Federal Elections

Revised as of January 1, 1986

CONTAINING
A CODIFICATION OF DOCUMENTS
OF GENERAL APPLICABILITY
AND FUTURE EFFECT
AS OF January 1, 1986
With Ancillaries

Published by
the Office of the Federal Register
National Archives and Records
Administration
as a Special Edition of
the Federal Register
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Explanation</td>
<td>v</td>
</tr>
<tr>
<td>Title 11:</td>
<td></td>
</tr>
<tr>
<td>Chapter I—Federal Election Commission</td>
<td>3</td>
</tr>
<tr>
<td>Supplement A—Other regulations implementing section 401 of the Federal Election Campaign Act of 1971</td>
<td>197</td>
</tr>
<tr>
<td>Finding Aids:</td>
<td></td>
</tr>
<tr>
<td>Indexes to Regulations</td>
<td>213</td>
</tr>
<tr>
<td>Table of CFR Titles and Chapters</td>
<td>277</td>
</tr>
<tr>
<td>Alphabetical List of Agencies Appearing in the CFR</td>
<td>291</td>
</tr>
<tr>
<td>List of CFR Sections Affected—1</td>
<td>299</td>
</tr>
<tr>
<td>List of CFR Sections Affected—2</td>
<td>301</td>
</tr>
</tbody>
</table>
Explanation

The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

ISSUE DATES

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

- Title 1 through Title 16 .................................................. as of January 1
- Title 17 through Title 27 .................................................. as of April 1
- Title 28 through Title 41 .................................................. as of July 1
- Title 42 through Title 50 .................................................. as of October 1

The appropriate revision date is printed on the cover of each volume.

LEGAL STATUS

The contents of the Federal Register are required to be judicially noticed (44 U.S.C. 1507). The Code of Federal Regulations is prima facie evidence of the text of the original documents (44 U.S.C. 1510).

HOW TO USE THE CODE OF FEDERAL REGULATIONS

The Code of Federal Regulations is kept up to date by the individual issues of the Federal Register. These two publications must be used together to determine the latest version of any given rule.

To determine whether a Code volume has been amended since its revision date (in this case, January 1, 1986), consult the “List of CFR Sections Affected (LSA),” which is issued monthly, and the “Cumulative List of Parts Affected,” which appears in the Reader Aids section of the daily Federal Register. These two lists will identify the Federal Register page number of the latest amendment of any given rule.

EFFECTIVE AND EXPIRATION DATES

Each volume of the Code contains amendments published in the Federal Register since the last revision of that volume of the Code. Source citations for the regulations are referred to by volume number and page number of the Federal Register and date of publication. Publication dates and effective dates are usually not the same and care must be exercised by the user in determining the actual effective date. In instances where the effective date is beyond the cut-off date for the Code a note has been inserted to reflect the future effective date. In those instances where a regulation published in the Federal Register states a
date certain for expiration, an appropriate note will be inserted following the text.

OMB CONTROL NUMBERS

The Paperwork Reduction Act of 1980 (Pub. L. 96-511) requires Federal agencies to display an OMB control number with their information collection request. Many agencies have begun publishing numerous OMB control numbers as amendments to existing regulations in the CFR. These OMB numbers are placed as close as possible to the applicable recordkeeping or reporting requirements.

OBSCOLETE PROVISIONS

Provisions that become obsolete before the revision date stated on the cover of each volume are not carried. Code users may find the text of provisions in effect on a given date in the past by using the appropriate numerical list of sections affected. For the period before January 1, 1973, consult either the List of CFR Sections Affected, 1949-1963, or 1964-1972, published in three separate volumes. For the period beginning January 1, 1973, a “List of CFR Sections Affected” is published at the end of each CFR volume.

CFR INDEXES AND TABULAR GUIDES

A subject index to the Code of Federal Regulations is contained in a separate volume, revised annually as of January 1, entitled CFR INDEX AND FINDING AIDS. This volume contains the Parallel Table of Statutory Authorities and Agency Rules (Table I), and Acts Requiring Publication in the Federal Register (Table III). A list of CFR Titles, Chapters, and Parts and an alphabetical list of agencies publishing in the CFR are also included in this volume.

An index to the text of “Title 3—The President” is carried within that volume.

The Federal Register Index is issued monthly in cumulative form. This index is based on a consolidation of the “Contents” entries in the daily Federal Register.

A List of CFR Sections Affected (LSA) is published monthly, keyed to the revision dates of the 50 CFR titles.

REPUBLICATION OF MATERIAL

There are no restrictions on the republication of material appearing in the Code of Federal Regulations.

INQUIRIES AND SALES

For a summary, legal interpretation, or other explanation of any regulation in this volume, contact the issuing agency. Inquiries concerning editing procedures and reference assistance with respect to the Code of Federal Regulations may be addressed to the Director, Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408 (telephone 202-523-3517). Sales are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 (telephone 202-783-3238).

JOHN E. BYRNE,
Director,
Office of the Federal Register.

January 1, 1986
THIS TITLE

Title 11—FEDERAL ELECTIONS is composed of one volume. The contents of this volume represent all current regulations issued by the Federal Election Commission codified under this title of the CFR as of January 1, 1986.

Other regulations implementing section 401 of the Federal Election Campaign Act of 1971 are contained in Supplement A of this volume as follows: Civil Aeronautics Board, 14 CFR Part 374a; Federal Communications Commission, 47 CFR Part 64 (Subpart H), Parts 73 and 76; and Interstate Commerce Commission, 49 CFR Part 1325.

Indexes to regulations for “Parts 100-115,” “Parts 9001-9007 and 9012,” “Part 9008,” and “Parts 9031-9039,” and an appendix to the List of CFR Sections Affected containing changes to Title 11 prior to the reconstitution of the Federal Election Commission by the Federal Election Campaign Act amendments of 1976 appear in the Finding Aids section of this volume.

For this volume Ina C. Masters was Chief Editor. The Code of Federal Regulations publication program is under the direction of Martha B. Girard, assisted by Robert E. Jordan.
Would you like to know...

If any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the LSA (List of CFR Sections Affected), the Federal Register Index, or both.

**LSA • List of CFR Sections Affected**

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected.

$24.00 per year

**Federal Register Index**

The Index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.

$22.00 per year

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

Note to FR Subscribers: FR Indexes and the LSA (List of CFR Sections Affected) are mailed automatically to regular FR subscribers.

---

**Order Form**


Enclosed is $ .

D check, D money order, or charge to my Deposit Account No.

Credit Card Orders Only

<table>
<thead>
<tr>
<th>Credit Card No.</th>
<th>Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer's Telephone No</td>
<td></td>
</tr>
<tr>
<td>Area Code</td>
<td></td>
</tr>
</tbody>
</table>

Total charges $ .

Fill in the boxes below.

<table>
<thead>
<tr>
<th>Credit Card No.</th>
<th>Expiration Date</th>
</tr>
</thead>
</table>

Charge orders may be telephoned to the GPO order desk at (202) 512-2250 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays).

---

Please enter the subscription(s) I have indicated

**PLEASE PRINT OR TYPE**

Name - First, Last

Company name or additional address line

Street address

City

State

ZIP Code

(or Country)
Title 11—Federal Elections

CHAPTER I—Federal Election Commission

SUPPLEMENT A—Other regulations implementing section 401 of the Federal Election Campaign Act of 1971.
# CHAPTER I—FEDERAL ELECTION COMMISSION

<table>
<thead>
<tr>
<th>Part</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Privacy Act .................................................</td>
</tr>
<tr>
<td>2</td>
<td>Sunshine regulations; meetings..........................</td>
</tr>
<tr>
<td>4</td>
<td>Public records and the Freedom of Information Act.</td>
</tr>
<tr>
<td>5</td>
<td>Access to Public Disclosure Division documents ....</td>
</tr>
<tr>
<td>6</td>
<td>Enforcement of nondiscrimination on the basis of handicap in programs or activities conducted by the Federal Election Commission</td>
</tr>
</tbody>
</table>

## SUBCHAPTER A—GENERAL

<p>| 100 | Scope and definitions (2 U.S.C. 431)........................ | 29 |
| 101 | Candidate status and designations (2 U.S.C. 432(e))........ | 46 |
| 102 | Registration, organization, and recordkeeping by political committees (2 U.S.C. 433) | 47 |
| 103 | Campaign depositories (2 U.S.C. 432(h)) .................. | 60 |
| 104 | Reports by political committees (2 U.S.C. 434) .......... | 60 |
| 105 | Document filing (2 U.S.C. 432(g)) ........................ | 75 |
| 106 | Allocations of candidate and committee activities .. | 76 |
| 107 | Presidential nominating convention, registration and reports ........................................ | 81 |
| 108 | Filing copies of reports and statements with State officers (2 U.S.C. 439) | 81 |
| 109 | Independent expenditures (2 U.S.C. 431(17), 434(c)) | 83 |
| 110 | Contribution and expenditure limitations and prohibitions ................................................. | 85 |
| 111 | Compliance procedure (2 U.S.C. 437g, 437d(a)) .......... | 98 |
| 112 | Advisory opinions (2 U.S.C. 437f) ........................ | 104 |
| 113 | Excess campaign funds and funds donated to support Federal officeholder activities (2 U.S.C. 439a) | 106 |
| 114 | Corporate and labor organization activity ............. | 107 |</p>
<table>
<thead>
<tr>
<th>Part</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>115</td>
<td>126</td>
</tr>
</tbody>
</table>

**SUBCHAPTERS B-D—[ RESERVED ]**

**SUBCHAPTER E—PRESIDENTIAL ELECTION CAMPAIGN FUND: GENERAL ELECTION FINANCING**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9001</td>
<td>Scope</td>
<td>128</td>
</tr>
<tr>
<td>9002</td>
<td>Definitions</td>
<td>128</td>
</tr>
<tr>
<td>9003</td>
<td>Eligibility for payments</td>
<td>131</td>
</tr>
<tr>
<td>9004</td>
<td>Entitlement of eligible candidates to payments; use of payments</td>
<td>139</td>
</tr>
<tr>
<td>9005</td>
<td>Certification by Commission</td>
<td>145</td>
</tr>
<tr>
<td>9006</td>
<td>Reports and recordkeeping</td>
<td>146</td>
</tr>
<tr>
<td>9007</td>
<td>Examinations and audits; Payments</td>
<td>147</td>
</tr>
<tr>
<td>9008</td>
<td>Federal financing of Presidential nominating conventions</td>
<td>152</td>
</tr>
<tr>
<td>9009-9011</td>
<td>[Reserved]</td>
<td></td>
</tr>
<tr>
<td>9012</td>
<td>Unauthorized expenditures and contributions</td>
<td>163</td>
</tr>
</tbody>
</table>

**SUBCHAPTER F—PRESIDENTIAL ELECTION CAMPAIGN FUND: PRESIDENTIAL PRIMARY MATCHING FUND**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9031</td>
<td>Scope</td>
<td>166</td>
</tr>
<tr>
<td>9032</td>
<td>Definitions</td>
<td>166</td>
</tr>
<tr>
<td>9033</td>
<td>Eligibility for payment</td>
<td>168</td>
</tr>
<tr>
<td>9034</td>
<td>Entitlements</td>
<td>174</td>
</tr>
<tr>
<td>9035</td>
<td>Expenditure limitations</td>
<td>183</td>
</tr>
<tr>
<td>9036</td>
<td>Review of submission and certification of payments by Commission</td>
<td>184</td>
</tr>
<tr>
<td>9037</td>
<td>Payments</td>
<td>189</td>
</tr>
<tr>
<td>9038</td>
<td>Examinations and audits</td>
<td>190</td>
</tr>
<tr>
<td>9039</td>
<td>Review and investigation authority</td>
<td>195</td>
</tr>
</tbody>
</table>

**Supplement A—Other regulations implementing section 401 of the Federal Election Campaign Act of 1971**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>197</td>
</tr>
</tbody>
</table>
PART 1—PRIVACY ACT

§ 1.1 Purpose and scope.
(a) The purpose of this part is to set forth rules informing the public as to what information is maintained by the Federal Election Commission about identifiable individuals and to inform those individuals how they may gain access to and correct or amend information about themselves.

(b) The regulations in this part carry out the requirements of the Privacy Act of 1974 (Pub. L. 93-579) and in particular 5 U.S.C. Section 552a as added by that Act.

(c) The regulations in this part apply only to records disclosed or requested under the Privacy Act of 1974, and not to requests for information made pursuant to 5 U.S.C. 552, the Freedom of Information Act, or requests for reports and statements filed with the Federal Election Commission which are public records and available for inspection and copying pursuant to 2 U.S.C. 437g(a)(4)(C) and 438(a)(4).

§ 1.2 Definitions.
As defined in the Privacy Act of 1974 and for the purposes of this part, unless otherwise required by the context, the following terms shall have these meanings:

“Individual” means a citizen of the United States or an alien lawfully admitted for permanent residence.

“Maintain” includes maintain, collect, use or disseminate.

“Record” means any item, collection, or grouping of information about an individual that is maintained by an agency, including but not limited to his or her education, financial transactions, medical history, and criminal or employment history and that contains his or her name, or the identifying number, symbol or other identifying particular assigned to the individual, such as finger or voice print or a photograph.

“Systems of Records” means a group of any records under the control of the Federal Election Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

“Routine use” means the use of such record for a purpose compatible with the purpose for which the information was collected.

“Commission” means the Federal Election Commission, its Commissioners and employees.

“Commissioners” means the six appointees confirmed by the Senate who are voting members of the Commission.


§ 1.3 Procedures for requests pertaining to individual records in a record system.
(a) Any individual may request the Commission to inform him or her whether a particular record system named by the individual contains a record pertaining to him or her. The request may be made in person or in writing at the location and to the person specified in the notice describing that record system.
§ 11.4 (b) An individual who believes that the Commission maintains records pertaining to him or her but who cannot determine which record system contains those records, may request assistance by mail or in person from the Staff Director, Federal Election Commission, 999 E Street, NW., Washington, DC 20463 during the hours of 9 a.m. to 5:30 p.m.

(c) Requests under paragraphs (a) or (b) of this section shall be acknowledged by the Commission within 15 days from the date of receipt of the request. If the Commission is unable to locate the information requested under paragraphs (a) or (b) of this section, it shall so notify the individual within 15 days after receipt of the request. Such acknowledgement may request additional information to assist the Commission in locating the record or it may advise the individual that no record or document exists about that individual.

[41 PR 43064, Sept. 29, 1976, as amended at 50 FR 50778, Dec. 12, 1985]

§ 1.4 Times, places, and requirements for identification of individuals making requests.

(a) After being informed by the Commission that a record system contains a record pertaining to him or her, an individual may request the Commission to disclose that record in the manner described in this section. Each request for the disclosure of a record or a copy of it shall be made at the Federal Election Commission, 999 E Street, NW., Washington, DC 20463 and to the system manager identified in the notice describing the systems of records, either in writing or in person. Requests may be made by specifically authorized agents or by parents or guardians of individuals.

(b) Each individual requesting the disclosure of a record or copy of a record shall furnish the following information with his or her request:

(1) The name of the record system containing the record;

(2) Proof as described in paragraph (c) of this section that he or she is the individual to whom the requested record relates;

(3) Any other information required by the notice describing the record system.

(c) Proof of identity as required by paragraph (b)(2) of this section shall be provided as described in paragraphs (c)(1) and (2) of this section. Requests made by an agent, parent, or guardian, shall be in accordance with the procedures described in § 1.10.

(1) Requests made in writing shall include a statement, signed by the individual and either notarized or witnessed by two persons (including witnesses' addresses). If the individual appears before a notary, he or she shall submit adequate proof of identification in the form of a driver's license, birth certificate, passport or other identification acceptable to the notary. If the statement is witnessed, it shall include a sentence above the witnesses' signatures that they personally know the individual or that the individual has submitted proof of his or her identification to their satisfaction. In any case in which, because of the extreme sensitivity of the record sought to be seen or copied, the Commission determines that the identification is not adequate, it may request the individual to submit additional proof of identification.

(2) If the request is made in person, the requestor shall submit proof of identification similar to that described in paragraph (c)(1) of this section, acceptable to the Commission. The individual may have a person of his or her own choosing accompany him or her when the record is disclosed.

[41 FR 43064, Sept. 29, 1976, as amended at 50 FR 50778, Dec. 12, 1985]

§ 1.5 Disclosure of requested information to individuals.

(a) Upon submission of proof of identification as required by § 1.4, the Commission shall allow the individual to see and/or obtain a copy of the requested record or shall send a copy of the record to the individual by registered mail. If the individual requests to see the record, the Commission may make the record available either at the location where the record is maintained or at a place more suitable to the requestor, if possible. The record
shall be made available as soon as possible but in no event later than 15 days after proof of identification.

(b) The Commission must furnish each record requested by an individual under this part in a form intelligible to that individual.

(c) If the Commission denies access to a record to an individual, he or she shall be advised of the reason for the denial and advised of the right to judicial review.

(d) Upon request, an individual will be provided access to the accounting of disclosures from his or her record under the same procedures as provided above and in § 1.4.

§ 1.6 Special procedure: Medical records. [Reserved]

§ 1.7 Request for correction or amendment to record.

(a) Any individual who has reviewed a record pertaining to him or her that was furnished under this part, may request the Commission to correct or amend all or any part of that record.

(b) Each individual requesting a correction or amendment shall send the request to the Commission through the person who furnished the record.

(c) Each request for a correction or amendment of a record shall contain the following information:

(1) The name of the individual requesting the correction or amendment;

(2) The name of the system of records in which the record sought to be amended is maintained;

(3) The location of the system of records from which the individual record was obtained;

(4) A copy of the record sought to be amended or corrected or a sufficiently detailed description of that record;

(5) A statement of the material in the record that the individual desires to correct or amend;

(6) A statement of the basis for the requested correction or amendment including any material that the individual can furnish to substantiate the reasons for the correction or amendment sought.

§ 1.8 Agency review of request for correction or amendment of record.

(a) The Commission shall, not later than ten (10) days (excluding Saturdays, Sundays and legal holidays) after the receipt of the request for a correction or amendment of a record under § 1.7, acknowledge receipt of the request and inform the individual whether information is required before the correction or amendment can be considered.

(b) If no additional information is required, within ten (10) days from receipt of the request, the Commission shall either make the requested correction or amendment or notify the individual of its refusal to do so, including in the notification the reasons for the refusal, and the appeal procedures provided in § 1.9.

(c) The Commission shall make each requested correction or amendment to a record if that correction or amendment will tend to negate inaccurate, irrelevant, untimely, or incomplete matter in the record.

(d) The Commission shall inform prior recipients of any amendment or correction or notation of dispute of such individual's record if an accounting of the disclosure was made. The individual may request a list of prior recipients if an accounting of the disclosure was made.

§ 1.9 Appeal of initial adverse agency determination on amendment or correction.

(a) Any individual whose request for a correction or amendment has been denied in whole or in part, may appeal that decision to the Commissioners no later than one hundred eighty (180) days after the adverse decision is rendered.

(b) The appeal shall be in writing and shall contain the following information:

(1) The name of the individual making the appeal;

(2) Identification of the record sought to be amended;

(3) The record system in which that record is contained;

(4) A short statement describing the amendment sought; and
§ 1.10 Disclosure of record to person other than the individual to whom it pertains.

(a) Any individual who desires to have a record covered by this Part disclosed to or mailed to another person may designate such person and authorize such person to act as his or her agent for that specific purpose. The authorization shall be in writing, signed by the individual and notarized or witnessed as provided in § 1.4(c).

(b) The parent of any minor individual or the legal guardian of any individual who has been declared by a court of competent jurisdiction to be incompetent, due to physical or mental incapacity or age, may act on behalf of that individual in any matter covered by this part. A parent or guardian who desires to act on behalf of such an individual shall present suitable evidence of parentage or guardianship, by birth certificate, certified copy of a court order, or similar documents, and proof of the individual's identity in a form that complies with § 1.4(c) of this part.

(c) An individual to whom a record is to be disclosed in person, pursuant to this part may have a person of his or her own choosing accompany him or her when the record is disclosed.

§ 1.11 Fees.

(a) The Commission shall not charge an individual for the costs of making a search for a record or the costs of reviewing the record. When the Commission makes a copy of a record as a necessary part of the Process of disclosing the record to an individual, the Commission shall not charge the individual for the cost of making that copy.

(b) If an individual requests the Commission to furnish a copy of the record, the Commission shall charge the individual for the costs of making the copy. The fee that the Commission has established for making a copy is ten cents ($.10) per page.

§ 1.12 Penalties.

Any person who makes a false statement in connection with any request for a record, or an amendment or correction thereto, under this part, is subject to the penalties prescribed in 18 U.S.C. 494 and 495.

§ 1.13 General exemptions. [Reserved]

§ 1.14 Specific exemptions.

(a) No individual, under the provisions of these regulations, shall be entitled to access to materials compiled in its systems of records identified as FEC audits and investigations (FEC 2) or FEC compliance actions (FEC 3). These exempted systems relate to the Commission's power to exercise exclusive civil jurisdiction over the enforcement of the Act under 2 U.S.C.
§ 2.2 Definitions.


(b) Commissioner or Member. "Commissioner" or "Member" means an individual appointed to the Federal Election Commission pursuant to 2 U.S.C. 437c and section 101(e) of Pub. L. 94-283 and shall also include ex-officio non-voting Commissioners or Members, the Secretary of the Senate and the Clerk of the House, but does not include a proxy or other designated representative of a Commissioner.

(c) Person. "Person" means an individual, including employees of the Commission, partnership, corporation, association, or public or private organization, other than an agency of the United States Government.

(d) Meeting. (1) "Meeting" means the deliberation of at least four voting members of the Commission in college where such deliberations determine or result in the joint conduct or disposition of official Commission business. For the purpose of this section, "joint conduct" does not include, for example, situations where the requisite number of members is physically present in one place but not conducting agency business as a body (e.g., at a meeting at which one member is giving a speech while a number of other members are present in the audience). A deliberation conducted through telephone or similar communications equipment by means of which all persons participating can hear each other will be considered a "meeting" under this section.

(2) The term "meeting" does not include the process of notation voting by circulated memorandum for the purpose of expediting consideration of routine matters. It also does not include deliberations to schedule a meeting, to take action to open or close a meeting, or to release or withhold information, or to change the subject matter of a meeting under 11 CFR 2.5, 2.6 and 2.7.

§ 2.3 General rules.

(a) Commissioners shall not jointly conduct, determine or dispose of Commission business other than in accordance with this Part.

(b) Except as provided in 11 CFR 2.4, every portion of every Commission meeting shall be open to public observation.

(c) No additional right to participate in Commission meetings is granted to any person by this Part. A meeting is not part of the formal or informal record of decision of the matters discussed therein except as otherwise required by law. Statements of views or expressions of opinions made by Commissioners or FEC employees at meetings are not intended to represent final determinations or beliefs.

(d) Members of the public attending open Commission meetings may use small electronic sound recorders to record the meeting, but the use of other electronic recording equipment and cameras requires advance notice to and coordination with the Commission's Press Officer.

§ 2.4 Exempted meetings.

(a) Meetings Required by Statute to be Closed. Meetings concerning matters specifically exempted from disclosure by statutes which require public withholding in such a manner as to leave no discretion for the Commission on the issue, or which establish particular types of matters to be withheld, shall be closed to public observation in accordance with the procedures of 11 CFR 2.5.

(1) As required by 2 U.S.C. 437g(a)(12), all Commission meetings, or portions of meetings, pertaining to any notification or investigation that a violation of the Act has occurred, shall be closed to the public.

(2) For the purpose of this section, "any notification or investigation that a violation of the Act has occurred" includes, but is not limited to, determinations pursuant to 2 U.S.C. 437g, the issuance of subpoenas, discussion of referrals to the Department of Justice, or consideration of any other matter related to the Commission's enforcement activity, as set forth in 11 CFR Part 111.
§ 2.5 Procedures for closing meetings.

(a) General. No meeting or portion of a meeting may be closed to the public observation under this section unless a majority of the Commissioners (not including ex officio non-voting Commissioners) votes to take such action. The closing of one portion of a meeting shall not justify closing any other portion of a meeting.

(b) Certification. Each time the Commission votes to close a meeting, the General Counsel shall publicly certify that, in his or her opinion, each item on the agenda may properly be closed to public observation. The certification shall state each relevant exemption provision. The original copy of the certification shall be attached to and preserved with the statement required by 11 CFR 2.5(d).

(c) Voting Procedures. (1) No meeting need be held to consider closing a meeting. The Commission may vote to close a meeting or any portion thereof by using its notation vote procedures.

(i) A separate vote shall be taken with respect to each item on an agenda proposed to be closed in whole or in part pursuant to 11 CFR 2.4, or with respect to any information proposed to be withheld under 11 CFR 2.4.

(ii) A single vote may be taken with respect to a particular matter to be discussed in a series of closed meetings, or with respect to any information concerning such series of meetings, so long as each meeting in the series is scheduled to be held no more than 30 days after the initial meeting.

(iii) This section shall not affect the Commission’s practice of setting dates for closed meetings more than 30 days in advance of such meetings.

(2) The Commission Secretary shall record the vote of each Commissioner participating in the vote. No proxies, written or otherwise, shall be counted.

(3)(i) A Commissioner may object to a recommendation to close the discussion of a particular matter or may assert a claim of exemption for a matter scheduled to be discussed in an open meeting. Such objection or assertion will be discussed by the Commission at the next scheduled closed meeting, to determine whether the matter in question should be discussed in a closed meeting.

(ii) An “objection for the record only” will not cause the objection to be placed on any agenda.

(d) Public Statement of Vote. (1) If the Commission votes to close a meeting, or any portion thereof, under this section, it shall make publicly available within 24 hours a written statement of the vote. The written statement shall contain:

(i) A citation to the provision(s) of 11 CFR 2.4 under which the meeting was closed to public observation and an explanation of why the specific discussion comes within the cited exemption(s);

(ii) The vote of each Commissioner participating in the vote;

(iii) A list of the names of all persons expected to attend the closed meeting and their affiliation. For purposes of this section, affiliation means title or position, and name of employer, and in the case of a representative, the name of the person represented. In the case of Commission employees, the statement will reflect, through the use of titles rather than individual names, that the Commissioners, specified division heads and their staff will attend; and

(iv) The signature of the Commission Secretary.

(2) The original copy of the statement shall be maintained by the Commission Secretary. A copy shall be posted on a public bulletin board located in the Commission’s Public Records Office.

(e) Public Request to Close a Meeting. A person whose interests may be directly affected by a portion of a
§ 2.6 Transcripts and recordings.

(a) The Commission Secretary shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to public observation. An electronic recording of a meeting shall be coded, or other records shall be kept in a manner adequate to identify each speaker.

(b)(1) In the case of any meeting closed pursuant to 11 CFR 2.4(b), as the last item of business, the Commission will determine which, if any, portions of the electronic recording or transcript and which if any, items of information withheld under 11 CFR 2.5 contain information which should be withheld pursuant to 11 CFR 2.4.

(2) Portions of transcripts or recordings determined to be outside the scope of any exemptions under 11 CFR 2.6(b)(1) shall be promptly made available to the public through the Commission's Public Records Office at a cost sufficient to cover the Commission's actual cost of duplication or transcription. Requests for such copies shall be made and processed in accordance with the provisions of 11 CFR Part 5.

§ 2.7 Announcement of meetings and schedule changes.

(a)(1) In the case of each meeting, the Commission shall publicly announce and shall submit such announcement for publication in the Federal Register at least seven days prior to the day on which the meeting is to be called to order. The Commission Secretary shall also forward a copy of such announcement for posting in the Commission's Public Records Office.

(2) Announcements made under this section shall contain the following information:

(i) The date of the meeting;

(ii) The place of the meeting;

(iii) The subject matter of the meeting;

(iv) Whether the meeting is to be open or closed to the public; and

(v) The name and telephone number of the official designated by the agency to respond to requests for information about the meeting.

(b) The public announcement and submission for publication shall be made when required by 11 CFR 2.7(a) in the case of every Commission meeting unless a majority of the Commissioners decide by recorded vote that Commission business requires that the meeting be called at an earlier date, in...
Federal Election Commission

which case the Commission shall make at the earliest practicable time, the announce ment, required by this section and a concurrent submission for publication of that announcement in the FEDERAL REGISTER.

(c) The time or place of a meeting may be changed following the public announcement required by 11 CFR 2.7 (a) or (b) only if the Commission announces the change at the earliest practicable time.

(d) The subject matter of a meeting, or the determination of the Commission to open or close a meeting, or portions of a meeting, to the public may be changed following the public announcement required by 11 CFR 2.7 (a) or (b) only if:

(1) A majority of the entire membership of the Commission determines by recorded vote that Commission business so requires and that no earlier announcement of the change was possible; and

(2) The Commission publicly announces the change and the vote of each member upon the change at the earliest practicable time. Immediately following this announcement, the Commission shall submit for publication in the FEDERAL REGISTER a notice containing the information required by 11 CFR 2.7(a)(2), including a description of any change from the earlier published notice.

§ 2.8 Annual report.

The Commission shall report annually to Congress regarding its compliance with the requirements of the Government in the Sunshine Act and of this Part, including:

(a) A tabulation of the total number of Commission meetings open to the public;

(b) The total number of such meetings closed to the public;

(c) The reasons for closing such meetings; and

(d) A description of any litigation brought against the Commission under the Sunshine Act, including any costs assessed against the Commission in such litigation (whether or not paid by the Commission).

PART 4—PUBLIC RECORDS AND THE FREEDOM OF INFORMATION ACT

§ 4.1 Definitions.

As used in this part:

(a) “Commission” means the Federal Election Commission, established by the Federal Election Campaign Act of 1971, as amended.

(b) “Commissioner” means the Secretary of the Senate, the Clerk of the House, or their designees ex officio, or an individual appointed to the Federal Election Commission pursuant to 2 USC 437c(a).

(c) “Request” means to seek the release of records under 5 U.S.C. 552.

(d) “Requestor” is any person who submits a request to the Commission.


(f) “Public Disclosure Division” of the Commission is that division which is responsible for, among other things, the processing of requests for public access to records which are submitted to the Commission pursuant to 2 USC 437f(d), 437g(a)(4)(B)(ii), and 438(a).

§ 4.2 Policy on disclosure of records.

(a) The Commission will make the fullest possible disclosure of records to the public, consistent with the rights of individuals to privacy, the rights of
persons contracting with the Commission with respect to trade secret and commercial or financial information entitled to confidential treatment, and the need for the Commission to promote free internal policy deliberations and to pursue its official activities without undue disruption.

(b) All Commission records shall be available to the public unless they are specifically exempt under this part.

(c) To carry out this policy, the Commission shall designate a Freedom of Information Act Officer.

§ 4.3 Scope.

The regulations in this part implement the provisions of the Freedom of Information Act, 5 U.S.C. 552, with respect to the availability of records for inspection and copying.


§ 4.4 Availability of records.

(a) In accordance with 5 U.S.C. 552 (a)(2) and (a)(3) the Commission shall make the following materials available for public inspection and copying:

(1) Statements of policy and interpretation which have been adopted by the Commission;

(2) Administrative staff manuals and instructions to staff that affect a member of the public;

(3) Opinions of Commissioners rendered in enforcement cases and General Counsel's reports and non-exempt 2 US C 437g investigatory materials in enforcement files will be made available no later than 30 days from the date on which a respondent is notified that the Commission has voted to take no further action and to close such an enforcement file.

(4) Letter requests for guidance and responses thereto;

(5) The minutes of Commission meetings and transcripts made from tapes of Commission meetings;

(6) Material routinely prepared for public distribution, e.g. campaign guidelines, FEC Record, press releases, speeches, notices to candidates and committees.

(7) Proposals submitted in response to a request for proposals formulated pursuant to the Federal Procurement Regulations. 41 CFR 1-1.001 et seq.

(b) Public access to the materials described in subparagraphs (a)(3) and (a)(10) through (a)(15) of this section is also available pursuant to the Federal Election Campaign Act of 1971, as amended, in accordance with the provisions of Part 5 of this chapter.

(c) The Commission shall maintain and make available current indexes and supplements providing identifying information regarding any matter issued, adopted or promulgated after April 15, 1975 as required by 5 U.S.C. 552(a)(2)(c). These indexes and supplements shall be published and made available on at least a quarterly basis for public distribution unless the Commission determines by Notice in the Federal Register that publication would be unnecessary, impracticable, or not feasible due to budgetary considerations. Nevertheless, copies of any index or supplement shall be made available upon request at a cost not to exceed the direct cost of duplication.

(d) The Freedom of Information Act and the provisions of this part apply only to existing records; they do not require the creation of new records.
§ 4.5 Categories of exemptions.

(a) 5 U.S.C. 552(b) establishes nine categories of matters which are exempt from the mandatory disclosure requirements of 5 U.S.C. 552(a). No requests under 5 U.S.C. 552 shall be denied release unless the record contains, or its disclosure would reveal, matters that are:

1. Specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order;

2. Related solely to the internal personnel rules and practices of the Commission;

3. Specifically exempted from disclosure by statute, provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

4. Trade secrets and commercial or financial information obtained from a person which are privileged or confidential. Such information includes confidential business information which concerns or relates to the trade secrets, processes, operations, style of works, or apparatus, or to the production, sales, shipments, purchases, transfers, identification of customers, inventories, or amount of source of income, profits, losses, or expenditures of any person, firm, partnership, corporation, or other organization, if the disclosure is likely to have the effect of either impairing the Commission's ability to obtain such information as is necessary to perform its statutory functions, or causing substantial harm to the competitive position of the person, firm, partnership, corporation, or other organization from which the information was obtained, unless the Commission is required by law to disclose such information. These procedures shall be used for submitting business information in confidence:

(i) A request for confidential treatment shall be addressed to the FOIA officer, Federal Election Commission, 999 E Street, NW., Washington, DC 20463, and shall indicate clearly on the envelope that it is a request for confidential treatment.

(ii) With each submission of, or offer to submit, business information which a submitter desires to be treated as confidential under paragraph (a)(4) of this section, the submitter shall provide the following, which may be disclosed to the public: (A) A written description of the nature of the subject information, and a justification for the request for its confidential treatment, and (B) a certification in writing under oath that substantially identical information is not available to the public.

(iii) Approval or denial of requests shall be made only by the FOIA officer or his or her designees. A denial shall be in writing, shall specify the reason therefore, and shall advise the submitter of the right to appeal to the Commission.

(iv) For good cause shown, the Commission may grant an appeal from a denial by the FOIA Officer or his or her designee if the appeal, is filed within fifteen (15) days after receipt of the denial. An appeal shall be addressed to the FOIA Officer, Federal Election Commission, 999 E Street, NW...Washington, DC 20463 and shall clearly indicate that it is a confidential submission appeal. An appeal will be decided within twenty (20) days after its receipt (excluding Saturdays, Sundays and legal holidays) unless an extension, stated in writing with the rea-
sons therefore, has been provided the person making the appeal.

(v) Any business information submitted in confidence and determined to be entitled to confidential treatment shall be maintained in confidence by the Commission and not disclosed except as required by law. In the event that any business information submitted to the Commission is not entitled to confidential treatment, the submitter will be permitted to withdraw the tender unless it is the subject of a request under the Freedom of Information Act or of judicial discovery proceedings.

(vi) Since enforcement actions under 2 U.S.C. 437g are confidential by statute, the procedures outlined in §4.5(a)(4) (i) thru (v) are not applicable.

(5) Inter-agency or intra-agency memoranda or letters which would not be available by law to a party in litigation with the Commission.

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel.

(b) Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt.

(c) If a requested record is one of another government agency or deals with subject matter to which a government agency other than the Commission has exclusive or primary responsibility, the request for such a record shall be promptly referred by the Commission to that agency for disposition or guidance as to disposition.

(d) Nothing in this part authorizes withholding of information or limiting the availability of records to the public, except as specifically provided in this part; nor is this part authority to withhold information from Congress.

[44 FR 33368, June 8, 1979, as amended at 50 FR 50779, Dec. 12, 1985]

§ 4.6 Discretionary release of exempt records.

The Commission may, in its discretion, release requested records despite the applicability of the exemptions in §4.5(a), if it determines that it is in the public interest and that the rights of third parties would not be prejudiced.

§ 4.7 Requests for records.

(a) A request to inspect or copy Commission public records of the type referred to in 11 CFR 4.4(b) may be made in person or by mail. The Public Records Office is open Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m. and is located on the first floor, 999 E Street, NW., Washington, DC 20463.

(b) Requests for copies of records pursuant to the Freedom of Information Act shall be addressed to FOIA officer, Federal Election Commission, 999 E Street, NW., Washington, DC 20463. The request shall reasonably describe the records sought with sufficient specificity with respect to names, dates, and subject matter, to permit the records to be located. A requester will be promptly advised if the records cannot be located on the basis of the description given and that further identifying information must be provided before the request can be satisfied.

(c) Records or copies thereof will normally be made available either immediately upon receipt of a request or within ten working days thereafter, or twenty working days in the case of an appeal, unless in unusual circumstances the time is extended. In the latter event, the requester shall be no-
tified of the reasons for the extension and the date on which a determination is expected to be made, but in no case shall the extended time exceed ten working days. An extension may be made if it is (1) necessary to locate records or transfer them from physically separate facilities; or (2) necessary to search for, collect, and appropriately examine a large quantity of separate and distinct records which are the subject of a single request; or (3) necessary for consultation with another agency which has a substantial interest in the determination of the request, or with two or more components of the Commission which have a substantial subject matter interest therein.

(d) Any person denied access to records by the Commission shall be notified immediately giving reasons therefore, and notified of the right of such person to appeal such adverse determination to the Commission.

(e) The date of receipt of a request under this part shall be the date on which the FOIA Officer actually receives the request.

§ 4.8 Appeal of denial.

(a) Any person who has been notified pursuant to § 4.6(d) of this part that his/her request for inspection of a record or for a copy has been denied, or who has received no response within ten working days (or within such extended period as is permitted under § 4.7(c) of this part) after the request has been received by the Commission, may appeal the adverse determination to the Commission.

(b) The appeal request shall be in writing, shall clearly and prominently state on the envelope or other cover and at the top of the first page “FOIA Appeal”, and shall identify the record in the form in which it was originally requested.

(c) The appeal request should be delivered or addressed to the FOIA Officer, Federal Election Commission, 999 E Street, NW., Washington, DC 20463.

(d) The requestor may state facts and cite legal or other authorities as he/she deems appropriate in support of the appeal request.

(e) For good cause shown, the Commission may disclose a record which is subject to one of the exemptions listed in § 4.5 of this part.

(f) The Commission will make a determination with respect to any appeal within twenty days (excluding Saturdays, Sundays and legal holidays) after receipt of the appeal (or within such extended period as is permitted under § 4.7(c) of this part). If on appeal, the denial of the request for a record or a copy is in whole or in part upheld, the Commission shall advise the requestor of the denial and shall notify him/her of the provisions for judicial review of that determination as set forth in 5 U.S.C. 552(a)(4).

(g) Because of the risk of misunderstanding inherent in oral communications, the Commission will not entertain any appeal from an alleged denial or failure to comply with an oral request. Any person who has orally requested a copy of a record that he/she believes to have been improperly denied should resubmit the request in writing as set forth in § 4.7.

§ 4.9 Fees.

(a)(1) Fees will be charged for the staff time utilized in searching for records, and for the expenses involved in the duplication of such records. These fees shall not exceed the Commission’s actual costs in processing requests for record, in accordance with the following schedule:

Photocopying from microfilm reader-printer..........................$0.15 per page
Photocopying from photocopying machines..............................................$0.05 per page
Paper copies from microfilm—Paper Print Machine..............................$0.05 per frame/page

Reels of Microfilm:
Number of feet x $0.061 per foot = $ (total cost per reel)

Publications: (new or not from stocks available)
Cost of photocopying (reproducing) document..............................................$0.05 per page
§ 4.9 11 CFR Ch. D (1-1-86 Edition)

Cost of binding document........... $0.30 per inch
Plus cost of staff research time after first ½ hour (see Research Time)

Publications: (available stock)
If available from stock on hand, cost is based on previously calculated cost as stated in the publication (based on actual cost per copy, including reproduction and binding).

Computer Tapes:
Cost ($0.0006 per Computer Resource Unit Utilized—CRU) to process the request plus the cost of the computer tape ($25) and professional staff time (see Research Time). The cost varies based upon request.

Computer Indexes:
No charge for 20 or fewer requests for computer indexes, except for a name search as described below.
C Index—Committee Index of Disclosure Documents—No charge for requests of 20 or fewer committee ID numbers. Requests for more than 20 ID numbers will cost $.05 for each ID number requested.
E Index (Parts 1-4)—Candidate Index of Supporting Documents—No charge for requests of 20 or fewer candidate ID numbers. Requests for more than 20 ID numbers will cost $.10 for each ID number requested.
D Index—Committee Index of Candidates Supported/Opposed—No charge for requests of 20 or fewer committee ID numbers. Requests for more than 20 ID numbers will cost $.30 for each committee ID number requested.
E Index (Complete)—Candidate Index of Supporting Documents—No charge for requests of 20 or fewer candidate ID numbers. Requests for more than 20 ID numbers will cost $2.00 for each ID number requested.
G Index—Selected List of Receipts and Expenditures—No charge for requests of 20 or fewer committee ID numbers. Requests for more than 20 ID numbers will cost $2.00 for each ID number requested.

Other computer index requests for more than 20 ID numbers will cost $.0006 per CRU (Computer Resource Unit) utilized.

Name Search—a computer search of an entire individual contributor file for contributions made by a particular individual or individuals will cost $.0006 per CRU (Computer Resource Unit) utilized.

Research Time:
Clerical: first ½ hour is free; remaining time costs $3.50 for each half hour (equivalent of a GS-5) for each request.
Professional: first ½ hours is free; remaining time costs $8.00 per each half hour (equivalent of a GS-12) for each request.

Other Charges:
Certification of a Document, $7.35 per quarter hour.
Transcripts of Commission Meetings not previously transcribed, $6.70 per half hour (equivalent of a GS-11 executive secretary).
(2) Upon receipt of any request for the production of computer tape or microfilm, the Commission will advise the requester of the identity of the private contractor who will perform the duplication services. The fee for the production of computer tape or microfilm shall be made payable to that private contractor and shall be forwarded to the Commission.

(b) Commission publications for which fees will be charged under 11 CFR 4.9(a) include, but are not limited to, the following:
Advisory Opinion Index
Report on Financial Activity
Financial Control and Compliance Manual
MUR Index
Guideline for Presentation in Good Order
Office Account Index

(c) In the event the anticipated fees for all pending requests from the same requester exceed $25.00, records will not be searched, nor copies furnished, until the requester pays, or makes acceptable arrangements to pay, the total amount due. Similarly, if the records requested require the production of microfilm, or of computer tapes, the Commission will not instruct its contractor to duplicate the records until the requester has submitted payment as directed or has made acceptable arrangements to pay the total amount due. If any fee is not precisely ascertainable, an estimate will be made by the Commission and the requester will be required to forward the fee so estimated. In the event any advance payment differs from the actual fee, an appropriate adjustment will be made at the time the copies are made available by the Commission.
(d) The Commission may reduce or waive payment of any fees hereunder if it determines that such waiver or reduction is in the public interest because the proposed use of the information involved can be considered as primarily benefiting the general public as opposed to primarily benefiting the in-
§ 5.4 Availability of records.

(a) In accordance with 2 U.S.C. 438(a), the Commission shall make the following material available for public inspection and copying through the Commission's Public Disclosure Division:

(1) Reports of receipts and expenditures, designations of campaign depositories, statements of organization, candidate designations of campaign committees and the indices compiled from the filings therein.

(2) Requests for advisory opinions, written comments submitted in connection therewith, and responses issued by the Commission.

(3) With respect to enforcement matters, any conciliation agreement entered into between the Commission and any respondent.

(4) Opinions of Commissioners rendered in enforcement cases and General Counsel's reports and non-exempt 2 U.S.C. 437g investigatory materials in enforcement files will be made available no later than 30 days from the date on which a respondent is notified with respect to trade secrets and commercial or financial information entitled to confidential treatment, and the need for the Commission to promote free internal policy deliberations and to pursue its official activities without undue disruption.

(b) Nothing herein shall be deemed to restrict the public availability of Commission records falling outside provisions of the Act, or to restrict such public access to Commission records as is available pursuant to the Freedom of Information Act and the rules set forth as Part 4 of this chapter.
§ 5.5  Request for records.

(a) A request to inspect or copy those public records described in 11 CFR 5.4(a) may be made in person or by mail. The Public Disclosure Division is open Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m. and is located on the first floor, 999 E Street, NW., Washington, DC 20463.

(b) Each request shall describe the records sought with sufficient specificity with respect to names, dates and subject matter to permit the records to be located with a reasonable amount of effort. A requester will be promptly advised if the requested records cannot be located on the basis of the description given and that further identifying information must be provided before the request can be satisfied.

(c) Requests for copies of records not available through the Public Disclosure Division shall be addressed to the FOIA Officer, Federal Election Commission, 999 E Street, NW., Washington, DC 20463. Requests for Commission records not described in 11 CFR 5.4(a) shall be treated as requests made pursuant to the Freedom of Information Act (5 U.S.C. 552) and shall be governed by 11 CFR Part 4. In the event that the Public Disclosure Division receives a written request for access to materials not described in 11 CFR 5.4(a), it shall promptly forward such request to the Commission FOIA Officer for processing in accordance with the provisions of Part 4 of this chapter.

§ 5.6  Fees.

(a)(1) Fees will be charged for copies of records which are furnished to a requester under this part and for the staff time spent in locating and reproducing such records. The fees to be levied for services rendered under this part shall not exceed the Commission's direct cost of processing requests for those records computed on the basis of the actual number of copies produced and the staff time expended in fulfilling the particular request, in accordance with the following schedule of standard fees:

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Fee Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Photocopying from microfilm reader-printer</td>
<td>$0.15 per page</td>
</tr>
<tr>
<td>Photocopying from photocopying machines</td>
<td>$0.05 per page</td>
</tr>
<tr>
<td>Paper copies from microfilm—Paper Print Machine</td>
<td>$0.05 per frame/page</td>
</tr>
<tr>
<td>Reels of Microfilm:</td>
<td></td>
</tr>
<tr>
<td>Number of feet x $0.061 per foot = $</td>
<td>(total cost per reel)</td>
</tr>
<tr>
<td>Publications: (new or not from stocks available)</td>
<td></td>
</tr>
<tr>
<td>Cost of photocopying (reproducing) document</td>
<td>$0.05 per page</td>
</tr>
<tr>
<td>Cost of binding document</td>
<td>$0.30 per inch</td>
</tr>
<tr>
<td>Plus cost of staff research time after first ½ hour (see Research Time)</td>
<td></td>
</tr>
<tr>
<td>Publications: (available stock)</td>
<td></td>
</tr>
<tr>
<td>If available from stock on hand, cost is based on previously calculated cost as stated in the publication (based on actual cost per copy, including reproduction and binding).</td>
<td></td>
</tr>
<tr>
<td>Computer Tapes:</td>
<td></td>
</tr>
<tr>
<td>Cost ($0.0006 per Computer Resource Unit Utilized—CRU) to process the request plus the cost of the computer tape ($25) and professional staff time (see Research Time). The cost varies based upon request.</td>
<td></td>
</tr>
<tr>
<td>Computer Indexes:</td>
<td></td>
</tr>
<tr>
<td>No charge for 20 or fewer requests for computer indexes, except for a name search as described below.</td>
<td></td>
</tr>
<tr>
<td>C Index—Committee Index of Disclosure Documents—No charge for requests of 20 or fewer committee ID numbers. Requests for</td>
<td></td>
</tr>
</tbody>
</table>
more than 20 ID numbers will cost $0.05 for each ID number requested.

E Index (Parts 1-4)—Candidate Index of Supporting Documents—No charge for requests of 20 or fewer candidate ID numbers. Requests for more than 20 ID numbers will cost $0.10 for each ID number requested.

D Index—Committee Index or Candidates Supported/Opposed—No charge for requests of 20 or fewer committee ID numbers. Requests for more than 20 ID numbers will cost $0.30 for each committee ID number requested.

E Index (Complete)—Candidate Index of Supporting Documents—No charge for requests of 20 or fewer committee ID numbers. Requests for more than 20 ID numbers will cost $2.00 for each candidate ID number requested.

G Index—Selected List of Receipts and Expenditures—No charge for requests of 20 or fewer committee ID numbers. Requests for more than 20 ID numbers will cost $0.0006 per CRU (Computer Resource Unit) utilized.

Name Search—A computer search of an entire individual contributor file for contributions made by a particular individual or individuals will cost $0.0006 per CRU (Computer Resource Unit) utilized.

Research Time/Photocopying Time:

Clerical: first 1/4 hour is free; remaining time costs $3.50 for each half hour (equivalent of a GS-5) for each request.

Professional: first 1/4 hour is free; remaining time costs $8.00 per each half hour (equivalent of a GS-12) for each request.

Other Charges:

Certification of a Document, $7.35 per quarter hour.

Transcripts of Commission Meetings not previously transcribed, $6.70 per half hour (equivalent of a GS-11 executive secretary).

(2) Upon receipt of any request for the production of computer tape or microfilm, the Commission will advise the requester of the identity of the private contractor who will perform the duplication services. The fee for the production of computer tape or microfilm shall be made payable to that private contractor and shall be forwarded to the Commission.

(b) Commission publications for which fees will be charged under 11 CFR 5.6(a) include, but are not limited to, the following:

Advisory Opinion Index
Report on Financial Activity
Financial Control and Compliance Manual
MUR Index

Guideline for Presentation in Good Order
Office Account Index

(c) In the event the anticipated fees for all pending requests from the same requester exceed $25.00, records will not be searched, nor copies furnished, until the requester pays, or makes acceptable arrangements to pay, the total amount due.

Similarly, if the records requested require the production of microfilm or computer tapes, the Commission will not instruct its contractor to duplicate the records until the requester has submitted payment as directed or has made acceptable arrangements to pay the total amount due. If any fee is not precisely ascertainable, an estimate will be made by the Commission and the requester will be required to forward the fee so estimated. In the event any advance payment differs from the actual fee, an appropriate adjustment will be made at the time the copies are made available by the Commission.

(d) The Commission may reduce or waive payments of fees hereunder if it determines that such waiver or reduction is in the public interest because the furnishing of the requested information to the particular requester involved can be considered as primarily benefiting the general public as opposed to primarily benefiting the person or organization requesting the information.

[49 FR 30460, July 31, 1984]
§ 6.101 Purpose.

The purpose of this part is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

§ 6.102 Application.

This part applies to all programs or activities conducted by the Commission.

§ 6.103 Definitions.

For purposes of this part, the term—
(a) “Auxiliary aids” means services, including attendant services, or devices that enable handicapped persons, including those with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the Commission. For example, auxiliary aids useful for persons with impaired vision include readers, Brailled materials, audio recordings, and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf persons (TDD’s), interpreters, notetakers, written materials, and other similar services and devices. Although auxiliary aids are explicitly required only by 11 CFR 6.160(a)(1), they may also be used to meet other requirements of this part.

11 CFR Ch. I (1-1-86 Edition)

(b) “Commission” means the Federal Election Commission, 999 E Street, NW., Washington, DC 20463.

(c) “Complete complaint” means a written statement that contains the complainant’s name and address and describes the Commission’s actions in sufficient detail to inform the Commission of the nature and date of the alleged violation of section 504. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

(d) “Facility” means all or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other conveyances, or other real or personal property whether owned, leased or used on some other basis by the Commission.

(e) “Handicapped person” means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. As used in this definition, the phrase:

(1) “Physical or mental impairment” includes—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction, and alcoholism.

(2) “Major life activities” includes functions such as caring for one’s self, performing manual tasks, walking,
§ 6.130 General prohibitions against discrimination.

(a) No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any
§ 6.130 11 CFR Ch. D (1-1-36 Edition)

program or activity conducted by the Commission.

(b)(1) The Commission, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap—

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aids, benefits, or services to handicapped persons or to any class of handicapped persons than is provided to others unless such action is necessary to provide qualified handicapped persons with aids, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program, except that this paragraph does not apply to candidates or conventions receiving public financing under Title 26, United States Code;

(vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) The Commission may not deny a qualified handicapped person the opportunity to participate in programs or activities that are not separate or different, despite the existence of possibly separate or different programs or activities.

(3) The Commission may not, directly or through contractual or other arrangements, utilize criteria or methods of administration the purpose or effect of which would—

(i) Subject qualified handicapped persons to discrimination on the basis of handicap;

(ii) Defeat or substantially impair accomplishment of the objectives of a program or activity with respect to handicapped persons; or

(iii) Perpetuate the discrimination of another agency.

(4) The Commission may not, in determining the site or location of a facility, make selections the purpose or effect of which would—

(i) Exclude handicapped persons from, deny them the benefits of, or otherwise subject them to discrimination under any program or activity conducted by the Commission; or

(ii) Defeat or substantially impair the accomplishment of the objectives of a program or activity with respect to handicapped persons.

(5) The Commission, in the selection of procurement contractors, may not use criteria that subject qualified handicapped persons to discrimination on the basis of handicap.

(6) The Commission may not administer a certification program in a manner that subjects qualified handicapped persons to discrimination on the basis of handicap, nor may the Commission establish requirements for the programs or activities of certified entities that subject qualified handicapped persons to discrimination on the basis of handicap. However, the programs or activities of entities that are certified by the Commission are not, themselves, covered by this part.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or Executive Order to a different class of handicapped persons is not prohibited by this part.

(d) The Commission will administer programs and activities in the most in-
§ 6.150 Program accessibility; Existing facilities.

(a) General. The Commission will operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not—

(1) Necessarily require the Commission to make each of its existing facilities accessible to and usable by handicapped persons;

(2) Require the Commission to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. The Commission has the burden of proving that compliance with 11 CFR 6.150(a) would result in such alterations or burdens. The decision that compliance would result in such alteration or burdens must be made by the Commission after considering all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, the Commission will take any other action that would not result in such an alteration or such a burden but would nevertheless ensure that handicapped persons receive the benefits and services of the program or activity.

(b) Methods. The Commission may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock, or any other methods that result in making its programs or activities readily accessible to and usable by handicapped persons. The Commission is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. The Commission, in making alterations to existing buildings, will meet accessibility requirements to the extent compelled by the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151-4157) and any regulations implementing it. In choosing among available methods for meeting the requirements of this section, the Commission will give priority to those methods that offer programs and activities to qualified handicapped persons in the most integrated setting appropriate.

(c) Time period for compliance. The Commission will comply with the obligations established under this section within sixty days of the effective date of this part except that where structural changes in facilities are undertaken, such changes will be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(d) Transition plan. In the event that structural changes to facilities will be undertaken to achieve program accessibility, the Commission will develop, within six months of the effec-
tive date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan will be developed with the assistance of interested persons, including handicapped persons and organizations representing handicapped persons. A copy of the transition plan will be made available for public inspection. The plan will, at a minimum—

(1) Identify physical obstacles in the Commission's facilities that limit the accessibility of its programs or activities to handicapped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period;

(4) Indicate the official responsible for implementation of the plan; and

(5) Identify the persons or groups with whose assistance the plan was prepared.

§ 6.151 Program accessibility: New construction and alterations.

Each building or part of a building that is constructed or altered by, on behalf of, or for the use of the Commission shall be designed, constructed, or altered so as to be readily accessible to and usable by handicapped persons. The definitions, requirements, and standards of the Architectural Barriers Act, 42 U.S.C. 4151-4157, as established in 41 CFR 101-19.600 to 101-19.607, apply to buildings covered by this section.

§§ 6.152-6.159 [Reserved]

§ 6.160 Communications.

(a) The Commission will take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public.

(1) The Commission will furnish appropriate auxiliary aids where necessary to afford a handicapped person an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the Commission.

(i) In determination what type of auxiliary aid is necessary, the Commission will give primary consideration to the requests of the handicapped person.

(ii) The Commission need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature.

(2) Where the Commission communicates with applicants and beneficiaries by telephone, telecommunications devices for deaf persons (TDD's), or equally effective telecommunication systems will be used.

(b) The Commission will ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(c) The Commission will provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.

(d) The Commission will take appropriate steps to provide handicapped persons with information regarding their section 504 rights under the Commission's programs of activities.

(e) This section does not require the Commission to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. The Commission has the burden of proving that compliance with this section would result in such alterations or burdens. The decision that compliance would result in such alteration or burdens must be made by the Commission after considering all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the Commission will take any other action that would not result in such an alteration or such a
Federal Election Commission

§6.170 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs or activities conducted by the Commission.

(b) The Commission will process complaints alleging violations of section 504 with respect to employment according to the procedures established in 29 CFR Part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) Responsibility for implementation and operation of this section shall be vested in the Rehabilitation Act Officer.

(d)(1)(i) Any person who believes that he or she or any specific class of persons of which he or she is a member has been subjected to discrimination prohibited by this part may file a complaint with the Rehabilitation Act Officer.

(ii) Any person who believes that a denial of his or her services will result or has resulted in discrimination prohibited by this part may file a complaint with the Rehabilitation Act Officer.

(2) All complete complaints must be filed within 180 days of the alleged act of discrimination. The Commission may extend this time period for good cause.

(3) Complaints filed under this part shall be addressed to the Rehabilitation Act Officer, 999 E Street, NW., Washington, DC 20463.

(e) The Commission will notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), or section 502 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 792), are not readily accessible and usable to handicapped persons.

(f)(1) The Commission will accept and investigate a complete complaint that is filed in accordance with paragraph (d) of this section and over which it has jurisdiction. The Rehabilitation Act Officer will notify the complainant and the respondent of receipt and acceptance of the complaint.

(2) If the Rehabilitation Act Officer receives a complaint that is not complete (See 11 CFR 6.101(c)), he or she will notify the complainant within 30 days of receipt of the incomplete complaint, that additional information is needed. If the complainant fails to complete the complaint within 30 days of receipt of this notice, the Rehabilitation Act Officer will dismiss the complaint without prejudice.

(3) If the Rehabilitation Act Officer receives a complaint over which the Commission does not have jurisdiction, the Commission will promptly notify the complainant and will make reasonable efforts to refer the complaint to the appropriate governmental entity.

(g) Within 180 days of receipt of a complete complaint for which it has jurisdiction, the Commission will notify the complainant of the results of the investigation in a letter containing—

(1) Findings of fact and conclusions of law;

(2) A description or a remedy for each violation found; and

(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 90 days of receipt from the Commission of the letter required by § 6.170(g). The Commission may extend this time for good cause.

(i) Timely appeals to the Commission shall be addressed to the Rehabilitation Act Officer, Federal Election Commission, 999 E Street, NW., Washington, DC 20463.

(j) The Commission will notify the complainant of the results of the appeal within 60 days of the receipt of the request. If the Commission determines that it needs additional information from the complainant, it shall have 60 days from the date it receives the additional information to make its determination on the appeal.
(k) The Commission may extend the time limits in paragraphs (g) and (j) of this section for good cause.

(l) The Commission may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated.


§§ 6.171–6.999 [Reserved]
PART 100—SCOPE AND DEFINITIONS (2 U.S.C. 431)

§ 100.2 Election (2 U.S.C. 431(1)).

(a) "Election" means the process by which individuals, whether opposed or unopposed, seek nomination for election, or election, to Federal office. The specific types of elections, as set forth at 11 CFR 100.2 (b), (c), (d), (e) and (f) are included in this definition.

(b) General election. A general election is an election which meets either of the following conditions:

(1) An election held in even numbered years on the Tuesday following the first Monday in November is a general election.

(2) An election which is held to fill a vacancy in a Federal office (i.e., a special election) and which is intended to result in the final selection of a single individual to the office at stake is a general election. See 11 CFR 100.2(f).

(c) Primary election. A primary election is an election which meets one of the following conditions:

(1) An election which is held prior to a general election, as a direct result of which candidates are nominated, in accordance with applicable State law, for election to Federal office in a subsequent election is a primary election.

(2) An election which is held for the expression of a preference for the nomination of persons for election to the office of President of the United States is a primary election.

(3) An election which is held to elect delegates to a national nominating convention is a primary election.

(4) With respect to individuals seeking federal office as independent candidates, or without nomination by a major party (as defined in 26 U.S.C. 9002(6)), the primary election is considered to occur on one of the following dates, at the choice of the candidate:

(i) The day prescribed by applicable State law as the last day to qualify for a position on the general election ballot may be designated as the primary election for such candidate.

(ii) The date of the last major party primary election, caucus, or convention in that State may be designated as the primary election for such candidate.

(iii) In the case of non-major parties, the date of the nomination by that party may be designated as the primary election for such candidate.

(5) With respect to any major party candidate (as defined at 26 U.S.C. 9002(6)) who is unopposed for nomination within his or her own party, and who is certified to appear as that party's nominee in the general election for the office sought, the primary election is considered to have occurred on the date on which the primary election was held by the candidate's party in that State.
§ 100.3 11 CFR Ch. I (1-1-86 Edition)

(d) Runoff election. "Runoff election" means the election which meets either of the following conditions:

(1) The election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as a nominee for the Federal office sought, is a runoff election.

(2) The election held after a general election and prescribed by applicable State law as the means for deciding which candidate should be certified as an officeholder elect, is a runoff election.

(e) Caucus or Convention. A caucus or convention of a political party is an election if the caucus or convention has the authority to select a nominee for federal office on behalf of that party.

(f) Special election. "Special election" means an election which is held to fill a vacancy in a Federal office. A special election may be a primary, general, or runoff election, as defined at 11 CFR 100.2 (b), (c) and (d).

§ 100.3 Candidate (2 U.S.C. 431(2)).

(a) Definition. "Candidate" means an individual who seeks nomination for election, or election, to Federal office. An individual becomes a candidate for Federal office whenever any of the following events occur:

(1) The individual has received contributions aggregating in excess of $5,000 or made expenditures aggregating in excess of $5,000.

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

(3) After written notification by the Commission that any other person has received contributions aggregating in excess of $5,000 or made expenditures aggregating in excess of $5,000 on the individual's behalf, the individual fails to disavow such activity by letter to the Commission within 30 days of receipt of the notification.

(4) The aggregate of contributions received under 11 CFR 100.3(a) (1), (2), and (3), in any combination thereof, exceeds $5,000, or the aggregate of expenditures made under 11 CFR 100.3(a) (1), (2), and (3), in any combination thereof, exceeds $5,000.

(b) Election cycle. For purposes of determining whether an individual is a candidate under this section, contributions or expenditures shall be aggregated on an election cycle basis. An election cycle shall begin on the first day following the date of the previous general election for the office or seat which the candidate seeks, unless contributions or expenditures are designated for another election cycle. For an individual who receives contributions or makes expenditures designated for another election cycle, the election cycle shall begin at the time such individual, or any other person acting on the individual's behalf, first receives contributions or makes expenditures in connection with the designated election. The election cycle shall end on the date on which the general election for the office or seat that the individual seeks is held.

§ 100.4 Federal office (2 U.S.C. 431(3)).

"Federal office" means the office of President or Vice President of the United States, Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

§ 100.5 Political committee (2 U.S.C. 431 (4), (5), (6)).

"Political committee" means any group meeting one of the following conditions:

(a) Except as provided in 11 CFR 100.5(b), (c) and (d), any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 or which makes expenditures aggregating in excess of $1,000 during a calendar year is a political committee.

(b) Any separate segregated fund established under 2 U.S.C. 441b(b)(2)(C) is a political committee.

(c) Any local committee of a political party is a political committee if: it receives contributions aggregating in excess of $5,000 during a calendar year; it makes payments exempted from the definition of contribution,
under 11 CFR 100.7(b)(9), (15) and (17), and expenditure, under 11 CFR 100.8(b)(10), (16) and (18), which payments aggregate in excess of $5,000 during a calendar year; or it makes contributions aggregating in excess of $1,000 or makes expenditures aggregating in excess of $1,000 during a calendar year.

(d) An individual's principal campaign committee or authorized committee(s) becomes a political committee(s) when that individual becomes a candidate pursuant to 11 CFR 100.3.

(e) The following are examples of political committees:

(1) Principal campaign committee. “Principal campaign committee” means a political committee designated and authorized by a candidate pursuant to 11 CFR 101.1 and 102.1.

(2) Single candidate committee. “Single candidate committee” means a political committee other than a principal campaign committee which makes or receives contributions or makes expenditures on behalf of only one candidate.

(3) Multi-candidate committee. “Multi-candidate committee” means a political committee which (i) has been registered with the Commission, Clerk of the House or Secretary of the Senate for at least 6 months; (ii) has received contributions for Federal elections from more than 50 persons; and (iii) (except for any State political party organization) has made contributions to 5 or more Federal candidates.

(4) Party committee. “Party committee” means a political committee which represents a political party and is part of the official party structure at the national, State, or local level.

(5) Delegate Committee. A delegate committee is a political committee which receives contributions or makes expenditures for the purpose of influencing the selection of delegates to a national nominating convention. The term “delegate committee” includes a group of delegates, a group of individuals seeking selection as delegates and a group of individuals supporting delegates. (See definition of “delegate” at 11 CFR 110.14(b)(i).)

(f) A political committee is either an authorized committee or an unauthorized committee.

(1) Authorized committee. An “authorized committee” means the principal campaign committee or any other political committee authorized by a candidate under 11 CFR 102.13 to receive contributions or make expenditures on behalf of such candidate, or which has not been disavowed pursuant to 11 CFR 100.3(a)(3).

(2) Unauthorized committee. An “unauthorized committee” is a political committee which has not been authorized in writing by a candidate to solicit or receive contributions or make expenditures on behalf of such candidate, or which has been disavowed pursuant to 11 CFR 100.3(a)(3).

(g) Affiliated committee. (1) All authorized committees of the same candidate are affiliated.

(2) All committees (including a separate segregated fund, see 11 CFR Part 114) established, financed, maintained, or controlled by the same corporation, labor organization, person, or group of persons including any parent, subsidiary, branch, division, department, or local unit thereof, are affiliated.

(i) Application of the rule of this paragraph means that:

(A) All political committees set up by a single corporation and/or its subsidiaries are affiliated;

(B) All political committees set up by a single national or international union and/or its local unions or other subordinate organizations of the national or international union are affiliated;

(C) All of the political committees set up by an organization of national or international unions and all of its State and/or local central bodies are affiliated;

(D) All political committees (other than party committees) established by a member organization, including a trade or professional association (see 11 CFR 114.8(a)), and/or by related State and local entities are affiliated;

(E) All the political committees established by the same person or group of persons are affiliated.

(ii) For organizations not covered by paragraph (g)(2)(i) of this section, in-
§ 1100.6 11 CFR Ch. D (1-1-86 Edition)

dicia of establishing, financing, maintaining, or controlling include:

(A) Ownership of a controlling interest in voting shares or securities;

(B) Provisions of bylaws, constitutions, or other documents by which one entity has the authority, power, or ability to direct another entity;

(C) The authority, power, or ability to hire, appoint, discipline, discharge, demote, or remove or otherwise influence the decision of the officers or members of an entity;

(D) Similar patterns of contributions;

(E) The transfer of funds between committees which represent a substantial portion of the funds of either the transferor or transferee committee, other than the transfer of funds between the committees which jointly raised the funds so transferred.

§ 100.6 Connected organization (2 U.S.C. 431(7)).

(a) "Connected organization" means any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee. A connected organization may be a corporation (including a corporation without capital stock), a labor organization, a membership organization, a cooperative or a trade association.

(b) For purposes of 11 CFR 100.6, organizations which are members of the entity (such as corporate members of a trade association) which establishes, administers, or financially supports a political committee are not organizations which directly or indirectly establish, administer or financially support that political committee.

(c) For purposes of 11 CFR 100.6, the term "financially supports" does not include contributions to the political committee, but does include the payment of establishment, administration and solicitation costs of such committee.

§ 100.7 Contribution (2 U.S.C. 431(8)).

(a) The term "contribution" includes the following payments, services or other things of value:

(1) A gift, subscription, loan (except for a loan made in accordance with 11 CFR 100.7(b)(11)), advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office is a contribution.

(i) For purposes of 11 CFR 100.7(a)(1), the term "loan" includes a guarantee, endorsement, and any other form of security.

(A) A loan which exceeds the contribution limitations of 2 U.S.C. 441a and 11 CFR Part 110 shall be unlawful whether or not it is repaid.

(B) A loan is a contribution at the time it is made and is a contribution to the extent that it remains unpaid. The aggregate amount loaned to a candidate or committee by a contributor, when added to other contributions from that individual to that candidate or committee, shall not exceed the contribution limitations set forth at 11 CFR Part 110. A loan, to the extent it is repaid, is no longer a contribution.

(C) Except as provided in (D), a loan is a contribution by each endorser or guarantor. Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that such agreement does not stipulate the proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

(D) A candidate may obtain a loan on which his or her spouse's signature is required when jointly owned assets are used as collateral or security for the loan. The spouse shall not be considered a contributor to the candidate's campaign if the value of the candidate's share of the property used as collateral equals or exceeds the amount of the loan which is used for the candidate's campaign.

32
(E) If a political committee makes a loan to any person, such loan shall be subject to the limitations of 11 CFR Part 110. Repayment of the principal amount of such loan to such political committee shall not be a contribution by the debtor to the lender committee. Such repayment shall be made with funds which are subject to the prohibitions of 11 CFR 110.4(a) and Part 114. The payment of interest to such committee by the debtor shall be a contribution only to the extent that the interest paid exceeds a commercially reasonable rate prevailing at the time the loan is made. All payments of interest shall be made from funds subject to the prohibitions of 11 CFR 110.4(a) and Part 114.

(ii) For purposes of 11 CFR 100.7(a)(1), the term “money” includes currency of the United States or of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand.

(iii) (A) For purposes of 11 CFR 100.7(a)(1), the term “anything of value” includes all in-kind contributions. Unless specifically exempted under 11 CFR 100.7(b), the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution. Examples of such goods or services include, but are not limited to: securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists. If goods or services are provided at less than the usual and normal charge, the amount of the in-kind contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged the political committee.

(B) For purposes of 11 CFR 100.7(a)(1)(iii)(A), “usual and normal charge” for goods means the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution; and “usual and normal charge” for any services, other than those provided by an unpaid volunteer, means the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.

(2) The entire amount paid to attend a fundraiser or other political event and the entire amount paid as the purchase price for a fundraising item sold by a political committee is a contribution.

(3) The payment by any person of compensation for the personal services of another person if those services are rendered without charge to a political committee for any purpose, except for legal and accounting services provided under 11 CFR 100.7(b)(13) or (14), is a contribution. No compensation is considered paid to any employee under any of the following conditions:

(i) If an employee is paid on an hourly or salaried basis and is expected to work a particular number of hours per period, no contribution results if the employee engages in political activity during what would otherwise be a regular work period, provided that the taken or released time is made up or completed by the employee within a reasonable time.

(ii) No contribution results where an employee engages in political activity during what would otherwise be normal working hours if the employee is paid on a commission or piecework basis, or is paid only for work actually performed and the employee's time is considered his or her own to use as he or she sees fit.

(iii) No contribution results where the time used by the employee to engage in political activity is bona fide, although compensable, vacation time or other earned leave time.

(4) The extension of credit by any person for a length of time beyond normal business or trade practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt. (See 11 CFR 114.10). A debt owed by a political committee which is forgiven or settled for less than the amount owed is a contribution, unless such debt is settled in accordance with the standards set forth at 11 CFR 114.10.

(b) The term “contribution” does not include the following payments, services or other things of value:

(1) (i) Funds received solely for the purpose of determining whether an in-
§ 100.7

Individual should become a candidate are not contributions. Examples of activities permissible under this exemption if they are conducted to determine whether an individual should become a candidate include, but are not limited to, conducting a poll, telephone calls, and travel. Only funds permissible under the Act may be used for such activities. The individual shall keep records of all such funds received. See 11 CFR 101.3. If the individual subsequently becomes a candidate, the funds received are contributions subject to the reporting requirements of the Act. Such contributions must be reported with the first report filed by the principal campaign committee of the candidate, regardless of the date the funds were received.

