

The original documents are located in Box 1, folder “Ford, Gerald R. - Vice Presidential Confirmation - General (3)” of the Benton L. Becker Papers at the Gerald R. Ford Presidential Library.

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November 13, 1973

Mr. Donald C. Alexander
Commissioner
Internal Revenue Service
Washington, D. C. 20224

Dear Commissioner Alexander:

I received your report dated November 9, 1973, relative to the audit of my income tax returns for the taxable years 1967-1972, inclusive.

It would be appreciated if you would make available to me additional information which would reflect the scope of the examination, all issues raised and the overall results of your examination.

I realize this could involve a disclosure problem. However, as an alternative and without regard to any possible statutory restrictions on disclosure of such information, I would appreciate it if you would make this information available to the Joint Committee on Internal Revenue Taxation for their information and use. Moreover, I request that all information furnished to the Joint Committee be made available by the Joint Committee to the Chairman of the appropriate committees concerned with my confirmation for their use in any manner they deem advisable.

Sincerely,

Gerald R. Ford, M.C.

GRF:fd

*Call
The Cowan*



STATEMENT BY THE HONORABLE GERALD R. FORD
MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES
BEFORE THE HOUSE COMMITTEE ON THE JUDICIARY
THURSDAY, NOV. 15, 1973

ADVANCE FOR RELEASE AT 10:00 A.M. E.S.T.

I am no stranger to a hearing room of the House of Representatives but this is the first time I have come before this or any other Committee of the House in the capacity of a nominee for confirmation. Indeed it is the first time in our history that anybody has. The 25th Amendment to the Constitution, which was framed in this Committee eight years ago, establishes the precedent that the House of Representatives as well as the Senate must advise and consent to the nomination by the President of a person to fill a vacancy in the office of Vice President of the United States.

I am glad to be the guinea pig for this experiment and hope that the surgeons are skillful and the patient survives.

In a more serious vein, I hope that the solemn Constitutional duty we are about to undertake will be an important part of the healing process that our government and our great country so desperately need and demand today.

The House has been my home for 25 years. I know all of you and you all have known me on a day-to-day basis for all or some of those years. Your distinguished Chairman and I stood together and simultaneously swore to the same oath of office as freshmen Members on January 3, 1949. For nearly 11 years your distinguished Ranking Minority Member and I have been working together on behalf of our neighboring districts in Michigan.

Being a lawyer I have a special respect for the competence and probity of the Committee on the Judiciary to which the rules and traditions of the House have assigned some of the most momentous Constitutional responsibilities of the Congress.

To these heavy duties, fate and the untried 25th Amendment have added another, to test the qualifications and character of a potential Vice President of the United States. Of course, every Vice President is by definition a potential President of the United States.

This is an awesome obligation, both for you and for me, one which in the past has been left to the wisdom or unwisdom of party standard bearers,

(more)



political conventions and the more or less automatic acceptance of the electorate.

On one early occasion, when the electoral vote was tied, a Vice President was chosen by the Senate, but until today the House of Representatives has never had a voice in the selection of the President of the Other Body.

Speaking as a man of the House and a colleague, I want this Committee and the whole House to do a good job. Over the past four weeks, some of my loyal and impatient friends have said to me, "Why are they taking so long? We can understand the Senate where they don't know you so well. But the House should have confirmed you by unanimous consent the next morning."

Such sentiments make me feel good, of course. But I doubt whether I could have gotten unanimous consent. And even if a few Members could have been lured into the cloakrooms, it wouldn't have been good for the country.

It is the country we have to think about, Mr. Chairman and members of the Committee, not Jerry Ford or the House or the Congress or majority or minority or the segments of the country that each of us represent. I am sure each and every one of us is thinking of the country, and will carry out in our own ways the oath we have taken together.

So although we have been friends and I hope will be friends and colleagues, I want no special favor in presenting myself for your questions. I ask that you consider me as you would any other American in my position -- or perhaps I should say in my predicament -- and as you would the nominee of any duly elected President under the provisions of the 25th Amendment.

I suspect that from the investigative reports you have received that you know more about Jerry Ford than I know about myself -- the FBI wouldn't let me read their report but I understand it is the most exhaustive they have ever made, not to mention the investigations of the Internal Revenue Service, the General Accounting Office, and your own thorough staff.

I believe I have co-operated fully and complied faithfully with every request made of me for information and records bearing upon my fitness for the office of Vice President, and while this has been a time-consuming and monumental task, everyone concerned has conducted it with great courtesy and

(more)



civility. I would like to see this spirit in public business become contagious, Mr. Chairman.

There are just four points I would like to make at the outset. Although I have said them publicly and before the Senate Committee I am still a Member of the House, and I cannot quite consider them official until they become a part of the record of this body, which I am not ashamed to say I love deeply.

First, I have made some mistakes and will probably make some more. I don't know anybody who hasn't. I hope my past mistakes have been honest ones and that my future mistakes will be few. I hope I never get to the point where I can't admit I'm wrong.

Second, I believe in looking forward rather than backward. Of course we learn from the past, but we live for the present and the future. I don't believe in replaying last Saturday's game but in training hard for next Saturday's. I tend to forget the bad plays and remember the scoring ones -- but the upcoming game is always the best of all.

Third, I think people ought to tell the truth. Especially politicians. In the quarter century I have served in the Congress the best politicians I have known have been those who never misled me or anybody else. They have been the most successful, because people trusted them, and kept on re-electing them. And in spite of all the cynicism you hear and read about our profession of politics, I believe there are as many honest men and women in it as in most occupations, and probably more.

Finally, I believe in friendly compromise. I said over in the Senate hearings that truth is the glue that holds government together. Compromise is the oil that makes government go.

The office in the Capitol which I have the honor to use, and which regrettably I may have to move out of soon, was for many years the Speaker's. During the period between the 79th and 84th Congresses the late Sam Rayburn and the late Joe Martin had to switch offices so many times that the last time they agreed to put a stop to it. So H-230 wound up the Minority Leader's Office.

(more)



These two great leaders of their respective parties fought their legislative battles every day, but almost every evening after adjournment they sat down in that office, with its beautiful sunset view down the Mall to the Lincoln Memorial and poured a little of the potion which Mr. Sam prescribed to "strike a blow for liberty". I believe he inherited that expression from Speaker and later Vice President John Mance Garner.

The Democrat from Texas Mr. Sam, and the Republican from Massachusetts Mr. Martin were fast friends, and they shared their friendship with others on Capitol Hill and with the transient occupants of the White House of both parties who sought their help and counsel. I recall particularly President Eisenhower telling how much he relied on Mr. Sam when the interests of the country were really at stake. They could compete but they could also compromise.

Mr. Chairman, if I am confirmed as Vice President -- the first leader of the House since Speaker Garner to make that abrupt change from one side of the Capitol to the other -- my intention will be to use whatever reputation for truth and fairness I have acquired in the House, and whatever capacity for friendship and reasonable compromise I have achieved in the House, to make this government work better for the good of all Americans.

Not only as between the House and the Senate and between the Congress and the Executive Branch, but between individuals in both parties who I am proud to count as my friends. This is not a spectacular role for the next three years, but it is one I believe to be needed, and to which I can bring a certain amount of experience.

Mr. Chairman, I am continually being asked in recent weeks -- Do I support the President on this? Do I support the President on that? Do I support the President in general? I cannot imagine why people keep asking me this and I am confident the members of this Committee will not do so. My colleagues know the answer very well, if they have been listening to me even one-tenth of the time -- which is asking quite a lot.

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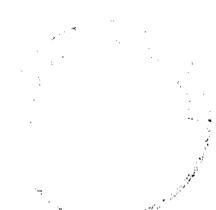
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Rodino: ~~Confidentially~~ Executive Program Priv. - April 4, 63 statement.

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Bob Sullivan

Oct. 29. - 3-4 days -

House -

~~Carter - Petye
Cook~~

Investor - 10 yrs -

Smith - IRS - 7 yrs -

" 3 places - 4 autos

→ Cambridge - Cook -

" 1970 campaign contribution -

Eve Kucsko - got job for Liddy

"



U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C.

① Brooks - CITE Record

② Davidson - FBI request
Wizinsky - FBI "

③ WILZMAN - subpoena
FBI records?

④ EDWARDS - pg 19 - (26 volumes)
meeting - Jan 27, '64

Take full responsibility
Independent error -
Jan 24 meeting record

§ 552 Case - Dr. Eldrey -
Apparent violation -

whose
get
quote?

No intent
apologizing

*

Oswald
local prosec. ethically in Texas
no credibility to render

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY

WASHINGTON, D.C.

Cory

Spec. Securin -
Coopering -

Passcode Security etc
Further - "associates"
Directly etc "

WALDIE

Hartman -
Melroy - on W.H. staff -
connected -
Justice - Fritchell -
"have serious contact"

WARR

Legal? vs what's
rights - what people
want -

SANBAMES

Important -

COHEN

Elaborate overclassified
every 20 - some no -

SIGBERG

W.H. staff.

Access to W.H.

Political partner -
had Justice -

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

WASHINGTON, D.C.

DANIELSON | July 9, 1972 - China

14 people - in DC + G. Paul
organized Corp - No -
Charles Drago - hill EEE
Diversified Bus. Services
= John HTO - No. Km -
Committee w/ Helms
Byer called Hartman -
= Only wild rumor -

DRINAM | CREEP - mistake
Why happen?

RANGEL | WIS. - why hang around?
Nitchinson - WIS
- Bath of no regret in
Rankin + King +
Hutchins
#4 Governor

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C.

~~JORDAN~~ NIO &
not adv. client
rebar not -
series ethical
Questions - Baran
- Britson -

Mr. HARTZMAN & Contributors
*19-1970 - Ch. of DC Com.
Gross - June
1972 Mark - sp -
Trevor -

LISTS 5,000 -

Controversy - lists -

Owens Political activities
10:45
Menden

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C.

Mezinsky | 1972 donors
Bach + How rep.
Quid pro quo
Temporary
Clerk hire - attest
client
Special administrative
working way -

Mr. Hartman
on Emerson approach
Back up data -
in file
Hartman
Hartman's York. antef
Conclusion
not adequate - no witness
only staff

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

WASHINGTON, D.C.

WALDIE

Wilson - areas of inquiry
No letterhead - Wilson

Not go into depth
Call for investigation

W.E. + Hartman -
waited on speech

April 15

Conversation to Committee

Mr. Hartman P.
on error in speech

Back-up data -
in file

HARTMAN

Hartman + Ferd. authors

Conclusions -
not adequate - no witnesses -
only staff

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C.

~~Josephine~~ -
Book -

~~Evagoras~~ -

Edwards | Tips from Justice

Opinion - on
providing info -

~~Walt & Gunde~~

~~Caldwell~~ -
~~Eros~~ -

Douglas - chaps -

- 1 - Shigetsugu's diary
- 2 - Mr. Pavin - not
on Fed. any further
- 3 -> No more articles

= Carroll - acceptance

= Qualifications -
of Sy. Justice
Whit &

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C.

W-B aspect - mistake

McClary

Douglas involved
in inadequate
investigation -

Dennis -

ADA lawsuit -
Fed Court
12/16/20 - cease
statement -
includes

WALDIE

Wilson married - where
where is?

Normant + Curran relation,
Gertie - vs Douglas -
Sept 3 - 1969 - Normant
Nov 21 - denied

1/19/20 - Curran withdrew
Early 1970 - asked to press
conference - said

yes -

Counter-attack -

Wilson met

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C.

Wilson visit -
get date

Walden / In your on
your part - involving
Justice -

from - Melroy -
devil's advocates - write
articles & this is they
called -

Railroad

May 24, 1969
MacGregor record
Fred Green - May 2 -
Standards
Dwight Parvin

Names of
co-sponsors
of Melroy

~~Express~~

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY

WASHINGTON, D.C.

WILKINS } of Ford do as
Douglas, and again
by this committee

SEIBERLING } for FAIR

judicial
Sound accurate statements

Holding up magazines
unnecessary for V.P.

Imported furniture

UN - ^{an absolute} crisis
Vice Martine

DRINAM

F/E thru -
Civil Dis -
Brown V. Board

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C.

WALDIE } Dem. Rep. -
Hotel area sure -

300000 } Bond
Boring - support
Praying - FOR
Abortion -
Each state
by referendum

PANGEL } Whitepaper
How far run up -
Spends to put?

WALDIE } add'l.
Whitepaper

THORNTON }

Left all camp - going to offer
back for a good thing

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C.

How 72 more | Names to DC
in 70 x 72
7232-

Thank you letters
to contributors -

Names of DC -
email

George Craig
Miss Transit

OWENS | George - supposedly
allocation
Sunday dining

MEZVINSKY | David as thorough
investigation - W.H. documents
Sulzberger documents
Rebozo - financing
operation - no

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

WASHINGTON, D.C.

Rodino

1 m
"witch hunt" by Perdue

EDWARDS

mistake -
Douglas -?



- ① McGowan - ~~Handwritten~~ -
- ② Hutchinson - ~~Handwritten~~ -
- ③ James
- ④ Sycamore Beach Bank
- ⑤ Q. on a) Oswald diary
b) III - (Haltzman)
c) Register - 1/9/68
- ⑥ Veil Bank →
- ⑦ Beach Bank
- ⑧ ~~Handwritten~~

FBI { ~~Handwritten~~ - Insurance - 60-65,000 - ^{Net worth}
 + land
 40,000 / replacement

11/5/73
 11/24/74

STEELCASE →

MADCP - Portini.

All Bank
 Regulatory
 Agency

Smith
 Gasped



China trip - 1600 - Gypsy clothes
IRS -

SMITH CIA -

Kosovans | What criteria in voting for
Record - ^{Wrestling} Lindro 25th and
Wade gallery - 72 - Alaska

Sandman | Which votes request?
Terrain - military - clutter

Edwards | → Common - would surround for
any job
Returns - expense

Pauls | NY Times - 1973

Coen | Taping - take notes -
IMB -
1968 - Truth - obvious - ^{high} Day
New York - 1965
1966 - Open Housing -
Dobson (?)

Hingatz | - Dawson | - any one - support of
defendants

July 16, 1973 -
conventions or exhibits of types
177 - 400,000 Court in
not being getting

Vassar or stars - 200,000 - No.

Darry Industry - No

CRIP - Hingatz - No

Members - How of ep's over? No



Elaborate - no

Book - ordered to live under
suits -

Palatka -

Fuchs -

Wiggins Civil Rights - 1958 - Special
Hospital also
for Berdy

1972 Post voting rights -

1977
Rush - granted Civil Rights

Civil Rights - equal

18 year old - no - (1970 Reg.)

Comers / Imonhof -

FB / agent - Kelly not invited

Dennis / Imonhof before VP.



Eulberg

Slaburg-

Minimum wage - president's package by a
youth differential

Fish

spending - debt limits -
Oct. 13 -

Pg 139 - Rourke -

Disclosure of any material to St. Johns letter

Office

Print Cont

Lantern → GSA

WALDIE

Carolina -

Justify wrong acts on NAT'L Security
lying under oath -

Becker - acting as attorney -

Moynihan

Angela invited to sit in -
Detroit Q's.

FLOWERS

Agreement

Address on politics

HOGAN

Prison -

MARRIS

Determined in 1 day power -

DRINAN

Synagogue - Synagogue
Harris (Circled)
CEO

Favored -

Independent -

Butler
Quinn

Appointments books

Edward information on

ITT - lying under oath
Blondino



Russack
Subcommittee

Cyprus study
Study center by Cyprus -
Judicial funds -
Exec. Privilege
Luzil etc. change in -
Crime was the improper
classification

Honorable

Why about 1 week after
Cox firing?
Frost factors -
Influenced ->

Russack

Cox - Dennis substitute
Errors - NO
Influenced - cond. 1, 2, 3

Frost

175 -
Congress limits
Pharmaceutical - manage

Russell

Loan transactions - necessary
of systems
FBI

Wants, Treatment before
Confidential

Shover

1967 - Russell -
Constitution - before pardons
Inflation - cause -

- 1 - Fiscal affairs
- 2 - Monetary policy - Fed Res
- 3 - Wage & price controls
- 4 - Increasing supply
Food & Petroleum



JONSON

Civil Rights

July 9-65 - Remittal

21 65 - N.

Remittal (For Family)

Oct 6-66. Ed.

April 10, 1968 -

Internationalist

Internationalist

MIRAZITI Senate on Civil Rts.

THORNTON Energy



1) Read 2 contributions letters

2) Brooks Q. of truck license

3) Waldie | Waldie - 12/10/1969 to Fed's office
Call to Mitchell - no date -

Letters followed

Each part of river of Doyle

7p 842 -

751 - "at the S. river, Texas - ^{confirmed Mitchell}

"Following May 21, 1969 asked H. to work on matters w/ Douglas - summer of 1969 -

"Covers" 871 } Contacted Mitchell

844 } shortly after Texas -

"Deer" 852 - saw Wilson

Establish - what everyone "has face"

A - section 05

Q. Answer in 05, note

A. - 5 Best guess

Q - 1 1/2 month later saw Wilson

A. - Yes

Q - Traveled by July?

A - Busy - not highest priority

Q - No care Mitchell sub. to

Nov 21, 69 - re: with
Haynesville?

A - Is possible to see prison -

Q - Possible subseq -

Residence - but more likely

A prison



Q. Speech April 15

Info. - pg 811 - "If you were not
factual info - subsequently
reconsidered - contacted

Did independent information -
Jan to receive back-up material -

Have back-up - ?

A. Skerred Justice would have
back-up material

A Some back-up material -
Contacted - had

Q. - repeated in speech

A - Yes -

Q - Parts in speech - brief - part
from "intent, - arrangements
changes -

A - Were things substantive
gave up outside Parrin
Dwight Casey - conflict of
interest

Q - Pg 3 of speech -

Any info in rest of speech
other than Justice -

A - Only prima facie case -
contacts -

Q - Who Justice not make speech

A - Yes - but changes session

Q - Unhappy of Justice -

A - Yes

Q - Attempted to get more facts

A - Cullen + McClellan - unhappy

Q - How much cooperation given info -
Complain ?

A - Believed would - contacted Justice



x asked to cooperate

Seiberling) Feelings of unity & esprit - of youth
Bridgeman -

Walsh | Pg 24-25-26 - HR 920
More cooperative letters -
Remo of request - greater coop.
Dec. 12 - 950 no hel
April 16 - in spread -

Aug 5 - 1970 - allow copy in

Aug 7 - Justice

Pg 824 -

838 - McCulloch -

840 - Miriam

870 - No suff

810 - } little or

811 - } no coop

_____ Fannie's subject

Aug 16 - letter adjacent to coop

Why not work over -

Describe as Dept of Justice -

But in record -

≡

May 20, 1970 - article - Phil Warden



DRINMAN) MEN - Jews - (Trade Refund)
All citizens held →

Approve - stop MEN
Prudential directed

Eniv. Dec. of From Kts. -

CONYERS

Jordan) Auto - independent
Not say - wrong or right

THORNTON) Mistakes

HALTZMAN) Dangerous -

Commit -

The Liberal Demands

March 3, 1971 - London

Common cause -

Dangerous to way of life

Applegate

Raisman

Reznisky) Top led, a mistake. Nixon
Spensible of just?

1990 - Lloyd Cont. - Corp. →
Can treasurer -

B.C. Committee -

Steps to find out -

Wanda Hess - 18,000 -
Bartons = no capstones



Edwards / Wilson on Douglas -
Same tips - Justice

If became Pres. - A.G. - guidelines
on this -
Discretionary info -

Re - Aug 17 - 1970 letter
all from F.B.I.

Kasperman / Outside Issues - 1960s

- legal services -

Arbitration / Rapist on
economics / In Brown & Sons Inc
May or may not be

Waldie / Includes documents of A.G. -
- Classified -

inconsistency
to rule
of law

Call to A.G. subsequent to Government
Believes Mitchell acting
in construction of Nixon
Not to draw lines

Do you believe Mitchell send
Wilson w/o consent
of Nixon?

Dennis

SEIBERLING / Partisan role - UN 17
Indochina



S.E. Asia -

More emphasis in early in 1960s

Larry
Hayes

Maguire Reports issued
Reports security
Implementation of penetration

Davidson Pg 847 -
- Inequality - Douglas
#500 cont. - Douglas?
- Expenses order favors contractor -
50,000 - Relativity of cost
factor -

Rosen Every list - pure naive

Comyers Lobbyists - money
- Cyber one?
ATA - James -

Holtzman WPTA -
Frank 3, 1971
Mr. Gordan - checks to D.C.
Dart - (5000)
"campaign"
Banking & Currency -
Aug deadline -

Comyers Kelley - WB -
WB in my c - Hubert

5000
Pain's
change

Cultural exchange - via
Latter von WS



Alan
~~Allen Parker / 2137~~
~~825-1680~~

Wants newsletters - all available
- will reproduce



Congress | President's credibility is
irretrievably lost, I doubt just

Rodine | April 4, '73 speech - Exec. Privilege - Com. for
Circuit position: Individual basis - what is in
national interest -

- ✓ Levy - on national security - suspicious
criminality - law firm -
- ✓ Terminate investigation - Pres - involving Leo, V.P.

Hatchling | Qualified in - GR-58-59 yrs -
Salary increase - 1/3/73 (1949)
Report made in 60's (approx May)

Dr. HUG | No 1, Counselor cred. off. for
Law, as of. help for
Wood + good business
" meetings w/ layers
" gave conf. records
" academic contacts -

✓ | Committee - Passow -
Qualifications - Congressional testimony

The Clary | 11,500 - (23)

Breeds | Norma - 3
VP of Home - Jove other

Smith | Int'l. Affairs - CIA, etc.
China - D.R. -

KASTENMEIER | Agrees w/ Congress - "dilemma"
FBI files - strong pers. approval
Differs from President -
Not rubber stamp -

- 1 - History trust funds
- 2 -



Edwards

Public Financing

Ministry Parks -

Upd corp. controls - voluntary -

Leads around - Cont'l Q.

Edwards

Matrix Suggestion - 25th Annual

Name of off =

Push legislation -

Rosen

FBI documents

Stewart

Uganda

Revised commitments - knowledge

Pure program - more frequent

every six or week

Wiggins

Foreign aid = "marginally there"

Even P's - put aside -

Rel. w/ president

Shun from west w/ president -

Comyer

Civil P's - had

Makes reports ^{to} ~~public~~ - FBI

Caldwell report - returns to quote from

Others quote

Dennis

FBI - coord

Special Encounter - Janowski

Learned Hurl ^{Concerns}

Quoted paper - Post

Ernest

Arab - Israeli

US Concerns? -

Joint Union strength - in area -

Old -



Fish Liddy - Ingham County.

WALDIE Bittman - Berlin

Bittman - appears to be opposed
Berlin generally sympathetic -

Moxey Fuel Shortage -

Flowers

Ratting - Schultz (M) (USER)
Federal system - part of Fed. Land
General Revenue; Bond Certs;

HOGAN

150,000 - Leno -
Leys. - .29

Mason

law & order good -
Court order - subpoena - records
Copy of highest court
Evidence required for law -

KEATING

Other documents - criminal act in -
Fed. emp. producer credibility
Dennis - mid East -

JARROANES

President delegate to Co. H. staff -
Cabinet

Butler

Patry orders - confirm? Cabinet
W.H. staff testimony?
Crusade on confirmation
VAI 2020 - conf. -
- Byrnowe -

SEIBERLING

Can have rt. of "lib. but main
affairs" - Carlsbad -

Pentagon papers - declass



July 26

CONUM

Elsbury case went away -
Gledhill on road w/ Byrne - ^{waited} ^{on} ^{it} ^{by} [?]
Proprietary
Exec. priv. leg. = criminal act - no
Special prosecutor - Anglo to turn over -
What's Security - April 1965

DONNALS

Not sure as advice + counsel
Conat + C. Authority -
June 1972 - on Watergate - Funder
re: Watergate - stupid

Midnight on W.C. - 4 days
after - if know any thing - send me
Bail money - no -

LOTT

Shillman report - Ford help discuss - Young
~~For State~~ Relationships - (Casper + Run)
Earlier liaison

DORINE

Wanna Bee - coordinate spending -
Secretary Libr. Mem
Answer 3 Qs - Report - Conynnie
worked at

FRANKLICH

Ready to vote
Wondered whether important? Yes
V.P. mem. - not true

RANBELL

Enemy list - no -
Support info early - ^{needed for} ^{revelation}
Clear up information before cooperation?
Mo. - obligation to act -

MOOREHEAD

Exec. growing vs leg.
Committee - if it's so holy
Clean up misadventures - of past
Issues - critical



JORDAN

Coroner - pinning amount & source
Resumed no violation of law -
Rule 8 - pinning
interest

+

Top priority - security
2nd - welfare - systems of R.C.C.

