



THE FEDERAL ELECTION COMMISSION

RECORD

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COMMISSIONERS

STATISTICS

NEW OFFICERS ELECTED

Thomas E. Harris, vice chairman of the Commission, was unanimously elected chairman by his fellow Commissioners on May 12; Joan D. Aikens was unanimously elected vice chairman. By statute, Commissioner Harris is limited to a single, one-year term as chairman. Both he and Commissioner Aikens assumed official capacities on May 21, 1977.

Mr. Harris and Mrs. Aikens were two of the original six Commissioners recommended by the Senate in 1975 and renamed to the Commission when it was reconstituted after the *Buckley v. Valeo* decision.

Prior to his appointment to the Commission, Mr. Harris was an associate general counsel to the AFL-CIO in Washington, D.C., from 1955 to 1975. He had held the same position with the CIO from 1948 until 1955, when it merged with the AFL. Previously, he worked as an attorney both in private practice and in the Federal government. A native of Little Rock and a 1932 graduate of the University of Arkansas, Mr. Harris received his law degree in 1935 from Columbia University Law School, where he was on the *Law Review* and was a Kent Scholar. After graduation, he clerked one year for Supreme Court Justice Harlan F. Stone. He was originally appointed to the Commission for four years and upon reconstitution received a three-year appointment.

Joan D. Aikens, at the time of her initial appointment, was a vice president and account executive for Lew Hodges/Communications in Valley Forge, Pennsylvania. A 1950 graduate of Ursinus College in Collegeville, Pa., Mrs. Aikens became president of the Pennsylvania Council of Republican Women and also served as a member of the board of directors of the National Federation of Republican Women from 1972 to 1974. She was originally appointed to the Commission for one year; upon reconstitution, Mrs. Aikens accepted a five-year appointment.

FEC RELEASES SURVEY ON CAMPAIGN FINANCE LAW

An FEC survey of 1976 candidates for the House of Representatives and the Senate indicates strong support for public disclosure of campaign finances, but a desire for less complex reporting procedures. "A Study of the Federal Election Campaign Act on the 1976 Elections," the comprehensive 240-page document released by the FEC on April 28, also reveals that the law has been working reasonably well, that it did not, as some predicted, stifle the political process, and that campaigns made use of the FEC and were generally satisfied with its response.

The FEC contracted with two firms, Decision Making Information and Hart Research Associates, to survey jointly the Act's impact on the campaign process and candidates' reactions to the law and the FEC. This study was intended as a basis for recommendations on changes in the Act, as a guide to future Commission priorities and as a benchmark from which to evaluate future changes in campaign finance legislation. The Commission specifically did not undertake to examine questions of major policy such as public financing of elections, contribution limits and corporate and labor PAC activities.

Special precautions were taken to contact an accurate cross-section of all the types of campaigns in the 1976 congressional elections. Eight hundred and fifty House and Senate campaigns, representing more than two-thirds of those contacted, provided data through written questionnaires and personal interviews.

Survey results were presented in six major parts:

- I. **Profile of Candidates:** Characteristics of candidates, including previous experience as candidate, amount of money spent, degree of organized support and party affiliation.
- II. **1976 Campaign Experiences:** Candidates' attitudes toward the Act's impact on their campaigns.

Continued on p. 5

ADVISORY OPINIONS: SUMMARIES

With the official promulgation of FEC regulations on April 13, the Commission discontinued the practice of issuing "Re: AOR's." All responses to requests for advisory opinions will be issued in the form of **Advisory Opinions**. Designated as AO's, Advisory Opinions concern the application of the Act to specific factual situations. Any person requesting an advisory opinion who in good faith acts in accordance with the findings of the opinion will not be penalized under the Act. The opinion may also be relied upon by any other person involved in a specific transaction which is indistinguishable in all material aspects from the activity discussed in the advisory opinion:

AO 1977-12: Place of Work Used as Campaign Office

Federal candidate Donald Meyer may use the place of business he personally owns and his business telephone for campaign purposes, but must report their use as campaign expenditures. To assure accurate reporting of these campaign expenditures, a reasonable allocation of office expenses must be made between those expenses incurred for business and those for campaign purposes. The campaign's telephone costs must be a proportionate share of the monthly base charge plus long distance fees incurred for campaign purposes. Part of the total overhead costs, proportionate to the percentage of time the office is used for campaign purposes, must be counted as campaign office expenses and, accordingly, be reported as campaign expenditures. Computation of overhead expenses must include utilities and the fair market rental value of the space to be utilized. (Length: 2 pages)

**AO 1977-13: High School Intern Program
Sponsored by Member of Congress**

Representative Newton I. Steers, Jr. may sponsor a 1977 summer intern program for high school students within his district, selected by an Intern Selection Committee (the Committee) without regard to party preference. The Committee may raise donations from individuals to defray expenses of the intern program. The Committee's funding appears not to involve any contributions or expenditures made to influence Steers' future nomination or election. Thus, the Committee would not be considered a political committee subject to the Act's reporting requirements and contribution limits.

However, since Steers is initiating, sponsoring and apparently organizing significant parts of the program "as constituent service" to his district, donations to the Committee are regarded as funds to support Steers' activities as a Federal officeholder. As such, they are subject to the disclosure requirements for officeholders under 2 U.S.C. 439a and section 113.4 of the regulations.

The Commission notes that these circumstances are distinguishable from the situation where an officeholder merely meets with constituents and participates in activities initiated and funded by them for their own benefit. In that case, no reporting obligations arise. (Length: 2 pages)

**AO 1977-14: Joint Fundraising by Three Former
Presidential Candidates**

The campaign committees of former Presidential candidates Birch Bayh, Fred R. Harris and Sargent Shriver may create a "Special Committee" to jointly raise funds to retire their respective Presidential campaign debts. Authorized by each candidate, the Special Committee must designate its own depository, which must also serve as a depository for each participating campaign. The Special Committee is subject to all requirements of the Act and regulations, and all persons contributing to it will be regarded as making a contribution to the participating Presidential campaigns.

The Special Committee and the participating campaigns are all responsible for establishing an appropriate accounting system to ensure compliance with contribution limits. For each contribution transferred to the candidate, the participating campaign must disclose the same contributor information required for contributions made directly to a candidate. A person who has "used up" his limit with respect to one of the participating Presidential campaigns must allocate his contribution among the other candidates to whom he has not yet contributed the maximum amount. All solicitations by the Special Committee must inform potential contributors about the applicability of contribution limits and methods for allocating contributions among the participating campaigns.

Contributions to the Special Committee may be distributed among the three participating candidates according to a formula based on their respective outstanding campaign debts, to the extent contributors are not required to make allocations to particular candidates. This same formula must be used to allocate the Special Committee's fundraising expenses among the three candidates.

The Special Committee may also participate as a beneficiary in a fundraising dinner given by the Democratic Senatorial and Congressional Campaign Committees (Campaign Committees) if each contributor purchasing tickets from the Special Committee is informed of the distribution formula to be utilized and given an option to allocate his or her contribution (i.e., purchase price of ticket) among the participating campaigns of the Special Committee. To avoid making contributions to or receiving contributions from the Special Committee, the Campaign Committees must bear a proportionate share of the dinner expenses and must divide any advance expenses with the Special Committee according to the ratio of tickets issued to each committee. (Length: 4 pages)

**AO 1977-15: Application of Contribution Limits to
Members of Candidate's Immediate Family**
Federal Candidate Caputo, who received a \$2,000 contribution from both his father and brother prior to the Supreme

Court's *Buckley v. Valeo* decision (January 30, 1976), may accept additional post-election contributions from them. The candidate may receive, to the extent of remaining indebtedness, the maximum contribution of \$1,000 per election from each one because contributions made by members of a candidate's immediate family before the *Buckley* decision are neither required to be reported nor regarded as having "used up" the candidate contribution limit. All contributions relating to a 1976 election are, however, subject to the \$25,000 annual (1976) limit applicable to all individuals, regardless of when the contributions are made. (Length: 2 pages).