(i) This exemption does not apply to funds received for activities indicating that an individual has decided to become a candidate for a particular office or for activities relevant to conducting a campaign. Examples of activities that indicate that an individual has decided to become a candidate include, but are not limited to:

(A) The individual uses general public political advertising to publicize his or her intention to campaign for Federal office.

(B) The individual raises funds in excess of what could reasonably be expected to be used for exploratory activities or undertakes activities designed to amass campaign funds that would be spent after he or she becomes a candidate.

(C) The individual makes or authorizes written or oral statements that refer to him or her as a candidate for a particular office.

(D) The individual conducts activities in close proximity to the election or over a protracted period of time.

(E) The individual has taken action to qualify for the ballot under State law.

(2) Any cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication is not a contribution unless the facility is owned or controlled by any political party, political committee, or candidate, in which case the cost for a news story (i) which represents a bona fide news account communicated in a publication of general circulation or on a licensed broadcasting facility, and (ii) which is part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening area, is not a contribution.

(3) The value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee is not a contribution.

(4) No contribution results where an individual, in the course of volunteering personal services on his or her residential premises to any candidate or to any political committee of a political party, provides the use of his or her real or personal property to such candidate for candidate-related activity or to such political committee of a political party for party-related activity. For the purposes of 11 CFR 100.7(b)(4), an individual’s residential premises, shall include a recreation room in a residential complex where the individual volunteering services resides, provided that the room is available for use without regard to political affiliation. A nominal fee paid by such individual for the use of such room is not a contribution.

(5) No contribution results where an individual, in the course of volunteering personal services to any candidate or political committee of a political party, obtains the use of a church or community room and provides such room to any candidate for candidate-related activity or to any political committee of a political party for party-related activity, provided that the room is used on a regular basis by members of the community for noncommercial purposes and the room is available for use by members of the community without regard to political affiliation. A nominal fee paid by such individual for the use of such room is not a contribution.

(6) The cost of invitations, food and beverages is not a contribution where such items are voluntarily provided by an individual volunteering personal services on the individual’s residential premises or in a church or community room as specified at 11 CFR...
100.7(b)(4) and (5) to a candidate for candidate-related activity or to any political committee of a political party for party-related activity, to the extent that: the aggregate value of such invitations, food and beverages provided by the individual on behalf of the candidate does not exceed $1,000 with respect to any single election; and on behalf of all political committees of each political party does not exceed $2,000 in any calendar year.

(7) The sale of any food or beverage by a vendor (whether incorporated or not) for use in a candidate's campaign, or for use by a political committee of a political party, at a charge less than the normal or comparable commercial rate, is not a contribution, provided that the charge is at least equal to the cost of such food or beverage to the vendor, to the extent that: the aggregate value of such discount given by the 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 each political party does not exceed $2,000 in any calendar year.

(8) Any unreimbursed payment for transportation expenses incurred by any individual on behalf of any candidate or any political committee of a political party is not a contribution to the extent that: the aggregate value of the payments made by such individual on behalf of a candidate does not exceed $1,000 with respect to a single election; and on behalf of all political committees of each political party does not exceed $2,000 in a calendar year. Additionally, any unreimbursed payment from a volunteer's personal funds for usual and normal subsistence expenses incidental to volunteer activity is not a contribution.

(9) 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, sample ballot, palm card, or other printed listing(s) of three or more candidates for any public office for which an election is held in the State in which the committee is organized is not a contribution. The payment of the portion of such costs allocable to Federal candidates must be made from funds subject to the limitations and prohibitions of the Act. If made by a political committee, such payments shall be reported by that committee as disbursements, but need not be allocated in committee reports to specific candidates. This exemption shall not apply to costs incurred by such a committee with respect to the preparation and display of listings made on broadcasting stations, or in newspapers, magazines, and similar types of general public political advertising such as billboards.

(10) Any payment made or obligation incurred by a corporation or a labor organization is not a contribution if under the provisions of 11 CFR Part 114 such payment or obligation would not constitute an expenditure by the corporation or labor organization.

(11) A loan of money by a State bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits and accounts are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration is not a contribution by the lending institution if such loan is made in accordance with applicable banking laws and regulations and is made in the ordinary course of business. A loan will be deemed to be made in the ordinary course of business if it: bears the usual and customary interest rate of the lending institution for the category of loan involved; is made on a basis which assures repayment; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Such loans shall be reported by the political committee in accordance with 11 CFR 104.3(a). Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement, except that, in the event of a signature by the candidate's spouse, the provisions of 11 CFR 100.7(a)(1)(i)(D) shall apply. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by
each endorser or guarantor in such written agreement. In the event that such agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a contribution by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors. For purposes of 11 CFR 100.7(b)(11), an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to automatic overdraft protection; the overdraft is subject to a definite interest rate which is usual and customary; and there is a definite repayment schedule.

(12) A gift, subscription, loan, advance, or deposit of money or anything of value made to a national committee or a State committee of a political party is not a contribution if it is specifically designated to defray any cost incurred for construction or purchase of any office facility which is not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office. If such gift, subscription, loan, advance, or deposit of money or anything of value is made to a committee which is not a political committee under 11 CFR 100.5, the amount need not be reported. However, if such gift, subscription, loan, advance, or deposit of money or anything of value is made to a political committee, it shall be reported in accordance with 11 CFR 104.3(g).

(13) Legal or accounting services rendered to or on behalf of any political committee of a political party are not contributions if the person paying for such services is the regular employer of the individual rendering the services and such services are not attributable to activities which directly further the election of any designated candidate for Federal office. For purposes of 11 CFR 100.7(b)(13), a partnership shall be deemed to be the regular employer of a partner. Amounts paid by the regular employer for such services shall be reported by the committee receiving such services in accordance with 11 CFR 104.3(h).

(14) Legal or accounting services rendered to or on behalf of an authorized committee of a candidate or any other political committee are not contributions if the person paying for such services is the regular employer of the individual rendering the services and if such services are solely to ensure compliance with the Act or 26 U.S.C. 9001 et seq. and 9031 et seq. For purposes of 11 CFR 100.7(b)(14), a partnership shall be deemed to be the regular employer of a partner. Amounts paid by the regular employer for these services shall be reported by the committee receiving such services in accordance with 11 CFR 104.3(h).

(15) 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 or newsletters, and yard signs) used by such committee in connection with volunteer activities on behalf of any nominee(s) of such party is not a contribution, provided that the following conditions are met:

(i) Such payment is not for cost incurred in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising. For purposes of 11 CFR 100.7(b)(15)(i), the term "direct mail" means any mailing(s) by a commercial vendor or any mailing(s) made from commercial lists.

(ii) The portion of the cost of such materials allocable to Federal candidates is paid from contributions subject to the limitations and prohibitions of the Act.

(iii) Such payment is not made from contributions designated by the donor to be spent on behalf of a particular candidate or candidates for Federal office. For purposes of 11 CFR 100.7(b)(15)(iii), a contribution shall not be considered a "designated contribution" if the party committee disbursing the funds makes the final decision regarding which candidate(s) shall receive the benefit of such disbursement.

(iv) Such materials are distributed by volunteers and not by commercial
Federal Election Commission

§ 100.7

or for-profit operations. For the purposes of 11 CFR 100.7(b)(15)(iv), payments by the party organization for travel and subsistence or customary token payments to volunteers do not remove such individuals from the volunteer category.

(v) If made by a political committee such payments shall be reported by the political committee as disbursements in accordance with 11 CFR 104.3 but need not be allocated to specific candidates in committee reports.

(vi) Payments by a State candidate or his or her campaign committee to a State or local political party committee for the State candidate's share of expenses for such campaign materials are not contributions, provided the amount paid by the State candidate or his or her committee does not exceed his or her proportionate share of the expenses.

(vii) Campaign materials purchased by the national committee of a political party and delivered to a State or local party committee, or materials purchased with funds donated by the national committee to such State or local committee for the purchase of such materials, shall not qualify under this exemption. Rather, the cost of such materials shall be subject to the limitations of 2 U.S.C. 441a(d) and 11 CFR 110.7.

(16) The payment by a candidate for any public office (including State or local office), or by such candidate's authorized committee, of the costs of that candidate's campaign materials which include information on or any reference to a candidate for Federal office and which are used in connection with volunteer activities (such as pins, bumper stickers, handbills, brochures, posters, and yard signs) is not a contribution to such candidate for Federal office, provided that the payment is not for the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public communication or political advertising. The payment of the portion of the cost of such materials allocable to Federal candidates shall be made from contributions subject to the limitations and prohibitions of the Act. For purposes of 11 CFR 100.7(b)(16), the term "direct mail" means any mailing(s) by commercial vendors or mailing(s) made from lists which were not developed by the candidate.

(17) 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 the Presidential and Vice Presidential nominee(s) of that party, is not a contribution to such candidate(s) provided that the following conditions are met:

(i) Such payment is not for the costs incurred in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising. For purposes of 11 CFR 100.7(b)(17)(i), the term "direct mail" means any mailing(s) by a commercial vendor or any mailing(s) made from commercial lists.

(ii) The portion of the costs of such activities allocable to Federal candidates is paid from contributions subject to the limitations and prohibitions of the Act.

(iii) Such payment is not made from contributions designated to be spent on behalf of a particular candidate or candidates for Federal office. For purposes of 11 CFR 100.7(b)(17)(iii), a contribution shall not be considered a "designated contribution" if the party committee disbursing the funds makes the final decision regarding which candidate(s) shall receive the benefit of such disbursement.

(iv) For purposes of 11 CFR 100.7(b)(17), if such activities include references to any candidate(s) for the House or Senate, the costs of such activities which are allocable to that candidate(s) shall be a contribution to such candidate(s) unless the mention of such candidate(s) is merely incidental to the overall activity.

(v) For purposes of 11 CFR 100.7(b)(17), payment of the costs incurred in the use of phone banks in connection with voter registration and get-out-the-vote activities is not a contribution when such phone banks are operated by volunteer workers. The use of paid professionals to design the phone bank system, develop calling instructions and train supervisors is permissible. The payment of the costs of such professional services is not an ex-
penditure but shall be reported as a disbursement in accordance with 11 CFR 104.3 if made by a political committee.

(vi) If made by a political committee, such payments for voter registration and get-out-the-vote activities shall be reported by that committee as disbursements in accordance with 11 CFR 104.3, but such payments need not be allocated to specific candidates in committee reports except as provided in 11 CFR 100.7(b)(17)(iv).

(vii) Payments made from funds donated by a national committee of a political party to a State or local party committee for voter registration and get-out-the-vote activities shall not qualify under this exemption. Rather, such funds shall be subject to the limitations of 2 U.S.C. 441a(d) and 11 CFR 110.7.

(18) Payments made to any party committee by a candidate or the authorized committee of a candidate as a condition of ballot access are not contributions.

(19) The payment of any honorarium and related expenses within the meaning of 11 CFR 110.12 is not a contribution.

(20) A 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 is an expenditure.

(a) For purposes of 11 CFR 100.8(a)(1), the term "payment" includes payment of any interest on an obligation and any guarantee or endorsement of a loan by a candidate or a political committee.

(ii) For purposes of 11 CFR 100.8(a)(1), the term "payment" does not include the repayment by a political committee of the principal of an outstanding obligation which is owed by such committee, except that the repayment shall be reported as disbursements in accordance with 11 CFR 104.3(b).

(iii) For purposes of 11 CFR 100.8(a)(1), the term "money" includes currency of the United States or of any foreign nation, checks, money orders, or any other negotiable instrument payable on demand.

(iv)(A) For purposes of 11 CFR 100.8(a)(1), the term "anything of value" includes all in-kind contributions. Unless specifically exempted under 11 CFR 100.8(b), the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for the goods or services is an expenditure. Examples of such goods or services include, but are not limited to: securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists. If goods or services are provided at less than the usual and normal charge, the amount of the expenditure is the difference between the usual and normal charge for the goods or services at the time of the expenditure and the amount charged the candidate or political committee.

(B) For the purposes of 11 CFR 100.8(a)(1)(iv)(A), "usual and normal charge" for goods means the price of
§ 100.8

those goods in the market from which they ordinarily would have been purchased at the time of the expenditure; and "usual and normal charge" for services, other than those provided by an unpaid volunteer, means the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.

(2) A written contract, including a media contract, promise, or agreement to make an expenditure is an expenditure as of the date such contract, promise or obligation is made.

(3) An independent expenditure which meets the requirements of 11 CFR 104.4 or Part 109 is an expenditure, and such independent expenditure is to be reported by the person making the expenditure in accordance with 11 CFR 104.4 and Part 109.

(b) The term "expenditure" does not include the following payments, gifts, or other things of value:

(1) (i) Payments made solely for the purpose of determining whether an individual should become a candidate are not expenditures. Examples of activities permissible under this exemption if they are conducted to determine whether an individual should become a candidate include, but are not limited to, conducting a poll, telephone calls, and travel. Only funds permissible under the Act may be used for such activities. The individual shall keep records of all such payments. See 11 CFR 101.3. If the individual subsequently becomes a candidate, the payments made are subject to the reporting requirements of the Act. Such expenditures must be reported with the first report filed by the principal campaign committee of the candidate, regardless of the date the payments were made.

(ii) This exemption does not apply to payments made for activities indicating that an individual has decided to become a candidate for a particular office or for activities relevant to conducting a campaign. Examples of activities that indicate that an individual has decided to become a candidate include, but are not limited to:

(A) The individual uses general public political advertising to publicize his or her intention to campaign for Federal office.

(B) The individual raises funds in excess of what could reasonably be expected to be used for exploratory activities or undertakes activities designed to amass campaign funds that would be spent after he or she becomes a candidate.

(C) The individual makes or authorizes written or oral statements that refer to him or her as a candidate for a particular office.

(D) The individual conducts activities in close proximity to the election or over a protracted period of time.

(E) The individual has taken action to qualify for the ballot under State law.

(2) Any cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication is not an expenditure, unless the facility is owned or controlled by any political party, political committee or candidate, in which case the cost for a news story (i) which represents a bona fide news account communicated in a publication of general circulation or on a licensed broadcasting facility, and (ii) which is part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening area, is not an expenditure.

(3) Any cost incurred for nonpartisan activity designed to encourage individuals to register to vote or to vote is not an expenditure, except that corporations and labor organizations shall engage in such activity in accordance with 11 CFR 114.4(c) and (d). For purposes of 11 CFR 100.8(b)(3), "nonpartisan activity" means that no effort is or has been made to determine the party or candidate preference of individuals before encouraging them to register to vote or to vote.

(4) Any cost incurred for any communication by a membership organization to its members, or by a corporation to its stockholders or executive or administrative personnel, is not an expenditure, so long as the membership organization or corporation is not organized primarily for the purpose of influencing the nomination for elec-
§ 100.8 [11 CFR Ch. I (1-1-86 Edition)]

tion, 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 those costs exceed $2,000 per election, be reported to the Commission on FEC Form 7 in accordance with 11 CFR 104.6

(i) For purposes of 11 CFR 100.8(b)(4), "labor organization" means an organization of any kind (any local, national, or international union, or any local or State central body of a federation of unions is each considered a separate labor organization for purposes of this section) or any agency or employee representative committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(ii) For purposes of 11 CFR 100.8(b)(4), "stockholder" means a person who has a vested beneficial interest in stock, has the power to direct how that stock shall be voted, if it is voting stock, and has the right to receive dividends.

(iii) For purposes of 11 CFR 100.8(b)(4), "executive or administrative personnel" means individuals employed by a corporation who are paid on a salary rather than hourly basis and who have policymaking, managerial, professional, or supervisory responsibilities.

(A) This definition includes—
(1) Individuals who run the corporation's business, such as officers, other executives, and plant, division, and section managers; and
(2) Individuals following the recognized professions, such as lawyers and engineers.

(B) This definition does not include—
(1) Professionals who are represented by a labor organization;
(2) Salaried foremen and other salaried lower level supervisors having direct supervision over hourly employees;
(3) Former or retired personnel who are not stockholders; or
(4) Individuals who may be paid by the corporation, such as consultants, but who are not employees, within the meaning of 26 CFR 31.3401(c)-(1), of the corporation for the purpose of the collection of, and liability for, employee tax under 26 CFR 31.3402(a)-(1).

(C) Individuals on commission may be considered executive or administrative personnel if they have policymaking, managerial, professional, or supervisory responsibility and if the individuals are employees, within the meaning of 26 CFR 31.3401(c)-(1), of the corporation for the purpose of the collection of, and liability for, employee tax under 26 CFR 31.3402(a)-(1).

(D) The Fair Labor Standards Act, 29 USC 201, et seq. and the regulations issued pursuant to such Act, 29 CFR Part 541, et seq., may serve as a guideline in determining whether individuals have policymaking, managerial, professional, or supervisory responsibilities.

(iv) For purposes of 11 CFR 100.8(b)(4), "members" means all persons who are currently satisfying the requirements for membership in a membership organization, trade association, cooperative, or corporation without capital stock and in the case of a labor organization, persons who are currently satisfying the requirements for membership in a local, national, or international labor organization. Members of a local union are considered to be members of any national or international union of which the local union is a part and of any federation with which the local, national, or international union is affiliated. A person is not considered a member under this definition if the only requirement for membership is a contribution to a separate segregated fund.

(v) For purposes of 11 CFR 100.8(b)(4), "election" means two separate processes in a calendar year, to each of which the $2,000 threshold described above applies separately. The first process is comprised of all pri-
mary elections for Federal office, whenever and wherever held; the second process is comprised of all general elections for Federal office, whenever and wherever held. The term "election" shall also include each special election held to fill a vacancy in a Federal office (11 CFR 100.2(f)) or each runoff election (11 CFR 100.2(d)).

(vi) For purposes of 11 CFR 100.8(b)(4), "corporation" means any separately incorporated entity, whether or not affiliated.

(vii) When the aggregate costs under 11 CFR 100.8(b)(4) exceed $2,000 per election, all costs of the communication(s) shall be reported on the filing dates specified in 11 CFR 104.6, and shall include the total amount expended for each candidate supported.

(5) No expenditure results where an individual, in the course of volunteering personal services on his or her residential premises to any candidate or political committee of a political party, provides the use of his or her real or personal property to such candidate for candidate-related activity or to such political committee of a political party for party-related activity. For the purposes of 11 CFR 100.8(b)(5), an individual's residential premises shall include a recreation room in a residential complex where the individual volunteering services resides, provided that the room is available for use without regard to political affiliation. A nominal fee paid by such individual for the use of such room is not an expenditure.

(6) No expenditure results where an individual, in the course of volunteering personal services to any candidate or political committee of a political party, obtains the use of a church or community room and provides such room to any candidate for candidate-related activity or to any political committee of a political party for party-related activity, provided that the room is used on a regular basis by members of the community for noncommercial purposes and the room is available for use by members of the community without regard to political affiliation. A nominal fee paid by such individual for the use of such room is not an expenditure.

(7) The cost of invitations, food, and beverages is not an expenditure where such items are voluntarily provided by an individual in rendering volunteer personal services on the individual's residential premises or in a church or community room as specified at 11 CFR 100.8(b)(5) and (6) to a candidate for candidate-related activity or to a political committee of a political party for party-related activity, to the extent that: the aggregate value of such invitations, food and beverages provided by the individual on behalf of the candidate does not exceed $1,000 with respect to any single election; and on behalf of all political committees of each political party does not exceed $2,000 in any calendar year.

(8) The sale of any food or beverage by a vendor (whether incorporated or not) for use in a candidate's campaign, or for use by a political committee of a political party, at a charge less than the normal or comparable commercial charge, is not an expenditure, provided that the charge is at least equal to the cost of such food or beverage to the vendor, to the extent that: the aggregate value of such discount given by the 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 each political party does not exceed $2,000 in a calendar year.

(9) Any unreimbursed payment for transportation expenses incurred by any individual on behalf of any candidate or political committee of a political party is not an expenditure to the extent that: the aggregate value of the payments made by such individual on behalf of a candidate does not exceed $1,000 with respect to a single election; and on behalf of all political committees of each political party does not exceed $2,000 in a calendar year. Additionally, any unreimbursed payment from a volunteer's personal funds for usual and normal subsistence expenses incident to volunteer activity is not an expenditure.

(10) The payment by a State or local committee of a political party of the costs of preparation, display, or mail-
ing or other distribution incurred by such committee with respect to a printed slate card, sample ballot, palm card, or other printed listing(s) of three or more candidates for any public office for which an election is held in the State in which the committee is organized is not an expenditure. The payment of the portion of such costs allocable to Federal candidates must be made from funds subject to the limitations and prohibitions of the Act. If made by a political party committee, such payments shall be reported by that committee as disbursements, but need not be allocated in committee reports to specific candidates. This exemption shall not apply to costs incurred by such a committee with respect to the preparation and display of listings made on broadcasting stations, or in newspapers, magazines, and similar types of general public political advertising such as billboards.

(11) Any payment made or obligation incurred by a corporation or labor organization is not an expenditure if under the provisions of 11 CFR Part 114 such payment or obligation would not constitute an expenditure by the corporation or labor organization.

(12) A loan of money by a State bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits and accounts are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration is not an expenditure by the lending institution if such loan is made in accordance with applicable banking laws and regulations and is made in the ordinary course of business. A loan will be deemed to be made in the ordinary course of business if it: bears the usual and customary interest rate of the lending institution for the category of loan involved; is made on a basis which assures repayment; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Such loans shall be reported by the political committee in accordance with 11 CFR 104.3(a). Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement, except that, in the event of a signature by the candidate's spouse, the provisions of 11 CFR 100.7(a)(1)(i)(D) shall apply. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that the loan agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered an expenditure by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors. For the purpose of 11 CFR 100.8(b)(12), an overdraft made on a checking or savings account shall be considered an expenditure unless: the overdraft is made on an account which is subject to automatic overdraft protection; and the overdraft is subject to a definite interest rate and a definite repayment schedule.

(13) A purchase, payment, distribution, loan, advance, or deposit of money or anything of value made to a national committee or a state committee of a political party is not an expenditure if it is specifically designated to defray any cost incurred for construction or purchase of any office facility which is not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office. If such purchase, payment, distribution, loan, advance, or deposit of money or anything of value is made to a committee which is not a political committee under 11 CFR 100.5, the amount need not be reported. However, if such purchase, payment, distribution, loan, advance, or deposit of money or anything of value is made to a committee which is not a political committee under 11 CFR 100.5, the amount need not be reported. However, if such purchase, payment, distribution, loan, advance, or deposit of money or anything of value is made to a political committee, it shall be reported in accordance with 11 CFR 104.3(g).

(14) Legal or accounting services rendered to or on behalf of any political committee of a political party are not expenditures if the person paying for such services is the regular employer of the individual rendering the services and such services are not attributable to activities which directly fur-
ther the election of any designated candidate for Federal office. For purposes of 11 CFR 100.8(b)(14), a partnership shall be deemed to be the regular employer of a partner. Amounts paid by the regular employer for such services shall be reported by the committee receiving such services in accordance with 11 CFR 104.3(h).

(15) Legal or accounting services rendered to or on behalf of an authorized committee of a candidate or any other political committee are not expenditures if the person paying for such services is the regular employer of the individual rendering such services and if the services are solely to ensure compliance with the Act or 26 U.S.C. 9001 et seq. and 9032 et seq. For purposes of 11 CFR 100.8(b)(15), a partnership shall be deemed to be the regular employer of a partner. Amounts paid by the regular employer for these services shall be reported by the committee receiving such services in accordance with 11 CFR 104.3(h).

Expenditures for these services by a candidate certified to receive Primary Matching Funds under 11 CFR Part 9034 do not count against such candidate's expenditure limitations under 11 CFR Part 9035 or 11 CFR 110.8. Unless paid for with federal funds received pursuant to 11 CFR Part 9005, disbursements for these services by a candidate who is certified to receive Primary Matching Funds under 11 CFR Part 9034 do not count against such candidate's expenditure limitations under 11 CFR Part 9035 or 11 CFR 110.8.

(16) 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 or newsletters, and yard signs) used by such committee in connection with volunteer activities on behalf of any nominee(s) of such party is not an expenditure, provided that the following conditions are met.

(i) Such payment is not for costs incurred in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising. For the purposes of 11 CFR 100.8(b)(16)(i), the term "direct mail" means any mailing(s) by a commercial vendor or any mailing(s) made from commercial lists.

(ii) The portion of the cost of such materials allocable to Federal candidates is paid from contributions subject to the limitations and prohibitions of the Act.

(iii) Such payment is not made from contributions designated by the donor to be spent on behalf of a particular candidate or candidates for Federal office. For purposes of 11 CFR 100.8(b)(16)(ii), a contribution shall not be considered a "designated contribution" if the party committee disbursing the funds makes the final decision regarding which candidate(s) shall receive the benefit of such disbursement.

(iv) Such materials are distributed by volunteers and not by commercial or for-profit operations. For the purposes of 11 CFR 100.8(b)(16)(iv), payments by the party organization for travel and subsistence or customary token payments to volunteers do not remove such individuals from the volunteer category.

(v) If made by a political party committee, such payments shall be reported by that committee as disbursements, in accordance with 11 CFR 104.3, but need not be allocated to specific candidates in committee reports.

(vi) Payments by a State candidate or his or her campaign committee to a State or local political party committee for the State candidate's share of expenses for such campaign materials are not expenditures, provided the amount paid by the State candidate or his or her committee does not exceed his or her proportionate share of the expenses.

(vii) Campaign materials purchased by the national committee of a political party and delivered to a State or local party committee, or materials purchased with funds donated by the national committee to such State or local committee for the purchase of such materials, shall not qualify under this exemption. Rather, the cost of such materials shall be subject to the limitations of 2 U.S.C. 441a(d) and 11 CFR 110.7.

(17) The payment by a candidate for any public office (including State or
§ 100.8

local office), or by such candidate's authorized committee, of the costs of that candidate's campaign materials which include information on or any reference to a candidate for Federal office and which are used in connection with volunteer activities (such as pins, bumper stickers, handbills, brochures, posters, and yard signs) is not an expenditure on behalf of such candidate for Federal office, provided that the payment is not for the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public communication or political advertising. The payment of the portion of the cost of such materials allocable to Federal candidates shall be made from contributions subject to the limitations and prohibitions of the Act. For purposes of 11 CFR 100.8(b)(17), the term “direct mail” means mailings by commercial vendors or mailings made from lists which were not developed by the candidate.

(18) 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 the Presidential and Vice Presidential nominee(s) of that party is not an expenditure for the purpose of influencing the election of such candidates provided that the following conditions are met:

(i) Such payment is not for the costs incurred in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising. For purposes of 11 CFR 100.8(b)(18)(i), the term “direct mail” means any mailing(s) by a commercial vendor or any mailing(s) made from commercial lists.

(ii) The portion of the costs of such activities allocable to Federal candidates is paid from contributions subject to the limitations and prohibitions of the Act.

(iii) Such payment is not made from contributions designated to be spent on behalf of a particular candidate or candidates for Federal office. For the purposes of 11 CFR 100.8(b)(18)(iii), a contribution shall not be considered a “designated contribution” if the party committee disbursing the funds makes the final decision regarding which candidate(s) shall receive the benefit of such disbursement.

(iv) For purposes of 11 CFR 100.8(b)(18), if such activities include references to any candidate(s) for the House or Senate, the costs of such activities which are allocable to that candidate(s) shall be an expenditure on behalf of such candidate(s) unless the mention of such candidate(s) is merely incidental to the overall activity.

(v) For purposes of 11 CFR 100.8(b)(18), payment of the costs incurred in the use of phone banks in connection with voter registration and get-out-the-vote activities is not an expenditure when such phone banks are operated by volunteer workers. The use of paid professionals to design the phone bank system, develop calling instructions and train supervisors is permissible. The payment of the costs of such professional services is not an expenditure but shall be reported as a disbursement in accordance with 11 CFR 104.3 if made by a political committee.

(vi) If made by a political committee, such payments for voter registration and get-out-the-vote activities shall be reported by that committee as disbursements, in accordance with 11 CFR 104.3 but such payments need not be allocated to specific candidates in committee reports except as provided in 11 CFR 100.8(b)(18)(iv).

(vii) Payments made from funds donated by a national committee of a political party to a State or local party committee for voter registration and get-out-the-vote activities shall not qualify under this exemption. Rather, such funds shall be subject to the limitations of 2 U.S.C. 441a(d) and 11 CFR 110.7.

(19) Amounts transferred by a party committee to another party committee or payments made to the appropriate State official of fees collected from candidates or their authorized committees as a condition of ballot access are not expenditures.

(20) A purchase, payment, distribution, loan, advance, or deposit of money or anything of value made with respect to a recount of the results of a Federal election, or an election contest concerning a Federal election, is not
§ 100.14

an expenditure except that the prohibitions of 11 CFR 110.4(a) and Part 114 apply.

(21)(i) Any costs incurred by a candidate or his or her authorized committee(s) in connection with the solicitation of contributions are not expenditures if incurred by a candidate who has been certified to receive Presidential Primary Matching Fund Payments, or by a candidate who has been certified to receive general election public financing under 26 U.S.C. 9004 and who is soliciting contributions in accordance with 26 U.S.C. 9003(b)(2) or 9003(c)(2) to the extent that the aggregate of such costs does not exceed 20 percent of the expenditure limitation applicable to the candidate. These costs shall, however, be reported as disbursements pursuant to 11 CFR Part 104.

(ii) For purposes of 11 CFR 100.8(b)(21), “in connection with the solicitation of contributions” means any cost reasonably related to fundraising activity, including the costs of printing and postage, the production of and space or air time for, advertisements used for fundraising, and the costs of meals, beverages, and other costs associated with a fundraising reception or dinner.

(iii) The fundraising expenditures need not be allocated on a State by State basis, except where the fundraising activity is aimed at a particular State and takes place within 28 days prior to a primary election, convention, or caucus. See 11 CFR 110.8(c).

(22) Payments by a candidate from his or her personal funds, as defined at 11 CFR 110.10(b), for the candidate’s routine living expenses which would have been incurred without candidacy, including the costs of food and residence, are not expenditures.

(23) Funds used to defray costs incurred in staging nonpartisan candidate debates in accordance with the provisions of 11 CFR 110.13 and 114.4(c).

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

(b) “Subordinate committee of a State committee” means any organization which is responsible for the day-
§ 100.15 Political party (2 U.S.C. 431(16)).

"Political party" means an association, committee, or organization which nominates or selects a candidate for election to any Federal office, whose name appears on an election ballot as the candidate of the association, committee, or organization.

§ 100.16 Independent expenditure (2 U.S.C. 431(17)).

The term "independent expenditure" means an expenditure for a communication 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.

§ 100.17 Clearly identified (2 U.S.C. 431(18)).

The term "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

§ 100.18 Act (2 U.S.C. 431(19)).


§ 100.19 File, filed or filing (2 U.S.C. 433(a)).

With respect to reports, statements, notices, and designations required to be filed under 11 CFR Parts 101, 102, 104, 105, 107, 108 and 109, and any modifications or amendments thereto, the terms "file", "filed" and "filing" mean either of the following actions:

(a) A document is timely filed upon delivery to the Federal Election Commission, 999 E Street, NW., Washington, DC 20463; the Secretary of the United States Senate, Office of Public Records, 119 D Street NE., Washington, D.C. 20510; or the Clerk of the United States House of Representatives, House Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515 as required by 11 CFR Part 105, by the close of the prescribed filing date.

(b) A document is timely filed upon deposit as registered or certified mail in an established U.S. Post Office and postmarked no later than midnight of the day of the filing date, except that pre-election reports so mailed must be postmarked no later than midnight of the fifteenth day before the date of the election. Reports and statements sent by first class mail must be received by the close of business of the prescribed filing date to be timely filed.

§ 100.20 Occupation (2 U.S.C. 431(13)).

"Occupation" means the principal job title or position of an individual and whether or not self-employed.

§ 100.21 Employer (2 U.S.C. 431(13)).

"Employer" means the organization or person by whom an individual is employed, and not the name of his or her supervisor.

PART 101—CANDIDATE STATUS AND DESIGNATIONS (2 U.S.C. 432(e))

Sec. 101.1 Candidate designations (2 U.S.C. 432(e)(1)).

101.1 Candidate designations (2 U.S.C. 432(e)(1)).

(a) Principal Campaign Committee. Within 15 days after becoming a candidate under 11 CFR 100.3, each candidate, other than a nominee for the office of Vice President, shall desig-
nate in writing a principal campaign committee in accordance with 11 CFR 102.12. A candidate shall designate his or her principal campaign committee by filing a Statement of Candidacy on FEC Form 2, or by filing a letter containing the same information (that is, the individual's name and address, party affiliation and office sought, the District and State in which Federal office is sought, and the name and address of his or her principal campaign committee) at the place of filing specified at 11 CFR Part 105. Each principal campaign committee shall register, designate a depository and report in accordance with 11 CFR Parts 102, 103 and 104.

(b) Authorized Committees. A candidate may designate additional political committees in accordance with 11 CFR 102.13 to serve as committees which will be authorized to accept contributions or make expenditures on behalf of the candidate. For each such authorized committee, other than a principal campaign committee, the candidate shall file a written designation with his or her principal campaign committee. The principal campaign committee shall file such designations at the place of filing specified at 11 CFR Part 105.

§101.2 Candidate as agent of authorized committee (2 U.S.C. 432(e)(2)).

(a) Any candidate who receives a contribution as defined at 11 CFR 100.7, obtains any loan, or makes any disbursement, in connection with his or her campaign shall be considered as having received such contribution, obtained such loan or made such disbursement as an agent of his or her authorized committee(s).

(b) When an individual becomes a candidate, any funds received, loans obtained, or disbursements made prior to becoming a candidate in connection with his or her campaign shall be deemed to have been received, obtained or made as an agent of his or her authorized committee(s).

§101.3 Funds received or expended prior to becoming a candidate (2 U.S.C. 432(e)(2)).

When an individual becomes a candidate, all funds received or payments made in connection with activities conducted under 11 CFR 100.7(b)(1) and 11 CFR 100.8(b)(1) or his or her campaign prior to becoming a candidate shall be considered contributions or expenditures under the Act and shall be reported in accordance with 11 CFR 104.3 in the first report filed by such candidate's principal campaign committee. The individual shall keep records of the name of each contributor, the date of receipt and amount of all contributions received (see 11 CFR 102.9(a)), and all expenditures made (see 11 CFR 102.9(b)) in connection with activities conducted under 11 CFR 100.7(b)(1) and 11 CFR 100.8(b)(1) or the individual's campaign prior to becoming a candidate.

[50 FR 9995, Mar. 13, 1985]
§ 102.1

Sec.
102.15 Commingled funds (2 U.S.C. 432(a)(3)).
102.16 Notice; Solicitation of contributions (2 U.S.C. 441d).
102.17 Joint fundraising by committees other than separate segregated funds.

AUTHORITY: 2 U.S.C. 432, 433, 438(a)(8), 441d.

SOURCE: 45 FR 15104, Mar. 7, 1980, unless otherwise noted.

§ 102.1 Registration of political committees (2 U.S.C. 433(a)).

(a) Principal Campaign Committees. Each principal campaign committee shall file a Statement of Organization in accordance with 11 CFR 102.2 no later than 10 days after designation pursuant to 11 CFR 101.1. In addition, each principal campaign committee shall file all designations, statements and reports which are filed with such committee at the place of filing specified at 11 CFR Part 105.

(b) Authorized Committees. Each authorized committee(s) shall file only one Statement of Organization in accordance with 11 CFR 102.2 no later than 10 days after designation pursuant to 11 CFR 101.1. Such Statement(s) shall be filed with the principal campaign committee of the authorizing candidate.

(c) Separate Segregated Funds. Each separate segregated fund established under 2 U.S.C. 441b(b)(2)(C) shall file a Statement of Organization with the Federal Election Commission no later than 10 days after establishment. This requirement shall not apply to a fund established solely for the purpose of financing political activity in connection with State or local elections. Examples of establishment events after which a fund would be required to register include, but are not limited to: a vote by the board of directors or comparable governing body of an organization to create a separate segregated fund to be used wholly or in part for federal elections; selection of initial officers to administer such a fund; or payment of the initial operating expenses of such a fund.

(d) Other Political Committees. All other committees shall file a Statement of Organization no later than 10 days after becoming a political committee within the meaning of 11 CFR 100.5. Such statement(s) shall be filed at the place of filing specified at 11 CFR Part 105.

§ 102.2 Statement of organization: Forms and committee identification number (2 U.S.C. 433(b), (c)).

(a) Forms. (1) The Statement of Organization shall be filed in accordance with 11 CFR Part 105 on Federal Election Commission Form 1, which may be obtained from the Federal Election Commission, 999 E Street, NW., Washington, DC 20463. The Statement shall be signed by the treasurer and shall include the following information:

(i) The name, address, and type of committee;

(ii) The name, address, relationship, and type of any connected organization or affiliated committee in accordance with 11 CFR 102.2(b);

(iii) The name, address, and committee position of the custodian of books and accounts of the committee;

(iv) The name and address of the treasurer of the committee;

(v) If the committee is authorized by a candidate, the name, office sought (including State and Congressional district, when applicable) and party affiliation of the candidate; and the address to which communications should be sent;

(vi) A listing of all banks, safe deposit boxes, or other depositories used by the committee.

(2) Any change or correction in the information previously filed in the Statement of Organization shall be reported no later than 10 days following the date of the change or correction by filing an amended Statement of Organization or by filing a letter noting the change(s). The amendment need list only the name of such committee and the change or correction.

(b) For purposes of 11 CFR 102.2(a)(1)(ii), political committees shall disclose the names of any connected organization(s) or affiliated committee(s) in accordance with 11 CFR 102.2(b) (1) and (2).

(1) "Affiliated committee" includes any committee defined in 11 CFR 100.5(g).
(i) A principal campaign committee is required to disclose the names and addresses of all other authorized committees which have been authorized by its candidate. Authorized committees need only disclose the name of their principal campaign committee.

(ii)(A) Political committees established by a single parent corporation, a single national or international union, a single organization or federation of national or international unions, a single national membership organization or trade association, or any other similar group of persons (other than political party organizations) are required to disclose the names and addresses of all political committees established by any subsidiary, or by any State, local, or other subordinate unit of a national or international union or federation thereof, or by any subordinate units of a national membership organization, trade association, or other group of persons (other than political party organizations).

(B) Political committees established by subsidiaries, or by State, local, or other subordinate units are only required to disclose the name and address of each political committee established by their parent or superior body, e.g., parent corporation, national or international union or organization or federation of such unions, or national organization or trade association.

(2) "Connected organization" includes any organization defined at 11 CFR 100.6.

(c) Committee identification number. Upon receipt of a Statement of Organization under 11 CFR Part 102 by the Commission, an identification number shall be assigned to the committee, receipt shall be acknowledged, and the political committee shall be notified of the number assigned. This identification number shall be entered by the political committee on all subsequent reports or statements filed under the Act, as well as on all communications concerning reports and statements.


§ 102.3 Termination of registration (2 U.S.C. 433(d)(1)).

(a) A political committee (other than a principal campaign committee) may terminate only upon filing a termination report on the appropriate FEC Form or upon filing a written statement containing the same information at the place of filing specified at 11 CFR Part 105. Except as provided in 11 CFR 102.4(c), only a committee which will no longer receive any contributions or make any disbursements that would otherwise qualify it as a political committee may terminate, provided that such committee has no outstanding debts and obligations. In addition to the Notice, the committee shall also provide a final report of receipts and disbursements, which report shall include a statement as to the purpose for which such residual funds will be used, including a statement as to whether such residual funds will be used to defray expenses incurred in connection with an individual's duties as a holder of federal office.

(b) Except as provided at 11 CFR 102.4, a principal campaign committee may not terminate until it has met the requirements of 11 CFR 102.3(a) and until all debts of any other authorized committee(s) of the candidate have been extinguished.


§ 102.4 Administrative termination (2 U.S.C. 433(d)(2)).

(a) The Commission, on its own initiative or upon the request of the political committee itself, may administratively terminate a political committee's reporting obligation on the basis of the following factors:

1. The committee's aggregate reported financial activity in one year is less than $5000;

2. The committee's reports disclose no receipt of contributions for the previous year;

3. The committee's last report disclosed minimal expenditures;

4. The committee's primary purpose for filing its reports has been to disclose outstanding debts and obligations;
§ 102.5 11 CFR Ch. I (1-1-86 Edition)

(5) The committee has failed to file reports for the previous year;
(6) The committee's last report disclosed that the committee's outstanding debts and obligations do not appear to present a possible violation of the prohibitions and limitations of 11 CFR Parts 110 and 114;
(7) The committee's last report disclosed that the Committee does not have substantial outstanding accounts receivable;
(8) The committee's outstanding debts and obligations exceed the total of the committee's reported cash on hand balance.

(b) The Commission shall send a notification to the committee treasurer of its intent to administratively terminate that committee and may request the treasurer to submit information with regard to the factors set forth at 11 CFR 102.4(a). The treasurer shall respond, in writing, within 30 days of receipt of the Commission's notice or request and if the committee objects to such termination, the committee's response shall so state.

(c) The Commission shall administratively terminate a committee if such committee fails to object to the Commission's action under 11 CFR 102.4(b) and the Commission determines that either:

(1) The committee has complied with the debt settlement procedures set forth at 11 CFR 114.10;
(2) The Commission has approved the forgiveness of any loan(s) owed the committee which would have otherwise been considered a contribution under the Act in violation of 11 CFR Part 110;
(3) It does not appear from evidence available that a contribution in violation of 11 CFR Parts 110 and 114 will result.

§ 102.5 Organizations financing political activity in connection with Federal and non-Federal elections, other than through transfers and joint fundraisers.

(a) Organizations that are political committees under the Act

(1) Each organization, including a party committee, which finances political activity in connection with both federal and non-federal elections and which qualifies as a political committee under 11 CFR 100.5 shall either:

(i) Establish a separate federal account in a depository in accordance with 11 CFR Part 103. Such account shall be treated as a separate federal political committee which shall comply with the requirements of the Act including the registration and reporting requirements of 11 CFR Parts 102 and 104. Only funds subject to the prohibitions and limitations of the Act shall be deposited in such separate federal account. All disbursements, contributions, expenditures and transfers by the committee in connection with any federal election shall be made from its federal account. No transfers may be made to such federal account from any other account(s) maintained by such organization for the purpose of financing activity in connection with non-federal elections. Administrative expenses shall be allocated pursuant to 11 CFR Part 106 between such federal account and any other account maintained by such committee for the purpose of financing activity in connection with non-federal elections; or

(ii) Establish a political committee which shall receive only contributions subject to the prohibitions and limitations of the Act, regardless of whether such contributions are for use in connection with federal or non-federal elections. Such organization shall register as a political committee and comply with the requirements of the Act.

(2) Only contributions meeting the conditions set forth at subsections (i), (ii), and (iii) of this section may be deposited in a federal account established under 11 CFR 102.5(a)(1)(i) or may be received by a political committee established under 11 CFR 102.5(a)(1)(ii).

(i) Contributions designated for the federal account;

(ii) Contributions that result from a solicitation which expressly states that the contribution will be used in connection with a federal election; and

(iii) Contributions from contributors who are informed that all contributions are subject to the prohibitions and limitations of the Act.
(b) Organizations that are not political committees under the Act

(1) Any organization that makes contributions or expenditures but does not qualify as a political committee under 11 CFR 100.5 and any State or local party organization that makes contributions, expenditures and exempted payments under 11 CFR 100.7(b)(9), (15) and (17) and 100.8(b)(10), (16) and (18) shall either:

(i) Establish a separate account to which only funds subject to the prohibitions and limitations of the Act shall be deposited and from which contributions, expenditures and exempted payments shall be made. Such organization shall keep records of deposits to and disbursements from such account and, upon request, shall make such records available for examination by the Commission.

(ii) Demonstrate through a reasonable accounting method that whenever such organization makes a contribution, expenditure or exempted payment, that organization has received sufficient funds, subject to the limitations and prohibitions of the Act to make such contribution, expenditure or payment. Such organization shall keep records of amounts received or expended under this subsection and, upon request, shall make such records available for examination by the Commission.


§102.6 Transfers of funds; collecting agents.

(a) Transfers of funds; registration and reporting required—(1) Who may make transfers under this section. (i) Transfers of funds may be made without limit on amount between affiliated committees whether or not they are political committees under 11 CFR 100.5.

(ii) Transfers of funds may be made without limit on amount between or among a national party committee, a State party committee and/or any subordinate party committee whether or not they are political committees under 11 CFR 100.5 and whether or not such committees are affiliated.

(iii) Transfers of joint fundraising proceeds may be made without limit on amount between organizations or committees participating in the joint fundraising activity provided that no participating committee or organization governed by 11 CFR 102.17 received more than its allocated share of the funds raised.

(iv) Transfers under paragraphs (a)(1) (i) through (iii) shall be made only from funds which are permissible under the Act. See 11 CFR Parts 110, 114 and 115.

(2) When registration and reporting required. Except as provided in 11 CFR 102.6(b), organizations or committees making transfers under 11 CFR 102.6(a)(1) shall count such transfers against the reporting thresholds of the Act for determining whether an organization or committee is a political committee under 11 CFR 100.5.

(b) Fundraising by collecting agents; No reporting required—(1) Definition of collecting agent. A collecting agent is an organization or committee that collects and transmits contributions to one or more separate segregated funds to which the collecting agent is related. A collecting agent may be either:

(i) A committee, whether or not it is a political committee as defined in 11 CFR 100.5, affiliated with the separate segregated fund under 11 CFR 110.3; or

(ii) The connected organization of the separate segregated fund as defined in 11 CFR 100.6; or

(iii) A parent, subsidiary, branch, division, department, or local unit of the connected organization of the separate segregated fund; or

(iv) A local, national or international union collecting contributions on behalf of the separate segregated fund of any federation with which the local, national or international union is affiliated. See 11 CFR 114.1(e).

(2) Collecting agent not required to report. A collecting agent that is an unregistered organization and that follows the procedures of 11 CFR 102.6(c) is not required to register and report as a political committee under 11 CFR Parts 102 and 104, provided that the organization does not engage in other activities such as making contributions or expenditures for the purpose of influencing federal elections.
(3) **Who is not a collecting agent—**(i) Commercial fundraising firm. A separate segregated fund or a collecting agent may hire a commercial fundraising firm to assist in fundraising; however, the commercial fundraising firm shall not be considered as a collecting agent for the purpose of this section. Rather, the commercial fundraising firm shall be considered to be the agent of the separate segregated fund or collecting agent.

(ii) **Individuals.** An individual who collects contributions for a separate segregated fund shall not be considered a collecting agent for the purpose of this section. Individuals who collect contributions are subject to the requirements of 11 CFR 102.8 and the provisions of 11 CFR Part 110.

(4) **Separate segregated fund may collect contributions.** Nothing in this section shall preclude a separate segregated fund from soliciting and collecting contributions on its own behalf.

(c) **Procedures for collecting agents—**

(1) **Separate segregated fund responsible for acts of collecting agent.** The separate segregated fund shall be responsible for ensuring that the recordkeeping, reporting and transmittal requirements of this section are met.

(2) **Solicitation for contributions.** A collecting agent may include a solicitation for voluntary contributions to a separate segregated fund in a bill for membership dues or other payments such as conference registration fees or a solicitation for contributions to the collecting agent. The collecting agent may only solicit contributions from those persons permitted to be solicited under 11 CFR Part 114. The solicitation for contributions must meet all of the requirements for proper solicitations under 11 CFR 114.5.

(i) The collecting agent may pay any or all of the costs incurred in soliciting and transmitting contributions to the separate segregated fund.

(ii) If the separate segregated fund pays any solicitation or other administrative expense from its own account, which expense could be paid for as an administrative expense by the collecting agent, the collecting agent may reimburse the separate segregated fund no later than 30 calendar days after the expense was paid by the separate segregated fund.

(3) **Checks combining contributions with other payments.** A contributor may write a check that represents both a contribution and payment of dues or other fees. The check must be drawn on the contributor’s personal checking account or on a non-repayable corporate drawing account of the individual contributor. Under a payroll deduction plan, an employer may write a check on behalf of its employees to a union or its agent, which check represents a combined payment of voluntary contributions to the union’s separate segregated fund and union dues or other employee deductions.

(4) **Transmittal of contributions.** The full amount of each contribution collected by a collecting agent on behalf of a separate segregated fund shall be transmitted to that fund within 10 or 30 days as required by 11 CFR 102.8.

(i) Checks made payable to the separate segregated fund shall be transmitted by the collecting agent directly to the separate segregated fund in accordance with 11 CFR 102.8.

(ii) To transfer all other contributions, a collecting agent shall either:

(A) Establish a transmittal account to be used solely for the deposit and transmittal of funds collected on behalf of the separate segregated fund. Funds deposited into this account are subject to the prohibitions and limitations of the Act. If any expenditure is made from the account, other than a transfer of funds to an affiliated committee, the account shall be considered a depository of the recipient committee and all activity of that account shall be reported; or

(B) Deposit the contributions collected into the collecting agent’s treasury account. The collecting agent shall keep separate records of all receipts and deposits that represent contributions to the separate segregated fund and, in the case of cash contributions, the collecting agent shall make separate deposits of such funds; or

(C) Deposit the contributions collected into an account otherwise established solely for State or local election activity. The collecting agent shall
keep separate records of all receipts and deposits that represent contributions to the separate segregated fund; or

(D) In the case of cash contributions, transmit the contributions to the separate segregated fund in the form of money orders or cashier's checks.

(5) Contributor information. The collecting agent shall comply with the requirements of 11 CFR 102.8 regarding transmittal of contributions and contributor information to the separate segregated fund, except that if contributions of $50 or less are received at a mass collection, a record shall be kept of the date, the total amount collected, and the name of the function at which the collection was made.

(6) Retention of records. The collecting agent shall retain all records of contribution deposits and transmittals under this section for a period of three years and shall make these records available to the Commission on request. The separate segregated fund shall keep a record of all transmittals of contributions received from collecting agents under this section, and shall retain these records for a period of three years.

(7) Reporting of funds received through collecting agents. A separate segregated fund receiving contributions collected by a collecting agent shall report the full amount of each contribution received as a contribution from the original contributor to the extent required by 11 CFR 104.3(a).

§ 102.8 Receipt of contributions (2 U.S.C. 432(b)).

(a) Every person who receives a contribution for an authorized political committee shall, no later than 10 days after receipt, forward such contribution to the treasurer. If the amount of the contribution is in excess of $50, such person shall also forward to the treasurer the name and address of the contributor and the date of receipt of the contribution. If the amount of the contribution is in excess of $200, such person shall forward the contribution, the identification of the contributor in accordance with 11 CFR 100.12, and the date of receipt of the contribution. Date of receipt shall be the date such person obtains possession of the contribution.

(b) (1) Every person who receives a contribution of $50 or less for a political committee which is not an authorized committee shall forward such contribution to the treasurer of the political committee no later than 30 days after receipt.

(2) Every person who receives a contribution in excess of $50 for a political committee which is not an authorized committee shall forward such contribution to the treasurer of the political committee no later than 10 days after receipt.

§ 102.7 Organization of political committees (2 U.S.C. 432(a)).

(a) Every political committee shall have a treasurer and may designate, on the committee's Statement of Organization, an assistant treasurer who shall assume the duties and responsibilities of the treasurer in the event of a temporary or permanent vacancy in the office or in the event the treasurer is unavailable.

(b) Except as provided in subsection (a), no contribution or 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 the treasurer.

(c) No expenditure shall be made for or on behalf of a political committee without the authorization of its treasurer or of an agent authorized orally or in writing by the treasurer.

(d) Any candidate who receives a contribution, as defined at 11 CFR 100.7, obtains any loan or makes any disbursement in connection with his or her campaign, shall be considered as having received the contribution, obtained the loan or made the disbursement as an agent of such authorized committee(s).
§ 102.9 Accounting for contributions and expenditures (2 U.S.C. 432(c)).

The treasurer of a political committee or an agent authorized by the treasurer to receive contributions and make expenditures shall fulfill all recordkeeping duties as set forth at 11 CFR 102.9(a) through (e):

(a) An account shall be kept by any reasonable accounting procedure of all contributions received by or on behalf of the political committee.

(1) For contributions in excess of $50, such account shall include the name and address of the contributor and the date of receipt and amount of such contribution.

(2) For contributions from any person whose contributions aggregate more than $200 during a calendar year, such account shall include the identification of the person, and the date of receipt and amount of such contribution.

(3) For contributions from a political committee, such account shall include the identification of the political committee and the date of receipt and amount of such contribution.

(b)(1) An account shall be kept of all disbursements made by or on behalf of the political committee. Such account shall consist of a record of:

(i) the name and address of every person to whom any disbursement is made;

(ii) the date, amount, and purpose of the disbursement; and

(iii) if the disbursement is made for a candidate, the name and office (including State and congressional district, if any) sought by that candidate.

(iv) For purposes of 11 CFR 102.9(b)(1), "purpose" has the same meaning given the term at 11 CFR 104.3(b)(3)(i)(A).

(2) In addition to the account to be kept under 11 CFR 102.9(b)(1), a receipt or invoice from the payee or a cancelled check to the payee shall be obtained and kept for each disbursement in excess of $200 by or on behalf of the committee, except that credit card transactions, shall be documented in accordance with 11 CFR 102.9(b)(2)(ii) and disbursements by share draft or check drawn on a credit union account shall be documented in accordance with 11 CFR 102.9(b)(2)(iii).

(i)(A) For purposes of 11 CFR 102.9(b)(2), "payee" means the person who provides the goods or services to the committee or agent thereof in return for payment, except for an advance of $500 or less for travel and subsistence to an individual who will be the recipient of the goods or services.

(B) For any advance of $500 or less to an individual for travel and subsistence, the expense voucher or other expense account documentation and a cancelled check to the recipient of the advance shall be obtained and kept.

(ii) For any credit card transaction, documentation shall include a monthly billing statement or customer receipt for each transaction and the cancelled check used to pay the credit card account.

(iii) For purposes of 11 CFR 102.9(b)(2), a carbon copy of a share draft or check drawn on a credit union account may be used as a duplicate record of such draft or check provided that the monthly account statement showing that the share draft or check was paid by the credit union is also retained.

(c) The treasurer shall preserve all records and accounts required to be kept under 11 CFR 102.9 for 3 years after the report to which such records and accounts relate is filed.

(d) In performing recordkeeping duties, the treasurer or his or her authorized agent shall use his or her best efforts to obtain, maintain and submit the required information and shall keep a complete record of such efforts. If there is a showing that best efforts have been made, any records of a committee shall be deemed to be in compliance with this Act. With regard to the requirements of 11 CFR 102.9(b)(2) concerning receipts, invoices and cancelled checks, the treas-
urer will not be deemed to have exercised best efforts to obtain, maintain and submit the records unless he or she has made at least one written effort per transaction to obtain a duplicate copy of the invoice, receipt, or cancelled check.

(e) If the candidate, or his or her authorized committee(s), receives contributions prior to the date of the primary election, which contributions are designated by the candidate or his or her authorized committee(s) for use in connection with the general election, such candidate or such committees shall use an acceptable accounting method to distinguish between contributions received for the primary election and contributions received for the general election. Acceptable methods include, but are not limited to: (1) The designation of separate accounts for each election, caucus, or convention and (2) the establishment of separate books and records for each election.

§ 102.10 Disbursement by check (2 U.S.C. 432(h)(1)).

All disbursements by a political committee, except for disbursements from the petty cash fund under 11 CFR 102.11, shall be made by check or similar draft drawn on account(s) established at the committee’s campaign depository or depositories under 11 CFR Part 103.

§ 102.11 Petty cash fund (2 U.S.C. 432(h)(2)).

A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 to any person per purchase or transaction. If a petty cash fund is maintained, it shall be the duty of the treasurer of the political committee to keep and maintain a written journal of all disbursements. This written journal shall include the name and address of every person to whom any disbursement is made, as well as the date, amount, and purpose of such disbursement. In addition, if any disbursement is made for a candidate, the journal shall include the name of that candidate and the office (including State and Congressional district) sought by such candidate.

§ 102.12 Designation of principal campaign committee (2 U.S.C. 132(e)(1) and (3)).

(a) Each candidate for Federal office (other than a nominee of a political party to the Office of Vice President) shall designate in writing a political committee to serve as his or her principal campaign committee in accordance with 11 CFR 101.1(a) no later than 15 days after becoming a candidate. Each principal campaign committee shall register, designate a depository and report in accordance with 11 CFR Parts 102, 103 and 104.

(b) No political committee may be designated as the principal campaign committee of more than one candidate.

(c)(1) No political committee which supports or has supported more than one candidate may be designated as a principal campaign committee, except that, after nomination, a candidate for the office of President of the United States nominated by a political party may designate the national committee of such political party as his or her principal campaign committee. A national committee which is so designated shall maintain separate books of account with respect to its function as a principal campaign committee.

(2) For purposes of 11 CFR 102.12(c), the term “support” does not include contributions by an authorized committee in amounts aggregating $1,000 or less per election to an authorized committee of any other candidate, except that the national committee of a political party which has been designated as the principal campaign committee of that party’s Presidential candidate may contribute to another candidate in accordance with 11 CFR Part 110.

§ 102.13 Authorization of political committees (2 U.S.C. 432(e)(1) and (3)).

(a)(1) Any political committee authorized by a candidate to receive contributions or make expenditures shall be authorized in writing by the candidate. Such authorization must be filed with the principal campaign committee in accordance with 11 CFR 102.1(b).

(2) If an individual fails to disavow activity pursuant to 11 CFR
100.3(a)(3) and is therefore a candidate upon notice by the Commission, he or she shall authorize the committee in writing.

(b) A candidate is not required to authorize a national, State or subordinate State party committee which solicits funds to be expended on the candidate's behalf pursuant to 11 CFR 110.7.

(c)(1) No political committee which supports or has supported more than one candidate may be designated as an authorized committee, except that two or more candidates may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.

(2) For purposes of 11 CFR 102.13(c), the term "support" does not include contributions by an authorized committee in amounts aggregating $1,000 or less per election to an authorized committee of any other candidate, except that the national committee of a political party which has been designated as the principal campaign committee of that party's Presidential candidate may contribute to another candidate in accordance with 11 CFR Part 110.

§ 102.14 Names of political committees (2 U.S.C. 432(e)(4) and (5)).

(a) The name of each authorized committee shall include the name of the candidate who authorized such committee. Except as provided in subsection (b) of this section, any political committee which is not an authorized committee shall not include the name of any candidate in its name.

(b)(1) A delegate committee, as defined at 11 CFR 100.5(e)(5), shall include the word "delegate(s)" in its name and may also include in its name the name of the presidential candidate which the delegate committee supports.

(2) A political committee established solely to draft an individual or to encourage him or her to become a candidate may include the name of such individual in the name of the committee provided the committee's name clearly indicates that it is a draft committee.

(c) The name of a separate segregated fund established pursuant to 11 CFR 102.1(c) shall include the full name of its connected organization. Such fund may also use a clearly recognized abbreviation or acronym by which the connected organization is commonly known. Both the full name and such abbreviation or acronym shall be included on the fund's Statement of Organization, on all reports filed by the fund, and in all notices required by 11 CFR 109.3 and 110.11. The fund may make contributions using its acronym or abbreviated name. A fund established by a corporation which has a number of subsidiaries need not include the name of each subsidiary in its name. Similarly, a separate segregated fund established by a subsidiary need not include in its name the name of its parent or another subsidiary of its parent.

§ 102.15 Commingled funds (2 U.S.C. 432(b)(3)).

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 that committee, or with the personal funds of any other individual. See also 11 CFR 103.3 and Part 114 and 2 U.S.C. 441b.


Each political committee shall comply with the notice requirements for solicitation of contributions set forth at 11 CFR 110.11.

§ 102.17 Joint fundraising by committees other than separate segregated funds.

(a) General. (1)(i) Political committees may engage in joint fundraising with other political committees or with unregistered committees or organizations. The participants in a joint fundraising effort under this section shall either establish a separate committee or select a participating committee, to act as fundraising representative for all participants. The fundraising representative shall be a reporting political committee and an authorized committee of each candidate
§ 102.17

for federal office participating in the joint fundraising activity.

(ii) The participants may hire a commercial fundraising firm or other agent to assist in conducting the joint fundraising activity. In that case, however, the fundraising representative shall still be responsible for ensuring that the recordkeeping and reporting requirements set forth in this section are met.

(2) The procedures in 11 CFR 102.17(c) will govern all joint fundraising activity conducted under this section. The participants in joint fundraising activity may include political party committees (whether or not they are political committees under 11 CFR 100.5), candidate committees, multicandidate committees, and unregistered organizations which do not qualify as collecting agents under 11 CFR 102.6(b).

(3) A fundraising representative conducting joint fundraising under this section is distinguished from an unregistered organization acting as a collecting agent under 11 CFR 102.6(b). If a separate segregated fund or an unregistered organization qualifies and acts as a collecting agent under 11 CFR 102.6(b), the provisions of 11 CFR 102.17 will not apply to that fundraising activity.

(b) Fundraising representatives—(1) Separate fundraising committee as fundraising representative. Participating committees may establish a separate political committee to act as fundraising representative for all participants. This separate committee shall be a reporting political committee and shall collect contributions, pay fundraising costs from gross proceeds and from funds advanced by participants, and disburse net proceeds to each participant.

(2) Participating committee as fundraising representative. All participating committees may select one participant to act as fundraising representative for all participants. The fundraising representative must be a political committee as defined in 11 CFR 100.5. The fundraising representative and any other participating committees may collect contributions; however, all contributions received by other participants shall be forwarded to the fundraising representative as required by 11 CFR 102.8. The fundraising representative shall pay fundraising costs from gross proceeds and from funds advanced by participants and shall disburse net proceeds to each participant.

(3) Funds advanced for fundraising costs. (i) Except as provided in 11 CFR 102.17(b) (3)(ii) and (iii), the amount of funds advanced by each participant for fundraising costs shall be in proportion to the allocation formula agreed upon under 11 CFR 102.17(c)(1).

(ii) A participant may advance more than its proportionate share of the fundraising costs, however, the amount advanced which is in excess of the participant's proportionate share shall not exceed the amount that participant could legally contribute to the remaining participants. See 11 CFR 102.12(c)(2) and Part 110.

(iii) If all the participants are affiliated under 11 CFR 110.3 or if the participants are all party committees of the same political party, there is no limit on the amount a participant may advance for fundraising costs on behalf of the other participants.

(c) Joint fundraising procedures. The requirements of 11 CFR 102.17(c)(1) through (8) shall govern joint fundraising activity conducted under this section.

(1) Written agreement. The participants in a joint fundraising activity shall enter into a written agreement, whether or not all participants are political committees under 11 CFR 100.5. The written agreement shall identify the fundraising representative and shall state a formula for the allocation of fundraising proceeds. The participants shall also use the formula to allocate the expenses incurred for the fundraising activity. The fundraising representative shall retain the written agreement for a period of three years and shall make it available to the Commission on request.

(2) Fundraising notice. In addition to any notice required under 11 CFR 110.11, a joint fundraising notice shall be included with every solicitation for contributions.

(i) This notice shall include the following information:
§ 102.17

(A) The names of all committees participating in the joint fundraising activity whether or not such committees are political committees under 11 CFR 100.5; and

(B) The allocation formula to be used for distributing joint fundraising proceeds; and

(C) A statement informing contributors that, notwithstanding the stated allocation formula, they may designate their contributions for a particular participant or participants; and

(D) A statement informing contributors that the allocation formula may change if a contributor makes a contribution which would exceed the amount that contributor may give to any participant.

(ii) In the following situations, the notice shall include the following additional information:

(A) If one or more participants engage in the joint fundraising activity solely to satisfy outstanding debts, a statement informing contributors that the allocation formula may change if a participant receives sufficient funds to pay its outstanding debts; and

(B) If one or more participants can lawfully accept contributions that are prohibited under the Act, a statement informing contributors that contributions from prohibited sources will be distributed only to those participants that can accept them.

(3) Separate depository account. (i) The participants or the fundraising representative shall establish a separate depository account to be used solely for the receipt and disbursement of the joint fundraising proceeds. All contributions deposited into the separate depository account must be permissible under the Act. Each political committee shall amend its Statement of Organization to reflect the account as an additional depository. If one or more participants can lawfully accept contributions that are prohibited under the Act, the participants may either establish a second depository account for contributions received from prohibited sources or they may forward such contributions directly to the nonfederal participants.

(ii) The fundraising representative shall deposit all joint fundraising proceeds in the separate depository account within ten days of receipt as required by 11 CFR 103.3. The fundraising representative may delay distribution of the fundraising proceeds to the participants until all contributions are received and all expenses are paid.

(iii) For contribution reporting and limitation purposes, the date of receipt of a contribution by a participating political committee is the date that the contribution is received by the fundraising representative. The fundraising representative shall report contributions in the reporting period in which they are received. Participating political committees shall report joint fundraising proceeds in accordance with 11 CFR 102.17(c)(3) when such funds are received from the fundraising representative.

(4) Recordkeeping requirements. (i) The fundraising representative and participating committees shall screen all contributions received to insure that the prohibitions and limitations of 11 CFR Parts 110 and 114 are observed. Participating political committees shall make their contributor records available to the fundraising representative to enable the fundraising representative to carry out its duty to screen contributions.

(ii) The fundraising representative shall collect and retain contributor information with regard to gross proceeds as required under 11 CFR 102.8 and shall also forward such information to participating political committees. The fundraising representative shall also keep a record of the total amount of contributions received from prohibited sources, if any, and of all transfers of prohibited contributions to participants that can accept them.

(iii) The fundraising representative shall retain the records required under 11 CFR 102.9 regarding fundraising disbursements for a period of three years. Commercial fundraising firms or agents shall forward such information to the fundraising representative.

(5) Contribution limitations. Except to the extent that the contributor has previously contributed to any of the participants, a contributor may make a contribution to the joint fundraising
effort which contribution represents the total amount that the contributor could contribute to all of the participants under the applicable limits of 11 CFR 110.1 and 110.2.

(6) Allocation of gross proceeds. (i) The fundraising representative shall allocate proceeds according to the formula stated in the fundraising agreement. If distribution according to the allocation formula extinguishes the debts of one or more participants and results in a surplus for those participants or if distribution under the formula results in a violation of the contribution limits of 11 CFR 110.1(a), the fundraising representative may reallocate the excess funds. Reallocation shall be based upon the remaining participants' proportionate shares under the allocation formula. If reallocation results in a violation of a contributor's limit under 11 CFR 110.1, the fundraising representative shall return to the contributor the amount of the contribution that exceeds the limit.

(ii) Designated contributions which exceed the contributor's limit to the designated participant under 11 CFR Part 110 may not be reallocated by the fundraising representative absent the written permission of the contributor. If any participants can lawfully accept contributions from sources prohibited under the Act, any such contributions that are received are not required to be distributed according to the allocation formula.

(7) Allocation of expenses and distribution of net proceeds. (i) If participating committees are not affiliated as defined in 11 CFR 110.3 prior to the joint fundraising activity and are not committees of the same political party;

(A) After gross contributions are allocated among the participants under 11 CFR 102.17(c)(6), the fundraising representative shall calculate each participant's share of expenses based on the percentage of the total receipts each participant had been allocated. If contributions from sources prohibited under the Act have been received and distributed under 11 CFR 102.17(c)(6)(iii), those contributions need not be included in the total receipts for the purpose of allocating expenses under this section. To calculate each participant's net proceeds, the fundraising representative shall subtract the participant's share of expenses from the amount that participant has been allocated from gross proceeds.

(B) A participant may only pay expenses on behalf of another participant subject to the contribution limits of 11 CFR Part 110.

(ii) If participating committees are affiliated as defined in 11 CFR 110.3 prior to the joint fundraising activity or if participants are party committees of the same political party, expenses need not be allocated among those participants. Payment of such expenses by an unregistered committee or organization on behalf of an affiliated political committee may cause the unregistered organization to become a political committee.

(iii) Payment of expenses may be made from gross proceeds by the fundraising representative.

(8) Reporting of receipts and disbursements—(i) Reporting receipts. (A) The fundraising representative shall report all funds received in the reporting period in which they are received. The fundraising representative shall report the total amount of contributions received from prohibited sources during the reporting period, if any, as a memo entry. Each Schedule A filed by the fundraising representative under this section shall clearly indicate that the contributions reported on that schedule represent joint fundraising proceeds.

(B) After distribution of net proceeds, each participating political committee shall report its share of net proceeds received as a transfer-in from the fundraising representative. Each participating political committee shall also file a memo Schedule A itemizing its share of gross receipts as contributions from original contributors to the extent required under 11 CFR 104.3(a).

(ii) Reporting disbursements. The fundraising representative shall report all disbursements in the reporting period in which they are made.
§ 103.1  Notification of the commission.

Each committee shall notify the Commission of the campaign depository(ies) it has designated, pursuant to 11 CFR 101.1 and 103.2.

§ 103.2  Depositories (2 U.S.C. 432(h)(1)).

Each political committee shall designate one or more State banks, federally chartered depository institutions (including a national bank), or depository institutions the depositor accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, as its campaign depository or depositories. One or more depositories may be established in one or more States. Each political committee shall maintain at least one checking account or transaction account at one of its depositories. Additional accounts may be established at each depository.

§ 103.3  Deposit of receipts and disbursements (2 U.S.C. 432(h)(1)).

(a) All receipts by a political committee shall be deposited in account(s) established pursuant to 11 CFR 103.2. The treasurer of the committee shall be responsible for making such deposits. All deposits shall be made within 10 days of the treasurer's receipt. Funds may be transferred from the depository for investment purposes, but shall be returned to the depository before such funds are used to make expenditures.

(b)(1) Contributions which appear to be illegal shall be, within 10 days, either returned to the contributor or deposited into the campaign depository, and reported. If deposited, the treasurer shall make and retain a written record noting the basis for the appearance of illegality. A statement noting that the legality of the contribution is in question should be included in the report. The treasurer shall make his or her best efforts to determine the legality of the contribution.

(2) When a contribution cannot be determined to be legal, refunds shall be made within a reasonable time, and the treasurer shall note the refund by amending the current report or noting the change on the committee's next required report.

§ 103.4  Vice Presidential candidate campaign depositories.

Any campaign depository designated by the principal campaign committee of a political party's candidate for President shall be the campaign depository for that political party's candidate for the office of Vice President.

PART 104—REPORTS BY POLITICAL COMMITTEES (2 U.S.C. 434)

§ 104.1  Scope (2 U.S.C. 434(a)).

§ 104.2  Forms.

§ 104.3  Contents of reports (2 U.S.C. 434(b)).

§ 104.4  Independent expenditures by political committees (2 U.S.C. 434(c)).

§ 104.5  Filing dates (2 U.S.C. 434(a)(2)).

§ 104.6  Form and content of internal communications reports (2 U.S.C. 431(9)(B)(iii)).

§ 104.7  Best efforts (2 U.S.C. 432(1)).

§ 104.8  Uniform reporting of contributions.

§ 104.9  Uniform reporting of expenditures.

§ 104.10  Allocation of expenditures among candidates.

§ 104.11  Continuous reporting of debts and obligations.

§ 104.12  Beginning cash on hand for political committees.

§ 104.13  Disclosure of receipt and consumption of in-kind contributions.

§ 104.14  Formal requirements regarding reports and statements.

§ 104.15  Sale or use restriction (2 U.S.C. 438(a)(4)).