One of friends & ops
Pending too long

Substitute for general election -
Thru - broad & deep -

Op source - countries
Should find knowledge -

BARRETT

WIRNEN

WOLTZ

Banking -

NOV 16, 1970 - confirmed transfer
w/o limit at in - false no description
"pin - around"

Totally honest - know
differently -

put on scales - 300 bodies
yearly - one of the
he was shocked at
exercise on flow -

Times when
not talk to
att. vs by in

OWEN

Ignorance - or sep

Tax returns - employee later when v
few available to robbery

Presidential Logs - Public log
Private log

HEZVINSKY

President's top
returns papers - Individual

judgment
President not down & down all
grades - no precedent
not system before committee

We determine
grounds
if beyond reach
of courts - pinning
limit on
Gov. individual
president
interest

Robino / War Powers

Expansion -

Civil Rights - expansion

National Bank

Hutchinson / Reminiscent -

DeLoach / Oct 14, 1966 - Ready of work

Stay from rule of law

President ~~truly~~ - not violate

April 10, 1971 - no fear about

elect. ~~something~~ - House +

Sense -

1972 Set, Dan - G. organized
exam for Mar 1. Security

April 30 - 65 - Yal -

avoid ~~infinitive~~ power -

McClary / 1 - Treaty for my purpose -

2 - Property for children -

Kent county Mich - funds for children

3 - ~~Humanities~~ - ~~part~~ - for

4 - Pay taxes - ~~congruence~~ - personal gain

Brooks / Dea - Agnew - Liddy - "convicted"

Suit of integrity - mobelheim's

April 350

Research - 10 pages

John S. ~~and~~ Calif. - April 1972

April 5



U.S. vs Brewster + illegal gratuity - (Bills: \$25,000 district court - ~~quo~~ - offer got #)

No requirements -

1973-36 - Newsletter -

Corporations make contributions: Not permitted - unless

I.R.S. - promise - (abuse evidence to contrary) - to political figure

1971 - Candidate - declared -

File III - prior to qualification -

Rule 43, Code of Official Conduct 1968.

"Corp funds must be kept separate personal funds"

Content no campaign funds for personal use in excess of what for day + benefit - personal campaign expenses -

Campaign funds

Spent no funds from campaign acct. to bona-fide campaign purposes - (Tax-Doll provision)

Not newsletters - (fund)

I.R.S. - not define campaign purposes and taxable if spent for

"campaign or similar purposes"

Managerial?

Take state law - what are "campaign"?



No card. Treas. - any mon or elctn -
except - 1. travel - per (expm.)

Optim - reimb. on
candidate

(make public (?)
make public exp. -

- 1) Party
- 2) Party
- 3) Party
- 4) Offices
- 5) Personal
- 6) Challenges
- 7) Speeches
- 8) Lists
- 9) Concess
- 10) Transp. of voters
- 11) Attorneys

None - as constituted - speakers - relatives
work
not covered

1971 Act - outright balance - Clerk -

and - must declare -

1970 - ways + means - tax credit - \$50

Contributor + allow for deductions

though tax eligible funds - \$10000

cannot convert to gen. use

cannot return

Treasurer: Fred W. Nielsen -

Contrib. presumed to be

campaign - non-taxable

- office expenses - income

Effect if one year -

Law.

Communicator - equal time - must qualify

Tax Act 1970 - Off year - contributors - candidates -
of finance candidacy before
Dec. 31 - all deductions



John Mc Carthy 51125 (2)
Tip O'Neale

1951 - 1952
1953 - 1954
1955 - 1956
1957 - 1958
1959 - 1960
1961 - 1962
1963 - 1964
1965 - 1966
1967 - 1968
1969 - 1970
1971 - 1972
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2099 - 2100

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2095 - 2096
2097 - 2098
2099 - 2100



Whitlow-

To appear? →
Secy of State - installation

D.C. Committee - P9 (13)

COB
Today -
Henry

Passed 1/19/1972

~~effective - today~~ 2/7/72

LIMITS: 104 X VOTING AGE POP.
or 50,000

104(b) I(A) Communities

Primary, too

+
concurrent price index
= by any committee

for legally qualified candidate

- a) conduct its laws
- or b) collecting funds for candidate

9439 - full copy - State office too

No individual limits

1972 - Printed April 8, 1972

Ch 8 - § 241(c) Def. of
Domestic -

(1) - 2 or more
States

State - (2) "State"
includes territory or
possession
W. T. D.C.

§ 31 (a) + (b) — 1972



GARMAN -
II-1:30 - No. -

Ed McCabe

Mike The Key →
Improvement of Election
Authenticity for Fed.
Election -

Scrape -
P.O. & Civil Serv.
Legislation

General Counsel

Ethics Com.



REPORTS BY OTHERS THAN POLITICAL COMMITTEES

Sec. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year shall file with the supervisory officer a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS
AND STATEMENTS

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.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the supervisory officer in a published regulation.

(c) The supervisory officer may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The supervisory officer shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

Sec. 307. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President, shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and



CHAPTER 8.—FEDERAL CORRUPT PRACTICES

Sec.	Sec.
241. Definitions.	247. Statements; verification; filing; preservation; inspection.
242. Chairman and treasurer of political committee; duties as to contributions; accounts and receipts.	248. Limitation upon amount of expenditures by candidate.
243. Accounts of contributions received.	249. Promises or pledges by candidate.
244. Statements by treasurer filed with Clerk of House of Representatives.	250. Expenditures to influence voting.
245. Statements by others than political committee filed with Clerk of House of Representatives.	251. Contributions by national banks or other Federal corporations; penalty.
246. Statements by candidates for Senator, Representative, Delegate, or Resident Commissioner filed with Secretary of Senate and Clerk of House of Representatives.	252. General penalties for violations.
	253. Expenses of election contests.
	254. State laws not affected.
	255. Partial invalidity.
	256. Citation.

Section 241. Definitions. When used in this chapter—

(a) The term "election" includes a general or special election, and, in the case of a Resident Commissioner from the Philippine Islands, an election by the Philippine Legislature, but does not include a primary election or convention of a political party;

(b) The term "candidate" means an individual whose name is presented at an election for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

(c) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

(d) The term "contribution" includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable to make a contribution;

(e) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or any thing of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;

(f) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

(g) The term "Clerk" means the Clerk of the House of Representatives of the United States;

(h) The term "Secretary" means the Secretary of the Senate of the United States;

(i) The term "State" includes Territory and possession of the United States. (June 25, 1910, c. 392, §§ 1, 8, 36 Stat. 822*; Aug. 19, 1911, c.

* " 824" should be added.



OLD
1910
LAW

33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 368, Title III, § 302, 43 Stat. 1070.)

Historical Note

This chapter is the "Federal Corrupt Practices Act of 1925." An earlier act enacted June 25, 1910, c. 392, was with all amendments thereto expressly repealed by the later act.

Notes of Decisions

1. Power of Congress.—The power, under the Constitution of the United States, of Congress to make such provisions as are necessary to secure the fair and honest conduct of an election at which a member of Congress is elected cannot be questioned. *Ex parte Coy* (Ind. 1888) 127 U. S. 731, 8 S. Ct. 1263, 32 L. Ed. 274.

In *Blair v. U. S.* (N. Y. 1919) 250 U. S. 273, 39 S. Ct. 468, 63 L. Ed. 979, affirming (D. C. 1918) 253 F. 800, the constitutionality of the Corrupt Practices Act of 1910 was challenged by witnesses summoned to testify before a grand jury in an investigation instituted thereunder, but the question was not passed on, the court holding that witnesses had no power to raise it, and saying: "The same constitutional question was stirred in *U. S. v. Gradwell* (R. I. 1917) 243 U. S. 476, 487, 37 S. Ct. 407, 61 L. Ed. 857, 865, but its determination was unnecessary for the decision of the case, and for this reason it was left undetermined, as the opinion states. Considerations of propriety, as well as long-established practice, demand that we refrain from passing upon the constitutionality of an act of Congress unless obliged to do so in the proper performance of our judicial function, when the question is raised by a party whose interests entitle him to raise it. We do not think the present parties are so entitled, since a brief consideration of the relation of a witness to the proceeding in which he is called will suffice to show that he is not interested to challenge the jurisdiction of

court or grand jury over the subject-matter that is under inquiry."

2. Primary election as "election."—The word "election" as used without qualification, refers to a general election and not to a primary election. *U. S. v. O'Toole* (D. C. W. Va. 1910) 236 F. 993.

The Corrupt Practices Act of 1910 recognizing primary elections and limiting the expenditures of candidates for election in connection with them was held not to effect an adoption by Congress of all state primary laws. *U. S. v. Gradwell* 1917) 243 U. S. 476, 37 S. Ct. 407, 61 L. Ed. 857, affirming (D. C. R. I. 1910) 231 F. 446, and *U. S. v. O'Toole* (D. C. W. Va. 1910) 236 F. 993.

3. Mandamus.—Under the Corrupt Practices Act of 1910, it was held that there was no remedy given by mandamus to enforce the provisions of the Act. In *re Higgins* (D. C. Mo. 1920) 269 F. 152. The court said: "Enforcement is by indictment and trial in the customary way. No remedy by original action in mandamus is given those injured. The proceeding here is neither an inquiry by a grand jury nor the trial of a criminal case under these acts. Though Congress might provide for federal supervision of all elections, primary, general, and special, relating to nomination and election to office under the Constitution and laws of the United States, and provide for enforcement thereof by mandamus, or any other suitable remedy, it has not done so."

§ 242. Chairman and treasurer of political committee; duties as to contributions; accounts and receipts. (a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted, and no expenditure made, by or on behalf of a political committee for the purpose of influencing an election until such chairman and treasurer have been chosen.

(b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

- (1) All contributions made to or for such committee;
- (2) The name and address of every person making any such contribution, and the date thereof;
- (3) All expenditures made by or on behalf of such committee; and
- (4) The name and address of every person to whom any such expenditure is made, and the date thereof.

(c) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on

half of a political committee exceeding \$10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items. (June 25, 1910, c. 392, §§ 2, 3, 36 Stat. 823; Feb. 28, 1925, c. 368, Title III, § 303, 43 Stat. 1071.)

§ 243. Accounts of contributions received. Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received. (June 25, 1910, c. 392, § 4, 36 Stat. 823; Feb. 28, 1925, c. 368, Title III, § 304, 43 Stat. 1071.)

§ 244. Statements by treasurer filed with Clerk of House of Representatives. (a) The treasurer of a political committee shall file with the Clerk between the 1st and 10th days of March, June, and September, in each year, and also between the 10th and 15th days, and on the 5th day, next preceding the date on which a general election is to be held, at which candidates are to be elected in two or more States, and also on the 1st day of January, a statement containing, complete as of the day next preceding the date of filing—

(1) The name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, of \$100 or more, together with the amount and date of such contribution;

(2) The total sum of the contributions made to or for such committee during the calendar year and not stated under paragraph (1);

(3) The total sum of all contributions made to or for such committee during the calendar year;

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of \$10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

(5) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under paragraph (4);

(6) The total sum of expenditures made by or on behalf of such committee during the calendar year.

(b) The statements required to be filed by subdivision (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 statement only the amount need be carried forward.

(c) The statement filed on the 1st day of January shall cover the preceding calendar year. (June 25, 1910, c. 392, §§ 5, 6, 36 Stat. 823; Aug. 19, 1911, c. 38, § 1, 37 Stat. 25; Feb. 28, 1925, c. 368, Title III, § 305, 43 Stat. 1071.)

§ 245. Statements by others than political committee filed with Clerk of House of Representatives. Every person (other than a political committee) who

other than by contribution to a political committee, aggregating \$50 or more within a calendar year for the purpose of influencing in two or more States the election of candidates, shall file with the Clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 244 of this title. (June 25, 1910, c. 392, § 7, 36 Stat. 824; Feb. 23, 1925, c. 368, Title III, § 306, 43 Stat. 1072.)

§ 246. Statements by candidates for Senator, Representative, Delegate, or Resident Commissioner filed with Secretary of Senate and Clerk of House of Representatives. (a) Every candidate for Senator shall file with the Secretary and every candidate for Representative, Delegate, or Resident Commissioner shall file with the Clerk not less than ten nor more than fifteen days before, and also within thirty days after, the date on which an election is to be held, a statement containing, complete as of the day next preceding the date of filing—

(1) A correct and itemized account of each contribution received by him or by any person for him with his knowledge or consent, from any source, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person who has made such contribution;

(2) A correct and itemized account of each expenditure made by him or by any person for him with his knowledge or consent, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made; except that only the total sum of expenditures for items specified in subdivision (c) of section 248 of this title need be stated;

(3) A statement of every promise or pledge made by him or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation of every person to whom any such promise or pledge has been made, together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated.

(b) The statements required to be filed by subdivision (a) shall be cumulative, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

(c) Every candidate shall inclose with his first statement a report, based upon the records of the proper State official, stating the total number of votes cast for all candidates for the office which the candidate seeks, at the general election next preceding the election at which he is a candidate. (June 25, 1910, c. 392, § 8, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 23, 1925, c. 368, Title III, § 307, 43 Stat. 1072.)

Notes of Decisions

1. Primary election or convention.—The Corrupt Practice Act of 1910 applied not only to final elections for choosing Senators, but also to primaries and conventions of political parties for selection of candidates. As to such primaries and

conventions it was held invalid because at the time it was enacted the only source of power which Congress possessed over elections for Senators and Representatives was U. S. Const., Art. 1, § 4, which regulated the manner of holding such elections, and the language of that constitutional provision was not broad enough to include

primaries. The 17th Amendment dealing with the election of Senators was held to antedate that section and so could not be considered in connection with it. *Newberry v. U. S.* (Mich. 1921) 256 U. S. 232, 41 S. Ct. 469, 65 L. Ed. 913. See, also, *U. S. v. Cameron* (D. C. Ariz. 1922) 282 F. 683.

§ 247. Statements; verification; filing; preservation; inspection. A statement required by this chapter to be filed by a candidate or treasurer of a political committee or other person with the Clerk or Secretary, as the case may be—

(a) Shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths;

(b) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk or Secretary at Washington, District of Columbia, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk or Secretary of its nonreceipt;

(c) Shall be preserved by the Clerk or Secretary for a period of two years from the date of filing, shall constitute a part of the public records of his office, and shall be open to public inspection. (June 25, 1910, c. 392, § 8, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 23, 1925, c. 368, Title III, § 308, 43 Stat. 1072.)

Notes of Decisions

1. Notary public as authorized to administer oaths.—A notary public of a state is "an officer authorized to administer oaths" within the meaning of this section. *U. S. v. Cameron* (D. C. Ariz. 1922) 282 F. 685.

2. False oath as to amount received as perjury.—In the Corrupt Practice Act of 1910 while a candidate was required to include in his statements all receipts as well as expenditures, it limited the latter only. Hence, a candidate was not subject to a prosecution for perjury because of an alleged false oath regarding the amounts received by him, since the oath was not false in a "material mat-

ter." *U. S. v. Cameron* (D. C. Ariz. 1922) 282 F. 684.

Under the Corrupt Practice Act of 1910 one who was a candidate for senator at a general election was not "a candidate for nomination at any primary election or nominating convention, . . . or election by the legislature of any state" within the meaning of the act in view of the Seventeenth Amendment to the United States Constitution providing for the election of senators by popular vote, and hence was not subject to prosecution for perjury for an alleged false statement in a statement or receipts and expenditures made under the Act. *Id.*

§ 248. Limitation upon amount of expenditures by candidate. (a) A candidate, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions of this title.

(b) Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures, a candidate may make expenditures up to—

(1) The sum of \$10,000 if a candidate for Senator, or the sum of \$2,500 if a candidate for Representative, Delegate, or Resident Commissioner; or

(2) An amount equal to the amount obtained by multiplying three cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding \$25,000 if a candidate for Senator or \$5,000 if a candidate for Representative, Delegate, or Resident Commissioner.

(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) as the limit of campaign expenses of a candidate. (June 25, 1910, c. 392, §§ 8, 9, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 368, Title III, § 309, 43 Stat. 1073.)

§ 249. Promises or pledges by candidate. It is unlawful for any candidate to directly or indirectly promise or pledge the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy. (June 25, 1910, c. 392, § 8, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 368, Title III, § 310, 43 Stat. 1073.)

§ 250. Expenditures to influence voting. It is unlawful for any person to make or offer to make an expenditure, or to cause an expenditure to be made or offered, to any person, either to vote or withhold his vote, or to vote for or against any candidate, and it is unlawful for any person to solicit, accept, or receive any such expenditure in consideration of his vote or the withholding of his vote. (June 25, 1910, c. 392, § 8, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 368, Title III, § 311, 43 Stat. 1073.)

Notes of Decisions

1. Mandamus.—Under earlier acts relating to the same subject as the text it was held that the federal District Courts had no power to compel rights thereunder by mandamus. In re Higdon (D. C. Mo. 1920) 209 F. 150.

§ 251. Contributions by national banks or other Federal corporations; penalty. It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution in connection with any election to any political office, or for any corporation whatever to make a contribution in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation which makes any contribution in violation of this section shall be fined not more than

\$5,000; and every officer or director of any corporation who consents to any contribution by the corporation in violation of this section shall be fined not more than \$1,000, or imprisoned not more than one year, or both. (Jan. 26, 1907, c. 420, 34 Stat. 864; Mar. 4, 1909, c. 321, § 83, 35 Stat. 1103; Feb. 28, 1925, c. 368, Title III, § 313, 43 Stat. 1074.)

Historical Note

This section is § 313 of Act of Feb. 28, 1925, c. 368, 43 Stat. 1074. That section took the place of and is almost identical with the language of § 83 of the Criminal Code (see Act of March 4, 1909, c. 321, § 83, 35 Stat. 1103 cited to the text) which was repealed by § 318 of the Act of Feb. 28, 1925. Section 83 of the Criminal Code was in the language of the Act of Jan. 26, 1907, c. 420, 34 Stat. 864. In the Acts of 1907 and 1909 the word "money" preceded the word "Contribution." The word "money" was omitted in the Act of 1925.

Notes of Decisions

1. Constitutionality.—Congress has constitutional power to prohibit contributions to be made by certain corporations in connection with any election at which, among others, representatives in Congress are to be voted for. U. S. v. Brewers' Ass'n (D. C. Pa. 1916) 239 F. 163, wherein the court said: "If it should be held that Congress exceeded its power in including, among others, elections in which Presidential and Vice Presidential electors are to be voted for, on the ground that they are officers of the state and not of the federal government, that would not, in my opinion, invalidate the act, except as to that particular provision."

2. Money contributions.—The words "money contributions" as used in the earlier statutes were held to be "not vague and uncertain, but, on the contrary, their meaning was plain and their purpose as used in the statute unmistakable. Whether, in any given case, an expenditure by a corporation should be construed as 'a money contribution in connection with any election,' within the spirit, intent, and

meaning of the act of Congress, might become a question for the court or jury in the light of all the circumstances of the case." U. S. v. U. S. Brewers' Ass'n (D. C. Pa. 1916) 239 F. 163.

3. Indictment.—An indictment against corporations for conspiracy to make unlawful campaign contributions, need not allege that offense with the particularity of an indictment directly charging it as an offense. U. S. v. U. S. Brewers' Ass'n (D. C. Pa. 1916) 239 F. 164.

4. Contempt proceedings.—Where the grand jury returned an indictment against corporations for violating the earlier statute of 1909, it was held that the inquiry being no longer in progress: questions whether a witness was guilty of contempt in failing to produce documentary evidence and give testimony as required would not be determined on writs of error to review denial of his application for habeas corpus and to review motion to quash presentment. Ex parte Fox (Pa. 1916) 236 F. 801, 150 C. C. A. 123.

§ 252. General penalties for violations. (a) Any person who violates any of the foregoing provisions of this chapter, except those for which a specific penalty is imposed by section 208 of Title 18, and section 251 of this title, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) Any person who willfully violates any of the foregoing provisions of this chapter, except those for which a specific penalty is imposed by section 208 of Title 18, and section 251 of this title, shall be fined not more than \$10,000 and imprisoned not more than two years. (June 25, 1910, c. 392, § 11, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Feb. 28, 1925, c. 368, Title III, § 314, 43 Stat. 1074.)

§ 253. Expenses of election contests. This chapter shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of an election. (June 25, 1910, c. 392, § 10, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Feb. 28, 1925, c. 368, Title III, § 315, 43 Stat. 1074.)

§ 254. State laws not affected. This chapter shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this title, or to exempt any candidate from complying with such State laws. (June 25, 1910, c. 392, § 8, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 368, Title III, § 316, 43 Stat. 1074.)

§ 255. Partial invalidity. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby. (Feb. 28, 1925, c. 368, Title III, § 317, 43 Stat. 1074.)

§ 256. Citation. This chapter may be cited as the "Federal Corrupt Practices Act." (Feb. 28, 1925, c. 368, Title III, § 301, 43 Stat. 1070.)

CHAPTER 9.—OFFICE OF LEGISLATIVE COUNSEL

Sec.	Sec.
271. Creation of office.	and employees; office equipment and supplies.
272. Appointment of legislative counsel; qualifications.	275. Duties of office; rules and regulations.
273. Compensation of legislative counsel.	276. Disbursement of appropriations.
274. Assistant legislative counsel; clerks	277. Official mail matter.

Section 271. Creation of office. There shall be an office to be known as the office of the legislative counsel, and to be under the direction of two legislative counsel. (Feb. 24, 1919, c. 18, § 1303, 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

§ 272. Appointment of legislative counsel; qualifications. One of the legislative counsel shall be appointed by the President of the Senate, and one by the Speaker of the House of Representatives, without reference to political affiliations and solely on the ground of fitness to perform the duties of the office. (Feb. 24, 1919, c. 18, § 1303, 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

§ 273. Compensation of legislative counsel. The positions of legislative counsel shall be allocated from time to time by the President of the Senate and the Speaker of the House of Representatives, jointly, to the appropriate grade in the compensation schedules of section 673 of Title 5. The rate of compensation of each of the two legislative counsel shall be fixed from time to time, within the limits of such grade, by the President of the Senate and the Speaker of the House of Representatives, respectively. (June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

§ 274. Assistant legislative counsel; clerks and employees; office equipment and supplies. The legislative counsel shall, subject to the approval of the President of the Senate and the Speaker of the

House of Representatives, employ and fix the compensation of such assistant counsel, clerks, and other employees, and purchase such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the office and as may be appropriated for by Congress. (Feb. 24, 1919, c. 18, § 1303, 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

§ 275. Duties of office; rules and regulations. The office of the legislative counsel shall aid in drafting public bills and resolutions or amendments thereto on the request of any committee of either House of Congress, but the Library Committee of the Senate and the Library Committee of the House of Representatives, respectively, may determine the preference, if any, to be given to such requests of the committees of either House, respectively. The legislative counsel shall, from time to time, prescribe rules and regulations for the conduct of the work, for the office for the committees of each House, subject to the approval of the Library Committee of each House, respectively. (Feb. 24, 1919, c. 18, § 1303, 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

§ 276. Disbursement of appropriations. One-half of all appropriations for the office shall be disbursed by the Secretary of the Senate and one-half by the Clerk of the House of Representatives. (Feb. 24, 1919, c. 18, § 1303, 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

§ 277. Official mail matter. The legislative counsel shall have the same privilege of free transmission of official mail matter as other officers of the United States Government. (June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

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CHAPTER 14—FEDERAL ELECTION CAMPAIGNS [NEW]

SUBCHAPTER I.—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

Sec.

