

of Pub. L. 92-178, see Congressional Research Service, *The Constitution of the United States of America: Analysis and Interpretation*, Appendix 1, Acts of Congress Held Unconstitutional in Whole or in Part by the Supreme Court of the United States.

## AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-94, §2(c)(2)(A), struck out at end “It shall be unlawful for the national committee of a major party or minor party knowingly and willfully to incur expenses with respect to a presidential nominating convention in excess of the expenditure limitation applicable with respect to such committee under section 9008(d), unless the incurring of such expenses is authorized by the Commission under section 9008(d)(3).”

Subsec. (c)(2), (3). Pub. L. 113-94, §2(c)(2)(B), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “It shall be unlawful for the national committee of a major party or minor party which receives any payment under section 9008(b)(3) to use, or authorize the use of, such payment for any purpose other than a purpose authorized by section 9008(c).”

Subsec. (e)(1). Pub. L. 113-94, §2(c)(2)(C), struck out at end “It shall be unlawful for the national committee of a major party or minor party knowingly and willfully to give or accept any kickback or any illegal payment in connection with any expense incurred by such committee with respect to a presidential nominating convention.”

Subsec. (e)(3). Pub. L. 113-94, §2(c)(2)(D), struck out “, or in connection with any expense incurred by the national committee of a major party or minor party with respect to a presidential nominating convention” after “authorized committees”.

1976—Subsec. (b)(1). Pub. L. 94-283 substituted “9006(c)” for “9006(d)”.

Subsec. (e)(3). Pub. L. 94-455 substituted “Secretary of the Treasury” for “Secretary”.

1974—Subsec. (a). Pub. L. 93-443, §406(b)(2), (3), struck out “campaign” before “expenses” in heading and inserted in par. (1) provision making it unlawful for a national committee of a major or minor party knowingly and willfully to incur expenses with respect to a presidential nominating convention in excess of applicable expenditure limitation unless authorized by the Commission.

Subsec. (c)(2), (3). Pub. L. 93-443, §406(b)(4), added par. (2) and redesignated former par. (2) as (3).

Subsec. (d)(1). Pub. L. 93-443, §404(c)(22), substituted “Commission” for “Comptroller General” wherever appearing and “it” for “him”.

Subsec. (e)(1). Pub. L. 93-443, §406(b)(6), inserted provision making it unlawful for a national committee of a major or minor party knowingly and willfully to give or accept any kickback or any illegal payment in connection with any expense of such committee with respect to a presidential nominating convention.

Subsec. (e)(3). Pub. L. 93-443, §406(b)(6), inserted requirement of payment, by any person accepting any kickback or illegal payment in connection with any expense incurred by the national committee of a major or minor party with respect to a presidential nominating convention, to the Secretary for deposit in the general fund of the Treasury.

1973—Subsec. (b)(1). Pub. L. 93-53 substituted section “9006(d)” for “9006(c)”.

## EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-443 applicable with respect to taxable years beginning after Dec. 31, 1974, see section 410(c)(1) of Pub. L. 93-443, set out as a note under section 30101 of Title 52, Voting and Elections.

## EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-53 applicable with respect to taxable years beginning after Dec. 31, 1972, see section 6(d) of Pub. L. 93-53, set out as a note under section 6096 of this title.

## § 9013. Effective date of chapter

The provisions of this chapter shall take effect on January 1, 1973.

(Added Pub. L. 92-178, title VIII, §801, Dec. 10, 1971, 85 Stat. 572.)

## PRIOR PROVISIONS

A prior section 9021, added by Pub. L. 92-178, title VIII, §801, Dec. 10, 1971, 85 Stat. 572, established Presidential Election Campaign Fund Advisory Board, prior to repeal by Pub. L. 93-443, title IV, §408(c), Oct. 15, 1974, 88 Stat. 1297. For effective date of repeal see section 410(c)(1) of Pub. L. 93-443, set out as an Effective Date of 1974 Amendment note under section 30101 of Title 52, Voting and Elections.

## CHAPTER 96—PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT

Sec. 9031.	Short title.
9032.	Definitions.
9033.	Eligibility for payments.
9034.	Entitlement of eligible candidates to payments.
9035.	Qualified campaign expense limitations.
9036.	Certification by Commission.
9037.	Payments to eligible candidates.
9038.	Examinations and audits; repayments.
9039.	Reports to Congress; regulations.
9040.	Participation by Commission in judicial proceedings.
9041.	Judicial review.
9042.	Criminal penalties.