§ 104.16  Audits (2 U.S.C. 438(b)).
Sec. 104.17 Content of reports; Presidential and Vice Presidential committees (2 U.S.C. 431 note).


SOURCE: 45 FR 15108, Mar. 7, 1980, unless otherwise noted.

§ 104.1 Scope (2 U.S.C. 434(a)).


(b) Who may report. An individual seeking federal office who has not attained candidate status under 11 CFR 100.3, the committee of such an individual or any other committee may voluntarily register and report in accordance with 11 CFR Parts 102 and 104. An individual shall not become a candidate solely by voluntarily filing a report, nor shall such individual the individual’s committee nor any other committee be required to file all reports under 11 CFR 104.5, unless the individual becomes a candidate under 11 CFR 100.3 or unless the committee becomes a political committee under 11 CFR 100.5.

§ 104.2 Forms.

(a) Each report filed by a political committee under 11 CFR Part 104 shall be filed on the appropriate FEC form as set forth below at 11 CFR 104.2(e).

(b) Forms may be obtained from the Federal Election Commission, 999 E Street, NW., Washington, DC 20463.

(c) A committee may reproduce FEC forms for its own use provided they are not reduced in size.

(d) With prior approval of the Commission a committee may use, for reporting purposes, computer produced schedules of itemized receipts and disbursements provided they are reduced to the size of FEC forms. The committee shall submit a sample of the proposed format with its request for approval.

(e) The following forms shall be used by the indicated type of reporting committee:

(1) Presidential committees. The authorized committees of a candidate for President or Vice President shall file on FEC Form 3-P.

(2) Congressional candidate committees. The authorized committees of a candidate for the Senate or the House of Representatives shall file on FEC Form 3.

(3) Political Committees Other than Authorized Committees. Political committees other than authorized committees shall file reports on FEC Form 3-X.


§ 104.3 Contents of reports (2 U.S.C. 434(b)).

(a) Reporting of Receipts. Except for reports filed in accordance with 11 CFR 104.17, each report filed under 11 CFR 104.1 shall disclose the total amount of receipts for the reporting period and for the calendar year and shall disclose the information set forth at 11 CFR 104.3(a) (1) through (4). The first report filed by a committee shall also include all amounts received prior to becoming a political committee under 11 CFR 100.5, even if such amounts were not received during the current reporting period.

(1) Cash on hand. The amount of cash on hand at the beginning of the reporting period, including: currency; balance on deposit in banks, savings and loan institutions, and other depository institutions; traveler's checks owned by the committee; certificates of deposit, treasury bills and any other committee investments valued at cost.

(2) Categories of receipts for all political committees other than authorized committees. All committees other than authorized committees shall report the total amount of receipts received during the reporting period and, except for itemized and unitized breakdowns, during the calendar year for each of the following categories:

(i) Contributions from persons other than any committees;

(A) Itemized contributions from persons, other than any committees, including contributions from individuals;
§ 104.3

(B) Unitemized contributions from persons, other than any committees, including contributions from individuals;

(C) Total contributions from persons other than any committees, including contributions from individuals;

(ii) Contributions from political party committees, including contributions from party committees which are not political committees under the Act;

(iii) Contributions from political committees, including contributions from committees which are not political committees under the Act but excluding contributions from any party committees;

(iv) Total contributions;

(v) Transfers from affiliated committees or organizations and, where the reporting committee is a political party committee, transfers from other party committees of the same party, regardless of whether such committees are affiliated;

(vi) All loans;

(vii) Offsets to operating expenditures:

(A) Itemized offsets to operating expenditures (such as rebates and refunds);

(B) Unitemized offsets to operating expenditures (such as rebates and refunds);

(C) Total offsets to operating expenditures;

(viii) Other receipts:

(A) Itemized other receipts (such as dividends and interest);

(B) Unitemized other receipts (such as dividends and interest);

(C) The total sum of all other receipts.

(ix) The total sum of all receipts.

(3) Categories of receipts for authorized committees. An authorized committee of a candidate for Federal office shall report the total amount of receipts received during the reporting period and, except for itemized and unitemized breakdowns, during the calendar year in each of the following categories:

(i) Contributions from persons other than any committees;

(A) Itemized contributions from persons, other than any committees, including contributions from individuals, but excluding contributions from a candidate to his or her authorized committees;

(B) Unitemized contributions from persons, other than any committees, including contributions from individuals, but excluding contributions from a candidate to his or her authorized committees;

(C) Total contributions from persons other than any committees, including contributions from individuals, but excluding contributions from a candidate to his or her authorized committees;

(ii) Contributions from the candidate, excluding loans which are reported under 11 CFR 104.3(a)(3)(vii);

(iii) Contributions from political party committees, including party committees which are not political committees under the Act, except that expenditures made under 11 CFR 110.7 (2 U.S.C. 441a(d)), by a party committee shall not be reported as contributions by the authorized committee on whose behalf they are made;

(iv) Contributions from committees, including contributions from committees which are not political committees under the Act, but excluding contributions from any party committees;

(v) Total contributions;

(vi) Transfers from other authorized committee(s) of the same candidate, regardless of amount;

(vii) Loans:

(A) All loans to the committee, except loans made, guaranteed, or endorsed by a candidate to his or her authorized committee;

(B) Loans made, guaranteed, or endorsed by a candidate to his or her authorized committee;

(C) Total loans;

(viii) For authorized committee(s) of Presidential candidates, federal funds received under Chapters 95 and 96 of the Internal Revenue Code of 1954 (Title 26, United States Code);

(ix) Offsets to operating expenditures:

(A) Itemized offsets to operating expenditures (such as refunds and rebates);

(B) Unitemized offsets to operating expenditures (such as refunds and rebates);

(C) Total offsets to operating expenditures;
Federal Election Commission

§ 104.3

(x) Other receipts;
(A) Itemized other receipts (such as dividends and interest);
(B) Unitemized other receipts (such as dividends and interest);
(C) Total other receipts;
(xi) Total receipts.

(4) Itemization of receipts for all committees including authorized and unauthorized committees. The identification (as defined at 11 CFR 100.12) of each contributor and the aggregate year-to-date total for such contributor in each of the following categories shall be reported.

(i) Each person, other than any committee, who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions aggregate in excess of $200 per calendar year, together with the date of receipt and amount of any such contributions, except that the reporting committee may elect to report such information for contributors of lesser amount(s) on a separate schedule;

(ii) All committees (including political committees and committees which do not qualify as political committees under the Act) which make contributions to the reporting committee during the reporting period, together with the date of receipt and amount of any such contribution;

(iii) Transfers;
(A) For authorized committees of a candidate for Federal office, each authorized committee which makes a transfer to the reporting committee, together with the date and amount of such transfer;
(B) For committees which are not authorized by a candidate for Federal office, each affiliated committee or organization which makes a transfer to the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds to the reporting committee from another party committee regardless of whether such committees are affiliated, together with the date and amount of such transfer;
(iv) Each person who makes a loan to the reporting committee or to the candidate acting as an agent of the committee, during the reporting period, together with the identification of any endorser or guarantor of such loan, the date such loan was made and the amount or value of such loan;
(v) Each person who provides a rebate, refund or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of any such receipt; and
(vi) Each person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of $200 within the calendar year, together with the date and amount of any such receipt.

(b) Reporting of Disbursements. Except for reports filed in accordance with 11 CFR 104.17, each report filed under 11 CFR 104.1 shall disclose the total amount of all disbursements for the reporting period and for the calendar year and shall disclose the information set forth at 11 CFR 104.3(b) (1) through (4). The first report filed by a committee shall also include all amounts disbursed prior to becoming a political committee under 11 CFR 100.5, even if such amounts were not disbursed during the current reporting period.

(1) Categories of disbursements for political committees other than authorized committees. All political committees other than authorized committees shall report the total amount of disbursements made during the reporting period and, except for itemized and unitemized breakdowns, during the calendar year in each of the following categories:

(i) Operating expenditures;
(A) Itemized operating expenditures;
(B) Unitemized operating expenditures;
(C) Total operating expenditures;
(ii) Transfers to affiliated committees or organizations and, where the reporting committee is a political party committee, transfers to other political party committees regardless of whether they are affiliated;
(iii) Repayment of all loans;
(iv) Offsets;
(A) Itemized offsets to contributions (including contribution refunds);
(B) Unitemized offsets to contributions (including contribution refunds);
(C) Total offsets to contributions;
(v) Contributions made to other political committees;
(vi) Loans made by the reporting committee;
(vii) Independent expenditures made by the reporting committee;
(viii) Expenditures made under 11 CFR 110.7 (2 U.S.C. 441a(d)), See 11 CFR 104.3(a)(3)(iii);
(ix) Other disbursements;
(A) Itemized other disbursements;
(B) Unitemized other disbursements;
(C) Total other disbursements;
(x) Total disbursements.

(2) Categories of disbursements for authorized committees. An authorized committee of a candidate for Federal office shall report the total amount of disbursements made during the reporting period and, except for itemized and unitemized breakdowns, during the calendar year in each of the following categories:
(i) Operating expenditures;
(A) Itemized operating expenditures;
(B) Unitemized operating expenditures;
(C) Total operating expenditures;
(ii) Transfers to other committees authorized by the same candidate;
(iii) Repayment of loans;
(A) Repayment of loans made by or guaranteed by the candidate;
(B) Repayment of all other loans;
(C) Total loan repayments;
(iv) For an authorized committee of a candidate for the office of President, disbursements not subject to the limitations of 11 CFR 110.8 (2 U.S.C. 441a(b));
(v) Offsets;
(A) Itemized offsets to contributions (including contribution refunds);
(B) Unitemized offsets to contributions (including contribution refunds);
(C) Total offsets to contributions;
(vi) Other disbursements;
(A) Itemized other disbursements;
(B) Unitemized other disbursements;
(C) Total other disbursements;
(vii) Total disbursements.

(3) Itemization of disbursements by political committees other than authorized committees. Each political committee, other than an authorized committee, shall report the full name and address of each person in each of the following categories, as well as the information required by each category:
(i) Each person to whom an expenditure in an aggregate amount or value in excess of $200 within the calendar year is made by the reporting committee to meet the committee's operating expenses, together with the date, amount, and purpose of such operating expenditure;
(A) As used in 11 CFR 104.3(b)(3), "purpose" means a brief statement or description of why the disbursement was made.
(B) Examples of statements or descriptions which meet the requirements of 11 CFR 104.3(b)(3) include the following: dinner expenses, media, salary, polling, travel, party fees, phone banks, travel expenses, travel expense reimbursement, and catering costs. However, statements or descriptions such as "advance", "election day expenses" "other expenses", "expenses", "expense reimbursement", "miscellaneous", "outside services", "get-out-the-vote" and "voter registration" would not meet the requirements of 11 CFR 104.3(b)(3) for reporting the purpose of an expenditure.
(ii) Each affiliated committee to which a transfer is made by the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds by the reporting committee to another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfer;
(iii) Each person who receives a loan repayment from the reporting committee during the reporting period, together with the date and amount of such loan repayment;
(iv) Each person who receives a contribution refund or other offset to contributions from the reporting committee where such contribution refund was reported under 11 CFR 104.3(b)(1)(iv), together with the date and amount of such refund or offset;
(v) Each political committee which has received a contribution from the reporting committee during the reporting period, together with the date
Federal Election Commission § 104.3

and amount of any such contribution, and, in the case of a contribution to an authorized committee, the candidate’s name and office sought (including State and Congressional district, if applicable);

(vi) Each person who has received a loan from the reporting committee during the reporting period, together with the date and amount or value of such loan;

(vii) (A) Each person who receives any disbursement during the reporting period in an aggregate amount or value in excess of $200 within the calendar year in connection with an independent expenditure by the reporting committee, together with the date, amount, and purpose of any such independent expenditure(s);

(B) For each independent expenditure reported, the committee must also provide a statement which indicates whether such independent expenditure is in support of, or in opposition to a particular candidate, as well as the name of the candidate and office sought by such candidate (including State and Congressional district, when applicable), and a certification, under penalty of perjury, as to whether such independent expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such committee;

(C) The information required by 11 CFR 104.3(b)(3)(vii)(A) and (B) shall be reported on Schedule E as part of a report covering the reporting period in which the aggregate disbursements for any independent expenditure to any person exceed $200 per calendar year. Schedule E shall also include the total of all such expenditures of $200 or less made during the reporting period.

(viii) Each person who receives any expenditure from the reporting committee during the reporting period in connection with an expenditure under 11 CFR 110.7 (2 USC 4414(a)(d)), together with the date, amount, and purpose of any such expenditure as well as the name of, and office sought by (including State and Congressional district, when applicable), the candidate on whose behalf the expenditure is made; and

(ix) Each person who has received any disbursement within the reporting period not otherwise disclosed in accordance with 11 CFR 104.3(b)(3) to whom the aggregate amount or value of disbursements made by the reporting committee exceeds $200 within the calendar year, together with the date, amount and purpose of any such disbursement.

(4) Itemization of disbursements by authorized committees. Each authorized committee shall report the full name and address of each person in each of the following categories, as well as the information required by each category.

(i) Each person to whom an expenditure in an aggregate amount or value in excess of $200 within the calendar year is made by the reporting committee to meet the committee’s operating expenses, together with the date, amount and purpose of each expenditure.

(A) As used in 11 CFR 104.3(b)(4), “purpose” means a brief statement or description of why the disbursement was made. Examples of statements or descriptions which meet the requirements of 11 CFR 104.3(b)(4) include the following: dinner expenses, media, salary, polling, travel, party fees, phone banks, travel expenses, travel expense reimbursement, and catering costs. However, statements or descriptions such as “advance”, “election day expenses”, “other expenses”, “expenses”, “expense reimbursement”, “miscellaneous”, “outside services” “get-out-the-vote” and “voter registration” would not meet the requirements of 11 CFR 104.3(b)(4) for reporting the purpose of an expenditure.

(ii) Each authorized committee of the same candidate to which a transfer is made by the reporting committee during the reporting period, together with the date and amount of such transfer;

(iii) Each person who receives a loan repayment from the reporting committee during the reporting period, together with the date and amount of such loan repayment;

(iv) Each person who receives a loan repayment from the candidate, if the proceeds of such loan were used in
§ 104.3 11 CFR Ch. I (1-1-86 Edition)

connection with the candidate’s campaign;

(v) Each person who receives a contribution refund or other offset to contributions from the reporting committee where such contribution refund was reported under 11 CFR 104.3(b)(2)(v), together with the date and amount of such refund or offset.

(vi) Each person who has received any disbursement(s) not otherwise disclosed under 11 CFR 104.3(b)(4) to whom the aggregate amount or value of such disbursements exceeds $200 within the calendar year, together with the date, amount, and purpose of any such disbursement.

(c) Summary of contributions and operating expenditures. Each report filed pursuant to 11 CFR 104.1 shall disclose for both the reporting period and the calendar year:

(1) (i) The total contributions to the reporting committee;
(ii) The total offsets to contributions;
(iii) The net contributions (subtract total offsets from total contributions);

(2) (i) The reporting committee’s total operating expenditures;
(ii) The total offsets to operating expenditures;
(iii) The net operating expenditures (subtract total offsets from total operating expenditures).

(d) Reporting debts and obligations. Each report filed under 11 CFR 104.1 shall, on Schedule C or D, as appropriate, disclose the amount and nature of outstanding debts and obligations owed by or to the reporting committee. Loans obtained by an individual prior to becoming a candidate for use in connection with that individual’s campaign shall be reported as an outstanding loan owed to the lender by the candidate’s principal campaign committee, if such loans are outstanding at the time the individual becomes a candidate. Where such debts and obligations are settled for less than their reported amount or value, each report filed under 11 CFR 104.1 shall contain a statement as to the circumstances and conditions under which such debts or obligations were extinguished and the amount paid. See 11 CFR 114.10.

(e) Use of pseudonyms. (1) To determine whether the names and addresses of its contributors are being used in violation of 11 CFR 104.15 to solicit contributions or for commercial purposes, a political committee may submit up to ten (10) pseudonyms on each report filed.

(2) For purposes of this section, a pseudonym is a wholly fictitious name which does not represent the name of an actual contributor to a committee.

(3) If a committee uses pseudonyms it shall subtract the total dollar amount of the fictitious contributions from the total amount listed as a memo entry on line 11(a) of the Detailed Summary page, “Unitemized contributions from individual persons other than political committees.” Thus, the committee will, for this purpose only, be overstating the amount of itemized contributions received and understating the amount of unitemized contributions received.

(4) No authorized committee of a candidate shall attribute more than $1,000 in contributions to the same pseudonym for each election and no other political committee shall attribute more than $5,000 in contributions to the same pseudonym in any calendar year.

(5) A committee using pseudonyms shall send a list of such pseudonyms under separate cover directly to the Reports Analysis Division, Federal Election Commission, 999 E Street, NW., Washington, DC 20463, on or before the date on which any report containing such pseudonyms is filed with the Clerk of the House of Representatives, the Secretary of the Senate, or the Commission. The Commission shall maintain the list, but shall exclude it from the public record. A committee shall not send any list of pseudonyms to the Clerk of the House of Representatives, the Secretary of the Senate, or to any Secretary of State or equivalent state officer.

(6) A political committee shall not use pseudonyms for the purpose of circumventing the reporting requirements or the limitations and prohibitions of the Act.

(f) Consolidated reports. Each principal campaign committee shall consolidate in each report those reports required to be filed with it. Such consolidated reports shall include: (1) Re-
ports submitted to it by any authorized committees and (2) the principal campaign committee's own report. Such consolidation shall be made on FEC Form 3-Z and shall be submitted with the reports of the principal campaign committee and with the reports, or applicable portions thereof, of the committees shown on the consolidation.

(g) Building funds. Gifts, subscriptions, loans, advances, deposits of money or anything of value made to defray costs of construction or purchase of office facilities received by a political committee in accordance with 11 CFR 100.7(b)(12) shall be reported as a memo entry on Schedule A.

(h) Legal and accounting services. A committee which receives legal or accounting services pursuant to 11 CFR 100.7(b)(13) and (14) shall report as a memo entry, on Schedule A, the amounts paid for these services by the regular employer of the person(s) providing such services; the date(s) such services were performed; and the name of each person performing such services.

(i) Cumulative reports. The reports required to be filed under 11 CFR 104.5 shall be cumulative for the calendar year to which they relate, but if there has been no change in a category reported in a previous report during that year, only the amount thereof need be carried forward.

(j) Earmarked contributions. Earmarked contributions shall be reported in accordance with 11 CFR 110.6. See also 11 CFR 102.8(c).

§104.4. Independent expenditures by political committees (2 U.S.C. 434(c)).

(a) Every political committee which makes independent expenditures shall report all such expenditures on Schedule E in accordance with 11 CFR 104.3(b)(3)(vii). Every person (other than a political committee) shall report independent expenditures in accordance with 11 CFR Part 109.

(b) 24 Hour reports. Any independent expenditures aggregating $1,000 or more made after the 20th day, but more than 24 hours, before 12:01 A.M. of the day of the election, shall be reported within 24 hours after such independent expenditure is made. Such report shall be filed with the appropriate officers listed in 11 CFR 104.4(c) and shall contain the information required by 11 CFR 104.3(b)(3)(vii) indicating whether the independent expenditure is made in support of, or in opposition to, the candidate involved.

(c) Where to file. Reports of independent expenditures under 11 CFR 104.4 and Part 109 shall be filed as set forth at 11 CFR 104.4(c)(1) through (3).

(1) For independent expenditures in support of or in opposition to, a candidate for President or Vice-President: with the Commission and the Secretary of State for the State in which the expenditure is made.

(2) For independent expenditures in support of, or in opposition to, a candidate for the Senate: with the Secretary of the Senate and the Secretary of State for the State in which the candidate is seeking election.

(3) For independent expenditures in support of, or in opposition to, a candidate for the House of Representatives: with the Clerk of the House and the Secretary of State for the State in which the candidate is seeking election.

§104.5 Filing dates (2 U.S.C. 434(a)(2)).

(a) Principal Campaign Committee of House or Senate Candidate. Each treasurer of a principal campaign committee supporting a candidate for the House of Representatives or to the Senate shall file reports on the dates specified at 11 CFR 104.5(a)(1) and (2).

(1) Election year reports—(i) Pre-election reports. (A) Pre-election reports for the primary and general election shall be filed no later than 12 days before any primary or general election in which the candidate seeks election. If sent by registered or certified mail, the report shall be mailed no later than the 15th day before any election.

(B) The report shall disclose all receipts and disbursements as of the 20th day before a primary or general election.
§ 104.5

(ii) Post-general election report. (A) The post-general election report shall be filed no later than 30 days after any general election in which the candidate seeks election.

(B) The report shall be complete as of the 20th day after the general election.

(iii) Quarterly reports. (A) Quarterly reports shall be filed no later than the 15th day following the close of the immediately preceding calendar quarter (on April 15, July 15, and October 15), except that the report for the final calendar quarter of the year shall be filed on January 31 of the following calendar year.

(B) The report shall be complete as of the last day of each calendar quarter.

(C) The requirement for a quarterly report shall be waived if, under 11 CFR 104.5(a)(1)(i), a pre-election report is required to be filed during the period beginning on the fifth day after the close of the calendar quarter and ending on the fifteenth day after the close of the calendar quarter.

(2) Non-election year reports—(i) Semi-annual reports. (A) The first report shall cover January 1 through June 30, and shall be filed no later than July 31.

(B) The second report shall cover July 1 through December 31, and shall be filed no later than January 31 of the following year.

(b) Principal campaign committee of Presidential candidate. Each treasurer of a principal campaign committee of a candidate for President shall file reports on the dates specified at 11 CFR 104.5(b)(1) and (2).

(1) Election year reports. (i) If on January 1 of the election year, the committee has received or anticipates receiving contributions aggregating $100,000 or more, or has made or anticipates making expenditures aggregating $100,000 or more, it shall file monthly reports.

(A) Each report shall be filed no later than the 20th day after the last day of each month.

(B) The report shall be complete as of the last day of each month.

(C) In lieu of the monthly reports due in November and December, a pre-election report shall be filed as prescribed at 11 CFR 104.5(a)(1)(i), a post-general election report shall be filed as prescribed at 11 CFR 104.5(a)(1)(ii), and a year-end report shall be filed no later than January 31 of the following calendar year.

(ii) If on January 1 of the election year, the committee does not anticipate receiving or has not received contributions aggregating $100,000 or does not anticipate making or has not made expenditures aggregating $100,000, the committee shall file a pre-election report or reports, a post general election report and, quarterly reports, as prescribed in 11 CFR 104.5(a)(1).

(iii) If during the election year, a committee filing under 11 CFR 104.5(b)(1)(ii) receives contributions aggregating $100,000 or makes expenditures aggregating $100,000, the treasurer shall begin filing monthly reports at the next reporting period.

(2) Non-election year reports. During a non-election year, the treasurer shall file either (i) monthly reports as prescribed at 11 CFR 104.5(b)(1)(i); or (ii) quarterly reports as prescribed at 11 CFR 104.5(a)(1).

(c) Committees other than authorized committees of candidates. Each political committee which is not the authorized committee of a candidate shall file either: election year and non-election year reports as prescribed at 11 CFR 104.5(c)(1) and (2); or monthly reports as prescribed at 11 CFR 104.5(c)(3). A political committee reporting under 11 CFR 104.5(c) may elect to change the frequency of its reporting from monthly to quarterly and semi-annually or vice versa. A committee may change its filing frequency only after notifying the Commission in writing of its intention at the time it files a required report under its current filing frequency. Such committee will then be required to file the next required report under its new filing frequency. A committee may change its filing frequency no more than once per calendar year.

(1) Election year reports—(i) Quarterly reports. (A) Quarterly reports shall be filed no later than the 15th day following the close of the immediately preceding calendar quarter, (on April 15, July 15, and October 15),
except that the report for the final calendar quarter of the year shall be filed on January 31 of the following calendar year.

(B) The reports shall be complete as of the last day of the calendar quarter for which the report is filed.

(C) The requirement for a quarterly report shall be waived if under 11 CFR 104.5(c)(1)(i)(ii) a pre-election report is required to be filed during the period beginning on the fifth day after the close of the calendar quarter and ending on the fifteenth day after the close of the calendar quarter.

(ii) Pre-election reports. (A) Pre-election reports for the primary and general election shall be filed by a political committee which makes contributions or expenditures in connection with any such election if such disbursements have not been previously disclosed. Pre-election reports shall be filed no later than 12 days before any primary or general election. If sent by registered or certified mail, the report shall be mailed no later than the 15th day before any election.

(B) The report shall disclose all receipts and disbursements as of the 20th day before a primary or general election.

(iii) Post-general election reports. (A) A post-general election report shall be filed no later than 30 days after any general election.

(B) The report shall be complete as of the 20th day after the general election.

(2) Non-election year reports—(i) Semi-annual reports. (A) The first report shall cover January 1 through June 30, and shall be filed no later than July 31.

(B) The second report shall cover July 1 through December 31, and shall be filed no later than January 31 of the following year.

(3) Monthly reports. (i) Except as provided at 11 CFR 104.5(c)(3)(ii), monthly reports shall be filed no later than 20 days after the last day of the month.

(ii) In lieu of the monthly reports due in November and December, in any year in which a regularly scheduled general election is held, a pre-election report shall be filed as prescribed at 11 CFR 104.5(a)(1)(i); a post-general election report shall be filed as prescribed at 11 CFR 104.5(a)(1)(ii), and a year-end report shall be filed no later than January 31 of the following calendar year.

(d) Committees supporting Vice Presidential candidates. The treasurer of a committee supporting a candidate for the office of Vice President (other than a nominee of a political party) shall file reports on the same basis that the principal campaign committee of a Presidential candidate must file reports under 11 CFR 104.5(b).

(e) U.S. post mark. A designation, report or statement sent by registered or certified mail shall be considered filed on the date of the U.S. post mark except that a twelve day pre-election report sent by certified or registered mail shall be mailed no later than the 15th day before any election. Designations, reports or statements sent by first class mail must be received by the close of business of the prescribed filing date to be timely filed.

(f) 48 hour notification of contributions. If any contribution of $1,000 or more is received by any authorized committee of a candidate after the 20th day, but more than 48 hours, before 12:01 A.M. of the day of the election, the principal campaign committee of that candidate shall notify the Commission, the Clerk of the House, the Secretary of the Senate and the Secretary of State, as appropriate, within 48 hours of receipt of the contribution. The notification shall be in writing and shall include the name of the candidate and office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution. The notification shall be in addition to the reporting of these contributions on the post-election report.

(g) 24 hour report of independent expenditures. Any independent expenditures aggregating $1,000 or more made after the 20th-day, but more than 24 hours, before 12:01 A.M. of the day of the election, shall be reported within 24 hours after such independent expenditure is made. Such report shall be filed with the appropriate officers listed in 11 CFR 104.4(c) and shall contain the information required by 11 CFR 104.3(b)(3)(vii) indicating wheth-
§ 104.6 11 CFR Ch. D (1-1-86 Edition)

er the independent expenditure is made in support of, or in opposition to, the candidate involved.

(h) Special election reports. (1) Within 5 days of the setting of a special election, the Commission shall set filing dates for reports to be filed by principal campaign committees of candidates seeking election, or nomination for election, in special elections and for political committees, other than authorized committees, which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The Commission shall publish such reporting dates in the Federal Register and shall notify the principal campaign committees of all candidates in such election of the reporting dates. The Commission shall not require such committees to file more than one pre-election report for each election and one post-election report for the election which fills the vacancy.

(2) Reports required to be filed under 11 CFR 104.5(a) or (c) may be waived by the Commission for committees filing special election reports if a report under 11 CFR 104.5(a) or (c) is due within 10 days of the date a special election report is due. The Commission shall notify all appropriate committees of reports so waived.

§ 104.6 Form and content of internal communications reports (2 U.S.C. 431(a)(B)(iii)).

(a) Form. Every membership organization or corporation which makes disbursements for communications pursuant to 11 CFR 100.8(b)(4) and 114.3 shall report to the Commission on FEC Form 7 such costs which are directly attributable to any communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the election or defeat of a clearly identified candidate), if such costs exceed $2,000 for any election.

(1) For the purposes of 11 CFR 104.6(a), "election" means two separate processes in a calendar year, to each of which the $2,000 threshold described above applies separately. The first process is comprised of all primary elections for federal office, wherever and whenever held; the second process is comprised of all general elections for federal office, wherever and whenever held.

(2) The term election shall also include each special election held to fill a vacancy in a Federal office (11 CFR 100.2(f)) or each runoff election (11 CFR 100.2(d)).

(b) Filing dates. Organizations required to report under 11 CFR 104.6(a) shall file such reports during a calendar year in which a regularly scheduled general election is held. Such reports shall be filed quarterly in accordance with 11 CFR 104.5(a)(1)(iii) and, with respect to any general election, in accordance with 11 CFR 104.5(a)(1)(i). The organization shall be required to file reports beginning with the first reporting period during which the aggregate cost for such communications exceeds $2,000 per election as defined in 11 CFR 104.6(a)(1), and for each quarter thereafter in which the organization makes additional disbursements in connection with the same election.

(c) Each report filed under 11 CFR 104.6 shall include, for each communication:

(1) The type of communication (such as direct mail, telephone or telegram);

(2) The date(s) of the communication;

(3) The name of the candidate, the office sought (and the district and state of the office, if applicable), and whether the communication was for the primary or general election;

(4) Whether the communication was in support of or in opposition to, a particular candidate; and

(5) The cost of the communication.

§ 104.7 Best efforts (2 U.S.C. 432(i)).

(a) When the treasurer of a political committee shows that best efforts have been used to obtain, maintain and submit the information required by the Act for the political committee, any report of such committee shall be considered in compliance with the Act.

(b) With regard to reporting the identification as defined at 11 CFR 100.12 of each person whose contribution(s) to the committee and
its affiliated committees aggregate in excess of $200 in a calendar year (pur-
suant to 11 CFR 104.3(a)(4)), the treasurer will not be deemed to have
exercised best efforts to obtain the re-
quired information unless he or she
has made at least one effort per solici-
tation either by a written request or
by an oral request documented in writ-
ting to obtain such information from
the contributor. For purposes of 11
CFR 104.7(b), such effort shall consist
of a clear request for the information
(i.e., name, mailing address, occupa-
tion, and name of employer) which re-
quest informs the contributor that the
reporting of such information is re-
quired by law.

§ 104.8 Uniform reporting of contribu-
tions.

(a) A reporting committee shall dis-
close the identification of each individ-
ual who contributes an amount in
excess of $200. This identification
shall include the individual's name,
mailing address, occupation, the name
of his or her employer, if any, and the
date of receipt and amount of any
such contribution. If an individual
contributor's name is known to have
changed since an earlier contribution
reported during the calendar year, the
exact name or address previously used
shall be noted with the first reported
contribution from that contributor
subsequent to the name change.

(b) In each case where a contribu-
tion received from an individual in a
reporting period is added to previously
unitemized contributions from the
same individual and the aggregate ex-
ceeds $200 in a calendar year the re-
porting committee shall disclose the
identification of such individual along
with the date of receipt and amount of
any such contribution. Except for con-
tributions by payroll deduction, each
additional contribution from the indi-
vidual shall be separately itemized.
In the case of a political committee other
than an authorized committee which
receives contributions through a pay-
roll deduction plan, such committee is
not required to separately itemize
each additional contribution received
from the contributor during the re-
porting period. In lieu of separate
itemization, such committee may
report: the aggregate amount of con-
tributions received from the contribu-
tor through the payroll deduction plan
during the reporting period; the
identification of the individual; and a
statement of the amount deducted per
pay period.

(c) Absent evidence to the contrary,
any contribution made by check,
money order, or other written instru-
ment shall be reported as a contribu-
tion by the last person signing the in-
strument prior to delivery to the can-
idate or committee.

(d) A contribution which represents
contributions by more than one
person shall indicate on the written in-
strument, or on an accompanying writ-
ten statement signed by all contribu-
tors, the amount to be attributed to
each contributor.

§ 104.9 Uniform reporting of expendi-
tures.

(a) The authorized committees of a
candidate shall report the full name
and mailing address of each person to
whom an expenditure in an aggregate
amount or value in excess of $200
within the calendar year is made by
the reporting committee to meet the
committee's operating expenses to-
gether with the date, amount and pur-
pose of such expenditure. As used in
11 CFR 104.9, "purpose" means a brief
statement or description as to the rea-
sons for the disbursement. See 11 CFR
104.3(b)(3)(I)(A).

(b) In each case when an expendi-
ture made to a recipient in a reporting
period is added to previously unite-
mized expenditures to the same recipi-
ent and the total exceeds $200 for the
calendar year, the reporting commit-
tee shall disclose the recipient's full
name and mailing address on the pre-
scribed reporting forms, together with
the date, amount and purpose of such
expenditure. As used in 11 CFR 104.9,
"purpose means a brief statement or
description as to the reason for the
disbursement as defined at 11 CPR
104.3(b)(3)(I)(A).

§ 104.10 Allocation of expenditures among
candidates.

A political committee making an ex-
penditure on behalf of more than one
candidate for Federal office or on

71
§ 104.11 Continuous reporting of debts and obligations.

(a) Debts and obligations owed by or to a political committee which remain outstanding shall be continuously reported until extinguished. See 11 CFR 104.3(d). These debts and obligations shall be reported on separate schedules together with a statement explaining the circumstances and conditions under which each debt and obligation was incurred or extinguished. Where such debts and obligations are settled for less than their reported amount or value, the reporting committee shall include a statement as to the circumstances and conditions under which the debt or obligation was extinguished and the amount paid.

(b) A debt, obligation, or other promise to make an expenditure, the amount of which is $500 or less, shall be reported as of the time payment is made or no later than 60 days after such obligation is incurred, whichever comes first. Any loan, debt or obligation, the amount of which is over $500 shall be reported as of the time of the transaction.

§ 104.12 Beginning cash on hand for political committees.

Political committees which have cash on hand at the time of registration shall disclose on their first report the source(s) of such funds, including the information required by 11 CFR 104.3(a)(1). The cash on hand balance is assumed to be composed of those contributions most recently received by the committee. The committee shall exclude from funds to be used for Federal elections any contributions not permissible under the Act. See 11 CFR Parts 110, 114, and 115.

§ 104.13 Disclosure of receipt and consumption of in-kind contributions.

(a) (1) The amount of an in-kind contribution shall be equal to the usual and normal value on the date received. Each in-kind contribution shall be reported as a contribution in accordance with 11 CFR 104.3(a).

(2) Except for items noted in 11 CFR 104.13(b), each in-kind contribution shall also be reported as an expenditure at the same usual and normal value and reported on the appropriate expenditure schedule, in accordance with 11 CFR 104.3(b).

(b) Contributions of stocks, bonds, art objects, and other similar items to be liquidated shall be reported as follows:

(1) If the item has not been liquidated at the close of a reporting period, the committee shall record as a memo entry (not as cash) the item's fair market value on the date received, including the name and mailing address (and, where in excess of $200, the occupation and name of employer) of the contributor.

(2) When the item is sold, the committee shall record the proceeds. It shall also report the (i) name and mailing address (and, where in excess of $200, the occupation and name of employer) of the purchaser, if purchased directly from the candidate or committee (as the purchaser shall be considered to have made a contribution to the committee), and (ii) the identification of the original contributor.

§ 104.14 Formal requirements regarding reports and statements.

(a) Each individual having the responsibility to file a designation, report or statement required under this subchapter shall sign the original designation, report or statement.

(b) Each political committee or other person required to file any report or statement under this subchapter shall maintain all records relevant to such reports or statements as follows:

(1) Maintain records, including bank records, with respect to the matters required to be reported, including vouchers, worksheets, receipts, bills and ac-
counts, which shall provide in sufficient detail the necessary information and data from which the filed reports and statements may be verified, explained, clarified, and checked for accuracy and completeness;

(2) Preserve a copy of each report or statement required to be filed under 11 CFR Parts 102 and 104;

(3) Keep all reports required to be preserved under 11 CFR 104.14 available for audit, inspection, or examination by the Commission or its authorized representative(s) for a period of not less than 3 years after the report or statement is filed. (See 11 CFR 102.9(c) for requirements relating to preservation of records and accounts.)

(c) Acknowledgements by the Commission, the Clerk of the House, or the Secretary of the Senate, of the receipt of Statements of Organization, reports or other statements filed under 11 CFR Parts 101, 102 and 104 are intended solely to inform the person filing the report of its receipt and neither the acknowledgement nor the acceptance of a report or statement shall constitute express or implied approval, or in any manner indicate that the contents of any report or statement fulfill the filing or other requirements of the Act or of these regulations.

(d) Each treasurer of a political committee, and any other person required to file any report or statement under these regulations and under the Act, shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained in it.

§ 104.15 Sale or use restriction (2 U.S.C. 438(a)(4)).

(a) Any information copied, or otherwise obtained, from any report or statement, or any copy, reproduction, or publication thereof, filed with the Commission, Clerk of the House, Secretary of the Senate, or any Secretary of State or other equivalent State officer, shall not be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose, except that the name and address of any political committee may be used to solicit contributions from such committee.

(b) For purposes of 11 CFR 104.15, "soliciting contributions" includes soliciting any type of contribution or donation, such as political or charitable contributions.

(c) The use of information, which is copied or otherwise obtained from reports filed under 11 CFR Part 104, in newspapers, magazines, books or other similar communications is permissible as long as the principal purpose of such communications is not to communicate any contributor information listed on such reports for the purpose of soliciting contributions or for other commercial purposes.

§ 104.16 Audits (2 U.S.C. 438(b)).

(a) The Commission may conduct audits of any political committee required to register under 11 CFR Part 102 and to report under 11 CFR Part 104. Prior to conducting any such audit or investigation, the Commission shall conduct an internal review of reports filed by selected committees to determine whether reports filed by a particular committee meet thresholds established by the Commission for substantial compliance with the Act. Such thresholds may vary according to the type of political committee being reviewed.

(b) The Commission may, upon affirmative vote of four members, conduct an audit and field investigation of any committee which meets the thresholds established pursuant to 11 CFR 104.16(a). All such audits and investigations shall commence within 30 days of such vote except that any audit or investigation of an authorized committee of a candidate shall be commenced within 6 months of the election for which such committee was authorized.

(c) The Commission may, upon affirmative vote of four members, conduct an audit and field investigation of any committee pursuant to 11 CFR 111.10.

(d) All audits and field investigations concerning the verification for and the receipt and use of payments under Chapters 95 and 96 of Title 26 shall be given priority over any audit or investigation of committees not receiving such payments.
§ 104.17  Content of reports; Presidential and Vice Presidential committees (2 U.S.C. 431 note).

(a) For all elections occurring prior to January 1, 1981, authorized committees of candidates for President and Vice President may comply with the requirements of 11 CFR 104.17 in lieu of 11 CFR 104.3 (a) and (b).

(b) Each report filed under 11 CFR 104.17 shall include all receipts and disbursements from the close of the last period reported to the close of the current reporting period, and shall disclose—

1. The amount of cash on hand at the beginning of the calendar year and at the beginning of the reporting period, including currency, balance on deposit in banks and savings and loan institutions, checks, negotiable money orders, and other paper commonly accepted by a bank in a deposit;

2. The identification, occupation, and principal place of business, if any, of each person who has made a contribution to or for the committee or candidate during the reporting period in an amount or value in excess of $100, or in an amount of less than $100 if the person’s contributions within a calendar year total more than $100, together with the amount and date of such contributions;

3. The total of contributions made to or for a committee or candidate during the reporting period and not reported under (b) (2) above;

4. The identification of each political committee or other political organization from which the reporting committee or the candidate received, or to which the reporting committee or the candidate made, any transfer of funds in any amount during the reporting period, together with the amounts and dates of all transfers, including aggregate year to date transfers, received from non-affiliated committees, and complete disclosure, pursuant to 11 CFR 110.6 of each transaction involving earmarked funds;

5. Each loan—

   (A) To or from any political committee; or

   (B) To a candidate or his or her authorized committees which is—

   (i) Over $100 in value and made during the reporting period; or

   (ii) Less than $100 in value and the total of the loans from one person is over $100 shall be reported together with the identification, occupation, and principal place of business, if any, of each lender, endorser, or guarantor, as the case may be. The report shall include the date and amount of the loan;

6. The total amount of proceeds from—

   (i) The sale of tickets of each dinner, luncheon, rally, and other fundraising event;

   (ii) Mass collections made at these events; and

   (iii) Sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, jewelry, and similar materials, as long as the items are sold by the candidate or an authorized committee;

7. Each receipt in excess of $100 received during the reporting period, not otherwise listed under (b) (2) through (6) above, together with the identification, date and amount received, occupation, and principal place of business of each such person from whom such receipts have been received during the reporting period; including—

   (i) The interest or other proceeds from the investment, in an interest-bearing account, note, bill, stock, bond, or other similar device, of funds transferred out of a checking account in a campaign depository; and

   (ii) Rebates and refunds received by the candidate or committee;

8. The total of all receipts by or for the committee or candidate during the reporting period and the calendar year; and

   (i) Total receipts less transfers between affiliated political committees (as defined in 11 CFR 100.5(g));

   (ii) The identification of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period.
which total more than $100, or in an amount less than $100 if the total exceeds $100 within a calendar year, together with the amount, date and particulars of each such expenditure and the name, address of, and office sought by, each candidate on whose behalf such expenditures were made;

(10) The total of expenditures made by or on behalf of the committee or candidate during the reporting period and the calendar year together with total expenditures less transfers between affiliated political committees (as defined in 11 CFR 100.5) of the candidate;

(11) The amount and nature of outstanding debts and obligations owed by or to the committee including any written contracts, agreements, or promises to make expenditures, see 11 CFR 104.9;

(12) Independent expenditures; see 11 CFR Part 104.4.

PART 105—DOCUMENT FILING (2 U.S.C. 432(g))

Sec.
105.1 Place of filing; House candidates, their principal campaign committees, and committees supporting only House candidates (2 U.S.C. 432(g)(1)).

105.2 Place of filing; Senate candidates, their principal campaign committees, and committees supporting only Senate candidates (2 U.S.C. 432(g)(2)).

105.3 Place of filing; Presidential candidates and their principal campaign committees (2 U.S.C. 432(g)(4)).

105.4 Place of filing; political committees and other persons (2 U.S.C. 432(g)(4)).

105.5 Transmittal of microfilm copies and photocopies of original reports filed with the Clerk of the House and the Secretary of the Senate to the Commission (2 U.S.C. 432(g)(3)).

AUTHORITY: 2 U.S.C. 432(g), 438(a)(8).

SOURCE: 45 FR 15116, Mar. 7, 1980, unless otherwise noted.

§ 105.1 Place of filing; House candidates, their principal campaign committees, and committees supporting only House candidates (2 U.S.C. 432(g)(1)).

All designations, statements, reports, and notices, as well as any modification(s) or amendment(s) thereto, required to be filed under 11 CFR Parts 101, 102, and 104 by a candidate for nomination or election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress, by his or her principal campaign committee or by any other political committee(s) which supports only candidates for nomination for election or election to the House of Representatives, shall be filed in original form with, and received by, the Clerk of the House of Representatives as custodian for the Federal Election Commission.

§ 105.2 Place of filing; Senate candidates, their principal campaign committees, and committees supporting only Senate candidates (2 U.S.C. 432(g)(2)).

All designations, statements, reports, and notices as well as any modification(s) or amendment(s) thereto, required to be filed under 11 CFR Parts 101, 102, and 104 by a candidate for nomination or election to the office of United States Senator, by his or her principal campaign committee or by any other political committee(s) which supports only candidates for nomination for election or election to the Senate of the United States shall be filed in original form with, and received by, the Secretary of the Senate, as custodian for the Federal Election Commission.

§ 105.3 Place of filing; Presidential candidates and their principal campaign committees (2 U.S.C. 432(g)(4)).

All designations, statements, reports, and notices, as well as any modification(s) or amendment(s) thereto, required to be filed under 11 CFR Parts 101, 102 and 104 by a candidate for nomination for election or election to the office of President or Vice President of the United States or by his or her principal campaign committee shall be filed in original form with the Federal Election Commission.

§ 105.4 Place of filing; political committees and other persons (2 U.S.C. 432(g)(4)).

All designations, statements, reports, and notices, as well as any modifications or amendments thereto, required to be filed under 11 CFR Parts 101, 102, and 104 by a political committee
§ 105.5

other than any principal campaign committee or any committee referred to in 11 CFR 105.1, 105.2, or 105.3, by persons other than political committees making independent expenditures under 11 CFR Part 109, and by persons required to report the cost of communications under 11 CFR 104.6, shall be filed in original form with the Federal Election Commission.

§ 105.5 Transmittal of microfilm copies and photocopies of original reports filed with the Clerk of the House and the Secretary of the Senate to the Commission (2 U.S.C. 432(g)(3)).

(a) Either a microfilmed copy or photocopy of all original designations, statements, reports, modifications or amendments required to be filed pursuant to 11 CFR 105.1 and 105.2 shall be transmitted by the Clerk of the House or the Secretary of the Senate to the Commission as soon as possible, but in any case no later than two (2) working days after receiving such designations, statements, reports, modifications, or amendments.

(b) The Clerk of the House and the Secretary of the Senate shall then forward to the Commission a microfilm copy and a photocopy of each designation, statement, and report, or any modification or amendment thereto, filed with them pursuant to 11 CFR 105.1 and 105.2.

(c) The Clerk of the House and the Secretary of the Senate shall place a time and date stamp on each original designation, statement, report, modification or amendment received.

PART 106—ALLOCATIONS OF CANIDATE AND COMMITTEE ACTIVITIES

Sec. 106.1 Allocation of expenditures among (or between) candidates and activities.

106.2 State allocation of expenditures incurred by authorized committees of Presidential primary candidates receiving matching funds.

106.3 Allocation of expenses between campaign and non-campaign related travel.

106.4 Allocation of polling expenses.

Authority: Pub. L. 92-225, title III, Sec. 315, formerly Sec. 320, as added by Pub. L. 94-283, title I, Sec. 112(2), 90 Stat. 486, renumbered by Pub. L. 96-187, title I, Sec. 105(a)(5), 93 Stat. 1354 (2 U.S.C. 441a(b), 441a(g)).

Source: 41 FR 35944, Aug. 25, 1976, unless otherwise noted.

§ 106.1 Allocation of expenditures among (or between) candidates and activities.

(a) General rule: Expenditures, including independent expenditures, made on behalf of more than one candidate shall be attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived.

(b) An authorized expenditure made by a candidate or political committee on behalf of another candidate shall be reported as a contribution in-kind (transfer) to the candidate on whose behalf the expenditure was made, except that expenditures made by party committees pursuant to § 110.7 need only be reported as an expenditure.

(c) Exceptions: (1) Expenditures for rent, personnel, overhead, general administrative, fund-raising, and other day-to-day costs of political committees need not be attributed to individual candidates, unless these expenditures are made on behalf of a clearly identified candidate and the expenditure can be directly attributed to that candidate.

(2) Expenditures for educational campaign seminars, for training of campaign workers, and for registration or get-out-the-vote drives of committees need not be attributed to individual candidates unless these expenditures are made on behalf of a clearly identified candidate, and the expenditure can be directly attributed to that candidate.

(3) Payments made for the cost of certain voter registration and get-out-the-vote activities conducted by State or local party organizations on behalf of any Presidential or Vice-Presidential candidate(s) are exempt from the definition of a contribution or an expenditure under 11 CFR 100.7(b)(17) and 100.8(b)(18). If the State or local party organization includes references to any candidate(s) seeking nomination or election to the House of Representatives or Senate of the United States the portion of the cost of such
activities allocable to such candidate(s) shall be considered a contribution to or an expenditure on behalf of such candidate(s), unless such reference is incidental to the overall activity. If such reference is incidental to the overall activity, such costs shall not be considered a contribution to or expenditure on behalf of any candidate(s).

§ 106.2 State allocation of expenditures incurred by authorized committees of Presidential primary candidates receiving matching funds.

(a) General. (1) This section applies to Presidential primary candidates receiving or expecting to receive Federal matching funds pursuant to 11 CFR Parts 9031 et seq. Except for expenditures exempted under 11 CFR 106.2(c), expenditures incurred by a candidate's authorized committee(s) for the purpose of influencing the nomination of that candidate for the office of President with respect to a particular State shall be allocated to that State. An expenditure shall not necessarily be allocated to the State in which the expenditure is incurred or paid.

(2) Disbursements made prior to the time an individual becomes a candidate for the purpose of determining whether that individual should become a candidate pursuant to 11 CFR 100.7(b)(1) and 100.8(b)(1), i.e., payments for testing the waters, shall be allocable expenditures under this section if the individual becomes a candidate.

(b) Method of allocating expenditures among States—(1) General Allocation Method. Unless otherwise specified under paragraph (b) (2) of this section, an expenditure incurred by a candidate's authorized committee(s) for the purpose of influencing the nomination of that candidate in more than one State shall be allocated to each State on a reasonable and uniformly applied basis.

(2) Specific allocation methods. Expenditures that fall within the categories listed below shall be allocated based on the following methods. The method used to allocate a category of expenditures shall be based on consistent data for each State to which an allocation is made.

(i) Media expenditures—(A) Print Media. Except for expenditures exempted under paragraph (c) of this section, allocation of expenditures for the publication and distribution of newspaper, magazine and other types of printed advertisements distributed in more than one State, including any commission charged for the purchase of print media, shall be made using relative circulation percentages in each State or an estimate thereof. For purposes of this section, allocation to a particular State will not be required for a publication which is circulated to less than 3% of the total estimated readership of that publication in that State.

(B) Broadcast media. Except for expenditures exempted under paragraph (c) of this section, expenditures for radio, television and similar types of advertisements purchased in a particular media market that covers more than one State shall be allocated to each State in proportion to the estimated audience. This allocation of expenditures, including any commission charged for the purchase of broadcast media, shall be made using industry market data.

(C) Refunds for media expenditures. Refunds for broadcast time or advertisement space, purchased but not used, shall be credited to the States on the same basis as the original allocation.
(D) **Limits on allocation of media expenditures.** No allocation of media expenditures shall be made to any State in which the primary election has already been held.

(ii) **Salaries.** Except for expenditures exempted under paragraph (c) of this section, salaries paid to persons working in a particular State for five consecutive days or more, including advance staff, shall be allocated to each State in proportion to the amount of time spent in that State during a payroll period.

(iii) **Intra-State travel and subsistence expenditures.** Travel and subsistence expenditures for persons working in a State for five consecutive days or more shall be allocated to that State in proportion to the amount of time spent in each State during a payroll period. This same allocation method shall apply to intra-state travel and subsistence expenditures of the candidate and his family or the candidate's representatives.

(iv) **Overhead expenditures.**

(A) **Overhead Expenditures of State Offices.** Except for expenditures exempted under paragraph (c) of this section, overhead expenditures of offices located in a particular State shall be allocated to that State. For purposes of this section, overhead expenditures include, but are not limited to, rent, utilities, office equipment, furniture, supplies, and telephone service base charges.

(B) **Overhead expenditures of regional offices.** Except for expenditures exempted under paragraph (c) of this section, overhead expenditures of a regional office or any office with responsibilities in two or more States shall be allocated to each State on a reasonable and uniformly applied basis. For purposes of this section, overhead expenditures include but are not limited to, rent, utilities, office equipment, furniture, supplies, and telephone service base charges.

(v) **Telephone service expenditures.**

(A) **Intra-state telephone calls.** Expenditures for all calls made within a particular State shall be allocated to that State.

(B) **Inter-state telephone calls.** Expenditures for telephone calls between two States need not be allocated to any State.

(vi) **Public opinion poll expenditures.** Expenditures incurred for the taking of a public opinion poll covering only one State shall be allocated to that State. Except for expenditures incurred in conducting a nationwide poll, expenditures incurred for the taking of a public opinion poll covering two or more States shall be allocated to those States based on the number of people interviewed in each State.

(c) **Expenditures exempted from allocation—**

(1) **National campaign expenditures—**

(i) **Operating expenditures.** Expenditures incurred for administrative, staff, and overhead expenditures of the national campaign headquarters need not be allocated to any State. Overhead expenditures shall be defined as in paragraph (b)(2)(iv) of this section.

(ii) **National advertising.** Expenditures incurred for advertisements on national networks, national cable or in publications distributed nationwide need not be allocated to any State.

(iii) **Nationwide polls.** Expenditures incurred for the taking of a public opinion poll which is conducted on a nationwide basis need not be allocated to any State.

(2) **Media production costs.** Expenditures incurred for production of Media advertising, whether or not that advertising is used in more than one State, need not be allocated to any State.

(3) **Expenditures for transportation and services made available to media.** Expenditures incurred by the candidate's authorized committee(s) to provide transportation and services for media personnel need not be allocated to any State. Reimbursement for such expenditures shall be made in accordance with 11 CFR 9034.6.

(4) **Interstate travel.** Expenditures incurred for inter-state travel costs, such as travel between State campaigns or between State offices and national campaign headquarters, need not be allocated to any State.

(5) **Compliance Costs and Fundraising Expenditures.** An amount equal to 10% of campaign workers' salaries and overhead expenditures in a particular State may be excluded from allocation.
to that State as an exempt compliance cost. An additional amount equal to 10% of such salaries and overhead expenditures in a particular State may be excluded from allocation to that State as exempt fundraising expenditures, but this exemption shall not apply within 28 calendar days of the primary election as specified in 11 CFR 110.8(c)(2). Any amounts excluded for fundraising expenditures shall be applied against the fundraising expenditure limitation under 11 CFR 100.8(b)(21). If the candidate wishes to claim a larger compliance or fundraising exemption for any person, the candidate shall establish allocation percentages for each individual working in that State. The candidate shall keep detailed records to support the derivation of each percentage in accordance with paragraph (e) of this section.

(d) Reporting. All expenditures allocated under this section shall be reported on FEC Form 3P, page 3.

(e) Recordkeeping. All assumptions and supporting calculations for allocations made under this section shall be documented and retained for Commission inspection. For compliance and fundraising deductions that exceed the 10% exemptions under paragraph (c)(5) of this section, such records shall indicate which duties are considered compliance or fundraising and the percentage of time each person spends on such activity.

(48 FR 5233, Feb. 4, 1983)

§ 106.3 Allocation of expenses between campaign and non-campaign related travel.

(a) This section applies to allocation for expenses between campaign and non-campaign related travel with respect to campaigns of candidates for Federal office, other than Presidential and Vice Presidential candidates who receive federal funds pursuant to 11 CFR Part 9005 or 9036. (See 11 CFR 9004.7 and 9034.7) All expenditures for campaign-related travel paid for by a candidate from a campaign account or by his or her authorized committees or by any other political committee shall be reported.

(b)(1) Travel expenses paid for by a candidate from personal funds, or from a source other than a political committee, shall constitute reportable expenditures if the travel is campaign-related.

(2) Where a candidate's trip involves both campaign-related and non-campaign-related stops, the expenditures allocable for campaign purposes are reportable, and are calculated on the actual cost-per-mile of the means of transportation actually used, starting at the point of origin of the trip, via every campaign-related stop and ending at the point of origin.

(3) Where a candidate conducts any campaign-related activity in a stop, the stop is a campaign-related stop and travel expenditures made are reportable. Campaign-related activity shall not include any incidental contacts.

(e)(1) Where an individual, other than a candidate, conducts campaign-related activities on a trip, the portion of the trip attributed to each candidate shall be allocated on a reasonable basis.

(2) Travel expenses of a candidate's spouse and family are reportable as expenditures only if the spouse or family members conduct campaign-related activities.

(d) "Costs incurred by a candidate for the United States Senate or House of Representatives for travel between Washington, D.C., and the State or district in which he or she is a candidate need not be reported herein unless the costs are paid by a candidate's authorized committee(s), or by any other political committee(s).

(e) Notwithstanding paragraphs (b) and (c) of this section, the reportable expenditure for a candidate who uses government conveyance or accommodations for travel which is campaign-related is the rate for comparable commercial conveyance or accommodation. In the case of a candidate authorized by law or required by national security to be accompanied by staff and equipment, the allocable expenditures are the costs of facilities sufficient to accommodate the party, less authorized or required personnel and equipment. If such a trip includes both campaign and noncampaign stops, equivalent costs are calculated in accordance
§ 106.4 Allocation of polling expenses.

(a) The purchase of opinion poll results by a candidate or a candidate's authorized political committee or agent is an expenditure by the candidate. Regarding the purchase of opinion poll results for the purpose of determining whether an individual should become a candidate, see 11 CFR 100.8(b)(1).

(b) The purchase of opinion poll results by a political committee or other person not authorized by a candidate to make expenditures and the subsequent acceptance of the poll results by a candidate or a candidate's authorized political committee or agent or by another unauthorized political committee is a contribution in-kind by the purchaser to the candidate or other political committee and an expenditure by the candidate or other political committee. Regarding the purchase of opinion poll results for the purpose of determining whether an individual should become a candidate, see 11 CFR 100.7(b)(1). The poll results are accepted by a candidate or other political committee if the candidate or the candidate's authorized political committee or agent or the other unauthorized political committee—

1. Requested the poll results before their receipt;
2. Uses the poll results; or
3. Does not notify the contributor that the results are refused.

(c) The acceptance of any part of a poll's results which part, prior to receipt, has been made public without any request, authorization, rearrangement, or coordination by the candidate-recipient or political committee-recipient, shall not be treated as a contribution in-kind and expenditure under paragraph (b) of this section.

(d) The purchase of opinion poll results by an unauthorized political committee for its own use, in whole or in part, is an overhead expenditure by the political committee under § 106.1(c)(1) to the extent of the benefit derived by the committee.

(e) The amount of a contribution under paragraph (b) of this section or of any expenditure under paragraphs (a) and (b) of this section attributable to each candidate-recipient or political committee-recipient shall be—

1. That share of the overall cost of the poll which is allocable to each candidate (including State and local candidates) or political committee, based upon the cost allocation formula of the polling firm from which the results are purchased. Under this method the size of the sample, the number of computer column codes, the extent of computer tabulations, and the extent of written analysis and verbal consultation, if applicable, may be used to determine the shares; or
2. An amount computed by dividing the overall cost of the poll equally among candidates (including State and local candidates) or political committees receiving the results; or
3. A proportion of the overall cost of the poll equal to the proportion that the number of question results received by the candidate or political committee bears to the total number of question results received by all candidates (including State and local candidates) and political committees; or
4. An amount computed by any other method which reasonably reflects the benefit derived.

(f) The first candidate(s) or committee(s) receiving poll results under paragraph (b) or (d) of this section and any candidate or political committee receiving poll results under paragraph (b) of this section within 15 days after receipt by the initial recipient(s) shall compute the amount of the contribution in-kind and the expenditure as provided in paragraph (e) of this section.

(g) The amount of the contribution and expenditure reported by a candidate or a political committee receiving poll results under paragraph (b) of this section more than 15 days after receipt of such poll results by the initial recipient(s) shall be—

1. If the results are received during the period 16 to 60 days following receipt by the initial recipient(s), 50 per-
cent of the amount allocated to an initial recipient of the same results;
(2) If the results are received during the period 61 to 180 days after receipt by the initial recipient(s), 5 percent of the amount allocated to an initial recipient of the same results;
(3) If the results are received more than 180 days after receipt by the initial recipient(s), no amount need be allocated.

(h) A contributor of poll results under paragraph (b) of this section shall maintain records sufficient to support the valuation of the contribution(s) in-kind and shall inform the candidate-recipient(s) or political committee-recipient(s) of the value of the contribution(s).

§ 107.2 Registration and reports by political parties.

Each convention committee established under 11 CFR 9008.8(b)(2) by a national committee of a political party and each committee or other organization, including a national committee, which represents a political party in making arrangements for that party's convention held to nominate a presidential or vice presidential candidate shall register and report in accordance with 11 CFR 9008.12(b).

(2 U.S.C. 437)

[44 FR 63045, Nov. 1, 1979]
any other person making independent expenditures in connection with a candidate seeking nomination for election to the office of President or Vice-President under 11 CFR 104.4 or Part 109, shall be filed with the State officer of each State in which an expenditure is made in connection with the campaign of a candidate seeking nomination for election to the office of President or Vice-President. The report and statement shall contain all transactions pertaining to that State during the reporting period. Any committee, other than a Presidential or Vice Presidential candidate's principal campaign committee and the candidate's authorized committee(s) shall also file a copy of each report and statement with the appropriate State officer of the State in which such committee has its headquarters pursuant to 11 CFR 108.4.

§ 108.4 Filing copies of reports by committees other than principal campaign committees (2 U.S.C. 439(a)(2)).

Any unauthorized committee, which makes contributions in connection with a Presidential election and which is required to file a report(s) and statement(s) under the Act shall file a copy of such report(s) and statement(s) with the State officer of the State in which both the recipient and contributing committees have their headquarters.


§ 108.5 Time and manner of filing copies (2 U.S.C. 434(a)(2)).

A copy of any report or statement required to be filed with a State officer under 11 CFR Part 108 shall be filed at the same time as the original report is filed. Each copy of such report or statement shall be a complete, true, and legible copy of the original report or statement filed.

§ 108.6 Duties of State officers (2 U.S.C. 439(b)).

The Secretary of State, or the equivalent State officer shall carry out the duties set forth in 11 CFR 108.5(a) through (d):

(a) Receive and maintain in an orderly manner all reports and statements required to be filed;
(b) Preserve such reports and statements (either in original form or in facsimile copy by microfilm or otherwise) filed under the Act for a period of 2 years from the date of receipt;
(c) Make the reports and statements filed available as soon as practicable (but within 48 hours of receipt) for public inspection and copying during office hours and permit copying of any such reports or statements by hand or by duplicating machine, at the request of any person except that such copying shall be at the expense of the person making the request and at a reasonable fee;
(d) Compile and maintain a current list of all reports and statements or parts of such reports and statements pertaining to each candidate.

§ 108.7 Effect on State law (2 U.S.C. 453).

(a) The provisions of the Federal Election Campaign Act of 1971, as amended, and rules and regulations issued thereunder, supersede and preempt any provision of State law with respect to election to Federal office.
(b) Federal law supersedes State law concerning the—
(1) Organization and registration of political committees supporting Federal candidates;
§ 109.1 Definitions (2 U.S.C. 431(17)).

(a) "Independent expenditure" means an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate.

(b) For purposes of this definition—

(1) "Person" means an individual, partnership, committee, association, or any organization or group of persons, including a separate segregated fund established by a labor organization, corporation, or national bank (see Part 114) but does not mean a labor organization, corporation, or national bank.

(2) "Expressly advocating" means any communication containing a message advocating election or defeat, including but not limited to the name of the candidate, or expressions such as "vote for," "elect," "support," "cast your ballot for," and "Smith for Congress," or "vote against," "defeat," or "reject."

(3) "Clearly identified candidate" means that the name of the candidate appears, a photograph or drawing of the candidate appears, or the identity of the candidate is otherwise apparent by unambiguous reference.

(4) "Made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate" means—

(i) Any arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication. An expenditure will be presumed to be so made when it is—

(A) Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agents, with a view toward having an expenditure made;

(B) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent;

(ii) But does not include providing to the expending person upon request Commission guidelines on independent expenditures.

(5) "Agent" means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary...
course of campaign-related activities he or she may authorize expenditures.

(c) An expenditure not qualifying under this section as an independent expenditure shall be a contribution in-kind to the candidate and an expenditure by the candidate, unless otherwise exempted.

(d)(1) The financing of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents shall be considered a contribution for the purpose of contribution limitations and reporting responsibilities by the person making the expenditure but shall not be considered an expenditure by the candidate or his authorized committees unless made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any authorized agent or committee thereof.

(2) This paragraph does not affect the right of a State or subordinate party committee to engage in such dissemination, distribution, or republication as agents designated by the national committee pursuant to §110.7(a)(4).

(e) No expenditure by an authorized committee of a candidate on behalf of that candidate shall qualify as an independent expenditure.

§109.2 Reporting of independent expenditures by persons other than a political committee (2 U.S.C. 434(c)).

(a) Every person other than a political committee, who makes independent expenditures aggregating in excess of $250 during a calendar year shall file a signed statement or report on FEC Form 5 with the Commission, the Clerk of the House or Secretary of the Senate in accordance with 11 CFR 104.4(c).

(1) If a signed statement is submitted, the statement shall include:

(i) The reporting person's name mailing address, occupation and the name of his or her employer, if any;

(ii) The identification (name and mailing address) of the person to whom the expenditure was made;

(iii) The amount, date and purpose of each expenditure;

(iv) A statement which indicates whether such expenditure was in support of, or in opposition to a candidate, together with the candidate's name and office sought;

(v) A notarized certification under penalty of perjury as to whether such expenditure was made in cooperation, consultation or concert with, or at the request or suggestion of any candidate or any authorized committee or agent thereof; and

(vi) The identification of each person who made a contribution in excess of $200 to the person filing such report, which contribution was made for the purpose of furthering the reported independent expenditure.

(b) Independent expenditures aggregating $1,000 or more made by any person after the twentieth day, but more than 24 hours before 12:01 a.m. of the day of an election shall be reported within 24 hours after such independent expenditure is made. Such report or statement shall contain the information required by 11 CFR 109.2(a) indicating whether the independent expenditure is made in support of, or in opposition to, a particular candidate and shall be filed with the appropriate officers in accordance with 11 CFR 104.4(c).

§109.3 Non-authorization notice (2 U.S.C. 441d).

Whenever any person makes an independent expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, such person shall comply with the requirements of 11 CFR 110.11.
§ 110.1 Contributions by persons.

(a)(1) No person (except multicandidate committees under §110.2) shall make contributions to any candidate, his or her authorized political committees or agents with respect to any election to Federal office which in the aggregate exceed $1,000.

(A) For a primary election, caucus or convention, if made on or before the date of the election, caucus or convention, or

(B) For a general election if made after the date of the primary election.

(b)(1) No person (except multicandidate committees under §110.2) shall make contributions to the political committees established and maintained by a national political party, which, in the aggregate, exceed $20,000 in any calendar year.

(2) For purposes of this section, “political committees established and maintained by a national political party” means—

(i) The national committee; (ii) the House campaign committee; and (iii) the Senate campaign committee. Each may receive up to the $20,000 limitation from a contributor, see §110.5.

(3) The recipient committee shall not be an authorized committee of any candidate.

(c) No person (except multicandidate committees under §110.2) shall make contributions to any other political committee which in the aggregate exceed $5,000 in any calendar year.

(d) The limitations in paragraphs (b) and (c) of this section also apply to contributions made to committees making independent expenditures, see Part 109.

(e) A contribution by a partnership shall—

(1) Be attributed to each partner in direct proportion to his or her share of the partnership profits, according to instructions which shall be provided by the partnership to the committee or candidate; or

(2) Be attributed by agreement of the partners, as long as—

(i) Only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and

(ii) These partners’ profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and

(3) Not exceed the limits in paragraphs (a), (b), and (c) of this section.

(f) If an individual is a candidate for more than one Federal office, a person may contribute not more than $1,000 to the candidate, or his or her author-
§ 110.2 Contributions by multi-candidate committees (2 U.S.C. 441a(a)(2)).

(a) No multicandidate political committee shall make contributions—

(1) To any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $5,000; “with respect to any election” has the same meaning as in § 110.1(a)(2);

(2) To the political committees established and maintained by a national political party in any calendar year which, in the aggregate, exceed $15,000;

(i) The recipient committee shall not be an authorized committee of any candidate;

(ii) “Political committees established and maintained by a national political party” means (A) the national committee; (B) Senate campaign committee; and (C) the House campaign com-
§ 110.3 Affiliated committees; transfers.

(a)(1)(i) For purposes of the limitations in §§110.1 and 110.2, contributions shall be considered to be made by a single political committee (including a single separate segregated fund) if made by more than one political committee (including a separate segregated fund) established, financed, maintained, or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit thereof, or by a group of those persons. See affiliated committees, 11 CFR 100.5(g).

(ii) Application of the rule of this paragraph means—

(A) All of the political committees set up by a single corporation and/or its subsidiaries are treated as a single political committee;

(B) All of the political committees set up by a single national or international union and/or its local unions or other subordinate organizations are treated as a single political committee;

(C) All of the political committees set up by an organization of national or international unions and/or all its State and local central bodies are treated as a single political committee;

(D) All of the political committees (other than party committees, see paragraph (b) of this section set up by a membership organization, including trade or professional associations, see §114.8(a), and/or by related State and local entities of that organization or group, are treated as a single political committee;

(E) All of the political committees set up by the same group of persons are treated as a single political committee.

(iii) For organizations not described by paragraphs (a)(1)(i) or (ii) of this section, indicative of establishing, financing, maintaining, or controlling may include—

(A) Ownership of a controlling interest in voting shares or securities;

(B) Provisions of by-laws, constitutions, or other documents by which one entity has the authority, power, or ability to direct another entity;

(C) The authority, power, or ability to hire, appoint, discipline, discharge, demote, or remove or otherwise influence the decision of the officers or members of an entity;

(D) Similar patterns of contributions;

(E) The transfer of funds between committees which represent a substantial portion of the funds of either the transferor or transferee committee, other than the transfer of funds between the committees which jointly raised the funds so transferred.

(2) This part shall not limit transfers between—
(i) Political committees of the funds raised through joint fundraising;
(ii) Authorized committees of the same candidate, or between the candidate and his or her authorized committees, if the candidate has not received a waiver from reporting;
(iii) The primary campaign and general election campaign of a candidate, of funds unused for the primary;
(iv) A candidate's previous campaign committee and his or her currently registered principal campaign committee or other authorized committee, as long as none of the funds transferred contain contributions which would be in violation of the Act; or
(v) The principal campaign committees of a candidate seeking nomination or election to more than one Federal office, as long as—

(A) The transfer is made when the candidate is not actively seeking nomination or election to more than one office. For purposes of this paragraph, “not actively seeking” means a principal campaign committee has filed a termination report with the Commission, or has notified the Commission that the candidate and his authorized committees will make no further expenditure, except in connection with the retirement of debts outstanding at the time of the notification;

(B) The limitations on contributions by persons are not exceeded by the transfer. To assure this, the contributions making up the funds transferred shall be reviewed, beginning with the last received and working back until the amount transferred is reached. A person's contribution or any portion thereof, shall be excluded if, when added to contributions already made to the transferee principal campaign committee, it causes the contributor to exceed his or her limitation; and

(C) The candidate has not received funds under 26 U.S.C. 9006 or 9037.

(b)(1) For purposes of the limitations in § 110.1 and § 110.2,

(i) All contributions made by the national committee of a political party, and any political committees established, financed, maintained, or controlled by the same national committee; and

(ii) All contributions made by the State committee of a political party, shall be considered to be made by separate political committees.

(2) For purposes of this section,

(i) The House campaign committee of each political party shall be considered separate from the national committee of that party, giving the national committee and the House campaign committees separate limitations;

(ii) All contributions made by the political committees established, financed, maintained, or controlled by a State party committee and by subordinate State party committees shall be presumed to be made by one political committee. This presumption shall not apply if—

(A) The political committee of the party unit in question has not received funds from any other political committee established, financed, maintained, or controlled by any party unit; and

(B) The political committee of the party unit in question does not make its contributions in cooperation, consultation or concert with, or at the request or suggestion of any other party unit or political committee established, financed, maintained, or controlled by another party unit.

(3) For example, as a result of paragraph (b)(1) of this section,

(i) The national committee of a party and that party's House campaign committee may each contribute a total of $1,000 ($5,000 if a multicandidate committee) and the State committee of a party and each of its independent subordinate committees, may each contribute a total of $1,000 ($5,000 if a multicandidate committee) to a candidate for nomination for President of the United States, or to a candidate for the House for each election;

(ii) A State committee and any subordinate committee able to demonstrate independence under the criteria of § 110.3(b)(2)(ii) may each contribute $1,000 ($5,000 if a multicandidate committee) to a candidate for each election.