1. They had required plaintiffs, as a condition of employment, to pay monies to separate segregated funds established by the three education associations.
2. They had failed to inform the plaintiffs of their right to refuse such payments without reprisal.
3. They had solicited payments to a separate segregated fund from persons other than the solicitors' members and their families.

Plaintiffs argue that the FEC failed to act on the complaint within 90 days after the complaint was filed, as required under the Act.

TWO COMPLAINTS ATTACK FEC'S CERTIFICATION PROCEDURES

COMMITTEE TO ELECT LYNDON LAROUCHE et al. v. FEC

The Committee to Elect Lyndon LaRouche (CTEL) petitioned the U.S. Court of Appeals for the District of Columbia to review the following actions of the Federal Election Commission:

1. Its refusal on February 10, 1977, to certify matching payments to petitioners supporting Lyndon LaRouche, Presidential candidate of the U.S. Labor Party in 1976.
2. Its order on January 14, 1977, to contact directly the contributors to LaRouche in order to verify contributions from Delaware, Massachusetts and Wisconsin.

On April 14, 1977, the FEC gave the Court a list of all documents related to the CTEL's request for matching funds.

LE ROY B. JONES et al. v. FEC et al.

In a second complaint related to the LaRouche candidacy, Le Roy B. Jones charges that the FEC and ten of its employees, in their efforts to certify contributions to the Committee to Elect Lyndon LaRouche (CTEL), subjected plaintiffs (who were contributors to CTEL) to "illegal and unconstitutional searches, seizures, threats, harassment, and interference with the free exercise of constitutionally protected rights of speech, assembly and association..." under the First, Fourth, Fifth, Sixth and Ninth Amendments.

The suit was brought as a class action on behalf of all contributors to CTEL and to the U.S. Labor Party residing in Delaware, Massachusetts and Wisconsin who were contacted by FEC employees in January 1977. Filed on April 28, 1977, in U.S. District Court for the District of Columbia, the complaint seeks a declaratory judgement, a permanent injunction against the FEC, compensatory damages and punitive relief.

TWO SUITS CHARGE FEC WITH FAILURE TO ACT ON COMPLAINT

NATIONAL RIGHT TO WORK COMMITTEE v. VERNON W. THOMSON et al.

In a suit filed on March 8, 1977, in District Court for the District of Columbia, the National Right to Work Committee asks the Court to direct the FEC to take action on a complaint it filed against the National Education Association (NEA). The plaintiff contends that the original complaint, filed with the FEC on October 21, 1976, alleged that the NEA violated the Federal Election Campaign Act of 1971, as amended (the Act) by:

1. Administering a plan which compelled teachers, as a condition of employment, to pay money to NEA's fund for political purposes; and
2. Soliciting such payments without informing the employees of their right to refuse without reprisal.

The plaintiff argues that the FEC failed to act on the complaint within 90 days after it was filed with the FEC, as required under the Act.

PAUL E. CHAMBERLAIN et al. v. VERNON W. THOMSON et al.

On March 14, 1977, Paul E. Chamberlain and Lore M. Chamberlain, both teachers employed in Michigan, filed a complaint in U.S. District Court for the District of Columbia, directing the FEC to take action with regard to a complaint they had previously filed with the Commission against the Garden City Education Association, the Michigan Education Association and the National Education Association. Chamberlain states that the original complaint, filed on October 19, 1976, alleged that the three education associations had violated the Federal Election Campaign Act, as amended, as follows:

The RECORD is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Thomas E. Harris, Chairman; Joan D. Aikens, Vice-Chairman; William L. Springer; Neil Staebler; Vernon W. Thomson; Robert O. Tiernan; J.S. Kimmitt, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 523-4068 or toll free 800-424-9530.

