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TREATED AS HANDWRITING NO BLUE CARD MADE

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THE WHITE HOUSE
WASHINGTON

R. M. Feld

March 17, 1975

Don:

The attached is follow-up of my memorandum to you of March 3.

Don Lowitz agrees that this is a matter which should be pursued further only by persons outside the White House.

Phil

Attachment

THE WHITE HOUSE

WASHINGTON

March 14, 1975

MEMORANDUM FOR: DON RUMSFELD
THROUGH: PHIL BUCHEN *P.W.B.*
FROM: DUDLEY CHAPMAN *DC*
SUBJECT: Registration of the President's
Candidacy

1. Legal requirements. The President has not registered under the 1971 Act or the 1974 Amendments and there is no requirement that he do so. The President does not become a candidate within the meaning of the law until he either (a) qualifies under the law of a state for nomination or election, (b) receives contributions or makes expenditures of \$1,000 or more to further his candidacy, or (c) gives his consent to any other person to receive contributions or make expenditures. (Sec. 301(b))^{*/} None of these steps have yet been taken.

2. Timing of registration. The President could at any time become a candidate and register by appointing a Committee with the powers described above. The disadvantage of doing this any sooner than necessary is the political connotation that it would cast upon all of the President's actions. The cost of travel for speech making, for example, could be criticized as a political use of appropriated funds. The White House use of RNC funds for certain quasi political activities could also be criticized on the ground that he is using party funds to further his own candidacy. By remaining unregistered, the President can take the position that all his actions are official except for those which may be properly charged to the party as in furtherance of party objectives.

^{*/} Section numbers refer to the 1971 Act, as amended in 1974

3. Requirements effective on registration. When he begins his formal candidacy, the President must designate a "Principal Campaign Committee", which may, if he chooses, be his party's National Committee. (Sec. 302(f)(1)) There may be in addition any number of political committees, each of which must have a Chairman and Treasurer. (Sec. 302(a)) All persons who receive contributions or make expenditures of \$1,000 or more of political funds must be members of a committee. (Sec. 301(d)) Extensive reports on organization and financing are required. (Secs. 303, 304, 305, 306, 307) All Committees other than the Principal Committee make their reports to the Principal Campaign Committee which in turn files with the Federal Election Commission. (Sec. 302(f)(3)) Statements must also be filed with State officers in every State. (Sec. 317) Each candidate must designate one or more banks as campaign depositories, the use of which is mandatory for both deposits and expenditures of political funds. (Sec. 309)

4. Interim enforcement. Until the Federal Election Commission is activated, the GAO continues as the enforcement agency. (Sec. 315(c))

Political

March 3, 1975

MEMORANDUM FOR:

DONALD RUMSFELD

FROM:

PHILIP BUCHEN

SUBJECT:

Reporting Requirements of a
Candidate for Presidency under
Federal Election Laws

Today our office received a duplicate of a February 13 memo addressed jointly to Donald Lowitz and me on the above subject. Apparently, we never received the original of this memo and upon calling Lowitz I find that he did not receive his copy.

I can now report, however, that as a result of an earlier discussion in the Oval Office, when I believe you were present, we came to the conclusion that it was not necessary or appropriate for the President presently to form and register a political committee for the purpose of receiving contributions or making expenditures to fund his candidacy in 1976. Also, we subsequently analyzed the effect of having the R.N.C. continue to support certain activities of the President in the interest of the Republican party as a whole and concluded that the reporting requirements under Federal Election Law then applied only to the R.N.C. and called for no separate reporting in behalf of the President.

The results of our previous research as to legal issues will be incorporated in a definitive memo for your information but I have indicated to Donald Lowitz that we will await submitting it until he returns to Washington next week.

cc: Donald Lowitz

bcc: Dudley Chapman

February 13, 1975

MEMORANDUM FOR:

PHILIP BUCHEN
DONALD LOWITZ

I noticed the attached clipping that pointed out that President Ford is the only "announced or unannounced candidate for President" who did not file an accounting for his campaign contributions for 1974 by the January 31 deadline. Could I have a report on what the law is and whether or not we legally should have filed. I would like to have some comments on whether or not we ought to file regardless of whether it is exactly clear legally that we should have. It may be from a political standpoint that it would be smart to file.

Why don't you give me some clue as to what is supposed to be filed -- what kind of information -- who is supposed to file it, where and when.

Thank you.

DONALD RUMSFELD

Attachment

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