honorable Gerald R. Ford
The White House
Washington, D.C. 20500

Dear Mr. President:

RL
ENCLOSURE
The Federal Election Commission has established interim procedures to be used to determine eligibility for matching funds pursuant to Section 9033 of Title 26 of the United States Code (26 U.S.C. 9033). As you may know, that Section requires you, as a candidate, to certify in writing to the Commission that:

1. You and your authorized committees will not incur qualified campaign expenses in excess of limitations on such qualified campaign expenses.
2. You are seeking nomination by a political party for election to the office of President of the United States.
3. You have received matching contributions which, in the aggregate, exceed \$5,000 in contributions from residents of each of at least 20 states.
4. The aggregate of contributions certified with respect to any person under Item 3 above does not exceed \$250.00.

In addition, it is required that you, as a candidate, agree in writing:

1. To obtain and furnish to the Commission any evidence requested concerning qualified campaign expenses.
2. To keep and furnish to the Commission any records, books, or other information requested.
3. To submit to an audit and examination under 26 U.S.C. 9038, and to pay any amounts under such Section.

These requirements can be fulfilled by a letter to the Commission signed by the candidate.



Please note that in accordance with 2 U.S.C. 437b, you must designate one or more national or state banks as your campaign depositories and disclose your designations to the Commission. Furthermore, all contributions received must be deposited to these accounts. Also, all expenditures shall be made by check drawn on these accounts, other than petty cash expenditures not in excess of \$100.00. In addition, the Commission's Interim Guideline on Eligibility for Matching Payments published on October 9, 1975, in the Federal Register (copy enclosed for your reference), requires candidates to submit to the Commission the name and address of the person to whom the matching payment should be sent and the name and address of the National or State bank used as the candidate's campaign depository for such payment.

The Interim Guideline also requires candidates wishing to be certified for eligibility to submit to the Commission an alphabetical list of contributions, grouped by each state, together with photocopies of the check or other written instrument for each contribution being submitted correlated to the appropriate deposit slip and bank statement. Contributions submitted to determine eligibility for matching payments will be accepted without regard to fund-raising costs, except that a contribution in the form of a purchase price paid for an item with significant intrinsic and enduring value is not a matchable campaign contribution.

The Commission intends to make the determination of the eligibility of presidential candidates for matching payments based upon field audits of candidate and committee records where possible. The Commission staff will trace each contribution to the accompanying supporting documents. Contributions which cannot be verified will be recorded separately and reviewed with your staff. If a sufficient number of contributions can be verified to establish eligibility to receive matching payments pursuant to Section 9033, the Assistant Staff Director for Disclosure and Compliance will make such a report to the Commission.

Upon approval of this report by the Commission, candidates will be notified that they have met the requirements of Section 9033(b)(3) and (4). The Commission will make a formal announcement of candidate eligibility and, within ten days thereafter, certify to the Secretary of the Treasury the initial entitlement for each candidate. Pursuant to Section 9037, the Secretary of the Treasury cannot transfer any funds certified by the Commission from the Matching Payment Account to the candidate before the beginning of the matching payment period.

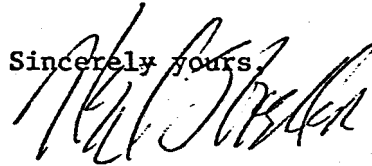


However, after you have received the above described notification, the Commission will be prepared to receive the alphabetical listing of contributions being submitted for matching payments, supported by photocopies of contributor checks or other written instruments correlated to the appropriate deposit slips and bank statements, to determine your initial entitlement of funds from the Presidential Primary Matching Payment Account. Such submissions should include all matchable contributions received from January 1, 1975 through October 31, 1975. Subsequent submissions may be made following the Commission's formal announcement of candidate eligibility. Except as necessary to establish eligibility under Section 9033 and the Commission's Interim Guideline, the segregation by state of the alphabetical list of contributions and the accompanying supporting documents is not required.

If you have any questions concerning these procedures, or if we may be of assistance to you, please address your inquiries to Mr. Gordon Andrew McKay, Assistant Staff Director for Disclosure and Compliance, at (202) 382-6023.

