

**The original documents are located in Box 16, folder “Federal Election Campaign Act Amendments of 1976 - Comparison of New Bill and Current Law” of the John Marsh Files at the Gerald R. Ford Presidential Library.**

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S. 3065

Present Law

7(c)-6 member Commission; 2 members each appointed by President, House and Senate; all members confirmed by majority of both houses.

Clerk of House and Secretary of Senate are ex officio non-voting members.

All decisions must be by a majority vote of members.

No provision

No provision

No provision

§101 - 6 member Commission all appointed by President and confirmed by Senate.

same

Affirmative vote of 4 members required:

- for compliance guidelines
- to initiate civil proceedings
- to render advisory opinions
- to issue rules and regulations
- to issue forms

Commission has exclusive primary jurisdiction over civil enforcement

Members must be "full-time" and may not engage in any other business, vocation or employment.

Transfer provisions:

- present members serve until new members are appointed and qualified.
- all past orders, determinations, rules and opinions which are consistent with the changes made by this Act will remain in effect.
- all proposed rules must be re-submitted to Congress.

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MAX ✓

2. CHANGES IN DEFINITIONS  
(§102)

Present Law

S. 3065

No provision

Legal & Accounting fees - such services to a national party committee, or to a political committee, or candidate are not contributions if reimbursed by the regular employer of the person performing these services. However, the value of the services must be reported.

§431(e)(4)

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No provision

Loans - by a national or state bank in ordinary course of business are not contributions or expenditures, but must be reported. However, any endorsers of the loan will be deemed to have made a contribution.

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A vendor/individual may donate food and beverages at a charge less than fair market value but more than cost up to \$500 per election.  
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No provisions

S.3065

Same, except that the vendor may be a "person" which would include corporations.

Building Fund

A national party committee may receive unlimited contributions for the purpose of financing the construction or purchase of office facilities. All such contributions must be reported.  
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The cost of union or corporation communications expressly advocating the election or defeat of a clearly identified candidate must be reported to the FEC if the cost is in excess of \$2,000 per election. Communications primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate are not subject to this subsection. All membership organizations are subject to this subsection.

"Act" - means the Federal Election Campaign Act of 1971 as amended in 1974 and 1976.

Present Law

Partially referred to but not defined in 608(e).

See 608(e)

Name and address of any contributor who gives over \$10 must be recorded.  
§432(b)  
§432(c)(2)

No provision

Unauthorized committees must place a disclaimer on all literature which is printed on behalf of a candidate stating that the committee is not authorized by the candidate to make such expenditure.  
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"Independent Expenditure" - an expenditure advocating the election or defeat of a clearly identified candidate and not made in cooperation, consultation or concert with or at the request or suggestion of a candidate, his committee or agents.

"Clearly identified" - unambiguous reference to a candidate; picture; name mentioned.

raised to \$50.

Any occasional incidental or isolated support of another candidate by a principal campaign committee will not change the status of that committee as a principal campaign committee.

§432(f)(1)  
recodified as 432(e)(1)

Repealed §432(e) and inserted same requirement in bill §323.

3. ORGANIZATION OF POLITICAL COMMITTEES  
§103



Present Law

S.3065

4. REPORTS BY POLITICAL COMMITTEES  
AND CANDIDATES

A committee which receives or spends less than \$1,000 in a calendar quarter need not file a quarterly report.  
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Same. Plus threshold is raised to \$5,000 in total contributions and expenditures in any quarter during a non-election year.

No provision

Independent expenditures by a candidate or political committee must be reported separately, if in excess of \$100. Must certify that expenditure was truly independent.  
§434(b)

No provision

Treasurers and candidates will be deemed in compliance when they show that best efforts were made to obtain information required for reports, e.g., name, address, occupation and place of business of any contributor.  
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New §434(e)

Present Law

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§105

"Common Cause" provision requiring reports of certain expenditures by membership organization which are not political committees. Held unconstitutional by Circuit Court of Appeals in Buckley.  
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Repealed 437(a)

6. CAMPAIGN DEPOSITORIES  
§106

A principal campaign committee shall maintain a single checking account.  
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A principal campaign committee shall maintain a single checking account and such other accounts as the committee determines to maintain at its discretion.

7. POWERS OF COMMISSION  
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No provision

The Commission's powers to initiate civil actions are the exclusive civil remedy for the enforcement of the Act.  
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8. ADVISORY OPINIONS  
§108

Only a candidate, Federal officeholder or political committee may receive an AO.

Added national committees of political parties.

Both request and AO must be in writing.

