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#### SUBCHAPTER I—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

### § 431. Definitions

When used in this Act:

(1) The term “election” means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party which has authority to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; and

(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.

(2) The term “candidate” means an individual who seeks nomination for election, or election, to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election—

(A) if such individual has received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000; or

(B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of \$5,000 or has made such expenditures aggregating in excess of \$5,000.

(3) The term “Federal office” means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

(4) The term “political committee” means—

(A) any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year; or

(B) any separate segregated fund established under the provisions of section 441b(b) of this title; or

(C) any local committee of a political party which receives contributions aggregating in excess of \$5,000 during a calendar year, or

makes payments exempted from the definition of contribution or expenditure as defined in paragraphs (8) and (9) aggregating in excess of \$5,000 during a calendar year, or makes contributions aggregating in excess of \$1,000 during a calendar year or makes expenditures aggregating in excess of \$1,000 during a calendar year.

(5) The term “principal campaign committee” means a political committee designated and authorized by a candidate under section 432(e)(1) of this title.

(6) The term “authorized committee” means the principal campaign committee or any other political committee authorized by a candidate under section 432(e)(1) of this title to receive contributions or make expenditures on behalf of such candidate.

(7) The term “connected organization” means any organization which is not a political committee but which directly or indirectly establishes, administers or financially supports a political committee.

(8)(A) The term “contribution” includes—

(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; or

(ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.

(B) The term “contribution” does not include—

(i) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee;

(ii) the use of real or personal property, including a church or community room used on a regular basis by members of a community for noncommercial purposes, and the cost of invitations, food, and beverages, voluntarily provided by an individual to any candidate or any political committee of a political party in rendering voluntary personal services on the individual’s residential premises or in the church or community room for candidate-related or political party-related activities, to the extent that the cumulative value of such invitations, food, and beverages provided by such individual on behalf of any single candidate does not exceed \$1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed \$2,000 in any calendar year;

(iii) the sale of any food or beverage by a vendor for use in any candidate’s campaign or for use by or on behalf of any political committee of a political party at a charge less than the normal comparable charge, if such charge is at least equal to the cost of such food or beverage to the vendor, to the extent that the cumulative value of such activity by such vendor on behalf of any single candidate does not exceed \$1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed \$2,000 in any calendar year;

(iv) any unreimbursed payment for travel expenses made by any individual on behalf of

any candidate or any political committee of a political party, to the extent that the cumulative value of such activity by such individual on behalf of any single candidate does not exceed \$1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed \$2,000 in any calendar year;

(v) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to any cost incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

(vi) any payment made or obligation incurred by a corporation or a labor organization which, under section 441b(b) of this title, would not constitute an expenditure by such corporation or labor organization;

(vii) any loan of money by a State bank, a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business, but such loan—

(I) shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors;

(II) shall be made on a basis which assures repayment, evidenced by a written instrument, and subject to a due date or amortization schedule; and

(III) shall bear the usual and customary interest rate of the lending institution;

(viii) any legal or accounting services rendered to or on behalf of—

(I) any political committee of a political party if the person paying for such services is the regular employer of the person rendering such services and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

(II) an authorized committee of a candidate or any other political committee, if the person paying for such services is the regular employer of the individual rendering such services and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of title 26,

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 434(b) of this title by the committee receiving such services;

(ix) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

(x) the payment by a candidate, for nomination or election to any public office (including State or local office), or authorized committee of a candidate, of the costs of campaign materials which include information on or referred to any other candidate and which are used in connection with volunteer activities (including pins, bumper stickers, handbills, brochures, posters, and yard signs, but not including the use of broadcasting, newspapers, magazines, billboards, direct mail, or similar types of general public communication or political advertising): *Provided*, That such payments are made from contributions subject to the limitations and prohibitions of this Act;

(xi) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates;

(xii) payments made by a candidate or the authorized committee of a candidate as a condition of ballot access and payments received by any political party committee as a condition of ballot access;

(xiii) any honorarium (within the meaning of section 441i of this title); and

(xiv) any loan of money derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, if such loan is made in accordance with applicable law and under commercially reasonable terms and if the person making such loan makes loans derived from an advance on the candidate's brokerage account, credit card,

home equity line of credit, or other line of credit in the normal course of the person's business.

