

FEDERAL ELECTION COMMISSION



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ELECTION LAW AMENDED

WASHINGTON -- The Federal Election Commission has prepared the following synopsis of the major changes brought about by the 1979 Amendments to the election law. It is intended only as a press summary and is not meant to amplify either the new law or pending regulations. The legislation, which was passed by Congress in late December, became effective January 8, 1980.

1979 AMENDMENTS TO THE FEDERAL ELECTION CAMPAIGN ACT

CANDIDATES AND THEIR AUTHORIZED COMMITTEES

The new Amendments change the definition of "candidate", eliminating the need to register until an individual receives contributions or makes expenditures in excess of \$5,000. (Previously, candidacy was triggered either when an individual raised or spent any amount to influence his/her election or when an individual took "appropriate action under state law" to qualify for nomination or election. This is no longer applicable.)

Once candidacy has been triggered, the individual now has 15 days (instead of 30 days) to register his/her candidacy, designating a principal campaign committee.

Candidates no longer have a personal reporting obligation. They act only as agents of their authorized committees, which will control and report all financial activity for the candidate's campaign.

Any committee authorized by a candidate must include in its name the name of that candidate.

POLITICAL COMMITTEES

The definition of "political committee" has been expanded to include ALL separate segregated funds ("PAC's"), regardless of the amount of financial activity. (Previously, there had been a \$1,000 threshold below which no registration or reporting had been required.) Other committees (other than authorized committees and party committees) continue to become "political committees" once they have received contributions or made expenditures exceeding \$1,000 a year.

Each separate segregated fund must include in its name the name of its connected or sponsoring organization.

POLITICAL PARTY COMMITTEES

Local committees of a political party must register and report if all of their contributions to federal candidates total more than \$1,000 in a calendar year. If they receive contributions in excess of \$5,000 during the year, or if they make payments of more than \$5,000 for certain exempt expenditures (such as get-out-the-vote drives, slate cards, etc.) they would also be required to register and report.

Exempted from the contribution limitations is the payment by state and local political party committees for pins, bumper stickers, handbills, brochures, posters, party tabloids and yard signs used by the committee in connection with volunteer activity on behalf of a nominee (including the Presidential nominee). Thus, state and local political parties will be able to undertake these activities on behalf of the Presidential nominee in the 1980 election without those activities counting as contributions or expenditures subject to the limitations.

Voter registration and get-out-the-vote activity by state and local political party committees are exempted from the contribution and expenditure limitations provided that payments are not used for broadcasting, newspapers, magazines, billboards, direct mail or similar types of general political communications or political advertising and that contributions made to fund these activities are not designated to be spent on behalf of a particular candidate.

Exempted from the contribution limitations is the payment by a candidate or candidate's campaign committee for the cost of campaign materials such as pins, bumper stickers, handbills, brochures, posters and yard signs which include information on another candidate provided those materials are used in connection with volunteer activities.

The present exemption from the contribution limitations for the use of an individual's real or personal property (including the costs of invitations, food, and beverages) has been increased from \$500 to \$1,000 per election, per candidate, and the exemption has been extended to include \$2,000 (per year) for such activity on behalf of all political committees of a political party.

The present exemption from the contribution limitations for unreimbursed payment for travel expenses by an individual has been increased from \$500 to \$1,000 per election, per candidate, and the exemption has been extended to include up to \$2,000, per year, for such activity on behalf of all political committees of a political party.

RECORDKEEPING AND REPORTING PROVISIONS

Treasurers of political committees must continue to keep a record (name and address) of every individual who has contributed in excess of \$50.

The dollar level for keeping a record of, and for reporting, complete contributor information (occupation and principal place of business) has been increased from \$100 to \$200 (aggregate for a calendar year.)

The dollar level at which reporting is required by persons making independent expenditures has been raised from \$100 to \$250 (aggregate amount for a calendar year.) The person making the independent expenditure must also report the name, address, occupation and principal place of business of any individual who contributed in excess of \$200 to him/her for the purpose of making the expenditure.

CONTRIBUTIONS

Pledges to make contributions are no longer considered contributions and are no longer reportable.

The federal government is specifically excluded from the definition of a person. This means that the federal government is not a "person" capable of making a contribution to a candidate's committee.

EXCESS CAMPAIGN FUNDS

Excess funds may continue to be used for expenses incurred by Members of Congress as federal officeholders and for any lawful purpose. However, candidates who are not presently U.S. House or Senate Members may not convert surplus funds to personal use. Incumbent House and Senate Members will continue to be governed by the Ethics rules of their respective bodies which relate to use of surplus campaign funds.