Same

Present Law

Request must concern a specific transaction or activity in which the requester is involved.

No provision

No provision

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Person who receives an AO and acts in accordance with the AO and in good faith is presumed to be in compliance with this Act.

No provision

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Request may concern any "specific factual situation."

AO must concern the application of a general rule of law stated in the Act or a general rule of law prescribed as a rule or regulation.

Any such general rule of law may (?) be initially proposed by the commission only as a rule or regulation.

No opinion of an advisory nature may be issued by the commission or any of its employees except in accordance with the provisions of this section.

Any person who receives an AO and acts in good faith in accordance with the AO will not be subject to any sanction in this Act.

Any AO may be relied upon by 1) any person involved in the specific transaction or activity with respect to which the AO is rendered, and 2) any person involved in a specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which the AO is rendered.



Present Law

S. 3065

No provision

Within 90 days of enactment, the commission must conform with this Act, all past AOs. All conformed past AOs must meet the requirements of subsection (a) which relates to the initial proposals by the Commission of any general rules of law.

9. ENFORCEMENT  
§109  
(New 437g)

Any person may file a complaint with the Commission.

Same plus the complaint must be signed and notarized.

Commission may investigate if 1) it receives a complaint, 2) has reason to believe that any person has committed a violation, or 3) if a complaint is referred to the commission by the Clerk of the House or the Secretary of the Senate.

Commission may investigate when 1) it receives a complaint and has reason to believe that any person has committed a violation, or 2) has reason to believe a violation has occurred on the basis of information obtained in the normal course of carrying out its supervisory responsibilities.

No provision

Any complainant who is a candidate will be subject to an investigation of his reports and statements.

Any investigation or notification shall not be made public without the written consent of the respondent.

Same plus a penalty of \$2,000 for any person including any member or employee of the FEC who violates this prohibition on disclosure. Any violation which is knowing and will-full involves a penalty of \$5,000.

Present Law

S. 3065

No provision

The commission must give a respondent a reasonable opportunity to demonstrate that no action should be taken against him.

No provision

For a period of 30 days, the commission must attempt to conciliate and correct or prevent the alleged violation. The time period is shortened when the complaint is filed within 45 days of an election.

No provision

The commission may enter into a conciliation agreement, which may include fines. Such an agreement is a bar to any further civil action by the commission. All conciliation agreements must be made public.

Commission may institute a civil action for relief including a permanent or temporary injunction, restraining order or other appropriate order in federal district court.

Same

Any violation of the Title 2 provisions of the act is subject to a fine of \$1,000 or one year in prison, or both.

Civil violation (less than \$1,000 in controversy except as provided in §329) may result in a fine of \$5,000 or an amount equal to the amount in controversy, whichever is greater. A knowing and willful violation may result in a fine of \$10,000 or twice the amount in controversy, whichever is greater.

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The commission may refer any apparent violation to the Attorney General

The commission may refer to the Attorney General any matter in which the commission determines that there is probable cause to believe that a knowing and willful violation has occurred and that the violation would be subject to criminal sanctions under section 329.

No provision

Complainant may petition D.C. federal district court if commission either dismisses the complaint or fails to act within 90 days of the date the complaint was filed.

No provision

Commission may petition court for civil contempt or criminal contempt when it believes an order of the court is being violated.

No provision

Any action under this act shall be advanced on the court docket.

10. DUTIES OF COMMISSION  
§110

No provision

The commission shall compile a separate index of all multicandidate committees.  
§438(a)(6)

Present Law

S. 3065

No Provision

A resolution of rejection in the House which relates to an FEC proposed regulation is a privileged motion, not debatable, and in order even through a similar resolution has been rejected. The motion is not amendable.  
§438(c)

No provision

A "rule or regulation" means a provision or series of interrelated provisions stating a single separate rule of law.  
§438(c)

11. ADDITIONAL ENFORCEMENT  
AUTHORITY  
§111

Any person who fails to file a report may be disqualified from running for federal office for a period of time.  
§456

Repealed §456

12. LIMITATIONS ON CONTRIBUTIONS  
AND EXPENDITURES  
§320

A person may contribute:  
1. \$1,000 per election per candidate  
2. \$25,000 per total year  
3. \$25,000 to any multicandidate committee

1. Same  
2. Same  
3. \$5,000 per year except to the political committees established and maintained by a national political party to which he may give \$20,000.

A multicandidate committee is one which gives to 5 or more candidates, receives contributions from 50 persons and has registered for six months.

Same

Present Law

S.3065

Unlimited transfers between and among party committees.