## PRIOR PROVISIONS

A prior chapter 96, relating to the Presidential Election Campaign Fund Advisory Board, consisted of section 9021, added by Pub. L. 92-178, title VIII, §801, Dec. 10, 1971, 85 Stat. 572, providing for the establishment and composition of the Advisory Board and the compensation and status of members, and was repealed by Pub. L. 93-443, title IV, §408(c), Oct. 15, 1974, 88 Stat. 1297. Section 410(c)(1) of Pub. L. 93-443, set out as an Effective Date of 1974 Amendment note under section 30101 of Title 52, Voting and Elections, provided that the amendments made by section 408(c) shall apply with respect to taxable years beginning after Dec. 31, 1974.

## AMENDMENTS

1976—Pub. L. 94-283, title III, §305(b), May 11, 1976, 90 Stat. 499, substituted “limitations” for “limitation” in item 9035.

## § 9031. Short title

This chapter may be cited as the “Presidential Primary Matching Payment Account Act”.

(Added Pub. L. 93-443, title IV, §408(c), Oct. 15, 1974, 88 Stat. 1297.)

## EFFECTIVE DATE

Section applicable with respect to taxable years beginning after Dec. 31, 1974, see section 410(c)(1) of Pub. L. 93-443, set out as an Effective Date of 1974 Amendment note under section 30101 of Title 52, Voting and Elections.

## § 9032. Definitions

For purposes of this chapter—

(1) The term “authorized committee” means, with respect to the candidates of a political party for President and Vice President of the United States, any political committee

which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Commission. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

(2) The term “candidate” means an individual who seeks nomination for election to be President of the United States. For purposes of this paragraph, an individual shall be considered to seek nomination for election if he (A) takes the action necessary under the law of a State to qualify himself for nomination for election, (B) receives contributions or incurs qualified campaign expenses, or (C) gives his consent for any other person to receive contributions or to incur qualified campaign expenses on his behalf. The term “candidate” shall not include any individual who is not actively conducting campaigns in more than one State in connection with seeking nomination for election to be President of the United States.

(3) The term “Commission” means the Federal Election Commission established by section 306(a)(1) of the Federal Election Campaign Act of 1971.

(4) Except as provided by section 9034(a), the term “contribution”—

(A) means a gift, subscription, loan, advance, or deposit of money, or anything of value, the payment of which was made on or after the beginning of the calendar year immediately preceding the calendar year of the presidential election with respect to which such gift, subscription, loan, advance, or deposit of money, or anything of value, is made, for the purpose of influencing the result of a primary election,

(B) means a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose,

(C) means funds received by a political committee which are transferred to that committee from another committee, and

(D) means the payment by any person other than a candidate, or his authorized committee, of compensation for the personal services of another person which are rendered to the candidate or committee without charge, but

(E) does not include—

(i) except as provided in subparagraph (D), the value of personal services rendered to or for the benefit of a candidate by an individual who receives no compensation for rendering such service to or for the benefit of the candidate, or

(ii) payments under section 9037.

(5) The term “matching payment account” means the Presidential Primary Matching Payment Account established under section 9037(a).

(6) The term “matching payment period” means the period beginning with the beginning of the calendar year in which a general election for the office of President of the

United States will be held and ending on the date on which the national convention of the party whose nomination a candidate seeks nominates its candidate for the office of President of the United States, or, in the case of a party which does not make such nomination by national convention, ending on the earlier of (A) the date such party nominates its candidate for the office of President of the United States, or (B) the last day of the last national convention held by a major party during such calendar year.

(7) The term “primary election” means an election, including a runoff election or a nominating convention or caucus held by a political party, 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 of the United States.

(8) The term “political committee” means any individual, committee, association, or organization (whether or not incorporated) which accepts contributions or incurs qualified campaign expenses for the purpose of influencing, or attempting to influence, the nomination of any person for election to the office of President of the United States.

(9) The term “qualified campaign expense” means a purchase, payment, distribution, loan, advance, deposit, or gift of money or of anything of value—

(A) incurred by a candidate, or by his authorized committee, in connection with his campaign for nomination for election, and

(B) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which the expense is incurred or paid.

For purposes of this paragraph, an expense is incurred by a candidate or by an authorized committee if it is incurred by a person specifically authorized in writing by the candidate or committee, as the case may be, to incur such expense on behalf of the candidate or the committee.

(10) The term “State” means each State of the United States and the District of Columbia.

(Added Pub. L. 93-443, title IV, §408(c), Oct. 15, 1974, 88 Stat. 1297; amended Pub. L. 94-283, title I, §115(c)(2), title III, §306(b)(1), May 11, 1976, 90 Stat. 495, 500; Pub. L. 110-172, §11(a)(42)(C), Dec. 29, 2007, 121 Stat. 2488.)

#### REFERENCES IN TEXT

Section 306(a)(1) of the Federal Election Campaign Act of 1971, referred to in par. (3), is classified to section 30106(a)(1) of Title 52, Voting and Elections.

#### AMENDMENTS

2007—Par. (3). Pub. L. 110-172 substituted “section 306(a)(1)” for “section 309(a)(1)”.