- 436. Definitions.
 - (a) Organization of political committees.
 - (b) Chairman; treasurer; vacancies; official authorizations.
 - (c) Account of contributions; segregated funds.
 - (d) Recordkeeping.
 - (e) Receipts; preservation.
 - (f) Unauthorized activities; notice.
 - (g) Funds solicitation, notice; annual report, copies.
- 437. Registration of political committees.
 - (a) Statements of organization.
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 - (d) Disbanding of political committees or contributions and expenditures below prescribed ceiling; notice.
- 438. Reports by political committees and candidates.
 - (a) Receipts and expenditures; completion date, exception.
 - (b) Contents of reports.
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- 439. Reports by others than political committees.
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 - (a) Verification.
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 - (d) Debts, pledges, etc.; separate schedules; aggregate amounts based upon actual payment.
- 441. Reports on convention financing.
- 442. Administrative and judicial provisions.
 - (a) Supervisory officers; duties.
 - (1) Forms.
 - (2) Manual for uniform bookkeeping and reporting methods.
 - (3) Filing, coding, and cross-indexing system.
 - (4) Public inspection; copies; sale or use restrictions.
 - (5) Preservation of reports and statements.

- (6) Current list of candidate statements; compilation and maintenance.
- (7) Annual report; compilations of data.
- (8) Special reports; comparisons.
- (9) Other reports.
- (10) Dissemination of information.
- (11) Audits; investigations.
- (12) Enforcement authorities; reports of violations.
- (13) Rules and regulations.
- (b) Federal and State filing of reports; procedures for Federal copies in satisfaction of State requirements to eliminate multiple filings.
- (c) Comptroller General; duties; national clearinghouse for information; studies, scope, publication, copies to general public at cost.
- (d) (1) Violations; complaint; investigation; notice and hearing; Federal civil action for injunction, restraining order, or other appropriate order; venue; bond.
 - (2) Subpoenas.
 - (3) Court of appeals; time for petition for review.
 - (4) Finality of appellate judgment; review by Supreme Court.
 - (5) Docket; advancement and priorities.
- 439. Statements filed with State officers.
 - (a) "Appropriate State" defined.
 - (b) Duties of State officers.
- 440. Prohibition of contributions in name of another.
- 441. Penalties for violations.
- 442. Authority to procure technical support and other services and incur travel expenses; payment of such expenses.

SUBCHAPTER II.—GENERAL PROVISIONS

- 451. Extension of credit by regulated industries; regulations.
- 452. Prohibition against use of certain Federal funds for election activities; definitions.
- 453. State laws not affected.
- 454. Partial invalidity.

SUBCHAPTER I.—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

Campaign Communications Reform Act. Definitions, media rate and related requirements, limitations of expenditures for use of communications media, regulations, and penalties, see provisions of

Campaign Communications Reform Act, classified to chapter 7 (section 801 et seq.) and amendatory of sections 312 and 315 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

§ 431. Definitions

When used in this subchapter—

- (a) "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;

complete record of all Joint Committee votes on any question on which data, charts, and files of the Joint Committee and shall be made available to the public at the office or such other places as the committee may determine. 1970, 84 Stat. 1188.

Office Management—Supervision of personnel; appointment, duties, and compensation.

Congress an Office of Placement subject to the supervision and control of the Joint Committee—basis of fitness to perform his duties; Office Management and such personnel; necessary; responsibilities; per annum gross rates not in excess of 10 percent of Title 5; and such other matters as the Joint Committee may determine.

Office management—upon request, to assist Members and House of Representatives in specified qualifications and to assist in office management project.

When inappropriate—held or considered to require the services of any Member, committee, or organization, if, in the opinion of the committee, the use of such facilities is inappropriate. 1970, 84 Stat. 1189.

Payment from contingent fund—shall be paid from the contingent fund of the committee appropriated for the use of the chairman. 1970, 84 Stat. 1189.

(b) "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;

(c) "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;

(d) "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;

(e) "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;

(f) "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 and 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;

(g) "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;

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

(i) "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.

Pub.L. 92-225, Title III, § 301, Feb. 7, 1972, 86 Stat. 11.

Effective Date. Section 408 of Pub.L. 92-225 provided that: "Except as provided in section 401 of this Act [classified to section 451 of this title], the provisions of this Act [see Short Title note under this section] shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act [Feb. 7, 1972], whichever is later."

Short Title. Section 1 of Pub.L. 92-225 provided: "That this Act [which enacted this chapter and chapter 7 (section 801 et seq.) of Title 47, amended

sections 501, 600, 608, 610, and 611 of Title 18 and sections 312 and 315 of Title 47, repealed sections 241-256 of this title and section 609 of Title 18, and enacted provisions set out as notes under this section and section 801 of Title 47] may be cited as the 'Federal Election Campaign Act of 1971.'"

Legislative History. For legislative history and purpose of Pub.L. 92-225, see 1972 U.S. Code Cong. and Adm. News, p. —

§ 432. Organization of political committees—Chairman; treasurer; vacancies; official authorizations

(a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

Account of contributions; segregated funds

(b) Every person who receives a contribution in excess of \$10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

Recordkeeping

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of \$10, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

Receipts; preservation

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the supervisory officer.

Unauthorized activities; notice

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

Funds solicitation, notice; annual report, copies

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D. C. 20402."

(2) (A) The supervisory officer shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this subchapter during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(i) a copy of the statement of organization of the political committee required under section 433 of this title, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 434 of this title from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the supervisory officer.

Pub.L. 92-225, Title III, § 302, Feb. 7, 1972, 86 Stat. 12.

Effective Date. Section effective sixty days after Feb. 7, 1972, see section 406 of Pub.L. 92-225, set out as a note under section 431 of this title.

§ 433. Registration of political committees—Statements of organization

(a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the supervisory officer a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the supervisory officer at such time as he prescribes.

Contents of statements

- (b) The statement of organization shall include—
- (1) the name and address of the committee;
 - (2) the names, addresses, and relationships of affiliated or connected organizations;
 - (3) the area, scope, or jurisdiction of the committee;
 - (4) the name, address, and position of the custodian of books and accounts;
 - (5) the name, address, and position of other principal officers, officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the supervisory officer.

Information changes; report

(c) Any change in information previously submitted in a statement of organization shall be reported to the supervisory officer within a ten-day period following the change.

Disbanding of political committees or contributions and expenditures below prescribed ceiling; notice

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the supervisory officer. Pub.L. 92-225, Title III, § 303, Feb. 7, 1972, 86 Stat. 14.

References in Text. Date of enactment of this Act, referred to in subsec. (a), means Feb. 7, 1972, the date on which Pub.L. 92-225 was enacted into law. Effective Date. Section effective sixty days after Feb. 7, 1972, see section 406 of Pub.L. 92-225, set out as a note under section 431 of this title.

§ 434. Reports by political committees and candidates—Receipts and expenditures; completion date, exception

(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.

Contents of reports

(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.

Cumulative reports for calendar year; amounts for unchanged items carried forward; statement of inactive status

(c) The reports required to be filed by subsection (a) of this section 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.

Pub.L. 92-225, Title III, § 304, Feb. 7, 1972, 86 Stat. 14.

Effective Date. Section effective sixty days after Feb. 7, 1972, see section 406 of Pub.L. 92-225, set out as a note under section 431 of this title.

§ 485. Reports by others than political committees

Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year shall file with the supervisory officer a statement containing the information required by section 434 of this title. Statements required by this section shall be filed on the dates on

which reports by political committees are filed, but need not be cumulative.

Pub.L. 92-225, Title III, § 305, Feb. 7, 1972, 86 Stat.

Effective Date. Section effective sixty days after Feb. 7, 1972, see section 406 of Pub.L. 92-225, set out as a note under section 431 of this title.

§ 486. Formal requirements respecting reports and statements—Verification

(a) A report or statement required by this subchapter 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.

Copy; preservation

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the supervisory officer in a published regulation.

Noncompliance relief

(c) The supervisory officer may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 434 of this title if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

Debts, pledges, etc.; separate schedules; aggregate amounts based upon actual payment

(d) The supervisory officer shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

Pub.L. 92-225, Title III, § 306, Feb. 7, 1972, 86 Stat. 16.

Effective Date. Section effective sixty days after Feb. 7, 1972, see section 406 of Pub.L. 92-225, set out as a note under section 431 of this title.

§ 487. Reports on convention financing

Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Comptroller General of the United States a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

Pub.L. 92-225, Title III, § 307, Feb. 7, 1972, 86 Stat. 16.

Effective Date. Section effective sixty days after Feb. 7, 1972, see section 406 of Pub.L. 92-225, set out as a note under section 431 of this title.

§ 438. Administrative and judicial provisions—Supervisory officers; duties

(a) It shall be the duty of the supervisory officer—

Forms

(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with him under this subchapter;

Manual for uniform bookkeeping and reporting methods

(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

Filing, coding, and cross-indexing system

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this subchapter;

Public inspection; copies; sale or use restrictions

(4) to make the reports and statements filed with him available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person; *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

Preservation of reports and statements

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

Current list of candidate statements; compilation and maintenance

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

Annual report; compilations of data

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and non-party expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the national, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of \$100;

Special reports; comparisons

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

Other reports

(9) to prepare and publish such other reports as he may deem appropriate;

Dissemination of information

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this subchapter;

Audits; investigations

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this subchapter, and with respect to alleged failures to file any report or statement required under the provisions of this subchapter;

Enforcement authorities; reports of violations

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

Rules and regulations

(13) to prescribe suitable rules and regulations to carry out the provisions of this subchapter.

Federal and State filing of reports; procedures for Federal copies in satisfaction of State requirements to eliminate multiple filings

(b) The supervisory officer shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

Comptroller General; duties; national clearinghouse for information; studies, scope, publication, copies to general public at cost

(c) It shall be the duty of the Comptroller General to serve as a national clearinghouse for information in respect to the administration of elections. In carrying out his duties under this subsection, the Comptroller General shall enter into contracts for the purpose of conducting independent studies of the administration of elections. Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

(2) practices relating to the registration of voters; and

(3) voting and counting methods.

Studies made under this subsection shall be published by the Comptroller General and copies thereof shall be made available to the general public upon the payment of the cost thereof. Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any comment or recommendation of the Comptroller General in any such study.

Violations; complaint; investigation; notice and hearing; Federal civil action for injunction, restraining order, or other appropriate order; venue; bond

(d) (1) Any person who believes a violation of this subchapter has occurred may file a complaint with the supervisory officer. If the supervisory officer determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the supervisory officer, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this subchapter or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

Subpenas

(2) In any action brought under paragraph (1) of this subsection, subpenas for witnesses who are required to attend a United States district court may run into any other district.

Court of appeals; time for petition for review

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

Finality of appellate judgment; review by Supreme Court

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of Title 28.

Docket; advancement and priorities

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).
Pub.L. 92-225, Title III, § 309, Feb. 7, 1972, 86 Stat. 16.

References in Text. This Act, referred to in subsec. (a) (1), means the Federal Election Campaign Act of 1971, Pub. L. 92-225. For classification of the Act in the Code, see Short Title note set out under section 431 of this title.

Effective Date. Section effective sixty days after Feb. 7, 1972, see section 406 of Pub.L. 92-225, set out as a note under section 431 of this title.

§ 439. Statements filed with State officers—"Appropriate State" defined

(a) A copy of each statement required to be filed with a supervisory officer by this subchapter 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.

Duties of State officers

(b) It shall be the duty of the Secretary of State, or the equivalent State officer, under subsection (a) of this section—

(1) to receive and maintain in an orderly manner all reports and statements required by this subchapter to be filed with him;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.
Pub.L. 92-225, Title III, § 309, Feb. 7, 1972, 86 Stat. 18.

Effective Date. Section effective sixty days after Feb. 7, 1972, see section 406 of Pub.L. 92-225, set out as a note under section 431 of this title.

§ 440. Prohibition of contributions in name of another

No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

Pub.L. 92-225, Title III, § 310, Feb. 7, 1972, 86 Stat. 19.

Effective Date. Section effective sixty days after Feb. 7, 1972, see section 406 of Pub.L. 92-225, set out as a note under section 431 of this title.

§ 441. Penalties for violations

(a) Any person who violates any of the provisions of this subchapter shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) In case of any conviction under this subchapter, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

Pub.L. 92-225, Title III, § 311, Feb. 7, 1972, 86 Stat. 19.

Effective Date. Section effective sixty days after Feb. 7, 1972, see section 406 of Pub.L. 92-225, set out as a note under section 431 of this title.

Federal Election Criminal Provisions. Definitions, promise of employment or other benefit for political activity, limitations on contributions and expenditures, contributions or expenditures by national banks, corporations or labor or-

ganizations, and contributions by Government contractors, see sections 591, 600, 608, 610, and 611 of Title 18, Crimes and Criminal Procedure.

Campaign Communications Reform. Campaign communications reform, penalties for violations, see section 805 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

§ 442. Authority to procure technical support and other services and incur travel expenses; payment of such expenses

For the purpose of carrying out his duties under the Federal Election Campaign Act of 1971, the Secretary of the Senate is authorized, from and after July 1, 1972, (1) to procure technical support services, (2) to procure the temporary or intermittent services of individual technicians, experts, or consultants, or organizations thereof, in the same manner and under the same conditions, to the extent applicable, as a standing committee of the Senate may procure such services under section 72a(1) of this title, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to incur official travel expenses. Payments to carry out the provisions of this paragraph shall be made from funds included in the appropriation "Miscellaneous Items" under the heading "Contingent Expenses of the Senate" upon vouchers approved by the Secretary of the Senate. All sums received by the Secretary under authority of the Federal Election Campaign Act of 1971 shall be covered into the Treasury as miscellaneous receipts.

Pub.L. 92-342, § 101, July 10, 1972, 86 Stat. 435.

References in Text. The Federal Election Campaign Act of 1971, referred to in text, is Pub.L. 92-225. For classification of Pub.L. 92-225 in the Code, see Short Title note under section 431 of this title.

Codification. Section was enacted as part of Legislative Branch Appropriation Act, 1973, and not as a part of Federal Election Campaign Act of 1971, which comprises this chapter.

SUBCHAPTER II.—GENERAL PROVISIONS

§ 451. Extension of credit by regulated industries; regulations

The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after February 7, 1972, its own regulations with respect to

the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 431(c) of this title), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

Pub.L. 92-225, Title IV, § 401, Feb. 7, 1972, 86 Stat. 19.

Legislative History. For legislative history and purpose of Pub.L. 92-225, see 1972 U.S. Code Cong. and Adm. News, p. —.

§ 452. Prohibition against use of certain Federal funds for election activities; definitions

No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning given such term by section 431(a) of this title, and the term "Federal office" has the same meaning given such term by section 431(c) of this title.

Pub.L. 92-225, Title IV, § 402, Feb. 7, 1972, 86 Stat. 19.

References in Text. The Economic Opportunity Act of 1964, referred to in the text, is classified to chapter 34 of Title 42, The Public Health and Welfare. Effective Date. Section effective sixty days after Feb. 7, 1972, see section 406 of Pub.L. 92-225, set out as a note under section 431 of this title.

§ 453. State laws not affected

(a) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.

(b) Notwithstanding subsection (a) of this section, no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure (as such term is defined in section 431(f) of this title) which he could lawfully make under this Act.

Pub.L. 92-225, Title IV, § 403, Feb. 7, 1972, 86 Stat. 20.

References in Text. This Act, referred to in the text, means the Federal Election Campaign Act of 1971, Pub.L. 92-225. For classification of the Act in the Code, see Short Title note set out under section 431 of this title. Effective Date. Section effective sixty days after Feb. 7, 1972, see section 406 of Pub.L. 92-225, set out as a note under section 431 of this title.

§ 454. Partial invalidity

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

Pub.L. 92-225, Title IV, § 404, Feb. 7, 1972, 86 Stat. 20.

References in Text. This Act, referred to in the text, means the Federal Election Campaign Act of 1971, Pub.L. 92-225. For classification of the Act in the Code, see Short Title note set out under section 431 of this title. Effective Date. Section effective sixty days after Feb. 7, 1972, see section 406 of Pub.L. 92-225, set out as a note under section 431 of this title.

CHAPTER 15—OFFICE OF TECHNOLOGY ASSESSMENT [NEW]

Sec. Sec.

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(b) Composition.

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Sec.

(e) Requests to heads of executive departments or agencies for detail of personnel; reimbursement.

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(c) Services or responsibilities performed by General Accounting Office for Congress not altered or modified.

(d) Reimbursement for services and assistance.

479. Coordination of activities with National Science Foundation.

480. Annual report to Congress.

481. Authorization of appropriations; availability of appropriations.

§ 471. Congressional findings and declaration of purpose

The Congress hereby finds and declares that:

(a) As technology continues to change and expand rapidly, its applications are—

(1) large and growing in scale; and

(2) increasingly extensive, pervasive, and critical in their impact, beneficial and adverse, on the natural and social environment.

(b) Therefore, it is essential that, to the fullest extent possible, the consequences of technological applications be anticipated, understood, and considered in determination of public policy on existing and emerging national problems.



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APPLICABILITY OF THE EMOLUMENTS CLAUSE (ARTICLE I, SECTION 6,
CLAUSE 2) OF THE CONSTITUTION TO THE OFFICE OF VICE-PRESIDENT

The question has been raised whether Public Law 93-136, effective October 24, 1973, which guarantees to federal employees certain minimum benefits under the Civil Service Retirement System, is an increase in the "emoluments" of a "civil office" which would disqualify Vice-President-designate Gerald Ford from holding such office under the prohibition of Article I, section 6, clause 2 of the Constitution. That provision states: "No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time;..."

The House Committee Report (H.R. Rep. No. 93-457) on the legislation underlying Pub. L. 93-136 described the legislation as:

... designed to (1) eliminate the anomaly of a difference in amount between annuities that commence on or before the effective date of a cost-of-living increase and those that commence shortly after that date; (2) moderate the peaking of retirements immediately before cost-of-living increases become effective; and (3) reduce disruption in the work of Government agencies caused by many employees suddenly retiring at the same time.

Specifically, the law provides that the immediate (not deferred) Civil Service retirement annuity of an employee retiring after the effective date of a cost-of-living increase shall not be less than



his annuity would have been if he had retired on the effective date of the last cost-of-living increase. This provision applies whether or not the retiring employee met the age and service requirements for an annuity before the effective date of the cost-of-living increase. Similarly, the law provides that the annuity of an employee's widow or widower beginning after the effective date of a cost-of-living increase shall not be less than it would have been if it had begun on the effective date of the last cost-of-living increase. The provisions of the law apply to annuities beginning on or after July 2, 1973 and apply to those employees who retire or die in service after July 1, 1973. Thus, an employee retiring on or after July 1, 1973, and before January 1, 1974, when another annuity increase may be due, will be entitled to the annuity computed as of June 30, 1973, plus the 6.1 percent increase effective that date, or the annuity earned on the date of actual separation, whichever is higher. (Of course, the same will be true after future cost-of-living increases).

The Vice-President of the United States may avail himself of the Federal retirement system covered in the Civil Service Retirement Laws. 5 U.S.C. 8331 et. seq. For purposes of these laws, a Member of Congress may, by giving "notice in writing to the official by whom he is paid..., become subject" thereto. 5 U.S.C. 8331 (2). Elsewhere, "Member of Congress" is defined to include the vice-president. 5 U.S.C. 2106.



We have no information as to whether Mr. Ford has executed the requisite notice under 5 U.S.C. 8331(2). Nor do we have information whether Mr. Ford would benefit by the alternate method computing his annuity if he did so elect. Assuming that he has given the requisite notice, two questions must be faced: First, did Pub. L. 93-136 effect an increase in the emoluments of the office of vice-president, and, if so, second, is the office of vice-president a "civil office" within the meaning of Article I, section 6, clause 2?

I.

Although the Framers of the Constitution did not specifically define the meaning of the term "emolument", it would appear that it was meant to be a broad generic term which was designed to encompass more than simply the salary attached to an office. This seems confirmed by the use of the term "compensation" in Article I, section 6, clause 1 ("The Senators and Representatives shall receive a compensation for their services...") and Article III, section 1 (The Judges... shall... receive for their services, a compensation..."). Of course, pensions were not unknown at the time of the adoption of the Constitution.

Further, legal dictionaries generally agree on a broad definition of the term:

emoluments. The profit arising from office or employment; that which is received as compensation for services, or which is annexed to the possession of office as salary, fees, perquisites; advantage; gain public or private... Indirect or



contingent remunerations which may or may not be earned; remunerations in the nature of compensation or in the nature of reimbursement. Waller v. U.S., 180 F. 2d 194... (Ballantine's Law Dictionary, 3rd Edition, 1969, pp. 398-399).

Emolument. The profit arising from office or employment; that which is received as compensation for services, or which is annexed to the possession of office as salary, fees, and perquisites;... It imports any perquisite, advantage, profit or gain from the possession of an office. (Bouvier's Law Dictionary, Baldwin's Century Edition, 1948, p. 353).

Court decision have also tended to give the term an expansive reading. In McClellan v. United States, 226 U.S. 374 (1912), the Supreme Court commented, "Pay and emoluments are but expressions of value used to give complete recompense to a deserving officer. Their association was deliberate; emoluments were additive of pay... Of what consequence, then, how they may be defined? They may be called 'indirect or contingent remuneration', as they have been called; it may be said, as it has been said, that 'they are sometimes in the nature of compensation and sometimes in the nature of reimbursement'" (226 U.S. at p. 382).

Finally, in the context of the Emoluments Clause itself, it would appear certain that the Framers meant to include all varieties of pecuniary gain that might be attached to an office. One of the principal purposes of the provision was to prevent Members from seeking offices which they had "enriched". It cannot be presumed that the Framers were unaware that an office could be "enriched" by means other than simply the raising of its salary.



It may be argued that the increased benefit provided by Pub. L. 93-136 does not attach to the office of vice-president but rather to Mr. Ford himself since annuities are computed essentially on the basis of length of service, age and high average pay of the annuitant. If so, the Emoluments Clause does not apply since the emoluments of the office of vice-president have not been increased during Mr. Ford's current term. To the contrary, it may be contended that since the salary of the vice-president is considerably in excess of that of a Member, if Mr. Ford serves for three years his annuity will be substantially greater than it would have been as a Member. As a result, Mr. Ford, upon retirement, could receive a significant added benefit from the alternate computation afforded by Pub. L. 93-136. Since this would also be true of many other Members of Congress, the benefit may not be viewed as simply an individual one. If one focuses on the vice-president's office, it is seen that the new law could reap an incumbent a considerable benefit.

It may also be argued that Mr. Ford's situation is closely analogous to that which faced Hugo Black at the time of his appointment to the Supreme Court. Then it was debated whether an increase in retirement benefits during his term in the Senate constituted an increase in emoluments within the scope of the Emoluments Clause. The Senate confirmed the nomination, apparently agreeing with the Attorney General that Senator Black was nevertheless eligible because the purpose of



the Clause was served "inasmuch as Mr. Black was only 51 years old at the time and so would be ineligible for the increased emolument' for nineteen years, it was not as to him an increased emolument." See Corwin, Annotated Constitution at 133; N.Y. Times, August 14, 1937, p. 1, col. 13. The Ford situation, however, would seem to be distinguishable. Mr. Ford's potential retirement is not so remote, and in view of his lengthy service, would probably be eligible for full retirement benefits upon completion of his term as vice-president.