(9)(A) The term "expenditure" includes—

(i) any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office; and

(ii) a written contract, promise, or agreement to make an expenditure.

(B) The term "expenditure" does not include—

(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;

(ii) nonpartisan activity designed to encourage individuals to vote or to register to vote;

(iii) any communication by any membership organization or corporation to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office, except that the costs incurred by a membership organization (including a labor organization) or by a corporation directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate), shall, if such costs exceed \$2,000 for any election, be reported to the Commission in accordance with section 434(a)(4)(A)(i) of this title, and in accordance with section 434(a)(4)(A)(ii) of this title with respect to any general election;

(iv) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

(v) any payment made or obligation incurred by a corporation or a labor organization which, under section 441b(b) of this title, would not constitute an expenditure by such corporation or labor organization;

(vi) any costs incurred by an authorized committee or candidate in connection with the solicitation of contributions on behalf of such candidate, except that this clause shall not apply with respect to costs incurred by an authorized committee of a candidate in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 441a(b) of this title, but all such costs shall be reported in accordance with section 434(b) of this title;

(vii) the payment of compensation for legal or accounting services—

(I) rendered to or on behalf of any political committee of a political party if the person paying for such services is the regular employer of the individual rendering such services, and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

(II) rendered to or on behalf of a candidate or political committee if the person paying for such services is the regular employer of the individual rendering such services, and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of title 26,

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 434(b) of this title by the committee receiving such services;

(viii) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

(ix) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates; and

(x) payments received by a political party committee as a condition of ballot access which are transferred to another political party committee or the appropriate State official.

(10) The term "Commission" means the Federal Election Commission.

(11) The term "person" includes an individual, partnership, committee, association, corpora-

tion, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or any authority of the Federal Government.

(12) The term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(13) The term “identification” means—

(A) in the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer; and

(B) in the case of any other person, the full name and address of such person.

(14) The term “national committee” means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission.

(15) The term “State committee” means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission.

(16) The term “political party” means an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.

(17) INDEPENDENT EXPENDITURE.—The term “independent expenditure” means an expenditure by a person—

(A) expressly advocating the election or defeat of a clearly identified candidate; and

(B) that is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate’s authorized political committee, or their agents, or a political party committee or its agents.

(18) The term “clearly identified” means that—

(A) the name of the candidate involved appears;

(B) a photograph or drawing of the candidate appears; or

(C) the identity of the candidate is apparent by unambiguous reference.

(19) The term “Act” means the Federal Election Campaign Act of 1971 as amended.

(20) FEDERAL ELECTION ACTIVITY.—

(A) IN GENERAL.—The term “Federal election activity” means—

(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot);

(iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or

identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

(iv) services provided during any month by an employee of a State, district, or local committee of a political party who spends more than 25 percent of that individual’s compensated time during that month on activities in connection with a Federal election.

(B) EXCLUDED ACTIVITY.—The term “Federal election activity” does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

(i) a public communication that refers solely to a clearly identified candidate for State or local office, if the communication is not a Federal election activity described in subparagraph (A)(i) or (ii);

(ii) a contribution to a candidate for State or local office, provided the contribution is not designated to pay for a Federal election activity described in subparagraph (A);

(iii) the costs of a State, district, or local political convention; and

(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office.

(21) GENERIC CAMPAIGN ACTIVITY.—The term “generic campaign activity” means a campaign activity that promotes a political party and does not promote a candidate or non-Federal candidate.

(22) PUBLIC COMMUNICATION.—The term “public communication” means a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising.

(23) MASS MAILING.—The term “mass mailing” means a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

(24) TELEPHONE BANK.—The term “telephone bank” means more than 500 telephone calls of an identical or substantially similar nature within any 30-day period.