With kind regards, I am

Sincerely yours,



Neil Staebler
Vice Chairman

NS:dmm

Enclosure as stated

federal register

THURSDAY, OCTOBER 9, 1975



PART IV:

FEDERAL ELECTION COMMISSION

■

**SUBPENA REGULATIONS,
PRESIDENTIAL PRIMARY
MATCHING FUNDS,
ADVISORY OPINIONS**

FEDERAL ELECTION COMMISSION

[11 CFR Part 116]

[Notice 1975-59]

SUBPENA REGULATIONS

Notice of Proposed Rulemaking

The Federal Election Commission today publishes a proposed regulation covering its subpoena power in Title 2, U.S.C. This regulation is intended to be comprehensive in this area.

Comment period. Interested persons are invited to submit written comments on these proposed regulations to the Rulemaking Section, Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Comments should be received on or before November 10, 1975. The Commission emphasizes that comments from all affected parties are strongly desired.

Effective date. This regulation shall become effective on a date specified in a future notice published in the FEDERAL REGISTER, which effective date shall not be less than 30 calendar days after the date of this notice of proposed rulemaking, nor before approval by the United States Congress.

AUTHORITY: This regulation is proposed under authority of 2 U.S.C. 438.

Dated: October 2, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

Accordingly, it is proposed to amend Title II, Code of Federal Regulations, by adding Part 116 which would read as follows:

PART 116—SUBPENAS

- Sec.
116.1 Issuance of subpoenas and subpoenas duces tecum.
116.2 Service of subpoenas.
116.3 Motions to quash.
116.4 Witness fees and mileage.
AUTHORITY: 2 U.S.C. 438.

§ 116.1 Issuance of subpoenas and subpoenas duces tecum.

(a) The Commission, by majority vote, shall issue subpoenas signed by the Chairman or the Vice Chairman requiring the attendance and testimony of witnesses and subpoenas requiring the production of documentary or other tangible evidence upon request therefor by the General Counsel.

(b) All requests by the General Counsel for subpoenas, whether written or oral, shall contain a statement or showing of general relevance and reasonable scope of the evidence sought, and shall be accompanied by a copy of a draft of the subpoena sought which shall describe the documentary or tangible evidence to be subpoenaed with as much particularity as is feasible, and state the time at which such evidence must be produced.

(c) The Commission shall issue subpoenas only upon such conditions as fairness requires.

§ 116.2 Service of subpoenas.

(a) Service of a subpoena upon a person named therein shall be made by delivering a copy of the subpoena to such

person and by tendering the fees for one day's attendance and the mileage as specified by § 116.3. Fees and mileage need not be tendered at the time of service.

(b) Whenever service is to be made upon a person who is represented in the pending proceeding by an attorney, the service may be made upon the attorney.

(c) Delivery of a copy of a subpoena and tender of the fees to a natural person may be made by handing them to the person; or leaving them at his office with the person in charge thereof; or leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein; or mailing them by registered or certified mail to him at his last known address; or by any method whereby actual notice is given to him and the fees are made available prior to the return date.

(d) When the person to be served is not a natural person, delivery of a copy of the subpoena and tender of the fees may be effected by handing them to a registered agent for service, or to any officer, director, or agent in charge of any office of such person, or by mailing them by registered or certified mail to such representative at his last known address; or by any method whereby actual notice is given to such representative and the fees are made available prior to the return date.

§ 116.3 Motions to quash.

Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 2 days after the date of service of such subpoena, apply to the Commission, to quash or modify such subpoena, accompanying such application with a brief statement of the reasons therefor. The Commission may deny the application, or upon notice to the person upon whose request the subpoena was issued, and opportunity for reply, may:

- (a) Deny the application,
- (b) Quash or
- (c) Modify the subpoena.

§ 116.4 Witness fees and mileage.

(a) Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(b) Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

[FR Doc.75-26942 Filed 10-8-75;8:45 am]

[11 CFR Parts 130, 131, 132, 133]

[Notice 1975-57]

FEDERAL CAMPAIGN FUNDS

Presidential Primary Election Matching Fund Regulation

The Federal Election Commission today publishes proposed regulations covering Presidential Primary Election

Matching Funds, generally 26 U.S.C. 9031-9038.