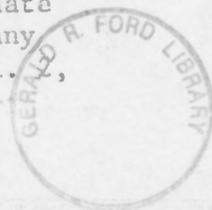


II

But even assuming that Pub. L. 93-136 had the effect of increasing the emoluments of the office of Vice-President, it does not appear that the Emoluments Clause was meant to apply to that office. This conclusion is supported by the history of the adoption of the Clause, the usage of term "civil office" elsewhere in the Constitution, court decisions dealing with the meaning of the term, and the commentaries of leading constitutional scholars. The weight of these authorities and precedents leads to the conclusion that the constitutional term "civil office" was meant to include only those offices which are created by Congress and subject to appointment, and not those elective offices established by the Constitution itself.

After the preliminary debates in the Convention on the Emoluments Clause, the Committee of the Whole reported the following language: "Members of the first and second branch of the National Legislature ought to be ineligible to any office established by a particular state, or under the authority of the United States (except those particularly belonging to the functions of each branch) during the term of service, and under the National Government for the space of one year after its expiration." This language was referred to the Committee on Detail which reported out the provision, then embodied in Article I, Section 9, as follows:

The Members of each House shall be ineligible to, and incapable of holding, any office under the authority of the United States during the time for which they shall respectively be elected; and the Members of the Senate shall be ineligible to, and incapable of holding, any such office for one year afterwards. (Farrand, vol. , p. 180).



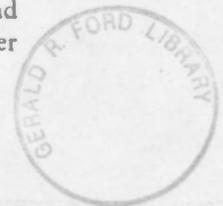
At that point, then, the only changes found necessary by the Committee were the elimination of the prohibition against state office holding and the deletion of the additional one year disability for House Members. It may be noted that this relatively minor change came about despite attempts led by James Madison at modification.

The critical debate on the Clause occurred on September 3. The language then under consideration was a revision by the Committee of Eleven of the Committee on Detail's resolution (quoted above) which read as follows:

The members of each House shall be ineligible to any civil office under the authority of the United States, during the time for which they shall respectively be elected; and no person holding an office under the United States shall be a member of either House during his continuance in office.

It was at this time, however, that proponents of modification again proposed that disqualification be limited to situations where an office had been created, the emoluments attached to an old office have been increased during the term of a member, and also to situations of dual office-holding. The significant change to be noticed here for present purposes was that the proposal on the floor limited ineligibility to any civil office under the authority of the United States. Proponents of modification ultimately carried the day on a close vote. The language adopted, which but for one further important change, is virtually that which found its way into the final draft, read;

"The members of each House shall be ineligible to any Civil office under the authority of the U. States, created, or the emoluments whereof shall have been increased during the time for which they shall respectively be elected — And no person holding any office under the U. S. shall be a member of either House during his continuance in office."



This language may now be compared with that which appears as Article I, Section 6, Clause 2:

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

The final important change alluded to was the addition by the Committee on Style of the words "be appointed to," the significance of which is discussed below.

The evolution of the clause therefore demonstrates the following: First, the Framers consciously limited ineligibility to civil offices rather than to the more encompassing phrase "any office" as had previously appeared. That this was a significant distinction in the minds of the Framers is indicated by the fact that the disqualification for dual office-holding in the last phrase of the Clause applies to "any office under the United States." Second, the addition of the words "be appointed to" gives further meaning to the term civil office since it conforms it to the sense of similar terminology found elsewhere in the Constitution. That is, where the term civil office appears in other provisions of the Constitution, it seems clear that a distinction is being made between offices created by the Constitution and offices to be created by the Congress. By specifically linking the concept of appointment to those offices which Members could not hold under the conditions specified, the Framers were making the



Emoluments Clause consistent with those other provisions of the Constitution; and by that consistency the office of the Vice-President seems taken out from under the coverage of the Clause.

In the absence of any contrary evidence as to the meaning of "civil office" in the debates on this provision, the evolution in terminology must be deemed of significance in itself. The Framers, we have been taught, chose their words with care. And reference to analogous terminology in other provisions tends to confirm the thesis propounded.

Article II, Section 2, declares that: "The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, and other high crimes and misdemeanors." The distinction made between civil officers and the two elected constitutional officers is clear and unmistakable.

Article II, Section 3 provides that the President "shall commission all the officers of the United States." Of course the Vice-President is not commissioned by the President and it is significant that under the Twenty-fifth Amendment, the nomination and confirmation of a new Vice-President by both Houses of Congress is not followed by a commissioning.

Finally, Article II, Section 2, Clause 2 provides that the President:

shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and counsels, judges of



the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of the departments."

Judicial interpretation of this provision has made it clear that there can be no offices of the United States except those which are created by the Constitution itself, or by an act of Congress, and that no one can be deemed an officer of the United States unless appointed by the President by and with the advice and consent of the Senate, or appointed by the President alone, or a court of law, or the head of a department; and if the latter, Congress must have vested that power in the person making it, by some statute, and Congress must also have created the office, unless it is one created by the Constitution itself. United States v. Germaine, 99 U.S. 508 (1879); United States v. Mouat, 124 U.S. 303 (1888); United States v. Smith, 124 U.S. 525 (1888); Burton v. United States 202 U.S. 344 (1906); United States v. Maurice,^a 96, 26 Fed. Cas. No. 15, 747 (1823); Scully v. United States, 193 F. Rep. 185 (1911); and see also, Willoughby, The Constitutional Law of the United States (1929), pp 605, 1447-1448, 1510; Corwin, The President, Office and Powers (1957), pp. 69-73.

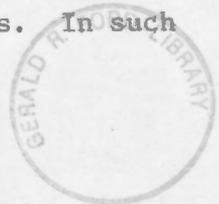
In United States v. Maurice, Chief Justice Marshall (sitting as a circuit judge) held that "this clause makes a general provision, that the President shall nominate, and by and with the consent of the Senate, appoint to all offices of the United States, with such exception



only as are made in the Constitution, and that all offices (with the same exceptions) shall be established by law."

In the Germaine case, the Supreme Court declared: "The argument is that provision is here made (that is, in Art. II, Sec.2) for the appointment of all offices of the United States. ... The Constitution, for purposes of appointment, very clearly divides all its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But, foreseeing that when officers became numerous, and sudden removals necessary, this mode might be inconvenient, it was provided that, in regard to officers inferior to those specifically mentioned, Congress might by law vest their appointment in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold office under the government about to be established under the Constitution were intended to be included within one or the other of these modes of appointments, there can be little doubt." In the Smith case the Court stated: "An officer of the United State can only be appointed by the President, by and with the advice and consent of the Senate, or by a court of law, or the heads of a department. A person in the service of the Government who does not derive his position from one of these sources is not an officer of the United States in the sense of the Constitution."

It may be noted that in subsequent decisions the Court has not departed from this rule although they have recognized that the word "officer" may have a broader meaning when used in statutes. In such



cases the Court has distinguished between the constitutional and the statutory use of the term. Thus in the Lamar cases the Supreme Court held that Members of Congress are officers of the United States within the meaning a provision of the criminal code. But Justice Holmes in the first Lamar case, and Justice White in the second, were careful to distinguish that ruling from earlier ones which held that Members were not officers in the constitutional sense. Lamar v. United States, 240 U.S. 60 and 241 U.S. 107 (1916); see also United States v. Gradwell, 234 Fed. 446 (1916).

Since the Vice-President does not hold his office by virtue of an appointment under Article II, Section 2, Clause 2, and since the Twenty-fifth Amendment's nomination and confirmation process in no way changes the nature of the Vice-Presidency as a constitutional office under the Constitution, it would appear reasonably certain that the office of Vice-President was not intended to be encompassed within term "civil office" in Article I, Section 6, Clause 2.

In summary, then it is concluded that, although not entirely free from doubt, Pub. L. 93-136 effected an increase in the emoluments of the office of Vice-President, but that, assuming it effected such an increase, it does not appear that the Vice-President is a "civil officer" in the sense in which that term is used in Article I, Section 6, Clause 2 and elsewhere in the Constitution.

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APPLICABILITY OF THE EMOLUMENTS CLAUSE
(ARTICLE I, SECTION 6, CLAUSE 2) OF
THE CONSTITUTION TO THE OFFICE OF
VICE-PRESIDENT: A SUMMARY

In view of the urgent requests for information as to the effect of Article I, §6, Clause 2 on the eligibility Gerald Ford to hold the vice-presidency, the following summary of the full report is herewith submitted. It is anticipated that the completed report will be available later this day.

The passage of Pub. L. 93-136 on October 24, 1973 enhancing the retirement annuity benefits of federal employees, including Members of Congress and the Vice-President raises questions as to the eligibility of Gerald Ford for the office of Vice-President. That law, on its face, appears to increase the emoluments of an executive office during the term of a member of congress whose appointment is sought for that office. Therefore, two questions are raised: 1. Did Pub. L. 93-136 effect an increase in the emoluments of the Vice-President? 2. Is the Vice President a civil officer within the meaning of the Constitution?

With regard to question 1, an argument can be made to the effect that Pub. L. 93-136 did not effect an increase in the emoluments of the office of vice-president, but rather granted a potential pecuniary benefit to government employees generally, one of whom might be a

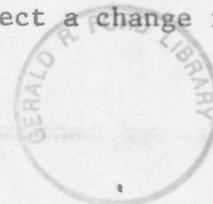


possible incumbent to that office. On the other hand, there is weighty evidence that the term emoluments was meant to encompass a wide variety of pecuniary benefits that might attach to an office, particularly within the context of one of the principal purposes of the Emoluments Clause (i.e., the prevention of office seeking for personal gain.)

But even if Pub. L. 93-136 effected an increased emolument for the vice-presidents office, it would appear that there is substantial doubt that that office is a "civil office" as that term is to be understood under the Emoluments Clause and elsewhere in the Constitution. That conclusion is based on the following reasoning and authorities:

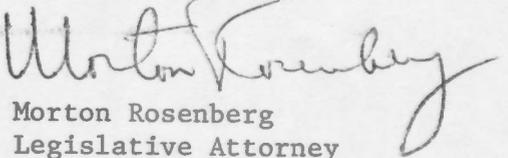
First, the evolution of the Clause during the Constitutional debates of 1787 demonstrates that the Framers consciously narrowed the scope of the area of disqualification of Members of Congress in two ways: by limiting the conditions of disqualification to three (creation of a new office, increasing the emoluments of an old office, and dual office-holding) and by limiting the type of office for which a Member may be disqualified under the first two conditions to "civil office" rather than "any office".

Second, it is apparent that the term "civil office" has a special meaning under the Constitution. It is limited to those offices created by Congress or the Constitution which are subject to the appointment process delineated in Article II, §2, clause 2. It is also apparent that the Framers deliberately made a distinction between such civil office and the constitutional, elective offices of President and Vice-President. Since the vice-president is not subject to nomination, confirmation or commissioning, under the Constitution or its amendments (it is concluded that the provisions of the Twenty-fifth Amendment do not effect a change in



either the constitutional status of the Vice-President or the appointment process of Article II, §2, clause 2), it is not within the concept of civil office as that term is used in the Emoluments Clause and elsewhere.

Finally, judicial precedents and leading commentators on the Constitution agree with the exposition of the meaning and scope of the term civil office expounded about. United States v. Germaine, 99 U.S. 508 (1879); United States v. Mauat, 124 U.S. 303 (1888); United States v. Smith, 124 U.S. 525 (1888); Burton v. United States, 202 U.S. 344 (1906); United States v. Maurice, 2 Brock. 96, 26 Fed. Cas. No. 15, 747 (1823), Scully v. United States, 193 F. Rep. 185 (1911); and see also, Willoughby The Constitutional Law of the United States (1929), pp 605, 1447-1448, 1510; Corwin, The President, Office and Powers (1957), pp. 69-73.



Morton Rosenberg
Legislative Attorney
American Law Division
November 29, 1973



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SENATE APPROVES FORD NOMINATION FOR VICE PRESIDENT

Senate—Nov. 27, by a 92-3 roll-call vote, approved the nomination of Rep. Gerald R. Ford (R Mich.) to be vice president of the United States.

The overwhelming vote for Ford came one week after the Rules and Administration Committee unanimously recommended his confirmation, and six and a half weeks after his nomination Oct. 12 by President

Former Member Represents Ford

The constant presence of former Rep. William C. Cramer (R Fla.) with Rep. Gerald R. Ford (R Mich.) at Ford's vice presidential confirmation hearings by the

Committee Report

The nine-member Rules and Administration Committee after three days of public hearings, nine closed sessions and what it called the most exhaustive FBI investigation in U.S. history of a candidate for public

AIR TRAVEL CREDIT FOR POLITICAL CANDIDATES—CAB PROPOSED CONDITIONS,
PROHIBITIONS, AND REPORTING REQUIREMENTS

PROPOSED RULEMAKING

[Federal Register, Vol. 37, No. 49, Saturday, Mar. 11, 1972]

CIVIL AERONAUTICS BOARD

[14 CFR Part 374a]

[Docket No. 24275]

**EXTENSION OF CREDIT TO POLITICAL
CANDIDATES**

Notice of Proposed Rule Making

For the reasons set forth in the attached Explanatory Statement, the Board has determined to issue a notice of proposed rule making to adopt a new Part 374a pursuant to section 401 of the Federal Election Campaign Act of 1971, with respect to the extension of credit to political candidates by persons regulated by the Civil Aeronautics Board.

The principal features of the proposal are described in the Explanatory Statement and the proposed amendments are set forth in the proposed rule. The amendments are proposed under sections 204(a), 401, 403, 404(b), 407, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 758 (as amended by 74 Stat. 445), 760, 766 (as amended by 83 Stat. 103), 771; 49 U.S.C. 1324, 1371, 1373, 1374, 1377, 1386); and section 401 of the Federal Election Campaign Act of 1971, Public Law 92-225, 86 Stat. 19, ---- U.S.C. ----.

Interested persons may participate in the rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant material in communications received on or before March 27, 1972, and reply comments received on or before April 5, 1972, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

It should be noted that because the proposed rule is to be adopted pursuant to section 401 of the Federal Election Campaign Act of 1971, the Board intends to move forward as expeditiously as possible in order to put into effect a final rule thereon by May 7, 1972, the deadline prescribed by Congress in said section 401. Therefore, the Board does not contemplate the granting of any extensions of time for the filing of initial or reply comments with respect to this matter.

Dated: March 8, 1972.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

Section 401 of the Federal Election Campaign Act of 1971, Public Law 92-225, 86 Stat. 19, ---- U.S.C. ----, approved February 7, 1972 (hereinafter re-

ferred to as the "Election Campaign Act"), reflects recognition by Congress of the historical fact that political candidates, as a class, and regardless of party affiliation, have been particularly—and even uniquely—slow in discharging their debts to air carriers and other regulated industries which have extended credit to persons purchasing their services for campaign purposes. The section therefore provides in pertinent part, as follows:¹

SEC. 401. The Civil Aeronautics Board * * * shall * * * promulgate, within 90 days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board * * * to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.²

In order to comply with this directive, we propose a new part of the Board's special regulations (14 CFR Part 374a) to be entitled "Regulations pursuant to section 401 of the Federal Election Campaign Act of 1971, with respect to extension of unsecured credit to persons regulated by the Civil Aeronautics Board," to be applicable to all certificated air carriers, including supplemental air carriers. We are tentatively considering the following various alternative and complementary provisions (§§ 374a.4 through 374a.7 and 374a.9)³ with a view to adopting such of them as we determine to be appropriate in light of the comments thereon: (1) Prohibit the furnishing of air transportation unless the political candidates, or persons acting on their behalf, make full payment in advance or provide full security in advance; (2) prohibit the furnishing of air transportation to such political candidates unless they maintain an account for air transportation on a current billing basis, i.e., billings to be made semi-monthly with full payment remitted within 14 days after billing; (3) permit carriers to refuse to extend unsecured credit, so that carriers may refuse to provide transportation for political campaign purposes unless there is full

¹ This provision applies also to the Federal Communications Commission and the Interstate Commerce Commission.

² The cited Section 301(c) defines Federal office as the office of President or Vice President of the United States; or of Senator or Representative in, or Delegates or Resident Commissioner to, the Congress of the United States.

³ Although these five provisions are presented as different sections of a single proposed rule, we do not intend thereby to suggest that all five provisions would, or could, be adopted in the final rule. Each of these provisions is to be considered separately, and in the final rule any one or more of them may be adopted.

payment in advance or full security in advance; (4) permit carriers to extend

credit on such reasonable terms and conditions as the carrier in its judgment deems appropriate, so long as the same terms and conditions apply uniformly to all candidates for political office; and (5) require carriers to file special reports with respect to credit extended to political candidates. We are requesting that comments filed herein indicate clearly which of the above proposals are preferred, the order of preference, and the reasons for such preference.⁴

Although, as indicated, the Board may decide ultimately to adopt only the above reporting requirement, we have tentatively concluded that, should one or more of the other described proposals be adopted, we would add thereto such reporting requirement.

The proposed reporting requirement would provide that, during the period from 6 months before nomination, if any, or from 6 months before election, until the date of election a semimonthly report must be filed by the carrier with the Board. Each report will cover the previous half-month period ending on the 15th day or the last day of each calendar month, as the case may be. It will list every account with a principal balance of over \$5,000 on the last day of the reporting period, with respect to which there would be included in the report: (1) Name of account and identification of candidate; (2) the credit limit, if any, established for such account; (3) the balance, if any, as of the last day of the half-month covered by the report, of the amount payable for services not paid for in advance of such services being furnished; (4) the unpaid balance, if any, of the charge for such services as of the last day of such reported period; and (5) a description of the type and value of any bond, collateral, or other security securing such unpaid balance.

The proposed reporting rule would further provide that, should the Board permit carriers to choose to extend credit to candidates on a nondiscriminatory basis, on such reasonable terms and conditions as the particular carrier in its judgment thinks appropriate, then the carrier shall, within 30 days after deciding to offer credit on such terms and conditions, notify the Board of such decision and set forth in detail the manner in which, and the terms and conditions upon which, the extension of credit would be granted.

The proposed rule to be set forth in the new Part 374a would be prospective only, i.e., it would apply only to the extensions of credit to political candidates, or to persons acting on their behalf, which are granted by certificated carriers subsequent to the effective date of the part, and not to debts resulting from past extensions of credit which remain unpaid on the effective date of the part.

⁴ While we have tentatively concluded that there is no practical need to extend this regulation to carriers serving by exemption, we request comments on whether we should so extend the regulation.

Promulgate a new Part 374a entitled "Regulations pursuant to section 401 of the Federal Election Campaign Act of 1971 with respect to persons regulated by the Civil Aeronautics Board" as follows:

PART 374a—REGULATIONS PURSUANT TO SECTION 401 OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971 WITH RESPECT TO PERSONS REGULATED BY THE CIVIL AERONAUTICS BOARD

Table with 2 columns: Sec. and Purpose. Rows include 374a.1 Purpose, 374a.2 Applicability, 374a.3 Definitions, 374a.4 Prohibition of services unless advance payment is made or adequate security is provided, 374a.5 Extension of credit without advance payment or adequate security when account is maintained on a current billing basis, 374a.6 Authority to refuse credit to candidates for Federal office, 374a.7 Extension of credit on reasonable and nondiscriminatory terms and conditions, 374a.8 Exemption authority, 374a.9 Reporting requirements, 374a.10 Provisions of part are prospective only.

AUTHORITY: The provisions of this Part 374a are issued under sections 204(a), 401, 403, 404(b), 407, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 [as amended by 76 Stat. 143, 82 Stat. 867], 758 [as amended by 74 Stat. 445], 760, 766 [as amended by 83 Stat. 103], 771; 49 U.S.C. 1324, 1371, 1373, 1374, 1377, 1386; and section 401 of the Federal Election Campaign Act of 1971, Public Law 92-225; 86 Stat. 19, U.S.C. —, approved Feb. 7, 1972.

§ 374a.1 Purpose.

Section 401 of the Federal Election Campaign Act of 1971 (Public Law 92-225, 86 Stat. 19, U.S.C. —, enacted February 7, 1972, and hereafter referred to as the "Election Campaign Act") directs the Civil Aeronautics Board to promulgate, within 90 days after enactment, regulations with respect to the extension of unsecured credit by any person regulated by the Board to any candidate for Federal office, or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office. The purpose of this part is to issue rules pursuant to said Section 401 of the Election Campaign Act in accordance with the Civil Aeronautics Board's responsibility thereunder.

§ 374a.2 Applicability.

This regulation shall be applicable to all air carriers as defined herein.

§ 374a.3 Definitions.

"Adequate security" means (a) a bond in an amount not less than one hundred

and fifty percent (150%) of the established credit limit for such account, which bond must comply with the standards provided for surety bonds in Part 378 of the Board's Special Regulations (14 CFR Part 378); or (b) collateral with a market value equal to one hundred and fifty percent (150%) of the established credit limit for such account, which collateral must be deposited in escrow and which must consist of Federal, State or municipal bonds or other negotiable securities which are publicly traded on a securities exchange.

"Air carrier" means any air carrier holding a certificate of public convenience and necessity issued under section 401 of the Federal Aviation Act of 1958, as amended.

"Candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected. For purposes of this part, an individual shall be deemed to seek nomination for election, or election, if he has (a) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office; or (b) received contributions or made expenditures, or 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.

"Election" means (a) a general, special, primary, or runoff election; (b) a convention or caucus of a political party held to nominate a candidate; (c) a primary election held for the selection of delegates to a national nominating convention of a political party; or (d) a primary election held for the expression of a preference for the nomination of persons for election to Federal office.

"Established credit limit" means the dollar limit of credit established by the carrier extending credit.

"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.

"Person acting on behalf of a candidate" means (a) a political committee acting on behalf of, or a person employed by such candidate or by such political committee to act on behalf of, such candidate in connection with such candidate's campaign for nomination for election, or election, to Federal office; (b) a person acting under a contract with, or as an agent of, such candidate or political committee to engage in activities in connection with such candidate's campaign for nomination for election, or election, to Federal office; or (c) a person for whom such candidate or political committee pays, directly or indirectly, for services purchased by such person.

"Payment in advance" means payment by cash, check, money order, or by credit card (if the issuer of such card is not

the person from whom air transportation or services are purchased, or a subsidiary, parent, or affiliate corporation thereof) prior to performance of such air transportation or services by an air carrier.

"Political committee" means any committee, association, or organization which accepts contributions, or makes expenditures, for the purpose of supporting a candidate or candidates for nomination for election, or election, to Federal office.

§ 374a.4 Prohibition of services unless advance payment is made or adequate security is provided.

No air carrier shall furnish air transportation, or services in connection therewith, to any person it knows or has reason to know to be a candidate, or a person acting on behalf of a candidate, in connection with his campaign for nomination for election, or election, to Federal office, unless advance payment is made, or adequate security is furnished in advance: *Provided, however,* That this prohibition shall not be applicable if the air carrier knows, or has reason to know, that the air transportation or service which will be rendered is not to be used in connection with the campaign of such candidate for nomination for election, or election, to such office.

§ 374a.5 Extension of credit without advance payment or adequate security when account is maintained on a current billing basis.

If an air carrier submits semimonthly statements for air transportation, or services connected therewith, furnished to any candidate, or a person acting on behalf of such candidate, then the air carrier may continue to extend unsecured credit to such candidate so long as no semimonthly statement remains unpaid for more than 14 days after the date of its submission. Semimonthly statements hereunder shall be submitted no later than the 15th day and the last day of each calendar month for the previous half-month period covered by the statement.

§ 374a.6 Authority to refuse credit to candidates for Federal office.

Any air carrier may refuse to furnish air transportation, or services connected therewith, to a candidate, or to any person acting on his behalf, in connection with his campaign for nomination for election, or election, to Federal office, unless advance payment is made, or adequate security is furnished in advance.

§ 374a.7 Extension of credit on reasonable and nondiscriminatory terms and conditions.

An air carrier may extend credit for air transportation, or services connected therewith, to a candidate, or to any person acting on his behalf, in connection

*See footnote following § 374a.10.

with his campaign for nomination for election, or election, to Federal office, upon such reasonable terms and conditions as the carrier in its judgment determines to be appropriate: *Provided, however,* That such terms and conditions must be made available to every such candidate, and to every person acting on his behalf: *And provided, further,* That the reporting requirements of § 374a.9 are complied with.

§ 374a.8 Exemption authority.