RAMSEY CLARK et al. v. J. S. KIMMITT et al.
(Formerly identified as RAMSEY CLARK v.
FRANCIS R. VALEO et al.)

On April 8, 1977, the Federal Election Commission filed in the U.S. Supreme Court a motion to dismiss Ramsey Clark's motion to appeal the Court of Appeals' decision in *Ramsey Clark v. Valeo*. That decision dismissed the case on grounds that it did not present a ripe "case or controversy" within the meaning of Article III of the Constitution. In his original complaint filed on July 1, 1976 (summarized in the *Record*, March 1977, p. 5) appellant Clark, asserting that parts of the Federal Election Campaign Act, as amended (the Act) were unconstitutional, sought declarative and injunctive relief against those provisions in the Act which permitted either the House of Representatives or the Senate to disapprove regulations adopted by the FEC.

Contending that the appellant challenges the Court of Appeals' decision on a matter of jurisdiction, the FEC argues that the Act permits appeals of decisions only on constitutional questions, but not on jurisdictional matters. Further, the FEC argues, the Supreme Court should not review the constitutional questions since:

1. As yet, there is no record evidence pertaining to a congressional veto of FEC regulations.
2. None of the issues has been reviewed by a lower court.
3. The issues raised by Clark involve complex and sensitive questions relating to the separation of legislative and executive powers.

BREAD POLITICAL ACTION COMMITTEE et al.
v. FEC et al.

On April 5, 1977, Bread Political Action Committee (Bread PAC) et al. filed in the U.S. District Court for the Northern District of Illinois a complaint for declaratory and injunctive relief against the Federal Election Commission. The complaint asks the Court to declare certain provisions of the Federal Election Campaign Act, as amended (the Act) unconstitutional because they deny plaintiffs their First Amendment rights to freedom of speech and association and their Fifth Amendment right to due process of law. Plaintiffs challenge those parts of the Act which:

1. Limit trade associations to soliciting only the executive and administrative personnel of their members.
2. Require prior approval from the corporation whose personnel are to be solicited for voluntary contributions.
3. Further limit trade association fundraising by prohibiting trade association members from granting solicitation privileges to more than one trade association per year.
4. Prohibit trade associations from making campaign-related communications to the general public.

LEAGUE OF WOMEN VOTERS OF
THE UNITED STATES et al. v. FEC et al.
(Part II)

On April 12, 1977, the FEC filed in U.S. District Court for the District of Columbia a motion to dismiss a com-

plaint filed by the League of Women Voters against the FEC. The League's complaint (summarized in the *Record*, April 1977, p. 3) seeks to review part of an FEC policy statement in which the FEC sets forth its view that the statute prohibits the use of corporate or union funds to defray expenses involved in the 1976 televised Presidential debates, sponsored by the League's Education Fund. (The same policy statement expresses the Commission's view that the League's Education Fund could accept campaign contributions to pay for the debates.) The League alleges that the policy statement injured the League by preventing it from raising sufficient funds to pay for the Presidential debates.

In its motion to dismiss, the FEC argues that the "Court has no jurisdiction over this action because the Commission's policy statement is not a final agency action." The policy statement, contends the Commission, "expresses its view of what interpretation of the law it would seek to enforce..." and "... represents an attempt by the Commission to give informal advice in an uncharted area of the law."

BRIAN A. HAMPTON v. FEC
(Part II)

On April 15, 1977, the U.S. District Court for the District of Columbia granted the FEC's motion to dismiss Brian A. Hampton's complaint against the FEC (summarized in the *Record*, March 1977, p. 6). In its memorandum order, the Court concluded that the "Commission's statement of reasons adequately demonstrates that it did not act in an arbitrary or capricious manner in dismissing plaintiff's first complaint." Further, the Court stated that because Hampton filed his complaint in the District Court "before allowing the Commission 90 days in which to act upon his second complaint," the FEC's failure to act "was not contrary to law."