Comment period. Interested parties are invited to submit written comments on these proposed regulations to the Rulemaking Section, Office of the General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Comments should be received on or before November 10, 1975.

In particular, the Commission requests comments on the following key points:

(1) The definition of "matchable campaign contribution" in § 130.7, on which the Commission had a split vote, and for which it has included two alternative formulations which it considered, but rejected;

(2) The provision in § 131.2(c), which requires candidates to provide photocopies of written instruments, attached to deposit slips and bank statements and segregated by state;

(3) The absence of a provision in part 132 to permit candidates to question the Commission's refusal to certify a contribution as matchable; and

(4) An equitable method of informing the candidate of possible repayments under § 133.2.

Hearings. The schedule for public hearings on the proposed regulation will be published in the near future.

Effective date. These regulations shall become effective on a date specified in a future notice published in the FEDERAL REGISTER, which effective date shall not be less than 30 calendar days after the date of this notice of proposed rulemaking, nor before approval by the United States Congress.

PART 130—DEFINITIONS

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AUTHORITY: 26 U.S.C. 9031-9038.

§ 130.1 Authorized committee.

"Authorized committee" means a political committee which is actually or constructively authorized by a candidate to solicit or receive contributions or to make expenditures on behalf of the candidate.

§ 130.2 Candidate.

For purpose of this section, "candidate" means an individual who seeks the nomination for election to be President of the United States. An individual is deemed to seek the nomination for election if he or she—

(a) Takes the action necessary under the law of a state to qualify for nomination for election; or

(b) Receives contributions or incurs qualified campaign expenses; or

(c) Gives consent for any other person to receive contributions or incur qualified campaign expenses on his or her behalf.

§ 130.3 Commission.

"Commission" means the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, telephone (202) 382-5162.

§ 130.4 Matching payment account.

"Matching payment account" means the Presidential Primary Matching Account established under 26 U.S.C. 9037 (a) and part 133.

§ 130.5 Matching payment period.

"Matching payment period" means the period beginning January 1 of the year in which a general election for the office of President of the United States is held and ending on the date on which the national convention of the party, whose nomination a candidate seeks, nominates its candidate for the office of President of the United States, or, in the case of a party which does not make such nomination by national convention, the last day for the matching period shall be the earlier of (a) the date such party nominates its candidate for the office of President of the United States; or (b) the last day of the last national convention held by a major party.

§ 130.6 Primary election.

"Primary election" means an election under § 100.6 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 candidates for election to the office of President of the United States.

§ 130.7 Matchable campaign contribution.

(a) "Matchable campaign contribution" means a gift of money other than a loan, advance, subscription, deposit or anything of value (see § 100.4(a)(1)), made by a written instrument identifying the individual making the contribution by full name, and mailing address.

(1) Gifts of money will be considered matchable campaign contributions only to the extent of the first \$250 contributed by an individual.

(2) Such amount must be actually received by the candidate or his or her committee and deposited in a designated campaign depository, and

(3) Such amount must be received by the candidate on or after the first day of the calendar year immediately preceding the calendar year of the presidential election.

(b) For the purpose of this definition the term "money" means currency of the United States and foreign currency, checks, money orders or any other negotiable instrument payable on demand.

(c) For purposes of the foregoing and subject to paragraph (d) of this section, "written instrument" means a check, money order, or any other negotiable instrument payable on demand, which contains the name of the contributor, and the amount and date of the contribution, and which contains the address of the contributor on the written instrument or on an attached record.

Such written instrument may include a written receipt for a cash gift (not exceeding \$100 and not made in violation of 18 U.S.C. 615) issued by or on behalf of the contributee candidate; countersigned in ink by the contributor; and including the contributor's full name, residential address, and the amount and date of the gift.

(d) For the purposes of Parts 130-39, contributions eligible for matching are determined without regard to costs incurred by a candidate in raising the contribution, except that a contribution in the form of the purchase price paid for an item with significant intrinsic and enduring value is not a matchable campaign contribution.