Air carriers are exempt from the following provisions of title IV of the Federal Aviation Act of 1958, as amended: (a) section 403; (b) subsection 404(b); and any and all other provisions of title IV of the Federal Aviation Act of 1958, as amended, to the extent necessary to enable air carriers to comply with the regulations in this part.

§ 374a.9 Reporting requirements.

(a) Air carriers shall make semimonthly reports to the Board with respect to the extension of credit for air transportation, or services connected therewith, furnished to political candidates, or persons acting on behalf of political candidates, for the period from 6 months before nomination, if any, or from 6 months before election, until the date of election. The reports shall cover only accounts with an indebtedness bal-

ance of over \$5,000 on the last day of the half-month to which the report pertains. The indebtedness accounts reported shall be those which the air carrier knows, or has reason to know, have been incurred by or on behalf of a candidate for Federal office in connection with the campaign of such candidate for nomination for election, or election, to such office.

(b) The reports required by this section shall be filed with the Board's Bureau of Accounts and Statistics not later than the 10th day following the end of the half-month to which the report pertains. They shall include the following data: (1) Name of account and identification of candidate; (2) the credit limit established for such account; (3) the balance, if any, of the amount payable for air transportation or services not paid for in advance; (4) any unpaid balance of the charge for such services as of the last day of the half-month covered by the report; and (5) a description of the type and value of any bond, collateral, or other security securing such unpaid balance.

(c) If the air carrier decides to extend credit to candidates for Federal office, or to persons acting on behalf of such candidates, under § 347a.7, such carrier shall, within 30 days after it has so decided, notify the Board's Bureau of Accounts and Statistics of this decision,

setting forth in detail the manner in which, and the terms and conditions upon which, the extension of credit would be provided.

§ 374a.10 Provisions of part are prospective only.

The provisions of this part shall apply only to the extension of credit by an air carrier to a candidate, or to a person acting on his behalf, which is made subsequent to the effective date of this part, and shall not be applicable to debts incurred prior to such date and remaining unpaid as of the effective date of this part.

*Although the provisions of §§ 374a.4 through 374a.7 and 374a.9 are set forth here serially, it is noted that not all of these provisions would, or could, appear together in the final rule, and they are therefore to be regarded as separate, alternative proposals. It should further be noted that each of these proposed sections, if adopted, would be revised to include language such as is now utilized in § 374a.4 to make clear that an air carrier will not be charged with constructive knowledge that a person is in fact a candidate, but that there will be a rebuttable presumption that a known candidate intends to use air transportation, or service connected therewith, for campaign purposes.

[FR Doc.72-3740 Filed 3-10-72; 8:48 am]



SCHEDULE B
ITEMIZED RECEIPTS—SALES AND COLLECTIONS

Use for Part No. 2 only

(Full Name of Candidate or Committee)

SEE REVERSE SIDE FOR INSTRUCTIONS

Total Sum of Proceeds during the reporting period from:

\$	1. Sale of tickets (List by event below)*	
\$	2. Mass collections (List by event below)	
\$	3. Sale of items	
\$	Total (Carry forward to Part 2 of Summary)	

List of Sales and Collections by Event

Date of Event (month, day, year)	Type of Event	Amount From Sale of Tickets This Period*	Amount From Mass Collections This Period
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INSTRUCTIONS FOR PREPARING SCHEDULE B

(See Appropriate Supervisory Officer's Manual for Additional Regulations and Instructions)

Use this form to itemize Sales and Collections. This form may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required in the same format.

Part 2. FUNDS RECEIVED FROM SALES AND COLLECTIONS.—This is an account of proceeds during this reporting period from (1) the sale of tickets to each dinner, luncheon, rally, or other fund-raising event; and (2) mass collections made at each such event. The sale of items (3) such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature and similar materials during the reporting period shall be reported in the total amount. Ticket sales and mass collections must be listed by each event, giving the date and type of event and the amount of proceeds collected. Ticket sales to any individual in an amount *in excess of \$100* during this reporting period or in an aggregate amount within the calendar year must be itemized using a separate Schedule A form which must be attached to support this Schedule B. (See Schedule A for instructions.) [Section 304(b) (6).]

U. S. GOVERNMENT PRINTING OFFICE : 1972 O—461-028

TOTALS THIS PERIOD
(Last page of this Schedule only)

* After completion of the above list by event, use a separate Schedule A to list the date, full name and mailing address (occupation and place of business, if any) of each person who has purchased one or more tickets for events such as dinners, luncheons, and similar fundraising events during this reporting period in an amount in excess of \$100 or whose total ticket purchases to date in the calendar year (aggregate) are in excess of \$100. Attach the separate Schedule A to this Schedule B.



INSTRUCTIONS FOR PREPARING SCHEDULE C

(See Appropriate Supervisory Officer's Manual for Additional Regulations and Instructions)

Use this form to itemize Expenditures for Part 6 or 9. This form may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required in the same format.

This Schedule is to be used to ITEMIZE ONLY THE EXPENDITURES AS SPECIFIED BELOW FOR EACH PART. The "Total This Period" amount for each itemized Part is to be carried forward to the corresponding Part of the Summary Report. When applicable, the total of all other expenditures NOT REQUIRED TO BE ITEMIZED UNDER A GIVEN PART is to be entered as a lump sum on the "UNITEMIZED" line of the appropriate Part of the Summary Report.

Part 6. COMMUNICATIONS MEDIA EXPENDITURES.—This is an account of expenditures in any amount during this reporting period in the communications media, which are defined as television, radio, CATV, newspaper or magazine advertising, outdoor advertising, or expenditures for the costs of telephones, paid telephonists, and automatic telephone equipment used to communicate with potential voters. Itemize as to amount and date of expenditure and other data as indicated in the column headings. Expenditures include not only the direct charges of the media but also agents' commissions which should be separately stated if so billed. Date or dates of use or period of intended use are also required. If an expenditure is for two or more purposes, specify the amount of expenditure allocable to each.

If an expenditure was made before April 7, 1972, for use of communications media after that date, the use and amount must be reported and charged against the candidate's limitation applicable to the election in which used. Report the date or dates of use as well as the amount paid, the payee and other required information on a separate Schedule C appropriately labeled. Do not include the amounts paid in the total expenditures amount for the reporting period.

Only multicandidate committees (i.e., those supporting financially more than one candidate) need allocate each expenditure on behalf of a candidate or candidates in the appropriate space. *Committees supporting a single candidate need state only once that all expenditures are on behalf of that candidate.*

Part 6 includes telephone canvass expenditures which are chargeable to the statutory limitation as communications media expenses, namely, for the costs of telephones, paid telephonists, and automatic telephone equipment obtained for the specific purpose of communicating with potential voters. It does not include normal telephone costs of a candidate, his staff and his authorized committees for campaign purposes, which are reported separately with other expenditures under Part 9. Nor does it include costs incurred by an individual volunteer for use of a telephone by him. [Section 304 (b) (9).]

Part 9. NON-COMMUNICATIONS MEDIA EXPENDITURES.—This is an account of all other expenditures over \$100 made during this reporting period and not included in Parts 7, 8, or 10, itemized as to amount and date of expenditure and other data as indicated in the column headings. If an expenditure is for two or more purposes, specify the amount of expenditure allocable to each.

In Part 9, the only other expenditures that need be allocated in the appropriate space are those of multicandidate committees (i.e., those supporting financially more than one candidate) which are transfers of funds to a candidate or candidates or are specifically identifiable expenditures to or on behalf of a candidate or candidates. *Committees supporting a single candidate need state so only once.*

The schedule includes normal telephone costs of a candidate, his staff and his authorized committees for general campaign purposes; it does not include telephone canvass expenditures which are chargeable to limitation as communications media expenses, as described in the above instructions to Part 6. [Section 304(b) (9).]



SCHEDULE C

ITEMIZED EXPENDITURES—COMMUNICATIONS AND NON-COMMUNICATIONS MEDIA

Part No. _____

(Full Name of Candidate or Committee)

(Use for itemizing Part 6 or 9)

SEE REVERSE SIDE FOR INSTRUCTIONS

(Use separate page (s) for each numbered Part)

DATE OF PAYMENT (month, day, year)	PAYEE (Recipient of Payment) Full Name, Mailing Address, (occupation and principal place of business, if any)	PURPOSE OF EXPENDITURE (For communications media expenditures, also specify date(s) of use)	CHECK (✓) EXPENDITURE BY ELECTION					AMOUNT OF EXPENDITURE THIS PERIOD	ALLOCATE EXPENDITURES BY CANDIDATE (To be completed only by Committees supporting more than one candidate)	
			Primary	General	Special	Runoff	Caucus or Convention		Full Name, Congressional District (if applicable), State, and Party	Amount of Expenditure This Period



TOTAL THIS PERIOD _____
(Last page of this Part only)

Part No. (Use for itemizing Part 7, 8, or 10) (Full Name of Candidate or Committee)

SEE REVERSE SIDE FOR INSTRUCTIONS (Use separate page(s) for each numbered Part)

Amount of Expenditure This Period	Full Name, Mailing Address, and ZIP Code (Occupation and principal place of business, if any)	Date (month, day, year)
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INSTRUCTIONS FOR PREPARING SCHEDULE D

(See Appropriate Supervisory Officer's Manual for Additional Regulations and Instructions)

Use this form to itemize Expenditures for Part 7, 8 or 10. Do not itemize more than one Part on a page. This form may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required in the same format.

This Schedule is to be used to ITEMIZE ONLY THE EXPENDITURES AS SPECIFIED BELOW FOR EACH PART. The "Total This Period" amount for each itemized Part is to be carried forward to the corresponding Part of the Summary Report. When applicable, the total of all other expenditures NOT REQUIRED TO BE ITEMIZED UNDER A GIVEN PART is to be entered as a lump sum on the "UNITEMIZED" line of the appropriate Part of the Summary Report.

Part 7. ITEMIZED EXPENDITURES FOR PERSONAL SERVICES, SALARIES, AND REIMBURSED EXPENSES.—This is an account of expenditures by the committee or candidate for personal services, salaries and reimbursed expenses over \$100 during the reporting period. Give the date, full name and mailing address (occupation and the principal place of business, if any) of the recipient, and purpose of each such expenditure. List the amount of the expenditure in the "Amount of Expenditure This Period" column. [Section 304 (b) (11).]

Part 8. ITEMIZED LOANS MADE.—This is an account of loans made by the committee or candidate during this reporting period in excess of \$100. Give the date, full name and mailing address (occupation and principal place of business, if any) of each person or committee to whom a loan was made. List the amount of the loan in the "Amount of Expenditure This Period" column. [Section 304 (b) (5).]

Part 10. ITEMIZED TRANSFERS OUT TO POLITICAL COMMITTEES AND CANDIDATES.—This is an itemized account giving the date, full name and mailing address of each political committee or candidate to whom any transfer of funds was made within this reporting period in any amount. List the amount of the transfer in the "Amount of Expenditure This Period" column. [Section 304 (b) (4).]



TOTAL THIS PERIOD (Last page of this Part only)

SCHEDULE E
DEBTS AND OBLIGATIONS

Part No. _____ (Use for itemizing Part 11 or 12)
 (Full Name of Committee) _____

SEE REVERSE SIDE FOR INSTRUCTIONS
 (Use separate page(s) for each numbered Part.)

Outstanding Balance at Close of This Period	Cumulative Payment To Date	Amount of Original Debt Contract, Agreement, or Promise	Full Name, Mailing Address, and ZIP Code (Occupation and principal place of business, if any)	Date Incurred (month, day, year)

INSTRUCTIONS FOR PREPARING SCHEDULE E

(See Appropriate Supervisory Officer's Manual for Additional Regulations and Instructions)

Use this form to itemize Debts and Obligations Owed by or to the Committee for Part 11 or 12. Do not itemize more than one Part on a page. This form may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required in the same format. Obligations as used in these instructions mean contracts, agreements, and promises.

Part 11. DEBTS AND OBLIGATIONS OWED TO THE COMMITTEE.—This is an itemized account of debts and obligations owed to the reporting committee at the close of the reporting period. Give the full name and mailing address (occupation and the principal place of business, if any) of each *debtor*, together with the amount, date, nature of each transaction, cumulative payment(s) received to date, and the outstanding balance at the close of the reporting period. These debts and obligations shall continue to be reported on each subsequent report until extinguished. [Section 304 (b) (12).]

Part 12. DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE.—This is an itemized account of debts and obligations owed by the reporting committee at the close of the reported period. Give the full name and mailing address (occupation and the principal place of business, if any) of each *creditor*, together with the amount, date, nature of each such transaction, cumulative payment(s) made to date, and the outstanding balance at the close of the reporting period. These debts and obligations shall continue to be reported on each subsequent report until extinguished. [Section 304 (b) (12).]

U.S. GOVERNMENT PRINTING OFFICE : 1972 O—461-033

TOTALS THIS PERIOD
 (Last page of this Part only)

* Carry outstanding balance only to appropriate part of summary.



1973 FEDERAL ELECTION EXPENDITURE LIMITATIONS

COMPTROLLER GENERAL USE OF COMMUNICATIONS MEDIA 1973 Federal Election Expenditure Limitations

Title I of the Federal Election Campaign Act of 1971 (Public Law 92-225) imposes a spending limitation on candidates for Federal elective office (President of the United States, Senator and Representative in, or Resident Commissioner or Delegate to, the Congress of the United States) for campaign use of communications media. Under the Act and the Regulations of the Comptroller General, 11 CFR Ch. 1, "communications media" means radio, television, cable television, magazines, newspapers, billboards, display space in any public place of a type customarily leased to commercial advertisers, and telephones when used to communicate with potential voters by general canvass methods.

In accordance with section 104(a)(4) of the Act, the Secretary of Labor has certified to the Comptroller General and published in the FEDERAL REGISTER¹ that the U.S. City Average All Items Consumer Price Index (1967=100) increases 7.7 percent from its 1970 annual average of 16.3 to its 1972 annual average of

¹ 36 FR 4443, February 14, 1973.

125.3. As provided in section 104(a)(5) of the Act, the Secretary of Commerce has certified to the Comptroller General and published in the FEDERAL REGISTER² the "Estimate of Voting Age Population" of each State, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, and of each congressional district on July 1, 1972. The estimate shows that no congressional district has a voting population in excess of 500,000, except the District of Columbia and Puerto Rico.

Under the statutory limitation formula, the communications media spending limitation applicable to each congressional district for each election during 1973 (except the District of Columbia and Puerto Rico) is \$53,850, of which no more than \$32,310 may be spent for the use of broadcasting media.

On the basis of the certifications received from the Secretary of Labor and the Secretary of Commerce, the spending limitations applicable to each Federal election held during 1973 in each State and in the United States are set forth in Appendix A.

The voting age population estimates for Guam, Puerto Rico, and the Virgin Islands are not included in the total for the United States since their residents do not vote in presidential elections.

[SEAL]

ELMER B. STAATS,
Comptroller General
of the United States.

² 38 FR 18476, July 11, 1973.

State and congressional district	Voting age population	Communication media limit	Broadcasting media limit
United States	139,172,000	14,988,824	8,993,295
Alabama	2,204,000	247,064	148,238
Alaska	194,000	53,850	32,310
Arizona	1,262,000	133,917	81,550
Arkansas	1,326,000	143,810	85,086
California	13,910,000	1,498,107	898,864
Colorado	1,560,000	168,012	100,807
Connecticut	2,083,000	224,339	134,603
Delaware	369,000	53,850	32,310
District of Columbia	527,000	56,758	34,055
Florida	5,087,000	547,870	328,722
Georgia	3,067,000	330,316	198,190
Hawaii	526,000	56,650	33,900
Idaho	497,000	53,850	32,310
Illinois	7,508,000	808,612	485,167
Indiana	3,477,000	374,473	224,684
Iowa	1,924,000	207,215	124,329
Kansas	1,538,000	165,643	99,386
Kentucky	2,191,000	235,971	141,582
Louisiana	2,348,000	252,880	151,728
Maine	683,000	73,559	44,135
Maryland	2,679,000	288,528	173,117
Massachusetts	3,937,000	424,015	254,409
Michigan	5,876,000	632,845	379,707
Minnesota	2,542,000	273,773	164,264
Mississippi	1,426,000	153,580	92,148
Missouri	3,223,000	347,117	208,270
Montana	468,000	53,850	32,310
Nebraska	1,021,000	109,962	65,977
Nevada	347,000	53,850	32,310
New Hampshire	513,000	55,250	33,150
New Jersey	4,986,000	536,092	322,195
New Mexico	657,000	70,759	42,455
New York	12,626,000	1,359,820	815,892
North Carolina	3,468,000	373,504	224,162
North Dakota	411,000	53,850	32,310
Ohio	7,130,000	767,901	460,741
Oklahoma	1,797,000	193,537	116,122
Oregon	1,487,000	160,150	96,040
Pennsylvania	8,174,000	880,340	528,201
Rhode Island	668,000	71,944	43,166
South Carolina	1,719,000	185,136	111,082
South Dakota	444,000	53,850	32,310
Tennessee	2,710,000	291,867	175,130
Texas	7,614,000	820,028	492,017
Utah	690,000	74,313	44,588
Vermont	304,000	53,850	32,310
Virginia	3,182,000	342,701	205,621
Washington	2,310,000	248,787	149,272
West Virginia	1,209,000	130,209	78,128
Wisconsin	2,995,000	319,331	191,588
Wyoming	226,000	53,850	32,310
Guam	45,000	53,850	32,310
Puerto Rico	1,619,000	174,366	104,620
Virgin Islands	42,000	53,850	32,310

[FR Doc. 73-15248 Filed 7-25-73; 8:45 am]



INTERSTATE COMMERCE AND POLITICAL CAMPAIGNS—ICC PROPOSALS TO PROHIBIT THE EXTENSION OF CREDIT WITHOUT SECURITY

PROPOSED RULEMAKING

[Federal Register, Vol. 37, No. 50, Tuesday, Mar. 14, 1972]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1325]

[Ex Parte 283; Public Law 92-225]

CANDIDATES FOR FEDERAL OFFICE OR THEIR REPRESENTATIVES

Proposed Extension of Credit Without Security

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 8th day of March 1972.

Implementation of Public Law 92-225, the Federal Election Campaign Act of 1971.

Section 401 of the Federal Election Campaign Act of 1971 (Public Law 92-225, enacted February 7, 1972) entitled "Extension of Credit by Regulated Industries," is concerned with the extension of credit, without security, to candidates for Federal office by certain regulated industries, including those subject to regulation by this Commission. In brief, section 401 requires this Commission, the Civil Aeronautics Board (CAB), and the Federal Communications Commission (FCC) each to promulgate, within 90 days after the date of the statute's enactment, its own regulations with respect to the extension of credit, without security, by any person regulated by those agencies to any candidate for Federal office¹ or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office. The section does not apply to services or goods that are purchased by a candidate or his representative for matters unrelated to his campaign. Regulations to implement the new statute, however, must be promulgated by each of the involved regulatory agencies prior to May 7, 1972.

To achieve a desirable degree of uniformity in the implementation of Public Law 92-225, this Commission has attempted to coordinate its efforts in this area with those of the CAB and FCC. Following meetings by representatives of the three involved agencies, it is believed that the regulations proposed in

this notice will most efficiently and expeditiously achieve the goals sought to be attained by the enactment of section 401, insofar as they relate to persons (including Amtrak) subject to the jurisdiction of the Interstate Commerce Commission. Because of the diverse problems presented to these three agencies by the enactment of Public Law 92-225, uniform regulations appear to be neither practicable nor administratively desirable.

IMPLEMENTATION

It is hereby proposed that, in the absence of a further order of this Commission modifying or amending such regulations, the following regulations be adopted and that Subchapter D of Chapter X of Title 49 of the Code of Federal Regulations be amended effective May 5, 1972, by adding a new Part 1325, reading as follows:

PART 1325—EXTENSION OF CREDIT TO CANDIDATES FOR FEDERAL OFFICE OR THEIR REPRESENTA- TIVES

§ 1325.1 Extension of unsecured credit prohibited.

Persons subject to regulation by the Interstate Commerce Commission shall not knowingly and willfully provide, for candidates for Federal office or their representatives, service or goods related to their campaign without obtaining either prepayment or a binding guarantee of payment through a sufficient deposit, bond, collateral, or other means of security. The extension of credit to such persons shall not exceed the amount of the security posted.

§ 1325.2 Credit agreements.

(a) All agreements to extend credit to candidates for Federal office or their representatives by persons subject to regulation by the Interstate Commerce Commission, (1) must be in writing, (2) must contain a detailed description of the deposit, bond, collateral, or other means of security, used to secure payment of the debt, and (3) must be signed by all parties to the agreement. A copy of each such agreement must be filed with this Commission's Bureau of Operations in Washington, D.C., within 20 days of the date of its execution.

§ 1325.3 Federal office.

For the purposes of this section, "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.

PROCEDURAL MATTERS

While the above regulations currently are scheduled to become effective on May 5, 1972, interested persons are hereby invited to submit written comments on this proposed implementation of Public Law 92-225, in the manner set forth below. Oral hearings do not appear to be necessary at this time and none is contemplated. Anyone wishing to present their views and evidence either in support of, or in opposition to, the action proposed in this order may do so by the submission of written data, views, or arguments. The filing date established below cannot be extended due to the requirement in Public Law 92-225 that we promulgate our rules within 90 days.

It is ordered, That, based on the foregoing explanation, a proceeding be, and it is hereby, instituted under the Interstate Commerce Act and 5 U.S.C. 553 and 559 (the Administrative Procedure Act), for the purpose of implementing section 401 of the Federal Election Campaign Act of 1971 (Public Law 92-225) and for the purpose of taking such other and further action as the facts and circumstances may justify or require.

It is further ordered, That no hearings be scheduled for the receiving of oral testimony unless a need therefor should later appear, but anyone interested in making representations in favor of, or against, the considered regulations is hereby invited to do so by the submission of written data, views, or arguments, shall be filed with the Commission on or before April 3, 1972. All such statements will be considered as evidence and as a part of the record in the proceeding. Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

It is further ordered, That in the absence of a further order of this Commission modifying or amending the regulations described above, said regulations shall become effective on May 5, 1972.

And it is further ordered, That notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-3830 Filed 3-13-72;8:52 am]

¹ "Federal office" is defined in section 301(c) of the statute as meaning 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.

POLITICAL CAMPAIGN CREDIT—FCC PROPOSED REGULATION COVERING EXTENSION
OF CREDIT TO CANDIDATES FOR FEDERAL OFFICE

PROPOSED RULE MAKING

[Federal Register, Vol. 37, No. 57, Pt. I, Thursday, Mar. 23, 1972]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 64]

[Docket No. 19476; FCC 72-242]

CANDIDATES FOR FEDERAL OFFICE

Extension of Credit for Campaign
Services

In the matter of amendment of Part 64 of the rules to provide for regulations covering the extension of credit to candidates, or to other persons on behalf of candidates, for Federal office; Docket No. 19476.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. Section 401 of the Federal Election Campaign Act of 1971 (Campaign Act)¹ requires the Commission, within 90 days after the enactment of such Act, to promulgate regulations with respect to the extension of unsecured credit by any regulated person to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971) or to any person on behalf of such candidate for services rendered for use in connection with a political campaign. The 90 days expires on May 7, 1972.

3. The regulations that we are proposing herein are based upon the assumption that it was not the intent of Congress to prohibit completely the extension of credit without security to candidates for Federal office. On the other hand, particularly in view of the data on the substantial outstanding balances still remaining on 1968 campaign accounts, which data were available to Congress, there was evident congressional concern that more needed to be done to prevent such unpaid accounts in future Federal political campaigns. Based on information we have obtained from

the carriers we conclude that inadequate credit practices and procedures, laxity in the administration of the carriers' then current credit practices and procedures, failure to monitor the candidates' accounts, delays in billing and lack of appropriate collection efforts were among the major factors contributing to the unpaid balances accrued during the 1968 political campaign.