Same

A multicandidate committee may give:  
1. \$5,000 per election  
2. Unlimited amounts to any other multicandidate committee.

1. Same  
2. \$5,000 per year except to any political committee established and maintained by a political party, in which case the limit is \$15,000 per year.

No provision

Anti-proliferation of contributions  
All committees of the same national labor organization or corporation will be treated as one committee for purposes of the contribution limits. Exceptions: 1) joint fund-raisers, 2) contributions by a single national committee or single state committee of a national party.

No provision

Byrd amendment to permit transfer of funds by candidate who at one time ran for two federal offices simultaneously, but did not receive any federal matching funds.

Expenditure limits for presidential candidates.

Same

National and state party committees

Same

Present Law

S. 3065

No provision

Johnston Amendment; Senatorial committees and their respective national committees may give up to \$17,500 total to a Senate candidate. (Question as to whether amount applies to entire campaign or per election).

13. CONTRIBUTIONS OR EXPENDITURES BY NATIONAL BANKS, CORPORATIONS OR LABOR ORGANIZATIONS  
§321

No provision

Knowing receipt or acceptance required to constitute a violation.

No provision

Corporate and union officers/directors may not consent to make any unlawful contribution or expenditure under this section.

No provision

This section applies to the Public Utility Holding Company Act.

A corporation or labor organization may not make any payments in connection with a federal campaign except:

1. communication to members or shareholders and their families.
2. nonpartisan registration drives aimed at members or shareholders and their families.
3. establishment, administration, and solicitation to a separate segregated fund.

1. Add executive or administrative personnel and their families.
2. Add executive or administrative personnel and their families.
3. Same

Present Law

S. 3065

Voluntary contributions for fund may not be secured through the use of force, job reprisals, etc.

Same

No provisions

Employees who are solicited must be informed that their contributions will be used for a political purpose and that they have the right to refuse to contribute.

Labor organization may solicit only its members.

Same

Corporation may solicit its shareholders and employees (SUNPAC).

Corporation may solicit only its shareholders and executive or administrative personnel.

The voluntary funds in a separate segregated fund may be used to solicit anyone

Such funds may be used to solicit only the above restricted classes.

No provision

Twice a year, the labor organization or corporation may solicit by mail addressed to the residence, any shareholder, employee, executive or administrative personnel, or member. The solicitation must be designed to keep the contributors of less than \$50 anonymous.

Present Law

S. 3065

No provision

An incorporated membership organization which has no capital stock may set up a PAC and solicit its members.

No provision

An incorporated trade association may establish a PAC and solicit the shareholders and executive or administrative personnel of its member corporations provided that the member corporation has granted permission for such a solicitation and that such permission has not been granted to more than one trade association per year. (Question as to whether there is any limit on the number of solicitations that the trade association may make after receiving permission).

No provision

Notwithstanding any other law, any method of solicitation or which facilitates the making of solicitation which is permitted to a corporation by law shall also be permitted to a labor organization.



Present Law

S. 3065

No provision

Any corporation which utilizes a method of solicitation must make available to the labor organization such method at cost. Any method of facilitating the method of solicitation must similarly be made available. These methods must be made available to any labor organization which has members working for any branch, division, subsidiary or affiliate of the corporation which first utilizes the method.

No provision

"Executive or administrative personnel" means any salaried employee who has policy-making, managerial, professional, or supervisory responsibilities.

# Sen. Baker

TVA mtg

- ① Lg's home is a good hold any amount
- ② See if they can agree on a man.

# Sen. Sparkman:

1. Baker  
Stennis  
Sparkman } met re  
TVA appt.

2. Dissension about  
Longshore

3. Fight will hurt TVA

4. II don't submit yet

5. Hold it up

Joe W. 4/30

1. Ft. Drum fight is serious
2. Ft. Polk gets unit of Evgr. also Drum.
3. Mostly aware



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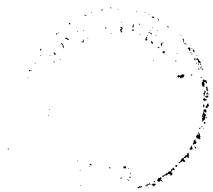
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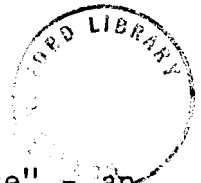
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Any corporation which utilizes a method of solicitation must make available to the labor organization such method at cost. Any method of facilitating the method of solicitation must similarly be made available. These methods must be made available to any labor organization which has members working for any branch, division, subsidiary or affiliate of the corporation which first utilizes the method.

No provision

"Executive or administrative personnel" means any salaried employee who has policy-making, managerial, professional, or supervisory responsibilities.