(4) The national committee of a political party and the Senate campaign committee have special limitations regarding Senate candidates, see § 110.2(c).
§ 110.5 Prohibited contributions.

(a)(1) A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office.

(2) No person shall solicit, accept, or receive a contribution as set out above from a foreign national.

(3) For purposes of this section, “foreign national” means—

(i) A foreign principal, as defined in 22 U.S.C. 611(b); or

(ii) An individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined in 8 U.S.C. 1101(a)(20); and

(iii) Except that “foreign national” shall not include any individual who is a citizen of the United States.

(b)(1) No person shall—

(i) Make a contribution in the name of another;

(ii) Knowingly permit his or her name to be used to effect that contribution; or

(iii) Knowingly accept a contribution made by one person in the name of another.

(2) Examples of “contribution in the name of another” include—

(i) Giving money or anything of value, all or part of which was provided to the contributor by another person (the true contributor) without disclosing the source of money or the thing of value to the recipient candidate or committee at the time the contribution is made, see § 110.6; or

(ii) Making a contribution of money or anything of value and attributing as the source of the money or the thing of value another person when in fact the contributor is the source.

(c)(1) With respect to any campaign for nomination for election, or election, to Federal office, no person shall make contributions to a candidate or political committee of currency of the United States, or of any foreign country, which in the aggregate exceed $100.

(2) A candidate or committee receiving a cash contribution in excess of $100 shall promptly return the amount over $100 to the contributor.

(3) A candidate or committee receiving an anonymous cash contribution in excess of $50 shall promptly dispose of the amount over $50. The amount over $50 may be used for any lawful purpose unrelated to any Federal election, campaign, or candidate.

§ 110.5 Annual contribution limitation.

(a) No individual shall make contributions aggregating more than $25,000 in any calendar year.

(b) For purposes of this section,

(1) Any contribution made in a year other than in the calendar year in which an election is held shall be considered to be made during the calendar year in which the election is held, as long as the contribution is made with respect to a particular candidate and election;

(2) An individual’s contribution to a political committee in a non-election year shall not be attributable to the calendar year in which an election is held, as long as the political committee is not the principal campaign committee, or other authorized committee of a candidate, or a single candidate committee supporting the candidate and as long as the contribution is not otherwise designated for a particular election.

(c) The limitation in (a) also applies to contributions made to a person who is making independent expenditures, see Part 109.

(d) Contributions to delegates or delegate committees count against the individual contributor’s aggregate annual contribution limit in 11 CFR 110.5(a).

§ 110.6 Earmarked contributions (2 U.S.C. 441a(a)(7)(A)).

(a) All contributions by a person made on behalf of or to a candidate, including contributions which are in any way earmarked or otherwise directed to the candidate through an intermediary or conduit, are contributions from the person to the candidate.

(b) For purposes of this section, earmarked means a designation, instruction, or encumbrance (including those which are direct or indirect, express or implied, oral or written) which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee.

(c) The intermediary or conduit of the earmarked contribution shall report the original source and intended recipient of the contribution to the Commission, the Clerk of the House of Representatives, or the Secretary of the Senate, as appropriate (see Part 105), and to the intended recipient.

1. The report to the Commission, Clerk, or Secretary shall be included in the conduit or intermediary's next due quarterly, pre- or post-election, or annual report, or, if the conduit is not a reporting entity, by letter to the Commission, and shall—

(i) If the contribution passed through the conduit's account, disclose each contribution, regardless of amount, on schedules of itemized receipts and expenditures;

(ii) If the contribution was passed on in the form of the contributor's check, disclose each contribution on a separate schedule attached to the conduit's next report, or attached to the letter to the Commission.

2. The report to the intended recipient shall be made when the contribution is passed on to the intended recipient.

3. The intended recipient shall disclose on his next report each conduit through which the contribution passed.

4. The reports in (1) and (2) above shall contain the information required in 11 CFR 110.6(c)(4) (i) through (iii).

(i) The name and mailing address of the contributor and if the contribution exceeds $200, the contributor's occupation and the name of his or her employer.

(ii) The amount of the contribution, the date received by the conduit, and the intended recipient as designated by the contributor;

(iii) The date the contribution was passed on to the intended recipient, and whether the contribution was passed on in cash, by the contributor's check, or by the conduit's check.

(d) (1) A conduit or intermediary's contribution limits are not affected by passing on earmarked contributions, except where the conduit exercises any direction or control over the choice of the recipient candidate.

(2) If a conduit exercises any direction or control over the choice of the recipient candidate, the contribution shall be considered a contribution by both the original contributor and the conduit, and shall be so reported by the conduit to the Commission, Clerk, or Secretary, as appropriate, or, if the conduit is not a reporting entity, by letter to the Commission, and to the recipient. The recipient candidate or committee shall report it in its reporting of contributions received, indicating that the contribution is made by both the original contributor and the conduit, but that the actual cash received does not reflect the two contributions.

(2 U.S.C. 438(a)(8), 441a, 441d, 441e, 441f, 441g, 441h, 441i)


§ 110.7 Party committee expenditure limitations (2 U.S.C. 441a(d)).

(a)(1) The national committee of a political party may make expenditures in connection with the general election campaign of any candidate for
§ 110.8 Presidential candidate expenditure limitations.

(a) No candidate for the office of President of the United States who is eligible under 26 U.S.C. 9003 (relating to conditions for eligibility for payments) or under 26 U.S.C. 9033 (relating to eligibility for payments) to receive payments from the Secretary of the Treasury and has received payments, may make expenditures in excess of—

(1) $10,000,000 in the case of a campaign for nomination for election to the office, except the aggregate of expenditures under this paragraph in any one State shall not exceed the greater of 16 cents multiplied by the voting age population of the State; or

(B) Twenty thousand dollars; and

(ii) in the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other State, $10,000.

(b) (1) The national committee of a political party, and a State committee of a political party, including any subordinate committee of a State committee, may each make expenditures in connection with the general election campaign of a candidate for Federal office in that State who is affiliated with the party.

(2) The expenditures shall not exceed—

(i) In the case of a candidate for election to the office of Senator, or of Representative from a State which is entitled to only one Representative, the greater of—

(A) Two cents multiplied by the voting age population of the State; or

(B) Twenty thousand dollars; and

(ii) in the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other State, $10,000.

(c) For limitation purposes, State committee includes subordinate State committees. State committees and subordinate State committees combined shall not exceed the limits in paragraph (b)(2) of this section. To ensure compliance with the limitations, the State committee shall administer the limitation in one of the following ways:

(1) The State central committee shall be responsible for insuring that the expenditures of the entire party organization are within the limitations, including receiving reports from any subordinate committee making expenditures under paragraph (b) of this section, and filing consolidated reports showing all expenditures in the State with the Commission; or

(2) Any other method, submitted in advance and approved by the Commission which permits control over expenditures.

(2 U.S.C. 438(a)(8), 441a, 441d, 441e, 441f, 441g, 441h, 441i)

§ 110.8 11 CFR Ch. I (1-1-86 Edition)

voting age population of the State or $200,000; or

(2) $20,000,000 in the case of a campaign for election to the office.

(b) The expenditure limitations shall not be considered violated if, after the date of the primary or general election, convention or caucus, receipt of refunds and rebates causes a candidate's expenditures to be within the limitations.

(c) For the State limitations in paragraph (a)(1) of this section—

(1) Expenditures made in a State after the date of the primary election, convention or caucus relating to the primary election, convention or caucus count toward that State's expenditure limitation;

(2) Expenditures for fundraising activities targeted at a particular State and occurring within 28 days before that state's primary election, convention or caucus shall be presumed to be attributable to the expenditure limitation for that State, 11 CFR 100.8(b)(21) (relating to the 20% fundraising exemption) notwithstanding.

(d)(1) If an individual is a candidate for more than one Federal office, or for a Federal office and a State office, he or she must designate separate principal campaign committees and establish completely separate campaign organizations.

(2) No funds, goods, or services, including loans and loan guarantees, may be transferred between or used by the separate campaigns, except as provided in § 110.3(a)(2)(iv).

(3) Except for Presidential candidates receiving Presidential Primary Matching Funds, see 26 U.S.C. 9032, or General Election Public Financing, see 26 U.S.C. 9002, campaigns may share personnel and facilities, as long as expenditures are allocated between the campaigns, and the payment made from each campaign account reflects the allocation.

(e)(1) A political party may make reimbursement for the expenses of a candidate who is engaging in party-building activities, without the payment being considered a contribution to the candidate, and without the unreimbursed expense being considered an expenditure counting against the limitations in paragraph (a)(1) or (2) of this section, as long as—

(i) The event is a bona fide party event or appearance; and

(ii) No aspect of the solicitation for the event, the setting of the event, and the remarks or activities of the candidate in connection with the event were for the purpose of influencing the candidate's nomination or election.

(2)(i) An event or appearance meeting the requirements of paragraph (e)(1) of this section and occurring prior to January 1 of the year of the election for which the individual is a candidate is presumptively party-related;

(ii) Notwithstanding the requirements of paragraph (e)(1) of this section, an event or appearance occurring on or after January 1 of the year of the election for which the individual is a candidate is presumptively for the purpose of influencing the candidate's election, and any contributions or expenditures are governed by the contribution and expenditure limitations of this Part 110.

(iii) The presumptions in paragraphs (e)(2)(i) and (ii) of this section may be rebutted by a showing to the Commission that the appearance or event was, or was not, party-related, as the case may be.

(f)(1) Expenditures made by or on behalf of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be expenditures made by or on behalf of the candidate of such party for election to the office of President of the United States.

(2) Expenditures from personal funds made by a candidate for Vice President shall be considered to be expenditures by the candidate for President, if the candidate is receiving General Election Public Financing, see § 141.2(c).

(g) An expenditure is made on behalf of a candidate, including a Vice-Presidential candidate, if it is made by—

(1) An authorized committee or any other agent of the candidate for purposes of making any expenditure;

(2) Any person authorized or requested by the candidate, an author-
ized committee of the candidate, or an agent of the candidate to make the expenditure; or

(3) A committee not authorized in writing, so long as it is requested by the candidate, an authorized committee of the candidate, or an agent of the candidate to make the expenditure.

§110.11 Communications; advertising (2 U.S.C. 441d).

(a)(1) Except as provided at 11 CFR 110.11(a)(2), whenever any person

§110.10 Expenditures by candidates.

(a) Except as provided in 11 CFR Parts 9001, et seq. and 9031, et seq., candidates for Federal office may make unlimited expenditures from personal funds.

(b) For purposes of this section, "personal funds" means—

(1) Any assets which, under applicable state law, at the time he or she became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had either:

(i) Legal and rightful title, or

(ii) An equitable interest.

(2) Salary and other earned income from bona fide employment; dividends and proceeds from the sale of the candidate's stocks or other investments; bequests to the candidate; income from trusts established before candidacy; income from trusts established by bequest after candidacy of which the candidate is the beneficiary; gifts of a personal nature which had been customarily received prior to candidacy; proceeds from lotteries and similar legal games of chance.

(3) A candidate may use a portion of assets jointly owned with his or her spouse as personal funds. The portion of the jointly owned assets that shall be considered as personal funds of the candidate shall be that portion which is the candidate's share under the instrument(s) of conveyance or ownership. If no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used shall be considered as personal funds of the candidate.

§110.9 Miscellaneous provisions.

(a) Violation of limitations. No candidate or political committee shall accept any contribution or make any expenditure in violation of the provisions of Part 110. No officer or employee of a political committee shall accept a contribution made for the benefit or use of a candidate, or make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this Part 110.

(b) Fraudulent misrepresentation. No person who is a candidate for Federal office or an employee or agent of such a candidate shall—

(1) Fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(2) Willfully and knowingly participate in or conspire to participate in any plan or design to violate paragraph (b)(1) of this section.

(c) Price index increase. (1) Each limitation established by §§110.7 and 110.8 shall be increased by the annual percent difference of the price index, as certified to the Commission by the Secretary of Labor. Each amount so increased shall be the amount in effect for that calendar year.

(2) For purposes of paragraph (c)(1) of this section, the term "price index" means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(d) Voting age population. The Commission shall assure that there is annually published in the Federal Register an estimate of the voting age population based on an estimate of the voting age population of the United States, of each State, and of each congressional district. The term "voting age population" means resident population, 18 years of age or older.
makes an expenditure for the purpose of financing a communication that expressly advocates the election or defeat of a clearly identified candidate, or that solicits any contribution, through any broadcasting station, newspaper, magazine, outdoor advertising facility, poster, yard sign, direct mailing or any other form of general public political advertising, a disclaimer meeting the requirements of 11 CFR 110.11(a)(1) (i), (ii), (iii) or (iv) shall appear and be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice of the identity of persons who paid for and, where required, who authorized the communication. Such person is not required to place the disclaimer on the front face or page of any such material, as long as a disclaimer appears within the communication, except on communications, such as billboards, that contain only a front face.

(i) Such communication, including any solicitation, if paid for and authorized by a candidate, an authorized committee of a candidate, or its agent, shall clearly state that the communication has been paid for by the authorized political committee; or

(ii) Such communication, including any solicitation, if authorized by a candidate, an authorized committee of a candidate or an agent thereof, but paid for by any other person, shall clearly state that the communication is paid for by such other person and is authorized by such candidate, authorized committee or agent; or

(iii) Such communication, including any solicitation, if made on behalf of or in opposition to a candidate, but paid for by any other person and not authorized by a candidate, authorized committee of a candidate or its agent, shall clearly state that the communication has been paid for by such person and is not authorized by any candidate or candidate’s committee.

(iv)(A) For solicitations directed to the general public on behalf of a political committee which is not an authorized committee of a candidate, such solicitation shall clearly state the full name of the person who paid for the communication.

(B) For purposes of this section, whenever a separate segregated fund solicits contributions to the fund from those persons it may solicit under the applicable provisions of 11 CFR Part 114, such communication shall not be considered a form of general public advertising and need not contain the disclaimer set forth in 11 CFR 110.11(a)(1)(iv)(A).

(2) The requirements of 11 CFR 110.11(a)(1) do not apply to bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed. The requirements of 11 CFR 110.11(a)(1) do not apply to skywriting, watertowers or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable.

(b)(1) No person who sells space in a newspaper or magazine to a candidate, an authorized committee of a candidate, or an agent of the candidate, for use in connection with the candidate’s campaign for nomination or for election, shall charge an amount for the space which exceeds the comparable rate for the space for non-campaign purposes.

(2) For purposes of this section, “comparable rate” means the rate charged to a national or general rate advertiser, and shall include discount privileges usually and normally available to a national or general rate advertiser.

(2 U.S.C. 438(a)(8), 441a, 441d, 441e, 441f, 441g, 441h, 441i)


§ 110.12 Honoraria (2 U.S.C. 441i).

(a) No individual while an elected or appointed officer or employee of any branch of the Federal government shall accept any honorarium of more than $2,000.

(b) The term “honorarium” means a payment of money or anything of value received by an officer or employee of the Federal government, if it is accepted as consideration for an appearance, speech, or article. An honorarium does not include payment for or provision of actual travel and sub-
sistence, including transportation, accommodations, and meals for the officer or employee and spouse or an aide, and does not include amounts paid or incurred for any agents' fees or commissions.

(1) Officer or employee. The term "officer or employee of the Federal government," or "officer or employee" means any person appointed or elected to a position of responsibility or authority in the United States government, regardless of whether the person is compensated for this position; and any other person receiving a salary, compensation, or reimbursement from the United States government, who accepts an honorarium for an appearance, speech, or article. Included within this class is the President; the Vice President; any Member of Congress; any judge of any court of the United States; any Cabinet officer; and any other elected or appointed officer or employee of any branch of the Federal government.

(2) Appearance. "Appearance" means attendance at a public or private conference, convention, meeting, social event, or like gathering, and the incidental conversation or remarks made at that time.

(3) Speech. "Speech" means an address, oration, or other form of oral presentation, regardless of whether presented in person, recorded, or broadcast over the media.

(4) Article. "Article" means a writing other than a book, which has been or is intended to be published.

(5) Accepted. "Accepted" means that there has been actual or constructive receipt of the honorarium and that the federal officeholder or employee exercises dominion over or control over it and determines its subsequent use. However, an honorarium is not deemed accepted for the purposes of 11 CFR 110.12 if the federal officeholder or employee pays the honorarium to a charitable organization, or if the honorarium is paid to a charitable organization on behalf of the federal officeholder or employee. Nothing in this paragraph shall be construed as an interpretation of relevant provisions of the Internal Revenue Code (Title 26, United States Code).


(c) The term "honorarium" does not include—

(1) An award. An award is a gift of money or anything of value given—

(i) Primarily in recognition of religious, charitable, scientific, educational, artistic, literary, or civil achievement;

(ii) Based on a selection process with established criteria and which does not require the officer or employee to apply for or take any other action in the way of competition for the award;

(iii) Gratuitously under circumstances which do not require the recipient to make an appearance or speech, or write an article as a condition for receiving the award; and

(iv) Which is not made to serve in place of an honorarium or a contribution.

(2) A gift. A gift is a voluntary conveyance of real or personal property which is made gratuitously, and is not supported by consideration, and is not made to serve in place of an honorarium or a contribution.

(3) A stipend. A stipend is a payment for services on a continuing basis, including a salary or other compensation paid by news media for commentary on events other than the campaign of the individual compensated. A stipend cannot be paid by a political committee other than a candidate's principal campaign committee or other authorized committee to that candidate.

(2 U.S.C. 438(a)(8), 441a, 441d, 441e, 441f, 441g, 441h, 441i)


§ 110.13 Nonpartisan candidate debates.

(a) Staging organizations. (1) A nonprofit organization which is exempt from federal taxation under 26 U.S.C. 501(c)(3), and a nonprofit organization which is exempt from federal taxation under 26 U.S.C. 501(c)(4) and which does not endorse, support or oppose political candidates or political parties may stage nonpartisan candidate de-
§ 110.14 Contributions to and expenditures by delegates.

(a) 11 CFR 110.14 applies to all levels of a delegate selection process and sets forth the prohibitions, limitations and requirements applicable under the Act to delegates.

(b) Definitions—(1) Delegate. “Delegate” means an individual who becomes or seeks to become a delegate, as defined by State law or party rule, to a national nominating convention or to a State, district, or local convention, caucus or primary which is held to select delegates to a national nominating convention.

(2) Delegate committee. A delegate committee is a political committee which receives contributions or makes expenditures for the purpose of influencing the selection of delegates to a national nominating convention. The term “delegate committee” includes a group of delegates, a group of individuals seeking selection as delegates and a group of individuals supporting delegates.

(c) Contributions to delegates. Contributions to a delegate for the purpose of furthering that delegate’s selection are not subject to the limitations of 11 CFR 110.1 and 110.2 and 2 U.S.C. 441a(a)(1) and (2); nor are such contributions reportable under 11 CFR Part 104 or 2 U.S.C. 434. (See 11 CFR 110.14(e) for limitations and reporting requirements relating to contributions to delegate committees.) However, if an individual makes such a contribution, it counts against that individual’s aggregate contribution limit of $25,000 in a calendar year under 11 CFR 110.5 and 2 U.S.C. 441a(a)(3). Contributions made to a delegate by the campaign committee of a presidential candidate count against that presidential candidate’s expenditure limitation under 11 CFR 110.8(a) and 2 U.S.C. 441a(b).

(d) Expenditures by delegates—(1) Expenditures by a delegate from contributions to him or her, or from personal funds, to defray costs incurred to advocate only his or her own selection are neither subject to limitations under 11 CFR Part 110 and 2 U.S.C. 441a nor reportable under 11 CFR Part 104 and 2 U.S.C. 434. (See 11 CFR 110.14(e) for reporting requirements relating to delegate committees.) Such costs may include but are not limited to: costs of travel and subsistence during the delegate selection process, including the national nominating convention, and the cost of any communications advocating only a delegate’s selection. Such expenditures are also not chargeable against the expenditure limits of any presidential candidate under 11 CFR 110.8(a) or 2 U.S.C. 441a(b).

(2)(i) Expenditures by a delegate from contributions to him or her or from personal funds for costs of certain campaign materials (such as pins, bumper stickers, handbills, brochures, posters and yard signs) which advocate the selection of a delegate and which also include information on or reference to any candidate for the office of President are not reportable by the delegate under 11 CFR Part 104 and 2 U.S.C. 434. (See 11 CFR 110.14(e) for reporting requirements relating to delegate committees.) Such expenditures are neither contributions to the presidential candidate subject to limitations under 11 CFR 110.1(a) and 2 U.S.C. 441a(a)(1) nor expenditures which count against the expenditure limitation of the presidential candidate under 11 CFR 110.8(a) and 2 U.S.C. 441a(b), provided that:

(A) Such materials are used in connection with volunteer activities; and

(B) Such expenditures are not for costs incurred in the use of broadcasting, newspapers, magazines, billboards,
direct mail or similar types of general public communication or political advertising.

(ii) Expenditures by a delegate from contributions to him or her or from personal funds for costs incurred in the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public communication or political advertising which advocate the selection of a delegate and which also include information on or reference to a candidate for the office of President are neither subject to limitations under 11 CFR 110.1(a) and 2 U.S.C. 441a(a)(1) and (2), nor reportable under 11 CFR Part 104 and 2 U.S.C. 434, except as provided under 11 CFR 110.14(d)(2)(ii)(A) and (B). (See 11 CFR 110.14(e) for reporting requirements relating to delegate committees.)

(A)(1) Such expenditures are subject to limitations if they are in-kind contributions to the presidential candidate. Such expenditures are in-kind contributions to the presidential candidate under 2 U.S.C. 441a(a)(7) if the delegate makes such expenditures in cooperation, consultation or concert with, or at the request or suggestion of, the presidential candidate, his or her authorized political committee(s), or their agents. Such an in-kind contribution is subject to the contribution limitations of 11 CFR 110.1 and 2 U.S.C. 441a(a)(1) and must be reported by the presidential candidate's authorized committee(s) as a contribution under 11 CFR Part 104 and 2 U.S.C. 434. Except as provided in 11 CFR 110.14(d)(2)(ii)(A)(2), such in-kind contributions are chargeable against the presidential candidate's expenditure limitation under 11 CFR 110.8(a) and 2 U.S.C. 441a(b).

(2) If the delegate finances the dissemination, distribution or republication, in whole or in part, of any broadcast or materials prepared by the presidential candidate, his or her authorized committee(s) or their agents, such expenditure shall not be chargeable against that candidate's expenditure limitation unless it was made with the cooperation, or with the prior consent of, or in consultation with, or at the request or suggestion of, the candidate or any authorized agent or committee thereof.

(B) Such expenditures are not subject to limitations, but are reportable if they are independent expenditures. Such expenditures are independent expenditures under 11 CFR 109.1(a) and 2 U.S.C. 431(17) if they are made to expressly advocate the election of a clearly identified presidential candidate and are not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, the presidential candidate or authorized committee of such candidate. Such independent expenditures are not limited but must be reported by the delegate in accordance with 11 CFR 109.2 and 2 U.S.C. 434(c) and are otherwise subject to the requirements of 11 CFR Part 109. The disclaimer requirements of 11 CFR 110.11 are applicable to such independent expenditures.

(C) Only that portion of such expenditures allocable to the presidential candidate shall be considered an in-kind contribution to the candidate and an expenditure chargeable against the candidate's expenditure limitation. Only that portion of an independent expenditure allocable to the presidential candidate shall be reportable as an independent expenditure.

(D) For purposes of 11 CFR 110.14(d)(2), "direct mail" means any mailing(s) by commercial vendors or any mailing(s) made from lists which were not developed by the delegate.

(e) Delegate committees. Delegate committees as defined at 11 CFR 100.5(e)(5) which qualify as political committees under 11 CFR 100.5 and 2 U.S.C. 431(4) must register with the Commission pursuant to 11 CFR Part 102 and 2 U.S.C. 433, and must file reports of contributions received and expenditures made pursuant to 11 CFR Part 102 and 2 U.S.C. 433, and must file reports of contributions received and expenditures made pursuant to 11 CFR Part 104 and 2 U.S.C. 434. Contributions to delegate committees are subject to limitations under 11 CFR 110.1 and 2 U.S.C. 441(a). Contributions made by delegate committees are subject to limitations under 11 CFR 110.1 and 2 U.S.C. 441a(a).

(f) Prohibited sources. All contributions to and expenditures by any delegate or by a delegate committee are subject to the prohibitions of 11 CFR
11 CFR Ch. I (1-1-86 Edition)

§ 111.1 Scope (2 U.S.C. 437g).


§ 111.2 Computation of time.

(a) General rule. In computing any period of time prescribed or allowed by this part, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday. As used in this section, the term "legal holiday" includes New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday for employees of the United States by the President or the Congress of the United States.

(b) Special rule for periods less than seven days. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

(c) Special rule for service by mail. Whenever the Commission or any person has the right or is required to do some act within a prescribed period after the service of any paper by or
§ 111.6

upon the Commission or such person and the paper is served by or upon the Commission or such person by mail, three (3) days shall be added to the prescribed period.

§ 111.3 Initiation of compliance matters (2 U.S.C. 437g(a)(1), (2)).

(a) Compliance matters may be initiated by a complaint or on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities.

(b) Matters initiated by complaint are subject to the provisions of 11 CFR 111.4 through 111.7. Matters initiated on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities are subject to the provisions of 11 CFR 111.8. All compliance matters are subject to the provisions of 11 CFR 111.2 and 111.9 through 111.23.

§ 111.4 Complaints (2 U.S.C. 437g(a)(1)).

(a) Any person who believes that a violation of any statute or regulation over which the Commission has jurisdiction has occurred or is about to occur may file a complaint in writing to the General Counsel, Federal Election Commission, 999 E Street, NW., Washington, DC 20463. If possible, three (3) copies should be submitted.

(b) A complaint shall comply with the following:

(1) It shall provide the full name and address of the complainant; and

(2) The contents of the complaint shall be sworn to and signed in the presence of a notary public and shall be notarized.

(c) All statements made in a complaint are subject to the statutes governing perjury and to 18 U.S.C. 1001. The complaint should differentiate between statements based upon personal knowledge and statements based upon information and belief.

(d) The complaint shall conform to the following provisions:

(1) It should clearly identify as a respondent each person or entity who is alleged to have committed a violation;

(2) Statements which are not based upon personal knowledge should be accompanied by an identification of the source of information which gives rise to the complainants belief in the truth of such statements;

(3) It should contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction; and

(4) It should be accompanied by any documentation supporting the facts alleged if such documentation is known of, or available to, the complainant.

§ 111.5 Initial complaint processing; notification (2 U.S.C. 437g(a)(1)).

(a) Upon receipt of a complaint, the General Counsel shall review the complaint for substantial compliance with the technical requirements of 11 CFR 111.4, and, if it complies with those requirements shall within five (5) days after receipt notify each respondent that the complaint has been filed, advise them of Commission compliance procedures, and enclose a copy of the complaint.

(b) If a complaint does not comply with the requirements of 11 CFR 111.4, the General Counsel shall notify the complainant and any person(s) or entity(ies) identified therein as respondent(s), within the five (5) day period specified in 11 CFR 111.5(a), that no action shall be taken on the basis of that complaint. A copy of the complaint shall be enclosed with the notification to each respondent.

§ 111.6 Opportunity to demonstrate that no action should be taken on complaint-generated matters (2 U.S.C. 437g(a)(1)).

(a) A respondent shall be afforded an opportunity to demonstrate that no action should be taken on the basis of a complaint by submitting, within fifteen (15) days from receipt of a copy of the complaint, a letter or memorandum setting forth reasons why the Commission should take no action.

(b) The Commission shall not take any action, or make any finding, against a respondent other than action dismissing the complaint, unless it has considered such response or unless no such response has been
§ 111.7 General Counsel’s recommendation on complaint-generated matters (2 U.S.C. 437g(a)(1)).

(a) Following either the expiration of the fifteen (15) day period specified by 11 CFR 111.6(a) or the receipt of a response as specified by 11 CFR 111.6(a), whichever occurs first, the General Counsel may recommend to the Commission whether or not it should find reason to believe that a respondent has committed or is about to commit a violation of statutes or regulations over which the Commission has jurisdiction.

(b) The General Counsel may recommend that the Commission find that there is no reason to believe that a violation has been committed or is about to be committed, or that the Commission otherwise dismiss a complaint without regard to the provisions of 11 CFR 111.6(a).

§ 111.8 Internally generated matters; referrals (2 U.S.C. 437g(a)(2)).

(a) On the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, or on the basis of a referral from an agency of the United States or of any state, the General Counsel may recommend in writing that the Commission find reason to believe that a person or entity has committed or is about to commit a violation of statutes or regulations over which the Commission has jurisdiction.

(b) If the Commission finds reason to believe that a violation has occurred or is about to occur the notification to respondent required by 11 CFR 111.9(a) shall include a copy of a staff report setting forth the legal basis and the alleged facts which support the Commission’s action.

(c) Prior to taking any action pursuant to this section against any person who has failed to file the required reports. If a satisfactory response is not received within four (4) business days, the Commission shall publish before the election the name of the person and the report or reports such person has failed to file.


§ 111.9 The reason to believe finding; notification (2 U.S.C. 437g(a)(2)).

(a) If the Commission, either after reviewing a complaint-generated recommendation as described in 11 CFR 111.7 and any response of a respondent submitted pursuant to 11 CFR 111.6, or after reviewing an internally-generated recommendation as described in 11 CFR 111.8, determines by an affirmative vote of four (4) of its members that it has reason to believe that a respondent has violated a statute or regulation over which the Commission has jurisdiction, its Chairman or Vice Chairman shall notify such respondent of the Commission’s finding by letter, setting forth the sections of the statute or regulations alleged to have been violated and the alleged factual basis supporting the finding.

(b) If the Commission finds no reason to believe, or otherwise terminates its proceedings, the General Counsel shall so advise both complainant and respondent by letter.

§ 111.10 Investigation (2 U.S.C. 437g(a)(2)).

(a) An investigation shall be conducted in any case in which the Commission finds reason to believe that a violation of a statute or regulation over which the Commission has jurisdiction has occurred or is about to occur.

(b) In its investigation, the Commission may utilize the provisions of 11 CFR 111.11 through 111.15. The investigation may include, but is not limited to, field investigations, audits, and other methods of information-gathering.

§ 111.11 Written questions under order (2 U.S.C. 437d(a)(1)).

The Commission may authorize its Chairman or Vice Chairman to issue
an order requiring any person to submit sworn written answers to written questions and may specify a date by which such answers must be submitted.

§ 111.15 Motions to quash or modify a subpoena (2 U.S.C. 437d(a) (3), (4)).

(a) Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 5 days after the date of receipt of such subpoena, apply to the Commission to quash or modify such subpoena, accompanying such application with a brief statement of the reasons therefor. Motions to quash shall be filed with the General Counsel, Federal Election Commission, 999 E Street, NW., Washington, DC 20463. If possible, three (3) copies should be submitted.

(b) The Commission may deny the application or quash the subpoena or modify the subpoena.

(c) The person subpoenaed and the General Counsel may agree to change the date, time, or place of a deposition or for the production of documents without affecting the force and effect of the subpoena, but such agreements shall be confirmed in writing.

§ 111.16 The probable cause to believe recommendation; briefing procedures (2 U.S.C. 437g(a)(3)).

(a) Upon completion of the investigation, the General Counsel shall prepare a brief setting forth his or her position on the factual and legal issues of the case and containing a recommendation on whether or not the Commission should find probable cause to believe that a violation has occurred or is about to occur.

(b) The General Counsel shall notify each respondent of the recommendation and enclose a copy of his or her brief.

(c) Within fifteen (15) days from receipt of the General Counsel’s brief, respondent may file a brief with the Commission Secretary, Federal Election Commission, 999 E Street, NW., Washington, DC 20463, setting forth respondent’s position on the factual and legal issues of the case. If possible, ten (10) copies of such brief should be filed with the Commission Secretary and three (3) copies should be submitted to the General Counsel, Federal Election Commission, 999 E Street, NW., Washington, DC 20463.

(d) After reviewing the respondent’s brief, the General Counsel shall advise the Commission in writing whether he or she intends to proceed with the recommendation or to withdraw the recommendation from Commission consideration.


§ 111.17 The probable cause to believe finding; notification (2 U.S.C. 437g(a)(4)).

(a) If the Commission, after having found reason to believe and after following the procedures set forth in 11 CFR 111.16, determines by an affirmative vote of four (4) of its members that there is probable cause to believe that a respondent has violated a statute or regulation over which the Commission has jurisdiction, the Commission shall authorize the General Counsel to so notify the respondent by letter.

(b) If the Commission finds no probable cause to believe or otherwise orders a termination of Commission proceedings, it shall authorize the General Counsel to so notify both respondent and complainant by letter.

§ 111.18 Conciliation (2 U.S.C. 437g(a)(4)).

(a) Upon a Commission finding of probable cause to believe, the Office of General Counsel shall attempt to correct or prevent the violation by informal methods of conference conciliation and persuasion, and shall attempt to reach a tentative conciliation agreement with the respondent.

(b) A conciliation agreement is not binding upon either party unless and until it is signed by the respondent and by the General Counsel upon approval by the affirmative vote of four (4) members of the Commission.

(c) If the probable cause to believe finding is made within forty-five days prior to any election, such conciliation attempt shall continue for at least fifteen (15) days from the date of such finding. In all other cases such attempts by the Commission shall continue for at least thirty (30) days, not to exceed ninety (90) days.

(d) Nothing in these regulations shall be construed to prevent the Commission from entering into a conciliation agreement with a respondent prior to a Commission finding of probable cause if a respondent indicates by letter to the General Counsel a desire to enter into negotiations directed towards reaching such a conciliation agreement. However, the Commission is not required to enter into any negotiations directed towards reaching a conciliation agreement unless and until it makes a finding of probable cause to believe. Any conciliation agreement reached under this subsection is subject to the provisions of subsection (b) of this section and shall have the same force and effect as a conciliation agreement reached after a Commission finding of probable cause to believe.

(e) If a conciliation agreement is reached between the Commission and the respondent, the General Counsel shall send a copy of the signed agreement to both complainant and respondent.
§ 111.19 Civil proceedings (2 U.S.C. 437g(a)(6)).

(a) If no conciliation agreement is finalized within the applicable minimum period specified by 11 CFR 111.18(c) the General Counsel may recommend to the Commission that the Commission authorize a civil action for relief in an appropriate court of the United States.

(b) Upon recommendation of the General Counsel, the Commission may, by an affirmative vote of four (4) of its members, authorize the General Counsel to commence a civil action for relief in an appropriate court of the United States.

(c) The provisions of 11 CFR 111.18(c) shall not preclude the Commission upon request of a respondent, from entering into a conciliation agreement even after a recommendation to file a civil action has been made pursuant to this section. Any conciliation agreement reached under this subsection is subject to the provisions of 11 CFR 111.18(b) and shall have the same force and effect as a conciliation agreement reached under 11 CFR 111.18(c).

§ 111.20 Public disclosure of Commission action (2 U.S.C. 437g(a)(4)).

(a) If the Commission makes a finding of no reason to believe or no probable cause to believe or otherwise terminates its proceedings, it shall make public such action and the basis thereof for no later than thirty (30) days from the date on which the required notifications are sent to complainant and respondent.

(b) If a conciliation agreement is finalized, the Commission shall make public such conciliation agreement forthwith.

§ 111.21 Confidentiality (2 U.S.C. 437g(a)(12)).

(a) Except as provided in 11 CFR 111.20, no complaint filed with the Commission, nor any notification sent by the Commission, nor any investigation conducted by the Commission, nor any findings made by the Commission shall be made public by the Commission or by any person or entity without the written consent of the respondent with respect to whom the complaint was filed, the notification sent, the investigation conducted, or the finding made.

(b) Except as provided in 11 CFR 111.20(b), no action by the Commission or by any person, and no information derived in connection with conciliation efforts pursuant to 11 CFR 111.18, may be made public by the Commission except upon a written request by respondent and approval thereof by the Commission.

(c) Nothing in these regulations shall be construed to prevent the introduction of evidence in the courts of the United States which could properly be introduced pursuant to the Federal Rules of Evidence or Federal Rules of Civil Procedure.

§ 111.22 Ex parte communications.

(a) In order to avoid the possibility of prejudice, real or apparent, to the public interest in enforcement actions pending before the Commission pursuant to 11 CFR Part 111, except to the extent required for the disposition of ex parte matters as required by law (for example, during the normal course of an investigation or a conciliation effort), no interested person outside the agency shall make or cause to be made to any Commissioner or any member of any Commissioner's staff any ex parte communication relative to the factual or legal merits of any enforcement action, nor shall any Commissioner or member of any Commissioner's staff make or entertain any such ex parte communications.

(b) The prohibition of this regulation shall apply from the time a complaint is filed with the Commission pursuant to 11 CFR Part 111 or from the time that the Commission determines on the basis of information ascertained in the normal course of its supervisory responsibilities that it has reason to believe that a violation has occurred or may occur pursuant to 11 CFR Part 111, and remains in force until the Commission has finally concluded all action with respect to the enforcement matter in question.

(c) Nothing in this section shall be construed to prohibit contact between a respondent or respondent's attorney and any attorney or staff member of
§ 111.23 Representation by counsel; notification.

(a) If a respondent wishes to be represented by counsel with regard to any matter pending before the Commission, respondent shall so advise the Commission by sending a letter of representation signed by the respondent, which letter shall state the following:

(1) The name, address, and telephone number of the counsel;

(2) A statement authorizing such counsel to receive any and all communications from the Commission on behalf of respondent.

(b) Upon receipt of a letter of representation, the Commission shall have no contact with respondent except through the designated counsel unless authorized in writing by respondent.

PART 112—ADVISORY OPINIONS (2 U.S.C. 437f)

Sec.

112.1 Requests for advisory opinions (2 U.S.C. 437(f)(1)).

112.2 Public availability of requests (2 U.S.C. 437(f)(d)).

112.3 Written comments on requests (2 U.S.C. 437(f)(d)).

112.4 Issuance of advisory opinions (2 U.S.C. 437(f)(a) and (b)).

112.5 Reliance on advisory opinions (2 U.S.C. 437(f)(c)).

112.6 Reconsideration of advisory opinions.

AUTHORITY: 2 U.S.C. 437f, 438(a)(8).

SOURCE: 45 FR 15123, Mar. 7, 1980, unless otherwise noted.

§ 112.1 Requests for advisory opinions (2 U.S.C. 437(f)(a)(1)).

(a) Any person may request in writing an advisory opinion concerning the application of the Act, chapters 95 or 96 of the Internal Revenue Code of 1954, or any regulation prescribed by the Commission. An authorized agent of the requesting person may submit the advisory opinion request, but the agent shall disclose the identity of his or her principal.

(b) The written advisory opinion request shall set forth a specific transaction or activity that the requesting person plans to undertake or is presently undertaking and intends to undertake in the future. Requests presenting a general question of interpretation, or posing a hypothetical situation, or regarding the activities of third parties, do not qualify as advisory opinion requests.

(c) Advisory opinion requests shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made.

(d) The Office of General Counsel shall review all requests for advisory opinions submitted under 11 CFR 112.1. If the Office of General Counsel determines that a request for an advisory opinion is incomplete or otherwise not qualified under 11 CFR 112.1, it shall, within 10 calendar days of receipt of such request, notify the requesting person and specify the deficiencies in the request.

(e) Advisory opinion requests should be sent to the Federal Election Commission, Office of General Counsel, 999 E Street, NW., Washington, DC 20463.

(f) Upon receipt by the Commission, each request which qualifies as an advisory opinion request (AOR) under 11 CFR 112.1 shall be assigned an AOR number for reference purposes.


§ 112.2 Public availability of requests (2 U.S.C. 437(f)(d)).

(a) Advisory opinion requests which qualify under 11 CFR 112.1 shall be made public at the Commission promptly upon their receipt.

(b) A copy of the original request and any supplements thereto, shall be available for public inspection and purchase at the Public Disclosure Division of the Commission.

§ 112.3 Written comments on requests (2 U.S.C. 437(f)(d)).

(a) Any interested person may submit written comments concerning
advisory opinion requests made public at the Commission. (b) The written comments shall be submitted within 10 calendar days following the date the request is made public at the Commission. However, if the 10th calendar day falls on a Saturday, Sunday, or Federal holiday, the 10 day period ends at the close of the business day next following the weekend or holiday. Additional time for submission of written comments may be granted upon written request for an extension by the person who wishes to submit comments or may be granted by the Commission without an extension request.

(c) Comments on advisory opinion requests should refer to the AOR number of the request, and statutory references should be to the United States Code citations, rather than to Public Law citations.

(d) Written comments and requests for additional time to comment shall be sent to the Federal Election Commission, Office of General Counsel, 999 E Street, NW, Washington, DC 20463.

(e) Before it issues an advisory opinion, the Commission shall accept and consider all written comments submitted within the 10 day comment period or any extension thereof.

§ 112.4 Issuance of advisory opinions (2 U.S.C. 437f(a) and (b)).

(a) Within 60 calendar days after receiving an advisory opinion request that qualifies under 11 CFR 112.1, the Commission shall issue to the requesting person a written advisory opinion or shall issue a written response stating that the Commission was unable to approve an advisory opinion by the required affirmative vote of 4 members.

(b) The 60 calendar day period of 11 CFR 112.4(a) is reduced to 20 calendar days for an advisory opinion request qualified under 11 CFR 112.1 provided the request:

(1) is submitted by any candidate, including any authorized committee of the candidate (or, agent of either), within the 60 calendar days preceding the date of any election for Federal office in which the candidate is seeking nomination or election; and

(2) presents a specific transaction or activity related to the election that may invoke the 20 day period if the connection is explained in the request.

(c) The 60 day and 20 day periods referred to in 11 CFR 112.4(a) and (b) only apply when the Commission has received a qualified and complete advisory opinion request under 11 CFR 112.1, and when the 60th or 20th day occurs on a Saturday, Sunday or Federal holiday, the respective period ends at the close of the business day next following the weekend or holiday.

(d) The Commission may issue advisory opinions pertaining only to the Federal Election Campaign Act of 1971, as amended, chapters 95 or 96 of the Internal Revenue Code of 1954, or rules or regulations duly prescribed under those statutes.

(e) Any rule of law which is not stated in the Act or in chapters 95 or 96 of the Internal Revenue Code of 1954, or in a regulation duly prescribed by the Commission, may be initially proposed only as a rule or regulation pursuant to procedures established in 2 USC 438(d) or 26 USC 9009(c) and 9039(c) as applicable.

(f) No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with 11 CFR Part 112; however, this limitation does not preclude distribution by the Commission of information consistent with the Act and chapters 95 or 96 of the Internal Revenue Code of 1954.

(g) When issued by the Commission, each advisory opinion or other response under 11 CFR 112.4(a) shall be made public and sent by mail, or personally delivered to the person who requested the opinion.

§ 112.5 Reliance on advisory opinions (2 U.S.C. 437f(e)).

(a) An advisory opinion rendered by the Commission under 11 CFR Part 112 may be relied upon by:

(1) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered, and
§ 112.6 Reconsideration of advisory opinions.

(a) The Commission may reconsider an advisory opinion previously issued if the person to whom the opinion was issued submits a written request for reconsideration within 30 calendar days of receipt of the opinion and if, upon the motion of a Commissioner who voted with the majority that originally approved the opinion, the Commission adopts the motion to reconsider by the affirmative vote of 4 members.

(b) The Commission may reconsider an advisory opinion previously issued if, upon the motion of a Commissioner who voted with the majority that originally approved the opinion and within 30 calendar days after the date the Commission approved the opinion, the Commission adopts the motion to reconsider by the affirmative vote of 4 members.

(c) In the event an advisory opinion is reconsidered pursuant to 11 CFR 112.6(b), the action taken in good faith reliance on that advisory opinion by the person to whom the opinion was issued shall not result in any sanction provided by the Federal Election Campaign Act of 1971, as amended, or by chapters 95 or 96 of the Internal Revenue Code of 1954.

PART 113—EXCESS CAMPAIGN FUNDS AND FUNDS DONATED TO SUPPORT FEDERAL OFFICEHOLDER ACTIVITIES (2 U.S.C. 439a)

Sec.
113.1 Definitions (2 U.S.C. 439a).
113.2 Use of funds (2 U.S.C. 439a).
113.3 Deposits of funds donated to a Federal or State officeholder (2 U.S.C. 432(h)).
113.4 Contribution and expenditure limitations (2 U.S.C. 441a).

Authority: 2 U.S.C. 432(h), 438(a)(8), 439a, 441a.

Source: 45 FR 15124, Mar. 7, 1980, unless otherwise noted.

§ 113.1 Definitions (2 U.S.C. 439a).

When used in this part—

(a) Funds donated. “Funds donated” means all funds, including, but not limited to, gifts, loans, advances, credits or deposits of money which are donated for the purpose of supporting the activities of a Federal or State officeholder; but does not mean funds appropriated by Congress, a State legislature, or another similar public appropriating body, or personal funds of the officeholder donated to an account containing only those personal funds.

(b) Office account. “Office account” means an account established for the purposes of supporting the activities of a Federal or State officeholder which contains excess campaign funds and funds donated, but does not include an account used exclusively for funds appropriated by Congress, a State legislature, or another similar public appropriating body, or an account of the officeholder which contains only the personal funds of the officeholder, or an account containing only appropriated funds and only personal funds of the officeholder.

(c) Federal officeholder. “Federal officeholder” means an individual elected to or serving in the office of President or Vice President of the United States; or a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

(d) State officeholder. “State officeholder” means an individual elected to or serving in any elected public office within a State of the United States,
§ 113.2 Use of funds (2 U.S.C. 439a).

Excess campaign funds and funds donated:

(a) May be used to defray any ordinary and necessary expenses incurred in connection with the recipient's duties as a holder of Federal office, if applicable; or

(b) May be contributed to any organization described in section 170(c) of Title 26, of the United States Code; or

(c) May be transferred without limitation to any national, State, or local committee or any political party; or

(d) May be used for any other lawful purpose, except that, with respect to any individual who is not a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress on the date of the enactment of the Federal Election Campaign Act Amendments of 1979 (January 8, 1980), no such amounts may be converted by any person to any personal use, other than: to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office, or to repay to a candidate any loan the proceeds of which were used in connection with his or her campaign.

§ 113.3 Deposits of funds donated to a Federal or State officeholder (2 U.S.C. 432(h)).

All funds donated to a federal officeholder, or State officeholder who is a candidate for federal office, shall be deposited into one of the following accounts:

(a) An account of the officeholder's principal campaign committee or other authorized committee pursuant to 11 CFR Part 103;

(b) An account to which only funds donated to an individual to support his or her activities as a holder of federal office are deposited (including an office account).

§ 113.4 Contribution and expenditure limitations (2 U.S.C. 441a).

(a) Any contributions to, or expenditures from an office account which are made for the purpose of influencing a federal election shall be subject to 2 U.S.C. 441a and 11 CFR Part 110 of these regulations.

(b) If any treasury funds of a corporation or labor organization are donated to an office account, no funds from that office account may be transferred to a political committee account or otherwise used in connection with a federal election.

PART 114—CORPORATE AND LABOR ORGANIZATION ACTIVITY

Sec.
114.1 Definitions.
114.2 Prohibitions on contributions and expenditures.
114.3 Disbursements for communications in connection with a Federal election to restricted class.
114.4 Expenditures for communications in connection with a Federal election to the restricted class and the general public.
114.5 Separate segregated funds.
114.6 Twice yearly solicitations.
114.7 Membership organizations, cooperatives, or corporations without capital stock.
114.8 Trade associations.
114.9 Use of corporate or labor organization facilities and means of transportation.
114.10 Extension of credit and settlement of corporate debts.
114.11 Employee participation plans.
114.12 Miscellaneous provisions.


SOURCE: 41 FR 35955, Aug. 25, 1976, unless otherwise noted.
§ 114.1 Definitions.

(a) For purposes of Part 114 and section 12(h) of the Public Utility Holding Company Act (15 U.S.C. 79(h))—

(1) The term "contribution or expenditure" shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a State bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits and accounts are insured by the Federal Deposit Insurance Corporation, the National Savings and Loan Insurance Corporation, or the National Credit Union Administration, if such loan is made in accordance with 11 CFR 100.7(b)(11) to any candidate, political party or committee, organization, or any other person in connection with any election to any of the offices referred to in §114.2(a) or (b) as applicable.

(2) The term contribution and expenditures shall not include—

(i) Communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and executive or administrative personnel, and their families, on any subject;

(ii) Nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families or by a labor organization aimed at its members and executive or administrative personnel, and their families;

(iii) The establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock;

(iv) An honorarium, including actual travel and subsistence, as defined in §110.12;

(v) The sale of any food or beverage by a corporate vendor for use in a candidate’s campaign or for use by a political committee of a political party at a charge less than the normal of comparable commercial rate, if the charge is at least equal to the costs of such food or beverage to the vendor, to the extent that: the aggregate value of such discount by the vendor on behalf of a single candidate does not exceed $1,000 with respect to any single election; and on behalf of all political committees of each political party does not exceed $2,000 in a calendar year.

(vi) The payment for legal or accounting services rendered to or on behalf of any political committee of a political party other than services attributable to activities which directly further the election of a designated candidate or candidates for Federal office if the corporation or labor organization paying for the services is the regular employer of the individual rendering the services. This exclusion shall not be applicable if additional employees are hired for the purpose of rendering services or if additional employees are hired in order to make regular employees available;

(vii) The payment for legal or accounting services rendered to or on behalf of an authorized committee of a candidate or any other political committee solely for the purpose of ensuring compliance with this Act or chapter 95 or 96 of the Internal Revenue Code of 1954 if the corporation or labor organization paying for the services is the regular employer of the individual rendering the services, but amounts paid or incurred for these services shall be reported in accordance with Part 104. This exclusion shall not be applicable if additional employees are hired for the purpose of rendering services or if additional employees are hired in order to make regular employees available;

(viii) Activity permitted under 11 CFR 9008.7 with respect to a presidential nominating convention;

(ix) A gift, subscription, loan, advance, or deposit of money or anything of value to a national committee of a political party or a State committee of a political party which is specifically designated for the purpose of defraying any cost incurred with respect to the construction or purchase of any office facility which is not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office, except that any gift, subscription, loan, advance, or
deposit of money or anything of value, and any such cost, shall be reported in accordance with 11 CFR 104.3(g); or

(x) Any activity which is specifically permitted by Part 114.

(b) "Establishment, administration, and solicitation costs" means the cost of office space, phones, salaries, utilities, supplies, legal and accounting fees, fund-raising and other expenses incurred in setting up and running a separate segregated fund established by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.

(c) "Executive or administrative personnel" means individuals employed by a corporation or labor organization who are paid on a salary rather than hourly basis and who have policymaking, managerial, professional, or supervisory responsibilities.

(1) This definition includes—

(i) The individuals who run the corporation's business such as officers, other executives, and plant, division, and section managers; and

(ii) Individuals following the recognized professions, such as lawyers and engineers.

(2) This definition does not include—

(i) Professionals who are represented by a labor organization;

(ii) Salaried foremen and other salaried lower level supervisors having direct supervision over hourly employees;

(iii) Former or retired personnel who are not stockholders; or

(iv) Individuals who may be paid by the corporation or labor organization, such as consultants, but who are not employees, within the meaning of 26 CFR 31.3401(c)-1, of the corporation or labor organization for the purpose of income withholding tax on employee wages under Internal Revenue Code of 1954, section 3402.

(3) Individuals on commission may be considered executive or administrative personnel if they have policymaking, managerial, professional, or supervisory responsibility and if the individuals are employees, within the meaning of 26 CFR 31.3401(c)-1 of the corporation for the purpose of income withholding tax on employee wages under the Internal Revenue Code of 1954, section 3402.

(4) The Fair Labor Standards Act, 29 U.S.C. 201, et seq. and the regulations issued pursuant to that Act, 29 CFR 541, may serve as a guideline in determining whether individuals have policymaking, managerial, professional, or supervisory responsibilities.

(d) "Labor organization" means any organization of any kind, or any agency or employee representative committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(e) "Members" means all persons who are currently satisfying the requirements for membership in a membership organization, trade association, cooperative, or corporation without capital stock and in the case of a labor organization, persons who are currently satisfying the requirements for membership in a local, national, or international labor organization. Members of a local union are considered to be members of any national or international union of which the local union is a part and of any federation with which the local, national, or international union is affiliated. A person is not considered a member under this definition if the only requirement for membership is a contribution to a separate segregated fund.

(f) "Method of facilitating the making of contributions" means the manner in which the contributions are received or collected such as, but not limited to, payroll deduction or checkoff systems, other periodic payment plans, or return envelopes enclosed in a solicitation request.

(g) "Method of soliciting voluntary contributions" means the manner in which the solicitation is undertaken including, but not limited to, mailings, oral requests for contributions, and hand distribution of pamphlets.

(h) "Stockholder" means a person who has a vested beneficial interest in stock, has the power to direct how that stock shall be voted, if it is voting stock, and has the right to receive dividends.

(i) "Voluntary contributions" are contributions which have been ob-
§ 114.2 Prohibitions on contributions and expenditures.

(a) National banks, or corporations organized by authority of any law of Congress, are prohibited from making a contribution or expenditure, as defined in §114.1(a), in connection with election to any political office, including local, State and Federal offices, or in connection with any primary election or political convention or caucus held to select candidates for any political office, including any local, State or Federal office.

(1) Such national banks and corporations may engage in the activities permitted by this part, except to the extent that such activity is foreclosed by provisions of law other than the Act.

(2) The provisions of this part apply to the activities of a national bank or corporation organized by any law of Congress in connection with both State and Federal elections.

(b) Any corporation whatever or any labor organization is prohibited from making a contribution or expenditure, as defined in §114.1(a) in connection with any Federal election.

(c) A candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

(d) No officer or director of any corporation or any national bank, and no officer of any labor organization shall consent to any contribution or expenditure by the corporation, national bank, or labor organization prohibited by this section.

§ 114.3 Disbursements for communications in connection with a Federal election to restricted class.

(a) General. (1) A corporation may make communications including partisan communications to its stockholders and executive or administrative personnel and their families on any subject. A labor organization may make communications including partisan communications to its members and executive or administrative personnel and their families on any subject. Corporations and labor organizations may also make the nonpartisan communications permitted under 11 CFR 114.4 to their restricted class or any part of that class. No corporation or labor organization may make contributions or expenditures for partisan communications to the general public in connection with a federal election and no national bank or corporation organized by authority of any law of Congress may make contributions or expenditures for partisan communications to the general public in connection with any election to any political office including any State or local office.

(2) An incorporated membership organization, incorporated trade association, incorporated cooperative or corporation without capital stock may communicate with its members and executive or administrative personnel, and their families, as permitted in 11 CFR 114.3(a)(1) and (c), and shall report disbursements for partisan communications to the extent required by 11 CFR 100.8(b)(4) and 104.6.

(b) Reporting partisan communications. Disbursements for partisan communications made by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and executive or administrative personnel and their families shall be reported to the extent required by 11 CFR 100.8(b)(4) and 104.6.

(c) Means of making partisan communications. The means of making partisan communications for which disbursements must be reported under 11 CFR 114.3(b) include, but are not
limited to, the examples set forth in 11 CFR 114.3(c) (1) through (4).

(1) **Partisan publications.** Printed material of a partisan nature may be distributed by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and executive or administrative personnel and their families, provided that:

(i) The material is produced at the expense of the corporation or labor organization; and

(ii) The material constitutes a communication of the views of the corporation or the labor organization, and is not the republication or reproduction in whole or in part, of any broadcast, transcript or tape or any written, graphic, or other form of campaign materials prepared by the candidate, his or her campaign committees, or their authorized agents. A corporation or labor organization may, under this section, use brief quotations from speeches or other materials of a candidate that demonstrate the candidate's position as part of the corporation's or labor organization's expression of its own views.

(2) **Partisan candidate and party appearances.** A corporation may allow a candidate or party representative to address its stockholders and executive or administrative personnel, and their families, at a meeting, convention or other function of the corporation. A labor organization may allow a candidate or party representative to address its members and executive or administrative personnel, and their families, at a meeting, convention or other function of the labor organization. Employees outside the restricted class of the corporation or labor organization who are necessary to administer the meeting, limited invited guests and observers, and representatives of the news media may also be present during a candidate or party representative appearance under this section. The candidate or party representative may ask for contributions to his or her campaign or party, or ask that contributions to the separate segregated fund of the corporation or labor organization be designated for his or her campaign or party. The incidental solicitation of persons outside the corporation's or labor organization's restricted class who may be present at the meeting as permitted by this section will not be a violation of 11 CFR 114.5(g).

(3) **Partisan phone banks.** A corporation may establish and operate phone banks to communicate with its stockholders and executive or administrative personnel, and their families, urging them to register and/or vote for a particular candidate or candidates, and a labor organization may establish and operate phone banks to communicate with its members and executive or administrative personnel, and their families, urging them to register and/or vote for a particular candidate or candidates.

(4) **Partisan registration and get-out-the-vote drives.** A corporation may conduct registration and get-out-the-vote drives aimed at its stockholders and executive or administrative personnel, and their families, or a labor organization may conduct registration and get-out-the-vote drives aimed at its members and executive or administrative personnel, and their families. Registration and get-out-the-vote drives include providing transportation to the polls. Such drives may be partisan in that individuals may be urged to register with a particular party or to vote for a particular candidate or candidates, but assistance in registering or voting may not be withheld or refused on a partisan basis, and if transportation or other services are offered in connection with a registration or get-out-the-vote drive, such transportation or services may not be withheld or refused on a partisan basis.

(2 U.S.C. 441b, 437d(a)(8)) .
[48 FR 50505, Nov. 2, 1983]
§ 114.4 11 CFR Ch. 0 (1-1-86 Edition)

(c) to its stockholders, executive or administrative personnel, other employees, and their families. A labor organization may make such communications to its members, executive or administrative personnel, other employees, and their families. Communications which a corporation or labor organization may make only to its solicitable class are found at 11 CFR 114.3.

(ii) An incorporated membership organization, incorporated trade association, incorporated cooperative or corporation without capital stock may make the communications permitted under 11 CFR 114.4 (b) and (c) to its members, executive or administrative personnel, other employees, and their families, as provided by 11 CFR 114.4(d). The organizations covered under this section will be treated as corporations for the purpose of making communications to the general public under 11 CFR 114.4 (b) and (c).

(2) Nonpartisan candidate and party appearances on corporate premises or at a meeting, convention or other function. Corporations may permit candidates, candidates' representatives or representatives of political parties on corporate premises or at a meeting, convention, or other function of the corporation to address or meet stockholders, executive or administrative personnel, and other employees of the corporation, and their families, under the conditions set forth in 11 CFR 114.4(a)(2) (I) through (v).

(I) If a candidate for the House or Senate or a candidate's representative is permitted to address or meet employees, all candidates for that seat who request to appear must be given the same opportunity to appear;

(ii) If a Presidential or Vice Presidential candidate or candidate's representative is permitted to address or meet employees, all candidates for that office who are seeking the nomination of a major party or who are on the general election ballot in enough States to win a majority of the electoral votes and who request to appear must be given the same opportunity to appear;

(iii) If representatives of a political party are permitted to address or meet employees, representatives of all political parties which had a candidate or candidates on the ballot in the last general election or which are actively engaged in placing or will have a candidate or candidates on the ballot in the next general election and who request to appear must be given the same opportunity to appear;

(iv) A corporation, its stockholders, executive or administrative personnel, or other employees of the corporation or its separate segregated fund shall make no effort, either oral or written, to solicit or direct or control contributions by members of the audience to any candidate or party in conjunction with any appearance by any candidate or party representative under this section; and

(v) A corporation, its stockholders, executive or administrative personnel or other employees of the corporation or its separate segregated fund shall not, in conjunction with any candidate or party representative appearance under this section, endorse, support or oppose any candidate, group of candidates or political party.

(3) Nonpartisan candidate and party appearances on labor organization premises or at a meeting, convention or other function. A labor organization may permit candidates, candidates' representatives or representatives of political parties on the labor organization's premises or at a meeting, convention, or other function of the labor organization to address or meet members, executive or administrative personnel, and other employees of the labor organization, and their families, if the conditions set forth in 11 CFR 114.4 (a)(2) (I) through (ii) and 11 CFR 114.4 (a)(3) (I) and (ii) are met.

(I) An official, member, or employee of a labor organization or its separate segregated fund shall not make any effort, either oral or written, to solicit or direct or control contributions by members of the audience to any candidate or party representative under this section.

(ii) An official, member, or employee of a labor organization or its separate segregated fund shall not, in conjunction with any candidate or party representative appearance under this section, endorse, support or oppose any
candidate, group of candidates or political party.

(b) Nonpartisan communications by corporations and labor organizations to the general public—(1) General. A corporation or labor organization may make the communications described in 11 CFR 114.4(b)(2) through (5) to the general public. The corporation or labor organization may include its logo or otherwise identify itself as the sponsor of the communication.

(2) Nonpartisan registration and voting communications. A corporation or labor organization may make nonpartisan registration and get-out-the-vote communications to the general public.

(i) For purposes of 11 CFR 114.4(b)(2), the following are factors that the Commission may consider in determining whether a registration or get-out-the-vote communication is nonpartisan:

(A) It neither names nor depicts any particular candidate(s) or it names or depicts all candidates for a particular Federal office without favoring any candidate(s) over any other(s);

(B) It names no political party(s) except that it may include the political party affiliation of all candidates named or depicted under 11 CFR 114.4(b)(2)(i)(A);

(C) It is limited to urging acts such as voting and registering and to describing the hours and places of registration and voting.

(ii) A corporation or labor organization may make communications permitted under this section through posters, billboards, broadcasting media, newspapers, newsletters, brochures, or similar means of communication with the general public.

(3) Official registration and voting information. (i) A corporation or labor organization may distribute to the general public, or reprint in whole and distribute to the general public, any registration or voting information, such as instructional materials, which has been produced by the official election administrators.

(ii) A corporation or labor organization may distribute official registration-by-mail forms to the general public if registration by mail is permitted by the applicable State law.

(iii) A corporation or labor organization may distribute to State or local agencies responsible for the administration of elections to help defray the costs of printing or distributing registration or voting information and forms.

(iv) The information and forms referred to in 11 CFR 114.4(b)(3)(i) through (iii) must be distributed in a nonpartisan manner, and the corporation or labor organization may not, in connection with the distribution, endorse, support, or otherwise promote registration with or voting for a particular party or candidate.

(4) Voting records. A corporation or labor organization may prepare and distribute to the general public the voting records of Members of Congress as long as the preparation and distribution is not for the purpose of influencing a Federal election.

(5) Voter guides. (i) A corporation or labor organization may prepare and distribute to the general public nonpartisan voter guides consisting of questions posed to candidates concerning their positions on campaign issues and the candidates' responses to those questions. The following are factors that the Commission may consider in determining whether a voter guide is nonpartisan:

(A) The questions are directed to all of the candidates for a particular seat or office, giving the candidates equal time to respond, except that in the case of Presidential and Vice Presidential candidates the questions may be directed only to those candidates seeking the nomination of a major party or to those appearing on the general election ballot in enough States to win a majority of the electoral votes;

(B) The voter guide reprints verbatim the responses of each candidate to whom questions were sent, without any additional comment, editing, or emphasis, although the sponsoring organization may impose limitations on the number of words per response when the questions are initially sent to the candidates for their comments;

(C) The wording of the questions presented does not suggest or favor any position on the issues covered;

(D) The voter guide expresses no editorial opinion concerning the issues.
presented nor does it indicate any support for or opposition to any candidate or political party;

(E) The sponsor may ask each candidate to provide biographical information such as education, employment positions, offices held, and community involvement and may impose a limitation on the number of words per submission;

(F) The voter guide is made available to the general public in the geographic area in which the sponsoring organization normally operates.

(ii) A corporation or labor organization may distribute voter guides or other types of brochures describing the candidates or their positions which are obtained from a nonprofit organization which is exempt from Federal taxation under 26 U.S.C. 501(c) (3) or (4) and which does not support, endorse or oppose candidates or political parties. Publications obtained from such nonprofit organizations need not comply with the guidelines set forth at 11 CFR 114.4(b)(5)(i), but they may not favor one candidate or political party over another.

(c) Nonpartisan registration and get-out-the-vote drives—(1) Requirements for conducting nonpartisan drives. (i) A corporation or labor organization may support nonpartisan voter registration drives which are not limited to its restricted class if the conditions in paragraphs (c)(1)(i) (A) through (C) of this section are met. A corporation or labor organization may support nonpartisan get-out-the-vote drives, such as by transporting people to the polls, which drives are not limited to its restricted class if the conditions of paragraphs (c)(1)(i) (A) through (C) of this section are met.

(A) The corporation or labor organization shall jointly sponsor the drives with a nonprofit organization which is exempt from federal taxation under 26 U.S.C. 501(c) (3) or (4) and which does not support, endorse or oppose candidates or political parties, or with a State or local agency which is responsible for the administration of elections; and

(B) The activities shall be conducted by the tax-exempt organization or by persons authorized by a State or local agency; and

(C) These services shall be made available without regard to the voter's political preference.

(ii) For the purposes of 11 CFR 114.4(c)(1)(i)(B), a corporation or labor organization which provides space on the corporation's or labor organization's premises for a table, rack or booth from which official registration or voting information is distributed to the general public, and which provides its employees or members to aid in the distribution of such materials, shall not be considered to be "conducting" a registration or voting drive.

(2) Donation of funds. A corporation or labor organization may donate funds to be used for nonpartisan registration drives to State or local agencies responsible for the administration of elections and to nonprofit organizations which are exempt from federal taxation under 26 U.S.C. 501(c) (3) or (4) and which do not support, endorse or oppose candidates or political parties.

(3) Use of personnel and facilities. A nonpartisan tax-exempt organization, or person authorized by the State or local agency, in conducting nonpartisan registration and get-out-the-vote activities, may utilize the employees and facilities of a corporation or the employees or members and facilities of a labor organization.

(4) When co-sponsorship not required. A nonprofit organization which is exempt from federal taxation under 26 U.S.C. 501(c) (3) or (4) and which does not support, endorse or oppose any candidates or political parties may conduct nonpartisan voter registration and get-out-the-vote activities on its own without a cosponsor.

(5) Identification of drive sponsors. All materials prepared for distribution to the general public in connection with the registration or voting drive shall include the full names of all drive sponsors.

(d) Incorporated membership organizations, incorporated trade associations, incorporated cooperatives and corporations without capital stock. An incorporated membership organization, incorporated trade association, incorporated cooperative or corporation without capital stock may permit candidates, candidates' representatives
or representatives of political parties to address or meet members and employees of the organization, and their families, on the organization's premises or at a meeting, convention or other function of the organization, provided that the conditions set forth in 11 CFR 114.4(a)(2) (i) through (v) are met.

(e) Nonpartisan candidate debates.
(1) A nonprofit organization qualified under 11 CFR 110.13(a)(1) may use its own funds and may accept funds donated by corporations or labor organizations under 11 CFR 114.4(e)(3) to defray costs incurred in staging nonpartisan candidate debates held in accordance with 11 CFR 110.13.

(2) A bona fide broadcaster, newspaper, magazine and other periodical publication may use its own funds to defray costs incurred in staging nonpartisan public candidate debates held in accordance with 11 CFR 110.13.

(3) A corporation or labor organization may donate funds to nonprofit organizations qualified under 11 CFR 110.13(a)(1) to stage nonpartisan candidate debates held in accordance with 11 CFR 110.13 and 114.4(e).

2 U.S.C. 431(e), 431(f) and 441b; 2 U.S.C. 441b, 437d(a)(8))


§ 114.5 Separate segregated funds.

(a) Voluntary contributions to a separate segregated fund. (1) A separate segregated fund is prohibited from making a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment or by monies obtained in any commercial transaction. For purposes of this section, fees or monies paid as a condition of acquiring or retaining membership or employment are monies required as a condition of membership or employment even though they are refundable upon request of the payor.

(2) A guideline for contributions may be suggested by a corporation or a labor organization, or the separate segregated fund of either, provided that the person soliciting or the solicitation informs the persons being solicited—

(i) That the guidelines are merely suggestions; and

(ii) That an individual is free to contribute more or less than the guidelines suggest and the corporation or labor organization will not favor or disadvantage anyone by reason of the amount of their contribution or their decision not to contribute.

A corporation or labor organization or the separate segregated fund of either may not enforce any guideline for contributions.

(3) Any person soliciting an employee or member for a contribution to a separate segregated fund must inform such employee or member of the political purposes of the fund at the time of the solicitation.

(4) Any persons soliciting an employee or member for a contribution to a separate segregated fund must inform the employee or member at the time of solicitation of his or her right to refuse to so contribute without any reprisal.

(5) Any written solicitation for a contribution to a separate segregated fund which is addressed to an employee or member must contain statements which comply with the requirements of paragraphs (a)(3) and (4) of this section, and if a guideline is suggested, statements which comply with the requirements of paragraph (a)(2) of this section.

(b) Use of treasury monies. Corporations, labor organizations, membership organizations, cooperatives, or corporations without capital stock may use general treasury monies, including monies obtained in commercial transactions and dues monies or membership fees, for the establishment, administration, and solicitation of contributions to its separate segregated fund. A corporation, labor organization, membership organization, cooperative, or corporation without capital stock may not use the establishment, administration, and solicitation proc-
§114.5 11 CFR Ch. I (1-1-86 Edition)

As a means of exchanging treasury monies for voluntary contributions.

(1) A contributor may not be paid for his or her contribution through a bonus, expense account, or other form of direct or indirect compensation.

(2) A corporation, labor organization, membership organization, cooperative, or corporation without capital stock may, subject to the provisions of 39 U.S.C. 3005 and Chapter 61, Title 18, United States Code, utilize a raffle or other fundraising device which involves a prize, so long as State law permits and the prize is not disproportionately valuable. Dances, parties, and other types of entertainment may also be used as fundraising devices. When using raffles or entertainment to raise funds, a reasonable practice to follow is for the separate segregated fund to reimburse the corporation or labor organization for costs which exceed one-third of the money contributed.

(3) If the separate segregated fund pays any solicitation or other administrative expense from its own account, which expense could be paid for as an administrative expense by the collecting agent, the collecting agent may reimburse the separate segregated fund no later than 30 calendar days after the expense was paid by the separate segregated fund.

(c) Membership in separate segregated funds. (1) A separate segregated fund established by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock may provide that persons who contribute a certain amount to its separate segregated fund will become “members” of its separate segregated fund, so long as—

(i) The fund accepts contributions of all amounts, subject to the limitations of Part 110;

(ii) Subject to paragraph (c)(1)(iii) of this section, nothing of value may be given in return for or in the course of membership;

(iii) The fund may use membership status for intangible privileges such as allowing members only to choose the candidates to whom the fund will contribute.

(2) The fact that the separate segregated fund of a corporation, labor or-

organization, membership organization, cooperative, or corporation without capital stock is a “membership group” does not provide the corporation, labor organization, membership organization, cooperative, or corporation without capital stock with any greater right of communication or solicitation than the corporation, labor organization, membership organization, cooperative, or corporation without capital stock is otherwise granted under this part.

(d) Control of funds. A corporation, membership organization, cooperative, corporation without capital stock, or labor organization may exercise control over its separate segregated fund.

(e) Disclosure. Separate segregated funds are subject to the following disclosure requirements:

(1) A corporation or labor organization is not required to report any payment made or obligation incurred which is not a contribution or expenditure, as defined in §114.1(a), except those reporting requirements specifically set forth in this section.