4. The major carriers have revised their credit, billing, and collection practices and procedures since 1968 and we would expect that adherence to these revised practices and procedures would help to prevent a recurrence of the unpaid balances that occurred during the 1968 campaign. Nevertheless, we are of the view that the rules we propose herein will act as additional safeguards against a repetition of the 1968 experience and will assure equality of treatment among qualified candidates.

5. Our tentative view is, as previously stated, that we should not adopt rules that would flatly forbid the carriers to provide unsecured credit to candidates or persons in behalf of candidates. This view is reflected in the attached proposed rules wherein we propose to leave to the carrier the decision of whether to extend unsecured credit to a candidate or person in his behalf. However, we will give consideration to the adoption of a rule that would forbid the extension of any credit to such persons and we would welcome comments addressed to the merits of such alternative. We believe that, if the carrier is permitted to extend unsecured credit to one candidate or person in his behalf, then unsecured credit should also be extended on substantially equal terms and conditions to all candidates and persons on their behalf for the same office commensurate with the expected amount of service to be furnished. Thus, for example, if the carrier decides to require an advance cash deposit of Candidate A for a Federal office that covers only 50 percent of the estimated bill for his service for a future 2-month period, the carrier shall also require all other candidates for the same office, and all other persons in behalf of all candidates for such office to deposit cash to cover 50 percent of the estimated 2-month bills for their services.

6. The proposed amendment of Part 64 of the Commission's rules designed to carry out the aforementioned objectives is set forth below. The Commission proposes to make any rule amendments adopted as a result of this proceeding effective immediately upon the issuance of a final order with respect to this docket.

7. This notice of proposed rule making is issued under authority of sections 4(i), 201(b), 202(a), 203, 218, and 219 of the Communications Act of 1934, as amended, and section 401 of the Federal Election Campaign Act of 1971.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 7, 1972. No provision is being made for reply comments in view of the need for early decision herein. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice. Comments in response to this notice will be available for inspection in the Commission's Broadcast and Dockets Reference Room.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs shall be furnished to the Commission.

Adopted: March 15, 1972.

Released: March 17, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

Part 64 of Chapter I of Title 47 of the Code of Federal Regulations is amended by adding a new Subpart H to read as follows:

Subpart H—Extension of Unsecured
Credit for Interstate and Foreign
Communication Services to Candidates for Federal Office

§ 64.801 Purpose.

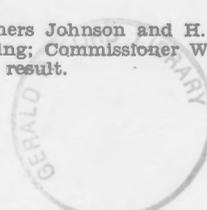
Pursuant to sec. 401 of the Federal Election Campaign Act of 1971, Public Law 92-225, these rules prescribe the general terms and conditions for the extension of unsecured credit by a communication common carrier to a candidate or person on behalf of such candidate for Federal office.

§ 64.802 Applicability.

These rules shall apply to each communication common carrier subject to the whole or part of the Communications Act of 1934.

² Commissioners Johnson and H. Rex Lee not participating; Commissioner Wiley concurring in the result.

¹ "Sec. 401. The Civil Aeronautics Board, the Federal Communications, and the Interstate Commerce Commission shall each promulgate, within 90 days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office."



§ 64.803 Definitions.

For the purposes of this subpart:

(a) The terms "election," "candidate," "Federal office," and "person" have the same meaning as such terms have under section 301 of the Federal Election Campaign Act of 1971.

(b) "Unsecured credit" means the furnishing of service without advance payment, deposit, or other security, on a continuing basis, that is designed to assure payment of the estimated amount of service for each future 2-month period.

§ 64.804 Rules governing the extension of unsecured credit to candidates for Federal office for interstate and foreign common carrier communication services.

(a) There is no obligation upon a carrier to extend unsecured credit for interstate and foreign communication services to a candidate or person on behalf of such candidate for Federal office. However, if the carrier chooses to extend such unsecured credit, it shall comply with the requirements set forth in paragraphs (b) through (g) of this section.

(b) If a carrier decides to extend unsecured credit to any candidate for Federal office or any person on behalf of such candidate, then unsecured credit shall be extended on substantially equal terms and conditions to all candidates and all persons on behalf of all candi-

dates for the same office, with due regard for differences in the estimated quantity of service to be furnished each such candidate or person.

(c) Before extending unsecured credit, a carrier shall obtain a signed written application for service which shall identify the applicant and the candidate and state whether or not the candidate assumes responsibility for the charges, and which shall also expressly state as follows:

(1) That service is being requested by the applicant or applicants and that the person or persons making the application will be individually, jointly and severally liable for the payment of all charges; and

(2) That the applicant(s) understands that the carrier will (under the provisions of paragraph (d) of this section) discontinue service upon written notice if any amount due is not paid upon demand.

(d) If charges for services rendered are not paid to the carrier within 30 days from rendition of a bill therefor, the carrier shall forthwith serve written notice on applicant of intent to discontinue service within 10 days of date of such notice for nonpayment and shall discontinue service unless all such sums due are paid in full within such 10-day period.

(e) Each carrier shall take appropriate action at law to collect any unpaid balance on an account for interstate

and foreign communication services rendered to a candidate or person on behalf of such candidate prior to the expiration of the statute of limitations under sec. 415(a) of the Communications Act of 1934, as amended.

(f) The records of each account for services rendered to a candidate or person on behalf of such candidate shall be maintained by the carrier so as to show separately, for interstate and foreign communication services all charges, credits, adjustments, and security and balance receivable.

(g) On or before January 31 of each year, and at the close of each subsequent quarterly period thereafter, each carrier shall file with the Commission a report by account of any amount due and unpaid, as of the end of the month prior to the reporting date, for interstate and foreign communication services rendered to a candidate or person on behalf of such candidate. This report shall include the following information:

- (1) Name of candidate.
- (2) Name and address of person or persons applying for service.
- (3) Balance due carrier.
- (4) Reason for nonpayment.
- (5) Payment arrangements, if any.
- (6) Date service discontinued.
- (7) Date, nature, and status of any action taken at law in compliance with paragraph (e) of this section.

[FR Doc. 72-4433 Filed 3-22-72; 8:52 am]

...in accordance with the provisions of § 1.110 of the Commission's rules and regulations, an original and two copies of all statements or bills shall be furnished to the Commission.

Adopted: March 19, 1972.
Released: March 19, 1972.

FEDERAL COMMUNICATIONS COMMISSION
(COMMUNICATIONS)
[REDACTED] Ben N. WARE, Secretary.

Part 64 of Chapter I of Title 47 of the Code of Federal Regulations is amended by adding a new Subpart H to read as follows:

Subpart H—Extension of Unsecured Credit for Interstate and Foreign Communication Services to Candidates for Federal Office.

§ 64.801 Purpose.

Purpose of sec. 401 of the Federal Election Campaign Act of 1971, Public Law 92-324, these rules prescribe the general terms and conditions for the extension of unsecured credit by a communication common carrier to a candidate or person on behalf of such candidate for Federal office.

§ 64.802 Applicability.

These rules shall apply to each communication common carrier subject to jurisdiction of the Communications Act of 1934.

*Comments received from Ben N. Ware, Secretary, Commission, were not published. Comments were not received in the form.

Our regulations view it as appropriate that we should not adopt rules that would forbid the carrier to provide unsecured credit to candidates or persons on behalf of candidates. This view is reflected in the attached proposed rules wherein we propose to leave to the carrier the decision of whether to extend unsecured credit to a candidate or person on his behalf. However, we will give consideration to the adoption of a rule that would forbid the extension of unsecured credit to such persons and we would welcome comments addressed to the merits of such alternative. We believe that if the carrier is permitted to extend unsecured credit to one candidate or person in his behalf, then unsecured credit should also be extended on substantially equal terms and conditions to all candidates and persons on their behalf for the same office. Comments with the expected amount of service to be furnished. This for example, if the carrier decides to provide an advance cash deposit of Candidate A for a Federal office that covers only 50 percent of the estimated bill for his service for a future 2-month period, the carrier shall also require all other candidates for the same office, and all other persons in behalf of all candidates for such office, to deposit cash to cover 50 percent of the estimated 2-month bill for their service.

§ The proposed amendment of Part 64 of the Commission's rules designed to carry out the aforementioned objectives is set forth below. The Commission proposes to make any rule amendments as a result of the proceedings effective immediately upon the issuance of a final order with respect to this matter.

The regulations that we are proposing herein are based upon the assumption that it was not the intent of Congress to prohibit completely the extension of credit without security to candidates for Federal office. On the other hand, particularly in view of the data on the outstanding balance still remaining on 1970 campaign accounts which data were available to Congress, there was evident congressional concern that more needed to be done to prevent such unpaid accounts from being Federal political campaign funds.

On information we have obtained from the Civil Liberties Council, the Federal Communications Commission and the Interstate Commerce Commission, we are proposing to amend the Commission's rules to require that each carrier file with the Commission within 30 days after the date of rendition of a bill, a report with respect to the extension of credit without security to any candidate for Federal office or person on behalf of such candidate for Federal office. This report shall include the following information:

(1) Name of candidate.
(2) Name and address of person or persons applying for service.
(3) Balance due carrier.
(4) Reason for nonpayment.
(5) Payment arrangements, if any.
(6) Date service discontinued.
(7) Date, nature, and status of any action taken at law in compliance with paragraph (e) of this section.



COMPTROLLER GENERAL OF THE UNITED STATES

U.S. GENERAL ACCOUNTING OFFICE

Washington, D.C.

REPORT OF RECEIPTS AND EXPENDITURES FOR A COMMITTEE

SUPPORTING ANY CANDIDATE(S) FOR NOMINATION OR ELECTION TO THE OFFICE OF
PRESIDENT OR VICE PRESIDENT OF THE UNITED STATES

Identification Number

(Full Name of Committee)

(Street)

State (If Primary, Convention, or Caucus)

(City, State, ZIP code)

TYPE OF REPORT

(Check Appropriate Box and Complete, if Applicable)

- March 10 report.
- June 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 _____

ss.

County of _____

I, _____, being duly sworn, depose (affirm) and say
(Full Name of Treasurer of Committee)
that this Report of Receipts and Expenditures is complete, true, and correct.

(Signature of Treasurer of Committee)

Subscribed and sworn to (affirmed) before me this _____ day of _____, A.D. 19____.

(Notary Public)

[SEAL] My commission expires _____, 19____.

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 treasurer of a political committee supporting a candidate or candidates for election to the office of 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 treasurer of the political committee shall file a statement to that effect. (Sec. 304.)

C. A copy of the Report of Receipts and Expenditures shall be preserved by the treasurer of the political committee or other person filing under section 305 of 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 committee, 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.

E. Every person (other than a political committee) who makes contributions or expenditures in support of a candidate for the office of President or Vice President, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year shall file with the Comptroller General a report containing the information required by section 304 of the Federal Election Campaign Act of 1971. This form may be used for such purpose. Reports required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative. (Sec. 305.)

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.

INSTRUCTIONS FOR PREPARING SCHEDULE A

(See Appropriate Supervisory Officer's Manual for Additional Regulations and Instructions)

Use this form to itemize Receipts for Part 1, 3, 4, or 5 and in conjunction with Schedule B for Part 2. Do not itemize more than one Part on a page. This form may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required in the same format.

This Schedule is to be used to **ITEMIZE ONLY THE RECEIPTS AS SPECIFIED BELOW FOR EACH PART**. The "Total This Period" amount for each itemized Part is to be carried forward to the corresponding Part of the Summary Report. When applicable, the total of all other receipts **NOT REQUIRED TO BE ITEMIZED UNDER A GIVEN PART** is to be entered as a lump sum on the "UNITEMIZED" line of the appropriate Part of the Summary Report.

Part 1(a). ITEMIZED CONTRIBUTIONS.—This is an itemized account giving the date, full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for the reporting committee or candidate during the reporting period in an amount in excess of \$100 or whose total contributions to date (aggregate) during the calendar year are in excess of \$100. *Exclude from this part the purchase of tickets for events such as dinners, luncheons, rallies and similar fundraising events which are reported in Part 2.* The actual amount of the contribution(s) received during this reporting period will be entered in the "Amount of Receipt This Period" column.

When the sum of a person's contribution(s) in this calendar year exceeds \$100, that total shall be entered in the "Aggregate Year-to-Date" box. When a subsequent contribution(s) is received in the calendar year from the same contributor, each such subsequent contribution shall be itemized as above and included in the total reported in the "Aggregate Year-to-Date" box. [Section 304(b) (2).]

Part 2. ITEMIZED TICKET PURCHASES FOR EVENTS SUCH AS DINNERS, LUNCHEONS, RALLIES AND SIMILAR FUNDRAISING EVENTS.—This is an itemized account giving the date, full name and mailing address (occupation and principal place of business, if any) of each person who has purchased one or more tickets for events such as dinners, luncheons, rallies and similar fundraising events during this reporting period in an amount in excess of \$100 or whose total ticket purchases to date (aggregate) are in excess of \$100. The actual amount of the ticket purchases during this period will be entered in the "Amount of Receipt This Period" column.

When the sum of a person's ticket purchase(s) in this calendar year exceeds \$100, that total shall be entered in the "Aggregate Year-to-Date" box. When a subsequent ticket purchase(s) is received in the calendar year from the same contributor, each such subsequent ticket purchase shall be itemized as above and included in the total reported in the "Aggregate Year-to-Date" box. [Section 304(b) (2).]

This is an itemization only to support Schedule B. The "Total This Period" amount should not be carried forward to Schedule B or the Summary Report. Attach Part No. 2 of this Schedule to Schedule B.

Part 3(a). ITEMIZED LOANS RECEIVED.—This is an itemized account giving the date, full name and mailing address (occupation and principal place of business, if any) of each lender and endorser of a loan(s) which has been received this reporting period in excess of \$100 or whose total loans to date (aggregate) are in excess of \$100. The actual amount of the loan(s) received during this reporting period will be entered in the "Amount of Receipt This Period" column.

When the sum of a person's loan(s) in this calendar year exceeds \$100, that total shall be entered in the "Aggregate Year-to-Date" box. When a subsequent loan(s) is received in the calendar year from the same contributor, each such subsequent loan shall be itemized as above and included in the total reported in the "Aggregate Year-to-Date" box. [Section 304(b) (5).]

Part 4(a). ITEMIZED OTHER RECEIPTS.—This is an account of receipts in the form of a refund, return, rebate, interest, investment or other miscellaneous receipt **not otherwise reported in Part 1, 2, 3, or 5**. Give the date, full name and mailing address (occupation and principal place of business, if any) of each person from whom one or more such receipts have been received in this reporting period in an amount in excess of \$100. The actual amount of the receipt(s) during this reporting period will be entered in the "Amount of Receipt This Period" column. Do not use the "Aggregate Year-to-Date" box. [Section 304(b) (7).]

Part 5. ITEMIZED TRANSFERS IN FROM POLITICAL COMMITTEES AND CANDIDATES.—This is an itemized account giving the date, full name and mailing address of each political committee or candidate from whom any transfer of funds has been received within this reporting period in any amount. The actual amount of the transfer(s) during this reporting period will be entered in the "Amount of Receipt This Period" column. Do not use the "Aggregate Year-to-Date" box. [Section 304(b) (4).]

OFFICE OF FEDERAL ELECTIONS

PRESS RELEASES

- April 14, 1972 Announcement of 1972 limitation on spending for communications media by candidates for Federal Election.
- April 20, 1972 Appointment by Comptroller General of Phillip S. Hughes as Director of Office of Federal Elections.
- May 25, 1972 Summary of actions by Director, Office of Federal Elections to achieve better compliance by candidates and committees of the Federal Elections Campaign Act of 1971.
- June 5, 1972 Referral to Attorney General of apparent violation of Section 310 of Federal Election Campaign Act of 1971 prohibiting contributions in the name of another.
- June 28, 1972 Referral to Attorney General of apparent violation of Title I of Federal Election Campaign Act of 1971 by New York Times in publishing National Committee for Impeachment's advertisement without required statement.
- July 7, 1972 Referral to Attorney General of apparent violation of Section 303 of Federal Election Campaign Act of 1971 by National Committee for Impeachment for failing to register and report.
- August 26, 1972 Referral to Attorney General of eleven apparent and possible violations of record keeping and reporting requirements of Title III of Federal Election Campaign Act of 1971 arising from \$25,000 Dahlberg-Andreas contribution, \$89,000 in Mexican bank checks, and \$350,000 cash fund.
- September 14, 1972 Announcement of warnings by Director, Office of Federal Elections to treasurers of about 250 political committees whose reports of receipts and expenditures due September 10, under Federal Election Campaign Act of 1971, have not been received.



OFFICE OF FEDERAL ELECTIONS
PRESS RELEASES
(Continued)

- September 22, 1972 Release of a special study providing 25 recommendations for preventing difficulties facing county and local election officials on election day prepared by the Institute of Election Administration of the American University and National Scientific Corporation.
- October 6, 1972 Referral to Attorney General of a report on the financial operations of the McGovern for President - D.C. Committee and apparent violations by the Business and Professional Men and Women for McGovern of Sections 302(c) and 304(b)(2) of Federal Election Campaign Act of 1971, in reporting box office ticket sales for Madison Square Garden rally; by Americans Abroad for McGovern of 18 U.S.C. 613 prohibiting contributions from foreign nationals; by National Labor Committee to elect McGovern-Shriver of 18 U.S.C. 612 in publishing a political ad without proper committee identification.
- October 18, 1972 Announcement of notices issued to 1,247 political committees involved in the November 7 Presidential election that financial reports are due 15 and 5 days before the election.
- October 21, 1972 Release of an alphabetical list of contributors to Presidential candidates and committees supporting them containing 36,480 contributions received from April 7, 1972, through August 31, 1972.
- October 31, 1972 Release of a second report on the financial operations of McGovern for President - D.C. Committee and other related committees.
- November 1, 1972 Referral to Attorney General of apparent violations of 18 U.S.C. 610 prohibiting corporate contributions involving National Black Committee for the Re-election of the President; and 18 U.S.C. 613



OFFICE OF FEDERAL ELECTIONS
PRESS RELEASES
(Continued)

- prohibiting contributions from foreign nationals involving Finance Committee to Re-elect the President.
- January 18, 1973 Release of a third report on the financial operations of campaign committees which supported Senator George McGovern.
- February 5, 1973 Release of a study of election difficulties in seven selected jurisdictions in Ohio, Michigan, California and Oregon prepared by the Institute of Election Administration of The American University and National Scientific Corporation.
- February 13, 1973 Release of reports concerning contributions received during the last 12 days of the 1972 Presidential election campaign by The Finance Committee to Re-elect the President and McGovern for President, Inc.
- February 21, 1973 Release of report on the operations of the November Group and Guggenheim Productions.
- March 12, 1973 Referral to Attorney General of apparent violation of Section 302 and 304 of Federal Election Campaign Act of 1971 by Finance Committee to Re-elect the President in failing to record and report \$200,000 in cash contributions from Robert L. Vesco.
- March 14, 1973 Referral to Attorney General of apparent violations of 18 U.S.C. 610, prohibiting corporate contributions to the Utah Republican State Central Committee and Section 104(b) of Federal Election Campaign Act of 1971 by five newspapers for failing to obtain candidate certification.
- April 27, 1973 Referral to Attorney General of apparent violations of Section 302 and 304 of Federal Election Campaign Act of 1971 by Finance Committee to Re-elect the President in failing to maintain records and report cash on hand on April 7, 1972, as well as subsequent disbursements to Theodore F. Brill, Young Republican



OFFICE OF FEDERAL ELECTIONS
PRESS RELEASES
(Continued)

- Organization; Robert Odle, Committee for Re-election of the President; and Phillip Joanou, Executive Director of November Group.
- May 3, 1973 Referral to the Attorney General of apparent violations of 18 U.S.C. 612 regarding failure to list names of persons or committees responsible for advertisement on May 17, 1972, in New York Times, financed by The Finance Committee to Re-elect the President.
- May 18, 1973 Referral to the Attorney General of apparent violations of Sections 302(c) and (d) and 304(b) of Federal Election Campaign Act of 1971 by the Sanford Carolina Campaign Committee in reporting contributions not supported by any records, failing to itemize receipts over \$100, double reporting of expenditures, and failing to itemize more than \$19,000 in expenditures of over \$100 each; and Sections 1001 and 1621 of 18 U.S.C. by the treasurer's knowingly submitting false reports to a Federal Agency and knowingly using false documentation as support for committee expenditures.
- May 20, 1973 Referral to Attorney General of apparent violations of Sections 304 and 305 of Federal Election Campaign Act of 1971 by the Finance Committee to Re-elect the President involving unreported post April 7, 1972 collections and disbursements.
- May 30, 1973 Referral to Attorney General of a report on the Republican Party of Wisconsin involving apparent violations of Section 104(b) of Federal Election Campaign Act of 1971 by four newspapers for failing to obtain candidate certification.
- June 27, 1973 Release of correspondence between Director of Office of Federal Elections and Devan L. Shumway, Information Officer for Committee for Re-election of the President that McGovern committees did not obtain proper authorizations from the candidate.



OFFICE OF FEDERAL ELECTIONS
PRESS RELEASES
(Continued)

- July 5, 1973 Referral to Attorney General of apparent violations of Sections 302 and 304 of Federal Election Campaign Act of 1971 and 18 U.S.C. 610 by the Salute to Ted Agnew Night Committee; Sections 1001 and 1621 of 18 U.S.C. and Section 304(b)(4) of Federal Election Campaign Act of 1971 by the Finance Committee to Re-elect the President.
- July 24, 1973 Release of a list of political committees registered with Office of Federal Elections which have been recently audited under provisions of the Federal Election Campaign Act of 1971. These committees were those whose reports did not contain violations of Federal laws which would warrant referral to the Department of Justice.
- July 27, 1973 Referral to Attorney General a report on the Indiana Republican State Central Committee involving the question of whether a patronage collection system in the State of Indiana, which provides financial support to political parties, violates 18 U.S.C 600; and referral to the Federal Communications Commission for further investigation of possible violation of Section 104(c) of Federal Election Campaign Act of 1971 by 19 television and 68 radio stations.
- August 9, 1973 Referral to Attorney General and Secretary of the Treasury. A report concerning \$605,000 in contributions by Walter T. Duncan to committees acting on behalf of two Presidential candidates - The Committee for the Nomination of Hubert H. Humphrey and the Finance Committee to Re-elect the President.
- August 13, 1973 Referral to Attorney General a report on the Wisconsin McGovern for President Committee involving apparent violation of Section 302 of Federal Election Campaign Act of 1971 for failure to maintain complete and accurate records; and referral to the Federal Communications Commission the apparent failure of two radio stations to obtain media certifications.



OFFICE OF FEDERAL ELECTIONS
PRESS RELEASES
(Continued)

August 23, 1973

Release of an alphabetical listing of contributions in excess of \$100 to candidates for President and Vice President in the 1972 election and committees supporting them. The listing required by Section 308(a)(7)(E) of Federal Election Campaign Act of 1971 contains 84,337 contributions, loans, refunds and other payments or transfers of money in excess of \$100 received during the period April 7 - December 31, 1972.

September 7, 1973

Referral to Attorney General a report on the Shirley Chisholm for President Committee concerning apparent violations by the committee of Sections 302, 303 and 304 of Federal Election Campaign Act of 1971 for failing to name a chairman, maintain complete and accurate records, and file required reports; Section 104(b) by the New York Amsterdam News for failing to obtain candidate's certification and 18 U.S.C. 610 involving corporate contributions.