(25) ELECTION CYCLE.—For purposes of sections 441a(i) and 441a-1 of this title and paragraph (26), the term “election cycle” means the period beginning on the day after the date of the most recent election for the specific office or seat that a candidate is seeking and ending on the date of the next election for that office or seat. For purposes of the preceding sentence, a primary election and a general election shall be considered to be separate elections.

(26) PERSONAL FUNDS.—The term “personal funds” means an amount that is derived from—

(A) any asset that, under applicable State law, at the time the individual became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had—

(i) legal and rightful title; or

(ii) an equitable interest;

(B) income received during the current election cycle of the candidate, including—

(i) a salary and other earned income from bona fide employment;

(ii) dividends and proceeds from the sale of the candidate's stocks or other investments;

(iii) bequests to the candidate;

(iv) income from trusts established before the beginning of the election cycle;

(v) income from trusts established by bequest after the beginning of the election cycle of which the candidate is the beneficiary;

(vi) gifts of a personal nature that had been customarily received by the candidate prior to the beginning of the election cycle; and

(vii) proceeds from lotteries and similar legal games of chance; and

(C) a portion of assets that are jointly owned by the candidate and the candidate's spouse equal to the candidate's share of the asset under the instrument of conveyance or ownership, but if no specific share is indicated by an instrument of conveyance or ownership, the value of ½ of the property.

(Pub. L. 92-225, title III, § 301, Feb. 7, 1972, 86 Stat. 11; Pub. L. 93-443, title II, §§ 201(a), 208(c)(1), Oct. 15, 1974, 88 Stat. 1272, 1286; Pub. L. 94-283, title I, §§ 102, 115(d), (h), May 11, 1976, 90 Stat. 478, 495, 496; Pub. L. 96-187, title I, § 101, Jan. 8, 1980, 93 Stat. 1339; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 106-346, § 101(a) [title V, § 502(b)], Oct. 23, 2000, 114 Stat. 1356, 1356A-49; Pub. L. 107-155, title I, §§ 101(b), 103(b)(1), title II, § 211, title III, § 304(c), Mar. 27, 2002, 116 Stat. 85, 87, 92, 100.)

#### REFERENCES IN TEXT

The Federal Election Campaign Act of 1971, as amended, referred to in par. (19), is Pub. L. 92-225, Feb. 7, 1972, 86 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title notes set out below and Tables.

#### AMENDMENTS

2002—Par. (8)(B)(viii) to (xv). Pub. L. 107-155, § 103(b)(1), redesignated cls. (ix) to (xv) as (viii) to (xiv), respectively, and struck out former cl. (viii) which read as follows: “any gift, subscription, loan, advance, or deposit of money or anything of value to a national or a State committee of a political party specifically designated to defray any cost for construction or purchase of any office facility not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office;”.

Par. (17). Pub. L. 107-155, § 211, added par. (17) and struck out former par. (17) which read as follows: “The term ‘independent expenditure’ means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.”

Pars. (20) to (24). Pub. L. 107-155, § 101(b), added pars. (20) to (24).

Pars. (25), (26). Pub. L. 107-155, § 304(c), added pars. (25) and (26).

2000—Par. (8)(B)(xv). Pub. L. 106-346 added cl. (xv).

1986—Pars. (8)(B)(ix)(II), (9)(A)(vii)(II). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

1980—Pub. L. 96-187 changed the section designations from letters to numbers, and as so redesignated, substantially redefined the terms applicable to the provisions of this Act.

1976—Subsec. (a)(2). Pub. L. 94-283, § 102(a), substituted “party which has authority to nominate” for “party held to nominate”.

Subsec. (e)(2). Pub. L. 94-283, § 102(b), substituted “written contract, promise, or agreement,” for “contract, promise, or agreement, expressed or implied.”

Subsec. (e)(4). Pub. L. 94-283, § 102(c), inserted provisions establishing an exception for legal or accounting services.