(2) A membership organization or corporation is not required to report the cost of any communication to its members or 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 person to Federal office, except that—

(i) 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 those costs exceed $2,000 per election, be reported in accordance with 11 CFR 100.8(b)(4); and

(ii) The amounts paid or incurred for legal or accounting services rendered to or on behalf of a candidate or political committee solely for the purpose of ensuring compliance with the provisions of the Act or chapter 95 or 96 of the Internal Revenue Code of 1954 paid by a corporation or labor or-
organization which is the regular employer of the individual rendering such services, shall be reported in accordance with the provisions of Part 104.

(3) A separate segregated fund is subject to all other disclosure requirements of political committees as set forth in Part 104.

(f) Contribution limits. Separate segregated funds are subject to the contribution limitations for political committees set forth in Part 110. (See particularly § 110.3).

(g) Solicitations. Except as specifically provided in §§114.6, 114.7, and 114.8, a corporation and/or its separate segregated fund or a labor organization and/or its separate segregated fund is subject to the following limitations on solicitations:

(1) A corporation, or a separate segregated fund established by a corporation is prohibited from soliciting contributions to such a fund from any person other than its stockholders and their families and its executive or administrative personnel and their families. A corporation may solicit the executive or administrative personnel of its subsidiaries, branches, divisions, and affiliates and their families.

(2) A labor organization, or a separate segregated fund established by a labor organization is prohibited from soliciting contributions to such a fund from any person other than its members and executive or administrative personnel, and their families.

(h) Accidental or inadvertent solicitation. Accidental or inadvertent solicitation by a corporation or labor organization, or the separate segregated fund of either, of persons apart from and beyond those whom it is permitted to solicit will not be deemed a violation, provided that such corporation or labor organization or separate segregated fund has used its best efforts to comply with the limitations regarding the persons it may solicit and that the method of solicitation is corrected forthwith after the discovery of such erroneous solicitation.

(i) Communications paid for with voluntary contributions. A separate segregated fund may, using voluntary contributions, communicate with the general public, except that such communications may not solicit contributions to a separate segregated fund established by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock, unless such solicitation is permitted under paragraph (g) of this section.

(j) Acceptance of contributions. A separate segregated fund may accept contributions from persons otherwise permitted by law to make contributions.

(k) Availability of methods. Any corporation, including its subsidiaries, branches, divisions, and affiliates, that uses a method of soliciting voluntary contributions or facilitating the making of voluntary contributions from its stockholders or executive or administrative personnel and their families, shall make that method available to a labor organization representing any members working for the corporation, its subsidiaries, branches, divisions, and affiliates, for soliciting voluntary contributions or facilitating the making of voluntary contributions from its members and their families. Such method shall be made available on the written request of the labor organization and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby. For example—

(1) If a corporation, including its subsidiaries, branches, divisions, or affiliates utilizes a payroll deduction plan, check-off system, or other plan which deducts contributions from the dividend or payroll checks of stockholders or executive or administrative personnel, the corporation shall, upon written request of the labor organization, make that method available to members of the labor organization working for the corporation, its subsidiaries, branches, divisions, or affiliates, who wish to contribute to the separate segregated fund of the labor organization representing any members working for the corporation, or any of its subsidiaries, branches, divisions, or affiliates. The corporation shall make the payroll deduction plan available to the labor organization at a cost sufficient only to reimburse the corporation for the actual expenses incurred thereby.
(2) If a corporation uses a computer for addressing envelopes or labels for a solicitation to its stockholders or executive or administrative personnel, the corporation shall, upon written request, program the computer to enable the labor organization to solicit its members. The corporation shall charge the labor organization a cost sufficient only to reimburse the corporation for the actual expenses incurred in programming the computers and the allocated cost of employee time relating to the work, and the materials used.

(3) If a corporation uses corporate facilities, such as a company dining room or cafeteria, for meetings of stockholders or executive or administrative personnel at which solicitations are made, the corporation shall, upon written request of the labor organization, allow that labor organization to use existing corporate facilities for meetings to solicit its members. The labor organization shall be required to reimburse the corporation for any actual expenses incurred thereby, such as any increase in the overhead to the corporation and any cost involved in setting up the facilities.

(4) If a corporation uses no method to solicit voluntary contributions or to facilitate the making of voluntary contributions from stockholders or executive or administrative personnel, it is not required by law to make any method available to the labor organization for its members. The corporation and the labor organization may agree upon making any lawful method available even though such agreement is not required by the Act.

(5) The availability of methods of twice yearly solicitations is subject to the provisions of § 114.6(e).

(1) Methods permitted by law to labor organizations. Notwithstanding any other law, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members and executive or administrative personnel.

(2 U.S.C. 441b, 437d(a)(8))

§ 114.6 Twice yearly solicitations.

(a) A corporation and/or its separate segregated fund may make a total of two written solicitations for contributions to its separate segregated fund per calendar year of its employees other than stockholders, executive or administrative personnel, and their families. Employees as used in this section does not include former or retired employees who are not stockholders. Nothing in this paragraph shall limit the number of solicitations a corporation may make of its stockholders and executive or administrative personnel under § 114.5(g).

(b) A labor organization and/or its separate segregated fund may make a total of two written solicitations per calendar year of employees who are not members of the labor organization, executive or administrative personnel, or stockholders (and their families) of a corporation in which the labor organization represents members working for the corporation. Nothing in this paragraph shall limit the number of solicitations a labor organization may make of its members under § 114.5(g).

(c) Written solicitation. A solicitation under this section may be made only by mail addressed to stockholders, executive or administrative personnel, or employees at their residences. All written solicitations must inform the recipient--

(1) Of the existence of the custodial arrangement described hereinafter;

(2) That the corporation, labor organization, or the separate segregated fund of either cannot be informed of persons who do not make contributions; and

(3) That persons who, in a calendar year make a single contribution of $50 or less, or multiple contributions aggregating $200 or less may maintain their anonymity by returning their contributions to the custodian.

(d) The custodial arrangement. In order to maintain the anonymity of persons who do not wish to contribute and of persons who wish to respond
with a single contribution of $50 or less, or multiple contributions aggregating $200 or less in a calendar year, and to satisfy the recordkeeping provisions, the corporation, labor organization, or separate segregated fund of either shall establish a custodial arrangement for collecting the contributions under this section.

(1) The custodian for a separate segregated fund established by a corporation shall not be a stockholder, officer, executive or administrative personnel, or employee of the corporation, or an officer, or employee of its separate segregated fund. The custodian for a separate segregated fund established by a labor organization shall not be a member, officer or employee of the labor organization or its separate segregated fund.

(2) The custodian shall keep the records of contributions received in accordance with the requirements of Part 102 and shall also—

(i) Establish a separate account and deposit contributions in accordance with the provisions of Part 103;

(ii) Provide the fund with the identification of any person who makes a single contribution of more than $50 and the identification of any person who makes multiple contributions aggregating more than $200. The custodian must provide this information within a reasonable time prior to the reporting date of the fund under Part 104;

(iii) Periodically forward all funds in the separate account, by check drawn on that account, to the separate segregated fund; and

(iv) Treat all funds which appear to be illegal in accordance with the provisions of §103.3(b).

(3) The custodian shall not—

(i) Make the records of persons making a single contribution of $50 or less, or multiple contributions aggregating $200 or less, in a calendar year, available to any person other than representatives of the Federal Election Commission, the Clerk of the House or the Secretary of the Senate, as appropriate, and law enforcement officials or judicial bodies.

(ii) Provide the corporation or labor organization or the separate segregated fund of either with any information pertaining to persons who, in a calendar year, make a single contribution of $50 or less or multiple contributions aggregating $200 or less except that the custodian may forward to the corporation, labor organization or separate segregated fund of either the total number of contributions received; or

(iii) Provide the corporation, labor organization, or the separate segregated fund of either with any information pertaining to persons who have not contributed.

(4) The corporation, labor organization, or the separate segregated fund of either shall provide the custodian with a list of all contributions, indicating the contributor's identification and amount contributed, which have been made directly to the separate segregated fund by any person within the group of persons solicited under this section.

(5) Notwithstanding the prohibitions of paragraph (d)(1) of this section, the custodian may be employed by the separate segregated fund as its treasurer and may handle all of its contributions, provided that the custodian preserves the anonymity of the contributors as required by this section. The custodian shall file the required reports with the Federal Election Commission, the Clerk of the House, or the Secretary of the Senate, as appropriate. A custodian who serves as treasurer is subject to all of the duties, responsibilities, and liabilities of a treasurer under the Act, and may not participate in the decision making process whereby the separate segregated fund makes contributions and expenditures.

(e) Availability of methods. (1) A corporation or labor organization or the separate segregated fund of either may not use a payroll deduction plan, a check-off system, or other plan which deducts contributions from an employee's paycheck as a method of facilitating the making of contributions under this section.

(2) The twice yearly solicitation may only be used by a corporation or labor organization to solicit contributions to its separate segregated fund and may not be used for any other purpose.
§ 114.7 11 CFR Ch. D (1-1-86 Edition)

(3) A corporation is required to make available to a labor organization representing any members working for the corporation or its subsidiaries, branches, divisions, or affiliates the method which the corporation uses to solicit employees under this section during any calendar year.

(i) If the corporation uses a method to solicit any employees under this section, the corporation is required to make that method available to the labor organization to solicit the employees of the corporation who are not represented by that labor organization, and the executive or administrative personnel and the stockholders of the corporation and their families.

(ii) If the corporation does not wish to disclose the names and addresses of stockholders or employees, the corporation shall make the names and addresses of stockholders and employees available to an independent mailing service which shall be retained to make the mailing for both the corporation and the labor organization for any mailings under this section.

(iii) If the corporation makes no solicitation of employees under this section during the calendar year, the corporation is not required to make any method or any names and addresses available to any labor organization.

(4) The corporation shall notify the labor organization of its intention to make a solicitation under this section during a calendar year and of the method it will use, within a reasonable time prior to the solicitation, in order to allow the labor organization opportunity to make a similar solicitation.

(5) If there are several labor organizations representing members employed at a single corporation, its subsidiaries, branches, divisions, or affiliates, the labor organizations, either singularly or jointly, may not make a combined total of more than two written solicitations per calendar year. A written solicitation may contain a request for contributions to each separate fund established by the various labor organizations making the combined mailing.

(2 U.S.C. 431(8)(B)(iii), 432(e)(3), 438(8)(a))

§ 114.7 Membership organizations, cooperatives, or corporations without capital stock.

(a) Membership organizations, cooperatives, or corporations without capital stock, or separate segregated funds established by such persons may solicit contributions to the fund from members and executive or administrative personnel, and their families, of the organization, cooperative, or corporation without capital stock.

(b) Nothing in this section waives the prohibition on contributions to the separate segregated fund by corporations, national banks, or labor organizations which are members of a membership organization, cooperative, or corporation without capital stock.

(c) A trade association whose membership is made up in whole or in part of corporations is subject to the provisions of § 114.8 when soliciting any stockholders or executive or administrative personnel of member corporations. A trade association which is a membership organization may solicit its noncorporate members under the provisions of this section.

(d) The question of whether a professional organization is a corporation is determined by the law of the State in which the professional organization exists.

(e) There is no limitation upon the number of times an organization under this section may solicit its members and executive or administrative personnel, and their families.

(f) There is no limitation under this section on the method of solicitation or the method of facilitating the making of voluntary contributions which may be used.

(g) A membership organization, cooperative, or corporation without capital stock and the separate segregated funds of the organizations are subject to the provisions in § 114.5(a).

(h) A membership organization, cooperative, or corporation without capital stock may communicate with its members and executive or administrative personnel, and their families, under the provisions of § 114.3.

(i) A mutual life insurance company may solicit its policyholders if the pol-
§ 114.8 Trade associations.

(a) Definition. A trade association is generally a membership organization of persons engaging in a similar or related line of commerce, organized to promote and improve business conditions in that line of commerce and not to engage in a regular business of a kind ordinarily carried on for profit, and no part of the net earnings of which inures to the benefit of any member.

(b) Prohibition. Nothing in this section waives the prohibition on contributions by corporations which are members of a trade association.

(c) Limitations. A trade association or a separate segregated fund established by a trade association may solicit contributions from the stockholders and executive or administrative personnel of the member corporations of such trade association and the families of such stockholders and personnel if—

(1) The member corporation involved has separately and specifically approved the solicitations; and

(2) The member corporation has not approved a solicitation by any other trade association for the same calendar year.

(d) Separate and specific approval. (1) The member corporation must knowingly and specifically approve any solicitation for a trade association, whether the solicitation is done by the trade association, its separate segregated fund, or the corporation or any of its personnel, for contributions to the trade association's separate segregated fund.

(2) A copy of each approved request received by a trade association or its separate segregated fund shall be maintained by the trade association or its fund for three years from the year for which the approval is given.

(3) The request for approval may contain a copy of solicitation materials which will be used if approval is granted. Such a mailing must specifically indicate the requirement of approval and the limitation of paragraph (c)(2) of this section, and approval must be granted to the trade association or its separate segregated fund prior to the time any solicitation is made of the stockholders or executive or administrative personnel by the trade association, its separate segregated fund, or by the corporation for contributions to the separate segregated fund of the trade association. (The request for approval may be sent to the representatives of the corporation with whom the trade association normally conducts the association's activities.)

(4) A separate authorization specifically allowing a trade association to solicit its corporate member's stockholders, and executive or administrative personnel applies through the calendar year for which it is designated. A separate authorization by the corporate member must be designated for each year during which the solicitation is to occur. This authorization may be requested and may also be received prior to the calendar year in which the solicitation is to occur.

(5) In its request to a member corporation, a trade association may indicate that it intends to solicit, for example, a limited class of the executive or administrative personnel of the member corporation, or only the executive or administrative personnel but not the stockholders of the member corporation. Moreover, in its approval, a member corporation may similarly limit any solicitation by the trade association or its separate segregated fund. In any event, a member corporation, once it has approved any solicitation—even to a limited extent—of its personnel or stockholders by a trade association, must separately approve any solicitation by any other trade association.
association or its separate segregated fund, is precluded from approving any such solicitation by another trade association or its separate segregated fund and the corporation and its personnel are precluded from soliciting the corporation’s executive or administrative personnel or stockholders on behalf of another trade association or its separate segregated fund.

(e) Solicitation. (1) After a trade association has obtained the approval required in paragraph (c) of this section, there is no limit on the number of times the trade association or its separate segregated fund may solicit the persons approved by the member corporation during the calendar year to which the approval applies. The member corporation may, however, in its approval limit the number of times solicitations may be made.

(2) A member corporation which grants permission to a trade association to solicit is in no way restricted in its rights under §114.5(g) to solicit its stockholders or executive or administrative personnel and their families for contributions to the corporation’s own separate segregated fund.

(3) There is no limitation on the method of soliciting voluntary contributions or the method of facilitating the making of voluntary contributions which a trade association may use. The member corporation may not use a payroll deduction or checkoff system for executive or administrative personnel contributing to the separate segregated fund of the trade association.

(4) A trade association and/or its separate segregated fund is subject to the provisions of §114.5(a).

(f) Solicitation of a subsidiary corporation. If a parent corporation is a member of the trade association, but its subsidiary is not, the trade association or its separate segregated fund may only solicit the parent’s executive or administrative personnel and shareholders and their families; and no personnel of the subsidiary may be solicited. If a subsidiary is a member, but the parent is not, the trade association or its separate segregated fund may solicit the subsidiary’s personnel and their families; it may not solicit the parent’s shareholders. If both parent and subsidiary are members, executive and administrative personnel and stockholders of each and their families may be solicited.

(g) Federations of trade associations. (1) A federation of trade associations is an organization representing trade associations involved in the same or allied line of commerce. Such a federation may, subject to the following limitations, solicit the members of the federation’s regional, State, or local affiliates or members, provided that all of the political committees established, financed, maintained, or controlled by the federation and its regional, State, or local affiliates or members are considered one political committee for the purposes of the limitations in §§110.1 and 110.2.

(i) The federation and its member associations may engage in a joint solicitation; or

(ii) The member association may delegate its solicitation rights to the federation.

(2) A federation is subject to the provisions of this section when soliciting the stockholders and executive or administrative personnel of the corporate members of its member associations.

(h) Communications other than solicitations. A trade association may make communications, other than solicitations, to its members and their families under the provisions of §114.3. When making communications to a member which is a corporation, the trade association may communicate with the representatives of the corporation with whom the trade association normally conducts the association’s activities.

(i) Trade association employees. (1) A trade association may communicate with its executive or administrative personnel and their families under the provisions of §114.3; a trade association may communicate with its other employees under the provisions of §114.4.

(2) A trade association may solicit its executive or administrative personnel and their families under the provisions of §114.5(g); a trade association may solicit its other employees under the provisions of §114.6.

(2 U.S.C. 441b, 437d(a)(8))
§ 114.9 Use of corporate or labor organization facilities and means of transportation.

(a) Use of corporate facilities for individual volunteer activity by stockholders and employees. (1) Stockholders and employees of the corporation may, subject to the rules and practices of the corporation, make occasional, isolated, or incidental use of the facilities of a corporation for individual volunteer activity in connection with a Federal election and will be required to reimburse the corporation only to the extent that the overhead or operating costs of the corporation are increased. As used in this paragraph, "occasional, isolated, or incidental use" generally means—

(i) When used by employees during working hours, an amount of activity during any particular work period which does not prevent the employee from completing the normal amount of work which that employee usually carries out during such work period; or

(ii) When used by stockholders other than employees during the working period, such use does not interfere with the corporation in carrying out its normal activities; but

(iii) Any such activity which does not exceed one hour per week or four hours per month, regardless of whether the activity is undertaken during or after normal working hours, shall be considered as occasional, isolated, or incidental use of the corporate facilities.

(2) A stockholder or employee who makes more than occasional, isolated, or incidental use of a corporation's facilities for individual volunteer activities in connection with a Federal election is required to reimburse the corporation within a commercially reasonable time for the normal and usual rental charge, as defined in 11 CFR 100.7(a)(1)(iii)(B), for the use of such facilities.

(b) Use of labor organization facilities for individual volunteer activity by officials, members and employees. (1) The officials, members, and employees of a labor organization may, subject to the rules and practices of the labor organization, make occasional, isolated, or incidental use of the facilities of a labor organization for individual volunteer activity in connection with a Federal election and will be required to reimburse the labor organization only to the extent that the overhead or operating costs of the labor organization are increased. As used in this paragraph, "occasional, isolated, or incidental use" generally means—

(i) When used by employees during working hours, an amount of activity during any particular work period which does not prevent the employee from completing the normal amount of work which that employee usually carries out during such work period; or

(ii) When used by members other than employees during the working period, such use does not interfere with the labor organization in carrying out its normal activities; but

(iii) Any such activity which does not exceed one hour per week or four hours per month, regardless of whether the activity is undertaken during or after normal working hours, shall be considered as occasional, isolated, or incidental use of the labor organization facilities.

(2) The officials, members, and employees who make more than occasional, isolated, or incidental use of a labor organization's facilities for individual volunteer activities in connection with a Federal election are required to reimburse the labor organization within a commercially reasonable time for the normal and usual rental charge, as defined in 11 CFR 100.7(a)(1)(iii)(B), for the use of such facilities.

(c) Use of corporate or labor organization facilities to produce materials. Any person who uses the facilities of a corporation or labor organization to produce materials in connection with a Federal election is required to reimburse the corporation or labor organization within a commercially reasonable time for the normal and usual rental charge for producing such materials in the commercial market.

(d) Use or rental of corporate or labor organization facilities by other persons. Persons, other than those specifically mentioned in paragraphs...
§ 114.10

(a) and (b) of this section, who make any use of corporate or labor organization facilities, such as by using telephones or typewriters or borrowing office furniture, for activity in connection with a Federal election are required to reimburse the corporation or labor organization within a commercially reasonable time in the amount of the normal and usual rental charge, as defined in 11 CFR 100.7(a)(1)(iii)(B), for the use of the facilities.

(e) Use of airplanes and other means of transportation. (1) A candidate, candidate's agent, or person traveling on behalf of a candidate who uses an airplane which is owned or leased by a corporation or labor organization other than a corporation or labor organization licensed to offer commercial services for travel in connection with a Federal election must, in advance, reimburse the corporation or labor organization—

(i) In the case of travel to a city served by regularly scheduled commercial service, the first class air fare;

(ii) In the case of travel to a city not served by a regularly scheduled commercial service, the usual charter rate.

(2) A candidate, candidate's agent, or person traveling on behalf of a candidate who uses other means of transportation owned or leased by a corporation or labor organization must reimburse, within a commercially reasonable time, the corporation or labor organization at the normal and usual rental charge.

[41 FR 35955, Aug. 25, 1976, as amended at 45 FR 21210, Apr. 1, 1980]

§ 114.10 Extension of credit and settlement of corporate debts.

(a) A corporation may extend credit to a candidate, political committee, or other person in connection with a Federal election provided that the credit is extended in the ordinary course of the corporation's business and the terms are substantially similar to extensions of credit to nonpolitical debtors which are of similar risk and size of obligation. Nothing in this section modifies regulations prescribed by the Civil Aeronautics Board, the Federal Communications Commission or the Interstate Commerce Commission issued pursuant to 2 U.S.C. 451 or any other regulations prescribed by other Federal agencies with regard to credit extended by the regulated corporations.

(b) Except as specifically provided in paragraph (c) of this section, a corporation may not forgive prior debts or settle debts which have been incurred by a candidate or political committee or other person for use in connection with a Federal election for less than the amount owed on the debt.

(c) A corporation may settle or forgive a debt if the creditor has treated the outstanding debt in a commercially reasonable manner. A settlement will be considered commercially reasonable if—

(1) The initial extension of credit was made in accordance with regulations issued pursuant to 2 U.S.C. 451 or paragraph (a) of this section.

(2) The candidate or political committee or person has undertaken all commercially reasonable efforts to satisfy the outstanding debt; and

(3) The corporate creditor has pursued its remedies in a manner similar in intensity to that employed by the corporation in pursuit of a non-political debtor, including lawsuits if filed in similar circumstances.

The corporation and/or the debtor must file a statement of settlement with the Commission including the initial terms of credit, the steps the debtor has taken to satisfy the debt, and remedies pursued by the creditor. This statement must be filed prior to the termination of the reporting status of the debtor and the settlement is subject to Commission review.

§ 114.11 Employee participation plans.

(a) A corporation may establish and administer an employee participation plan (i.e. a "trustee plan") which is a political giving program in which a corporation pays the cost of establishing and administering separate bank accounts for any employee who wishes to participate. The cost of administering and establishing includes the payment of costs for a payroll deduction or check-off plan and the cost of maintaining the separate bank accounts.
(1) The employees must exercise complete control and discretion over the disbursement of the monies in their accounts.

(2) The trustee, bank, or other administrator shall not provide the corporation or its separate segregated fund any report of the source or recipient of any contribution(s) or donation(s) into or out of any account or of the amount any employee has in an account.

(3) The trustee, bank, or other administrator may provide the corporation or its separate segregated fund with a periodic report limited to information about the total number of employees in the program, the total number of funds in all the accounts combined, and the total amount of contributions made to all candidates and committees combined.

(4) No stockholder, director, or employee of the corporation or its separate segregated fund may exert pressure of any kind to induce participation in the program.

(5) No stockholder, director, or employee of the corporation or its separate segregated fund may exercise any direction or control, either oral or written, over contributions by participants in the program to any candidate, group of candidates, political party, or other person.

(b) An employee participation plan must be made available to all employees including members of a labor organization who are employees of the corporation. Communications about participation in the plan may be conducted by either the corporation or the labor organization or both.

(c)(1) A corporation of labor organization may not pay the employer's share of the cost of fringe benefits, such as health and life, insurance and retirement, for employees or members on leave-without-pay to participate in political campaigns of Federal candidates. The separate segregated fund of a corporation or a labor organization may pay the employer's share of fringe benefits, and such payment would be a contribution in-kind to the candidate. An employee or member may, out of unreimbursed personal funds, assure the continuity of his or her fringe benefits during absence from work for political campaigning, and such payment would not be a contribution in-kind.

(2) Service credit for periods of leave-without-pay is not considered compensation for purposes of this section if the employer normally gives identical treatment to employees placed on leave-without-pay for non-political purposes.

(d) A corporation which, prior to May 11, 1976, had solicited employees other than stockholders or executive or administrative personnel for voluntary contributions to its separate segregated fund and had offered such employees the opportunity to enroll in a payroll deduction plan may, until December 31, 1976, unless the employee withdraws before that date, continue to deduct contributions from the
§ 115.1 Definitions.

(a) "A Federal contractor" means a person, as defined in 11 CFR 100.10 who—

(1) Enters into any contract with the United States or any department or agency thereof either for—

(i) The rendition of personal services; or

(ii) Furnishing any material, supplies, or equipment; or

(iii) Selling any land or buildings;

(2) If the payment for the performance of the contract or payment for the material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress.

(b) The period during which a person is prohibited from making a contribution or expenditure is the time between the earlier of the commencement of negotiations or when the requests for proposals are sent out, and the later of—

(1) The completion of performance under; or

(2) The termination of negotiations for, the contract or furnishing of material, supplies, equipment, land, or buildings, or the rendition of personal services.

(c) For purposes of this part, a contract includes

(1) A sole source, negotiated, or advertised procurement conducted by the United States or any of its agencies;

(2) A written (except as otherwise authorized) contract, between any person and the United States or any of its departments or agencies, for the furnishing of personal property, real property, personal services; and

(3) Any modification of a contract.

(d) The basic contractual relationship must be with the United States or any department or agency thereof. A person who contracts with a State or local jurisdiction or entity other than the United States or any department or agency thereof is not subject to this part, even if the State or local jurisdiction or entity is funded in whole or in part from funds appropriated by the Congress. The third party beneficiary of a Federal contract is not subject to the prohibitions of this part.

(e) The term labor organization has the meaning given it by § 114.1(a).

§ 115.2 Prohibition.

(a) It shall be unlawful for a Federal contractor, as defined in § 115.1(a), to make, either directly or indirectly, any contribution or expenditure of money or other thing of value, or to promise expressly or impliedly to make any such contribution or expenditure to any political party, committee, or candidate for Federal office or to any person for any political purpose or use. This prohibition does not apply to contributions or expenditures in connection with State or local elections.

(b) This prohibition runs for the time period set forth in § 115.1(c).

(c) It shall be unlawful for any person knowingly to solicit any such contribution from a Federal contractor.
§ 115.3 Corporations, labor organizations, membership organizations, cooperatives, and corporations without capital stock.

(a) Corporations, labor organizations, membership organizations, cooperatives, and corporations without capital stock to which this part applies may expend treasury monies to establish, administer, and solicit contributions to any separate segregated fund subject to the provisions of Part 114. Each specific prohibition, allowance, and duty applicable to a corporation, labor organization, or separate segregated fund under Part 114 applies to a corporation, labor organization, or separate segregated fund to which this part applies.

(b) The question of whether a professional organization is a corporation is determined by the law of the State in which the professional organization exists.

§ 115.4 Partnerships.

(a) The assets of a partnership which is a Federal contractor may not be used to make contributions or expenditures in connection with Federal elections.

(b) Individual partners may make contributions or expenditures in their own names from their personal assets.

(c) Nothing in this part prohibits an employee of a partnership which is a Federal contractor from making contributions or expenditures from his or her personal assets.

§ 115.5 Individuals and sole proprietors.

Individuals or sole proprietors who are Federal contractors are prohibited from making contributions or expenditures from their business, personal, or other funds under their dominion or control. The spouse of an individual or sole proprietor who is a Federal contractor is not prohibited from making a personal contribution or expenditure in his or her name.

§ 115.6 Employee contributions or expenditures.

Nothing in this part shall prohibit the stockholders, officers, or employees of a corporation, the employees, officers, or members of an unincorporated association, cooperative, membership organization, labor organization, or other group or organization which is a Federal contractor from making contributions or expenditures from their personal assets.
§ 9001.1 Scope.

This subchapter governs entitlement to and use of funds certified from the Presidential Election Campaign Fund under 26 U.S.C. 9001 et seq. The definitions, restrictions, liabilities and obligations imposed by this subchapter are in addition to those imposed by sections 431-455 of Title 2, United States Code, and regulations prescribed thereunder (11 CFR Parts 100 through 115). Unless expressly stated to the contrary, this subchapter does not alter the effect of any definitions, restrictions, obligations and liabilities imposed by sections 431-455 of Title 2 United States Code, or regulations prescribed thereunder (11 CFR Parts 100 through 115).

(26 U.S.C. 9009(b))
[48 FR 31825, July 11, 1983]

PART 9002—DEFINITIONS

Sec.
9002.1 Authorized committee.
9002.2 Candidate.
9002.3 Commission.
9002.4 Eligible candidates.
9002.5 Fund.
9002.6 Major party.
9002.7 Minor party.
9002.8 New party.
9002.9 Political committee.
9002.10 Presidential election.
9002.11 Qualified campaign expense.
9002.12 Expenditure report period.
9002.13 Contribution.
9002.14 Secretary.
9002.15 Political party.

Authority: 26 U.S.C. 9002, 9009(b).

Source: 48 FR 31825, July 11, 1983, unless otherwise noted.

§ 9002.1 Authorized committee.

(a) Notwithstanding the definition at 11 CFR 100.5, "authorized committee" means with respect to a candidate (as defined at 11 CFR 9002.2) of a political party for President and Vice President, any political committee that is authorized by a candidate to incur expenses on behalf of such candidate. The term "authorized committee" includes the candidate's principal campaign committee designated in accordance with 11 CFR 102.12, any political committee authorized in writing by the candidate in accordance with 11 CFR 102.13, and any political committee not disavowed by the candidate pursuant to 11 CFR 100.3(a)(3). If a party has nominated a Presidential and a Vice Presidential candidate, all political committees authorized by that party's Presidential candidate shall also be authorized committees of the Vice Presidential candidate and all political committees authorized by the Vice Presidential candidate shall also be authorized committees of the Presidential candidate.

(b) Any withdrawal of an authorization shall be in writing and shall be addressed and filed in the same manner provided for at 11 CFR 102.12 or 102.13.

(c) Any candidate nominated by a political party may designate the national committee of that political party as that candidate's authorized committee in accordance with 11 CFR 102.12(c).

(d) For purposes of this subchapter, references to the "candidate" and his or her responsibilities under this subchapter shall also be deemed to refer to the candidate's authorized committee(s).

§ 9002.2 Candidate.

(a) For the purposes of this subchapter, "candidate" means with respect to any presidential election, an individual who—

1. Has been nominated by a major party for election to the Office of President of the United States or the Office of Vice-President of the United States; or

2. Has qualified or consented to have his or her name appear on the general election ballot (or to have the
names of electors pledged to him or her on such ballot) as the candidate of a political party for election to either such office in 10 or more States. For the purposes of this section, “political party” shall be defined in accordance with 11 CFR 9002.15.

(b) An individual who is no longer actively conducting campaigns in more than one State pursuant to 11 CFR 9004.8 shall cease to be a candidate for the purpose of this subchapter.

§ 9002.3 Commission.

“Commission” means the Federal Election Commission, 999 E Street, NW., Washington, DC 20463.


§ 9002.4 Eligible candidates.

“Eligible candidates” means those Presidential and Vice Presidential candidates who have met all applicable conditions for eligibility to receive payments from the Fund under 11 CFR Part 9003.

§ 9002.5 Fund.

“Fund” means the Presidential Election Campaign Fund established by 26 U.S.C. 9006(a).

§ 9002.6 Major party.

“Major party” means a political party whose candidate for the office of President in the preceding Presidential election received, as a candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office. For the purpose of 11 CFR 9002.6, “candidate” means, with respect to any preceding Presidential election, an individual who received popular votes for the office of President in such election.

§ 9002.7 Minor party.

“Minor party” means a political party whose candidate for the office of President in the preceding Presidential election received, as a candidate of such party, 5 percent or more, but less than 25 percent, of the total number of popular votes received by all candidates for such office. For the purpose of 11 CFR 9002.7, “candidate” means with respect to any preceding Presidential election, an individual who received popular votes for the office of President in such election.

§ 9002.8 New party.

“New party” means a political party which is neither a major party nor a minor party.

§ 9002.9 Political committee.

For purposes of this subchapter, “political committee” means any committee, club, association, organization or other group of persons (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the election of any candidate to the office of President or Vice President of the United States; except that for the purpose of 11 CFR 9012.6, the term “political committee” shall be defined in accordance with 11 CFR 100.5.

§ 9002.10 Presidential election.

“Presidential election” means the election of Presidential and Vice Presidential electors.

§ 9002.11 Qualified campaign expense.

(a) “Qualified campaign expense” means any expenditure, including a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value—

(1) Incurred to further a candidate’s campaign for election to the Office of President or Vice President of the United States;

(2) Incurred within the expenditure report period, as defined under 11 CFR 9002.12, or incurred before the beginning of such period in accordance with 11 CFR 9003.4 to the extent such expenditure is for property, services or facilities to be used during such period; and

(3) Neither the incurrence nor the payment of such expenditure constitutes a violation of any law of the United States, any law of the State in which such expense is incurred or paid, or any regulation prescribed under such Federal or State law, except that any State law which has been preempted by the Federal Elec-
§ 9002.12 11 CFR Ch. D (1-1-86 Edition)

tion Campaign Act of 1971, as amend-
ed, shall not be considered a State law
for purposes of this subchapter. An ex-
penditure which constitutes such a
violation shall nevertheless count
against the candidate’s expenditure
limitation if the expenditure meets
the conditions set forth at 11 CFR
9002.11(a) (1) and (2).

(b)(1) An expenditure is made to fur-
ther a Presidential or Vice Presiden-
tial candidate’s campaign if it is in-
curred by or on behalf of such candi-
date or his or her authorized com-
mittee. For purposes of 11 CFR
9002.11(b)(1), any expenditure in-
curred by or on behalf of a President-
ial candidate of a political party will
also be considered an expenditure to
further the campaign of the Vice Pres-
idential candidate of that party. Any
expenditure incurred by or on behalf
of the Vice Presidential candidate will
also be considered an expenditure to
further the campaign of the President-
ial candidate of that party.

(2) An expenditure is made on
behavior of a candidate if it is made by—
(i) Any authorized committee or any
other agent of the candidate for the
purpose of making an expenditure; or
(ii) Any person authorized or re-
quested by the candidate, by the can-
didate’s authorized committee(s), or
by an agent of the candidate or his or
her authorized committee(s) to make
an expenditure; or
(iii) A committee which has been re-
quested by the candidate, the candi-
date’s authorized committee(s), or an
agent thereof to make the expendi-
ture, even though such committee is
not authorized in writing.

(3) Any expenditure incurred by a
candidate or his or her authorized
committee(s) to further the election of
any other individual to a Federal,
State or local office shall be a quali-
fied campaign expense to the extent
such expenditure is to further the can-
didate’s own campaign for election. If
the expenditure is incurred specifica-
tively to further the election of such
other individuals, it will not be consid-
ered a qualified campaign expense.

(4) Expenditures by a candidate’s au-
thorized committee(s) pursuant to 11
CFR 9004.6 for the travel and related
ground service costs of media shall be
qualified campaign expenses. Any re-
imbursement for travel and related
services costs received by a candidate’s
authorized committee shall be subject
to the provisions of 11 CFR 9004.6.

(5) Legal and accounting services
which are provided solely to ensure
compliance with 2 U.S.C. 431 et. seq.,
or 26 U.S.C. 9001, et seq., shall be
qualified campaign expenses which
may be paid from payments received
from the Fund. If federal funds are
used to pay for such services, the pay-
ments will count against the candi-
date’s expenditure limitation. Pay-
ments for such services may also be
made from an account established in
accordance with 11 CFR 9003.3 or may
be provided to the committee in ac-
cordance with 11 CFR 100.7(b)(14) and
100.8(b)(15). If payments for such
services are made from an account es-
stablished in accordance with 11 CFR
9003.3, the payments do not count
against the candidate’s expenditure
limitation. If payments for such ser-
vices are made by a minor or new party
candidate from an account containing
private contributions, the payments do
not count against that candidate’s ex-
penditure limitation. The amount paid
by the committee shall be reported in
accordance with 11 CFR Part 9006.
Amounts paid by the regular employer
of the person providing such services
pursuant to 11 CFR 100.7(b)(14) and
100.8(b)(15) shall be reported by the
recipient committee in accordance
with 11 CFR 104.3(h).

(c) Expenditures incurred either
before the beginning of the expendi-
ture report period or after the last day
of a candidate’s eligibility will be con-
sidered qualified campaign expenses if
they meet the provisions of 11 CFR
9004.4(a). Expenditures described
under 11 CFR 9004.4(b) will not be
considered qualified campaign ex-
penses.

§ 9002.12 Expenditure report period.

“Expenditure report period” means,
with respect to any Presidential elec-
tion, the period of time described in
either paragraph (a) or (b) of this sec-
section, as appropriate.

(a) In the case of a major party, the
expenditure report period begins on
Federal Election Commission

September 1 before the election or on the date on which the major party's presidential nominee is chosen, whichever is earlier; and the period ends 30 days after the Presidential election.

(b) In the case of a minor or new party, the period will be the same as that of the major party with the shortest expenditure report period for that Presidential election as determined under paragraph (a) of this section.

§ 9002.13 Contribution.

"Contribution" has the same meaning given the term under 2 U.S.C. 431(8), 441b and 441c, and under 11 CFR 100.7, and 11 CFR Parts 114 and 115.

§ 9002.14 Secretary.

"Secretary" means the Secretary of the Treasury.

§ 9002.15 Political party.

"Political party" means an association, committee, or organization which nominates or selects an individual for election to any Federal office, including the office of President or Vice President of the United States, whose name appears on the general election ballot as the candidate of such association, committee, or organization.

PART 9003—ELIGIBILITY FOR PAYMENTS

Sec.
9003.1 Candidate and committee agreements.
9003.2 Candidate certifications.
9003.3 Allowable contributions.
9003.4 Expenses incurred prior to the beginning of the expenditure report period or prior to receipt of Federal funds.
9003.5 Documentation of disbursements.

AUTHORITY: 26 U.S.C. 9003, 9009(b).
SOURCE: 48 FR 31827, July 11, 1983, unless otherwise noted.

§ 9003.1 Candidate and committee agreements.

(a) General. (1) To become eligible to receive payments under 11 CFR Part 9005, the Presidential and Vice Presidential candidates of a political party shall agree in a letter signed by the candidates to the Commission that they and their authorized committee(s) shall comply with the conditions set forth in 11 CFR 9003.1(b).

(2) Major party candidates shall sign and submit such letter to the Commission within 14 days after receiving the party's nomination for election. Minor and new party candidates shall sign and submit such letter within 14 days after such candidates have qualified to appear on the general election ballot in 10 or more states pursuant to 11 CFR 9002.2(a)(2). The Commission, on written request by a minor or new party candidate, at any time prior to the date of the general election, may extend the deadline for filing such letter except that the deadline shall be a date prior to the date of the general election.

(b) Conditions. The candidates shall:

(1) Agree that they have the burden of proving that disbursements made by them or any authorized committee(s) or agent(s) thereof are qualified campaign expenses as defined in 11 CFR 9002.11.

(2) Agree that they and their authorized committee(s) shall comply with the documentation requirements set forth at 11 CFR 9003.5.

(3) Agree that they and their authorized committee(s) shall provide an explanation, in addition to complying with the documentation requirements, of the connection between any disbursements made by the candidates or the authorized committee(s) of the candidates and the campaign if requested by the Commission.

(4) Agree that they and their authorized committee(s) shall keep and furnish to the Commission all documentation relating to receipts and disbursements including any books, records (including bank records for all accounts), all documentation required by this subchapter including those required to be maintained under 11 CFR 9003.5, and other information the Commission may request.

(5) Agree that they and their authorized committee(s) shall permit an audit and examination pursuant to 11 CFR Part 9007 of all receipts and disbursements including those made by the candidate, all authorized committees and any agent or person author-
ized to make expenditures on behalf of the candidates or committee(s). The candidate and authorized committee(s) shall facilitate the audit by making available in one central location, office space, records and such personnel as are necessary to conduct the audit and examination, and shall pay any amounts required to be repaid under 11 CFR Part 9007.

(6) Submit the name and mailing address of the person who is entitled to receive payments from the Fund on behalf of the candidates; the name and address of the depository designated by the candidates as required by 11 CFR Part 103 and 11 CFR 9005.2; and the name under which each account is held at the depository at which the payments from the Fund are to be deposited.

(7) Agree that they and their authorized committee(s) shall pay any civil penalties included in a conciliation agreement entered into under 2 U.S.C. 437g against the candidates, any authorized committees of the candidates or any agent thereof.

§ 9003.2 Candidate certifications.

(a) Major party candidates. To be eligible to receive payments under 11 CFR Part 9005, each Presidential and Vice Presidential candidate of a major party shall, under penalty of perjury, certify to the Commission:

(1) That the candidate and his or her authorized committee(s) have not incurred and will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under 11 CFR Part 9004.

(2) That no contributions have been or will be accepted by the candidate or his or her authorized committee(s) except to the extent that the qualified campaign expenses incurred exceed the aggregate payments received by such candidate from the Fund under 11 CFR 9004.2.

(b) Minor and major party candidates. To be eligible to receive payments under 11 CFR Part 9005, each Presidential and Vice Presidential candidate of a minor or new party shall, under penalty of perjury, certify to the Commission:

(1) That the candidate and his or her authorized committee(s) have not incurred and will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under 11 CFR 9004.1

(2) That no contributions to defray qualified campaign expenses have been or will be accepted by the candidate or his or her authorized committee(s) except to the extent that the qualified campaign expenses incurred exceed the aggregate payments received by such candidate from the Fund under 11 CFR 9004.2.

(c) All candidates. To be eligible to receive any payment under 11 CFR 9004.2, the Presidential candidate of each major, minor or new party shall certify to the Commission, under penalty of perjury, that such candidate will not knowingly make expenditures from his or her personal funds, or the personal funds of his or her immediate family, in connection with his or her campaign for the office of President in excess of $50,000 in the aggregate.

(1) For purposes of this section, the term "immediate family" means a candidate’s spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.

(2) Expenditures from personal funds made under this paragraph shall not apply against the expenditure limitations.

(3) For purposes of this section, the terms "personal funds" and "personal funds of his or her immediate family" mean:

(i) Any assets which, under applicable state law, at the time he or she became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had either:

(A) Legal and rightful title, or

(B) An equitable interest.
§ 9003.3 Allowable contributions.

(a) Legal and accounting compliance fund—major party candidates—

(1) Source. (i) A major party candidate may accept contributions to a legal and accounting compliance fund if such contributions are received and disbursed in accordance with this section. A legal and accounting compliance fund may be established by such candidate prior to being nominated or selected as the candidate of a political party for the office of President or Vice President of the United States.

(A) All solicitations for contributions to this fund shall clearly state that such contributions are being solicited for this fund.

(B) Contributions to this fund shall be subject to the limitations and prohibitions of 11 CFR Parts 110, 114, and 115.

(ii) Funds remaining in the primary election account of a candidate, which funds are in excess of any amount required to be reimbursed to the Presidential Primary Matching Payment Account under 11 CFR 9038.2, may be transferred to the legal and accounting compliance fund without regard to the contribution limitations of 11 CFR Part 110 and used for any purpose permitted under this section.

(iii) Contributions which are made after the beginning of the expenditure report period but which are designated for the primary election may be deposited in the legal and accounting compliance fund: Provided, That the candidate already has sufficient funds to pay any outstanding campaign obligations incurred during the primary campaign; and the candidate notifies the contributor that his or her contribution will be deposited in the compliance fund. If after such notification the contributor objects to the funds being so used, the contribution shall be returned. The contribution so received and deposited shall be subject to the contribution limitations applicable for the general election, pursuant to 11 CFR 110.1(a)(2)(ii)(B).
(2) Uses. (i) Contributions to the legal and accounting compliance fund shall be used only for the following purposes:

(A) To defray the cost of legal and accounting services provided solely to ensure compliance with 2 U.S.C. 431 et seq., and 26 U.S.C. 9001 et seq., in accordance with 11 CFR 9003.3(a)(2)(i);

(B) To defray in accordance with 11 CFR 9003.3(a)(2)(ii)(A), that portion of expenditures for payroll, overhead, and computer services related to ensuring compliance with 2 U.S.C. 431 et seq. and 26 U.S.C. 9001 et seq.;

(C) To defray any civil or criminal penalties imposed pursuant to 2 U.S.C. 437g or 26 U.S.C. 9012;

(D) To make repayments under 11 CFR 9007.2;

(E) To defray the cost of soliciting contributions to the legal and accounting compliance fund; and

(F) To make a loan to an account established pursuant to 11 CFR 9003.4 to defray qualified campaign expenses incurred prior to the expenditure report period or prior to receipt of federal funds, provided that the amounts so loaned are restored to the legal and accounting compliance fund.

(ii) Expenditures for payroll (including payroll taxes), overhead and computer services, a portion of which are related to ensuring compliance with Title 2 and Chapter 95 of Title 26, shall be initially paid from the candidate’s federal fund account under 11 CFR 9005.2 and may be later reimbursed by the compliance fund. For purposes of 11 CFR 9003.3(a)(2)(i)(B), a candidate may use contributions to the compliance fund to reimburse his or her federal fund account an amount equal to 10 percent of the payroll and overhead expenditures of his or her national campaign headquarters and state offices. Overhead expenditures include, but are not limited to rent, utilities, office equipment, furniture, supplies and telephone base service charges. In addition, a candidate may use contributions to the compliance fund to reimburse his or her federal fund account an amount equal to 70 percent of the costs (other than payroll) associated with computer services. Such costs include but are not limited to rental and maintenance of computer equipment, data entry services not performed by committee personnel, and related supplies. If the candidate wishes to claim a larger compliance exemption for payroll or overhead expenditures, the candidate shall establish allocation percentages for each individual who spends all or a portion of his or her time to perform duties which are considered necessary to ensure compliance with Title 2 or Chapter 95 of Title 26. The candidate shall keep detailed records to support the derivation of each percentage. Such records shall indicate which duties are considered compliance and the percentage of time each person spends on such activity. If the candidate wishes to claim a larger compliance exemption for costs associated with computer services, the candidate shall establish allocation percentages for each computer function that is considered necessary, in whole or in part, to ensure compliance with 2 U.S.C. 431 et seq. and 26 U.S.C. 9001 et seq. The allocation shall be based on a reasonable estimate of the costs associated with each computer function, such as the costs for data entry services performed by persons other than committee personnel and processing time. The candidate shall keep detailed records to support such calculations. The records shall indicate which computer functions are considered compliance-related and shall reflect which costs are associated with each computer function.

(B) Reimbursement from the compliance fund may be made to the separate account maintained for federal funds under 11 CFR 9005.2 for legal and accounting compliance services disbursements that are initially paid from the separate federal funds account. Such reimbursement must be made prior to any final repayment determination by the Commission pursuant to 11 CFR 9007.2. Any amounts so reimbursed to the federal fund account may not subsequently be transferred back to the legal and accounting compliance fund.

(iii) Amounts paid from this account for the purposes permitted by 11 CFR 9003.3(a)(2)(i) (A) through (E) shall not be subject to the expenditure limits of 2 U.S.C. 441a(b) and 11 CFR...
§ 9003.3

When the proceeds of loans made in accordance with 11 CFR 9003.2(a)(2)(i)(F) are expended on qualified campaign expenses, such expenditures shall count against the candidate's expenditure limit.

(iv) Contributions to or funds deposited in the legal and accounting compliance fund may not be used to retire debts remaining from the Presidential primaries, except that, if after payment of all expenses relating to the general election, there are excess campaign funds, such funds may be used for any purpose permitted under 2 U.S.C. 439a and 11 CFR Part 113, including payment of primary election debts.

(3) Deposit and disclosure. (1) Amounts received pursuant to 11 CFR 9003.3(a)(1) shall be deposited and maintained in an account separate from that described in 11 CFR 9005.2 and shall not be commingled with any money paid to the candidate by the Secretary pursuant to 11 CFR 9005.2.

(ii) The receipts to and disbursements from this account shall be reported in a separate report in accordance with 11 CFR 9006.1(b)(2). All contributions made to this account shall be recorded in accordance with 11 CFR 102.9. Disbursements made from this account shall be documented in the same manner provided in 11 CFR 9003.5.

(b) Contributions to defray qualified campaign expenses—major party candidates. (1) A major party candidate or his or her authorized committee(s) may solicit contributions to defray qualified campaign expenses to the extent necessary to make up any deficiency in payments received from the Fund due to the application of 11 CFR 9005.2(b).

(2) Such contributions may be deposited in a separate account or may be deposited with federal funds received under 11 CFR 9005.2. Disbursements from this account shall be made only to defray qualified campaign expenses and to defray the cost of soliciting contributions to such account. All disbursements from this account shall be documented in accordance with 11 CFR 9003.5 and shall be reported in accordance with 11 CFR 9006.1.

(3) A candidate may make transfers to this account from his or her legal and accounting compliance fund.

(4) The contributions received under this section shall be subject to the limitations and prohibitions of 11 CFR Parts 110, 114 and 115 and shall be aggregated with all contributions made by the same persons to the candidate's legal and accounting compliance fund under 11 CFR 9003.3(a) for the purposes of such limitations.

(5) Any costs incurred for soliciting contributions to this account shall not be considered expenditures to the extent that the aggregate of such costs does not exceed 20 percent of the expenditure limitation under 11 CFR 9003.2(a)(1). These costs shall, however, be reported as disbursements in accordance with 11 CFR Part 104 and 11 CFR 9006.1. For purposes of this section, a candidate may exclude from the expenditure limitation an amount equal to 10% of the payroll (including payroll taxes) and overhead expenditures of his or her national campaign headquarters and state offices as exempt fundraising costs.

(6) Any costs incurred for legal and accounting services which are provided solely to ensure compliance with 2 U.S.C. 431 et seq. and 26 U.S.C. 9001 et seq. shall not count against the candidate's expenditure limitation. For purposes of this section, a candidate may exclude from the expenditure limitation an amount equal to 10% of the payroll (including payroll taxes) and overhead expenditures of his or her national campaign headquarters and state offices. In addition, a candidate may exclude from the expenditure limitation an amount equal to 70% of the costs (other than payroll) associated with computer services.

(i) For purposes of 11 CFR 9003.3(b)(6), overhead costs include, but are not limited to, rent, utilities, office equipment, furniture, supplies and telephone base service charges.

(ii) For purposes of 11 CFR 9003.3(b)(6) costs associated with computer services include but are not limited to, rental and maintenance of computer equipment, data entry serv-
ices not performed by committee personnel, and related supplies.

(7) If the candidate wishes to claim a larger compliance or fundraising exemption under 11 CFR 9003.3(b)(5) or (6) for payroll and overhead expenditures, the candidate shall establish allocation percentages for each individual who spends all or a portion of his or her time to perform duties which are considered compliance or fundraising. The candidate shall keep detailed records to support the derivation of each percentage. Such records shall indicate which duties are considered compliance or fundraising and the percentage of time each person spends on such activity.

(8) If the candidate wishes to claim a larger compliance exemption under 11 CFR 9003.3(b)(6) for costs associated with computer services, the candidate shall establish allocation percentages for each computer function that is considered necessary, in whole or in part, to ensure compliance with 2 U.S.C. 431 et seq. and 26 U.S.C. 9001 et seq. The allocation shall be based on a reasonable estimate of the costs associated with each computer function, such as the costs for data entry services performed by other than committee personnel and processing time. The candidate shall keep detailed records to support such calculations. The records shall indicate which computer functions are considered compliance-related and shall reflect which costs are associated with each computer function.

(c) Contributions to defray qualified campaign expenses—minor and new party candidates. (1) A minor or new party candidate may solicit contributions to defray qualified campaign expenses which exceed the amount received by such candidate from the Fund, subject to the limits of 11 CFR 9003.2(b).

(2) The contributions received under this section shall be subject to the limitations and prohibitions of 11 CFR Parts 110, 114 and 115.

(3) Such contributions may be deposited in a separate account or may be deposited with federal funds received under 11 CFR 9005.2. Disbursements from this account shall be made only for the following purposes:

(i) To defray qualified campaign expenses;
(ii) To make repayments under 11 CFR 9007.2;
(iii) To defray the cost of soliciting contributions to such account;
(iv) To defray the cost of legal and accounting services provided solely to ensure compliance with 2 U.S.C. 431 et seq. and 26 U.S.C. 9001 et seq.

(4) All disbursements from this account shall be documented in accordance with 11 CFR 9003.5 and shall be reported in accordance with 11 CFR Parts 104 and 9006.1.

(5) Any costs incurred for soliciting contributions to this account shall not be considered expenditures to the extent that the aggregate of such costs does not exceed 20 percent of the expenditure limitation under 11 CFR 9003.2(a)(1). These costs shall, however, be reported as disbursements in accordance with 11 CFR Part 104 and 9006.1. For purposes of this section, a candidate may exclude from the expenditure limitation an amount equal to 10 percent of the payroll (including payroll taxes) and overhead expenditures of his or her national campaign headquarters and state offices as exempt fundraising costs.

(6) Any costs incurred for legal and accounting services which are provided solely to ensure compliance with 2 U.S.C. 431 et seq. and 26 U.S.C. 9001 et seq. shall not count against the candidate’s expenditure limitation. For purposes of this section, a candidate may exclude from the expenditure limitation an amount equal to 10 percent of the payroll (including payroll taxes) and overhead expenditures of his or her national campaign headquarters and state offices. In addition, a candidate may exclude from the expenditure limitation an amount equal to 70 percent of the costs (other than payroll) associated with computer services.

(i) For purposes of 11 CFR 9003.3(c)(6), overhead costs include, but are not limited to, rent, utilities, office equipment, furniture, supplies and telephone base services charges.
(ii) For purposes of 11 CFR 9003.3(c)(6) costs associated with computer services include but are not limited to, rental and maintenance of
§ 9003.4 Expenses incurred prior to the beginning of the expenditure report period or prior to receipt of Federal funds.

(a) Permissible expenditures. (1) A candidate may incur expenditures before the beginning of the expenditure report period, as defined at 11 CFR 9002.12, if such expenditures are for property, services or facilities which are to be used in connection with his or her general election campaign and which are for use during the expenditure report period. Such expenditures will be considered qualified campaign expenses. Examples of such expenditures include but are not limited to: Expenditures for establishing financial accounting systems, expenditures for organizational planning and expenditures for polling.

(2) A candidate may incur qualified campaign expenses prior to receiving payments under 11 CFR Part 9005.

(b) Sources. (1) A candidate may obtain a loan which meets the requirements of 11 CFR 100.7(b)(11) for loans in the ordinary course of business to defray permissible expenditures described in 11 CFR 9003.4(a). A candidate receiving payments equal to the expenditure limitation in 11 CFR 110.8 shall make full repayment of principal and interest on such loans from payments received by the candidate under 11 CFR Part 9005 within 15 days of receiving such payments.

(2) A major party candidate may borrow from his or her legal and accounting compliance fund for the purposes of defraying permissible expenditures described in 11 CFR 9003.4(a). All amounts borrowed from the legal and accounting compliance fund must be restored to such fund after the beginning of the expenditure report period either from federal funds received under 11 CFR Part 9005 or private contributions received under 11 CFR 9003.3(b). For candidates receiving federal funds, restoration shall be made within 15 days after receipt of such funds.

(3) A minor or new party candidate may defray such expenditures from contributions received in accordance with 11 CFR 9003.3(c).

(4)(1) A candidate who has received federal funding under 11 CFR Part 9031 et seq., may borrow from his or her primary election campaign an amount not to exceed the residual balance projected to remain in the candidate's primary account(s) on the basis of the formula set forth at 11 CFR 9038.3(c). A major party candidate receiving payments equal to the expenditure limitation shall reimburse amounts borrowed from his or her pri-
mary campaign from payments received by the candidate under 11 CFR Part 9005 within 15 days of such receipt.

(ii) A candidate who has not received federal funding during the primary campaign may borrow at any time from his or her primary account(s) to defray such expenditures, provided that a major party candidate receiving payments equal to the expenditure limitation shall reimburse all amounts borrowed from his or her primary campaign from payments received by the candidate under 11 CFR Part 9005 within 15 days of such receipt.

(5) A candidate may use personal funds in accordance with 11 CFR 9003.2(c), up to his or her $50,000 limit, to defray such expenditures.

(c) Deposit and disclosure. Amounts received or borrowed by a candidate under 11 CFR 9003.4(b) to defray expenditures permitted under 11 CFR 9003.4(a) shall be deposited in a separate account to be used only for such expenditures. All receipts and disbursements from such account shall be reported pursuant to 11 CFR 9006.1(a) and documented in accordance with 11 CFR 9003.5.

§ 9003.5 Documentation of disbursements.

(a) Burden of proof. Each candidate shall have the burden of proving that disbursements made by the candidate or his or her authorized committee(s) or persons authorized to make expenditures on behalf of the candidate or authorized committee(s) are qualified campaign expenses as defined in 11 CFR 9002.11. The candidate and his or her authorized committee(s) shall obtain and furnish to the Commission at its request any evidence regarding qualified campaign expenses made by the candidate, his or her authorized committees and agents or persons authorized to make expenditures on behalf of the candidate or committee(s) as provided in 11 CFR 9003.5(b).

(b) Documentation required. (1) For disbursements in excess of $200 to a payee, the candidate shall present either:

(i) A receipted bill from the payee that states the purpose of the disbursement; or

(ii) If such a receipt is not available, a cancelled check negotiated by the payee, and

(A) One of the following documents generated by the payee: a bill, invoice, or voucher that states the purpose of the disbursement; or

(B) Where the documents specified in 11 CFR 9003.5(b)(1)(i)(A) are not available, a voucher or contemporaneous memorandum from the candidate or the committee that states the purpose of the disbursement; or

(iii) If neither a receipted bill as specified in 11 CFR 9003.5(b)(1)(i) nor the supporting documentation specified in 11 CFR 9003.5(b)(1)(ii) is available, a cancelled check negotiated by the payee that states the purpose of the disbursement.

(iv) Where the supporting documentation required in 11 CFR 9003.5(b)(1)(i), (ii) or (iii) is not available, the candidate or committee may present a cancelled check and collateral evidence to document the qualified campaign expense. Such collateral evidence may include but is not limited to:

(A) Evidence demonstrating that the expenditure is part of an identifiable program or project which is otherwise sufficiently documented such as a disbursement which is one of a number of documented disbursements relating to a campaign mailing or to the operation of a campaign office;

(B) Evidence that the disbursement is covered by a pre-established written campaign committee policy, such as a per diem policy.

(2) For all other disbursements the candidate shall present:

(i) A record disclosing the full name and mailing address of the payee, the amount, date and purpose of the disbursement, if made from a petty cash fund; or

(ii) A cancelled check negotiated by the payee that states the full name and mailing address of the payee, and the amount, date and purpose of the disbursement.

(3) For purposes of this section:

(i) "Payee" means the person who provides the goods or services to the candidate or committee in return for the disbursement; except that an individual will be considered a payee...
under this section if he or she receives $500 or less advanced for travel and/or subsistence and if the individual is the recipient of the goods or services purchased.

(ii) “Purpose” means the full name and mailing address of the payee, the date and amount of the disbursement, and a brief description of the goods or services purchased.

(c) Retention of records. The candidate shall retain records with respect to each disbursement and receipt, including bank records, vouchers, worksheets, receipts, bills and accounts, journals, ledgers, fundraising solicitation material, accounting systems documentation, and any related materials documenting campaign receipts and disbursements, for a period of three years pursuant to 11 CFR 102.9(c), and shall present these records to the Commission on request.

PART 9004—ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS; USE OF PAYMENTS

§ 9004.1 Major parties.

§ 9004.2 Pre-election payments for minor and new party candidates.

(a) Candidate of a minor party in the preceding election. An eligible candidate of a minor party is entitled to pre-election payments:

(1) If he or she received at least 5% of the total popular vote as the candidate of a minor party in the preceding election whether or not he or she is the same minor party's candidate in this election.

(2) In an amount which is equal, in the aggregate, to a proportionate share of the amount to which major party candidates are entitled under 11 CFR 9004.1. The aggregate amount received by a minor party candidate shall bear the same ratio to the amount received by the major party candidates as the number of popular votes received by the minor party Presidential candidate in the preceding Presidential election bears to the average number of popular votes received by all major party candidates in that election.

(b) Candidate of a minor party in the current election. The eligible candidate of a minor party whose candidate for the office of President in the preceding election received at least 5% but less than 25% of the total popular vote is eligible to receive pre-election payments. The amount which a minor party candidate is entitled to receive under this section shall be computed pursuant to 11 CFR 9004.2(a) based on the number of popular votes received by the minor party's candidate in the preceding Presidential election; however, the amount to which the minor party candidate is entitled under this section shall be reduced by the amount to which the minor party's Presidential candidate in this election is entitled under 11 CFR 9004.2(a), if any.

(c) New party candidate. A candidate of a new party who was a candidate for the office of President in at least 10 States in the preceding election may be eligible to receive pre-election payments if he or she received at least 5% but less than 25% of the total popular vote in the preceding election. The amount which a new party candidate is entitled to receive under this
§ 9004.3 Post-election payments.

(a) Minor and new party candidates. Eligible candidates of a minor party or of a new party who, as candidates, receive 5 percent or more of the total number of popular votes cast for the office of President in the election shall be entitled to payments under 11 CFR Part 9005 equal, in the aggregate, to a proportionate share of the amount allowed for major party candidates under 11 CFR 9004.1. The amount to which a minor or new party candidate is entitled shall bear the same ratio to the amount received by the major party candidates as the number of popular votes received by the minor or new party candidate in the Presidential election bears to the average number of popular votes received by the major party candidates for President in that election.

(b) Amount of entitlement. The aggregate payments to which an eligible candidate shall be entitled shall not exceed an amount equal to the lower of:

(1) The amount of qualified campaign expenses incurred by such eligible candidate and his or her authorized committee(s), reduced by the amount of contributions which are received to defray qualified campaign expenses by such eligible candidate and such committee(s); or

(2) The aggregate payments to which the eligible candidates of a major party are entitled under 11 CFR 9004.1, reduced by the amount of contributions received by such eligible candidates and their authorized committees to defray qualified campaign expenses in the case of a deficiency in the Fund.

(c) Amount of entitlement limited by pre-election payment. If an eligible candidate is entitled to payment under 11 CFR 9004.2, the amount allowable to that candidate under this section shall also be limited to the amount, if any, by which the entitlement under 11 CFR 9004.3(a) exceeds the amount of the entitlement under 11 CFR 9004.2.

§ 9004.4 Use of payments.

(a) Qualified campaign expenses. An eligible candidate shall use payments received under 11 CFR Part 9005 only for the following purposes:

(1) A candidate may use such payments to defray qualified campaign expenses;

(2) A candidate may use such payments to repay loans that meet the requirements of 11 CFR 100.7(a)(1) or 100.7(b)(11) or to otherwise restore funds (other than contributions received pursuant to 11 CFR 9003.3(b) and expended to defray qualified campaign expenses) used to defray qualified campaign expenses;

(3) A candidate may use such payments to restore funds expended in accordance with 11 CFR 9003.4 for qualified campaign expenses incurred by the candidate prior to the beginning of the expenditure report period.

(4) Winding down costs. The following costs shall be considered qualified campaign expenses:

(i) Costs associated with the termination of that candidate's general election campaign such as complying with the post-election requirements of the Act and other necessary administrative costs associated with winding down the campaign, including office space rental, staff salaries and office supplies; or

(ii) Costs incurred by the candidate prior to the end of the expenditure report period, for which written arrangement or commitment was made on or before the close of the expenditure report period.

(b) Non-qualified campaign expenses—(1) General. The following are examples of disbursements that are not qualified campaign expenses.

(2) Excessive expenditures. An expenditure which is in excess of any of the limitations under 11 CFR 9003.2 shall not be considered a qualified campaign expense.
§ 9004.7 Allocation of travel expenditures.

(a) Notwithstanding the provisions of 11 CFR Part 106, expenditures for travel relating to a Presidential or Vice Presidential candidate's campaign by any individual, including a candidate, shall, pursuant to the provisions of 11 CFR 9004.7(b), be qualified campaign expenses and be reported by the candidate's authorized committee(s) as expenditures.
§ 9004.8 Withdrawal by candidate.

(a) Any individual who is not actively conducting campaigns in more than one State for the office of President or Vice President shall cease to be a candidate under 11 CFR 900.2.

(b) An individual who ceases to be a candidate under this section shall:

(1) No longer be eligible to receive any payments under 11 CFR 9005.2 except to defray qualified campaign expenses as provided in 11 CFR 9004.4.

(2) Submit a statement, within 30 calendar days after he or she ceases to be a candidate, setting forth the information required under 11 CFR 9004.9(c).

§ 9004.9 Net outstanding qualified campaign expenses.

(a) Candidates receiving post-election funding. A candidate who is eligible to receive post-election payments under 11 CFR 9004.3 shall file, no later than 20 calendar days after the date of the election, a preliminary
§ 9004.9

statement of that candidate's net outstanding qualified campaign expenses. The preliminary statement shall be signed by the treasurer of the candidate's principal campaign committee. The candidate's net outstanding qualified campaign expenses under this section equal the difference between 11 CFR 9004.9(a)(1) and (2).

(1) The total of:

(i) All outstanding obligations for qualified campaign expenses as of the date of the election; plus

(ii) An estimate of the amount of qualified campaign expenses that will be incurred by the end of the expenditure report period; plus

(iii) An estimate of necessary winding down costs as defined under 11 CFR 9004.4(a)(4); less

(2) The total of:

(i) Cash on hand as of the close of business on the day of the election (including all contributions dated on or before that date);

(ii) The fair market value of capital assets and other assets on hand; and

(iii) Amounts owed to the campaign in the form of credits, refunds of deposits, returns, receivables, or rebates of qualified campaign expenses; or a commercially reasonable amount based on the collectibility of those credits, returns, receivables or rebates.

(b) All candidates.- Each candidate, except for individuals who have withdrawn pursuant to 11 CFR 9004.8, shall submit a statement of net outstanding qualified campaign expenses no later than 30 calendar days after the end of the expenditure report period. This statement shall be signed by the treasurer of the candidate's principal campaign committee. The statement shall contain the information required under 11 CFR 9004.9(a)(1) and (2), except that the amount of outstanding obligations under 11 CFR 9004.9(a)(1)(i) and the amount of cash on hand, assets and receivables under 11 CFR 9004.9(a)(2) shall be complete as of the last day of the expenditure report period.

(c) Candidates who withdraw.- An individual who ceases to be a candidate pursuant to 11 CFR 9004.8 shall file a statement of net outstanding qualified campaign expenses no later than 30 calendar days after he or she ceases to be a candidate. This statement shall be signed by the treasurer of the candidate's principal campaign committee. The statement shall contain the information required under 11 CFR 9004.9(a)(1) and (2), except that the amount of outstanding obligations under 11 CFR 9004.9(a)(1)(i) and the amount of cash on hand, assets and receivables under 11 CFR 9004.9(a)(2) shall be complete as of the day on which the individual ceased to be a candidate.

(d)(1) Capital assets. For purposes of this section, the term "capital assets" means any property used in the operation of the campaign whose value exceeds $500 on the last day of the expenditure report period or the day on which the individual ceases to be a candidate, whichever is earlier. Property that must be valued as capital assets under this section includes, but is not limited to, office equipment, furniture, vehicles and fixtures acquired for use in the operation of the candidate's campaign, but does not include property defined as "other assets" under 11 CFR 9004.9(d)(2). The value of a capital asset shall be the fair market value on the last day of the expenditure report period or the day on which the individual ceases to be a candidate, whichever is earlier, unless the item is acquired after these dates, in which case the item will be valued on the date it is acquired.

(2) Other assets. The term "other assets" means any property acquired by the campaign for use in raising funds or as collateral for campaign loans. "Other assets" must be included on the candidate's statement of net outstanding qualified campaign expenses if the aggregate value of such assets exceeds $5000. The value of "other assets" shall be determined by the fair market value of each item on the last day of the expenditure report period or the day on which the individual ceased to be a candidate, whichever is earlier, unless the item is acquired after these dates, in which case the item shall be valued on the date it is acquired.

(e) Review of candidate statement—

(1) General. The Commission will review the statement filed by each candidate under this section. The
§ 9004.10

Commission may request further information with respect to statements filed pursuant to 11 CFR 9004.9(b) during the audit of that candidate's authorized committee(s) under 11 CFR Part 9007.

(2) Candidate eligible for post-election funding. (i) If, in reviewing the preliminary statement of a candidate eligible to receive post-election funding, the Commission receives information indicating that substantial assets of that candidate's authorized committee(s) have been undervalued or not included in the statement or that the amount of outstanding qualified campaign expenses have been otherwise overstated in relation to campaign assets, the Commission may decide to temporarily postpone its certification of funds to that candidate pending a final determination of whether the candidate is entitled to all or a portion of the funds for which he or she is eligible based on the percentage of votes the candidate received in the general election.

(ii) Initial determination. In making a determination under 11 CFR 9004.9(e)(2)(i), the Commission will notify the candidate within 10 business days after its receipt of the statement of its initial determination that the candidate is not entitled to receive the full amount for which the candidate may be eligible. The notice will give the legal and factual reasons for the initial determination and advise the candidate of the evidence on which the Commission's initial determination is based. The candidate will be given the opportunity to revise the statement or to submit, within 10 business days, written legal or factual materials to demonstrate that the candidate has net outstanding qualified campaign expenses that entitle the candidate to post-election funds. Such materials may be submitted by counsel if the candidate so desires.

(iii) Final determination. The Commission will consider any written legal or factual materials submitted by the candidate before making its final determination. A final determination that the candidate is entitled to receive only a portion or no post-election funding will be accompanied by a written statement of reasons for the Commission's action. This statement will explain the legal and factual reasons underlying the Commission's determination and will summarize the results of any investigation on which the determination is based.

(iv) If the candidate demonstrates that the amount of outstanding qualified campaign expenses still exceeds campaign assets, the Commission will certify the payment of post-election funds to which the candidate is entitled.

§ 9004.10 Sale of assets acquired for fundraising purposes.

(a) General. A minor or new party candidate may sell assets donated to the campaign or otherwise acquired for fundraising purposes subject to the limitations and prohibitions of 11 CFR 9003.2, Title 2, United States Code, and 11 CFR Parts 110 and 114. This section will only apply to major party candidates to the extent that they sell assets acquired either for fundraising purposes in connection with his or her legal and accounting compliance fund or when it is necessary to make up any deficiency in payments received from the Fund due to the application of 11 CFR 9005.2(b).

(b) Sale after end of expenditure report period. A minor or new party candidate, or a major party candidate in the event of a deficiency in the payments received from the Fund due to the application of 11 CFR 9005.2(b), whose outstanding debts exceed the cash on hand after the end of the expenditure report period as determined under 11 CFR 9002.12, may dispose of assets acquired for fundraising purposes in a sale to a wholesaler or other intermediary who will in turn sell such assets to the public provided that the sale to the wholesaler or intermediary is an arms-length transaction. Sales made under this subsection will not be subject to the limitations and prohibitions of Title 2, United States Code and 11 CFR Parts 110 and 114.
PART 9005—CERTIFICATION BY COMMISSION

Sec. 9005.1 Certification of payments for candidates.
9005.2 Payments to eligible candidates from the fund.

AUTHORITY: 26 U.S.C. 9005, 9009(b).
SOURCE: 48 FR 31834, July 11, 1983, unless otherwise noted.

9005.1 Certification of payments for candidates.

(a) Certification of payments for major party candidates. Not later than 10 days after the Commission determines that the Presidential and Vice Presidential candidates of a major party have met all applicable conditions for eligibility to receive payments under 11 CFR 9003.1 and 9003.2, the Commission shall certify to the Secretary that payment in full of the amounts to which such candidates are entitled under 11 CFR Part 9004 should be made pursuant to 11 CFR 9005.2.