1970 FORD FOR CONGRESS Comm.
 Bank: Lakvins for Ford Comm.
 : Julius Riekstins, Treasurer.

		1	2	3	4
	J. RIEKSTINS 22 UNION ST 458-4820	DEPOSITS	PAID		
1	9/2 80 DC. For Ford Comm.	1500.00		check	1
2	9/30 " " "	750.00		check	2
3	10/27 Cash - Stiles	4,200.00			3
4	11/18 Congr. Campaign Comm.	3,000.00		check	4
5	11/20-23 -	1,500.00		check	5
6					6
7	Total Deposits	9,950.00			7
8	Filing late disbursements	7,191.69			8
9	post 1 Bal	2,859.31			9
10	post election disbursements	2,500.00			10
11	1970 Bal	359.31			11
12					12
13					13
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31					31



done ②

Copy of Clerk's ruling concerning Earmarking

③ Clerk's Office

check to see if RCC Committee reports for 1970 reflect receipt of contributions from the following

probably sometime in late October

- ① Sec. Industry Camp. Comm. \$5000
- ② Bankers PAC \$2000
- ③ John H. Shaheen \$3000
- ④ Builders - Blocksmith Union \$1000
- ⑤ Michigan Dates PAC \$80

out
10/30
Nov 11/9
11/6

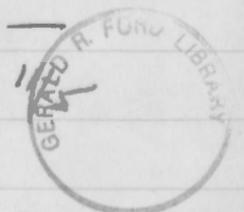


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NEW TAX DECISIONS AND RULINGS

Internal Revenue Service

GROSS INCOME--A congressman receives subscription fees or solicited contributions to defray the cost of newsletters, reports, and questionnaires sent to constituents.

Held: The subscription fees and contributions are includable in the congressman's gross income. The expenses of publishing and distributing the newsletters, reports, and questionnaires are business expenses deductible on an itemized return.--IRS; Rev. Rul. 73-356, 9/4/73.

Full Text:

Advice has been requested as to the tax treatment of amounts received and amounts expended by Congressmen *A* and *B*, who use the cash receipts and disbursements method of accounting, in connection with publication and distribution of newsletters, reports, and questionnaires they send

costs involved, Congressman *B* solicits contributions, by notation on the reports and by telephone requests initiated by a member of his staff, to be used solely for the printing and related costs of these reports and questionnaires. However, he sends the reports and questionnaires to constituents whether or not they contribute. Contributions received by him in response

pated benefit of an economic nature to the payor, it is not a gift. Where the payment is in return for services rendered, it is irrelevant that the donor receives no economic benefit from it. See *Commissioner v. Duberstein*, 363 U.S. 278 (1960), 1960-2 C.B. 428. Moreover, when a payment is made by a customer to a taxpayer who provides services to assure continuation of

This was true even with respect to the fee paid for precincts wherein ballots were not actually retallied, if the

ballot boxes were produced and examined as petitioned. Op Atty Gen, April 10, 1935.

1972

Vol 5 Mich. Stat. Annotated

CHAPTER XXXIV

CAMPAIGN EXPENSES

§ 6.1901 Definitions.] SEC. 901. Terms used in this chapter shall be used as follows, unless other meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intent of the law:

1. "Candidate" shall apply to any person whose name is printed on an official ballot for public office or whose name has been presented for public office, with his consent, for nomination or election;

2. "Political committee" or "committee" shall apply to every combination of 2 or more persons who shall aid or promote the success or defeat of a candidate, or a political party or principle or measure; and

3. "Public office" shall apply to any national, state, county or city ward, village or township office which is filled by the voters of this state, as well as to the office of presidential elector and United States senator.

(CL '48, § 168.901.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 19 (former § 6.639).

1-10. [Reserved for use in future supplementation.]

11. Candidate.

The term "candidate" in an election law or city charter provision, when not defined therein, is generally used in its ordinary and customary sense to mean one who is selected by others as a contestant for an office as well as one who seeks an office, and hence includes a participant in a primary election as well as one who runs in a regular election. City of Grand Rapids v. Harper, 32 Mich App 324.

Delegate to county convention is not a "candidate." Op Atty Gen, 1933-1934, p 198.

12. Political committee.

Established agency or organization, which is unincorporated and consists of two or more persons, and which combination aids and promotes the success or defeat of a state proposal, constitutes political committee as defined in this section. Op Atty Gen, November 8, 1961, No. 3610.

Committees formed to support or oppose propositions submitted in local elections are political committees within meaning of corrupt practices act. Op Atty Gen, August 6, 1968, No. 4622.

Legal periodicals.

Union political involvement and reform of campaign financing regulation, Prospectus, Vol 2, No. 2, p 347.

ALE note.

Constitutionality of statute relating to power of committee or officials of political party, 62 ALR 924.

§ 6.1902 Expenses of candidates, limit.] SEC. 902. No sums of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate to be paid by him in order to secure or aid in securing his nomination to any public office or his position in this state in excess of the amount computed at the rate of **[\$40.00]** for each 1,000 votes cast at the general November election in the last preceding presidential year for the office of governor in the state or political subdivision thereof in which he is a candidate for nomination: Provided, That no candidate shall be restricted to less than 25% of 1



year's compensation, nor in any case to less than \$100.00 in his campaign for such nomination. No sums of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate who has received the nomination to any public office or position in this state in excess of the amount to which expenditures for his nomination to such office or position are limited under the provisions of this section. No sum of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate contrary to the provisions of this act.

(CL '48, § 168.902.)

History.

As amended by Pub Acts 1958, No. 28, ind eff April 3.

This section, as originally enacted, was derived from Pub Acts 1925, No. 351, Part V, c 2, § 1, as amended (former § 6.621).

1-10. [Reserved for use in future supplementation.]

11. Title of prior act.

Public Acts 1913, No. 109, entitled "An act to regulate and limit nomination expenses; to define and prevent corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act" was not invalid under Const 1908, art V, § 21, as containing more than one object which was not expressed in its title, because it prohibited the making of contributions for campaign purposes by corporations. *People v. Gansley*, 191 Mich 357.

12. Constitutionality.

Public Acts 1913, No. 109, regulating and limiting nomination and election expenses and forbidding contributions for election expenses by corporations was not unconstitutional as unduly and unreasonably restraining the political activities of the people. *People v. Gansley*, 191 Mich 357.

§ 6.1903 Treasurer of political committee; appointment, duties.] SEC. 903. Every political committee shall appoint a treasurer who shall receive, keep and disburse all sums of money which may be collected or received by such committee or any of its members for election expenses; and unless such treasurer is first appointed it shall be unlawful for a political committee or any of its members to collect, receive or disburse money for any such purpose.

(CL '48, § 168.903.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 2 (former § 6.622).

13. Construction in general.

Public Acts 1913, No. 109, regulating nomination and election expenses and requiring accounts thereof was a remedial statute and must be construed to carry out the legislative intent. *People v. Gansley*, 191 Mich 357.

Depending upon which act limits campaign expenditures of congressional candidate to smaller amount, this section or the Federal Corrupt Practices Act governs as to limitations on such expenditures. *Op Atty Gen*, October 14, 1958, No. 3351.

14. Congressional primaries.

Expenditures of congressional candidates in primary election are limited by this section, and the maximum allowable expenditures of such candidates in general election are limited by the Federal Corrupt Practices Act. *Op Atty Gen*, January 16, 1957, No. 2829.

ALR notes.

Constitutionality of Corrupt Practices Acts, 69 ALR 377.

Construction and application of statute regarding statement by candidate as to his expenses, or his interest in, or the financial value of publicity through, newspapers or other publicity sources, 103 ALR 1424.

Digest reference.

See Callaghan's Mich Dig, Elections, § 54.

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§ 6.1904 Lawful items of expense.] Sec. 904. No candidate and no treasurer of any political committee shall pay, give or lend, or agree to pay, give or lend, either directly or indirectly, any money or other valuable thing for any nomination or election expenses whatever, except for the following purposes:

First, For traveling expenses and personal expenses incident thereto, for printing, stationery, advertising, postage, expressage, freight, telegraph, telephone and public messenger services;

Second, For dissemination of printed information to the public;

Third, For political meetings, demonstrations and conventions;

Fourth, For the rent, maintenance and furnishing of offices;

Fifth, For the payment of clerks, typists, stenographers, janitors and messengers actually employed;

Sixth, For the employment of challengers at primaries and elections to the number allowed by law as such;

Seventh, For the payment of public speakers and musicians at public meetings and their necessary traveling expenses;

Eighth, For copying and classifying of election registers or poll lists and investigating the right to vote of the persons listed or registered therein, and conducting proceedings to purge the registers and lists and prevent improper or unlawful registration or voting;

Ninth, For making canvasses of voters;

Tenth, For conveying infirm or disabled voters to and from the polls; and

Eleventh, For employing as counsel, attorneys licensed to practice in accordance with the laws of the state, and for the necessary expenses of such counsel.

None of the provisions of this chapter shall be construed as relating to the rendering of services by speakers, writers, publishers or others for which no compensation is asked or given.

(CL '48, § 168.904.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 3 (former § 6.623).

Cross-reference.

Permissible expenditures and activities, see also note to § 6.1931, *infra*.

1-10. [Reserved for use in future supplementation.]

11. Permissible expenditures.

Under prior statute, a candidate or political committee might expend money for rigs to convey infirm or disabled voters to and from the polls. Op Atty Gen, 1914, p 618.

Under prior statute, a political banquet came under the classification "political meetings" and "demonstrations" and money expended therefor would have to be included in the report of the treasurer of the committee. Op Atty Gen, 1915, p 208.

A citizen who is not a candidate

may expend his own funds in support of political campaign or political candidate, and it is not unlawful to incur expense or pay cost for mailing campaign literature, including cards of political candidates. Op Atty Gen, April 23, 1963, No. 4135.

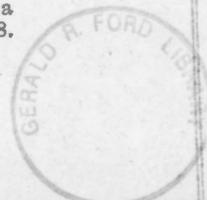
12. Expenditures not permitted.

Under prior statute, expenses of distributing cigars to electors by a candidate or political committee was not authorized. Op Atty Gen, 1914, p 617.

A candidate may not expend money for the purpose of conveying voters to and from the polls other than those who are infirm or disabled. Op Atty Gen, 1915, pp 212, 458. See also § 6.1931, subd (k), *infra*.

13. Postage.

Postage used in mailing blank petitions for nominations should be included in the expense account of a candidate. Op Atty Gen, 1915, p 168.



14. Traveling expense.

Personal expenses of candidate include his meals while away from home and oil and gas used in traveling. Op Atty Gen, 1920, p 211.

Digest reference.

See Callaghan's Mich Dig, Elections, § 54.

§ 6.1905 Money to be paid or given only to candidate or political committee.] SEC. 905. No person who is not a candidate or the treasurer of a political committee shall pay, give or lend, or agree to pay, give or lend, any money whether contributed by himself or by any other person for any election expenses whatever, except to a candidate or to a political committee.

(CL '48, § 168.905.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 11 (former § 6.631).

political committee. Op Atty Gen, January 16, 1957, No. 2829.

1-10. [Reserved for use in future supplementation.]

11. Direct contribution.

This section provides that contributions for election expenses shall be made only to a candidate or to a

12. Private expenditures.

Under prior act, it was ruled that individuals from whom detailed statements could not be required were not permitted to expend money to promote the campaign of a candidate for office, such expenditures as distributing cigars to electors being forbidden. Op Atty Gen, 1914, p 617.

§ 6.1906 Account; filing, contents; filing list of candidates and proof copy of ballot; duplicate expense statements, filing by certified candidates; campaign expenses and contributions.] SEC. 906. [(1)] Every candidate and every treasurer of a political committee shall, within 10 days after any primary election, caucus or convention, and again within 20 days after any general election, whether state, county, city, municipal, township or district election, prepare and file in the office of the county clerk of the county in which such candidate ♦ resides, a full, true and detailed account and statement subscribed and sworn to by him before an officer authorized to administer oaths, setting forth each and every sum of money received or disbursed by him for nomination or election expenses, the date of each receipt, the name of the person from whom received or to whom paid, and the person to whom and object or purpose for which disbursed. Such statements shall also set forth the unpaid debts and obligations, if any, of such candidate or committee, incurred for the purposes set forth in section 904 ♦, with the nature and amount of each, and to whom owing, in detail. ♦ The clerk of each city, village or township in the several counties of this state shall, within 5 days after any primary or general election, file with the county clerk a list containing the names and addresses of all candidates in their respective districts and a proof copy of the official ballot used in such primary or general election. Any candidate whose nomination or election is certified by the secretary of state shall file duplicate expense statements with the county clerk of the county in which he resides and such county clerk shall forthwith deliver 1 of such copies to the secretary of state by registered or certified mail.

[(2)] If a candidate has campaign expenses which amount to less than \$100.00, he shall so designate on his expense report, and he shall not be required to detail such expenditures.

(3) If a candidate has campaign expenses less than \$100.00 in the report.]

(CL '48, § 168

History.

As amended by 37, imd eff March 13, 1972. This section, as was derived from 351, Part V, c 2, §

1-10. [Reserved for use in future supplementation.]

11. Place to file.

Congressional election with the county where he Gen, 1915, p 168.

12. Elections at which applicable to city

Op Atty Gen, 1914

Under prior act, money had been expended or expense Op Atty Gen, 1914

Similar section to nonpartisan town Atty Gen, 1914, p

Under prior act, convention was not required account. Op Atty 198.

Candidate for election to file report of expenses with county clerk of house. Op Atty Gen, Oct 3351.

Both candidates committees formed must file statement and statement for both primary elections. Op Atty 1968, No. 4622.

13. Necessity of filing expenses of candidate or of his political

§ 6.1907 SEC. 907. All offices where the

(3) If a candidate has campaign contributions which amount to less than \$100.00, he shall not be required to detail the contributions in the report.]

(CL '48, § 168.906.)

History.

As amended by Pub Acts 1956, No. 37, imd eff March 23; 1958, No. 192, eff September 13; 1971, No. 42, eff March 30, 1972.

This section, as originally enacted, was derived from Pub Acts 1925, No. 351, Part V, c 2, § 4 (former § 6.624).

1-10. [Reserved for use in future supplementation.]

11. Place to file.

Congressional candidate should file statement of expenses during primary election with the county clerk of the county where he resides. Op Atty Gen, 1915, p 168.

12. Elections and candidates to which applicable.

Similar section of prior act held applicable to city primary elections. Op Atty Gen, 1914, p 557.

Under prior act, a candidate for treasurer of a political committee was not required to file a statement unless money had been received or expended or expenses had been incurred. Op Atty Gen, 1914, p 620.

Similar section of prior act applied to nonpartisan township elections. Op Atty Gen, 1914, p 642.

Under prior act, delegate to county convention was not a "candidate" and was not required to file an expense account. Op Atty Gen, 1933-1934, p 198.

Candidate for congress is required to file report of campaign expenditures with county clerk as well as with clerk of house of representatives. Op Atty Gen, October 14, 1958, No. 3351.

Both candidates for congress and committees formed to aid such candidates must file separate detailed account and statement as required by law for both primary and general elections. Op Atty Gen, August 6, 1968, No. 4622.

13. Necessity of filing statement.

Expenses of candidate for mayor, or of his political committee, in se-

curing his nomination or seeking his election, must be filed; but where candidate has expended no money no statement need be filed. Op Atty Gen, 1915, p 520.

Candidate may contribute his own money to political committee sponsoring candidacy of several candidates, including the contributor, without being required to list and report such contribution as campaign expense, it being considered within his rights to make contribution as an individual. Op Atty Gen, April 23, 1963, No. 4135.

Committee formed for political education purposes which does not actively participate in election campaign is not required to file campaign account. Op Atty Gen, August 6, 1968, No. 4622.

Committee formed for political education purposes which, incident to its primary purpose makes campaign contribution, is not required to file campaign account and statement. Op Atty Gen, August 6, 1968, No. 4622.

Committee formed for purpose of raising money to be contributed to candidate or campaign committee is required to file detailed account and statement as required by law. Op Atty Gen, August 6, 1968, No. 4622.

14. Corrected statement.

A candidate who filed an incorrect statement but, after notice, filed a corrected statement, could not be prosecuted under former provision. *Barnard v. Judge of Superior Court of City of Grand Rapids*, 187 Mich 560.

ALR note.

Construction and application of statute regarding statement by candidate as to his expenses, or his interest in, or the financial value of publicity through, newspapers or other publicity sources, 103 ALR 1424.

Digest reference.

See Callaghan's Mich Dig, Elections, § 55.

§ 6.1907 Same; inspection, preservation, certified copies.]
Sec. 907. All such accounts shall be open to public inspection in the offices where they are filed and shall be carefully preserved there for



a period of 1 year, and it shall be the duty of the officers having custody of the same to give certified copies in like manner as of other public records.

(CL '48, § 168.907.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 6 (former § 6.626).

§ 6.1908 Same; official inspection, notice to delinquents.]
SEC. 908. The several officers with whom statements are required to be filed shall inspect all statements of accounts and expenses relating to nominations and elections filed with them within 10 days after the same are filed; and if, upon examination of the official ballot, it appears that any person has failed to file a statement as required by law, or if it appears to any such officer that the statement filed with him does not conform to law, or upon complaint in writing by a candidate or by a voter that a statement filed does not conform to law or to the truth, or that any person has failed to file a statement which he is by law required to file, said officer shall forthwith in writing notify the delinquent person to comply with the requirements of this chapter.

(CL '48, § 168.908.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 7 (former § 6.627).

§ 6.1909 Failure to comply with law; notice to prosecutor or attorney general; institution of proceedings.] **SEC. 909.** Upon the failure of any person to file a statement within 10 days after receiving such notice, or if any statement filed discloses any violation of any provisions of this act, the county clerk, if the statement is required to be filed with him, shall forthwith notify the prosecuting attorney of the county where said violation occurred, or the secretary of state, if the statement is required to be filed with him, shall forthwith notify the attorney general of the violation. The county clerk or the secretary of state shall furnish [the prosecuting attorney or the attorney general] with copies of all papers relating thereto, and said prosecuting attorney [or attorney general] shall, on such complaint or the complaint of any other person, forthwith enter the name in a docket kept for that purpose in his office, and within 20 days thereafter examine every such case, and if the evidence seems to him to be sufficient under the provisions of this chapter he shall, in the name of the people of the state, forthwith institute such civil or criminal proceedings as may be appropriate to the facts.

(CL '48, § 168.909.)

History.

As amended by Pub Acts 1958, No. 192, eff September 13.

This section, as originally enacted, was derived from Pub Acts 1925, No. 351, Part V, c 2, § 8 (former § 6.628).

1-10. [Reserved for use in future supplementation.]

11. In general.

Former general election law required county clerk, after due notice to delinquent candidate, to notify



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prosecuting attorney of failure of candidate to file election expense statement and required prosecuting attorney to institute appropriate civil or criminal action. Op Atty Gen, August 29, 1949, No. 1012.

12. Corrected statement filed on notice.

A candidate for office was not subject to prosecution under former Cor-

rupt Practices Act, for filing an incorrect statement of his primary election expenses, where he subsequently filed a correct statement. *Barnard v. Judge of Superior Court of City of Grand Rapids*, 187 Mich 560.

Digest reference.

See Callaghan's Mich Dig, Elections, § 55.

§ 6.1910 Witness not exempt from testifying.] SEC. 910. No person otherwise competent as a witness shall be excused from answering any question, in any proceedings under this chapter, on the ground that such answer would tend to incriminate him; but no prosecution can afterwards be had against such witness for any such offense concerning which he testified for the prosecution except in an action for perjury in giving such testimony.

(CL '48, § 168.910.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 9 (former § 6.629).

Cross-references.

Privilege against self-incrimination, see Const 1963, art I, § 17, and note; liability of witness for people, § 6.1942, *infra*.

1-10. [Reserved for use in future supplementation.]

11. Immunity of witnesses.

Defendants who testified in one man grand jury proceeding were not immune from prosecution for election fraud as result of such investigation. *People v. O'Hara*, 278 Mich 281.

Digest reference.

See Callaghan's Mich Dig, Witnesses, § 185 et seq.

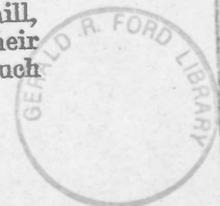
§ 6.1911 State to furnish blank statements.] SEC. 911. The secretary of state shall, at the expense of the state, furnish to the proper county, city, village or township clerks blanks in a form approved by the attorney general, suitable for the statements hereinbefore required.

(CL '48, § 168.911.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 10 (former § 6.630).

§ 6.1912 Unlawful to threaten or intimidate employees.] SEC. 912. It shall be unlawful for any employer, either corporation, association, company, firm or person, in paying the salary or wages of any of its, their or his employees, to enclose in their pay envelopes, upon which there is written or printed any political notice, device or argument, containing any threat, expressed or implied, intended or calculated to influence the political opinion, views or actions of such employees so paid. Nor shall it be lawful for any employer, either corporation, association, company, firm or person, within 90 days of any election or primary election provided by law, to put up or otherwise exhibit in its, their or his factory, workshop, mine, mill, boarding house, office or other establishment or place where its, their or his employees may be working or be present in the course of such



employment, any handbill, notice or placard containing any threat, notice or information that in case any particular ticket or candidate shall be nominated or elected, work in its, their or his place or establishment will cease, in whole or in part, or its, their or his establishment will be closed or the wages of its, their or his workmen shall be reduced; or any other threats, expressed or implied, intended or calculated to influence the political opinion or acts of its, their or his employees.

(CL '48, § 168.912.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 15 (former § 6.635).

Cross-reference.

Penalty for discharging or threatening to discharge employee for purpose of influencing his vote, see § 6.1931, subd (d), infra.

§ 6.1913 Solicitation of donation from candidate, solicitation of donations in certain places; unlawfulness.] SEC. 913. (No person or organization shall ask, demand or request of or from any candidate for any public office subsequent to any public announcement of the candidacy for any nomination for such office, any donation, gift or contribution, purchase of tickets or similar demands.) This section shall be held to include religious, charitable or social organizations or any person working in their behalf. Except for religious, charitable or educational purposes, no person, firm, association or corporation or any person working in their behalf shall ask, request or demand within any building or on any property which is exempt from the general property tax of this state, any donation, gift, contribution, pledge, purchase of tickets or similar demand for the purpose of furthering or defeating the candidacy of any candidate for public office or any proposed law, or other measure that may be submitted to popular vote.

(CL '48, § 168.913.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 20, as amended (former § 6.640).

§ 6.1914 Newspaper advertising; designating as paid advertisement; payment for editorials.] SEC. 914. No publisher of a newspaper or other periodical and no director or person responsible for the operation of any other advertising medium shall insert, either in its advertising or reading columns or cause or permit to be disseminated any paid matter which is designed or tends to aid, injure or defeat any candidate or political party or organization, or proposition before the people, unless it is stated therein that it is a paid advertisement. No person shall pay the owner, editor, publisher or agent of any newspaper, periodical or other advertising medium to induce him to editorially advocate or oppose any candidate for nomination or election, and no such owner, editor, publisher or agent shall accept such payment.

(CL '48, § 168.914.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 16 (former § 6.636).



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§ 6.1914(1) Same; paid matter supporting or opposing constitutional amendment or other proposition.] SEC. 914a. No publisher of a newspaper or other periodical and no director or person responsible for the operation of any other advertising medium shall insert, either in his advertising or reading columns, or cause or permit to be disseminated, any paid matter which is designed or tends to support or oppose any proposed amendment or amendments to the constitution of this state, or proposition before the people, unless it is stated therein that it is a paid advertisement, and stating the name or names of the persons, organization or organizations paying for such advertisement.

(CL '48, § 168.914a.)

History.

Added by Pub Acts 1955, No. 192,
effective October 14.

This section is derived from Pub
Acts 1925, No. 351, Part V, c 2, § 16
(former § 6.636).

§ 6.1915 Circulation of false statement in letter, poster or publication; penalty.] SEC. 915. If any letter, circular, poster, bill, publication or placard or any other advertising medium shall contain any false statement or charges reflecting on any candidate's character, morality or integrity, the author thereof and every person knowingly assisting in the circulation thereof, shall, upon conviction thereof, be subject to the penalties provided for the violation of this act: Provided, That this shall in nowise deprive the injured party of any other action for libel given by law.

(CL '48, § 168.915.)

History.

This section is derived from Pub
Acts 1925, No. 351, Part V, c 2, § 17
former § 6.637).

Cross-reference.

Anonymous statements, see § 6.1931,
subd (s), infra.