FEC CERTIFIES ADDITIONAL
PRESIDENTIAL PAYMENTS

On May 4 and May 14, 1977, the FEC certified Federal primary matching funds for two Presidential candidates. Sargent Shriver received \$10,642 and Ellen McCormack received \$3,095. These payments raise to \$24,788,067 the total amount of matching funds certified since January 1, 1976, for 15 Presidential primary candidates.

The Commission also certified \$4,328 in payments to the Democratic National Committee (DNC) to help retire debts outstanding from the 1976 Presidential nominating convention. Total funds certified to the DNC for the convention are \$2,013,880. The Republican National Committee has received a total of \$1,581,664 in convention funds.

SURVEY ON CAMPAIGN LAW

Continued

- III. **Campaign Financing:** Candidates' views on fundraising disclosure and the influence of money on their campaigns.
- IV. **Participants:** Impact of various groups on campaigns including volunteers, paid staff, political action committees, other organized groups and political parties; the importance of incumbency on elections.
- V. **Federal Election Commission:** Candidates' reactions to FEC information services; candidates' problems dealing with the Act's requirements and FEC regulations.
- VI. **Campaign Finance Laws:** Candidates' views on the Act's overall impact on campaign processes and needed changes in the Act.

Some of the survey's significant findings are grouped below, according to the major sections of the survey:

Profile of Candidates

- 1. Most 1976 candidates (71%) lost in their election bids, while 93% of the incumbents won.
- 2. \$24,000 was the median amount of money spent in a campaign; 43% of all congressional campaigns spent less than \$15,000. However, winners spent more on their campaigns than losers.
- 3. More than half of all 1976 campaign spending came from less than 10% of the candidates.
- 4. Few campaigns had a paid campaign manager, professional accountant, treasurer or lawyer.
- 5. 13% of the candidates were Independents or minor party candidates.

1976 Campaign Experiences

- 6. Federal campaign laws were not perceived as particular liabilities in the 1976 campaigns nor were they perceived as giving opponents competitive advantages.
- 7. 68% agreed that the Act reduced major contributor influence; 58% felt it helped reduce illegal campaign activity and 48% agreed that the advantages of a detailed public accounting outweighed the additional time and personnel it required.

Campaign Financing

- 8. A majority, however, cited the Act as one of several factors hindering fundraising, along with traditional factors such as public disillusionment and economic hardship.

Participants

- 9. 27% felt the Act strengthened political parties, while 34% disagreed. Democrats disagreed 29% to 26% and Republicans disagreed by a 41% to 22% margin.
- 10. One out of three felt the Act created unnecessary barriers between the congressional and Presidential races.
- 11. 51% felt Independents were "more disadvantaged than ever."
- 12. 63% disagreed that the Act encouraged people to run by putting candidates on a more equal basis.

Federal Election Commission

- 13. 62% learned of the Act primarily through the FEC, relying mainly on FEC pamphlets and the toll-free line. Most found FEC materials and personnel helpful.
- 14. 83% contacted the Commission at least once, usually with regard to recordkeeping or filing difficulties.

Campaign Finance Laws

- 15. Although opinion was exactly divided (36% to 36%) on whether the Act's overall effect on the campaign process was beneficial or harmful, nine out of ten felt the Act should undergo some change.
- 16. 71% wanted slight or major modifications and 18% wanted total abolition. Democrats were most often for slight changes, Republicans for major modifications and Independents for abolition.
- 17. The great majority felt public disclosure and contribution limitations should be retained.
- 18. Most suggested report simplification as the most needed modification.
- 19. While there was no consensus on any other changes, respondents suggested public financing of congressional races, larger individual contribution limits, abolition of political action committees, higher contribution limits for these committees, stricter expenditure and in-kind contribution limits and the elimination of disclosure requirements for small contributions.