(b) Certification of pre-election payments for minor and new party candidates. (1) Not later 10 days after a minor or new party candidate has met all applicable conditions for eligibility to receive payments under 11 CFR 9003.1, 9003.2 and 9004.2, the Commission will make an initial determination of the amount, if any, to which the candidate is entitled. The Commission will base its determination on the percentage of votes to which such candidates are entitled under 11 CFR Part 9004 should be made pursuant to 11 CFR 9005.2.

(2) The candidate may submit, within 15 days after the Commission's initial determination, written legal or factual materials to demonstrate that a redetermination is appropriate. Such materials may be submitted by counsel if the candidate so desires.

(3) The Commission will consider any written legal or factual materials timely submitted by the candidate in making its final determination. A final determination of certification by the Commission will be accompanied by a written statement of reasons for the Commission's action. This statement will explain the reasons underlying the Commission's determination and will summarize the results of any investigation on which the determination is based.

(c) Certification of minor and new party candidates for post-election payments. (1) Not later than 30 days after the general election, the Commission will determine whether a minor or new party candidate is eligible for post-election payments.

(2) The Commission's determination of eligibility will be based on the following factors:

(i) The candidate has received at least 5% or more of the total popular vote based on unofficial vote results in each State;

(ii) The candidate has filed a preliminary statement of his or her net outstanding qualified campaign expenses pursuant to 11 CFR 9004.9(a); and

(iii) The candidate has met all applicable conditions for eligibility under 11 CFR 9003.1 and 9003.2.

(3) The Commission will notify the candidate of its initial determination of the amount, if any, to which the candidate is entitled, give the legal and factual reasons for its determination and advise the candidate of the evidence on which the determination is based. The Commission will also notify the candidate that it will deduct a percentage of the amount to which the candidate is entitled based on the unofficial vote results when the Commission certifies an amount for payment to the Secretary. This deduction will be based on the average percentage differential between the unofficial and official vote results for all candidates who received public funds in the preceding Presidential general election.

(4) The candidate may submit, within 15 days after the Commission's initial determination, written legal or factual materials to demonstrate that a redetermination is appropriate. Such materials may be submitted by counsel if the candidate so desires.

(5) The Commission will consider any written legal or factual materials timely submitted by the candidate in making its final determination. A final
§ 9005.2 Payments to eligible candidates from the fund.

(a) Upon a receipt of a certification from the Commission under 11 CFR 9005.1 for payment to the eligible Presidential and Vice Presidential candidates of a political party, the Secretary shall pay to such candidates out of the Fund the amount certified by the Commission. Amounts paid to a candidate shall be under the control of that candidate.

(b)(1) If at the time of a certification from the Commission under 11 CFR 9005.1, the Secretary determines that the monies in the Fund are not, or may not be, sufficient to satisfy the full entitlements of the eligible candidates of all political parties, he or she shall withhold an amount which is determined to be necessary to assure that the eligible candidates of each political party will receive their pro rata share.

(2) Amounts withheld under 11 CFR 9005.2(b) (1) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay such amounts, or pro rata portions thereof, to each eligible candidate from whom amounts have been withheld.

(c) Payments received from the Fund by a major party candidate shall be deposited in a separate account maintained by his or her authorized committee, unless there is a deficiency in the Fund as provided under 11 CFR 9005.2(b)(1). In the case of a deficiency, the candidate may establish a separate account for payments from the Fund or may deposit such payments with contributions received pursuant to 11 CFR 9003.3(b). The account(s) shall be maintained at a State bank, federally chartered depository institution or other depository institution, the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(d) No funds other than the payments received from the Treasury, reimbursements, or income generated through use of public funds in accordance with 11 CFR 9004.5, shall be deposited in the account described in 11 CFR 9005.2(c). "Reimbursements" shall include, but are not limited to, refunds of deposits, vendor refunds, reimbursements for travel expenses under 11 CFR 9004.6 and 9004.7 and reimbursements for legal and accounting costs under 11 CFR 9003.3(a) (2) (i)(B).

PART 9006—REPORTS AND RECORDKEEPING

Sec.
9006.1 Separate reports.
9006.2 Filing dates.


SOURCE: 48 FR 31835, July 11, 1983, unless otherwise noted.

§ 9006.1 Separate reports.

(a) The authorized committee(s) of a candidate shall report all expenditures to further the candidate's general election campaign in reports separate from reports of any other expenditures made by such committee(s) with respect to other elections. Such reports shall be filed pursuant to the requirements of 11 CFR Part 104.

(b) The authorized committee(s) of a candidate shall file separate reports as follows:

(1) One report shall be filed which lists all receipts and disbursements of:

(i) Contributions and loans received by a major party candidate pursuant to 11 CFR Part 9003 to make up deficiencies in Fund payments due to the application of 11 CFR Part 9005;

(ii) Contributions and loans received pursuant to 11 CFR 9003.2(b)(2) by a minor, or new party for use in the general election;
§ 9007.1 Audits.

(a) General. (1) After each Presidential election, the Commission will conduct a thorough examination and audit of the receipts, disbursements, debts and obligations of each candidate, his or her authorized committee(s), and agents of such candidates or committees. Such examination and audit will include, but will not be limited to, expenditures pursuant to 11 CFR 9003.4 prior to the beginning of the expenditure report period, contributions to and expenditures made from the legal and accounting compliance fund established under 11 CFR 9003.3(a), contributions received to supplement any payments received from the Fund, and qualified campaign expenses.

(2) In addition, the Commission may conduct other examinations and audits from time to time as it deems necessary to carry out the provisions of this subchapter.

(3) Information obtained pursuant to any audit and examination conducted under 11 CFR 9007.1(a) (1) and (2) may be used by the Commission as the basis, or partial basis, for its repayment determinations under 11 CFR 9007.2.

(b) Conduct of fieldwork. (1) The Commission will give the candidate's authorized committee at least two weeks' notice of the Commission's intention to commence fieldwork on the audit and examination. The fieldwork will be conducted at a site provided by the committee.

(i) Office space and records. On the date scheduled for the commencement of fieldwork, the candidate or his or her authorized committee(s) shall provide Commission staff with office space and committee records in accordance with 11 CFR 104.5(b)(2).

(ii) Availability of committee personnel. On the date scheduled for the commencement of fieldwork, the candidate or his or her authorized committee(s) shall have committee personnel present at the site of the fieldwork. Such personnel shall be familiar with the committee's records and operation and shall be available to Commission staff to answer questions and to aid in locating records.

(iii) Failure to provide staff, records or office space. If the candidate or his or her authorized committee(s) fail to provide adequate office space, personnel or committee records, the Commission may seek judicial intervention under 2 U.S.C. 437d or 26 U.S.C. 9010(c) to enforce the candidate and committee agreement made under 11 CFR 9003.1(b). Before seeking judicial intervention, the Commission will notify the candidate of his or her failure to comply with the agreement and will recommend corrective action to bring the candidate into compliance. Upon receipt of the Commission's notification, the candidate will have ten (10) calendar days in which to take the corrective action indicated or to
otherwise demonstrate to the Commission in writing that he or she is complying with the candidate and committee agreements.

(iv) If, in the course of the audit process, a dispute arises over the documentation sought or other requirements of the candidate agreement, the candidate may seek review by the Commission of the issues raised. To seek review, the candidate shall submit a written statement within 10 days after the disputed Commission staff request is made, describing the dispute and indicating the candidate’s proposed alternative(s).

(2) Fieldwork will include the following steps designed to keep the candidate and committee informed as to the progress of the audit and to expedite the process:

(i) Entrance conference. At the outset of the fieldwork, Commission staff will hold an entrance conference, at which the candidate’s representatives will be advised of the purpose of the audit and the general procedures to be followed. Future requirements of the candidate and his or her authorized committee, such as possible repayments to the United States Treasury, will also be discussed. Committee representatives shall provide information and records necessary to conduct the audit, and Commission staff will be available to answer committee questions.

(ii) Review of records. During the fieldwork, Commission staff will review committee records and may conduct interviews of committee personnel. Commission staff will be available to explain aspects of the audit and examination as it progresses. Additional meetings between Commission staff and committee personnel may be held from time to time during the fieldwork to discuss possible audit findings and to resolve issues arising during the course of the audit.

(iii) Exit conference. At the conclusion of the fieldwork, Commission staff will hold an exit conference to discuss with committee representatives the staff’s preliminary findings and recommendations which the Commission staff anticipates that it may present to the Commission for approval. Commission staff will advise committee representatives at this conference of the projected timetable regarding the issuance of an audit report, the committee’s opportunity to respond thereto, and the Commission’s initial and final repayment determinations under 11 CFR 9007.2.

(3) Commission staff may conduct additional fieldwork after the completion of the fieldwork conducted pursuant to 11 CFR 9007.1(b) (1) and (2). Factors that may necessitate such follow-up fieldwork include, but are not limited to, the following:

(i) Committee response to audit findings;

(ii) Financial activity of the committee subsequent to the fieldwork conducted pursuant to 11 CFR 9007.1(b)(1);

(iii) Committee responses to Commission repayment determinations made under 11 CFR 9007.2.

(4) The Commission will notify the candidate and his or her authorized committee if follow-up fieldwork is necessary. The provisions of 11 CFR 9007.1(b) (1) and (2) will apply to any additional fieldwork conducted.

(c) Preparation of interim audit report. (1) After the completion of the fieldwork conducted pursuant to 11 CFR 9007.1(b)(1), the Commission will issue an interim audit report to the candidate and his or her authorized committee. The interim audit report may contain Commission findings and recommendations regarding one or more of the following areas:

(i) An evaluation of procedures and systems employed by the candidate and committee to comply with applicable provisions of the Federal Election Campaign Act, Presidential Election Campaign Fund Act and Commission regulations;

(ii) Accuracy of statements and reports filed with the Commission by the candidate and committee;

(iii) Compliance of the candidate and committee with applicable statutory and regulatory provisions in those instances where the Commission has not instituted any enforcement action on the matter(s) under the provisions of 2 U.S.C. 437g and 11 CFR Part 111; and
Federal Election Commission

§ 9007.2

(iv) Preliminary calculations regarding future repayments to the United States Treasury.

(2) The candidate and his or her authorized committee will have an opportunity to submit in writing within 30 calendar days of receipt of the interim report, legal and factual materials disputing or commenting on the contents of the interim report. Such materials may be submitted by counsel if the candidate so desires.

(3) The Commission will consider any written legal and factual materials submitted by the candidate or his or her authorized committee in accordance with 11 CFR 9007.1(c)(2) before approving and issuing an audit report to be released to the public. The contents of the publicly-released audit report may differ from that of the interim report since the Commission will consider timely submissions of legal and factual materials by the candidate or committee in response to the interim report.

(d) Preparation of publicly-released audit report. An audit report prepared subsequent to an interim report will be publicly released pursuant to 11 CFR 9007.1(e). This report will contain Commission findings and recommendations addressed in the interim audit report but may contain adjustments based on the candidate's response to the interim report. In addition, this report will contain an initial repayment determination made by the Commission pursuant to 11 CFR 9007.2(c)(1) in lieu of the preliminary calculations set forth in the interim report.

(e) Public release of audit report. (1) After the candidate and committee have had an opportunity to respond to a written interim report of the Commission, the Commission will make public the audit report prepared subsequent to the interim report, as provided in 11 CFR 9007.1(d).

(2) If the Commission determines, on the basis of information obtained under the audit and examination process, that certain matters warrant enforcement under 2 U.S.C. 437g and 11 CFR Part 111, those matters will not be contained in the publicly-released report. In such cases, the audit report will indicate that certain other matters have been referred to the Commission's Office of General Counsel.

(3) The Commission will provide the candidate and committee copies of the audit report 24 hours prior to releasing the report to the public.

(4) Addenda to the audit report may be issued from time to time as circumstances warrant and as additional information becomes available. Such addenda may be based in part on follow-up fieldwork conducted under 11 CFR 9007.1(b)(3) and will be placed on the public record.

§ 9007.2 Repayments.

(a) General. (1) A candidate who has received payments from the Fund under 11 CFR Part 9005 shall pay the United States Treasury any amounts which the Commission determines to be repayable under this section. In making repayment determinations under this section, the Commission may utilize information obtained from audits and examinations conducted pursuant to 11 CFR 9007.1 or otherwise obtained by the Commission in carrying out its responsibilities under this subchapter.

(2) The Commission will notify the candidate of any repayment determinations made under this section as soon as possible, but not later than 3 years after the close of the expenditure report period.

(3) Once the candidate receives notice of the Commission's final repayment determination under this section, the candidate should give preference to the repayment over all other outstanding obligations of his or her committee, except for any federal taxes owed by the committee.

(b) Bases for repayment. The Commission may determine that an eligible candidate of a political party who has received payments from the Fund must repay the United States Treasury under any of the circumstances described below.

(1) Payments in excess of candidate's entitlement. If the Commission determines that any portion of the payments made to the candidate was in excess of the aggregate payments to which such candidate shall pay to the
United States Treasury an amount equal to such portion.

(2) **Use of funds for non-qualified campaign expenses.**

(i) If the Commission determines that any amount of any payment to an eligible candidate from the Fund was used for purposes other than those described in paragraphs (A) through (C) below, it will notify the candidate of the amount so used, and such candidate shall pay to the United States Treasury an amount equal to such amount.

(A) To defray qualified campaign expenses;

(B) To repay loans, the proceeds of which were used to defray qualified campaign expenses; and

(C) To restore funds (other than contributions which were received and expended by minor or new party candidates to defray qualified campaign expenses) which were used to defray qualified campaign expenses.

(ii) Examples of Commission repayment determinations under 11 CFR 9007.2(b)(2) include, but are not limited to the following:

(A) Determinations that a candidate, a candidate's authorized committee(s) or agent(s) have incurred expenses in excess of the aggregate payments to which an eligible major party candidate is entitled;

(B) Determinations that amounts spent by a candidate, a candidate's authorized committee(s), or agent(s) from the Fund were not documented in accordance with 11 CFR 9003.5;

(C) Determinations that any portion of the payments made to a candidate from the Fund was not spent in violation of State or Federal law; and

(D) Determinations that any portion of the payments made to a candidate from the Fund was used to defray expenses resulting from a violation of State or Federal Law, such as the payment of fines or penalties.

(iii) In the case of a candidate who has received contributions pursuant to 11 CFR 9003.3 (b) or (c), the amount of any repayment sought under this section shall bear the same ratio to the total amount determined to have been used for non-qualified campaign expenses as the amount of payments certified to the candidate from the Fund bears to the total amount of deposits of contributions and federal funds, as of December 31, of the Presidential election year.

(3) **Surplus.** If the Commission determines that a portion of payments from the Fund remains unspent after all qualified campaign expenses have been paid, it shall so notify the candidate, and such candidate shall pay the United States Treasury that portion of surplus funds.

(4) **Income on investment of payments from the fund.** If the Commission determines that a candidate received any income as a result of investment or other use of payments from the Fund pursuant to 11 CFR 9004.5, it shall so notify the candidate and such candidate shall pay to the United States Treasury an amount equal to the amount determined to be income, less any Federal, State or local taxes on such income.

(5) **Unlawful acceptance of contributions by an eligible candidate of a major party.** If the Commission determines that an eligible candidate of a major party, the candidate's authorized committee(s) or agent(s) accepted contributions to defray qualified campaign expenses (other than contributions to make up deficiencies in payments from the Fund, or to defray expenses incurred for legal and accounting services in accordance with 11 CFR 9003.3(a)), it shall notify the candidate of the amount of contributions so accepted, and the candidate shall pay to the United States Treasury an amount equal to such amount.

(c) **Repayment determination procedures.** The Commission repayment determination will be made in accordance with the procedures set forth at 11 CFR 9007.2 (c)(1) through (c)(4).

(1) **Initial determination.** The Commission will provide the candidate with a written notice of its initial repayment determination(s). This notice will be included in the Commission's publicly-released audit report pursuant to 11 CFR 9007.1(d) and will set forth the legal and factual reasons for such determination(s). Such notice will also advise the candidate of the evidence upon which any such determination is based. If the candidate does not dispute an initial repayment determination of the Commission
within 30 calendar days of the candidate's receipt of the notice, such initial determination will be considered a final determination of the Commission.

(2) Submission of written materials. If the candidate disputes the Commission's initial repayment determination(s), he or she shall have an opportunity to submit in writing, within 30 calendar days of receipt of the Commission's notice, legal and factual materials to demonstrate that no repayment, or a lesser repayment, is required. The Commission will consider any written legal and factual materials submitted by the candidate within this 30 day period in making its final repayment determination(s). Such materials may be submitted by counsel if the candidate so desires.

(3) Oral presentation. A candidate who has submitted written materials under 11 CFR 9007.2(c)(2) may request that the Commission provide such candidate with an opportunity to address the Commission in open session. If the Commission decides by an affirmative vote of four (4) of its members to grant the candidate's request, it will inform the candidate of the date and time set for the oral presentation. At the date and time set by the Commission, the candidate or candidate's designated representative will be allotted an amount of time in which to make an oral presentation to the Commission based upon the legal and factual materials submitted under 11 CFR 9007.2(c)(2). The candidate or representative will also have the opportunity to answer any questions from individual members of the Commission.

(4) Final determination. In making its final repayment determination(s), the Commission will consider any submission made under 11 CFR 9007.2(c)(2) and any oral presentation made under 11 CFR 9007.2(c)(3). A final determination that a candidate must repay a certain amount will be accompanied by a written statement of reasons for the Commission's actions. This statement will explain the reasons underlying the Commission's determination and will summarize the results of any investigation upon which the determination is based.

(d) Repayment period. (1) Within 90 calendar days of the candidate's receipt of the notice of the Commission's initial repayment determination(s) the candidate shall repay to the United States Treasury amounts which the Commission has determined to be repayable. Upon application by the candidate, the Commission may grant an extension of up to 90 calendar days in which to make repayment.

(2) If the candidate submits written materials under 11 CFR 9007.2(c)(2) disputing the Commission's initial repayment determination(s), the time for repayment will be suspended until the Commission makes its final repayment determination(s). Within 20 calendar days of the candidate's receipt of the notice of the Commission's final repayment determination(s), the candidate shall repay to the United States Treasury amounts which the Commission has determined to be repayable. Upon application by the candidate, the Commission may grant an extension of up to 90 calendar days in which to make repayment.

(e) Computation of time. The time periods established by this section shall be computed in accordance with 11 CFR 111.2.

(f) Additional repayments. Nothing in this section will prevent the Commission from making additional repayment determinations on one or more of the bases set forth at 11 CFR 9007.2(b) after it has made a final determination on any such basis. The Commission may make additional repayment determinations where there exist facts not used as the basis for a previous final determination. Any such additional repayment determination will be made in accordance with the provisions of this section.

(g) Newly-discovered assets. If, after any initial or final repayment determination made under this section, a candidate or, his or her authorized committee(s) receives or becomes aware of assets not previously included in any statement of net outstanding qualified campaign expenses submitted pursuant to 11 CFR 9004.9, the candidate or his or her authorized committee(s) shall promptly notify the Commission of such newly-discov-
§ 9007.3 Extensions of time.

(a) It is the policy of the Commission that extensions of time under 11 CFR Part 9007 will not be routinely granted.

(b) Whenever a candidate has a right or is required to take action within a period of time prescribed by 11 CFR Part 9007 or by notice given thereunder, the candidate may apply in writing to the Commission for an extension of time in which to exercise such right or take such action. The candidate shall demonstrate in the application for extension that good cause exists for his or her request.

(c) An application for extension of time shall be made at least 7 calendar days prior to the expiration of the time period for which the extension is sought. The Commission may, upon a showing of good cause, grant an extension of time to a candidate who has applied for such extension in a timely manner. The length of time of any extension granted hereunder shall be decided by the Commission and may be less than the amount of time sought by the candidate in his or her application.

(d) If a candidate fails to seek an extension of time, exercise a right or take a required action prior to the expiration of a time period prescribed by 11 CFR Part 9007, the Commission may, on the candidate's showing of excusable neglect:

(1) Permit such candidate to exercise his or her right(s), or take such required action(s) after the expiration of the prescribed time period; and

(2) Take into consideration any information obtained in connection with the exercise of any such right or taking of any such action before making decisions or determinations under 11 CFR Part 9007.

§ 9007.4 Additional audits.

In accordance with 11 CFR 104.16(c), the Commission pursuant to 11 CFR 111.10, may upon affirmative vote of four members conduct an audit and field investigation of any committee in any case in which the Commission finds reason to believe that a violation of a statute or regulation over which the Commission has jurisdiction has occurred or is about to occur.

PART 9008—FEDERAL FINANCING OF PRESIDENTIAL NOMINATING CONVENTIONS

Sec. 9008.1 Scope.
9008.2 Definitions.
9008.3 Entitlement to payment from the fund.
9008.4 Adjustment of entitlement.
9008.5 Limitation on payments.
9008.6 Use of funds.
9008.7 Limitation of expenditures.
9008.8 Payment and certification procedures.
9008.9 Examination and audits.
9008.10 Repayments.
9008.11 Resolution of disputes concerning repayments.
9008.12 Registration and reports.

SOURCE: 44 FR 63039, Nov. 1, 1979, unless otherwise noted.

§ 9008.1 Scope.

(a) This Part interprets 2 U.S.C. 437 and 26 U.S.C. 9008. Under 26 U.S.C. 9008(b), the national committees of both major and minor parties are entitled to public funds to defray expenses incurred with respect to a Presidential Nominating Convention. Under 26 U.S.C. 9008(d), expenditures with regard to such a convention by a national committee receiving public
funds are limited to $4,000,000, as adjusted by the Consumer Price Index. New parties are not entitled to receive any public funds to defray convention expenses.

(b) Under 2 U.S.C. 437, each committee or organization which represents a national party in making arrangements for that party's presidential nominating convention is required to file disclosure reports. This reporting obligation extends to all such committees or organizations, regardless of whether or not public funds were used or available to defray convention expenses. In addition, 2 U.S.C. 437 requires reports from each committee or organization which represents a State, a political subdivision or any other group of persons in dealing with national political party officials with respect to matters involving a presidential nominating convention held in the State or subdivision. Under this provision, the host committee in the convention city is required to report contributions or expenditures with respect to a presidential nominating convention. However, unsuccessful efforts to attract a convention need not be reported by any city, committee or other organization.

§ 9008.2 Definitions.

(a) "Commission" means the Federal Election Commission, 999 E Street, NW., Washington, DC 20463.

(b) "Fund" means the Presidential Election Campaign Fund established by 26 U.S.C. 9006(a).

(c) "Major party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

(d) "Minor party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more, but less than 25 percent, of the total number of popular votes received by all candidates for such office.

(e) "National committee" means the organization which, by virtue of the by-laws of the political party, is responsible for the day to day operation of that party at the national level. (2 U.S.C. 431(14)).

(f) "New party" means, with respect to any presidential election, a political party which is neither a major party nor a minor party.

(g) "Nominating convention" means a convention, caucus or other meeting which is held by a political party at the national level and which chooses the presidential nominee of the party through selection by delegates to that convention or through other similar means.

(h) "Secretary" means the Secretary of the Treasury of the United States.

§ 9008.3 Entitlement to payments from the fund.

(a) Major parties. Subject to the provisions of 11 CFR Part 9008, the national committee of a major party shall be entitled to receive payments under 11 CFR 9008.8 with respect to any presidential nominating convention, in amounts which, in the aggregate, shall not exceed $4 million, as adjusted by the Consumer Price Index under 11 CFR 9008.4(a).

(b) Minor parties. Subject to the provisions of 11 CFR Part 9008, the national committee of a minor party shall be entitled to receive payments under 11 CFR 9008.8 with respect to any presidential nominating convention in amounts which, in the aggregate, shall not exceed an amount which bears the same ratio to the amount which the national committee of a major party is entitled to receive under 11 CFR 9008.8 as the number of popular votes received in the preceding presidential election by that minor party's presidential candidate bears to the average number of popular votes received in the preceding presidential election by all of the major party presidential candidates.
§ 9008.4 Adjustment of entitlement.

(a) The entitlements established by 11 CFR 9008.3 shall be adjusted on the basis of the Consumer Price Index pursuant to the provisions of 2 U.S.C. 441a(c).

(b) The entitlements established by 11 CFR 9008.3 shall be decreased by the amount of income generated by the investment of public funds under 11 CFR 9008.6(a)(5), less any tax paid on such income.

(c) The entitlements established by 11 CFR 9008.3 shall be adjusted so as not to exceed the difference between the expenditure limitations of 11 CFR 9008.7(a) and the amount of private contributions received under § 9008.8(a) by the national committee of a political party. In calculating these adjustments, amounts expended by Government agencies and municipal corporations in accordance with 11 CFR 9008.7(b); in kind contributions by businesses to the national committee or convention committee in accordance with 11 CFR 9008.7(c); expenditures by host committees in accordance with 11 CFR 9008.7(d); expenditures to participate in or attend the convention under 11 CFR 9008.7(e); and legal and accounting services rendered in accordance with 11 CFR 9008.7(f) will not be considered private contributions or expenditures counting against the limitation.

§ 9008.5 Limitation on payments.

Payments to the national committee of a major party or a minor party under 11 CFR 9008.8 from the account designated for such committee shall be limited to the amounts in such account at the time of payment.

§ 9008.6 Use of funds.

(a) Permissible uses. Any payment made under 11 CFR 9008.8 shall be used only for the following purposes:

(1) Such payment may be used to defray convention expenses (including the payment of deposits) incurred by or on behalf of the national committee receiving such payments; or

(2) Such payment may be used to repay the principal and interest, at a commercially reasonable rate, on loans the proceeds of which were used to defray convention expenses; or

(3) Such payment may be used to restore funds (including advances from the national committee to the convention committee), other than contributions to the committee for the purpose of defraying convention expenses, where such funds were used to defray convention expenses.

(4) Convention expenses includes all expenses incurred by or on behalf of a political party national committee or convention committee with respect to and for the purpose of conducting a presidential nominating convention or convention-related activities. Such expenses include, but are not limited to:

(i) Expenses for preparing, maintaining, and dismantling the physical site of the convention, including rental of the hall, platforms and seating, decorations, telephones, security, convention hall utilities, etc.;

(ii) Salaries and expenses of convention committee employees, volunteers and similar personnel, whose responsibilities involve planning, management or otherwise conducting the convention;

(iii) Salary or portion of the salary of any national committee employee for any period of time during which, as a major responsibility, that employee performs services related to the convention;

(iv) Expenses of national committee employees, volunteers or other similar personnel if those expenses were incurred in the performance of services for the convention in addition to the services normally rendered to the national committee by such personnel;

(v) Expenses for conducting meetings of or related to committees dealing with the conduct and operation of the convention, such as rules, credential, platform, site, contests, call, arrangements and permanent organization committees, with such expenses including printing materials and rental costs for meeting space.

(vi) Expenses incurred in securing a convention city and facility;

(vii) Expenses incurred in providing a transportation system in the convention city for use by delegates and
other persons attending or otherwise connected with the convention;

(viii) Expenses for entertainment activities which are part of official convention activity sponsored by the national committee, such expenses to include (but not limited to) dinners, concerts, and receptions; except that expenses for the following activities are excluded:

(A) Entertainment activities sponsored by or on behalf of candidates for nomination to the office of President or Vice President, or State delegations;

(B) Entertainment activities sponsored by the national committee if the purpose of the activity is solely for national committee business, such as fundraising events, or selection of new national committee officers;

(C) Entertainment activities sponsored by persons other than the national committee; and

(D) Entertainment activities prohibited by law;

(ix) Expenses for printing convention programs, a journal of proceedings, agendas, tickets, badges, passes, and other similar publications;

(x) Administrative and office expenses for conducting the convention, such expenses to include stationery, office supplies, office machines, and telephone charges; but excluded from these expenses are the cost of any services supplied by the national committee at its headquarters or principal office if such services are incidental to the convention and not utilized primarily for the convention; and

(xi) Payment of the principal and interest, at a commercially reasonable rate, on loans the proceeds of which were used to defray convention expenses.

(5) Any investment of public funds or any other use of public funds to generate income is permissible only if the income so generated is used to defray convention expenses. Such income, less any tax paid on it, will be applied against the national committee's payments under 11 CFR 9008.2, or where appropriate, the Commission may determine that a repayment is required on the basis of such income.

(b) Prohibited uses. (1) No part of any payment made under 11 CFR 9008.8 shall be used to defray the expenses of any candidate, delegate, or alternate delegate who is participating in any presidential nominating convention except that the expenses of a person participating in the convention as official personnel of the national party may be defrayed with public funds even though that person is simultaneously participating as delegate or candidate to the convention. This part shall not prohibit candidates, delegates or alternate delegates who are participating in a presidential nominating convention from attending official party convention activities including but not limited to dinners, concerts and receptions, where such activities are paid for with public funds.

(2) Public funds shall not be used to defray any expense the incurring or payment of which violates any law of the United States or any law of the State in which such expense is incurred or paid, or any regulation prescribed under federal or State laws.

(3) Public funds shall not be used to pay civil or criminal penalties required to be paid pursuant to the Act (as defined at 2 U.S.C. 431(19)). Any amounts received or expended by the national committee or convention committee of a political party to pay such penalties shall not be considered contributions or expenditures, except that such amounts shall be reported in accordance with 11 CFR Part 104 and shall be subject to the prohibitions of 11 CFR 110.4 and Parts 114 and 115.

[44 FR 63039, Nov. 1, 1979, as amended at 45 FR 21210, Apr. 1, 1980]
§ 9008.7

exceed the amount to which the national committee of a major party is entitled under 11 CFR 9008.3 and 9008.4.

(3) Authorization to exceed limitation. The Commission may authorize the national committee of a major party or minor party to make expenditures for convention expenses, which expenditures exceed the limitation established by 11 CFR 9008.7(a)(1) or (2). This authorization shall be based upon a determination by the Commission that, due to extraordinary and unforeseen circumstances, the expenditures are necessary to assure the effective operation of the Presidential nominating convention by the committee. Examples of “extraordinary and unforeseen circumstances” include, but are not limited to, a natural disaster or a catastrophic occurrence at the convention site. In no case, however, will such authorization entitle a national committee to receive public funds greater than the entitlement specified under 11 CFR 9008.3 and 9008.4. All private contributions received to defray expenditures under 11 CFR 9008.7(a)(3) shall be subject to all reporting requirements, limitations (except for limitations imposed by 11 CFR 9008.7(a)(1) and (2)) and prohibitions of the Act (as defined at 2 U.S.C. 431(19)).

(b) Expenditures by government agencies and municipal corporations. (1) Federal, State or local government agencies and municipal corporations may make expenditures for facilities or services with respect to a presidential nominating convention. Such expenditures will not be considered contributions to the national committee, expenditures counting against the national committee’s limitation, or illegal corporate contributions by the agency or municipal corporation. In providing facilities or services to the national committee, the agency or municipal corporation may not obtain facilities, services or goods from other persons at less than fair market value, except that the agency or municipal corporation may accept reduced or discounted rates, provided that such reductions were made in the ordinary course of business.

(2) Examples of expenditures which government agencies and municipal corporations may make under 11 CFR 9008.7(b) include but are not limited to:

(i) Granting the national committee use of an auditorium or convention center; construction and convention related services therein such as: Construction of podiums; press tables; false floors; camera platforms; additional seating; lighting, electrical, air conditioning and loudspeaker systems; offices; office equipment; and decorations;

(ii) Various local transportation services, including the provision of buses and automobiles;

(iii) Law enforcement services necessary to assure orderly conventions;

(iv) Use of convention bureau personnel to provide central housing and reservation services;

(v) Hotel rooms at no charge or a reduced rate on the basis of the number of rooms actually booked for the convention;

(vi) Accommodations and hospitality for committees of the parties responsible for choosing the sites of the conventions, and

(vii) Other similar convention related facilities and services.

(c) In-kind contributions by businesses—(1) Discounts by retail businesses. (i) Retail businesses may sell, lease or rent their products, materials, services or space to the national committee with respect to a presidential nominating convention at reduced or discounted rates: Provided, That such reductions or discounts are in the ordinary course of business. For purposes of this section, a bank shall not be considered a retail business.

(ii) Discounts or reductions in accordance with 11 CFR 9008.7(c)(1) will not count toward the national party expenditure limitation under 11 CFR 9008.7(a).

(2) Samples and promotional material. (i) Local businesses may sell, at nominal cost, or provide at no charge, any of their products or services in the form of samples, discount coupons, promotional items, such as maps, pens, or pencils, with the business’ name imprinted on the item, to those attending the convention functions. Such
samples, coupons and promotional items shall be: Of nominal value; provided solely for bona fide advertising or promotional purposes; and provided in the ordinary course of business.

(ii) The samples and promotional material may be distributed by or with the help of persons employed by the business, or employed by or volunteering for the national party or a citizen host committee.

(iii) For purposes of 11 CFR 9008.7(c)(2), a local bank shall be considered a local business.

(iv) For purposes of 11 CFR 9008.7(c)(2), any business within the Metropolitan Statistical Area (MSA) of the convention city shall be considered a local business. There shall be a rebuttable presumption that any business located outside the MSA is not a local business. This presumption may be rebutted by a showing that the volume of business in an area outside the MSA would be directly affected by the presence of the convention.

(v) The value of the benefits provided under 11 CFR 9008.7(c)(2) will not count toward the national party's expenditure limitation under 11 CFR 9008.7(a).

(d) Contributions to and expenditures by host committees—(1) Host committee organization. A host committee includes any local organization, such as a local civic association, business league, chamber of commerce, real estate board, board of trade, or convention bureau: Which is not organized for profit; whose net earnings do not inure to the benefit of any private shareholder or individual; and whose principal objective is the encouragement of commerce in the convention city, as well as the projection of favorable image of the city to convention attendees. A host committee must register in accordance with 11 CFR 9008.12(a)(1)(i).

(2) Contributions and expenditures to promote convention city and its commerce. (I) Local businesses, excluding banks, local municipal corporations and government agencies, local labor organizations, and individuals may donate funds or make in kind contributions to a host committee for the purposes set forth at 11 CFR 9008.7(d)(2)(ii).

(ii) The donor may restrict the use of funds by earmarking them for a particular project, by having the donation acknowledged (e.g. courtesy of XYZ Company) or by placing any other similar restriction on the use of the funds.

(iii) A host committee shall use funds donated under 11 CFR 9008.7(d)(2)(i) for only the following purposes:

(A) To defray those expenses incurred for the purpose of promoting the suitability of the city as a convention site;

(B) To defray those expenses incurred for welcoming the convention attendees to the city, such as expenses for information booths, receptions, and tours;

(C) To defray those expenses incurred in facilitating commerce, such as providing the convention and attendees with shopping and entertainment guides and distributing the samples and promotional material specified in § 9008.7(c)(2);

(D) To defray the administrative expenses incurred by the host committee, such as salaries, rent, travel, and liability insurance;

(iv) For purposes of 11 CFR 9008.7(d)(2), any business, municipal corporation, agency or labor organization within the Metropolitan Statistical Area (MSA) of the convention city shall be considered local. There shall be a rebuttable presumption that any such entity located outside the MSA is not local. This presumption may be rebutted by a showing that the volume of business in an area lying outside the MSA would be directly affected by the presence of the convention.

(3) Contributions and expenditures to defray convention expenses. (i) Local, retail businesses, excluding banks, as well as local municipal corporations and government agencies may donate funds to a host committee for use by that committee in defraying convention expenses. Examples of expenditures which the host committee may make for convention expenses include but are not limited to those set forth at 11 CFR 9008.7(b)(2). No other corporate funds may be used to pay such expenses.
(ii) The amount of the donation under 11 CFR 9008.7(d)(3)(i) must be proportionate to the commercial return reasonably expected by the business, corporation or agency during the life of the convention.

(iii) The host committee must maintain funds donated under 11 CFR 9008.7(d)(3)(i) in a separate account.

(iv) For purposes of 11 CFR 9008.7(d)(3), any determination as to whether or not a business, labor organization, municipal corporation or agency is local shall be made in accordance with 11 CFR 9008.7(d)(2)(iv).

(v) For purposes of 11 CFR 9008.7(d)(3)(ii), the life of the convention shall begin seven days before the opening of the convention and end three days after the close of the convention.

(4) Expenditure limitation. Funds used by the host committee in accordance with § 9008.7(d) (2) and (3) shall not be considered expenditures and shall not count against the expenditure limitation under 11 CFR 9008.7(a).

(e) Expenditures to participate in or attend convention. Expenditures made by presidential candidates from campaign accounts, by delegates, or by any other individual from his or her personal funds for the purpose of attending or participating in the convention or convention related activities, or by State or local committees of a political party on behalf of such delegates of individuals shall not be considered expenditures made by or on behalf of the national party, and shall therefore not be subject to the overall expenditure limitations of 11 CFR 9008.7.

(f) Legal and accounting services. (1) The payment of compensation to an individual by his or her regular employer for legal and accounting services rendered to or on behalf of the national committee shall not be considered an expenditure and shall not count against the expenditure limitation under 11 CFR 9008.7.

(2) The payment by the national committee of compensation to any individual for legal and accounting services rendered to or on behalf of the national committee shall be considered an expenditure and shall count against the expenditure limitation under 11 CFR 9008.7, whether paid from public funds or from private contributions.

§ 9008.8 Payment and certification procedures.

(a) Optional payments; private contributions. (1) The national committee of a major or minor party may elect to receive all, part, or none of the amounts to which it is entitled under 11 CFR 9008.3 and 9008.4.

(2) The national committee of a major party electing to receive all or part of the amounts to which it is entitled under 11 CFR 9008.3 and 9008.4 may receive and use private contributions, so long as the sum of the contributions which are used to defray convention expenses and the amount of entitlements elected to be received does not exceed the total expenditure limitation under 11 CFR 9008.7.

(3) A minor party electing to receive all or part of the amounts to which it is entitled under 11 CFR 9008.3 and 9008.4 may receive and use private contributions for the nominating convention, so long as the sum of the contributions which are used to defray convention expenses and the amount of entitlements elected to be received does not exceed the total expenditure limitation under 11 CFR 9008.7.

(4) All private contributions received by the national committee to defray convention expenses shall be subject to all reporting requirements, limitations and prohibitions of the Act (as defined at 2 U.S.C. 431(19)).

(b) Eligibility requirements. (1) To qualify for entitlement under 11 CFR 9008.3 and 9008.4, the national committee of a major or minor political party shall establish a convention committee pursuant to 11 CFR 9008.8(b)(2) and shall file an application statement pursuant to 11 CFR 9008.8(b)(3). The convention committee, in conjunction with the national committee, shall file an agreement to comply with the conditions set forth at 11 CFR 9008.8(b)(4).

(2) The national committee shall establish a convention committee which
shall be responsible for conducting the
day to day arrangements and opera-
tions of that party's presidential
nominating convention. The conven-
tion committee shall register with the
Commission as a political committee
pursuant to 11 CFR Part 102. The con-
vention committee shall receive all
public funds to which the national
committee is entitled under 11 CFR
9008.3 and 9008.4 and all private con-
tributions made for the purpose of de-
fraying convention expenses. All ex-
penditures on behalf of the national
committee for convention expenses
shall be made by the convention com-
mittee.

(3) The national committee shall file
with the Commission an application
statement including the information
set forth below and any changes in
such information must be reported to
the Commission within 10 days follow-

(i) The name and address of the na-
tional committee;
(ii) The name and address of the
convention committee and of the offi-
cers of that committee;
(iii) The name of the city where the
convention is to be held and the ap-
proximate dates;
(iv) The name, address, and position
of the convention committee officers
designated by the national committee
to sign requests for payments; and
(v) The name and address of the
commercial bank to be used as the de-
pository of the convention committee;

(iv) The convention committee shall,
by letter to the Commission, agree to
the conditions set forth below and such agreement shall also be binding
upon the national committee.

(i) The convention committee shall
agree to comply with the applicable
expenditure limitation set forth at 11
CFR 9008.7.

(ii) The convention committee shall
agree to file convention reports as re-
quired under 2 U.S.C. 437 and 11 CFR
9008.12.

(iii) The convention committee shall
agree to establish one or more ac-
counts into which all public funds re-
ceived under 11 CFR 9008.3 and 9008.4
must be deposited and from which all
expenditures for convention expenses
must be made, provided that such
account(s) shall contain only public
funds.

(iv) The convention committee shall
agree to establish one or more ac-
counts into which all private contribu-
tions received to defray convention ex-
spenses shall be deposited and from
which all expenditures to defray such
expense shall be made: Provided, That
such accounts contain private contribu-
tions solely.

(v) The convention committee shall
agree to obtain and furnish to the
Commission at its request evidence of
convention expenses made by the com-
mittee. The convention committee has
the burden of proving that expendi-
tures by the convention committee
were for purposes of defraying conven-
tion expenses as set forth at 11 CFR
9008.6(a)(4). The convention commit-
tee must include as part of the evi-
dence of convention expenses the fol-
lowing documentation:

(A) For expenditures exceeding $200,
either:

(1) A receipted bill which is from the
payee and states the particulars of the
expenditure; or

(2) If such a receipted bill is not
available, the following documents,
which must state the particulars of
the expenditure:

(a) A cancelled check negotiated by
the payee; plus

(b) One of the following documents
generated by the payee—a bill, invoice,
voucher or contemporaneous memo-
randum;

(c) Where the documents specified
at paragraph (b) are not available, a
voucher or contemporaneous memo-
randum from the committee; or

(3) If neither a receipted bill nor the
documentation specified in paragraph
(c) is available, a cancelled check stat-
ing the particulars of the expenditure.

(d) Where the supporting documen-
tation required above is not available,
the committee may present a can-
celled check and collateral evidence to
document the qualified campaign ex-

dpense. Such collateral evidence may
include but is not limited to:

(a) Evidence demonstrating that the
expenditure is part of an identifiable
program or project which is otherwise
sufficiently documented, such as
where the expenditure is one of a
number of documented expenditures relating to the operation of a committee office;
(b) Evidence that the expenditure is covered by a preestablished written committee policy, such as a per diem policy.
(B) For all other expenditures:
(1) If from the petty cash fund, a record disclosing the identification of the payee, the amount and the date of the expenditure; or
(2) A cancelled check which has been negotiated by the payee and states the identification of the payee, and the amount and date of the expenditure.
(C) For purposes of 11 CFR 9008.8(b)(4)(v), "payee" means the person who provides the goods or services to the committee in return for the expenditure except for an advance of $2,000 or less for travel and/or subsistence to an individual who will be the recipient of the goods or services purchased.
(D) For purposes of 11 CFR 9008.8(b)(4)(v), the term "particulars" means the identification of the payee, the date and amount of the expenditure, and a description of the goods or services purchased.
(E) Upon the request of the Commission the convention committee shall supply an explanation of the connection between the expenditure and the convention.
(vi) The convention committee shall agree to furnish to the Commission any books, records, including bank records for all accounts, and a copy of any contract which the national committee enters into with a host committee or convention city, as well as other information that the Commission may request.
(vii) The convention committee shall agree to permit an audit and examination pursuant to 26 U.S.C. 9008(g) and 11 CFR 9008.9 of all convention expenses; to facilitate such audit by making available office space, records, and such personnel as is necessary to the conduct of the audit and examination; and to pay any amounts required to be paid under 26 U.S.C. 9008(h) and 11 CFR 9008.10.
(viii) The convention committee shall pay any civil penalties included in a conciliation agreement with or imposed under 2 U.S.C. 437g.
(5) The application statement and agreement may be filed anytime after June 1 of the calendar year preceding the year in which a Presidential nominating convention of a political party is held, but no later than first day of the convention.
(c) Increase in certified amount. If the application statement is filed before it is possible to determine the cost of living increase for the year preceding the convention, that amount determined by the increase shall be paid to the national committee promptly after the increase has been determined.
(d) Availability of payments. The national committee of a major or minor party may receive payments under 11 CFR 9008.8 beginning on July 1 of the calendar year immediately preceding the calendar in which a Presidential nominating convention of the political party involved is held.
(e) Certification of payment. After a national committee has properly submitted its application statement and agreement as required under 11 CFR 9008.8(b), and upon receipt of a written request, payment of the committee's entitlement shall be certified by the Commission to the Secretary of the Treasury.
§ 9008.9 Examination and audits.
The Commission shall conduct an examination and audit of the convention committee no later than December 31 of the calendar year of the convention and may at any time conduct other examinations and audits as it deems necessary. The Commission shall also conduct an examination and audit of each host committee registered under 11 CFR 9008.12(a)(1).
§ 9008.10 Repayments.
(a) Excess payments. If the Commission determines that any portion of the payments to the national committee or convention committee under 11 CFR 9008.8(b) was in excess of the aggregate payments to which the nation-
al committee was entitled under 11 CFR 9008.3 and 9008.4, it shall so notify the national committee, and the national committee shall pay to the Secretary an amount equal to such portion.

(b) Excessive expenditures. If the Commission determines that the national committee or convention committee incurred convention expenses in excess of the limitations under 11 CFR 9008.7(a), it shall notify such national committee of the amount of such excessive expenditures, and such national committee shall pay to the Secretary an amount equal to the amount specified.

(c) Excessive contributions. If the Commission determines that the national committee accepted contributions to defray convention expenses which, when added to the amount of payments received, exceeds the expenditure limitation of such party, it shall notify such national committee of the amount of the contributions so accepted, and such national committee shall pay to the Secretary an amount equal to the amount specified.

(d) Improper usage or documentation. If the Commission determines that any amount of any payment to the national committee or convention committee under 11 CFR 9008.8(b) was used for any purposes other than the purposes authorized at 11 CFR 9008.6 or was not documented in accordance with 11 CFR 9008.8(b)(4)(v), it shall notify the national committee of the amount improperly used or documented and such national committee shall pay to the Secretary an amount equal to the amount specified.

(e) Unspent funds. (1) If any portion of the payment under 11 CFR 9008.3 remains unspent after all convention expenses have been paid, that portion shall be returned to the Secretary of the Treasury.

(2) The national committee or convention committee shall make an interim repayment of unspent funds based on the financial position of the committee as of the end of the sixth month following the last day of the convention, allowing for a reasonable amount as determined by the Commission to be withheld for unanticipated contingencies. If, after written request by the national committee or convention committee, the Commission determines, upon review of evidence presented by either committee, that amounts previously refunded are needed to defray convention expenses, the Commission shall certify such amount for payment.

(3) All unspent funds shall be repaid to the U.S. Treasury no later than 24 months after the last day of the convention, unless the national committee has been granted an extension of time. The Commission may grant any extension of time it deems appropriate upon request of the national committee.

(f) Repayment limit. No repayment shall be required from the national committee or the convention committee under 11 CFR 9008.10, which, when added to other repayments required from such national committee under this section, exceeds the amount of payments received by such national committee under §§9008.3 and 9008.4.

(g) Notice. (1) If the Commission determines that repayment is required, it shall give written notification to the committee of the amounts required to be paid and the reasons therefor. No notification shall be made by the Commission under this section more than 3 years after the last day of the Presidential nominating convention.

(2) The national committee shall repay to the Secretary, within 90 days of the notice, the amount of the repayment. Upon application submitted by the national committee or convention committee, the Commission may grant a 90-day extension of the repayment period.

(3) All repayments shall be made payable to the U.S. Treasury, Bureau of Government Finance Operations and shall be deposited in the general fund of the Treasury.


§ 9008.11 Resolution of disputes concerning repayments.

(a) If the convention committee or national committee disputes the Commission's determination under 11 CFR 9008.10 that a repayment is required, it shall submit to the Commission in
writing within 30 days of receipt of the Commission's notice legal or factual materials to demonstrate that a repayment is not required.

(b) The Commission will consider any written legal or factual material submitted by either committee in making its final determination. Such materials may be submitted by counsel if the committee so desires.

(c) A final determination by the Commission that a national committee must repay a certain amount shall be accompanied by a written statement of reasons for the Commission's actions. This statement shall explain the reasons underlying the Commission's determination and shall summarize the results of any investigation upon which the determination is based.

(d) The national committee shall repay to the Secretary any amount required to be repaid within ten days of receipt of the Commission's notification of final determination.

(e) Any final repayment determination made by the Commission shall be subject to review by the U.S. Court of Appeals for the District of Columbia upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within 30 days after the determination by the Commission for which review is sought.

§ 9008.12 Registration and reports.

(a) Registration and reports by committees, including host committees, other organizations or groups which represent a municipality, State, or other local government agency.

(1) Registration. (i) Each committee, including a host committee, other organization or group of persons which represents a State, municipality, local government agency or other political subdivision in dealing with officials of a national political party with respect to matters involving a presidential nominating convention shall register with the Commission on the Convention Registration Form within 10 days of the date on which such party chooses the convention city. The following information shall be required of the registrant: the name and address; the name of its officers; and a list of the activities which the registering entity plans to undertake in connection with the convention.

(ii) Any such committee organization or group organization which is unsuccessful in its efforts to attract the convention to a city need not register under 11 CFR 9008.12(a)(1)(i).

(2) Post-convention and quarterly reports; content and time of filing. (i) Each committee, organization or group required to register under 11 CFR 9008.12(a)(1)(i) shall file a post convention report with the Commission FEC Form 4. This report shall be filed on the earlier of: 60 days following the last day the convention is officially in session; or 20 days prior to the presidential general election. This report shall disclose all receipts and disbursements, including in-kind contributions, made with respect to a presidential nominating convention. This report shall be complete as of 15 days prior to the date on which it must be filed.

(ii) If such committee, organization or group has receipts or makes disbursements after the completion date of the post convention report, it shall begin to file quarterly reports no later than 10 days after the end of the following calendar quarter. This report shall disclose all transactions completed as of the close of that calendar quarter. Quarterly reports shall be filed thereafter until the committee, organization or group ceases all activity which must be reported under 11 CFR 9008.12(a)(2).

(iii) Such committee, organization or group shall file a final report with the Commission not later than 10 days after it ceases activity which must be reported under 11 CFR 9008.12(a)(2), unless such status is reflected in either the post convention report or a quarterly.

(b) Registration and reports by political parties—(1) Registration. (i) Each convention committee established by a national committee under 11 CFR 9008.8(b)(2) shall register with the Commission on the Convention Registration Form within 10 days of the date on which such party chooses the convention city. The following information shall be required of the registrant: the name and address; the name of its officers; and a list of the activities which the registering entity

162
which represents a national major, minor, or new political party in
making arrangements for that party's
convention held to nominate a can-
didate for the office of President or Vice
President shall register on FEC Form
1 with the Commission as a political
committee pursuant to 11 CFR Part
102, except that this registration re-
quirement shall not apply to a conven-
tion committee which must register
under 11 CFR 9008.12(b)(1)(i).
(iii) A State party committee or a
subordinate committee of a State
party committee which only assists
delegates and alternates to the con-
vention from that State with travel
expenses and arrangements, or which
sponsors caucuses, receptions, and
similar activities at the convention
site, need not register or report under
11 CFR 9008.12(b).
(2) Quarterly and Post convention
reports; Content and Time of Filing.
(i) Each committee or other organiza-
tion required to register under 11 CFR
9008.12(b)(1) shall file reports in ac-
cordance with 11 CFR
9008.12(b)(2)(i). (ii) The first quarterly report shall
be filed on FEC Form 4 no later than
10 days after the end of the calendar
quarter in which a committee either
receives payment under 11 CFR 9008.8
or for parties which do not accept
public funds, no later than 10 days
after the calendar quarter in which
the committee receives contributions
or makes expenditures to defray con-
vention expenses. Quarterly reports
shall be completed as of the close of
the quarter and shall continue to be
filed until such committee ceases ac-
tivity in connection with that party's
presidential nominating convention.
However, any quarterly report due
within 20 days before or after the con-
vention shall be suspended and the com-
mittee shall in lieu of such quar-
terly report file a post convention
report. The post convention report
shall be filed on the earlier of: 60 days
following the last day the convention
is officially in session; or 20 days prior
to the presidential general election.
The post convention report shall be
complete as of 15 days prior to the
date on which the report must be
filed.
(3) A convention committee which
has received payments under 11 CFR
9008.8 shall cease activity no later
than 24 months after the convention,
unless the committee has been grant-
ed an extension of time. The Commis-
sion may grant any extension of time
if it deems appropriate upon request of
the committee at least 30 days prior to
the close of the 24 month period.

PARTS 9009—9011 [RESERVED]

PART 9012—UNAUTHORIZED
EXPENDITURES AND CONTRIBUTIONS

Sec.
9012.1 Excessive expenses.
9012.2 Unauthorized acceptance of contri-
butions.
9012.3 Unlawful use of payments received
from the fund.
9012.4 Unlawful misrepresentations, and
falsification of statements, records or
other evidence to the Commission; re-
fusal to furnish books and records.
9012.5 Kickbacks and illegal payments.
9012.6 Unauthorized expenditures and con-
tributions by political committees.

Source: 48 FR 31839, July 11, 1983, unless
otherwise noted.

§ 9012.1 Excessive expenses.

(a) It shall be unlawful for an eligi-
ble candidate of a political party for
President and Vice President in a Pres-
idential election or the candidate's au-
thorized committee(s) knowingly and
willfully to incur qualified campaign
expenses in excess of the aggregate
payments to which the eligible candi-
dates of a major party are entitled
under 11 CFR Part 9004 with respect
to such election.

(b) It shall be unlawful for the na-
tional committee of a major 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
11 CFR Part 9008, unless the incurring
of such expenses is authorized by the
Commission under 11 CFR
9008.7(a)(3).
§ 9012.2 Unauthorized acceptance of contributions.

(a) It shall be unlawful for an eligible candidate of a major party in a Presidential election or any of his or her authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received from the Fund due to the application of 11 CFR 9005.2(b), or to defray expenses which would be qualified campaign expenses but for 11 CFR 9002.11(a)(3).

(b) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a Presidential election or any of his or her authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred in that election by that eligible candidate or his or her authorized committee(s).

§ 9012.3 Unlawful use of payments received from the fund.

(a) It shall be unlawful for any person who receives any payment under 11 CFR Part 9005, or to whom any portion of any payment so received is transferred, knowingly and willfully to use, or authorize the use of, such payment or any portion thereof for any purpose other than—

1) To defray the qualified campaign expenses with respect to which such payment was made; or

2) To repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

(b) It shall be unlawful for the national committee of a major or minor party which receives any payment under 11 CFR Part 9008 to use, or authorize the use of, such payment for any purpose other than a purpose authorized by 11 CFR 9008.6.

§ 9012.4 Unlawful misrepresentations and falsification of statements, records or other evidence to the Commission; refusal to furnish books and records.

It shall be unlawful for any person knowingly and willfully—

(a) To furnish any false, fictitious, or fraudulent evidence, books or information to the Commission; or to include in any evidence, books or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books or information relevant to a certification by the Commission or any examination and audit by the Commission under 11 CFR Parts 9001 et seq.; or

(b) To fail to furnish to the Commission any records, books or information requested by the Commission for purposes of 11 CFR Parts 9001 et seq.

§ 9012.5 Kickbacks and illegal payments.

(a) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expenses of any eligible candidate or his or her authorized committee(s).

(b) It shall be unlawful for the 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 incurred by such committee with respect to a Presidential nominating convention.

§ 9012.6 Unauthorized expenditures and contributions by political committees.

(a) It is unlawful for any political committee which is not an authorized committee of any eligible candidate of a political party for the Office of President or Vice President, knowingly and willfully to incur expenditures to further the election of such candidates which aggregate in excess of $1,000 and which would constitute qualified campaign expenditures if incurred by the candidate's authorized committee.

(b) The unauthorized expenditures and contributions referred to in 11 CFR 9012.6(a) do not include:

1) Expenditures by a broadcaster regulated by the Federal Communica-
tions Commission, or by a periodical publication, in reporting the news or taking editorial positions; or

(2) Expenditures by any organization described in 26 U.S.C. 501(c) which is exempt from tax under 26 U.S.C. 501(a) in communicating to its members the views of that organization.
PART 9031—SCOPE

§ 9031.1 Scope.

This subchapter governs entitlement to and use of funds certified from the Presidential Primary Matching Payment Account under 26 U.S.C. 9031 et seq. The definitions, restrictions, liabilities and obligations imposed by this subchapter are in addition to those imposed by sections 431-455 of Title 2, United States Code, and regulations prescribed thereunder (11 CFR Parts 100 through 115). Unless expressly stated to the contrary, this subchapter does not alter the effect of any definitions, restrictions, obligations and liabilities imposed by sections 431-455 of Title 2, United States Code, or regulations prescribed thereunder (11 CFR Parts 100 through 115).


PART 9032—DEFINITIONS

Sec.
9032.1 Authorized committee.
9032.2 Candidate.
9032.3 Commission.
9032.4 Contribution.
9032.5 Matching payment account.
9032.6 Matching payment period.
9032.7 Primary election.
9032.8 Political committee.
9032.9 Qualified campaign expenses.
9032.10 Secretary.
9032.11 State.


§ 9032.1 Authorized committee.

(a) Notwithstanding the definition at 11 CFR 100.5, "authorized committee" means with respect to candidates (as defined at 11 CFR 9032.2) seeking the nomination of a political party for the office of President, any political committee that is authorized by a candidate to solicit or receive contributions or to incur expenditures on behalf of the candidate. The term "authorized committee" includes the candidates principal campaign committee designated in accordance with 11 CFR 102.12, any political committee authorized in writing by the candidate in accordance with 11 CFR 102.13, and any political committee not disavowed by the candidate in writing pursuant to 11 CFR 100.3(a)(3).

(b) Any withdrawal of an authorization shall be in writing and shall be addressed and filed in the same manner provided for at 11 CFR 102.12 or 102.13.

(c) For the purposes of this subchapter, references to the "candidate" and his or her responsibilities under this subchapter shall also be deemed to refer to the candidate's authorized committee(s).

(d) An expenditure by an authorized committee on behalf of the candidate who authorized the committee cannot qualify as an independent expenditure.

(e) A delegate committee, as defined in 11 CFR 100.5(e)(5), is not an authorized committee of a candidate unless it also meets the requirements of 11 CFR 9032.1(a). Expenditures by delegate committees on behalf of a candidate may count against that candidate's expenditure limitation under the circumstances set forth in 11 CFR 110.14.

§ 9032.2 Candidate.

"Candidate" means an individual who seeks nomination for election to the office of President of the United States. An individual is considered to seek nomination for election if he or she—

(a) Takes the action necessary under the law of a State to qualify for a caucus, convention, primary election or runoff election;

(b) Receives contributions or incurs qualified campaign expenses;

(c) Gives consent to any other person to receive contributions or to
incur qualified campaign expenses on his or her behalf; or
(d) Receives written notification from the Commission that any other person is receiving contributions or making expenditures on the individual’s behalf and fails to disavow that activity by letter to the Commission within 30 calendar days after receipt of notification.

§ 9032.3 Commission.
“Commission” means the Federal Election Commission, 999 E Street, NW., Washington, DC 20463.


§ 9032.4 Contribution.
For purposes of this subchapter, “contribution” has the same meaning given the term under 2 U.S.C. 431(8)(A) and 11 CFR 100.7, except as provided at 11 CFR 9034.4(b)(4).

§ 9032.5 Matching payment account.
“Matching payment account” means the Presidential Primary Matching Payment Account established by the Secretary of the Treasury under 26 U.S.C. 9037(a).

§ 9032.6 Matching payment period.
“Matching payment period” means the period beginning January 1 of the calendar year in which a Presidential general election is held and may not exceed one of the following dates:
(a) For a candidate seeking the nomination of a party which nominates its Presidential candidate at a national convention, the date on which the party nominates its candidate.
(b) For a candidate seeking the nomination of a party which does not make its nomination at a national convention, the earlier of:
(1) The date the party nominates its Presidential candidate,
(2) The last day of the last national convention held by a major party in the calendar year.

§ 9032.7 Primary election.
(a) “Primary election” means an election held by a State or a political party, including a runoff election, or a nominating convention or a caucus—
(1) For the selection of delegates to a national nominating convention of a political party;
(2) For the expression of a preference for the nomination of Presidential candidates;
(3) For the purposes stated in both paragraphs (a)(1) and (2) of this section; or
(4) To nominate a Presidential candidate.
(b) If separate primary elections are held in a State by the State and a political party, the primary election for the purposes of this subchapter will be the election held by the political party.

§ 9032.8 Political committee.
“Political committee” means any committee, club, association, organization or other group of persons (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 individual for election to the office of President of the United States.

§ 9032.9 Qualified campaign expense.
(a) “Qualified campaign expense” means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value—
(1) Incurred by or on behalf of a candidate or his or her authorized committees from the date the individual becomes a candidate through the last day of the candidate’s eligibility as determined under 11 CFR 9033.5;
(2) Made in connection with his or her campaign for nomination; and
(3) Neither the incurrence nor payment of which constitutes a violation of any law of the United States or of any law of any State in which the expense is incurred or paid, or of any regulation prescribed under such law of the United States or of any State, except that any State law which has been preempted by the Federal Election Campaign Act of 1971, as amended, will not be considered a State law for purposes of this subchapter.
§ 9032.10 11 CFR Ch. I (1-1-86 Edition)

(b) An expenditure is made on behalf of a candidate, including a Vice Presidential candidate, if it is made by—

(1) An authorized committee or any other agent of the candidate for purposes of making an expenditure;

(2) Any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate to make the expenditure; or

(3) A committee which has been requested by the candidate, by an authorized committee of the candidate, or by an agent of the candidate to make the expenditure, even though such committee is not authorized in writing.

(c) Expenditures incurred either before the date an individual becomes a candidate or after the last day of a candidate's eligibility will be considered qualified campaign expenses if they meet the provisions of 11 CFR 9034.4(a). Expenditures described under 11 CFR 9034.4(b) will not be considered qualified campaign expenses.

§ 9032.10 Secretary.

For purposes of this subchapter, "Secretary" means the Secretary of the Treasury.

§ 9032.11 State.

"State" means each State of the United States, Puerto Rico, the Canal Zone, the Virgin Islands, the District of Columbia, and Guam.

PART 9033—ELIGIBILITY FOR PAYMENT

Sec.
9033.1 Candidate and committee agreements.
9033.2 Candidate and committee certifications; threshold submission.
9033.3 Expenditure limitation certification.
9033.4 Matching payment eligibility threshold requirements.
9033.5 Determination of ineligibility date.
9033.6 Determination of inactive candidacy.
9033.7 Determination of active candidacy.
9033.8 Reestablishment of eligibility.
9033.9 Failure to comply with disclosure requirements of expenditure limitations.
9033.10 Procedures for initial and final determinations.
9033.11 Documentation of disbursements.


§ 9033.1 Candidate and committee agreements.

(a) General. (1) A candidate seeking to become eligible to receive Presidential primary matching fund payments shall agree in a letter signed by the candidate to the Commission that the candidate and the candidate's authorized committee(s) will comply with the conditions set forth in paragraph (b) of this section. The candidate may submit the letter containing the agreements required by this section at any time after January 1 of the year immediately preceding the Presidential election year.

(2) The Commission will not consider a candidate's threshold submission until the candidate has submitted a candidate agreement that meets the requirements of this section.

(b) Conditions. The candidate shall agree that:

(1) The candidate has the burden of proving that disbursements by the candidate or any authorized committee(s) or agents thereof are qualified campaign expenses as defined at 11 CFR 9032.9.

(2) The candidate and the candidate's authorized committee(s) will comply with the documentation requirements set forth in 11 CFR 9033.11.

(3) The candidate and the candidate's authorized committee(s) will provide an explanation, in addition to complying with the documentation requirements, of the connection between any disbursements made by the candidate or authorized committee(s) of the candidate and the campaign if requested by the Commission.

(4) The candidate and the candidate's authorized committee(s) will keep and furnish to the Commission all documentation for matching fund
submissions, any books, records (including bank records for all accounts) and supporting documentation and other information that the Commission may request.

(5) The candidate and the candidate's authorized committee(s) will keep and furnish to the Commission all documentation relating to disbursements and receipts including any books, records (including bank records for all accounts), all documentation required by this section including those required to be maintained under 11 CFR 9033.11, and other information that the Commission may request.

(6) The candidate and the candidate's authorized committee(s) will permit an audit and examination pursuant to 11 CFR Part 9038 of all receipts and disbursements including those made by the candidate, all authorized committee(s) and any agent or person authorized to make expenditures on behalf of the candidate or committee(s). The candidate and authorized committee(s) shall facilitate the audit by making available in one central location, office space, records and such personnel as are necessary to conduct the audit and examination, and shall pay any amounts required to be repaid under 11 CFR Parts 9038 and 9039.

(7) The candidate and the candidate's authorized committee(s) will submit the name and mailing address of the person who is entitled to receive matching fund payments on behalf of the candidate and the name and address of the national or State bank designated by the candidate as a campaign depository as required by 11 CFR Part 103 and 9037.3.

(8) The candidate and the candidate's authorized committee(s) will prepare matching fund submissions in accordance with the Federal Election Commission's Guideline for Presentation in Good Order.

(9) The candidate and the candidate's authorized committee(s) will comply with the applicable requirements of 2 U.S.C. 431 et seq.; 26 U.S.C. 9031 et seq. and the Commission's regulations at 11 CFR Parts 100 through 115, and 9031 through 9039.

(10) The candidate and the candidate's authorized committee(s) will pay any civil penalties included in a conciliation agreement imposed under 2 U.S.C. 437g against the candidate, any authorized committee of the candidate or any agent thereof.

§ 9033.2 Candidate and committee certifications; threshold submission.

(a) General. (1) A candidate seeking to become eligible to receive Presidential primary matching fund payments shall make the certifications set forth in paragraph (b) of this section to the Commission in a written statement signed by the candidate. The candidate may submit the letter containing the required certifications at any time after January 1 of the year immediately preceding the Presidential election year.

(2) The Commission will not consider a candidate's threshold submission until the candidate has submitted candidate certifications that meet the requirements of this section.

(b) Certifications. (1) The candidate shall certify that he or she is seeking nomination by a political party to the Office of President in more than one State. For purposes of this section, in order for a candidate to be deemed to be seeking nomination by a political party to the Office of President in more than one State, the party whose nomination the candidate seeks must have a procedure for holding a primary election, as defined in 11 CFR 9032.7, for nomination to that office. For purposes of this section, the term "political party" means an association, committee or organization which nominates an individual for election to the Office of President. The fact that an association, committee or organization qualifies as a political party under this section does not affect the party's status as a national political party for purposes of 2 U.S.C. 441a(a)(1)(B) and 441a(a)(2)(B).

(2) The candidate and the candidate's authorized committee(s) shall certify that they have not incurred and will not incur expenditures in connection with the candidate's campaign for nomination, which expenditures are in excess of the limitations under 11 CFR Part 9035.
§ 9033.3

(3) The candidate and the candidate's authorized committee(s) shall certify:

(i) That they have received matchable contributions totalling more than $5,000 in each of at least 20 States; and

(ii) That the matchable contributions are from individuals who are residents of the State for which their contributions are submitted.

(iii) A maximum of $250 of each individual's aggregate contributions will be considered as matchable contributions for the purpose of meeting the thresholds of this section.

(iv) For purposes of this section, contributions of an individual who maintains residences in more than one State may only be counted toward the $5,000 threshold for the State from which the earliest contribution was made by that contributor.

(c) Threshold submission. To become eligible to receive matching payments, the candidate shall submit documentation of the contributions described in 11 CFR paragraph (b)(3) of this section to the Commission for review. The submission shall follow the format and requirements of 11 CFR 9036.1.

§ 9033.4 Matching payment eligibility threshold requirements.

The Commission will, as soon as practicable and, during the Presidential election year generally within 15 business days, examine the submission made under 11 CFR 9033.1 and 9033.2 and either—

(a) Make a determination that the candidate has satisfied the minimum contribution threshold requirements under 11 CFR 9033.2(c); or

(b) Make an initial determination that the candidate has failed to satisfy the matching payment threshold requirements. The Commission will notify the candidate of its initial determination in accordance with the procedures outlined in 11 CFR 9033.10(b). The candidate may, within 30 calendar days after receipt of the Commission's notice, satisfy the threshold requirements or submit in accordance with 11 CFR 9033.10(b) written legal or factual materials to demonstrate that he or she has satisfied those requirements. A final determination by the Commission that the candidate has failed to satisfy threshold requirements will be made in accordance with the procedures outlined in 11 CFR 9033.10(c).

§ 9033.5 Determination of ineligibility date.

The candidate's date of ineligibility shall be whichever date by operation of paragraph (a), (b) or (c) of this section occurs first. After the candidate's date of ineligibility, he or she may only receive matching payments to the extent that he or she has net outstanding campaign obligations as defined in 11 CFR 9034.5

(a) Inactive candidate. The ineligibility date shall be the day on which an individual ceases to be a candidate.
§ 9033.6 Determination of inactive candidacy.

(a) General. The Commission may, on the basis of the factors listed in paragraph (b) of this section, make a determination that a candidate is no longer actively seeking nomination for election in more than one State at any time after March 1 but before July 1 of the Presidential election year. Upon a final determination by the Commission that a candidate is inactive, that candidate will become ineligible as provided in 11 CFR 9033.5.

(b) Factors considered. In making its determination of inactive candidacy, the Commission may consider, but is not limited to considering, the following factors:

(1) The frequency and type of public appearances, speeches, and advertisements;

(2) Campaign activity with respect to soliciting contributions or making expenditures for campaign purposes;

(3) Continued employment of campaign personnel or the use of volunteers;

(4) The release of committed delegates;

(5) The candidate urges his or her delegates to support another candidate while not actually releasing committed delegates;

(6) The candidate urges supporters to support another candidate.

(c) Initial determination. The Commission will notify the candidate of its initial determination in accordance with the procedures outlined in 11 CFR 9033.10(b) and will advise the candidate of the date on which active campaigning in more than one State ceased. The candidate may, within 15 business days of receipt of the Com-
§ 9033.7 Determination of active candidacy.

(a) Where a candidate certifies to the Commission under 11 CFR 9033.5(b) that he or she will not be an active candidate in an upcoming primary, the Commission may, nevertheless, on the basis of factors listed in 11 CFR 9033.6(b), make an initial determination that the candidate is an active candidate in the primary involved.

(b) The Commission will notify the candidate of its initial determination within 10 business days of receiving the candidate's certification under 11 CFR 9033.5(b). The Commission's initial determination will be made in accordance with the procedures outlined in 11 CFR 9033.10(b). Within 10 business days of receipt of the Commission's notice the candidate may submit, in accordance with 11 CFR 9033.10(b), written legal or factual materials to demonstrate that he or she is not an active candidate in the primary involved.

(c) A final determination by the Commission that the candidate is active will be made in accordance with the procedures outlined in 11 CFR 9033.10(c).

§ 9033.8 Reestablishment of eligibility.

(a) Candidates found to be inactive. A candidate who has become ineligible under 11 CFR 9033.5(a) on the basis that he or she is not actively campaigning in more than one State may reestablish eligibility for matching payments by submitting to the Commission evidence of active campaigning in more than one State. In determining whether the candidate has reestablished eligibility, the Commission will consider, but is not limited to considering, the factors listed in 11 CFR 9033.6(b). The day the Commission determines to be the day the candidate becomes active again will be the date on which eligibility is reestablished.

(b) Candidates receiving insufficient votes. A candidate determined to be ineligible under 11 CFR 9033.5(b) by failing to obtain the required percentage of votes in two consecutive primaries may have his or her eligibility reestablished if the candidate receives at least 20 percent of the total number of votes cast for candidates of the same party for the same office in a primary election held subsequent to the date of the election which rendered the candidate ineligible.

(c) The Commission will make its determination under paragraphs (a) or (b) of this section without requiring the individual to reestablish eligibility under 11 CFR 9033.1 and 2. A candidate whose eligibility is reestablished under this section may submit, for matching payment, contributions received during ineligibility.