TWO ALTERNATIVES CONSIDERED

I. (d) For purposes of parts 130-39, contributions eligible for matching are determined without regard to costs incurred by a candidate in raising the contribution, except that (1) gifts of money received due to an event, sale or other occurrence which confers a private benefit upon the contributor are contributions only to the extent that the amount received exceeds the cost or, in appropriate cases to be determined by the Commission, the fair market value of such private benefit. The candidate or committee shall maintain records to establish the cost or fair market value; and (2) a contribution in the form of the purchase price paid for an item with significant intrinsic and enduring value is not a matchable campaign contribution.

II. (d) For the purposes of Parts 130-39, contributions eligible for matching are determined without regard to the costs incurred by a candidate in raising the contribution, except that—

(1) A contribution in the form of the purchase price paid for an item with significant intrinsic and enduring value is not a matchable campaign contribution; and

(2) A contribution in the form of the payment for a ticket purchased for a concert shall be matchable only to the extent that the contribution exceeds the per capita cost or in appropriate cases, fair market value, of holding the concert. The candidate or committee shall maintain records to establish the cost or fair market value.

§ 130.8 Qualified campaign expense.

"Qualified campaign expense" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value—

(a) Incurred by a candidate or by his or her authorized committee, or by a person authorized in writing by such candidate or committee, in connection with his or her campaign for nomination for election; and

(b) Neither the incurrence, nor payment of which, constitutes a violation of any law of the United States or of any State in which the transaction occurred.

PART 131—ELIGIBILITY FOR PAYMENTS Sec.

131.1 Candidate agreements.

131.2 Candidate certifications, threshold amount.

131.3 Candidate entitlement.

AUTHORITY: 26 U.S.C. 9031-9038.

§ 131.1 Candidate agreements.

To be eligible to receive Presidential primary matching fund payments, a candidate shall agree in a letter to the Com-

mission, signed by the candidate, that the candidate will—

(a) Obtain and furnish to the Commission, upon reasonable written or oral request, any evidence it may request regarding qualified campaign expenses.

(b) Keep, and furnish to the Commission upon reasonable written or oral request, any books, records or other information it may request; and

(c) Permit an audit and examination by the Commission, pursuant to part 133 and to pay any amounts required to be paid under such part.

§ 131.2 Candidate certifications, threshold amount.

To be eligible to receive Presidential primary matching fund payments, a candidate shall certify to the Commission in a written statement signed by the candidate under penalty of perjury, that—

(a) He or she is seeking nomination by a political party to the office of President of the United States;

(b) The candidate and his authorized committee(s) will not incur qualified campaign expenses in excess of ten million dollars, except that the aggregate of expenditures in any one state shall not exceed twice the expenditure limitation applicable in such state to a candidate for nomination for election to Senator, Delegate or Resident Commissioner as the case may be;

(c) The candidate and his authorized committees have received matchable campaign contributions which, in the aggregate, exceed \$5,000 in contributions from individuals who are residents of at least 20 states, and which in respect to any individual do not exceed \$250. The submission to the Commission for certification as to eligibility for matching funds shall be made in the following way:

(1) For each state in which the candidate certifies he or she has met the requirement of paragraph (c) of this section, the candidate shall submit an alphabetical list of each contributor, showing his or her full name, residential address, date of contribution, dollar amount of total contributions, and dollar amount submitted for matching purposes;

(2) The candidate shall submit a photocopy of each check or other written instrument for each contribution which the candidate submits to receive matching funds. Such photocopies shall be segregated by state, and shall be accompanied by copies of the relevant deposit slip and the relevant bank statement.

(i) Those candidates who cannot provide photocopies of checks or other written instruments for contributions received prior to August 11, 1975 (see Federal Election Commission Interim Guide line [Notice 1975-22], 40 FR 33817, August 11, 1975) shall submit a written statement to the Commission stating that the candidate is unable to provide photocopies, and the reason(s) therefor;

(ii) Upon receipt of the foregoing statement, the Commission shall review the amounts and records of contributions, and such other information as the Commission deems necessary, to deter-

mine if such amounts, records and other information justify certification for matching funds.

§ 131.3 Candidate Entitlements.

Every candidate who is certified by the Commission under § 131.2 as eligible to receive payments is then entitled to payments—

(a) In an amount equal to the amount of each matchable campaign contribution, as defined in § 130.7,

(b) But not in excess of \$5 million, see 26 U.S.C. 9034(b).