FEC PUBLISHES INDEX ON COMMUNICATION COSTS BY CORPORATIONS, UNIONS, MEMBERSHIP ORGANIZATIONS AND TRADE ASSOCIATIONS

On April 27, an FEC index was released disclosing that 71 corporations, labor and membership organizations and trade associations reported spending \$2,146,899 on "internal communications" for or against 416 Federal candidates in 1976. Under the Act, corporations, labor and membership organizations and trade associations are required to report the costs of partisan communications made to stockholders, executive and administrative personnel, or to members and their families, when these costs exceed \$2,000 per election. The index covers election-related communications from May 11, 1976, through present.

Of the total communication costs reported, more than \$2 million (93.8%) was spent by 66 labor organizations. Four corporations spent an aggregate of over \$31,000 (1.4%) and one membership organization reported spending more than \$101,000 (4.77%). Communication expenses were allocated as follows:

Candidate Supported	Amount	Percentage of Total
Jimmy Carter	\$1,160,432	57.6%
47 Senate Candidates	449,858	22.3%
361 House Candidates	334,320	16.6%
Gerald Ford	44,249	2.2%
Other Presidential Candidates	23,576	1.1%

FEC RELEASES NATIONAL PARTY INDEX

An index released by the Commission on April 27 reveals that both the Democratic and Republican National parties received the majority of their 1976 election contributions in amounts of less than \$100. Compiled from reports filed between January 1, 1975, and December 31, 1976, the index analyzes the total income and costs of each major political party (and its affiliated committees) for the 1976 Federal election campaigns. Included are national party committees, affiliates, convention committees, congressional committees and party-identified committees.

Adjusted to reflect interparty transfers, repaid loans, and in-kind and earmarked contributions, total receipts of the Republican Party committees were \$45,705,886 and total expenditures were \$40,076,187. Receipts for the Democratic Party committees totaled \$19,739,851 with total expenditures of \$19,363,177.

FEC MAKES PUBLIC INDEX ON 1976 SENATE CAMPAIGNS

The FEC released on May 3 an index analyzing the receipts and expenditures of 64 Senate candidates who appeared on 1976 general election ballots. Covering the period of January 1, 1975, through December 31, 1976, the index lists "adjusted" receipts and expenditures, the level of contributions made by individuals and political committees, campaign-related loans, and surplus/deficit figures for Senatorial candidates and their committees. Receipts and expenditures have been adjusted to reflect refunds, rebates, returned contributions, loan repayments, Treasury notes and certificates of deposit which have been bought and redeemed, and transfers between affiliated committees and/or the candidate and the candidate's principal campaign committee. All figures in the index represent the combined totals for primary and general election activity. Highlights of the index include:

- Of a total of \$39,129,660 in receipts for Senate general election candidates, 28.3% consisted of individuals' contributions of \$100 or less; 13.4% of individuals' contributions of between \$101 and \$499; and 27.9% of individuals' contributions of \$500 or more.
- Democrats and Republicans received approximately the same amount of contributions; but 24 incumbents received 42% of the total receipts, while 24 challengers received 27% and 16 open-seat candidates received 31% of total contributions.

PROCEDURES

FEC ESTABLISHES AUDIT PRIORITIES

The FEC's Audit Policy, adopted November 11, 1976, mandates audits of congressional candidates and 220 political committees, to be conducted over the next two years as resources permit. Under this policy, in addition to conducting candidate audits, the Commission will audit the books of 77 State party committees, 121 multicandidate committees with receipts or expenditures exceeding \$100,000 during 1976 and a random five percent of nonparty committees with financial transactions in 1976 of less than \$100,000 (i.e., 22 out of a total of 445 committees).

An audit staff report, approved by the Commission on April 21, 1977, establishes scheduling priorities for audits conducted in 1977. Highest priority will be given to audits of Senate and House candidates and committees in an effort to complete these audits during the non-election year. Priority will also be given to those committees recommended for audit by the staff. To conserve staff time and travel costs, the FEC will also try to complete audits located in adjoining geographic areas.