§ 9033.9 Failure to comply with disclosure requirements of expenditure limitations.

(a) If the Commission receives information indicating that a candidate or his or her authorized committee(s) has knowingly and substantially failed to comply with the disclosure requirements of 2 U.S.C 434 and 11 CFR Part 104, or that a candidate has knowingly and substantially exceeded the expenditure limitations at 11 CFR Part 9035, the Commission may make an initial determination to suspend payments to that candidate.

(b) The Commission will notify the candidate of its initial determination in accordance with the procedures outlined in 11 CFR 9033.10(b). The candidate will be given an opportunity, within 20 calendar days of the Commission's notice, to comply with the above cited provisions or to submit in accordance with 11 CFR 9033.10(b) written legal or factual materials to demonstrate that he or she is not in violation of those provisions.

(c) Suspension of payments to a candidate will occur upon a final determination by the Commission to suspend payments. Such final determination will be made in accordance with the
§ 9033.10 Procedures for initial and final determinations.

(a) General. The Commission will follow the procedures set forth in this section when making an initial or final determination based on any of the following reasons.

(1) The candidate has knowingly and substantially exceeded the expenditure limitations of 11 CFR Part 9035 prior to the candidate's application for certification, as provided in 11 CFR 9033.3;

(2) The candidate has failed to satisfy the matching payment threshold requirements, as provided in 11 CFR 9033.4;

(3) The candidate is no longer actively seeking nomination in more than one state, as provided in 11 CFR 9033.6;

(4) The candidate is an active candidate in an upcoming primary despite the candidate's assertion to the contrary, as provided in 11 CFR 9033.7; or

(5) The Commission receives information indicating that the candidate has knowingly and substantially failed to comply with the disclosure requirements or exceeded the expenditure limits, as provided in 11 CFR 9033.9.

(b) Initial determination. If the Commission makes an initial determination that a candidate may not receive matching funds for one or more of the reasons indicated in paragraph (a) of this section, the Commission will notify the candidate of its initial determination. The notification will give the legal and factual reasons for the determination and advise the candidate of the evidence on which the Commission's initial determination is based. The candidate will be given an opportunity to comply with the requirements at issue or to submit, within the time provided by the relevant section as referred to in paragraph (a) of this section, written legal or factual materials to demonstrate that the candidate has satisfied those requirements. Such materials may be submitted by counsel if the candidate so desires.

(c) Final determination. The Commission will consider any written legal or factual materials timely submitted by the candidate before making its final determination. A final determination that the candidate has failed to satisfy the requirements at issue will be accompanied by a written statement of reasons for the Commission's action. This statement will explain the legal and factual reasons underlying the Commission's determination and will summarize the results of any investigation upon which the determination is based.

(d) Effect on other determinations. If the Commission makes an initial determination under this section, but decides to take no further action at that time, the Commission may use the legal and factual bases on which the initial determination was based in any future repayment determination under 11 CFR Part 9038 or 9039. A determination by the Commission under this section may be independent of any Commission decision to institute an enforcement proceeding under 2 U.S.C. 437g.

§ 9033.11 Documentation of disbursements.

(a) Burden of proof. Each candidate shall have the burden of proving that disbursements made by the candidate or his or her authorized committee(s) or persons authorized to make expenditures on behalf of the candidate or committee(s) are qualified campaign expenses as defined in 11 CFR 9032.9. The candidate and his or her authorized committee(s) shall obtain and furnish to the Commission on request any evidence regarding qualified campaign expenses made by the candidate, his or her authorized committees and agents or persons authorized to make
§ 9033.11

expenditures on behalf of the candidate or committee(s) as provided in paragraph (b) of this section.

(b) Documentation required. (1) For disbursements in excess of $200 to a payee, the candidate shall present either:

(i) A receipted bill from the payee that states the purpose of the disbursement, or

(ii) If such a receipt is not available, a cancelled check negotiated by the payee, and

(A) One of the following documents generated by the payee: a bill, invoice, or voucher that states the purpose of the disbursement; or

(B) Where the documents specified in paragraph (b)(1)(i)(A) of this section are not available, a voucher or contemporaneous memorandum from the candidate or the committee that states the purpose of the disbursement; or

(iii) If neither a receipted bill as specified in paragraph (b)(1)(i) of this section nor the supporting documentation specified in 11 CFR paragraph (b)(1)(ii) of this section is available, a cancelled check negotiated by the payee that states the purpose of the disbursement.

(iv) Where the supporting documentation required in paragraph (b)(1)(i), (ii) or (iii) of this section is not available, the candidate or committee may present a cancelled check and collateral evidence to document the qualified campaign expense. Such collateral evidence may include but is not limited to:

(A) Evidence demonstrating that the expenditure is part of an identifiable program or project which is otherwise sufficiently documented such as a disbursement which is one of a number of documented disbursements relating to a campaign mailing or to the operation of a campaign office;

(B) Evidence that the disbursement is covered by a preestablished written campaign committee policy, such as a per diem policy.

(2) For all other disbursements the candidate shall present:

(i) A record disclosing the identification of the payee, the amount, date and purpose of the disbursement, if made from a petty cash fund; or

(ii) A cancelled check negotiated by the payee that states the identification of the payee, and the amount, date and purpose of the disbursement.

(3) For purposes of this section,

(i) "Payee" means the person who provides the goods or services to the candidate or committee in return for the disbursement; except that an individual will be considered a payee under this section if he or she receives $500 or less advanced for travel and/or subsistence and if he or she is the recipient of the goods or services purchased.

(ii) "Purpose" means the identification of the payee, the date and amount of the disbursement, and a description of the goods or services purchased.

(c) Retention of records. The candidate shall retain records, with respect to each disbursement and receipt, including bank records, vouchers, worksheets, receipts, bills and accounts, journals, ledgers, fundraising solicitation material, accounting systems documentation, matching fund submissions, and any related materials documenting campaign receipts and disbursements, for a period of three years pursuant to 11 CFR 102.9(c), and shall present these records to the Commission on request.

PART 9034—ENTITLEMENTS

Sec. 9034.1 Candidate entitlements.

9034.2 Matchable contributions.

9034.3 Non-matchable contributions.

9034.4 Use of contributions and matching payments.

9034.5 Net outstanding campaign obligations.

9034.6 Reimbursements for transportation and services made available to media personnel.

9034.7 Allocation of travel expenditures.

9034.8 Joint fundraising.

9034.9 Sale of assets acquired for fundraising purposes.


§ 9034.1 Candidate entitlements.

(a) A candidate who has been notified by the Commission under 11 CFR 8036.1 that he or she has successfully satisfied eligibility and certification requirements is entitled to receive payments in an amount equal to the amount of each matchable campaign contribution received by the candidate, except that a candidate who has become ineligible under 11 CFR 9033.5 may not receive further matching payments regardless of the date of deposit of the underlying contributions if he or she has no net outstanding campaign obligations as defined in 11 CFR 9034.5.

(b) If on the date of ineligibility a candidate has net outstanding campaign obligations as defined under 11 CFR 9034.5, that candidate may continue to receive matching payments for matchable contributions received and deposited on or before December 31 of the Presidential election year provided that on the date of payment there are remaining net outstanding campaign obligations, i.e., the sum of the contributions received on or after the date of ineligibility plus matching funds received on or after the date of ineligibility is less than the candidate's net outstanding campaign obligations. This entitlement will be equal to the lesser of:

(1) The amount of contributions submitted for matching; or

(2) The remaining net outstanding campaign obligations.

(c) A candidate whose eligibility has been reestablished under 11 CFR 9033.8 or who after suspension of payments has met the conditions set forth at 11 CFR 9033.9(d) is entitled to receive payments for matchable contributions for which payments were not received during the ineligibility or suspension period.

(d) The total amount of payments to a candidate under this section shall not exceed 50% of the total expenditure limitation applicable under 11 CFR Part 9035.

§ 9034.2 Matchable contributions.

(a) Contributions meeting the following requirements will be considered matchable campaign contributions.

(1) The contribution shall be a gift of money made: by an individual; by a written instrument and for the purpose of influencing the result of a primary election.

(2) Only a maximum of $250 of the aggregate amount contributed by an individual may be matched.

(3) Before a contribution may be submitted for matching, it must actually be received by the candidate or any of the candidate's authorized committees and deposited in a designated campaign depository maintained by the candidate's authorized committee.

(4) The written instrument used in making the contribution must be dated, physically received and deposited by the candidate or authorized committee on or after January 1 of the year immediately preceding the calendar year of the Presidential election, but no later than December 31 following the matching payment period as defined under 11 CFR 9032.6. Donations received by an individual who is testing the waters pursuant to 11 CFR 100.7(b)(1) and 100.8(b)(1) may be matched when the individual becomes a candidate if such donations meet the requirements of this section.

(b) For purposes of this section, the term "written instrument" means a check written on a personal, escrow or trust account representing or containing the contributor's personal funds; a money order; or any similar negotiable instrument.

(c) The written instrument shall be: payable on demand; and to the order of, or specifically endorsed without qualification to, the Presidential candidate, or his or her authorized committee. The written instrument shall contain: the full name and signature of the contributor(s); the amount and date of the contribution; and the mailing address of the contributor(s).

(1) In cases of a check drawn on a joint checking account, the contributor is considered to be the owner whose signature appears on the check.

(i) To be attributed equally to other joint tenants of the account, the check or other accompanying written document shall contain the signature(s) of the joint tenant(s). If a contribution on a joint account is to be attributed
§ 9034.3 Other than equally to the joint tenants, the check or other written
documentation shall indicate the amount
to be attributed to each joint tenant.

(ii) In the case of a check for a con-
tribution attributed to more than one
person, where it is not apparent from
the face of the check that each con-
tributor is a joint tenant of the ac-
count, a written statement shall ac-
company the check stating that the
contribution was made from each indi-
vidual's personal funds in the amount
so attributed and shall be signed by
each contributor.

(2) Contributions in the form of
checks drawn on an escrow or trust ac-
count are matchable contributions,
provided that:

(i) The contributor has equitable
ownership of the account; and

(ii) The check is accompanied by a
statement, signed by each contributor
to whom all or a portion of the contri-
bution is being attributed, together
with the check number, amount and
date of contribution. This statement
shall specify that: the contributor has
equitable ownership of the account
and the account represents the per-
sonal funds of the contributor.

(3) Contributions in the form of
checks written on partnership ac-
counts or accounts of unincorporated
associations or businesses are match-
able contributions, so long as:

(i) The check is accompanied by a
statement, signed by each contributor
to whom all or a portion of the contri-
bution is being attributed, together
with the check number, amount and
date of contribution. This statement
shall specify that the contribution is
made with the contributor's personal
funds and that the account on which
the contribution is drawn is not main-
tained or controlled by an incorporat-
ed entity; and

(ii) The aggregate amount of the
contributions drawn on a partnership
or unincorporated association or busi-
ness does not exceed $1,000 to any one
Presidential candidate seeking nomi-
nation.

(4) Contributions in the form of
money orders, cashier's checks or
other similar negotiable instruments
are matchable contributions, provided
that:

(i) At the time it is initially submit-
ted for matching, such instrument is
signed by each contributor and is ac-
companied by a statement which
specifies that the contribution was
made in the form of a money order,
cashier's check, or other similar negoti-
table instrument, with the contribu-
tor's personal funds;

(ii) Such statement identifies the
date and amount of the contribution
made by money order, cashier's check
or other similar negotiable instrument
and the check or serial number; and

(iii) Such statement is signed by
each contributor.

(5) Contributions in the form of the
purchase price paid for the admission
to any activity that primarily confers
private benefits in the form of enter-
tainment to the contributor (i.e., con-
certs, motion pictures) are matchable.
The promotional material and tickets
for the event shall clearly indicate
that the ticket purchase price repre-
sents a contribution to the Presiden-
tial candidate.

(6) Contributions in the form of a
purchase price paid for admission to
an activity that is essentially political
are matchable. An "essentially politi-
cal" activity is one the principal pur-
pose of which is political speech or dis-
cussion, such as the traditional politi-
cal dinner or reception.

(7) Contributions received from a
joint fundraising activity conducted in
accordance with 11 CFR 9034.8 are
matchable, provided that such contribu-
tions are accompanied by a copy of
the joint fundraising agreement when
they are submitted for matching.

§ 9034.3 Non-matchable contributions.

A contribution to a candidate other
than one which meets the require-
ments of 11 CFR 9034.2 is not match-
able. Contributions which are not
matchable include, for example:

(a) In-kind contributions of real or
personal property;

(b) A subscription, loan, advance, or
deposit of money, or anything of
value;

(c) A contract, promise, or agree-
ment, whether or not legally enforcea-
ble, such as a pledge card or credit
card transaction, to make a contribu-
§ 9034.4 Use of contributions and matching payments.

(a) Qualified campaign expenses—
(1) General. Except as provided in paragraph (b)(3) of this section, all contributions received by an individual from the date he or she becomes a candidate and all matching payments received by the candidate shall be used only to defray qualified campaign expenses or to repay loans or otherwise restore funds (other than contributions which were received and expended to defray qualified campaign expenses), which were used to defray qualified campaign expenses.

(2) Testing the waters. Even though incurred prior to the date an individual becomes a candidate, payments made for the purpose of determining whether an individual should become a candidate, such as those incurred in conducting a poll, shall be considered qualified campaign expenses if the individual subsequently becomes a candidate and shall count against that candidate's limits under 2 U.S.C. 441a(b). See 11 CFR 100.8(b)(1).

(3) Winding down costs. The following costs shall be considered qualified campaign expenses:
   (i) Costs associated with the termination of political activity, such as the costs of complying with the post-election requirements of the Act and other necessary administrative costs associated with winding down the campaign, including office space rental, staff salaries and office supplies; or
   (ii) Costs incurred before the candidate's date of ineligibility, for which written arrangement or commitment was made on or before the candidate's date of ineligibility.

(b) Non-qualified campaign expenses—
(1) General. The following are examples of disbursements that are not qualified campaign expenses.

(2) Excessive expenditures. An expenditure which is in excess of any of the limitations under 11 CFR Part 9035 shall not be considered a qualified campaign expense.

(3) Post-ineligibility expenditures. Any expenses incurred after a candidate's date of ineligibility, as determined under 11 CFR 9033.5, are not qualified campaign expenses except to the extent permitted under paragraph (a)(3) of this section.

(4) Civil or criminal penalties. Civil or criminal penalties paid pursuant to the Federal Election Campaign Act are not qualified campaign expenses and cannot be defrayed from contributions or matching payments. Any amounts received or expended to pay such penalties shall not be considered contributions or expenditures but all amounts so received shall be subject to the prohibitions of the Act. Amounts received and expended under this section shall be reported in accordance with 11 CFR Part 104.

(c) Transfers to other campaigns. If a candidate has received matching funds and is simultaneously seeking nomination or election to another Federal office, no transfer of funds be-
§ 9034.5

between his or her principal campaign committees or authorized committees may be made. See 2 U.S.C. 441a(a)(5)(C) and 11 CFR 110.3(a)(2)(v).

§ 9034.5 Net outstanding campaign obligations.

(a) Within 15 calendar days after the candidate's date of ineligibility, as determined under 11 CFR 9033.5, the candidate shall submit a statement of net outstanding campaign obligations. The candidate's net outstanding campaign obligations under this section equal the difference between paragraphs (a)(1) and (2) of this section:

(1) The total of all outstanding obligations for qualified campaign expenses as of the candidate's date of ineligibility as determined under 11 CFR 9033.5, plus estimated necessary winding down costs as defined under 11 CFR 9034.4(a)(3), less

(2) The total of:

(i) Cash on hand as of the close of business on the last day of eligibility (including all contributions dated on or before that date whether or not submitted for matching); and

(ii) The fair market value of capital assets and other assets on hand; and

(iii) Amounts owed to the campaign in the form of credits, refunds of deposits, returns receivables, or rebates of qualified campaign expenses; or a commercially reasonable amount based on the collectibility of those credits, returns, receivables or rebates.

(b)(1) Capital assets. For purposes of this section, the term "capital asset" means any property used in the operation of the campaign whose value on the last day of the candidate's eligibility exceeds $500. Property that must be valued as capital assets under this section includes, but is not limited to, office equipment, furniture, vehicles, and fixtures acquired for use in the operation of the candidate's campaign, but does not include property defined as "other assets" under paragraph (b)(2) of this section. The value of a capital asset shall be the fair market value on the date of ineligibility or on the date the item is acquired if acquired after the date of ineligibility.

(2) Other assets. The term "other assets" means any property acquired by the campaign for use in raising funds or as collateral for campaign loans. "Other assets" must be included on the candidate's statement of net outstanding campaign obligations if the aggregate value of such assets exceeds $5,000. The value of "other assets" shall be determined by the fair market value of each item on the candidate's date of ineligibility or on the date the item is acquired if acquired after the date of ineligibility.

(c) Contributions received from joint fundraising activities conducted under 11 CFR 9034.8 may be used to pay a candidate's outstanding campaign obligations.

(1) Such contributions shall be deemed monies available to pay outstanding campaign obligations as of the date these funds are received by the fundraising representative committee and shall be included in the candidate's statement of net outstanding campaign obligations.

(2) The amount of money deemed available to pay a candidate's outstanding campaign obligations will equal either—

(i) An amount calculated on the basis of the predetermined allocation formula, as adjusted for 2 U.S.C. 441a limitations; or

(ii) If a candidate receives an amount greater than that calculated under paragraph (c)(2)(i) of this section, the amount actually received.

(d) The candidate shall submit a revised statement of net outstanding campaign obligations with each submission for matching funds payments filed after the candidate's date of ineligibility. The revised statement shall reflect the financial status of the campaign as of the close of business on the last business day preceding the date of submission for matching funds.

(e)(1) If the Commission receives information indicating that substantial assets of the candidate's authorized committee(s) have been undervalued or not included in the statement or that the amount of outstanding campaign obligations has been otherwise overstated in relation to campaign assets, the Commission may decide to temporarily suspend further matching payments pending a final determination whether the candidate is entitled
§ 9034.7 Allocation of travel expenditures.

(a) Notwithstanding the provisions of 11 CFR Part 106, expenditures for travel relating to the campaign of a candidate seeking nomination for election to the office of President by any individual, including a candidate, shall, pursuant to the provisions of paragraph (b) of this section, be qualified campaign expenses and be reported by the candidate's authorized committee(s) as expenditures.

(b)(1) For a trip which is entirely campaign-related, the total cost of the trip shall be a qualified campaign expense and a reportable expenditure. 

(b)(2) For a trip which includes campaign-related and non-campaign-related stops, that portion of the cost of the trip allocable to campaign activity shall be a qualified campaign expense and a reportable expenditure. Such portion shall be determined by calculating what the trip would have cost from the point of origin of the trip to the first campaign-related stop and from that stop through each subsequent campaign-related stop, back to the point of origin. If any campaign activity, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related.

(c) For each trip, an itinerary shall be prepared and such itinerary shall
be made available for Commission inspection.

(4) For trips by government conveyance or by charter, a list of all passengers on such trip, along with a designation of which passengers are and which are not campaign-related, shall be made available for Commission inspection.

(5) If any individual, including a candidate, uses government conveyance or accommodations paid for by a government entity for campaign-related travel, the candidate’s authorized committee shall pay the appropriate government entity an amount equal to:

(i) The first class commercial air fare plus the cost of other services, in the case of travel to a city served by a regularly scheduled commercial service; or

(ii) The commercial charter rate plus the cost of other services, in the case of travel to a city not served by a regularly scheduled commercial service.

(6) Travel expenses of a candidate’s spouse and family when accompanying the candidate on campaign-related travel may be treated as qualified campaign expenses and reportable expenditures. If the spouse or family members conduct campaign-related activities, their travel expenses will be treated as qualified campaign expenses and reportable expenditures.

(7) If any individual, including a candidate, incurs expenses for campaign-related travel, other than by use of government conveyance or accommodations, an amount equal to that portion of the actual cost of the conveyance or accommodations which is allocable to all passengers, including the candidate, travelling for campaign purposes will be a qualified campaign expense and shall be reported by the committee as an expenditure.

(i) If the trip is by charter, the actual cost for each passenger shall be determined by dividing the total operating cost for the charter by the total number of passengers transported. The amount which is a qualified campaign expense and a reportable expenditure shall be calculated in accordance with the formula set forth at paragraph (b)(2) of this section on the basis of the actual cost per passenger multiplied by the number of passengers traveling for campaign purposes.

(ii) If the trip is by non-charter commercial transportation, the actual cost shall be calculated in accordance with the formula set forth at paragraph (b)(2) of this section on the basis of the commercial fare. Such actual cost shall be a qualified campaign expense and a reportable expenditure.

§ 9034.8 Joint fundraising.

(a) General—(1) Permissible participants. Presidential primary candidates who receive matching funds under this subchapter may engage in joint fundraising with other candidates, political committees or unregistered committees or organizations.

(2) Use of funds. Contributions received as a result of a candidate’s participation in a joint fundraising activity under this section may be—

(i) Submitted for matching purposes in accordance with the requirements of 11 CFR 9034.2 and the Federal Election Commission’s Guideline for Presentation in Good Order;

(ii) Used to pay a candidate’s net outstanding campaign obligations as provided in 11 CFR 9034.5;

(iii) Used to defray qualified campaign expenses;

(iv) Used to defray exempt legal and accounting costs; or

(v) If in excess of a candidate’s net outstanding campaign obligations or expenditure limit, used in any manner consistent with 11 CFR 113.2, including repayment of funds under 11 CFR Part 9038.

(b) Fundraising representatives—(1) Establishment or selection of fundraising representative. The participants in a joint fundraising effort under this section shall either establish a separate committee or select a participating committee, to act as fundraising representative for all participants. The fundraising representative shall be a reporting political committee and an authorized committee of each candidate.

(2) Separate fundraising committee as fundraising representative. A separate fundraising committee established by the participants to act as
fundraising representative for all participants shall—
(i) Be established as a reporting political committee under 11 CFR 100.5;
(ii) Collect contributions;
(iii) Pay fundraising costs from gross proceeds and funds advanced by participants; and
(iv) Disburse net proceeds to each participant.

(3) Participating committee as fundraising representative. A participant selected to act as fundraising representative for all participants shall—
(i) Be a political committee as defined in 11 CFR 100.5;
(ii) Collect contributions; however, other participants may also collect contributions and then forward them to the fundraising representative as required by 11 CFR 102.8;
(iii) Pay fundraising costs from gross proceeds and funds advanced by participants; and
(iv) Disburse net proceeds to each participant.

(4) Independent fundraising agent. The participants or the fundraising representative may hire a commercial fundraising firm or other agent to assist in conducting the joint fundraising activity. In that case, however, the fundraising representative shall still be responsible for ensuring that the recordkeeping, reporting and documentation requirements set forth in this subchapter are met.

(c) Joint fundraising procedures. Any joint fundraising activity under this section shall be conducted in accordance with the following requirements:
(1) Written agreement. The participants in a joint fundraising activity shall enter into a written agreement, whether or not all participants are political committees under 11 CFR 100.5. The written agreement shall identify the fundraising representative and shall state a formula for the allocation of fundraising proceeds. The participants shall also use the formula to allocate the expenses incurred for the fundraising activity. The fundraising representative shall retain the written agreement for a period of three years and shall make it available to the Commission on request.

(2) Funds advanced for fundraising costs. (i) Except as provided in paragraph (c)(2)(ii) of this section, the amount of funds advanced by each participant for fundraising costs shall be in proportion to the allocation formula agreed upon under paragraph (c)(1) of this section.
(ii) A participant may advance more than its proportionate share of the fundraising costs; however, the amount advanced which is in excess of the participant’s proportionate share shall not exceed the amount that participant could legally contribute to the remaining participants. See 11 CFR 102.12(c)(2) and Part 110.

(3) Fundraising notice. In addition to any notice required under 11 CFR 110.11, a joint fundraising notice shall be included with every solicitation for contributions.
(i) This notice shall include the following information:
(A) The names of all committees participating in the joint fundraising activity whether or not such committees are political committees under 11 CFR 100.5;
(B) The allocation formula to be used for distributing joint fundraising proceeds;
(C) A statement informing contributors that, notwithstanding the stated allocation formula, they may designate their contributions for a particular participant or participants; and
(D) A statement informing contributors that the allocation formula may change if a contributor makes a contribution which would exceed the amount that contributor may give to any participant.
(ii) If one or more participants engage in the joint fundraising activity solely to satisfy outstanding debts, the notice shall also contain a statement informing contributors that the allocation formula may change if a participant receives sufficient funds to pay its outstanding debts.

(4) Separate depository account. (i) The participants or the fundraising representative shall establish a separate depository account to be used solely for the receipt and disbursement of the joint fundraising proceeds. All contributions deposited into the separate depository account must
be permissible under Title 2, United States Code. Each political committee shall amend its Statement of Organization to reflect the account as an additional depository.

(ii) The fundraising representative shall deposit all joint fundraising proceeds in the separate depository account within ten days of receipt as required by 11 CFR 103.3. The fundraising representative may delay distribution of the fundraising proceeds to the participants until all contributions are received and all expenses are paid.

(iii) For contribution reporting and limitation purposes, the date of receipt of a contribution by a participating political committee is the date that the contribution is received by the fundraising representative. The fundraising representative, shall report contributions in the reporting period in which they are received. Participating political committees shall report joint fundraising proceeds in accordance with 11 CFR 9034.8(c)(9) when such funds are received from the fundraising representative.

(5) Recordkeeping requirements. (i) The fundraising representative and participating committees shall screen all contributions received to insure that the prohibitions and limitations of 11 CFR Parts 110 and 114 are observed. Participating political committees shall make their contributor records available to the fundraising representative to enable the fundraising representative to carry out its duty to screen contributions.

(ii) The fundraising representative shall collect and retain contributor information with regard to gross proceeds as required under 11 CFR 102.8 and shall also forward such information to participating political committees.

(iii) The fundraising representative shall retain the records required under 11 CFR 9033.11 regarding fundraising disbursements for a period of three years. Commercial fundraising firms or agents shall forward such information to the fundraising representative.

(6) Contribution limitations. Except to the extent that the contributor has previously contributed to any of the participants, a contributor may make a contribution to the joint fundraising effort which contribution represents the total amount that the contributor could contribute to all of the participants under the applicable limits of 11 CFR 110.1 and 110.2.

(7) Allocation of gross proceeds. (i) The fundraising representative shall allocate proceeds according to the formula stated in the fundraising agreement. Funds may not be distributed or reallocated so as to maximize the matchability of the contributions.

(ii) If distribution according to the allocation formula extinguishes the debts of one or more participants or if distribution under the formula results in a violation of the contribution limits of 11 CFR 110.1(a), the fundraising representative may reallocate the surplus funds. Candidates seeking to extinguish outstanding debts shall not reallocate in reliance on the receipt of matching funds to pay the remainder of their debts; rather, all funds to which a participant is entitled under the allocation formula shall be deemed funds available to pay the candidate's outstanding campaign obligations as provided in 11 CFR 9034.5(c).

(iii) Reallocation shall be based upon the remaining participants' proportionate shares under the allocation formula. If reallocation results in a violation of a contributor's limit under 11 CFR 110.1, the fundraising representative shall return to the contributor the amount of the contribution that exceeds the limit.

(iv) Earmarked contributions which exceed the contributor's limit to the designated participant under 11 CFR Part 110 may not be reallocated by the fundraising representative without the written permission of the contributor.

(8) Allocation of expenses and distribution of net proceeds. (i) If participating committees are not affiliated as defined in 11 CFR 110.3 prior to the joint fundraising activity and are not committees of the same political party:

(A) After gross contributions are allocated among the participants under 11 CFR 9034.8(c)(7), the fundraising representative shall calculate each participant's share of expenses based on the percentage of the total receipts each participant had been allocated.

182
To calculate each participant's net proceeds, the fundraising representative shall subtract the participant's share of expenses from the amount that participant has been allocated from gross proceeds.

(B) A participant may only pay expenses on behalf of another participant subject to the contribution limits of 11 CFR Part 110.

(ii) If participating committees are affiliated as defined in 11 CFR 110.3 prior to the joint fundraising activity or if participants are party committees of the same political party, expenses need not be allocated among those participants. Payment of such expenses by an unregistered committee or organization on behalf of an affiliated political committee may cause the unregistered organization to become a political committee.

(iii) Payment of expenses may be made from gross proceeds by the fundraising representative.

(9) Reporting of receipts and disbursements—(i) Reporting receipts. (A) The fundraising representative shall report all funds received in the reporting period in which they are received. Each Schedule A filed by the fundraising representative under this section shall clearly indicate that the contributions reported on that schedule represent joint fundraising proceeds.

(B) After distribution of net proceeds, each participating political committee shall report its share of net proceeds received as a transfer-in from the fundraising representative. Each Schedule A filed by the fundraising representative under this section shall clearly indicate that the contributions reported on that schedule represent joint fundraising proceeds.

(B) After distribution of net proceeds, each participating political committee shall report its share of net proceeds received as a transfer-in from the fundraising representative. Each participating political committee shall also file a memo Schedule A itemizing its share of gross receipts as contributions from original contributions to the extent required under 11 CFR 104.3(a).

(ii) Reporting disbursements. The fundraising representative shall report all disbursements in the reporting period in which they are made.

§ 9035.1 Campaign expenditure limitation.

(a) No candidate or his or her authorized committee(s) shall knowingly incur expenditures in connection with the candidate's campaign for nomination, which expenditures, in the aggregate, exceed $10,000,000 (as adjusted under 2 U.S.C. 441a(c)), except that the aggregate expenditures by a candidate in any one State shall not exceed the greater of: 16 cents (as adjusted under 2 U.S.C. 441a(c)) multiplied by the voting age population of the State (as certified under 2 U.S.C. 441a(e)); or $200,000 (as adjusted under 2 U.S.C. 441a(c)).

(b) Sale after end of matching payment period. A candidate whose outstanding debts exceed his or her cash on hand after the end of the matching payment period as determined under 11 CFR 9032.6 may dispose of assets acquired for fundraising purposes in a sale to a wholesalers or other intermediary who will in turn sell such assets to the public, provided that the sale to the wholesaler or intermediary is an arms-length transaction. Sales made under this subsection will not be subject to the limitations and prohibitions of Title 2, United States Code and 11 CFR Parts 110 and 114.

PART 9035—EXPENDITURE LIMITATIONS

Sec.

9035.1 Campaign expenditure limitation.

9035.2 Limitation on expenditures from personal or family funds.


§ 9035.1 Campaign expenditure limitation.

(a) No candidate or his or her authorized committee(s) shall knowingly incur expenditures in connection with the candidate's campaign for nomination, which expenditures, in the aggregate, exceed $10,000,000 (as adjusted under 2 U.S.C. 441a(c)), except that the aggregate expenditures by a candidate in any one State shall not exceed the greater of: 16 cents (as adjusted under 2 U.S.C. 441a(c)) multiplied by the voting age population of the State (as certified under 2 U.S.C. 441a(e)); or $200,000 (as adjusted under 2 U.S.C. 441a(c)).

(b) Each candidate receiving or expecting to receive matching funds under this subchapter shall also allocate his or her expenditures in accordance with the provisions of 11 CFR 106.2.

(c) A candidate may exclude from the overall expenditure limitation of this section an amount equal to 10% of
salaries and overhead expenditures of his or her national campaign headquarters and state offices as an exempt legal and accounting compliance cost under 11 CFR 100.8(b)(15). For purposes of this section overhead expenditures include, but are not limited to rent, utilities, office equipment, furniture, supplies, and telephone base service charges. An additional amount of 10% of such salaries and overhead expenditures may be excluded from the overall expenditure limitation of this section as exempt fundraising expenditures but this exemption shall not apply within 28 days of the primary election as specified in 11 CFR 110.8(c)(2). Any amount excluded for fundraising expenditures shall be applied against the fundraising expenditure limitation under 11 CFR 100.8(b)(21). If the candidate wishes to claim a larger compliance or fundraising exemption for any person, the candidate shall establish allocation percentages for each individual who spends all or a portion of his or her time to perform duties which are considered compliance or fundraising. The candidate shall keep detailed records to support the derivation of each percentage. Such records shall indicate which duties are considered compliance or fundraising and the percentage of time each person spends on such activity.

(d) The expenditure limitations of this section shall not apply to a candidate who does not receive matching funds at any time during the matching payment period.

§9035.2 Limitation on expenditures from personal or family funds.

(a) No candidate who has accepted matching funds shall knowingly make expenditures from his or her personal funds, or funds of his or her immediate family, in connection with his or her campaign for nomination for election to the office of President which exceed $50,000, in the aggregate. This section shall not operate to prohibit any member of the candidate's immediate family from contributing his or her personal funds to the candidate, subject to the limitations of 11 CFR Part 110.

(b) For purposes of this section, the term "immediate family" means a candidate, spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.

(c) For purposes of this section, "personal funds" has the same meaning as specified in 11 CFR 110.10.

PART 9036—REVIEW OF SUBMISSION AND CERTIFICATION OF PAYMENTS BY COMMISSION

Sec.
9036.1 Threshold submission.
9036.2 Additional submission for matching fund payments.
9036.3 Submission errors and insufficient documentation.
9036.4 Commission review of submissions.
9036.5 Resubmissions.
9036.6 Continuation of certification.


§ 9036.1 Threshold submission.

(a) Time for submission of threshold submission. At any time after January 1 of the year immediately preceding the Presidential election year, the candidate may submit a threshold submission for matching fund payments in accordance with the format for such submissions set forth in paragraph (b) of this section. The candidate may submit the threshold submission simultaneously with or subsequent to his or her submission of the candidate agreement and certifications required by 11 CFR 9033.1 and 9033.2.

(b) Format for threshold submission.

(1) For each State in which the candidate certifies that he or she has met the requirements of the certifications in 11 CFR 9033.2(b), the candidate shall submit an alphabetical list of contributors showing:

(i) Each contributor's full name and residential address;

(ii) The occupation and name of employer for individuals whose aggregate contributions exceed $200 in the calendar year;
(iii) The date of deposit of each contribution into the designated campaign depository;

(iv) The full dollar amount of each contribution submitted for matching purposes;

(v) The matchable portion of each contribution submitted for matching purposes;

(vi) The aggregate amount of all matchable contributions from that contributor submitted for matching purposes;

(vii) A notation indicating which contributions were received as a result of joint fundraising activities.

(2) The candidate shall submit a full-size photocopy of each check or written instrument and of supporting documentation in accordance with 11 CFR 9034.2 for each contribution that the candidate submits to establish eligibility for matching funds. For purposes of the threshold submission, the photocopies shall be segregated alphabetically by contributor within each State, and shall be accompanied by and referenced to copies of the relevant deposit slips.

(3) The candidate shall submit bank documentation, such as bank-validated deposit slips or unvalidated deposit slips accompanied by the relevant bank statements, which indicate that the contributions submitted were deposited into a designated campaign depository.

(4) For each State in which the candidate certifies that he or she has met the requirements to establish eligibility, the candidate shall submit a listing, alphabetically by contributor, of all checks returned by the bank to date as unpaid (e.g., stop payments, non-sufficient funds) regardless of whether the contribution was submitted for matching. This listing shall be accompanied by a full-size photocopy of each unpaid check, and copies of the associated debit memo and bank statement.

(5) The candidate shall submit all contributions in accordance with the Federal Election Commission's Guideline for Presentation in Good Order.

(6) Contributions that are not submitted in compliance with this section shall not count toward the threshold amount.

(c) Threshold certification by Commission. (1) After the Commission has determined under 11 CFR 9033.4 that the candidate has satisfied the eligibility and certification requirements of 11 CFR 9033.1 and 9033.2, the Commission will notify the candidate in writing that the candidate is eligible to receive primary matching fund payments as provided in 11 CFR Part 9034.

(2) If the Commission makes a determination of a candidate's eligibility under paragraph (a) of this section in a Presidential election year, the Commission shall certify to the Secretary, within 10 calendar days after the Commission has made its determination, the amount to which the candidate is entitled.

(3) If the Commission makes a determination of a candidate's eligibility under paragraph (a) of this section in the year preceding the Presidential election year, the Commission will notify the candidate that he or she is eligible to receive matching fund payments; however, the Commission's determination will not result in a payment of funds to the candidate until after January 1 of the Presidential election year.

§ 9036.2 Additional submissions for matching fund payments.

(a) Time for submission of additional submissions. The candidate may submit additional submissions for payments to the Commission on dates to be determined and published by the Commission.

(b) Format for additional submissions. The candidate may obtain additional matching fund payments subsequent to the Commission's threshold certification and payment of primary matching funds to the candidate by filing an additional submission for payment. All additional submissions for payments filed by the candidate shall be made in accordance with the Federal Election Commission's Guideline for Presentation in Good Order.

(1) The first submission for matching funds following the candidate's threshold submission shall contain all the contributions included in the threshold submission and any addi-
tional contributions to be submitted for matching in that submission. This submission shall contain all the information required for the threshold submission except that:

(i) The candidate is not required to resubmit the candidate agreement and certifications of 11 CFR 9033.1 and 9033.2;

(ii) The candidate is required to submit an alphabetical list of contributors, but not segregated by State as required in the threshold submission;

(iii) The candidate is required to submit a listing, alphabetical by contributor, of all checks returned unpaid, but not segregated by State as required in the threshold submission;

(iv) The occupation and employer's name need not be disclosed on the contributor list for individuals whose aggregate contributions exceed $200 in the calendar year, but such information is subject to the recordkeeping and reporting requirements of 2 U.S.C. 432 (c)(3), 434(b)(3)(A) and 11 CFR 102.9(a)(2); 104.3(a)(4)(i); and

(v) The photocopies of each check or written instrument and of supporting documentation shall either be alphabetized and referenced to copies of the relevant deposit slip, but not segregated by State as required in the threshold submission; or such photocopies may be batched in deposits of 50 contributions or less and cross-referenced by deposit number and sequence number within each deposit on the contributor list.

(2) Following the first submission under paragraph (b)(1) of this section candidates may request additional matching funds on dates prescribed by the Commission by making a letter request in lieu of making a full submission as required under paragraph (b)(1) of this section. Letter requests shall state an amount of matchable contributions not previously submitted for matching and shall provide bank documentation, such as bank-validated deposit slips or unvalidated deposit slips accompanied by the relevant bank statement, demonstrating that the committee has received the funds for which matching payments are requested. The amount requested for matching may include contributions received up to the last business day preceding the date of the request. On the next submission after a letter request has been made, the committee shall submit the documentation required under paragraph (b)(1) of this section for all contributions included in the letter request, as well as those contributions submitted for matching in that submission. A committee may not submit two consecutive letter requests, but the committee may choose to make a full regular submission on a date designated by the Commission as a letter request date for that committee.

(c) Certification of additional payments by Commission. (1) (i) When a candidate who is eligible under 11 CFR 9033.4 submits an additional submission for payment in the Presidential election year, the Commission may certify to the Secretary within 5 business days after the Commission's receipt of information submitted by the candidate under paragraph (a) of this section, an amount based on the holdback procedure described in the Federal Election Commission's Guideline for Presentation In Good Order. If the candidate makes a letter request, the Commission may certify to the Secretary an amount which is less than that requested based upon the ratio of verified matchable contributions to total deposits for that committee in the committee's last regular submission.

(ii) After a candidate's date of ineligibility, the Commission will certify to the Secretary any additional amount to which the ineligble candidate is entitled, if any, within 15 business days after the Commission's receipt of information submitted by the candidate under paragraph (a) of this section unless the projected dollar value of the nonmatchable contributions contained in the submission exceeds 15% of the amount requested. In the latter case, the Commission will certify any additional amount within 25 business days. See 11 CFR 9036.4 for Commission procedures for certification of additional payments.

(2) After a candidate's date of ineligibility, the Commission will certify to the Secretary within 15 business days after receipt of a submission by the candidate under paragraph (a) of this section, an amount to which the ineligible candidate is entitled in accord-
§ 9036.4
Proceed with 11 CFR 9034.1(b), unless the projected dollar value of the nonmatchable contributions contained in the submission exceeds 15% of the amount requested. In the latter case, the Commission will certify any amount to which the ineligible candidate is entitled within 25 business days.

(d) Additional submissions submitted in non-Presidential election year. The candidate may submit additional contributions for review during the year preceding the Presidential election year; however, the amount of each submission made during this period must exceed $50,000. Additional submissions filed by a candidate in a non-Presidential election year will not result in payment of matching funds to the candidate until after January 1 of the Presidential election year.

§ 9036.3 Submission errors and insufficient documentation.
Contributions which are otherwise matchable may be rejected for matching purposes because of submission errors or insufficient supporting documentation. Contributions, other than those defined in 11 CFR 9034.3 or in the form of money orders, cashier’s checks, or similar negotiable instruments, may become matchable if there is a proper resubmission in accordance with 11 CFR 9036.5 and 9036.6. Insufficient documentation or submission errors include but are not limited to:

(a) Discrepancies in the written instrument, such as:
   (1) Instruments drawn on other than personal accounts of contributors and not signed by the contributing individual;
   (2) Signature discrepancies; and
   (3) Lack of the contributor’s signature, the amount or date of the contribution, or the listing of the committee or candidate as payee.

(b) Discrepancies between listed contributions and the written instrument or supporting documentation, such as:
   (1) The listed amount requested for matching exceeds the amount contained on the written instrument;
   (2) A written instrument has not been submitted to support a listed contribution;
   (3) The submitted written instrument cannot be associated either by account holder identification or signature with the listed contributor; or
   (4) A discrepancy between the listed contribution and the supporting bank documentation or the bank documentation is omitted.

(c) Discrepancies within one or between contributor lists submitted, such as:
   (1) The address of the contributor is omitted or incomplete or the contributor’s name is alphabetized incorrectly, or more than one contributor is listed per item;
   (2) A discrepancy in aggregation within or between submissions which results in a request that more than $250 be matched for that contributor, or a listing of a contributor more than once within the same submission; or
   (3) A written instrument has been previously submitted and matched in full or is listed twice in the same submission.

(d) The omission of information, supporting statements, or documentation required by 11 CFR 9034.2.

§ 9036.4 Commission review of submissions.
(a) Non-acceptance of submission for review of matchability. The Commission will make an initial review of each submission made under 11 CFR 9036 to determine if it substantially meets the format requirements of 11 CFR 9036.1(b) and 9036.2(b) and the Federal Election Commission’s Guideline for Presentation in Good Order. If the Commission determines that a submission does not substantially meet these requirements, it will not review the matchability of the contributions contained therein. In such a case, the Commission will return the submission to the candidate and request that it be corrected in accordance with the format requirements. If the candidate makes a corrected submission within 3 business days after the Commission’s return of the original, the Commission will review the corrected submission prior to the next regularly-scheduled submission date. Corrected submissions made after this three day period will be reviewed subsequent to the next regularly-scheduled submission date.
§ 9036.3 Acceptance of submission for review of matchability. If the Commission determines that a submission made under 11 CFR Part 9036 satisfies the format requirements of 11 CFR 9036.1(b) and 9036.2(b) and the Federal Election Commission's Guideline for Presentation in Good Order, it will review the matchability of the contributions contained therein. The Commission, in conducting its review, may utilize statistical sampling techniques. Based on the results of its review, the Commission may calculate a machineable amount for the submission which is less than the amount requested by the candidate. If the Commission certifies for payment to the Secretary an amount that is less than the amount requested by the candidate in a particular submission, or reduces the amount of a subsequent certification to the Secretary by adjusting a previous certification made under 11 CFR 9036.2(c)(1), the Commission will notify the candidate in writing of the following:

1. The amount of the difference between the amount requested and the amount to be certified by the Commission;
2. The amount of each contribution and the corresponding contributor's name for each contribution that the Commission has rejected as nonmatchable and the reason that it is not matchable; or if statistical sampling is used, the estimated amount of contributions by type and the reason for rejection;
3. The amount of contributions that have been determined to be matchable and that the Commission will certify to the Secretary for payment; and
4. A statement that the candidate may supply the Commission with additional documentation or other information in the resubmission of any rejected contribution under 11 CFR 9036.5 in order to show that a rejected contribution is matchable under 11 CFR 9034.2.

§ 9036.4 Adjustment of amount to be certified by Commission. The candidate shall notify the Commission as soon as possible if the candidate or the candidate's authorized committee(s) has knowledge that a contribution submitted for matching does not qualify under 11 CFR 9034.2 as a matchable contribution, such as a check returned to the committee for insufficient funds, so that the Commission may properly adjust the amount to be certified for payment.

§ 9036.5 Resubmissions.
(a) Alternative resubmission methods. Upon receipt of the Commission's notice of the results of the submission review pursuant to 11 CFR 9036.4(b), a candidate may choose to:
1. Resubmit the entire submission; or
2. Make a written request for the identification of the specific contributions that were rejected for matching, and resubmit those specific contributions.
(b) Time for presentation of resubmissions. If the candidate chooses to resubmit any contributions under paragraph (a) of this section, the contributions shall be resubmitted on dates to be determined and published by the Commission. The cutoff date for original submissions as provided by 11 CFR 9036.6 will not apply to resubmissions made under this section.
(c) Format for resubmissions. All resubmissions filed by the candidate shall be made in accordance with the Federal Election Commission's Guideline for Presentation in Good Order. In making a presentation of resubmitted contributions, the candidate shall follow the format requirements as specified in 11 CFR 9036.2(b)(1), except that:
1. The candidate need not provide photocopies of written instruments, supporting documentation and bank documentation unless it is necessary to supplement the original documentation.
(2) Each resubmitted contribution shall be referenced to the submission in which it was first presented.

(3) Each list of resubmitted contributions shall reflect the aggregate amount of contributions submitted for matching from each contributor as of the date of the original submission.

(4) Each list of resubmitted contributions shall reflect the aggregate amount of contributions submitted for matching from each contributor as of the date of the resubmission.

(5) Each list of resubmitted contributions shall only contain contributions previously submitted for matching and no new or additional contributions.

(6) Each resubmission shall be accompanied by a statement that the candidate has corrected his or her contributor records (including the database for those candidates maintaining their contributor list on computer).

(d) Certification of resubmitted contributions. Contributions that the Commission determines to be matchable will be certified to the Secretary within 15 business days. If the candidate chooses to request the specific contributions rejected for matching pursuant to paragraph (a)(2) of this section, the amount certified shall equal only the matchable amount of the particular contribution that meets the standards on resubmission, rather than the amount projected as being nonmatchable based on that contribution due to the sampling techniques used in reviewing the original submission.

(e) Interim determinations. If the candidate resubmits a contribution for matching and the Commission determines that the rejected contribution is still nonmatchable, the Commission will notify the candidate in writing of its determination. The Commission will advise the candidate of the legal and factual reasons for its determination and of the evidence on which that determination is based. The candidate may submit written legal or factual materials to demonstrate that the contribution is matchable within 30 calendar days after receipt of the Commission’s notice. Such materials may be submitted by counsel if the candidate so desires.

(f) Final determinations. The Commission will consider any written legal or factual materials timely submitted by the candidate in making its final determination. A final determination by the Commission that a contribution is not matchable will be accompanied by a written statement of reasons for the Commission’s action. This statement will explain the reasons underlying the Commission’s determination and will summarize the results of any investigation upon which the determination is based.

§ 9036.6 Continuation of certification.

Candidates who have received matching funds and who are eligible to continue to receive such funds may continue to submit additional submissions for payment to the Commission on dates specified in the Federal Election Commission’s Guideline for Presentation in Good Order. No contribution will be matched if it is submitted for the first time after the last Monday in January of the year following the election, regardless of the date the contribution was deposited.

PART 9037—PAYMENTS

Sec.
9037.1 Payments of Presidential primary matching funds.
9037.2 Equitable distribution of funds.
9037.3 Deposits of Presidential primary matching funds.


§ 9037.1 Payments of Presidential primary matching funds.

Upon receipt of a written certification from the Commission, but not before the beginning of the matching payment period, the Secretary will promptly transfer the amount certified from the matching payment account to the candidate.

§ 9037.2 Equitable distribution of funds.

In making such transfers to candidates of the same political party, the Secretary will seek to achieve an equitable distribution of funds available in
§ 9037.3 Deposits of Presidential primary matching funds.

Upon receipt of any matching funds, the candidate shall deposit the full amount received into a checking account maintained by the candidate's principal campaign committee in the depository designated by the candidate.

PART 9038—EXAMINATIONS AND AUDITS

Sec.
9038.1 Audit.
9038.2 Repayments.
9038.3 Liquidation of obligations; repayment.
9038.4 Extensions of time.


§ 9038.1 Audit.

(a) General. (1) The Commission will conduct an audit of the qualified campaign expenses of every candidate and his or her authorized committee(s) who received Presidential primary matching funds. The audit may be conducted at any time after the date of the candidate's ineligibility.

(2) In addition, the Commission may conduct other examinations and audits from time to time as it deems necessary to carry out the provisions of this subchapter.

(3) Information obtained pursuant to any audit and examination conducted under paragraphs (a)(1) and (2) of this section may be used by the Commission as the basis, or partial basis, for its repayment determinations under 11 CFR 9038.2.

(b) Conduct of fieldwork. (1) The Commission will give the candidate's authorized committee at least two weeks' notice of the Commission's intention to commence fieldwork on the audit and examination. The fieldwork shall be conducted at a site provided by the committee.

(i) Office space and records. On the date scheduled for the commencement of fieldwork, the candidate or his or her authorized committee(s) shall provide Commission staff with office space and committee records in accordance with the candidate and committee agreement under 11 CFR 9033.1(b)(6).

(ii) Availability of committee personnel. On the date scheduled for the commencement of fieldwork, the candidate or his or her authorized committee(s) shall have committee personnel present at the site of the fieldwork. Such personnel shall be familiar with the committee's records and operation and shall be available to Commission staff to answer questions and to aid in locating records.

(iii) Failure to provide staff, records or office space. If the candidate or his or her authorized committee(s) fail to provide adequate office space, personnel or committee records, the Commission may seek judicial intervention under 2 U.S.C. 437d or 26 U.S.C. 9040(c) to enforced the candidate and committee agreement made under 11 CFR 9033.1(b). Before seeking judicial intervention, the Commission will notify the candidate of his or her failure to comply with the agreement and will recommend corrective action to bring the candidate into compliance. Upon receipt of the Commission's notification, the candidate will have 10 calendar days in which to take the corrective action indicated or to otherwise demonstrate to the Commission in writing that he or she is complying with the candidate and committee agreement.

(iv) If, in the course of the audit process, a dispute arises over the documentation sought or other requirements of the candidate agreement, the candidate may seek review by the Commission of the issues raised. To seek review, the candidate shall submit a written statement, within 10 calendar days after the disputed Commission staff request is made, describing the dispute and indicating the candidate's proposed alternative(s).
(2) Fieldwork will include the following steps designed to keep the candidate and committee informed as to the progress of the audit and to expedite the process:

(i) **Entrance conference.** At the outset of the fieldwork, Commission staff will hold an entrance conference, at which the candidate's representatives will be advised of the purpose of the audit and the general procedures to be followed. Future requirements of the candidate and his or her authorized committee, such as possible repayments to the United States Treasury, will also be discussed. Committee representatives shall provide information and records necessary to conduct the audit, and Commission staff will be available to answer committee questions.

(ii) **Review of records.** During the fieldwork, Commission staff will review committee records and may conduct interviews of committee personnel. Commission staff will be available to explain aspects of the audit and examination as it progresses. Additional meetings between Commission staff and committee personnel may be held from time to time during the fieldwork to discuss possible audit findings and to resolve issues arising during the course of the audit.

(iii) **Exit conference.** At the conclusion of the fieldwork, Commission staff will hold an exit conference to discuss with committee representatives the staff's preliminary findings and recommendations which the Commission staff anticipates that it may present to the Commission for approval. Commission staff will advise committee representatives at this conference of the projected timetable regarding the issuance of an audit report, the committee's opportunity to respond thereto, and the Commission's initial and final repayment determinations under 11 CFR 9038.2.

(3) Commission staff may conduct additional fieldwork after the completion of the fieldwork conducted pursuant to paragraph (b)(1) and (2) of this section. Factors that may necessitate such follow-up fieldwork include, but are not limited to, the following:

(i) Committee responses to audit findings;

(ii) Financial activity of the committee subsequent to the fieldwork conducted pursuant to paragraph (b)(1) of this section;

(iii) Committee responses to Commission repayment determinations made under 11 CFR 9038.2.

(4) The Commission will notify the candidate and his or her authorized committee if follow-up fieldwork is necessary. The provisions of paragraph (b)(1) and (2) of this section shall apply to any additional fieldwork conducted.

(c) **Preparation of interim audit report.** (1) After the completion of the fieldwork conducted pursuant to paragraph (b)(1) of this section, the Commission will issue an interim audit report to the candidate and his or her authorized committee. The interim audit report may contain Commission findings and recommendations regarding one or more of the following areas:

(i) An evaluation of procedures and systems employed by the candidate and committee to comply with applicable provisions of the Federal Election Campaign Act, Primary Matching Payment Account Act and Commission regulations;

(ii) Eligibility of the candidate to receive primary matching payments;

(iii) Accuracy of statements and reports filed with the Commission by the candidate and committee;

(iv) Compliance of the candidate and committee with applicable statutory and regulatory provisions except for those instances where the Commission has instituted an enforcement action on the matter(s) under the provisions of 2 U.S.C. 437g and 11 CFR Part 111; and

(v) Preliminary calculations regarding future repayments to the United States Treasury.

(2) The candidate and his or her authorized committee will have an opportunity to submit, in writing, within 30 calendar days of receipt of the interim report, legal and factual materials disputing or commenting on the contents of the interim report. Such materials may be submitted by counsel if the candidate so desires.

(3) The Commission will consider any written legal and factual materials submitted by the candidate or his or
§ 9038.2 Repayments.

(a) General. (1) A candidate who has received payments from the matching payment account shall pay the United States Treasury any amounts which the Commission determines to be repayable under this section. In making repayment determinations under this section, the Commission may utilize information obtained from audits and examinations conducted pursuant to 11 CFR 9038.1 and Part 9039 or otherwise obtained by the Commission in carrying out its responsibilities under this subchapter.

(2) The Commission will notify the candidate of any repayment determinations made under this section as soon as possible, but not later than 3 years after the end of the matching payment period.

(3) Once the candidate receives notice of the Commission's final repayment determination under this section, the candidate should give preference to the repayment over all other outstanding obligations of his or her committee, except for any federal taxes owed by the committee.

(b) Bases for repayment—(1) Payments in excess of candidate's entitlement. The Commission may determine that certain portions of the payments made to a candidate from the matching payment account were in excess of the aggregate amount of payments to which such candidate was entitled. Examples of such excessive payments include, but are not limited to, the following:

(i) Payments made to the candidate after the candidate's date of ineligibility where it is later determined that the candidate had no net outstanding campaign obligations as defined in 11 CFR 9034.5;

(ii) Payments or portions of payments made to the candidate which are later determined to have been excessive due to the operation of the Commission's expedited payment procedures as set forth in the Federal Election Commission's Guideline For Presentation In Good Order;

(iii) Payments or portions of payments made on the basis of matched contributions later determined to have been non-matchable; and
(iv) Payments or portions of payments made to the candidate which are later determined to have been excessive due to the candidate's failure to include funds received by a fundraising representative committee under 11 CFR 9034.8 on the candidate's statement of net outstanding campaign obligations under 11 CFR 9034.5.

(2) Use of funds for non-qualified campaign expenses. (i) The Commission may determine that amounts of any payments made to a candidate from the matching payment account were used for purposes other than those set forth in (A)-(C) below:
(A) Defrayal of qualified campaign expenses;
(B) Repayment of loans which were used to defray qualified campaign expenses; and
(C) Restoration of funds (other than contributions which were received and expended to defray qualified campaign expenses) which were used to defray qualified campaign expenses.
(ii) Examples of Commission repayment determinations under paragraph (b)(2) of this section include, but are not limited to, the following:
(A) Determinations that a candidate, a candidate's authorized committee(s) or agents have made expenditures in excess of the limitations set forth in 11 CFR 9035;
(B) Determinations that funds described in paragraph (b)(2)(i) were expended in violation of state or federal law; and
(C) Determinations that funds described in paragraph (b)(2)(i) were expended for expenses resulting from a violation of state or federal law, such as the payment of fines or penalties.
(iii) The amount of any repayment sought under this section shall bear the same ratio to the total amount determined to have been used for non-qualified campaign expenses as the amount of matching funds certified to the candidate bears to the total amount of deposits of contributions and matching funds, as of the candidate's date of ineligibility.

(3) Failure to Provide Adequate Documentation. The Commission may determine that amount(s) spent by the candidate, the candidate's authorized committee(s), or agents were not documented in accordance with 11 CFR 9033.11. The amount of any repayment sought under this section shall be determined by using the formula set forth in 11 CFR 9038.2(b)(2)(ii).

(4) Surplus. The Commission may determine that the candidate's net outstanding campaign obligations, as defined in 11 CFR 9034.5, reflect a surplus.

(c) Repayment determination procedures. Commission repayment determinations will be made in accordance with procedures set forth at paragraphs (c) (1) through (4) of this section.

(1) Initial determination. The Commission will provide the candidate with a written notice of its initial repayment determination(s). This notice will be included in the Commission's publicly-released audit report, pursuant to 11 CFR 9038.1(d), and will set forth the legal and factual reasons for such determination(s). Such notice will also advise the candidate of the evidence upon which any such determination is based. If the candidate does not dispute an initial repayment determination of the Commission within 30 calendar days of the candidate's receipt of the notice, such initial determination will be considered a final determination of the Commission.

(2) Submission of written materials. If the candidate disputes the Commission's initial repayment determination(s), he or she shall have an opportunity to submit in writing, within 30 calendar days of receipt of the Commission's notice, legal and factual materials to demonstrate that no repayment, or a lesser repayment, is required. The Commission will consider any written legal and factual materials submitted by the candidate within this 30 day period in making its final repayment determination(s). Such materials may be submitted by counsel if the candidate so desires.

(3) Oral presentation. A candidate who has submitted written materials under paragraph (c)(2) of this section may request that the Commission provide such candidate with an opportunity to address the Commission in open session. If the Commission de-
cides by an affirmative vote of four (4) of its members to grant the candidate's request, it will inform the candidate of the date and time set for the oral presentation. At the date and time set by the Commission, the candidate or candidate's designated representative will be allotted an amount of time in which to make an oral presentation to the Commission based upon the legal and factual materials submitted under paragraph (c)(2) of this section. The candidate or representative will also have the opportunity to answer any questions from individual members of the Commission.

(4) Final determination. In making its final repayment determination(s), the Commission will consider any submission made under paragraph (c)(2) of this section and any oral presentation made under paragraph (c)(3) of this section. A final determination that a candidate must repay a certain amount will be accompanied by a written statement of reasons for the Commission's actions. This statement will explain the reasons underlying the Commission's determination and will summarize the results of any investigation upon which the determination is based.

(d) Repayment period. (1) Within 90 calendar days of the candidate's receipt of the notice of the Commission's initial repayment determination(s), the candidate shall repay to the Secretary amounts which the Commission has determined to be repayable. Upon application by the candidate, the Commission may grant an extension of up to 90 days in which to make repayment.

(e) Computation of time. The time periods established by this section shall be computed in accordance with 11 CFR 111.2.

(f) Additional repayments. Nothing in this section will prevent the Commission from making additional repayment determinations on one or more of the bases set forth at paragraph (b) of this section after it has made a final determination on any such basis. The Commission may make additional repayment determinations where there exist facts not used as the basis for a previous final determination. Any such additional repayment determination will be made in accordance with the provisions of this section.

(g) Newly-discovered assets. If, after any initial or final repayment determination made under this section, a candidate or his or her authorized committee(s) receives or becomes aware of assets not previously included in any statement of net outstanding campaign obligations submitted pursuant to 11 CFR 9034.5, the candidate or his or her authorized committee(s) shall promptly notify the Commission of such newly-discovered assets. Newly-discovered assets may include refunds, rebates, late-arriving receivables, and actual receipts for capital assets in excess of the value specified in any previously-submitted statement of net outstanding campaign obligations. Newly-discovered assets may serve as a basis for additional repayment determinations under paragraph (f) of this section.

§ 9038.3 Liquidation of obligations; repayment.

(a) The candidate may retain amounts received from the matching payment account for a period not exceeding 6 months after the matching payment period to pay qualified campaign expenses incurred by the candidate.

(b) After all obligations have been liquidated, the candidate shall so inform the Commission in writing.
(c)(1) If on the last day of candidate eligibility, the candidate’s net outstanding campaign obligations, as defined in 11 CFR 9034.5, reflect a surplus, the candidate shall within 30 calendar days of the ineligibility date repay to the Secretary an amount which represents the amount of matching funds contained in the candidate’s surplus. The amount shall be an amount equal to that portion of the surplus which bears the same ratio to the total surplus that the total amount received by the candidate from the matching payment account bears to the total deposits made to the candidate’s accounts.

(2) For purposes of this subsection, total deposits shall be considered all deposits to all candidate accounts minus transfers between accounts, refunds, rebates, reimbursements, checks returned for insufficient funds, proceeds of loans and other similar amounts.

(3) Notwithstanding the payment of any amounts to the United States Treasury under this section, the Commission may make surplus repayment determination(s) which require repayment in accordance with 11 CFR 9038.2.

§ 9038.4 Extensions of time.

(a) It is the policy of the Commission that extensions of time under 11 CFR Part 9038 shall not be routinely granted.

(b) Whenever a candidate has a right or is required to take action within a period of time prescribed by 11 CFR Part 9038 or by notice given thereunder, the candidate may apply in writing to the Commission for an extension of time in which to exercise such right or take such action. The candidate shall demonstrate in the application for extension that good cause exists for his or her request.

(c) An application for extension of time shall be made at least 7 calendar days prior to the expiration of the time period for which the extension is sought. The Commission may, upon a showing of good cause, grant an extension of time to a candidate who has applied for such extension in a timely manner. The length of time of any extension granted hereunder will be decided by the Commission and may be less than the amount of time sought by the candidate in his or her application.

(d) If a candidate fails to seek an extension of time, exercise a right or take a required action prior to the expiration of a time period prescribed by 11 CFR Part 9038 the Commission may, on the candidate’s showing of excusable neglect:

(1) Permit such candidate to exercise his or her right(s), or take such required action(s) after the expiration of the prescribed time period; and

(2) Take into consideration any information obtained in connection with the exercise of any such right or taking of any such action before making decisions or determinations under 11 CFR Part 9038.

PART 9039—REVIEW AND INVESTIGATION AUTHORITY

Sec. 9039.1 Retention of books and records.
9039.2 Continuing review.
9039.3 Examinations and audits; investigations.


§ 9039.1 Retention of books and records.

The candidate and his or her authorized committee(s) shall keep all books, records and other information required under 11 CFR 9033.11, 9034.2 and Part 9036 for a period of three years pursuant to 11 CFR 102.9(c) and shall furnish such books, records and information to the Commission on request.

§ 9039.2 Continuing review.

(a) In reviewing candidate submissions made under 11 CFR Part 9036 and in otherwise carrying out its responsibilities under this subchapter, the Commission may routinely consider information from the following sources:

(1) Any and all materials and communications which the candidate and
§ 9039.3 Examinations and audits; investigations.

(a) General. (1) The Commission will consider information obtained in its continuing review under 11 CFR 9039.2 in making any certification, determination or finding under this subchapter. If the Commission decides by an affirmative vote of four of its members that additional information must be obtained in connection with any such certification, determination or finding, it will conduct a further inquiry. A decision to conduct an inquiry under this section may be based on information that is obtained under 11 CFR 9039.2, received by the Commission from outside sources, or otherwise ascertained by the Commission in carrying out its supervisory responsibilities under the Presidential Primary Matching Payment Account Act and the Federal Election Campaign Act.

(2) An inquiry conducted under this section may be used to obtain information relevant to candidate eligibility, matchability of contributions and repayments to the United States Treasury. Information obtained during such an inquiry may be used as the basis, or partial basis, for Commission certifications, determinations and findings under 11 CFR Parts 9033, 9034, 9036 and 9038. Information thus obtained may also be the basis of, or be considered in connection with, an investigation under 2 U.S.C. 437g and 11 CFR Part 111.

(3) Before conducting an inquiry under this section, the Commission will attempt to obtain relevant information under the continuing review provisions of 11 CFR 9039.2. Matching payments will not be withheld pending the results of an inquiry under this section unless the Commission finds patent irregularities suggesting the possibility of fraud in materials submitted by, or in the activities of, the candidate or his or her authorized committee(s).

(b) Procedures. (1) The Commission will notify the candidate of its decision to conduct an inquiry under this section. The notice will summarize the legal and factual basis for the Commission's decision.

(2) The Commission's inquiry may include, but is not limited to, the following:

(i) A field audit of the candidate's books and records;
(ii) Field interviews of agents and representatives of the candidate and his or her authorized committee(s);
(iii) Verification of reported contributions by contacting reported contributors;
(iv) Verification of disbursement information by contacting reported vendors;
(v) Written questions under order;
(vi) Production of documents under subpoena;
(vii) Depositions.

(3) The provisions of 2 U.S.C. 437g and 11 CFR Part 111 will not apply to inquiries conducted under this section except that the provisions of 11 CFR 111.12 through 111.15 shall apply to any orders or subpoenas issued by the Commission.
SUPPLEMENT A—OTHER REGULATIONS
IMPLEMENTING
SECTION 401 OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

EDITORIAL NOTE: This edition of Title 11 contains all current regulations of the Federal Elections Commission. As an aid to the user, other regulations appearing in 14 CFR Part 374a, 47 CFR Parts 64, 73 and 76, and 49 CFR Part 1325, implementing Section 401 of the Federal Election Campaign Act of 1971, are reprinted in this Supplement A.
PART 374a—REGULATIONS PURSUANT TO SECTION 401 OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971 WITH RESPECT TO EXTENSION OF CREDIT BY AIR CARRIERS TO POLITICAL CANDIDATES

§374a.1 Purpose.

Section 401 of the Federal Election Campaign Act of 1971 (Pub. L. 92-225, 86 Stat. 19, 2 U.S.C. 451, 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 in this part.

§374a.3 Definitions.

"Adequate security" means (a) a bond, issued by a surety meeting the standards prescribed for sureties in Part 380 of this chapter, in an amount not less than one hundred and fifty percent (150%) of the credit limit established by the air carrier for the candidate, or the person acting on behalf of a candidate, as the case may be, by the terms of which bond the surety undertakes to pay to the air carrier any and all amounts (not exceeding the face amount of the bond) for which the assured candidate or the assured person acting on behalf of a candidate, as the case may be, or may become legally liable to the air carrier for transportation, as defined in this part; 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 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" shall have reference to
(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 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's 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. The term includes persons acting on behalf of more than one candidate.

"Payment in advance" means payment by cash, check, money order, or by credit card (if the issuer of such card is not an air carrier or a subsidiary, parent, or affiliate thereof) prior to performance of such transportation by an air carrier.

"Political committee" means any committee, association, corporation, 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.

"Transportation" means (a) the carriage of persons or property (including services connected therewith) for compensation or hire to or from any place in the United States, or (b) the lease or rental of aircraft, with or without crew.


§ 374a.4 Conditions governing extension of unsecured credit.

(a) Unless adequate security is posted, a full payment in advance is made, no air carrier shall provide transportation to any person it knows, or has reasons to know, is a candidate or a person acting on behalf of such candidate, in connection with the campaign of such candidate, except in accordance with, and subject to the following conditions:

(1) At least once a month the air carrier shall submit to each such candidate or person, a statement covering all unsecured credit extended to such candidate or person, as the case may be (whether in connection with the campaign of such candidate, or otherwise).

(2) Such statements shall be mailed no later than the second business day following the last day of the billing period covered by the statement.

(3) The amount of indebtedness shown on each such statement shall be payable in full no later than 25 days after the last day of the billing period, after which time the indebtedness shall be overdue.

(4)(i) Unsecured credit shall not be extended by an air carrier to a candidate, or to any person acting on his behalf in connection with the campaign of such candidate, so long as any overdue indebtedness of such candidate to such air carrier shall remain unpaid, in whole or in part, or so long as such air carrier shall know that any overdue indebtedness of such candidate to any other air carrier remains unpaid, in whole or in part.

(ii) Unsecured credit shall not be extended by an air carrier to a person acting on behalf of a candidate, for transportation in connection with the campaign of such candidate, so long as any overdue indebtedness of such person to such carrier shall remain unpaid, in whole or in part, or so long as such air carrier shall know that any
§ 374a.5 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) section 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 provisions of this Part.

§ 374a.6 Reporting requirements.

(a) Air carriers shall make monthly reports to the Board with respect to the extension of credit for transportation furnished to candidates, or persons acting on behalf of candidates, during the period from 6 months before nomination, if any, or from 6 months before election, until the date of election. After such described period, monthly reports shall also be filed until the air carrier has filed a negative report; thereafter, no further monthly report need be filed until the commencement of the next such described period.

(b)(1) A separate report shall be filed for each candidate with an aggregate indebtedness balance of over $5,000 on the last day of the month to which the report pertains. The report shall cover all debts incurred by the candidate, whether or not incurred in connection with his campaign, and all debts incurred by persons acting on his behalf in connection with such campaign. 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; and it shall be presumed that the transportation for which the indebtedness has been incurred is intended to be used in connection with the campaign of such candidate for nomination for election, or election, to Federal office.

(2) The report required by this paragraph (b) shall be filed with the Board's Bureau of Accounts and Statistics not later than the 20th day following the end of the calendar month to which the report pertains. They shall include the following data: (i) Name of account; (ii) the credit limit established for such account; (iii) the balance, if any, of the amount payable for transportation not paid for in advance; (iv) any unpaid balance of the charges for such transportation as of the last day of the month covered by the report, and the length of time that such balance has remained unpaid; and (v) a description of the type and value of any bond, collateral, or other security securing such unpaid balance.

(3) The report required by this paragraph (b) shall be in the form attached hereto as Appendix A. 

(c) A separate report shall be filed for each person acting on behalf of any candidate, if the aggregate indebtedness balance of such person to the
reporting air carrier (including all debts incurred by such person, whether or not incurred in connection with the campaign of a candidate, as defined in this part) is over $5,000 on the last day of the month to which the report pertains. The report shall be filed with the Board’s Bureau of Accounts and Statistics not later than the 20th day following the end of the calendar month to which the report pertains and shall include (1) the credit limitation established for such person; (2) the balance, if any, of the amount payable for transportation not paid in advance; (3) any unpaid balance of the charges for such transportation as of the last day of the month covered by the report, and the length of time that such balance has remained unpaid; and (4) a description of the type and value of any bond, collateral, or other security securing such unpaid balance.

§ 374a.7 Record retention requirements.

(a) Every air carrier subject to the part shall retain for 2 years after a Federal election true copies of the following documents at its principal or general office in the United States.

(1) All documents which evidence or reflect the furnishing of transportation to a candidate or a person acting on his behalf;

(2) All statements, invoices, bills, and receipts with respect to the furnishing of such transportation referred to in paragraph (a)(1) of this section.

(b) Every air carrier shall make the documents listed in this section available in the United States upon request by an authorized representative of the Board and shall permit such representative to make such notes and copies thereof as he deems appropriate.

§ 374a.8 Prospective application of part.

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 but which are unpaid as of the effective date of this part. The provisions of this part will be applicable, however, to all credit transactions which occur subsequent to the effective date of the part even though the credit account in which the transaction takes place was opened prior to the effective date of the part.
§ 64.801 Purpose.

Pursuant to section 401 of the Federal Election Campaign Act of 1971, Pub. L. 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, as amended.

§ 64.803 Definitions.

For the purposes of this subpart:

(a) “Candidate” means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and 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.

(b) “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, and (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(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) “Person” means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons.