PART 132—CERTIFICATION AND DISBURSEMENT

Sec.
132.1 Initial certification.
132.2 Additional certifications.
132.3 Presidential Primary Matching Payments.

AUTHORITY: 26 U.S.C. 9031—9038.

§ 132.1 Initial certification.

(a) Within 10 calendar days after a candidate is certified by the Commission as eligible under part 131 to receive payments, the Commission shall certify to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

(b) To receive the initial payment, the candidate shall submit to the Commission, in addition to the information required under part 131,

(1) The name and mailing address of the person to whom the payment should be sent;

(2) The name and address of the national or state bank to be used as the candidate's designated campaign depository, see Part 4.

§ 132.2 Additional certifications.

(a) For certification after a candidate has received his or her initial certification and payment, a candidate shall file all information required for the initial eligibility under part 131.

(1) Except that the alphabetical listing of contributors need not be submitted under separate State headings, and

(2) The candidate need not resubmit the agreements under § 131.1 and the certifications under § 131.2.

(b) Within 15 calendar days of receipt of the information required by paragraph (a) of this section, the Commission shall certify to the Secretary of the Treasury of the amount to which a candidate is eligible.

§ 132.3 Presidential primary matching payments.

(a) Upon receipt of a written certification from the Commission but not before the beginning of the matching payment period, the Secretary of the Treasury or his or her delegate shall promptly transfer the amount certified from the matching payment account to the candidate.

(b) Such payments shall be the full amount to which the candidate is entitled unless, in the Secretary's judgment, the Presidential Primary Matching Payment Account lacks sufficient funds to meet current demands, in which case the Secretary shall seek to achieve an equitable distribution of available funds among candidates of the same political party, taking into account the sequence in which the certifications are received.

PART 133—EXAMINATIONS AND AUDITS; REPAYMENTS

Sec.
133.1 Audit.
133.2 Repayments.
133.3 Liquidation of obligations; repayment.

AUTHORITY: 26 U.S.C. 9031—9038.

§ 133.1 Audit.

Within 90 days of the close of a Matching Payment Period, the Commission shall conduct an audit of the qualified campaign expenses of every candidate and his or her authorized committees who received presidential primary matching funds.

§ 133.2 Repayments.

If the Commission determines that:

(a) Any portion of the payments made to a candidate from the matching payment account was in excess of the aggregate amount to which such candidate was entitled, or

(b) Any amount of any payment made to a candidate from the matching pay-

ment account was used for any purpose other than to defray qualified campaign expenses, including the repayment of loans, then the Commission shall so inform the candidate no later than 3 years after the end of such matching payment period, and the candidate shall repay to the Secretary of the Treasury, within 90 days of such notice, an amount equal to the excess payments, or an amount equal to the amount of non-qualified campaign expenditures. Upon application submitted by the candidate, the Commission may grant a 90 day extension of the repayment period.

§ 133.3 Liquidation of obligations; repayment.

(a) Obligations incurred with respect to primary elections may be liquidated through use of matching payment funds during a period up to 6 months after the end of the Matching Payment period.

(b) After all obligations have been liquidated, the candidate shall so inform the Commission in writing.

(c) (1) Within 30 days of such notification, and

(2) If any unexpended balance remains in any campaign depository of the candidate or any of his authorized committees into which matching payments were deposited,

then the candidate shall repay to the Secretary of the Treasury an amount equal to that portion of the unexpended balance remaining in the candidate's depositories which bears the same ratio to the total unexpended or unencumbered balance as the total amount received from the matching payment account bears to the total of all deposits made into all of the candidate's depositories.

(d) All payments received by the Secretary under § 133.3 or 4 shall be deposited in the Matching Payment Account.

Dated: October 1, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-26860 Filed 10-8-75;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1975-58]

PRESIDENTIAL PRIMARY MATCHING FUNDS

Interim Guideline

The Federal Election Commission today publishes an Interim Guideline on Presidential Primary Matching Funds. This Guideline supersedes previous Guidelines on this subject, published on August 11, 1975 (40 FR 33817) and September 9, 1975 (40 FR 41933). The Guideline comprehensively treats the subject, and is identical to the proposed regulation on this subject adopted for publication by the Commission (FEC Notice 1975-57). The Guideline will be in effect until the regulations governing this subject matter are finally approved.