In addition to establishing scheduling priorities, the April 21 staff report reveals that current audits are near completion. The audits of the fifteen Presidential candidates who received Federal matching payments are expected to be completed in May, with five of these candidates possibly eligible for additional primary matching funds to retire pre-election debts. Sixteen committee audits are scheduled for completion by the end of June.

Once the Commission has completed action on an audit, it routinely makes it available to the public. The following audits have been released:

1. Voice of Teachers for Education, Committee on Political Education, 10/5/76.
2. The Sanford for President Committee, 10/14/76.
3. United Federation of Teachers, Committee on Political Education (UTF-COPE), 10/5/76.
4. United Steelworkers of America, Political Action Fund, 10/28/76.
5. United Technologies Corporation, Political Action Committee, 3/24/77.

FEC GUIDELINES FOR ACCEPTANCE OF SPEAKING INVITATIONS

In response to invitations to address public gatherings, the Federal Election Commission will send representatives, free of charge, to explain or discuss election and campaign finance laws. At an April 21 meeting, the Commission identified five guidelines for accepting such invitations:

1. The Commission's appearances must afford equal opportunity to all political parties, without preferential treatment to any organization or person.

2. FEC appearances must permit the Commission to maximize its contact with the public, within a limited travel budget.
3. As a general rule, that portion of the function involving Commission representatives must be open to the general public.
4. The Commission cannot accept invitations when the sponsors appear to have organized the function to gain financial profit or commercial advantage. (This limitation does not, however, prevent FEC appearances at functions charging reasonable fees to cover costs of the function.) Nor can the Commission participate when its presence at the function has been advertised in such a manner as to suggest profit or commercial advantage for the sponsors.
5. The Commission must reject invitations when its participation would be associated with political solicitation efforts or with endorsement of partisan activities.

The Commission will consider deviations from these guidelines on a case-by-case basis.



FEC TESTIFIES BEFORE SENATE ON CAMPAIGN REFORM

In hearings conducted on May 6, 1977, by the Senate Committee on Rules and Administration, Commissioners Joan D. Aikens, Thomas E. Harris and Robert O. Tiernan testified on amendments to the Federal Election Campaign Act, as amended (the Act); public financing of congressional elections; and universal voter registration. Their remarks on amendments to the Act and on public financing are summarized below. (Commission views on universal voter registration are synopsized in the following article.)

TESTIMONY ON AMENDMENTS TO THE ACT

Commission testimony on proposed amendments to the Act focused on S. 1344; several appendices also contained comments on other pending bills. The Commission statement covered five areas of concern:

1. Simplification of the Act.
2. Contribution limitations and the role of political parties.
3. Corporate and union activity.
4. Presidential campaigns.
5. Clarifying technical amendments.

Citing both FEC recommendations on needed changes in the Act (published in the Commission's 1976 Annual Report and summarized in the March 1977 Record) and a recent survey on the Act's impact on election campaigns (see above, p. 1), Commissioner Aikens expressed Commission endorsement of most of the amendments contained in S. 1344 and recommended a small number of additional changes.

TESTIMONY ON CONGRESSIONAL PUBLIC FINANCING

Commissioner Harris appeared before the Senate Committee to comment on S. 926, a bill proposing public financing of Senate election campaigns. His testimony answered Committee inquiries on three topics:

1. Cost per election year to fund Senate campaigns.
2. Agency cost for staff and equipment to administer and monitor the proposed program.
3. Technical suggestions on program implementation and enforcement.

The Commission estimated that public funding would cost between \$27.6 and \$38.7 million per Senate election (combining primary and general election campaign costs), with an administrative cost of approximately \$1.24 million for fiscal year 1978. The Commission explained, however, that its projections could change significantly with modifications in legislative or administrative requirements.