ADVISORY OPINIONS

Under the previous Amendments to the Act, only registered candidates, political committees and the national committees of political parties could request advisory opinions. The new Amendments allow any person to request an opinion of the Commission if that person is involved in a specific activity covered by the election law.

The Commission must render an opinion within 60 days of receiving a request. If a request is received from a candidate or his/her authorized committee within 60 days of an election, the Commission must render an opinion within 20 days of receiving the request.

REGISTRATION REQUIREMENTS 0 0 8 0 2 0 2 1 3 4

Every political committee must have a treasurer. There is no longer a requirement to also have a chairman.

Political committees which support more than one candidate may not become the authorized committee of a particular candidate. (However, a presidential candidate may designate the national party committee to act as his/her principal campaign committee, and a candidate may designate any committee as an authorized committee if that committee is solely established for joint fundraising purposes.)

WHERE TO FILE REPORTS

Reports and statements required to be filed will continue to be filed with the Secretary of the Senate, the Clerk of the House, or the Commission, with copies to appropriate State officials.

REPORTING DATES

The number of required reports has been reduced from a maximum of 24 reports, per election cycle, to a maximum of 9, unless committees opt for monthly reporting. The postcard ("3a") filing is no longer acceptable. Full reports of financial activity, regardless of amount, are now required for each reporting period.

The following is a chart of the reports due for each type of filer in election and non-election years:

Election Year:

House and Senate Candidate Committees

- 12 day pre-primary and general election reports replace 10 day pre-primary and general election reports.
- 30 day post-general election reports are still required.
- 30 day post-primary election reports are no longer required.
- Quarterly reporting dates change from the 10th to the 15th of April, July, and October, with the year-end report still due on January 31 of the following year.

Political Committees

- Same as for House and Senate Candidate Committees
- OR
- May opt for Monthly filing on the 20th of each month, covering the previous month's activity; plus pre and post general election reports and year-end reports due January 31 of the following year.

Presidential Candidate Committees

- If receipts or expenditures exceed \$100,000, monthly reports are required on the 20th of each month, covering the previous month's activity; plus pre and post general election reports and year-end reports due on January 31 of the following year.
- If receipts or expenditures are \$100,000 or less, reporting dates are the same as for House and Senate candidate committees.

Non-Election Year:

House and Senate Candidate Committees

- Semiannual reports
January 1 through June 30 -- filed July 31
July 1 through December 31 -- filed January 31 of the following year.

Political Committees

- Semiannual reports - same as House and Senate Candidate Committees
- OR
- May opt for monthly filing (as in election year), with reports due on the 20th day of each month for the previous month's activity.

Presidential Candidate Committees

- May continue to file monthly reports on the 20th day of each month, covering the previous month's activity
- OR
- May file quarterly reports, due on the 20th day of April, July, and October, with the Year End report due on January 31 of the following year.

ENFORCEMENT

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The new Amendments require that within 5 days of receiving a complaint, the Commission must notify the person(s) alleged to have violated the Act, in writing. The Commission can take no action on the complaint, except to dismiss it, until the person(s) against whom the complaint is filed has (have) had 15 days to respond to the allegation(s).

If, after reviewing the response, the Commission determines there is reason to believe a violation of the Act has occurred, the Commission must notify the accused party (ies) of its finding. Only then can an investigation proceed.

Following an investigation, if the General Counsel recommends proceeding to a vote on probable cause, he/she must notify the respondent of his/her recommendation, including a brief containing the legal and factual issues on which his/her recommendation is based.

The respondent will then have 15 days to file a brief responding to the General Counsel's case.

The Commission must consider both briefs, and if probable cause is found, enter into a conciliation period of no less than 30 days, and no more than 90 days.

If conciliation fails, the Commission may institute civil action.

Civil penalties remain the same.

Where the Commission finds probable cause within 45 days of an election, the minimum conciliation period is shortened to 15 days.

PUBLIC RECORDS

The Commission will continue to make all reports and statements public within 48 hours of their receipt.

There remains a ban on using, for commercial purposes, any information contained in reports and statements filed with the Commission, except that the names and addresses of political committees may be copied and used to solicit contributions from those committees.

A political committee may submit 10 pseudonyms on each report filed in order to protect against illegal use of names and addresses of contributors. A list of such pseudonyms must be filed with the Clerk, Secretary or Commission. It will not be made public.

The Commission must submit to Congress new regulations for implementing the 1979 Amendments by February 29, 1980. If neither the Senate nor House disapprove the regulations within 15 legislative days, they will become effective.