Subsec. (e)(5). Pub. L. 94-283, §§ 102(d), (e), 115(d) (1), substituted “section 441b(b) of this title” for “the last paragraph of section 610 of title 18, United States Code” in cl. (F), added cls. (G), (H), and (I), and, in the provisions following cl. (I), substituted “person” for “individual”.

Subsec. (f)(4). Pub. L. 94-283, §§ 102(f), 115(d)(2), inserted provisions in cl. (C) requiring the reporting to the Commission of costs directly attributable to a communication expressly advocating the election or defeat of a clearly identifiable candidate if those costs should exceed \$2,000 per election, substituted “section 441b(b) of this title” for “the last paragraph of section 610 of title 18, United States Code” in cl. (H), and added cls. (I), (J), and (K).

Subsec. (n). Pub. L. 94-283, § 115(h), substituted “section 432(e) (1) of this title” for “section 432(f)(1) of this title”.

Subsec. (o) to (q). Pub. L. 94-283, § 102(g)(3), added subsecs. (o) to (q).

1974—Pub. L. 93-443, § 201(a) (1), inserted introductory reference to title IV of this Act, which for purposes of codification is translated as subchapter II of this chapter.

Subsec. (a)(5). Pub. L. 93-443, § 201(a)(2), struck out from definition of “election” the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States.

Subsec. (d). Pub. L. 93-443, § 201(a)(3), inserted reference to “club,” before “association” and substituted “other group of persons” and “receives” for “organization” and “accepts”.

Subsec. (e). Pub. L. 93-443, § 201(a)(4), transferred the word “means” after introductory word “contribution” to become the initial word in pars. (1) to (4); in par. (1), incorporated existing provisions in provisions designated subpars. (A) and (B), and deleted former provisions respecting contributions for the purpose of influencing the nomination for election, or election, of any person as a presidential election or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States; in par. (2), provided for express or implied transactions; in par. (3), substitution of “funds received by a political committee which are transferred to such committee from another political committee or other source” for “a transfer of funds between political committees”; inserted at end of par. (4) the word “but”; and added par. (5).

Subsec. (f). Pub. L. 93-443, § 201(a)(5), transferred the word “means” following introductory word “expenditure” to become the initial word in pars. (1) to (3); in par. (1), incorporated existing provisions in provisions designated subpars. (A) to (C) and deleted end text reading “, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States”; in par. (2), provided for express or implied transactions; in par. (3), substituted “the transfer of funds by a political committee to another political committee; but” for “a transfer of funds between political committees”; and added par. (4).

Subsec. (g). Pub. L. 93-443, §208(c)(1), substituted definition of "Commission" for "supervisory officer".

Subsecs. (j) to (n). Pub. L. 93-443, §201(a)(6)-(8), added subsecs. (j) to (n).

#### EFFECTIVE DATE OF 2002 AMENDMENT; REGULATIONS

Pub. L. 107-155, title IV, §402, Mar. 27, 2002, 116 Stat. 112, provided that:

"(a) GENERAL EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in the succeeding provisions of this section, the effective date of this Act [see Short Title of 2002 Amendment note below], and the amendments made by this Act, is November 6, 2002.

"(2) MODIFICATION OF CONTRIBUTION LIMITS.—The amendments made by—

"(A) section 102 [amending section 441a of this title] shall apply with respect to contributions made on or after January 1, 2003; and

"(B) section 307 [amending section 441a of this title] shall take effect as provided in subsection (e) of such section [enacting provisions set out as a note under section 441a of this title].

"(3) SEVERABILITY; EFFECTIVE DATES AND REGULATIONS; JUDICIAL REVIEW.—Title IV [enacting provisions set out as notes under sections 437h and 454 of this title] shall take effect on the date of enactment of this Act [Mar. 27, 2002].