Dated: October 1, 1975.

THOMAS B. CURTIS,

Chairman for the

Federal Election Commission.

EDITORIAL NOTE.—The text of the interim guideline corresponds exactly to the text of the proposed regulations proposed by the Federal Election Commission and published in Part IV of this issue. For the text see FR Doc. 75-26880 appearing elsewhere in this Part IV.

[FR Doc. 75-26889 Filed 10-8-75; 8:45 am]

[Notice 1975-60]

REPORTING REQUIREMENTS FOR INTER-POLITICAL COMMITTEE CONTRIBUTIONS AND INVESTMENT OR SAVINGS DEPOSITS OF CONTRIBUTIONS OR OTHER RECEIPTS

Advisory Opinions

The Federal Election Commission announces the publication today of Advisory Opinions 1975-40 and 1975-41. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regula-

tions, the persons to whom the opinions were issued will be notified.

[Advisory Opinion 1975-40]

REPORTING REQUIREMENTS FOR INTER-POLITICAL COMMITTEE CONTRIBUTIONS

This advisory opinion is rendered under 2 U.S.C. 437f in response to a request, published on September 3, 1975, at 40 FR 40676 (1975), which concerns the reporting requirements of a political committee which receives contributions from another committee. The question specifically raised is whether the reporting exemption under 2 U.S.C. 434(b)(2) for contributions to a political committee of \$100 or less, including contributions for the purchase of tickets for dinners, luncheons, etc., also applies to the situation where such contribution to a political committee is made by another political committee.

Each treasurer of a political committee supporting a candidate or candidates for election to Federal office is required to file reports of receipts and expenditures. 2 U.S.C. 434(a)(1). The report must contain the full name and address of each person who has made one or more contributions to or for such committee (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fund raising events) within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions. 2 U.S.C. 434(b)(2). It would initially appear that since the word "person" referred to in 2 U.S.C. 434(b)(2) is broadly defined in 2 U.S.C. 431(h) to include "any * * * committee", then any contribution or transfer of funds from one committee to another which aggregates \$100 or less need not be reported under 2 U.S.C. 434(b)(2). However, 2 U.S.C. 434(b)(4), further requires the report to contain "the name and address of each political committee * * * from which the reporting committee * * * received, or to which that committee * * * made, any transfer of funds, together with the amounts and dates of all transfers" (Emphasis added).

Thus, if a political committee purchases reception tickets or anything else from another political committee or the candidate's principal campaign committee, such purchase, regardless of the amount, constitutes a transfer of funds under 2 U.S.C. 434(b)(4) and is, accordingly, reportable. Both the recipient/transferee committee and the donor/transferor committee must report the name and address of each other together with the amounts and dates of all transfers.

This advisory opinion is issued on an interim basis only pending the promulgation by the Commission of rules and regulations of general applicability.

[Advisory Opinion 1975-41]

INVESTMENT OR SAVINGS DEPOSITS OF CONTRIBUTIONS OR OTHER RECEIPTS

The Federal Election Commission renders this advisory opinion under 2 U.S.C. § 437f in response to a request submitted by the Shuster for Congress Committee. The request was published in the Federal Register on

September 3, 1975 (40 FR 40676). Interested parties were given an opportunity to submit comments relating to the request.

The requesting party seeks an advisory opinion as to whether a political committee may deposit contributions, sales, collections, loans, and/or transfers in an interest-bearing savings account in a State and/or national bank or may invest such funds in Government treasury notes.

The Commission concludes that a political committee may invest its funds in interest-bearing accounts in State or national banks or in Government treasury notes. However, certain procedures must be followed by political committees in order to insure proper disclosure of such transactions. All contributions to or receipts of a political committee must first be deposited in a checking account of an appropriate campaign depository. 2 U.S.C. § 437b(a). An amount transferred from the checking account of a political committee's campaign depository to an income source must be returned, interest included, to the same campaign depository. No expenditure may be made from funds which are in an interest-bearing account or which are invested in treasury notes. If funds are transferred to a savings account in a bank other than those listed by the committee in its statement of organization pursuant to 2 U.S.C. 433(b)(9), the committee must submit an amended statement listing the bank so used within 10 days following the transfer. 2 U.S.C. 433(c).