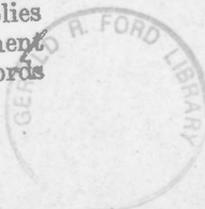
§ 6.1916 Administering oath of office or issuing certificate of nomination or election before account filed; unlawfulness.] SEC. 916. It shall be unlawful to administer the oath of office or to issue a commission or certificate of nomination or election to any person nominated or elected to any public office until he has filed an account as required by this act, which account shall upon its face be complete and show a lawful compliance with this chapter, and no such person shall enter upon the duties of his office until he has filed such account, nor shall he receive any salary or fees for any period prior to the filing of the same.

(CL '48, § 168.916.)

History.

This section is derived from Pub
Acts 1925, No. 351, Part V, c 2, § 5
(former § 6.625).

§ 6.1917 Anonymous contributions; unlawfulness.] SEC. 917. No person shall make a payment of his own money or of another person's money to any person in connection with a nomination or election in any other name than that of the person who in truth supplies such money; nor shall any person knowingly receive such payment or enter or cause the same to be entered in his accounts or records



in another name than that of the persons by whom it was actually furnished.

(CL '48, § 168.917.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 12 (former § 6.632).

§ 6.1918 Same; unlawful disbursement.] Sec. 918. It shall be unlawful for any candidate or treasurer of a political committee, or person acting as such treasurer, to disburse money received from any anonymous source.

(CL '48, § 168.918.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 13 (former § 6.633).

§ 6.1919 Corporations not to contribute.] SEC. 919. No officer, director, stockholder, attorney, agent or any other person, acting for any corporation or joint stock company, whether incorporated under the laws of this or any other state or any foreign country, except corporations formed for political purposes, shall pay, give or lend, or authorize to be paid, given or lent, any money belonging to such corporation to any candidate or to any political committee for the payment of any election expenses whatever.

(CL '48, § 168.919.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 14 (former § 6.634).

1-10. [Reserved for use in future supplementation.]

11. Validity.

Public Acts 1913, No. 109, § 14, forbidding campaign contributions by corporations, was a valid exercise of the police power, did not deprive a corporation of any property without due process of law, and could not be condemned as violating the constitutional right of free speech and freedom of the press, such latter right pertaining only to natural persons. *People v. Gansley*, 191 Mich 357.

12. Local option contest.

A person acting on behalf of a corporation donating to a wet or dry committee in a local option contest would have been a violator of former act. Op Atty Gen, 1915, p 65.

§ 6.1920 Penalty for violation of chapter.] Sec. 920. Any person who shall incur any illegal election expenses or otherwise violate any of the provisions of this chapter shall, upon conviction

13. Contributions prohibited.

Chamber of commerce is not a corporation organized for political purposes and therefore may not make contributions to campaigns for local school millage elections. Op Atty Gen, March 1, 1968, No. 4605.

Committees formed to support or oppose propositions submitted in local elections are political committees within meaning of corrupt practices act, and corporations are prohibited from making contributions to such committees. Op Atty Gen, August 6, 1968, No. 4622.

ALR notes.

Constitutionality of Corrupt Practices Acts, 69 ALR 377.

Construction and application of provisions of Corrupt Practices Act regarding contributions by corporations, 125 ALR 1029.

Digest reference.

See Callaghan's Mich Dig, Elections, § 56.

thereof, be punished by imprisonment in the penitentiary for a term not exceeding one year. (CL '48, § 16

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 13 (former § 6.633).

§ 6.1931

person who, upon conviction, is punished by imprisonment in the penitentiary for a term not exceeding one year.

(a) No person shall promise any reward or inducement, or refrain from exercising any office, position, or authority, to induce another person to vote for or against any candidate for any office, position, or authority.

(b) No person shall induce another person to vote for or against any candidate for any office, position, or authority.

(1) Voting for or against any candidate for any office, position, or authority.

(2) Refrain from voting for or against any candidate for any office, position, or authority.

(3) Doing any act which tends to induce another person to vote for or against any candidate for any office, position, or authority.

(4) Doing any act which tends to induce another person to vote for or against any candidate for any office, position, or authority.

(c) No person shall offer or election money or other valuable consideration to any representative to which such business transaction which is not in the influence in the election or pri

(d) No person shall threaten to do any act which tends to induce another person to vote for or against any candidate for any office, position, or authority.

(e) No person shall induce another person to vote for or against any candidate for any office, position, or authority.

(f) No person shall induce another person to vote for or against any candidate for any office, position, or authority.

(g) No person shall induce another person to vote for or against any candidate for any office, position, or authority.

(h) No person shall induce another person to vote for or against any candidate for any office, position, or authority.



thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than 2 years, or by both such fine and imprisonment in the discretion of the court.

(CL '48, § 168.920.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 2, § 18 (former § 6.638).

CHAPTER XXXV

OFFENSES AND PENALTIES

§ 6.1931 Violations deemed misdemeanors.] SEC. 931. Any person who violates any of the following statutory provisions shall, on conviction, be deemed guilty of a misdemeanor:

(a) No person shall, either directly or indirectly, give, lend or promise any money or valuable consideration to or for any person as an inducement to influence the manner of voting by any person relative to any candidate or proposition or as a reward for his refraining from voting. The term "valuable consideration" as used in this section shall be construed to include any money, gift, fee, loan, office, position, appointment or employment.

(b) No person shall, either before, on or after any election for himself or on behalf of any other person, receive, agree or contract for any valuable consideration for:

(1) Voting or agreeing to vote, or inducing or attempting to induce another to vote in a particular manner at any election or primary election;

(2) Refraining or agreeing to refrain, or inducing or attempting to induce another to refrain from voting at any election or primary election;

(3) Doing anything prohibited by this act;

(4) Doing, agreeing to do, or having done any campaign work, electioneering, soliciting of votes for any question or any candidate on or before any election or primary election day.

(c) No person shall solicit from any candidate for nomination for or election to any office, included in the provisions of this act, any money or other property. The provisions of this section shall not apply to requests for contributions of money by or to an authorized representative of the political party committee of the organization to which such candidate belongs, and shall not apply to any regular business transaction between any such candidate and any other person which is not intended for or connected with the securing of votes or the influencing of voters in connection with such nomination or election.

(d) No person shall, either directly or indirectly, discharge or threaten to discharge any person who may be in his employ for the purpose of influencing his vote for any election or primary election.

(e) No priest, pastor, curate or other officer of any religious society shall impose or threaten to impose any penalty of excommunication, dismissal or expulsion, or command or advise, under pain of religious disapproval, for the purpose of influencing any voter at any election or primary election.



(f) No person shall at any election or primary election falsely impersonate and vote or attempt to vote under the name of any other person or induce or attempt to induce any person to impersonate and vote or attempt to vote under the name of any other person.

(g) No person shall assume a false or fictitious name in order to vote or to offer to vote by that name, or enter or cause to be entered upon the registration book in any voting precinct as his own, a false name, or induce or attempt to induce any other person to assume a false or fictitious name in order to vote, or offer to vote by that name, or enter or cause to be entered upon the registration book of any voting precinct, a false name.

(h) No person who is not a qualified and registered elector shall wilfully offer or attempt to vote at any primary election or election sanctioned by the laws of this state; nor shall any person aid or counsel any person not a duly qualified elector to vote or offer to vote at the place where the vote is given during any election or primary election.

(i) No qualified and registered elector shall offer or attempt to vote in any voting precinct in which he does not reside except as otherwise provided in this act; nor shall any person procure, aid or counsel any person to go or come into any township, ward or voting precinct for the purpose of voting therein at any election or primary election knowing that such person is not duly qualified to vote in such township, ward or voting precinct.

(j) No person shall offer or attempt to vote more than once at the same election either in the same or in another voting precinct, nor shall he give 2 or more votes folded together.

(k) No person shall hire any carriage or other conveyance or cause the same to be done, for conveying voters, other than those physically unable to walk thereto, to any election or primary election.

(l) In cities having an election commission authorized to appoint inspectors of election, failure on the part of any inspector, clerk or election or primary election official, accepting an appointment as such, to report at the polling place designated on election or primary election morning, at the time specified, unless excused, shall be considered a misdemeanor and shall be punished by a fine of not to exceed \$10.00, or imprisonment in the county jail for a period not exceeding 10 days, or both such fine and imprisonment in the discretion of the court: Provided, however, That should any inspector, clerk or election or primary election official notify the election or primary election commission or other officers in charge of elections or primary elections of his inability to serve at the time and place specified, at least 3 days prior to the holding of any election or primary election or shall be excused from duty by the said election or primary election commission, board or officers in charge of elections or primary elections for cause shown, then such inspector, clerk or election or primary election official shall not be liable for such fine or imprisonment.

(m) No person shall wilfully fail to perform any duty enjoined upon him by this act or disobey any lawful instruction or order of the secretary of state as chief state election officer or of any county or city board of elections.

(n) No delegate or member of any convention shall solicit any candidate for nomination before such convention for money, reward, position, place or preferment for his support in such convention, nor shall any candidate or other person promise or pay to any such dele-

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gate money, reward, position, place or preferment for his support or vote, in such convention.

(o) No person elected a delegate to any convention shall accept or receive any money or valuable thing as a consideration for his vote as such delegate.

(p) No person shall, while the polls are open, at any polling place on any primary or election day, solicit votes in the said polling place or within 100 feet from any entrance to the building in which said polling place is located.

(q) No person shall keep any room or building for the purpose, in part or the whole, of recording or registering bets or wagers, or of selling pools upon the result of any political nomination, appointment or election, nor shall any person wager any property, money or thing, or be the custodian of any money, property or thing of value, staked, wagered or pledged, upon the result of any political nomination, appointment or election.

(r) Any person who violates any provision of this act, a penalty for which violation is not herein otherwise particularly provided, shall, on conviction, be deemed guilty of a misdemeanor.

(s) Any person or his agent who knowingly makes, publishes, disseminates, circulates or places before the public, or knowingly causes directly or indirectly to be made, published, disseminated, circulated or placed before the public, in this state, either orally or in writing, an assertion, representation or statement of fact concerning a candidate for public office at a primary or general election in this state, which is false, deceptive, scurrilous or malicious, without the true name of the author subscribed thereto, if written, or announced if unwritten, shall be guilty of a misdemeanor.

(CL '48, § 168.931.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 1, §§ 1-3, 5, 6, 7 as amended, 9, 12, 13, 15, 16, 18, 19; Part V, c 4, §§ 1, 2 as amended; Pub Acts 1931, No. 328, c 56, § 395 (former §§ 6.599-6.601, 6.603, 6.604, 6.605, 6.607, 6.610, 6.611, 6.613, 6.614, 6.616, 6.617, 6.671, 6.672, 28.627).

Cross-reference.

Penalty for misdemeanor, see § 6.1934, *infra*.

1-10. [Reserved for use in future supplementation.]

11. Constitutionality.

Subsection (p) does not conflict with Mich Const 1908, art II, § 4, or with the Federal Constitution, but rather finds its mandate in Mich Const 1908, art III, § 8, namely, to preserve the purity of elections, and such section includes within its purview such acts as parking a vehicle with a political sign in or on it, driving such a vehicle with or without a public address system, and handing out printed matter when such acts

are for purpose of calling attention to a candidacy or proposal. Op Atty Gen, March 20, 1959, No. 3395.

12. Construction.

Subsection (p) hereof is penal in nature and must be strictly construed. *Robinson v. Secretary of State*, 4 Mich App 404.

Term "solicit" as used in subsection (p) hereof, would be held not to include vignette on official ballot showing name and picture of governor who was seeking reelection, where use of party vignettes was specifically authorized by § 6.1634. *Robinson v. Secretary of State*, 4 Mich App 404.

The word "solicit" contained in subsection (p) conveys the intended meaning of the offense with reasonable certainty and, as a criminal offense, it must be strictly construed. Op Atty Gen, March 20, 1959, No. 3395.

13. Influencing votes.

Offer by party to purchase property from property owners for sum substantially greater than market value in exchange for property owners' favorable vote in annexation election



constituted misdemeanor under paragraph (a) of this section. *St. Joseph Tp. v. City of St. Joseph*, 373 Mich 1.

14. Collections, expenditures and permissible activities.

Under prior statute, a committee or club acting voluntarily in behalf of a candidate to be voted for at the primaries might engage a secretary or stenographer and pay for services and expenses of such person out of a fund contributed by others than the candidate, and might send out literature and visit different parts of the state in arranging for an organization among the friends of the candidate, so long as no expenditure was made in paying workers at the polls, among the voters at or before the election, without any violation of the statute. *Op Atty Gen*, 1910, p 197.

It was not a violation of former law for a club to induce a newspaper to mail to those not on its regular

subscription list its copies of its issues containing material favorable to a certain candidate. *Op Atty Gen*, 1911, p 61.

ALR notes.

Criminal responsibility for aiding and abetting violation of election law, 5 ALR 786.

Personal liability of public officer for breach of duty in respect of election or primary election laws, 153 ALR 109.

Statement by candidate regarding salary or fees of office as violation of Corrupt Practice Acts or bribery, 106 ALR 493.

Treating of voters by candidate for office as violation of Corrupt Practice Act, 2 ALR 402.

Digest reference.

See Callaghans Mich Dig, Elections, § 113.

§ 6.1932 Violations deemed felonies.] SEC. 932. Any person who violates any of the following statutory provisions shall, on conviction, be guilty of a felony:

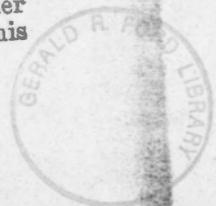
(a) No person shall, by means of bribery, menace or other corrupt means or device whatever, either directly or indirectly, attempt to influence any elector in giving his vote, or to deter him from, or interrupt him in giving the same at any election or primary election held pursuant to law.

(b) No person not duly authorized by law shall, during the progress of any election or primary election or after the closing of the polls and before the ♦ [final results of such election have been] ascertained, break open or violate the seals or locks of any ballot box ♦ [or voting machine used or in use at such election; nor shall any person wilfully damage or destroy any ballot box or voting machine; nor shall any person] obtain undue possession of such ballot box ♦ [or voting machine; nor shall any person] conceal, withhold or destroy the same, or fraudulently or forcibly add to or diminish the number of ballots legally deposited [in the box] or [the totals on the voting machine; nor shall any person] aid or abet in the same.

(c) No inspector of election, clerk or other officer or person having custody of any record, election list of voters, affidavit, return or statement of votes, certificates, poll book, or of any paper, document or vote of any description, in this act directed to be made, filed or preserved, shall wilfully destroy, mutilate, deface, falsify or fraudulently remove or secrete the whole or part thereof, or fraudulently make any entry, erasure or alteration therein, or permit any other person to do so.

(d) No person shall disclose to any other person the name of any candidate voted for by any elector, the contents of whose ballots shall have been seen by such person, nor shall any person in any manner obstruct or attempt to obstruct any elector in the exercise of his duties as such elector under this act.

(CL '48, § 168.932.)



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History.

As amended by Pub Acts 1957, No. 220, eff September 27.

This section, as originally enacted, was derived from Pub Acts 1925, No. 351, Part V, c 1, §§ 4, 10, 11, 14 (former §§ 6.602, 6.608, 6.609, 6.612).

Cross-references.

Laws to be passed to preserve the purity of elections, see Const 1963, art II, § 4; penalty, § 6.1935, *infra*.

1-10. [Reserved for use in future supplementation.]**11. Construction, operation and effect.**

Rule of *ejusdem generis* was not applicable to "other officer or person" used in former statute because it could not be so applied without unduly limiting scope of statute and causing it to fall short of plain legislative intent. *People v. O'Hara*, 278 Mich 281.

In prosecution of defendants for alleged election fraud, where defendants intended and claimed to act under authority of committee created by legislature, their contention that there was no joint convention of legislature because of lack of quorum, and hence acts of defendants were not such as would be within former statute, was not tenable. *People v. O'Hara*, 278 Mich 281.

"Who permits" as used in former statute meant those who enabled or those who assisted in the unlawful undertaking. *People v. O'Hara*, 278 Mich 281.

Former statute pertained to recounts and legislative investigations. *People v. O'Hara*, 278 Mich 281.

12. Conspiracy.

Conspiracy to violate provisions of former statute constituted indictable offense punishable at common law. *People v. O'Hara*, 278 Mich 281.

In prosecution for alleged election fraud, it was not necessary to prove, under former statute, that each of accused had actual manual possession or control of ballots, if there was evidence sufficient to show that among those charged there were some who

acting in concert with the others, had actual possession or control, as all would be considered as participants in such possession and control and chargeable therewith and subject to prosecution the same as accessories. *People v. O'Hara*, 278 Mich 281.

13. Sufficiency of evidence.

In prosecution of several defendants for alleged election fraud, whether testimony was sufficient as to any particular defendant should be determined in light of his interest or lack of interest, purpose or lack of purpose, motive or lack of motive, and all other circumstances disclosed by proof, and just and logical inferences may be drawn from facts proven. *People v. O'Hara*, 278 Mich 281.

In prosecution for alleged election fraud, there was sufficient testimony to present issue for jury's determination as to guilt or innocence of county clerk, who was chairman of Democratic state central committee, whose deputies were actively involved in recount investigation out of which prosecution arose, and who had large interest in particular election. *People v. O'Hara*, 278 Mich 281.

Person charged with conspiracy to violate various provisions of election laws, was, in view of evidence relating to fraudulent registration by defendant of ineligible voters, and in view of discretion of examining magistrate, properly bound over for trial. *People v. Marklein*, 358 Mich 471.

ALR notes.

Acts of others upon which charges of bribery or improper influencing of voters are predicated as chargeable to candidate, for purpose of disqualifying him for the office to which he is elected, 121 ALR 601.

Statement by candidate regarding salary or fees of office as violation of Corrupt Practice Acts or bribery, 106 ALR 493.

Treating of voters by candidate for office as violation of Corrupt Practice Act, 2 ALR 402.

Digest reference.

See Callaghan's Mich Dig, Elections, § 113.

§ 6.1933 False swearing for purpose of registering or voting.]
SEC. 933. Any person who makes a false affidavit or swears falsely while under oath for the purpose of securing registration or for the purpose of voting at any election or primary election shall be deemed guilty of perjury.

(CL '48, § 168.933.)

GERALD R. FORD

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 1, § 17 (former § 6.615).

Cross-reference.

Penalty, see § 6.1936, infra.

§ 6.1934 Misdemeanor, penalty.] SEC. 934. Any person who shall be found guilty of a misdemeanor under the provisions of this act shall, unless herein otherwise provided, be punished by a fine of not exceeding \$500.00, or by imprisonment in the county jail for a term not exceeding 90 days, or both such fine and imprisonment in the discretion of the court.
(CL '48, § 168.934.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 4, § 7 (former § 6.677).

§ 6.1935 Felony, penalty.] SEC. 935. Any person found guilty of a felony under the provisions of this act shall, unless herein otherwise provided, be punished by a fine not exceeding \$1,000.00, or by imprisonment in the state prison for a term not exceeding 5 years, or by both such fine and imprisonment in the discretion of the court.
(CL '48, § 168.935.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 4, § 5 (former § 6.675).

§ 6.1936 Perjury, penalty.] SEC. 936. Any person found guilty of perjury under the provisions of this act shall, unless herein otherwise provided, be punished by a fine not exceeding \$1,000.00, or by imprisonment in the state prison for a term not exceeding 5 years, or by both such fine and imprisonment in the discretion of the court.
(CL '48, § 168.936.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 4, § 4 (former § 6.674).

§ 6.1937 Forgery, penalty.] SEC. 937. Any person found guilty of forgery under the provisions of this act shall, unless herein otherwise provided, be punished by a fine not exceeding \$1,000.00, or by imprisonment in the state prison for a term not exceeding 5 years, or by both such fine and imprisonment in the discretion of the court.
(CL '48, § 168.937.)

History.

This section is derived from Pub Acts 1925, No. 351, Part V, c 4, § 3 (former § 6.673).

§ 6.1938 Candidate convicted of felony; election void, quo warranto.] SEC. 938. If any candidate for any public office at any

election in this state act, the election of void; and if he shall information in the office may be filed
(CL '48, § 168.938.)

History.

This section is derived from Pub Acts 1925, No. 351, (former § 6.676).

Cross-reference.

Quo warranto § 27A.4501, infra

1-10. [Reserved] supplement

§ 6.1939 SEC. 939. It shall or having reasonable provisions of this act the prosecuting attorney shall adopt effective believed to be guilty
(CL '48, § 168.939.)

History.

This section is derived from Pub Acts 1925, No. 351, (former § 6.678).

§ 6.1940 duty of every person having information same to be provided
(CL '48, § 168.940.)

History.

This section is derived from Pub Acts 1925, No. 351, (former § 6.679).

§ 6.1941 the duty of every person having information to forthwith such offense
(CL '48, § 168.941.)

History.

This section is derived from Pub Acts 1925, No. 351, (former § 6.680).

§ 6.1942 liable to



Pocket part 1973
§ 6.1906

ment incurred prior to January 1, 1972, but the same may be enjoyed, asserted, enforced, prosecuted, or inflicted as if Act No. 79 of the Public Acts of 1971, being sections 722.51 to 722.55 of the Compiled Laws of 1948 [§§ 25.244(51)-25.244(55)] had not been passed. Proceedings pending at the effective date of Act No. 79 of the Public Acts of 1971, and proceedings instituted thereafter for any act, offense committed, right accruing, ac-

rued, or acquired, or liability, penalty, forfeiture or punishment incurred before the effective date of Act No. 79 of the Public Acts of 1971 may be continued or instituted under and in accordance with the law in force at the time of the commission of the act, offense committed, right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred."

§ 6.1770 Voting machines; contracts.] SEC. 770. At all elections hereafter held in this state, ballots or votes may be cast, registered, recorded and counted by means of voting machines, as provided in this chapter. ♦

The governing body of any governmental unit in this state may contract with the governing body of any other governmental unit in this state with regard to the use of voting machines owned by either of the contracting units.

History.

As amended by Pub Acts 1972, No. 214, imd eff July 7.

§ 6.1792(2) Presidential primary elections; restriction on applicability.] SEC. 792b. The provisions of section 792a of this act shall not apply in presidential primary elections.

(CL '48, § 168.792b.)

History.

Added by Pub Acts 1972, No. 108, imd eff April 7.

§ 6.1901 Definitions.]

Legal periodicals.

Campaign contributions by attorneys, 51 Mich SBJ 483.

§ 6.1906 Account; filing, contents; etc.]

Analysis of New Notes.

Textbook references.

Textbook references.

See Callaghan's Mich Civ Jur, Elections, § 120.



It is imperative that consideration of Jerry Ford's qualifications for the Vice Presidency include an investigation of his relation with Fred Black ten or more years ago when Black was Washington lobbyist for Rockwell International Corporation, then named North American Aviation, Inc.

Fred Black was indicted, convicted and jailed for income tax evasion. The FBI engaged in electronic evesdropping on his suite at the Sheraton Carlton in Washington via the so-called "spike-mike" technique. Thousands of hours of conversation were recorded on tapes. The tapes established that Fred Black, an unsavory character, whose suite was frequented by prostitutes and gamblers was a first-name friend of Jerry Ford, whose many conversations with Black involved more than legislative discussions. The tapes will show the extent to which Jerry Ford discussed financial and other matters with Black.

The FBI made logs of the tapes, which presumably contained accurate summaries of the contents of the Fred Black tapes, including the portion relating to Jerry Ford.



NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Transfer/Disposal Sheet

ITEM ID 00192

DESCRIPTION OF ITEM MOVED . . Four 8x10 black and white photographs
of Gerald Ford at the Vice Presidential
confirmation hearings.

COLLECTION/SERIES/FOLDER ID . 023800008

COLLECTION TITLE Benton L. Becker Papers

BOX NUMBER 1

FOLDER TITLE Ford, Gerald R. - Vice Presidential
Confirmation - General (1)-(3)

ACCESSION NUMBER 91-NLF-024

MOVEMENT DATE 05/15/1991

TYPE OF MATERIAL Photographs

NEW LOCATION Audiovisual Collection

ARCHIVIST'S Kellee Green