"(4) PROVISIONS NOT TO APPLY TO RUNOFF ELECTIONS.—Section 323(b) of the Federal Election Campaign Act of 1971 [2 U.S.C. 441i(b)] (as added by section 101(a)), section 103(a) [amending section 434 of this title], title II [amending this section and sections 434, 441a, and 441b of this title and enacting provisions set out as notes under sections 434 and 441a of this title], sections 304 [amending this section and sections 434 and 441a of this title] (including section 315(j) of Federal Election Campaign Act of 1971 [2 U.S.C. 441a(j)], as added by section 304(a)(2)), 305 [amending section 315 of Title 47, Telecommunications, and enacting provisions set out as a note under section 315 of Title 47] (notwithstanding subsection (c) of such section [enacting provisions set out as a note under section 315 of Title 47]), 311 [amending section 441d of this title], 316 [amending section 441a of this title], 318 [enacting section 441k of this title], and 319 [enacting section 441a-1 of this title and amending section 441a of this title], and title V [enacting section 438a of this title and amending section 434 of this title and section 315 of Title 47] (and the amendments made by such sections and titles) shall take effect on November 6, 2002, but shall not apply with respect to runoff elections, recounts, or election contests resulting from elections held prior to such date.

"(b) SOFT MONEY OF NATIONAL POLITICAL PARTIES.—

"(1) IN GENERAL.—Except for subsection (b) of such section, section 323 of the Federal Election Campaign Act of 1971 [2 U.S.C. 441i] (as added by section 101(a)) shall take effect on November 6, 2002.

"(2) TRANSITIONAL RULES FOR THE SPENDING OF SOFT MONEY OF NATIONAL POLITICAL PARTIES.—

"(A) IN GENERAL.—Notwithstanding section 323(a) of the Federal Election Campaign Act of 1971 [2 U.S.C. 441i(a)] (as added by section 101(a)), if a national committee of a political party described in such section (including any person who is subject to such section under paragraph (2) of such section), has received funds described in such section prior to November 6, 2002, the rules described in subparagraph (B) shall apply with respect to the spending of the amount of such funds in the possession of such committee as of such date.

"(B) USE OF EXCESS SOFT MONEY FUNDS.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the national committee of a political party may use the amount described in subparagraph (A) prior to January 1, 2003, solely for the purpose of—

"(I) retiring outstanding debts or obligations that were incurred solely in connection with an election held prior to November 6, 2002; or

"(II) paying expenses or retiring outstanding debts or paying for obligations that were incurred solely in connection with any runoff election, recount, or election contest resulting from an election held prior to November 6, 2002.

"(ii) PROHIBITION ON USING SOFT MONEY FOR HARD MONEY EXPENSES, DEBTS, AND OBLIGATIONS.—A national committee of a political party may not use the amount described in subparagraph (A) for any expenditure (as defined in section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9))) or for retiring outstanding debts or obligations that were incurred for such an expenditure.

"(iii) PROHIBITION OF BUILDING FUND USES.—A national committee of a political party may not use the amount described in subparagraph (A) for activities to defray the costs of the construction or purchase of any office building or facility.

"(c) REGULATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Federal Election Commission shall promulgate regulations to carry out this Act [see Short Title of 2002 Amendment note below] and the amendments made by this Act that are under the Commission's jurisdiction not later than 270 days after the date of enactment of this Act [Mar. 27, 2002].

"(2) SOFT MONEY OF POLITICAL PARTIES.—Not later than 90 days after the date of enactment of this Act, the Federal Election Commission shall promulgate regulations to carry out title I of this Act [enacting section 441i of this title and amending this section and sections 434, 441a, and 453 of this title] and the amendments made by such title."

#### EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-346, §101(a) [title V, §502(d)], Oct. 23, 2000, 114 Stat. 1356, 1356A-50, provided that: "The amendments made by this section [amending this section and section 434 of this title] shall apply with respect to elections occurring after January 2001."

#### EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-187, title III, §301, Jan. 8, 1980, 93 Stat. 1368, provided that:

"(a) Except as provided in subsection (b), the amendments made by this Act [see Short Title of 1980 Amendment note set out below] are effective upon enactment [Jan. 8, 1980].

"(b) For authorized committees of candidates for President and Vice President, section 304(b) of the Federal Election Campaign Act of 1971 [section 434(b) of this title] shall be effective for elections occurring after January 1, 1981."

#### EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93-443, title IV, §410, Oct. 15, 1974, 88 Stat. 1304, provided that:

"(a) Except as provided by subsection (b) and subsection (c), the foregoing provisions of this Act [enacting sections 437a to 437h, 439a to 439c, 455 and 456 of this title sections 614 to 617 of Title 18, Crimes and Criminal Procedure, and sections 9031 to 9042 of Title 26, Internal Revenue Code, amending sections 431 to 437, 438, 439, 451 to 453 of this title, sections 1501 to 1503 of Title 5, Government Organization and Employees, sections 591, 608, 610, 611, and 613 of Title 18, sections 276, 6012, and 9002 to 9012 of Title 26, and section 315 of Title 47, Telecommunications, repealing section 440 of this title, section 9021 of Title 26, and sections 801 to 805 of Title 47, and enacting provisions set out as notes under this section and sections 432, 434, 437c, and 438 of this title, sections 591 and 608 of Title 18, and section 9006 of Title 26] shall become effective January 1, 1975.

"(b) Section 104 [set out as a note under section 591 of Title 18] and the amendment made by section 301 [amending section 453 of this title] shall become effective on the date of the enactment of this Act [Oct. 15, 1974].

"(c)(1) The amendments made by sections 403(a), 404, 405, 406, 408, and 409 [enacting sections 9031 to 9042,

amending sections 276, 9002, 9003, 9004, 9005, 9006, 9007, 9008, 9009, 9010, 9011, and 9012, and repealing section 9021 of Title 26] shall apply with respect to taxable years beginning after December 31, 1974.

“(2) The amendment made by section 407 [amending section 6012 of Title 26] shall apply with respect to taxable years beginning after December 31, 1971.”

#### EFFECTIVE DATE

Pub. L. 92-225, title IV, §406, Feb. 7, 1972, 86 Stat. 20, renumbered §408, Pub. L. 93-443, title III, §302, Oct. 15, 1974, 88 Stat. 1289, provided that: “Except as provided in section 401 of this Act [section 451 of this title], the provisions of this Act [see Short Title note set out below] 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 OF 2002 AMENDMENT

Pub. L. 107-155, §1(a), Mar. 27, 2002, 116 Stat. 81, provided that: “This Act [enacting sections 438a, 439a, 441a-1, 441i, and 441k of this title and section 510 of Title 36, Patriotic and National Observances, Ceremonies, and Organizations, amending this section, sections 434, 437g, 441a, 441b, 441d, 441e, 441h, 453, and 455 of this title, section 607 of Title 18, Crimes and Criminal Procedure, and section 315 of Title 47, Telecommunications, transferring section 510 of Title 36 to section 511 of Title 36, repealing section 439a of this title, enacting provisions set out as notes under this section, sections 434, 437g, 437h, 441a, 454, and 455 of this title, and section 315 of Title 47, and amending provisions set out as a note under section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the ‘Bipartisan Campaign Reform Act of 2002’.”

#### SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96-187, Jan. 8, 1980, 93 Stat. 1339, provided in part: “That this Act [amending this section and sections 432 to 434, 437, 437c, 437d, 437f to 439a, 439c, 441a to 441i of this title, section 3132 of Title 5, Government Organization and Employees, sections 602, 603, and 607 of Title 18, Crimes and Criminal Procedure, section 901a of Title 22, Foreign Relations and Intercourse, section 9008 of Title 26, Internal Revenue Code, and section 5043 of Title 42, The Public Health and Welfare; repealing sections 435, 436, 437b, 437e, 439b, and 441j of this title and section 591 of Title 18; and enacting provisions set out as notes under this section] may be cited as the ‘Federal Election Campaign Act Amendments of 1979’.”

#### SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-283, §1, May 11, 1976, 90 Stat. 475, provided that: “This Act [enacting sections 441a to 441j of this title, amending this section and sections 432, 434, 436, 437b to 439c, and 455 of this title, section 591 of Title 18, Crimes and Criminal Procedure, and sections 9002, 9003, 9004, 9006, 9007, 9008, 9009, 9012, 9032, 9033, 9034, 9035, and 9039 of Title 26, Internal Revenue Code, repealing sections 437a, 441, and 456 of this title and sections 608, 610, 611, 612, 613, 614, 615, 616, and 617 of Title 18, and enacting provisions set out as notes under sections 437c, 437f, and 441 of this title and sections 9002, 9004, and 9035 of Title 26] may be cited as the ‘Federal Election Campaign Act Amendments of 1976’.”

#### SHORT TITLE OF 1974 AMENDMENT

Pub. L. 93-443, Oct. 15, 1974, 88 Stat. 1263, provided in part: “That this Act [enacting sections 437a to 437h, 439a to 439c, 455, and 456 of this title, sections 614 to 617 of Title 18, Crimes and Criminal Procedure, and sections 9031 to 9042 of Title 26, Internal Revenue Code; amending this section and sections 432 to 437, 438, 439 and 451 to 453 of this title, sections 1501 to 1503 of Title 5, Government Organization and Employees, sections 591, 608, 610, 611, and 613 of Title 18, sections 276, 6012, 9002 to 9012 of Title 26, and section 315 of Title 47, Telecommunications; repealing section 440 of this title, section 9021 of Title 26, and sections 801 to 805 of Title 47;

and enacting provisions set out as notes under this section and sections 434, 437c, and 438 of this title, sections 591 and 608 of Title 18, and section 9006 of Title 26] may be cited as the ‘Federal Election Campaign Act Amendments of 1974’.”

#### SHORT TITLE

Pub. L. 92-225, Feb. 7, 1972, 86 Stat. 3, provided in part: “That this Act [enacting this chapter and chapter 7 of Title 47, Telecommunications, amending sections 591, 600, 608, 610, and 611 of Title 18, Crimes and Criminal Procedure, and sections 312 and 315 of Title 47, repealing sections 241 to 256 of this title and section 609 of Title 18, and enacting 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’.”

#### TRANSFER OF FUNCTIONS

Federal Savings and Loan Insurance Corporation abolished and functions transferred, see Pub. L. 101-73, title IV, §§401-406, Aug. 9, 1989, 103 Stat. 354-363, set out as a note under section 1437 of Title 12, Banks and Banking.

#### TRANSITION PROVISIONS

Pub. L. 96-187, title III, §303, Jan. 8, 1980, 93 Stat. 1368, provided that:

“(a) The Federal Election Commission shall transmit to the Congress proposed rules and regulations necessary for the purpose of implementing the provisions of this Act, and the amendments made by this Act [see Short Title of 1980 Amendment note set out above], prior to February 29, 1980.

“(b) The provisions of section 311(d) of the Federal Election Campaign Act of 1971 [section 438(d) of this title] allowing disapproval of rules and regulations by either House of Congress within 30 legislative days after receipt shall, with respect to rules and regulations required to be proposed under subsection (a) of this section, be deemed to allow such disapproval within 15 legislative days after receipt.”

#### STUDY AND REPORT ON CLEAN MONEY CLEAN ELECTIONS LAWS

Pub. L. 107-155, title III, §310, Mar. 27, 2002, 116 Stat. 104, provided that:

“(a) CLEAN MONEY CLEAN ELECTIONS DEFINED.—In this section, the term ‘clean money clean elections’ means funds received under State laws that provide in whole or in part for the public financing of election campaigns.

“(b) STUDY.—

“(1) IN GENERAL.—The Comptroller General shall conduct a study of the clean money clean elections of Arizona and Maine.

“(2) MATTERS STUDIED.—

“(A) STATISTICS ON CLEAN MONEY CLEAN ELECTIONS CANDIDATES.—The Comptroller General shall determine—

“(i) the number of candidates who have chosen to run for public office with clean money clean elections including—

“(I) the office for which they were candidates;

“(II) whether the candidate was an incumbent or a challenger; and

“(III) whether the candidate was successful in the candidate’s bid for public office; and

“(ii) the number of races in which at least one candidate ran an election with clean money clean elections.