It is the Commission's view that the transfer of funds received by a political committee from the checking account of its campaign depository(ies) to an income source does not constitute an expenditure which must be reported by such committee under 2 U.S.C. 434(b)(9), (11). Rather, such a transfer represents merely a conversion of one form of "cash on hand" to another. Only the initial contributions to or receipts of a political committee and the subsequent receipt of income earned upon invested funds must be reported by the political committee. 2 U.S.C. 434(b)(2), (7), (8). For Commission auditing purposes, the campaign depository checking account statement retained by the committee will provide an adequate record of transfers of an amount to an income source and return of such amount.

The Commission notes that the foregoing opinion modifies the holding in Advisory Opinion 1975-10, decided August 21, 1975, and published at 40 FR 40674. The Commission now concludes that internal transfers of funds from a campaign checking account to interest bearing savings accounts or Government treasury notes need not be disclosed on the report of receipts and expenditures.

This advisory opinion is issued on an interim basis only pending the promulgation by the Commission of rules and regulations of general applicability.

Dated: October 2, 1975.

THOMAS B. CURTIS,

Chairman,

Federal Election Commission.

[FR Doc. 75-26941 Filed 10-8-75; 8:45 am]

B

GERALD R. FORD
WASHINGTON

November 26, 1975

Dear Chairman Curtis:

Pursuant to the applicable statutory requirements of the Presidential Primary Matching Payment Account Act and the interim guidelines and procedures established by the Federal Election Commission, I hereby request that the Commission affirm my eligibility for receipt of matching funds pursuant to Section 9033 of Title 26, United States Code, and certify the establishment of my eligibility to the Secretary of the Treasury for such payments. Accordingly, I submit herewith the required certifications, agreements, and other supporting information and documentation establishing my eligibility for matching funds.

Therefore, I, Gerald R. Ford, do hereby certify that:

1. I am seeking nomination by the Republican Party for election to the Office of President of the United States:

2. Neither I, nor The President Ford Committee, my authorized principal campaign committee, will incur qualified campaign expenses in excess of the limitation on such expenses as provided in 26 U.S.C. §9035;

3. I have received matching contributions which, in the aggregate, exceed \$5,000 in contributions from residents of each of at least twenty States; and,

4. The aggregate of contributions certified with respect to any person under Item 3 above does not exceed \$250.

Further, I agree that I will:

1. Obtain and furnish to the Commission any evidence it may request regarding qualified campaign expenses;

2. Keep and furnish to the Commission any records, books or other information it may request; and

3. Submit to an audit and examination under 26 U.S.C. §9038 and pay any amounts required to be paid under such Section.

Finally, this is to advise you that any and all matching payments to which I am entitled should be sent to Robert C. Moot, Treasurer, The President Ford Committee, 1828 L Street, N. W., Washington, D. C. 20036, for deposit in my campaign depository in the Riggs National Bank, 1920 L Street, N. W., Washington, D.C. 20036.

I trust the aforementioned certifications, agreements and information fulfill the requirements of the Act, as well as the Commission's interim guidelines, and establish my eligibility for and certification of matching funds.

Sincerely,

The Honorable Thomas B. Curtis
Chairman
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

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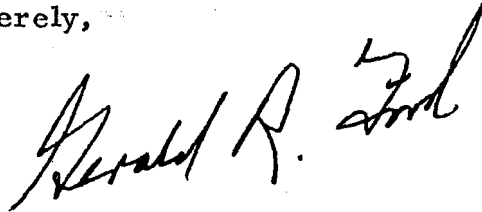
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Sincerely,

A handwritten signature in cursive script that reads "Gerald R. Ford". The signature is written in dark ink and is positioned below the word "Sincerely,".

The Honorable Thomas B. Curtis
Chairman
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463



THE WHITE HOUSE
WASHINGTON

Barry —

I gave a
copy to FEC
as requested by



GERALD R. FORD
WASHINGTON

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/s/ G. R. Ford

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Chairman
Federal Election Commission
1325 K Street, N. W.
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