1976—Par. (2). Pub. L. 94-283, §306(b)(1), inserted provision that “candidate” shall not include any individual who is not actively conducting campaigns in more than one State in connection with seeking nomination for election to be President of the United States.

Par. (3). Pub. L. 94-283, §115(c)(2), substituted “309(a)(1)” for “310(a)(1)”.

## EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by section 306(b)(1) of Pub. L. 94-283 effective May 11, 1976, see section 306(c) of Pub. L. 94-283, set out as a note under section 9002 of this title.

## EFFECTIVE DATE

Section applicable with respect to taxable years beginning after Dec. 31, 1974, see section 410(c)(1) of Pub. L. 93-443, set out as an Effective Date of 1974 Amendment note under section 30101 of Title 52, Voting and Elections.

**§ 9033. Eligibility for payments****(a) Conditions**

To be eligible to receive payments under section 9037, a candidate shall, in writing—

- (1) agree to obtain and furnish to the Commission any evidence it may request of qualified campaign expenses,
- (2) agree to keep and furnish to the Commission any records, books, and other information it may request, and
- (3) agree to an audit and examination by the Commission under section 9038 and to pay any amounts required to be paid under such section.

**(b) Expense limitation; declaration of intent; minimum contributions**

To be eligible to receive payments under section 9037, a candidate shall certify to the Commission that—

- (1) the candidate and his authorized committees will not incur qualified campaign expenses in excess of the limitations on such expenses under section 9035,
- (2) the candidate is seeking nomination by a political party for election to the office of President of the United States,
- (3) the candidate has received matching contributions which in the aggregate, exceed \$5,000 in contributions from residents of each of at least 20 States, and
- (4) the aggregate of contributions certified with respect to any person under paragraph (3) does not exceed \$250.

**(c) Termination of payments****(1) General rule**

Except as provided by paragraph (2), no payment shall be made to any individual under section 9037—

- (A) if such individual ceases to be a candidate as a result of the operation of the last sentence of section 9032(2); or
- (B) more than 30 days after the date of the second consecutive primary election in which such individual receives less than 10 percent of the number of votes cast for all candidates of the same party for the same office in such primary election, if such individual permitted or authorized the appearance of his name on the ballot, unless such individual certifies to the Commission that he will not be an active candidate in the primary involved.

**(2) Qualified campaign expenses; payments to Secretary**

Any candidate who is ineligible under paragraph (1) to receive any payments under section 9037 shall be eligible to continue to re-

ceive payments under section 9037 to defray qualified campaign expenses incurred before the date upon which such candidate becomes ineligible under paragraph (1).

**(3) Calculation of voting percentage**

For purposes of paragraph (1)(B), if the primary elections involved are held in more than one State on the same date, a candidate shall be treated as receiving that percentage of the votes on such date which he received in the primary election conducted on such date in which he received the greatest percentage vote.

**(4) Reestablishment of eligibility**

(A) In any case in which an individual is ineligible to receive payments under section 9037 as a result of the operation of paragraph (1)(A), the Commission may subsequently determine that such individual is a candidate upon a finding that such individual is actively seeking election to the office of President of the United States in more than one State. The Commission shall make such determination without requiring such individual to reestablish his eligibility to receive payments under subsection (a).

(B) Notwithstanding the provisions of paragraph (1)(B), a candidate whose payments have been terminated under paragraph (1)(B) may again receive payments (including amounts he would have received but for paragraph (1)(B)) if he receives 20 percent or more of the total number of votes cast for candidates of the same party in a primary election held after the date on which the election was held which was the basis for terminating payments to him.

(Added Pub. L. 93-443, title IV, §408(c), Oct. 15, 1974, 88 Stat. 1299; amended Pub. L. 94-283, title III, §§305(c), 306(b)(2), May 11, 1976, 90 Stat. 499, 500.)

## AMENDMENTS

1976—Subsec. (b)(1). Pub. L. 94-283, §305(c), substituted “limitations” for “limitation”.  
Subsec. (c). Pub. L. 94-283, §306(b)(2), added subsec. (c).

## EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by section 306(b)(2) of Pub. L. 94-283 effective May 11, 1976, see section 306(c) of Pub. L. 94-283, set out as a note under section 9002 of this title.

## EFFECTIVE DATE

Section applicable with respect to taxable years beginning after Dec. 31, 1974, see section 410(c)(1) of Pub. L. 93-443, set out as an Effective Date of 1974 Amendment note under section 30101 of Title 52, Voting and Elections.

**§ 9034. Entitlement of eligible candidates to payments****(a) In general**

Every candidate who is eligible to receive payments under section 9033 is entitled to payments under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after the beginning of the calendar year immediately preceding the calendar year of the presidential election with respect to