“(B) EFFECTS OF CLEAN MONEY CLEAN ELECTIONS.—The Comptroller General of the United States shall describe the effects of public financing under the clean money clean elections laws on the 2000 elections in Arizona and Maine.

“(c) REPORT.—Not later than 1 year after the date of enactment of this Act [Mar. 27, 2002], the Comptroller General of the United States shall submit a report to the Congress detailing the results of the study conducted under subsection (b).”

## VOTING SYSTEM STUDY; REPORT TO CONGRESS; COST OF STUDY

Pub. L. 96-187, title III, §302, Jan. 8, 1980, 93 Stat. 1368, as amended by Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433, provided that: "The Federal Election Commission with the cooperation and assistance of the National Institute of Standards and Technology, shall conduct a preliminary study with respect to the future development of voluntary engineering and procedural performance standards for voting systems used in the United States. The Commission shall report to the Congress the results of the study, and such report shall include recommendations, if any, for the implementation of a program of such standards (including estimates of the costs and time requirements of implementing such a program). The cost of the study shall be paid out of any funds otherwise available to defray the expenses of the Commission."

**§ 432. Organization of political committees****(a) Treasurer; vacancy; official authorizations**

Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent.

**(b) Account of contributions; segregated funds**

(1) Every person who receives a contribution for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of \$50 the name and address of the person making the contribution and the date of receipt.

(2) Every person who receives a contribution for a political committee which is not an authorized committee shall—

(A) if the amount of the contribution is \$50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

(B) if the amount of the contribution is in excess of \$50, forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, no later than 10 days after receiving the contribution.

(3) All funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

**(c) Recordkeeping**

The treasurer of a political committee shall keep an account of—

(1) all contributions received by or on behalf of such political committee;

(2) the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of such contribution by any person;

(3) the identification of any person who makes a contribution or contributions aggregating more than \$200 during a calendar year, together with the date and amount of any such contribution;

(4) the identification of any political committee which makes a contribution, together with the date and amount of any such contribution; and

(5) the name and address of every person to whom any disbursement is made, the date, amount, and purpose of the disbursement, and the name of the candidate and the office sought by the candidate, if any, for whom the disbursement was made, including a receipt, invoice, or canceled check for each disbursement in excess of \$200.

**(d) Preservation of records and copies of reports**

The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this subchapter for 3 years after the report is filed. For any report filed in electronic format under section 434(a)(11) of this title, the treasurer shall retain a machine-readable copy of the report as the copy preserved under the preceding sentence.

**(e) Principal and additional campaign committees; designations, status of candidate, authorized committees, etc.**

(1) Each candidate for Federal office (other than the nominee for the office of Vice President) shall designate in writing a political committee in accordance with paragraph (3) to serve as the principal campaign committee of such candidate. Such designation shall be made no later than 15 days after becoming a candidate. A candidate may designate additional political committees in accordance with paragraph (3) to serve as authorized committees of such candidate. Such designation shall be in writing and filed with the principal campaign committee of such candidate in accordance with subsection (f)(1) of this section.

(2) Any candidate described in paragraph (1) who receives a contribution, or any loan for use in connection with the campaign of such candidate for election, or makes a disbursement in connection with such campaign, shall be considered, for purposes of this Act, as having received the contribution or loan, or as having made the disbursement, as the case may be, as an agent of the authorized committee or committees of such candidate.

(3)(A) No political committee which supports or has supported more than one candidate may be designated as an authorized committee, except that—

(i) the candidate for the office of President nominated by a political party may designate the national committee of such political party as a principal campaign committee, but only if that national committee maintains separate books of account with respect to its function as a principal campaign committee; and

(ii) candidates may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.

(B) As used in this section, the term "support" does not include a contribution by any authorized committee in amounts of \$2,000 or less to an authorized committee of any other candidate.

(4) The name of each authorized committee shall include the name of the candidate who authorized such committee under paragraph (1). In the case of any political committee which is not an authorized committee, such political com-