With regard to technical changes in the bill, Commissioner Harris recommended that Congress consolidate all public financing legislation into one title of the U.S. Code; establish a single document entry point; clarify matching payment eligibility; clarify the status of party expenditures on behalf of candidates accepting public funds; clarify procedures for determining when a publicly-funded candidate is exempt from the expenditure limit by virtue of an opponent's exceeding the limit; simplify reporting requirements; and provide guidelines for reducing payments to candidates in case of shortages in the Federal fund.

FEC TESTIFIES ON VOTER REGISTRATION BILL

In testimony before the House Administration Committee on April 25, Commissioners Robert O. Tiernan and William L. Springer analyzed possible FEC administration of H.R. 5400, the Universal Voter Registration bill pending before Congress. Commissioner Tiernan presented similar testimony on May 6 before the Senate Committee on Rules and Administration. Although taking no position on the bill's substantive merits, Commission testimony offered specific suggestions to improve the proposed program's implementation and enforcement.

BACKGROUND: MAJOR PROVISIONS

H.R. 5400 would establish a program under FEC administration, permitting individuals with proper identification to register to vote at the appropriate polling place on election day. FEC administrative duties would include developing criteria for "proper identification" on election day, distributing information and technical assistance on effective registration methods, approving State registration outreach plans, administering grants to the States to pay for the programs, monitoring the programs and referring possible criminal violations to the Attorney General. Grants would be allocated to States to implement election-day registration for Federal elections. Additional assistance would be available to those States which implemented approved programs to increase registration or which instituted election-day registration for State and local elections.

FEC TESTIMONY

Suggestions to improve the bill included expanded and more precise enforcement provisions for the FEC such as powers to make audits, issue subpoenas, take depositions, investigate matters uncovered in audits or reported by persons outside the Commission and file civil suits against violators.

Commissioner Tiernan commended the bill for its encouragement of Federal-State cooperation, but warned that adequate lead time would be essential for smooth program operation. To make the plan operative for 1978 elections, the Commission estimated that \$300,000 in start-up costs would be needed in 1977. Total program costs for fiscal year 1978 were estimated at \$1,362,000.



FEC documents of general applicability are published regularly in the **Federal Register**. The following list identifies all FEC documents appearing in the **Federal Register** between April 15 and May 6, 1977.

Notice	Title	Federal Register Publication Date	Citation
1977-24	AOR 1977-16	4/12	42 FR 19313
1977-25	AOR 1977-17	4/21	42 FR 20773
1977-26	AOR 1977-18 and -19	4/27	42 FR 21597
1977-27	AOR 1977-20	5/3	42 FR 22513
1977-28	AOR 1977-21	5/6	42 FR 23193

FEDERAL ELECTION COMMISSION
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OFFICIAL BUSINESS

PUBLICATIONS

CURRENT PUBLICATIONS

The FEC prepares a number of informational materials free to the public. The following publications are available, upon request, from the Public Communications Office:

1. **Federal Election Campaign Laws**, a compilation of laws pertaining to Federal elections, including the Federal Election Campaign Act of 1971, as amended in 1974 and 1976.
2. **FEC Regulations**, June 13, 1977.
3. **Campaign Guides**, a color-coded series of six guides prepared as a reference tool to aid candidates, political committees, and political parties in complying with the Act. Designed for use by committee chairmen, treasurers and accountants, as well as by candidates, each guide focuses on a specific aspect of the law. Titles include:
 - Campaign Guide for Committees
 - Campaign Guide on Contributions and Expenditures
 - Campaign Guide for the 1976 General Elections
 - Campaign Guide for State and Subordinate Party Committees
 - Campaign Guide on Post-Election FECA RequirementsThe Guides are published as binder inserts to facilitate their use in a reference file and the making of page corrections as the need arises. To date, one revision (to the Campaign Guide for Committees) has been made and sent to readers.
4. **Bookkeeping and Reporting Manual**, 2nd edition, June 1976.
5. **1976 Annual Report**, a detailed description of the Federal Election Commission's activities.

POSTAGE AND FEES PAID