(e) “Unsecured credit” means the furnishing of service without maintaining on a continuing basis advance payment, deposit, or other security, that is designed to assure payment of the estimated amount of service for each future 2 month period, with revised estimates to be made on at least a monthly basis.

§ 64.804 Rules governing the extension of unsecured credit to candidates or persons on behalf of such 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 candidates 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 15 days from rendition of a bill therefor, the carrier shall forthwith at the end of the 15-day period serve written notice on the applicant of intent to discontinue service within 7 days of date of such notice for nonpayment and shall discontinue service at the end of the 7-day period unless all such sums due are paid in full within such 7-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 section 415(a) of the Communications Act of 1934, as amended.

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

(g) On or before January 31 and July 31, 1973, and corresponding dates of each year thereafter, each carrier which had operating revenues in the preceding year in excess of $1 million 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 when such amount results from the extension of unsecured credit. Each report shall include the following information:

1. Name of candidate.
2. Name and address of person or persons applying for service.
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.

PART 73—RADIO BROADCAST SERVICES

Subpart A—Standard Broadcast Stations

Sec.
73.120 Broadcasts by candidates for public office.
73.123 Personal attacks; political editorials.

Subpart B—FM Broadcast Stations

73.290 Broadcasts by candidates for public office.
73.291 Personal attacks; political editorials.

Subpart C—Noncommercial Educational FM Broadcast Stations

73.590 Broadcasts by candidates for public office.
73.591 Personal attacks.

Subpart D—[Reserved]

Subpart E—Television Broadcast Stations

73.657 Broadcasts by candidates for public office.
73.679 Personal attacks; political editorials.

Subpart H—Rules Applicable to All Broadcast Stations

73.1910 Fairness Doctrine.
73.1920 Personal attacks.
73.1930 Political editorials.
73.1940 Broadcasts by candidates for public office.
§ 73.120

**Authority:** Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

**Editorial Note:** These provisions are also codified in 47 CFR Part 73.

**Subpart A—Standard Broadcast Stations**

§ 73.120 Broadcasts by candidates for public office.

See § 73.1940.

[43 FR 32795, July 28, 1978]

§ 73.123 Personal attacks; political editorials.

See §§ 73.1910, 73.1920, and 73.1930.

[43 FR 45845, Oct. 4, 1978]

**Subpart B—FM Broadcast Stations**

§ 73.290 Broadcasts by candidates for public office.

See § 73.1940.

[43 FR 32795, July 28, 1978]

§ 73.291 Personal attacks; political editorials.

See §§ 73.1910, 73.1920, and 73.1930.


**Subpart C—Noncommercial Educational FM Broadcast Stations**

§ 73.590 Broadcasts by candidates for public office.

See § 73.1940.

[43 FR 32795, July 28, 1978]

§ 73.591 Personal attacks.

See §§ 73.1910 and 73.1920.


11 CFR Ch. I (1-1-86 Edition)

**Subpart D—Reserved**

**Subpart E—Television Broadcast Stations**

§ 73.657 Broadcasts by candidates for public office.

See § 73.1940.

[43 FR 32795, July 28, 1978]

§ 73.679 Personal attacks; political editorials.

See §§ 73.1910, 73.1920, and 73.1930.

[43 FR 45846, Oct. 4, 1978]

**Subpart H—Rules Applicable to All Broadcast Stations**

§ 73.1910 Fairness Doctrine.

The Fairness Doctrine is contained in section 315(a) of the Communications Act of 1934, as amended, which provides that broadcasters have certain obligations to afford reasonable opportunity for the discussion of conflicting views on issues of public importance. See FCC public notice “Fairness Doctrine and the Public Interest Standards,” 39 FR 26372. Copies may be obtained from the FCC upon request.

[43 FR 45856, Oct. 4, 1978]

§ 73.1920 Personal attacks.

(a) When, during the presentation of views on a controversial issue of public importance, an attack is made upon the honesty, character, integrity or like personal qualities of an identified person or group, the licensee shall, within a reasonable time and in no event later than one week after the attack, transmit to the persons or group attacked:

1. Notification of the date, time and identification of the broadcast;

2. A script or tape (or an accurate summary if a script or tape is not available) of the attack; and

3. An offer of a reasonable opportunity to respond over the licensee’s facilities.

(b) The provisions of paragraph (a) of this section shall apply to broadcast...
material which falls within one or more of the following categories:

1. Personal attacks on foreign groups or foreign public figures;
2. Personal attacks occurring during uses by legally qualified candidates;
3. Personal attacks made during broadcasts not included in paragraph (b)(2) of this section and made by legally qualified candidates, their authorized spokespersons, or those associated with them in the campaign, on other such candidates, their authorized spokespersons or persons associated with the candidates in the campaign; and
4. Bona fide newscasts, bona fide news interviews, and on-the-spot coverage of a bona fide news event, including commentary or analysis contained in the foregoing programs.

(c) The provisions of paragraph (a) of this section shall be applicable to editorials of the licensee, except in the case of noncommercial educational stations since they are precluded from editorializing (section 399(a), Communications Act).

§ 73.1930 Political editorials.

(a) Where a licensee, in an editorial, (1) Endorses or (2) opposes a legally qualified candidate or candidates, the licensee shall, within 24 hours after the editorial, transmit to, respectively, (i) the other qualified candidate or candidates for the same office or (ii) the candidate opposed in the editorial, (A) notification of the date and the time of the editorial, (B) a script or tape of the editorial and (C) an offer of a reasonable opportunity for the candidate or a spokesman of the candidate to respond over the licensee's facilities. Where such editorials are broadcast within 72 hours prior to the day of the election, the licensee shall comply with the provisions of this paragraph sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion.

(b) Inasmuch as noncommercial educational stations may not engage in editorializing nor, may support or oppose any candidate for political office (section 399(a), Communications Act), the provisions of paragraph (a) of this section, do not apply to such stations.

[43 FR 45856, Oct. 4, 1978]

§ 73.1940 Broadcasts by candidates for public office.

(a) Definitions. (1) A legally qualified candidate for public office is any person who:
   (i) Has publicly announced his or her intention to run for nomination or office;
   (ii) Is qualified under the applicable local, State or Federal law to hold the office for which he or she is a candidate; and
   (iii) Has met the qualifications set forth in either paragraphs (a) (2), (3), or (4), of this section.

(2) A person seeking election to any public office including that of President or Vice President of the United States, or nomination for any public office except that of President or Vice President, by means of a primary, general or special election, shall be considered a legally qualified candidate if, in addition to meeting the criteria set forth in paragraph (a) (1) of this section, that person:
   (i) Has qualified for a place on the ballot, or
   (ii) Has publicly committed himself or herself to seeking election by the write-in method and is eligible under applicable law to be voted for by sticker, by writing in his or her name on the ballot or by other method, and makes a substantial showing that he or she is a bona fide candidate for nomination or office.

Person seeking election to the office of President or Vice President of the United States shall, for the purposes of the Communications Act and the rules thereunder, be considered legally qualified candidates only in those States or territories (or the District of Columbia) in which they have met the requirements set forth in paragraph (a) (1) and (2) of this rule: Except, that any such person who has met the requirements set forth in paragraph (a)(1) and (2) in at least 10 States (or 9 and the District of Columbia) shall
be considered a legally qualified candidate for election in all States, territories, and the District of Columbia for purposes of this Act.

(3) A person seeking nomination to any public office, except that of President or Vice President of the United States, by means of a convention, caucus or similar procedure, shall be considered a legally qualified candidate if, in addition to meeting the requirements set forth in paragraph (a)(1) of this section, that person makes a substantial showing that he or she is a bona fide candidate for such nomination: Except, that no person shall be considered a legally qualified candidate for nomination by the means set forth in this paragraph prior to 90 days before the beginning of the convention, caucus or similar procedure in which he or she seeks nomination.

(4) A person seeking nomination for the office of President or Vice President of the United States shall, for the purposes of the Communications Act and the rules thereunder, be considered a legally qualified candidate only in those States or territories (or the District of Columbia) in which, in addition to meeting the requirements set forth in paragraph (a)(1) of this section.

(i) He or she, or proposed delegates on his or her behalf, have qualified for the primary or Presidential preference ballot in that State, territory or the District of Columbia, or

(ii) He or she has made a substantial showing of bona fide candidacy for such nomination in that State, territory or the District of Columbia; Except, that any such person meeting the requirements set forth in paragraph (a)(1) and (4) in at least 10 States (or nine and the District of Columbia) shall be considered a legally qualified candidate for nomination in all States, territories and the District of Columbia for purposes of this act.

(5) The term "substantial showing" of bona fide candidacy as used in paragraphs (a) (2), (3), and (4) of this section means evidence that the person claiming to be a candidate has engaged to a substantial degree in activities commonly associated with political campaigning. Such activities normally would include making campaign speeches, distributing campaign literature, issuing press releases, maintaining a campaign committee, and establishing campaign headquarters (even though the headquarters in some instances might be the residence of the candidate or his campaign manager). Not all of the listed activities are necessarily required in each case to demonstrate a substantial showing, and there may be activities not listed herein which would contribute to such a showing.

(b) Charges for use of stations. The charges, if any, made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed

(1) During the 45 days preceding the date of a primary or primary runoff election and during the 60 days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period, and

(2) At any other time the charges made for comparable use of such station by other users thereof. The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means direct or indirect. A candidate shall be charged no more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. All discount privileges otherwise offered by a station to commercial advertisers shall be available upon equal terms to all candidates for public office.

(3) This paragraph shall not apply to any station which is not licensed for commercial operation.

(c) Discrimination between candidates. In making time available to candidates for public office, no licensee shall make any discrimination between candidates in practices, regulations, facilities, or services for or in connection with the service rendered pursuant to
this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) Records, inspection. Every licensee shall keep and permit public inspection of a complete record (political file) of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if the request is granted. When free time is provided for use by or on behalf of such candidates, a record of the free time provided shall be placed in the political file. All records required by this paragraph shall be placed in the political file as soon as possible and shall be retained for a period of 2 years. See §§ 1.526-27 of this chapter.

(e) Time of request. A request for equal opportunities must be submitted to the licensee within 1 week of the day on which the first prior use, giving rise to the right of equal opportunities, occurred: Provided, however, That where the person was not a candidate at the time of such first prior use, he shall submit his request within 1 week of the first subsequent use after he has become a legally qualified candidate for the office in question.

(f) Burden of proof. A candidate requesting equal opportunities of the licensee, or complaining of noncompliance to the Commission shall have the burden of proving that he and his opponent are legally qualified candidates for the same public office.

(g) General requirements. (1) Except as otherwise indicated in paragraph (g)(2) of this section, no station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other candidates for the same public office under the same conditions.

207
the honesty, character, integrity, or like personal qualities of an identified person or group, the cable television system operator shall, within a reasonable time and in no event later than one (1) week after the attack, transmit to the person or group attacked: (1) Notification of the date, time, and identification of the cablecast; (2) a script or tape (or an accurate summary if a script or tape is not available) of the attack; and (3) an offer a reasonable opportunity to respond over the system’s facilities.

(c) The provisions of paragraph (b) of this section shall not apply to cablecast material which falls within one or more of the following categories:

(1) Personal attacks on foreign groups or foreign public figures;
(2) Personal attacks occurring during uses by legally qualified candidates;
(3) Personal attacks made during cablecasts not included in paragraph (b)(2) of this section and made by legally qualified candidates, their authorized spokespersons or those associated with them in the campaign, on other such candidates, their authorized spokespersons or persons associated with the candidates in the campaign; and
(4) Bona fide newscasts, bona fide news interviews, and on-the-spot coverage of bona fide news events (including commentary or analysis contained in the foregoing programs, but, the provisions of paragraph (b) of this section shall be applicable to editorials of the cable television system operator).

(d) Where a cable television system operator, in an editorial, (1) endorses or (2) opposes a legally qualified candidate or candidates, the system operator shall, within 24 hours of the editorial, transmit to respectively (1) the other qualified candidate or candidates for the same office, or (ii) the candidate opposed in the editorial, (a) notification of the date, time, and channel of the editorial; (b) a script or tape of the editorial; and (c) an offer of a reasonable opportunity for a candidate or spokesman of the candidate to respond over the system’s facilities: Provided, however, That where such editorials are cablecast within 72 hours prior to the day of the election, the system operator shall comply with the provisions of this paragraph sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion.


**Editorial Note:** This section is also codified in 47 CFR Part 76.
§ 1325.3

INTERSTATE COMMERCE COMMISSION

PART 1325—EXTENSION OF CREDIT TO CANDIDATES FOR FEDERAL OFFICE OR THEIR REPRESENTATIVES

Sec.
1325.1 Extension of unsecured credit prohibited.
1325.2 Credit agreements.
1325.3 Federal office.


SOURCE: ICC Ex Part 283, 37 FR 10446, May 23, 1972, unless otherwise noted.

EDITORIAL NOTE: This part also codified as 49 CFR Part 1325.

§ 1325.1 Extension of unsecured credit prohibited.

Persons subject to regulations 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 person 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 the President or Vice President of the United States; or of a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.
FINDING AIDS

A list of CFR titles, subtitles, chapters, subchapters and parts, and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

Indexes to Regulations:
- General, Parts 100-115
- General Election Financing, Parts 9001-9007
- Federal Financing of Presidential Nominating Conventions, Part 9008
- Presidential Primary Matching Fund, Parts 9031-9039

Table of CFR Titles and Chapters
Alphabetical List of Agencies Appearing in the CFR
List of CFR Sections Affected—1
List of CFR Sections Affected—2
INDEXES TO REGULATIONS

GENERAL, PARTS 100-115

A

ACCEPTANCE OF CONTRIBUTIONS
See: CONTRIBUTIONS

ACCOUNT
Credit union, disbursements from, § 102.9(b)(2)(iii)
Established by collecting agent, § 102.6(c)(4)
Federal, separate from non-Federal, § 102.5(a)(1)(i) and (b)(1)(i)
Office, See: OFFICE ACCOUNT
Transmittal, for joint fundraising, § 102.17(c)(4)
See also: CAMPAIGN DEPOSITORY

ACCOUNTANTS' SERVICES
See: LEGAL AND ACCOUNTING SERVICES

ACT
Definition, § 100.18

ADMINISTRATIVE EXPENSES
Allocation of, § 106.1(c) and (e); § 106.2(b) and (c); § 110.8(d)(3)
Corporate/labor expenses for separate segregated fund, § 114.1(b); § 114.5(b)
Party committee expenses for delegate selection, § 110.14(g)(1)
Polling results, purchased by unauthorized committee, § 106.4(d)

ADMINISTRATIVE PERSONNEL
Definition, § 100.8(b)(4)(iii); § 114.1(c)
See also: CORPORATION/LABOR ORGANIZATION/NATIONAL BANK

ADVERTISING
See: COMMUNICATIONS/ADVERTISING

ADVISORY OPINIONS
Issuance of, § 112.4
Public availability of, § 4.4(a)(11); § 5.4(a)(2)
Reconsideration of, § 112.6
Reliance on, § 112.5
Requests for, § 112.1
— made public, § 4.4(a)(11); § 5.4(a)(2); § 112.2
— public comments on, § 112.3
Standing to receive, § 112.1(a)

AFFILIATED COMMITTEE
Connected organization of
— definition, § 100.6
— disclosure of, § 102.2(b)
Contribution limit shared, § 110.3(a)(1) and (b)
Definition, § 100.5(g)
Disclosure of, on Statement of Organization, § 102.2(b)
Participant in joint fundraising, § 102.17(b)(3)(iii)
Transfers between, unlimited, § 102.6(a)

AGENT
Candidate as, § 101.2; § 102.7(d)
Collecting, See: COLLECTING AGENT
Definition, § 109.1(b)(5)
ALLOCATION OF EXPENDITURES

Among candidates
- administrative costs, § 106.1(c) and (e)
- contributions in-kind, § 100.7(a)(1)(iii); § 106.1(b)
- Federal/non-Federal, § 102.5; § 104.10; § 106.1(e)
- general rule for § 104.10; § 106.1(a)
- made on behalf of another candidate, § 106.1(b)
- personnel and facilities, shared, § 110.8(d)(3)
- reporting, § 104.10; § 106.1(a) and (b)
- voter information and registration, § 106.1(c)(2) and (3)

Between Federal/non-Federal elections, § 106.1(e)

By committees, § 102.5; § 106.1
For joint fundraising, § 102.17(c)(1), (2) and (7)
For polling results, § 106.4

For Presidential campaigns, by State
- administrative costs, § 106.2(b)(2)(iv)
- media, § 106.2(b)(2)(i)
- methods for making, § 106.2(b)
- polling, § 106.2(b)(2)(vi)
- reporting, § 106.2(d) and (e)
- salaries, § 106.2(b)(2)(ii)
- telephone service, § 106.2(b)(2)(v)
- testing-the-waters, § 106.2(a)(2)
- travel, intra-State, § 106.2(b)(2)(iii)

For Presidential campaigns, not required
- administrative costs, § 106.2(c)(1)(i)
- compliance, § 106.2(c)(5)
- fundraising, § 106.2(c)(5)
- media production costs, § 106.2(e)(2)
- media, transportation and services provided to, § 106.2(c)(3)
- polling, § 106.2(c)(1)(iii)
- reporting, § 106.2(d) and (e)
- travel, interstate, § 106.2(c)(4)

For travel between campaign/noncampaign-related activity, § 106.3

For Presidential campaigns, by State
- administrative costs, § 106.2(b)(2)(iv)
- media, § 106.2(b)(2)(i)
- methods for making, § 106.2(b)
- polling, § 106.2(b)(2)(vi)
- reporting, § 106.2(d) and (e)
- salaries, § 106.2(b)(2)(ii)
- telephone service, § 106.2(b)(2)(v)
- testing-the-waters, § 106.2(a)(2)
- travel, intra-State, § 106.2(b)(2)(iii)

For Presidential campaigns, not required
- administrative costs, § 106.2(c)(1)(i)
- compliance, § 106.2(c)(5)
- fundraising, § 106.2(c)(5)
- media production costs, § 106.2(e)(2)
- media, transportation and services provided to, § 106.2(c)(3)
- polling, § 106.2(c)(1)(iii)
- reporting, § 106.2(d) and (e)
- travel, interstate, § 106.2(c)(4)

For travel between campaign/noncampaign-related activity, § 106.3

ANONYMOUS CONTRIBUTION
Of cash, § 110.4(c)(3)

APPEARANCES BY CANDIDATE
See: CANDIDATE

ATTORNEYS’ SERVICES
See: LEGAL AND ACCOUNTING SERVICES

AUDITS
By Commission, § 104.16
Preservation of reports and records for, § 102.5(b)(1)(i) and (ii); § 104.10; § 104.14(b)(3)
Public disclosure of, § 1.14; § 4.4(a)(14)

AUTHORIZED COMMITTEE
Affiliated, § 100.5(g)(1)
Agent of, definition, § 109.1(b)(5)
Candidate as agent of, § 101.2; § 102.7(d)
Communications paid for/authorized by, § 110.11(a)(1)(i) and (ii)
Contributions to, See: CANDIDATE
Definition, § 100.5(d) and (f)(1)
Designation of, § 101.1(b); § 102.13
Forwarding contributions to, § 102.8(a)
Independent expenditures, precluded from making, § 109.1(e)
Joint fundraising, § 102.17(a)(1)(i)
Name of, restrictions, § 102.14(a)
Registration of, § 102.1(b); § 102.2(b)(1)(i)
AUTHORISED COMMITTEE—Continued

Reports filed by, § 101.1(b); § 102.1(b); § 104.3(f)

Support of one candidate only, § 102.13(c)

Transfers by, § 110.3(a)(2)(ii)

See also: PRINCIPAL CAMPAIGN COMMITTEE

AWARDS

See: HONORARIA

BALLOT ACCESS PAYMENT

Exemption, § 100.7(b)(18); § 100.8(b)(19)

BANK

Campaign depository, See: CAMPAIGN DEPOSITORY

Communications by

— nonpartisan, to employees and restricted class, § 114.4(a)
— nonpartisan, to general public, § 114.4(b)
— partisan, in connection with State/local election, prohibited, § 114.3(a)(1)
— partisan, to restricted class, § 114.3(a)(1)

Loans from, See: LOANS

National, contribution/expenditure by, prohibited, § 114.2

Overdraft, § 100.7(b)(11); § 100.8(b)(12)

Separate segregated fund established by, § 114.2(a)

See also: COMMUNICATIONS/ADVERTISING; CORPORATION/LABOR

ORGANIZATION/NATIONAL BANK; SEPARATE SEGREGATED

FUND

BEST EFFORTS

See: TREASURER OF POLITICAL COMMITTEE

CAMPAIGN DEBTS

See: DEBTS

CAMPAIGN DEPOSITORY

Acceptable institutions, § 103.2

Commingling of funds, § 102.15

Deposits to, § 103.3

Designation of, § 103.1; § 103.2

Disbursements from, § 102.10; § 103.3(a)

Established by collecting agent, § 102.6(c)(4)(ii)(A)

Federal accounts, separate from non-Federal, § 102.5(a)(1)(i) and (b)(1)(i)

Investment of deposited funds, § 103.3(a); § 104.3(a)(4)(vi)

Joint fundraising account, § 102.17(c)(3)

Overdraft, § 100.7(b)(11); § 100.8(b)(12)

Vice Presidential candidate, § 103.4

CAMPAIGN FUNDS

Excess, See: EXCESS CAMPAIGN FUNDS

Transfer of, See: TRANSFER OF FUNDS

CAMPAIGN MATERIALS

Candidate-prepared, dissemination of, § 109.1(d); § 110.14(d)(2)(ii)(A)(2);

§ 114.3(c)(1)

Distributed by volunteer, exemption

— for candidate, § 100.7(b)(16); § 100.8(b)(17)

— for delegate, § 110.14(d)(2)(i)

— for party, § 100.7(b)(15); § 100.8(b)(16)

See also: COMMUNICATIONS/ADVERTISING

CANDIDATE

Advocacy of election/defeat of, See: CLEARLY IDENTIFIED CANDIDATE

Agent of authorized committee, § 101.2; § 102.7(d)

Appearances

215
CANDIDATE—Continued
Appearances—Continued
— corporate/labor, § 114.3(c)(2); § 114.4(a)(2) and (3)
— election year, § 110.8(e)(2)(ii)
— honorarium accepted for, § 110.12(b)
— party-building, § 110.8(e)
Campbell materials prepared by/distributed for, See: CAMPAIGN
MATERIALS
Candidacy indicated, examples, § 100.8(b)(1)(ii)
Clearly identified, See: CLEARLY IDENTIFIED CANDIDATE
Committee, See: AUTHORIZED COMMITTEE
Contributions to
— accounting for primary/general election contributions, § 102.9(e)
— criterion for candidate status, § 100.3(a)
— criterion for candidate support, § 102.12(c)(2); § 102.13(c)(2)
— dual candidate, § 110.1(f)
— limitations, general, § 110.1(a) and (h); § 110.2(a)(1)
— prior to becoming candidate, § 100.7(b)(1); § 101.2(b); § 101.3
— Senate candidate, § 110.2(c); § 110.3(b)(4)
— unopposed candidate, § 110.1(j)(2) and (3); § 110.2(d)(2) and (3)
See also: CONTRIBUTIONS
Corporate/labor facilities, used by, § 114.9(e) and § 114.12(b)
Debates, See: DEBATES
Definition, § 100.3(a)
Designation of
— authorized committee, § 101.1(b); § 102.13
— joint fundraising committee, § 102.13(c)(1)
— principal campaign committee, § 101.1(a); § 102.12
Disavowal of campaign activity, § 100.3(a)(3); § 102.13(a)(2)
Dual, See: DUAL CANDIDACY
Expenditures
— allocation among candidates, § 104.10; § 106.1
— allocation among States for Presidential candidate, § 106.2
See also: ALLOCATION OF EXPENDITURES
— criterion for candidate status, § 100.3(a)
— limitations, for publicly funded Presidential candidates, § 110.8
— made on behalf of, § 110.8(g)
— personal funds used for, See: PERSONAL FUNDS
— polling expenses, § 106.4
— prior to becoming candidate, § 100.8(b)(1); § 101.2(b); § 101.3
See also: EXPENDITURES
Fraudulent misrepresentation by, § 110.9(b)
Honoraria paid to, See: HONORARIA
Living expenses, § 100.8(b)(22)
Loan obtained by, § 101.2; § 102.7(d); § 104.3(d)
Name included in committee's name, § 102.14(a)
Personal funds, See: PERSONAL FUNDS
Presidential, See: CANDIDATE FOR PRESIDENT
Support of, definition, § 102.12(c)(2); § 102.13(c)(2)
Testing-the-waters activity, § 100.7(b)(1); § 100.8(b)(1); § 106.4(a); § 101.3
Travel expenses, § 106.2; § 106.3; § 114.9(e)
Unopposed, § 100.2(c)(5); § 110.1(j)(2) and (3); § 110.2(d)(2) and (3)
Vice Presidential candidate, See: CANDIDATE FOR PRESIDENT
Voter guide, responses included in, § 114.4(b)(5)
Voting record distributed by others, § 114.4(b)(4)
CANDIDATE FOR PRESIDENT
Appearance by, at corporate/labor general meeting, § 114.4(a)
Contributions to, See: CONTRIBUTIONS
CANDIDATE FOR PRESIDENT—Continued

Debates, See: DEBATES

Delegate communications referring to, § 110.14(d)

Expenditures
— allocation among States, § 106.2
  See also: ALLOCATION OF EXPENDITURES
— limits for publicly funded candidate, § 110.8

Legal and accounting services, contribution/expenditure exemption, § 100.7(b)(14); § 100.8(b)(15)

National party committee
— as Presidential principal campaign committee, § 102.12(c)(1)
— expenditure limits for Presidential nominee, § 110.7(a)

Nominating convention, See: CONVENTION, NATIONAL NOMINATING

Reports by Presidential committee
— content, § 104.17
— solicitation, § 104.5(b); § 105.3; § 108.2

Solicitation exemption for publicly funded candidate, § 100.8(b)(21)

Vice Presidential candidate
— campaign depository, § 103.4
— committee reports, § 104.5(d); § 104.17; § 108.2
— expenditures by and on behalf of, § 110.8(f) and (g)
— principal campaign committee, § 102.12(a)

Voter drive by party committee on behalf of nominee, § 100.7(b)(17); § 100.8(b)(18)

CASH

Contributions, § 110.4(c)
Disbursements from petty cash, § 102.11; § 103.3(a)
On-hand, reporting, § 104.3(a)(1); § 104.12

CHARITABLE ORGANIZATION

Definition, § 110.12(b)(6)
Excess campaign funds donated to, § 113.2(b)
Honorarium donated to, § 110.12(b)(5)

CHURCH OR COMMUNITY ROOM

Use of, § 100.7(b)(5); § 100.8(b)(6)

CIVIL ACTIONS

See: COMPLIANCE

CLEARLY IDENTIFIED CANDIDATE

Attribution of expenditures to, § 106.1(c)
Communications advocating
— as independent expenditure, § 109.1
— by corporation/labor organization, § 100.8(b)(4); § 104.6; § 105.4; § 110.11(a); § 114.3; § 114.5(e)(2)(I)
— by delegate on behalf of Presidential candidate, § 110.14(d)(2)(ii)(B)
— notice required, § 109.3; § 110.11(a)
Definition, § 100.17; § 106.1(d); § 109.1(b)(3)
See also: COMMUNICATIONS/ADVERTISING; INDEPENDENT EXPENDITURES

CLERK OF THE HOUSE

Reports filed with, § 105.1
Transmittal of reports to Commission, § 105.5

COLLECTING AGENT

Definition, § 102.6(b)(1) and (3)
Fundraising for separate segregated fund, § 102.6(b) and (c)
Recordkeeping, § 102.6(c)(5) and (6)
Registration of, for Federal election activity, § 102.6(b)(2)
Reporting of funds received through, § 102.6(c)(7)
Transmittal of contribution by, § 102.6(c)(3), (4) and (5)
COMMINGLED FUNDS
Segregation of political/personal funds, § 102.15
COMMISSION
See: FEDERAL ELECTION COMMISSION
COMMITTEE
See: POLITICAL COMMITTEE
COMMUNICATIONS/ADVERTISING
Advocating election/defeat of candidate
See: CLEARLY IDENTIFIED CANDIDATE
By bank, § 114.3(a); § 114.4(b)
By cooperative, § 114.3(a)(2); § 114.4(a)(1)(ii) and (d)
By corporation established by authority of Congress, § 114.3(a)(1); § 114.4(a) and (b)
By corporation without capital stock, § 114.3(a)(2); § 114.4(a)(1)(ii) and (d)
By corporation/labor organization to employees and restricted class, nonpartisan, § 114.4(a) and (d)
— appearances by candidate or party representative, § 114.4(a)(2) and (3)
— endorsement prohibited, § 114.4(a)(2)(v) and (3)(i)
— solicitation prohibited, § 114.4(a)(2)(iv) and (3)(i)
By corporation/labor organization to general public, nonpartisan, § 114.4(b)
— debates, § 110.13; § 114.4(e)
— endorsement/support prohibited, § 114.4(b)(2)(i) and (3)(iv)
— facilities or personnel used in, § 114.4(c)(3)
— identity of sponsor, § 114.4(b)(1) and (c)(5)
— nonpartisanship defined, § 114.4(b)(2)(i)
— voter guides, preparation and distribution, § 114.4(b)(5)
— voting record of candidate, prepared and distributed, § 114.4(b)(4)
— on any subject, § 114.3(a)(2)(i); § 114.3(a)
— phone banks, use in, § 114.3(c)(3)
— reporting of, § 100.8(b)(4); § 104.6; § 114.3(b); § 114.5(e)(2)(i)
— restricted class, definition of, § 114.3(a)(1)
— solicitation permitted, § 114.3(c)(2)
— transportation/other services made available by, § 114.3(c)(4)
— voter registration and get-out-the-vote drives, § 114.3(a)(2)(ii); § 114.3(c)(3) and (4)
By delegates, § 110.14(d)
By membership organization, § 100.8(b)(4); § 114.3(a)(2); § 114.4(a)(1)(i) and (d)
By party, See: PARTY COMMITTEE
By separate segregated fund, § 110.11(a)(1)(iii) and (iv); § 114.3; § 114.4; § 114.5(i)
By trade association, § 114.3(a)(2); § 114.4(a)(1)(ii) and (d)
Campaign materials, See: CAMPAIGN MATERIALS
Candidate debates, See: DEBATES
Disclaimer notice requirements, § 110.11
Media
— allocation of expenditures for, on behalf of Presidential candidate, § 106.2(b)(2)(i) and (c)
— news story/editorial/commentary, § 100.7(b)(2); § 100.8(b)(2)
— production costs, for Presidential candidates, § 106.2(c)(2)
— space, charges for, § 110.11(b)
Index, General

COMMUNICATIONS/ADVERTISING—Continued
Media—Continued
— staging of candidate debates, § 110.13(a)(2); § 114.4(e)(2)
— use of information from filed reports, § 104.15(c)
Notice re uired, § 102.16; § 109.3; § 110.11(a)
— authorized by candidate, § 110.11(a)(i) and (ii)
— not authorized by candidate, § 110.11(a)(i)(ii) and (iv)
— under impractical conditions, § 110.11(a)(2)
Slate card/sample ballot, § 100.7(b)(9); § 100.8(b)(10)
Soliciting contributions, § 102.16; § 110.11(a)
See also: CLEARLY IDENTIFIED CANDIDATE; INDEPENDENT EXPENDITURES; VOTER DRIVES

COMPLAINTS
See: COMPLIANCE

COMPLIANCE
Civil actions, § 111.19
Complaints, § 111.4; § 111.5; § 111.6; § 111.7
Computation of time, § 111.2
Conciliation agreements, § 111.18; § 111.19(c)
Confidentiality, § 1.14; § 111.21
Ex parte communications, § 111.22
Failure to file reports, § 111.8(c)
Initiation of, § 111.3
Internal/agency referrals, § 111.3(a); § 111.8
Investigations, § 111.10
No reason to believe, § 111.7(b); § 111.9(b)
Probable cause to believe, § 111.16; § 111.17; § 111.18
Public disclosure, § 4.4(a)(3) and (12); § 5.4(a)(3) and (4); § 111.20
Reason to believe, § 111.7(a); § 111.9; § 111.10
Representation by counsel, § 111.23
Subpoenas/orders/depositions
— issuance of, § 111.11; § 111.12
— motions to quash, § 111.15
— service of, § 111.13
— witness fees/mileage, § 111.14

CONDUIT/INTERMEDIARY
See: EARMARKED CONTRIBUTION

CONGRESS, MEMBERS OF
Excess campaign funds, use of by January 1980 members, § 113.2(d)
Travel expenses, official, § 106.3(d)
See also: OFFICE ACCOUNT

CONNECTED ORGANIZATION
As collecting agent for separate segregated fund, § 102.6(b)(1)(ii)
Definition, § 100.6
Disclosure of, on Statement of Organization, § 102.2(b)
Name of, included in separate segregated fund's name, § 102.14(c)

CONSUMER PRICE INDEX
Definition, § 110.9(c)(2)
Expenditure limits adjusted by, § 110.9(c)(1)

CONTRIBUTIONS
Acceptance of
— anonymous, § 110.4(c)(3)
— by Federal committee/account, § 102.5(a)(2)
— by separate segregated fund, § 114.5(j)
— illegal-appearing, § 103.3(b)
— prohibited, § 110.9(a); § 114.2(c)
— treasurer required, § 102.7(b)
Accounting for, 102.9(a)
CONTRIBUTIONS—Continued
Allocated in joint fundraising, § 102.17(c)(1), (2), (6) and (7)
Annual limits, § 110.5
Anonymous, § 110.4(c)(3)
By affiliated committees, § 110.3(a)(1)
By checks and other written instruments, § 104.8(c) and (d)
By children, § 110.1(i)(2)
By committees, general, § 110.1
By corporations/labor organizations/national banks, § 114.2
By Federal contractors, § 115.2
By foreign nationals, § 110.4(a)
By multicandidate committees, § 110.2
By partners, § 110.1(e)
By party committees
— general, § 110.3(b)(1) and (2)(ii)
— national and Senate committees, § 110.2(c); § 110.3(b)(4)
By payroll deduction plan, § 104.8(b); § 114.5(k)(1); § 114.6(e)(1); § 114.12(d)
By person in name of another, § 110.4(b)
By persons, general, § 110.1; § 110.5
By separate segregated fund, § 114.5(f)
By spouse, § 100.7(c); § 110.1(i)(1)
Cash, § 110.4(c)
Combined with other payments, § 102.6(c)(3)
Conduit for, See: EARMARKED CONTRIBUTION
Contributor identification, § 100.12; § 104.7(b); § 104.8(a) and (b)
Credit, extension of, § 100.7(a)(4)
Debts, contributions to retire, § 110.1(a)(2)(i) and (g)
Definition, § 100.7(a); § 114.1(a)(1)
Deposit of, § 103.3(a)
Designated/not designated for election, § 110.1(a)(2); § 110.5(b)(2)
Earmarked, See: EARMARKED CONTRIBUTION
Election, contribution limit for, § 110.1(a)(1) and (j); § 110.2(a)(1) and (d); § 110.5(b)
Excess, See: EXCESS CAMPAIGN FUNDS
Exemptions, § 100.7(b); § 114.1(a)(2)
— See also: CONTRIBUTION/EXPENDITURE EXEMPTIONS
Forwarding, § 102.8
Illegal, § 110.4; § 110.9(a); § 110.14(f); § 114.2; § 115.2
Illegal-appearing, § 103.3(b)
In-kind, See: IN–KIND CONTRIBUTION
In name of another, § 110.4(b)
Investment of, § 103.3(a)
Joint, § 104.8(c) and (d)
Limitations, § 102.17(c)(5); § 110.1; § 110.2; § 110.3(a)(1) and (b); § 110.5; § 110.9(a)
Loans, See: LOANS
Nonelection year, § 110.5(b)
Polling expenses, § 108.4
Post-primary, § 110.1(a)(2)(i) and (ii)(B)
Prohibited, § 110.4; § 110.9(a); § 110.14(f); § 114.2; § 115.2
Prohibited, accepted in joint fundraising, § 102.17(c)(2)(ii)(B) and (3)(i)
Receipt of, § 102.8
Recordkeeping requirements, See: RECORDKEEPING
Refunds, § 101.3; § 103.3(b)(2); § 110.4(c)(2)
Reporting requirements, See: REPORTING
Segregated from personal funds, § 102.15
Solicitation of
— by collecting agent, § 102.6(c)(2)
Index, General

CONTRIBUTIONS—Continued
Solicitation of—Continued
— exempted expenditure, § 100.8(b)(21)
— information on reports used for, § 104.15
— notice of disclaimer required, § 102.16; § 109.3; § 110.11(a)
See also: FUNDRAISING; SEPARATE SEGREGATED FUND

Stocks, bonds, art objects, § 104.13(b)
Testing-the-waters activity, for, § 100.7(b)(1); § 100.8(b)(1); § 106.2(a)(2); § 106.4(a); § 101.3
To authorized committee, § 110.1(a) and (b); § 110.2(a)(1)
To candidate, See: CANDIDATE
To committee
— criterion for political committee status, § 100.5(a) and (c)
— general, § 110.1(c); § 110.2(a)(3)
— making independent expenditures, § 110.1(d)
To delegate/delegate committee, § 110.5(d); § 110.14(c), (e) and (f)
To Federal committee/account, § 102.5(a)(2)
To office account, § 113.4
To persons making independent expenditures, § 110.5(c)
To retire debts, § 110.1(a)(2)(i) and (g)
To single candidate committee, § 110.1(b)(1); § 110.5(b)(2)
To unauthorized committees, § 110.1(h)
Transfers, See: TRANSFER OF FUNDS
Transmittal of, by collecting agent, § 102.6(c)(4), (5) and (6)
Violations, § 110.9(a)
See also: HONORARIA

CONTRIBUTION/EXPENDITURE EXEMPTIONS
Ballot access payments, § 100.7(b)(19); § 100.8(b)(19)
Campaign materials
— paid for by candidate, § 100.7(b)(16); § 100.8(b)(17)
— paid for by delegate, § 110.14(d)(2)(i)
— paid for by party committee, § 100.7(b)(15); § 100.8(b)(16)
Candidate's payments from personal funds, § 100.8(b)(22)
Church or community rooms, § 100.7(b)(5); § 100.8(b)(6)
Communications by membership organization/corporation to restricted class, § 100.8(b)(4); § 114.1(a)(2)(i)
See also: COMMUNICATIONS/ADVERTISING
Corporate/labor exemptions, § 100.7(b)(10); § 100.8(b)(4) and (11); § 114.1(a)(2)
Debate expenses, § 100.7(b)(21); § 100.8(b)(23)
Election recount expenses, § 100.7(b)(20); § 100.8(b)(20)
Food, beverage, invitations, § 100.7(b)(6) and (7); § 100.8(b)(7) and (8); § 114.1(a)(2)(v)
Honoria, § 100.7(b)(19); § 114.1(a)(2)(iv)
— for nonparty committees, § 100.7(b)(14); § 100.8(b)(15); § 114.1(a)(2)(iv)
— for party committees, § 100.7(b)(13); § 100.8(b)(14); § 114.1(a)(2)(iv)
Living expenses, § 100.7(b)(8); § 100.8(b)(9) and (22)
Loans from banks, § 100.7(b)(11); § 100.8(b)(12)
See also: LOANS
News story/editorial/commentary, § 100.7(b)(2); § 100.8(b)(2)
Party office building fund, donations to, § 100.7(b)(12); § 100.8(b)(13); § 114.1(a)(2)(ix)
Real or personal property, § 100.7(b)(4); § 100.8(b)(5)
Residential premises, § 100.7(b)(4); § 100.8(b)(5)
Slate card/sample ballot, § 100.7(b)(9); § 100.8(b)(10)
Solicitation expenses, for publicly funded candidate, § 100.8(b)(21)
Testing-the-waters activity, § 100.7(b)(1); § 100.8(b)(1); § 101.3
CONTRIBUTION/EXPENDITURE EXEMPTIONS—Continued

Travel expenses, § 100.7(b)(8); § 100.8(b)(9)
Vendor discount of food/beverage, § 100.7(b)(7); § 100.8(b)(8); § 114.1(a)(2)(v)
Volunteer services, § 100.7(b)(3)
Voter drive expenses
— nonpartisan, § 100.8(b)(3); § 114.1(a)(2)(ii)
— paid by party committee for Presidential nominee, § 100.7(b)(17); § 100.8(b)(18); § 106.1(c)(3)

CONVENTION, NATIONAL NOMINATING
Corporate/labor organization activity, exemption, § 114.1(a)(2)(viii)
Delegates to, See: DELEGATE
Host committee, registration and reporting for, § 107.1
Registration and reporting, § 107.1; § 107.2

COOPERATIVE
Communications by
— nonpartisan, to employees and restricted class, § 114.4(a)(1)(ii)
— nonpartisan, to general public, § 114.4(d)
— partisan, to restricted class, § 114.3(a)(2); § 114.7(h)
Member, defined, § 100.8(b)(4)(iv)
Separate segregated fund established by, § 114.1(a)(1)(iii); § 114.5(b); § 114.7(a)
See also: COMMUNICATIONS/ADVERTISING; CORPORATION/LABOR ORGANIZATION/NATIONAL BANK; SEPARATE SEGREGATED FUND

COORDINATED PARTY EXPENDITURES
See: PARTY COMMITTEE

CORPORATION ESTABLISHED BY AUTHORITY OF CONGRESS
Communications by
— nonpartisan, to employees and restricted class, § 114.4(a)
— nonpartisan, to general public, § 114.4(b)
— partisan, in connection with State/local election, prohibited, § 114.3(a)(1)
— partisan, to restricted class, § 114.3(a)(1)
Contribution/expenditure by, prohibited, § 114.2(a)
Separate segregated fund established by, § 114.2(a)(1)
See also: COMMUNICATIONS/ADVERTISING; CORPORATION/LABOR ORGANIZATION/NATIONAL BANK; SEPARATE SEGREGATED FUND

CORPORATION WITHOUT CAPITAL STOCK
Communications by
— nonpartisan, to employees and restricted class, § 114.4(d)
— nonpartisan, to general public, § 114.4(a)(1)(ii)
— partisan, to restricted class, § 114.3(a)(2); § 114.7(h)
Member, defined, § 100.8(b)(4)(iv)
Separate segregated fund established by, § 114.1(a)(1)(iii); § 114.5(b); § 114.7(a)
See also: COMMUNICATIONS/ADVERTISING; CORPORATION/LABOR ORGANIZATION/NATIONAL BANK; SEPARATE SEGREGATED FUND

CORPORATION/LABOR ORGANIZATION/NATIONAL BANK
Aircraft, use of, § 114.9(e)
Candidate/party representative appearances, § 114.3(c)(2); § 114.4(a)(2) and (3)
Candidate use of corporate/labor
— meeting room, § 114.12(b)
— transport, § 114.9(e)
Collecting agent, § 102.6(b) and (c)
Communications by
See: COMMUNICATIONS/ADVERTISING
Computer use to solicit contributions, § 114.5(k)(2)
Contributions and expenditures
— definition and exemptions, § 100.7(b)(10); § 100.8(b)(4) and (11); § 114.1(a)
Index, General

CORPORATION/LABOR ORGANIZATION/NATIONAL BANK—Continued
Contributions and expenditures—Continued
— prohibited, § 114.2
Convention activity, national nominating, § 114.1(a)(2)(viii)
Corporation, definition, § 100.8(b)(4)(vi)
Credit, extension of, § 114.10(a)
Debts, forgiveness of, § 114.10(b) and (c)
Employees/members
— leave-without-pay for political purposes, § 114.12(c)
— participation (trustee) plan, § 114.11
— use of employees/facilities in voter registration, § 114.4(b) and (c)(3)
— volunteer political activity in corporate/labor facilities, § 114.9(a) and (b)
Executive/administrative personnel, definition, § 100.8(b)(4)(iii); § 114.1(c)
Facilities of, used for political purposes, § 114.4(c)(3); § 114.9
Food/beverage sold to candidate/party committee, § 114.1(a)(2)(v)
Honorarium paid by, § 114.1(a)(2)(iv)
Incorporation by political committee, § 114.12(a)
Labor organization and members of, definition, § 100.8(b)(4)(i) and (iv); § 114.1(d) and (e)
Legal and accounting services, § 114.1(a)(2)(vi) and (vii)
Office account donations, § 113.4(b)
Party office building fund, donations to, § 114.1(a)(2)(ix)
Professional organization, corporate status of, § 114.7(d)
Restricted class, § 100.8(b)(4)(iii); § 114.3(a)
Separate segregated fund solicitations
— accidental solicitation of persons outside restricted class, § 114.5(h)
— by collecting agent, § 102.6(b) and (c)
— corporate methods available to labor organizations, § 114.5(k) and (l); § 114.6(e)(3)
— notice not required, § 110.11(a)(1)(iv)(B)
— payroll deduction/check-off plan, § 104.8(b); § 114.5(k)(l); § 114.6(e)(1); § 114.12(d)
— restrictions on who may be solicited, § 114.5(g)
— twice yearly solicitations, § 114.6
— voluntary contribution only, § 114.1(l); § 114.5(a)
See also: SEPARATE SEGREGATED FUND
Stockholder, definition, § 100.8(b)(4)(i); § 114.1(h)
Treasury funds, use of, § 114.5(b)
See also: MEMBERSHIP ORGANIZATION; TRADE ASSOCIATION; VOTER DRIVES
CURRENCY
See: CASH

D

DEBATES
Funds used for
— donated by corporation/labor organization, § 114.4(e)
— exemption, § 100.7(b)(21); § 100.8(b)(23)
Staging organizations, § 110.13(a); § 114.4(e)(1) and (2)
Structure of, § 110.13(b)
DEBTS
Contributions to retire, § 110.1(a)(2)(l) and (g)
Extinguished before committee termination, § 102.3
Joint fundraising to retire, § 102.17(c)(2)(ii)(A)
Reporting of, § 104.3(d); § 104.11

223
DEBTS—Continued

Settlement of
- for less than amount owed, § 100.7(a)(4); § 104.11(a)
- with corporate creditors, § 114.10(b) and (c)

DEFINITIONS

Act, § 100.18
Administrative personnel, § 100.8(b)(4)(iii); § 114.1(c)
Affiliated committee, § 100.5(g)
Agent, § 109.1(b)(5)
Anything of value, § 100.7(a)(1)(iii); § 100.8(a)(1)(iv)
Authorized committee, § 100.5(d) and (f)(1)
Candidate, § 100.3(a)
Caucus, § 100.2(e)
Clearly identified candidate, § 100.17; § 106.1(d); § 109.1(b)(3)
Collecting agent, § 102.6(b)(1)
Commission, § 100.9
Connected organization, § 100.6
Consumer price index, § 110.9(c)(2)
Contribution, § 100.7(a); § 114.1(a)(1)
Contribution exemptions, § 100.7(b); § 114.1(a)(2)
Convention, § 100.2(e)
Corporation, § 100.8(b)(4)(vi)
Delegate, § 110.14(b)(1)
Delegate committee, § 100.5(e)(5); § 110.14(b)(2)
Disclaimer notice, § 110.11(a)
Earmarked contribution, § 110.6(b)
Election, § 100.2(a); § 100.8(b)(4)(v); § 104.6(a)(1) and (2)
Election cycle, § 100.3(b)
Employee participation plan, § 114.11(a)
Employer, § 100.21
Excess campaign funds, § 113.1(e)
Executive or administrative personnel, § 100.8(b)(4)(iii); § 114.1(c)
Expenditure, § 100.8(a); § 114.1(a)(1)
Expenditure exemptions, § 100.8(b); § 114.1(a)(2)
Expressly advocating, § 109.1(b)(2)
Federal contractor, § 115.1(a)
Federal Election Commission, § 100.9
Federal office, § 100.4
Federal officeholder, § 113.1(c)
File, filed or filing, § 100.19
Foreign national, § 110.4(a)(3)
Fundraising representative (joint fundraising), § 102.17(a)(3) and (b)
Funds donated, § 113.1(a)
General election, § 100.2(b)
Honorarium, § 110.12(b)
Identification, § 100.12
Independent expenditure, § 100.16; § 109.1(a)
Labor organization, § 100.8(b)(4)(i); § 114.1(d)
Member, § 100.8(b)(4)(iv); § 114.1(e)
Multicandidate committee, § 100.5(e)(3)
National committee, § 100.13
Notice of disclaimer, § 110.11(a)
Occupation, § 100.20
Office account, § 113.1(b)
Party committee, § 100.5(e)(4)
Person, § 100.10; § 109.1(b)(1)
Personal funds, § 110.10(b)
Political committee, § 100.5
Index, General

DEFINITIONS—Continued

Political party, § 100.15
Price index, § 110.9(c)(2)
Primary election, § 100.2(c)
Principal campaign committee, § 100.5(d) and (e)(1)
Restricted class
— for communications, § 114.3(a)
— for solicitations, § 114.5(g)
Runoff election, § 100.2(d)
Single candidate committee, § 100.5(e)(2)
Special election, § 100.2(f)
State, § 100.11
State committee, § 100.14(a)
State officeholder, § 113.1(d)
Stockholder, § 100.8(b)(4)(ii); § 114.1(h)
Subordinate committee, § 100.14(b)
Support of candidate, § 102.12(c)(2); § 102.13(c)(2)
Trade association, § 114.8(a)
Twice yearly solicitations, § 114.6
Unauthorized committee, § 100.5(f)(2)
Voluntary contributions, § 114.1(f)
Voting age population, § 110.9(d)

DELEGATE
Committee
— contributions/expenditures, § 110.5(d); § 110.14(e) and (f)
— definition, § 100.5(e)(6): § 110.14(b)(2)
— name of, restrictions, § 102.14(b)(1)
Communications by, § 110.14(d)
Contributions to, § 110.5(d); § 110.14(c) and (f)
Convention/caucus, definition, § 100.2(e)
Definition, § 110.14(b)(1)
Election of, to national convention, § 100.2(c)(3)
Expenditures by, § 110.14(d) and (f)
Payments to qualify as, § 110.14(g)(2)

DISBURSEMENTS
Accounting for, § 102.9(b)
From campaign depository, § 102.10; § 103.3(a)
From petty cash fund, § 102.11; § 103.3(a)
Recordkeeping, See: RECORDKEEPING
Reporting, See: REPORTING
See also: EXPENDITURES

DISCLAIMER, NOTICE OF
Content of, § 110.11(a)
Required for
— advertisement or public communication, § 110.11(a)
— independent expenditure, § 109.3
— solicitation, § 102.16; § 102.17(c)(2); § 110.11(a)

DISTRICT OF COLUMBIA
Filing exemption, § 108.8

DOCUMENT FILING
See: FILING

DRAFT COMMITTEE
Name of, restrictions, § 102.14(b)(2)

DUAL CANDIDACY
Contributions to, § 110.1(f)
Separate campaign organizations required, § 110.8(d)
Transfers between principal campaign committees, § 110.9(a)(2)(v)
EARMARKED CONTRIBUTION
Contribution limits affected
— of contributor, § 110.6(a)
— of intermediary/conduit, § 110.6(d)
Definition, § 110.6(b)
In joint fundraising, § 102.17(c)(2)(i)(C)
Receipt of, by conduit, § 102.8(c)
Reporting requirements for conduit, § 104.3(j); § 110.6(c)

ELECTION
Ballot access payments, § 100.7(b)(18); § 100.8(b)(19)
Contributions, per election
— accounting for primary/general election contributions, § 102.9(e)
— designated/undesignated, § 110.1(a)(2); § 110.5(b)(2)
— for unopposed candidate, § 110.1(j)(2) and (3); § 110.2(d)(2) and (3)
— limits, § 110.1(a) and (j); § 110.2(a)(1) and (d); § 110.5(b)
— made during nonelection year, § 110.5(b)
Definitions, § 100.2(a); § 100.8(b)(4)(v); § 104.6(a)(1) and (2)
— caucus or convention, § 100.2(e)
— cycle, § 100.3(b)
— general, § 100.2(b)
— primary, § 100.2(c)
— runoff, § 100.2(d)
— special, § 100.2(f)
Recount expenses, § 100.7(b)(20); § 100.8(b)(20)
Reporting, election-year, § 104.5(a)(1), (b)(1) and (c)(1).

ENFORCEMENT
See: COMPLIANCE

EXCESS CAMPAIGN FUNDS
Definition, § 113.2(e)
Transfer of, § 110.3(a)(2)(iii), (iv) and (v); § 113.2(c)
Use of, § 113.2

EXECUTIVE PERSONNEL
Definition, § 100.8(b)(4)(ii); § 114.1(c)
See also: CORPORATION/LABOR ORGANIZATION/NATIONAL BANK

EXPENDITURES
Accounting for, § 102.9(b)
Administrative expenses, See: ADMINISTRATIVE EXPENSES
Allocation of, See: ALLOCATION OF EXPENDITURES
By candidate, See: CANDIDATE
By cash, § 102.11; § 103.3(a)
By check, § 102.10; § 103.3(a)
By corporation/labor organization/national bank, § 114.1; § 114.2
By delegate, § 110.14(d)
By delegate committee, § 110.14(e) and (f)
By Federal contractor, § 115.2
By party committee, § 102.13(b); § 109.1(d)(2); § 110.7
By spouse, § 100.8(c)
By Vice Presidential candidate, § 110.8(f) and (g)
Contract or agreement to make, § 100.8(a)(2); § 104.11(b)
Coordinated party, § 110.7
Definition, § 100.8(a); § 114.1(a)(1)
Exemptions, § 100.8(b); § 114.1(a)(2)
See also: CONTRIBUTION/EXPENDITURE EXEMPTIONS
Illegal, § 110.9(a); § 110.14(f); § 114.2; § 115.2
Independent, See: INDEPENDENT EXPENDITURES
In joint fundraising, § 102.17(b)(3)
In-kind contribution, considered expenditure, § 104.13(a)(2); § 106.1(b);
EXPENDITURES—Continued

In-kind contribution, considered expenditure, § 104.13(a)(2); § 106.1(b); § 109.1(c); § 110.14(d)(2)(I)(A)—Continued

§ 109.1(c); § 110.14(d)(2)(I)(A)

See also: IN-KIND CONTRIBUTION

Limitations

— based on voting age population, § 110.7(a)(2) and (b)(2)(I); § 110.8(a)(1); § 110.9(d)
— increases, based on price index, § 110.9(c)
— party committees' coordinated expenditures, § 110.7
— Presidential candidates receiving public funding, § 110.8

“Made on behalf of,” defined, § 110.8(g)

Payee, identification of, § 104.9

Personal funds, § 100.8(b)(22); § 106.3(b)(1); § 110.8(f)(2); § 110.10

Political committee status, criterion for, § 100.5(a), (c) and (f)

Polling, § 106.2(b)(2)(vi) and (c)(1)(iii); § 106.4

Prohibited, § 110.9(a); § 110.14(f); § 115.2

Promise to make, § 100.8(a)(2)

Purpose of, definition, § 104.3(b)(3)(I) (A) and (B); § 104.9(a)

Recordkeeping, See: RECORDKEEPING

Reporting, See: REPORTING

Testing-the-waters expenses, § 100.7(b)(1); § 100.8(b)(1); § 106.4(a); § 101.3

Travel expenses

— allocation of, § 106.2(c)(2); § 106.3
— reimbursement for corporate/labor transportation, § 114.9(e)
— unreimbursed, § 100.7(b)(8); § 100.8(b)(9)

Treasurer's authorization, § 102.7(c)

Violations, § 110.9(a)

F

FEDERAL CONTRACTOR

Contributions/expenditures by, prohibited, § 115.2

Definition, § 115.1(a)

Employee contributions/expenditures, § 115.6

Individuals and sole proprietors, § 115.5

Partnership, § 115.4

Separate segregated fund established by, § 115.3

See also: SEPARATE SEGREGATED FUND

FEDERAL ELECTION COMMISSION

Advisory opinions, See: ADVISORY OPINIONS

Audits and investigations by, See: AUDITS

Enforcement by, See: COMPLIANCE

Meetings, § 2.2(d); Part 2

FEDERAL OFFICE

Definition, § 100.4

FEDERAL OFFICEHOLDER

Definition, § 113.1(c)

Excess campaign funds used by, § 113.2

See also: EXCESS CAMPAIGN FUNDS

Honorarium accepted by, § 110.12

See also: HONORARIA

FILING

Acknowledgement of report’s receipt, § 104.14(c)

Candidate designations, § 101.1

Communications reports, § 104.6; § 105.4; § 114.5(e)(2)(I)

Computer-produced reports, § 104.2(d)

Contribution, 48 hour notification of, § 104.5(f)
Index, General

EXPENDITURES—Continued

In-kind contribution, considered expenditure, § 104.13(a)(2); § 106.1(b);
§ 109.1(c); § 110.14(d)(2)(ii)(A)—Continued
§ 109.1(c); § 110.14(d)(2)(ii)(A)

See also: IN-KIND CONTRIBUTION

Limitations
— based on voting age population, § 110.7(a)(2) and (b)(2)(i); § 110.8(a)(1);
§ 110.9(d)
— increases, based on price index, § 110.9(c)
— party committees' coordinated expenditures, § 110.7
— Presidential candidates receiving public funding, § 110.8

"Made on behalf of," defined, § 110.8(g)

Payee, identification of, § 104.9
Personal funds, § 100.8(b)(22); § 106.3(b)(1); § 110.8(f)(2); § 110.10
Political committee status, criterion for, § 100.5(a), (c) and (f)
Polling, § 106.2(b)(2)(vi) and (c)(1)(iii); § 106.4
Prohibited, § 110.9(a); § 110.14(f); § 115.2
Promise to make, § 100.8(a)(2)
Purpose of, definition, § 104.3(b)(3)(i) (A) and (B); § 104.9(a)
Recordkeeping, See: RECORDKEEPING
Reporting, See: REPORTING
Testing-the-waters expenses, § 100.7(b)(1); § 100.8(b)(1); § 106.4(a); § 101.3
Travel expenses
— allocation of, § 106.2(c)(2); § 106.3
— reimbursement for corporate/labor transportation,
FILING—Continued
Convention reports, national nominating—Continued
— by committee, § 107.1
— by party, § 107.2
Copies of, located, § 105.5; § 108.1
Dates
— election year reports, § 104.5(a)(1), (b)(1) and (c)(1)
— nonelection year reports, § 104.5(a)(2), (b)(2) and (c)(2)
— Vice Presidential committee reports, § 104.5(d)
Definition of file, filed or filing, § 100.19
Failure to file, § 111.8(c)
Federal filing, place of
— by House candidate committees, § 105.1
— by other committees, § 105.4
— by Presidential committees, § 105.3
— by Senate candidate committees, § 105.2
Frequency of
— by Presidential committees, § 104.5(b)(1)(ii)
— by unauthorized committees, § 104.5(c)
Independent expenditure reports, § 104.4(c); § 104.5(g); § 105.4; § 109.2
Monthly reports
— by Presidential committees, § 104.5(b)(1)(i), (iii) and (2)(i)
— by unauthorized committees, § 104.5(c)(3)
— waivers, § 104.5(b)(1)(i)(C) and (c)(3)(iii)
Post-election reports
— by Congressional committees, § 104.5(a)(1)(i)
— by Presidential committees, § 104.5(b)(1)(i)(C) and (ii)
— by unauthorized committees, § 104.5(c)(1)(ii)
Postmark as date of filing, § 104.5(e)
Pre-election reports
— by Congressional committees, § 104.5(a)(1)(i)
— by Presidential committees, § 104.5(b)(1)(i)(C) and (ii)
— by unauthorized committees, § 104.5(c)(1)(ii)
Quarterly reports
— by Congressional committees, § 104.5(a)(1)(iii)
— by Presidential committees, § 104.5(b)(1)(i)(C) and (ii)
— by unauthorized committees, § 104.5(c)(1)(i)
— waivers, § 104.5(a)(1)(iii)(C) and (c)(1)(i)(C)
Semiannual reports
— by Congressional committees, § 104.5(a)(2)
— by unauthorized committees, § 104.5(c)(2)(i)
Special election reports, § 104.5(h)
State filing, § 108.1
— by other committees, § 108.3
— by Presidential committees, § 108.2
— by unauthorized committees supporting Presidential candidate, § 108.4
— District of Columbia exemption, § 108.8
— duties of State officer, § 108.6
— effect on State law, § 108.7
— legible copies, § 108.5
— time and manner of filing, § 108.5
Statement of Candidacy, § 101.1
Statement of Organization, § 102.1; § 102.2(a)
Termination report, § 102.3(a)
Timely filing, § 104.14(d)
Year-end reports
— by Congressional committees, § 104.5(a)(1)(iii)(A) and (2)(i)(B)
— by Presidential committees, § 104.5(b)(1)(i)(C)
Index, General

FILING—Continued
Year-end reports—Continued
— by unauthorized committees, § 104.5(c)(1)(i)(A) and (2)(i)(B)
See also: FORMS; REPORTING

FOOD/BEVERAGE
Exemption
— for vendor discount, § 100.7(b)(7); § 100.8(b)(8)
— for volunteer, § 100.7(b)(6); § 100.8(b)(7)

FOREIGN NATIONAL
Contributions by, prohibited, § 110.4(a)(1) and (2)
Definition, § 110.4(a)(3)
Solicitation of, § 110.4(a)(2)

FORMS
Communications reports, § 104.6(a); § 105.4
Computer-produced, § 104.2(d)
Consolidated reports, § 104.3(f)
Debts and obligations, § 104.3(d)
Independent expenditure reports, § 104.4(a); § 109.2(a)
Legal and accounting services, § 104.3(h)
Obtainable from the Commission, § 102.2(a); § 104.2(b)
Party office building fund donations, § 104.3(g)
Receipts/disbursements, reports of
— by Congressional committees, § 104.2(e)(2)
— by Presidential committees, § 104.2(e)(1); § 106.2(d) and (e)
— by unauthorized committees, § 104.2(e)(3)
Reproducing FEC forms, § 104.2(c)
Statement of Candidacy, § 101.1
Statement of Organization, § 102.1(a); § 102.2(a)(1)
Termination reports, § 102.3(a)
See also: FILING; REPORTING

FREEDOM OF INFORMATION ACT
Part 4
FUNDRAISING
By collecting agent, § 102.6(b) and (c)
By corporation/labor organization, § 114.5(b)
By Presidential candidates receiving public funds
— before State primary, § 110.8(c)(2)
— exemption, § 100.8(b)(21)
Joint See: JOINT FUNDRAISING
Notice of disclaimer required, § 110.11(a)
Payment to attend event, § 100.7(a)(2)
Representative, § 102.17(b)(1) and (2)
Sale of fundraising items, § 100.7(a)(2)
See also: COMMUNICATIONS/ADVERTISING; CONTRIBUTIONS

GENERAL ELECTION
Contributions for, separated from primary contributions, § 102.9(e)
Definition, § 100.2(b)
See also: ELECTION; PRIMARY ELECTION
GET-OUT-THE-VOTE DRIVE
See: VOTER DRIVES
GIFT
Gratuitous, § 110.12(c)(2)
Made to influence election, § 100.7(a)(1); § 100.8(a)(1)
GOVERNMENT CONTRACTOR
See: FEDERAL CONTRACTOR

229
GOVERNMENT CONVEYANCE
See: TRAVEL.

HANDICAPPED PERSONS
Access to FEC programs and facility, Part 6

HONORARIA
Award/gift/stipend, excluded, § 110.12(c)
Definition, § 110.12(b)
Exempted contribution, § 100.7(b)(19); § 114.1(a)(2)(iv)
Limitations on accepting, § 110.12(a)

HOST COMMITTEE (CONVENTION)
Registration and reporting, § 107.1

HOUSE CAMPAIGN COMMITTEE
Contribution limits, § 110.1(b)(2); § 110.2(a)(2)(ii); § 110.3(b)(2)(i)

IDENTIFICATION
Definition, § 100.12

INCORPORATION
Of political committee, § 114.12(a)

INDEPENDENT EXPENDITURES
Attribution of, among candidates, § 106.1(a)
Authorized committee, prohibited from making, § 109.1(e)
— campaign materials produced by candidate, precluded, § 109.1(d)(1)
— coordination with, precluded, § 109.1(a), (b)(4) and (d)(1)
Certification of independence, § 109.2(a)(1)(v)
Contribution in-kind, if consultation, § 109.1(c)
Contribution limit, applies, § 110.5(c)
Defined as expenditure, § 100.8(a)(3)
Definition, § 100.16; § 109.1(a) and (b)
Delegate expenditures for Presidential candidate, § 110.14(d)(2)(ii)(B) and (C)
Notice of nonauthorization required, § 109.3; § 110.11(a)(1)(iii) and (iv)
Party committee precluded from making, § 110.7(a)(5) and (b)(4)
Reporting, § 104.4(a)
— by persons other than political committees, § 105.4; § 109.2
— by political committees, § 104.3(b)(3)(vii)
— 24 hour reports, § 104.4(b); § 104.5(g); § 109.2(b)

IN-KIND CONTRIBUTION
"Anything of value," defined, § 100.7(a)(1)(iii); § 100.8(a)(1)(iv)
Polling expenses, considered as, § 106.4(b)
Reported as expenditures, § 104.13(a)(2); § 106.1(b)
Stocks/bonds/art objects, liquidation of, § 104.13(b)
Valuation, § 100.7(a)(1)(iii)(B); § 100.8(a)(1)(iv)(B); § 104.13(a)(1)
When not an independent expenditure, § 109.1(c); § 110.14(d)(2)(ii) (A) and (C)

INTERMEDIARY/CONDUIT
See: EARMARKED CONTRIBUTION

JOINT FUNDRAISING
Agreement required, § 102.17(c)(1)
Allocation formula, § 102.17(c)(1) and (2)
Allocation of proceeds and expenses, § 102.17(c)(6) and (7)
Authorized committee designated for, § 102.13(c)(1)
Commercial firm as participant in, § 102.17(a)(1)(ii)
Contribution limitation, per participant, § 102.17(c)(5)
Costs of, advanced, § 102.17(b)(3)
Depository for, § 102.17(c)(3)
JOINT FUNDRAISING—Continued
Notice required, § 102.17(c)(2)
Participants in, § 102.17(a)(2) and (b)
Procedures for conducting, § 102.17
Reporting of, § 102.17(c)(3)(iii) and (8)
Representative for joint fundraising effort
— appointment of, § 102.17(a)(1) and (3)
— definition, § 102.17(a)(3) and (b)
— recordkeeping duties of, § 102.17(c)(4)
— reporting, § 102.6(a)(2); § 102.17(a)(1)(ii) and (c)(8)
Separate segregated fund as participant in, § 102.6(b) and (c)
Transfer of funds, limited, § 102.6(a)(1)(iii) and (iv)

LABOR ORGANIZATION
See: CORPORATION/LABOR ORGANIZATION/NATIONAL BANK
LEGAL AND ACCOUNTING SERVICES
Contribution/expenditure exemption
— for nonparty political committees, § 100.7(b)(14); § 100.8(b)(15); § 114.1(a)(2)(vi)
— for party committees, § 100.7(b)(13); § 100.8(b)(14); § 114.1(a)(2)(vii)
Paid by corporations and labor organizations, § 114.1(a)(2)(vi) and (vii)
Reporting, § 104.3(h); § 114.5(e)(2)(ii)

LOANS
Contribution, § 100.7(a)(1); § 114.1(a)(1)
— endorser or guarantor of loan, § 100.7(a)(1)(i)(C) and (D)
Contribution exemptions for
— lending institutions, § 100.7(b)(11)
— office facilities, § 100.7(b)(12)
— recount costs, § 100.7(b)(20)
Expenditure, § 100.8(a)(1); § 114.1(a)(1)
Expenditure exemptions for
— lending institutions, § 100.8(b)(12)
— office facilities, § 100.8(b)(13)
— recount costs, § 100.8(b)(20)
Obtained by candidate, § 100.7(a)(1)(i)(D); § 101.2; § 102.7(d)
Overdrafts, § 100.7(b)(11); § 100.8(b)(12)
Repayment of, § 100.7(a)(1)(i)(E)
Reporting, § 104.3(d); § 104.11
See also: DEBTS

LOCAL PARTY COMMITTEE
See: PARTY COMMITTEE

MEDIA
See: COMMUNICATIONS/ADVERTISING

MEMBER OF CONGRESS
See: CONGRESS, MEMBERS OF
MEMBERSHIP ORGANIZATION, INCORPORATED
See: CONGRESS, MEMBERS OF

Communications by, § 100.8(b)(4); § 114.7(h)
— nonpartisan, to employees and restricted class, § 114.4(a)(1)(ii)
— nonpartisan, to general public, § 114.4(d)
— partisan, to restricted class, § 114.3(a)(2)
— reporting, § 100.8(b)(4); § 104.6; § 114.5(e)(2)(i)
Member, defined, § 100.8(b)(4)(iv); § 114.1(e); § 114.7(i)
Separate segregated fund established by, § 114.1(a)(2)(iii) and (b); § 114.7(a) and (e)
See also: COMMUNICATIONS/ADVERTISING; SEPARATE SEGREGATED
MEMBERSHIP ORGANIZATION, INCORPORATED—Continued
See also: COMMUNICATIONS/ADVERTISING; SEPARATE SEGREGATED FUND—Continued
FUND
MULTICANDIDATE COMMITTEE
Contributions by, limitations, § 110.2
Definition, § 100.5(e)(3)

NATIONAL BANK
See: CORPORATION/LABOR ORGANIZATION/NATIONAL BANK
NATIONAL NOMINATING CONVENTION
See: CONVENTION, NATIONAL NOMINATING
NATIONAL PARTY COMMITTEE
See: PARTY COMMITTEE
NEWS
See: COMMUNICATIONS/ADVERTISING
NONAUTHORIZED COMMITTEE
See: UNAUTHORIZED COMMITTEE
NONCONNECTED COMMITTEE
See: POLITICAL COMMITTEE
NONELECTION YEAR
Candidate appearances, § 110.8(e)(2)(i)
Contributions, § 110.5(b)
Reporting, § 104.5(a)(2), (b)(2) and (c)(2)
NONPROFIT ORGANIZATION
Definition, § 110.13(a)(1)
Distribution of voting information and guides, § 114.4(b)(5)
Sponsorship of candidate debates, § 114.4(e)
Sponsorship of voter drives, § 114.4(c)
NOTICE OF DISCLAIMER
See: COMMUNICATIONS/ADVERTISING; DISCLAIMER, NOTICE OF; INDEPENDENT EXPENDITURES

OFFICE ACCOUNT
Contribution/expenditure limitations may apply, § 113.4(a)
Corporate/labor donations to, § 113.4(b)
Definition, § 113.1(b)
Federal officeholder, definition, § 113.1(c)
Funds donated to
— definition, § 113.1(a)
— deposit of, § 113.3
— use of, § 113.2
State officeholder, definition, § 113.1(d)
OPINION POLLS
See: POLLING

PAC
See: SEPARATE SEGREGATED FUND
PARTNERSHIP
As Federal contractor, § 115.4
Contributions by, attributed to, partners, § 110.1(e)
PARTY COMMITTEE
Administrative expenses
— allocation of, between Federal/non-Federal accounts, § 106.1(e)
PARTY COMMITTEE—Continued

Administrative expenses—Continued
— for delegate selection, § 110.14(g)(1)

Affiliated, § 110.3(b)

Appearances by party representative, § 114.3(c)(2); § 114.4(a)(2) and (3)

Candidate appearances for party, § 110.8(e)

Communications by; § 100.7(b)(15); § 100.8(b)(16); § 110.11(a)

Contribution/expenditure exemptions
— ballot access payments, § 100.7(b)(18); § 100.8(b)(19)
— campaign materials for volunteer activities, § 100.7(b)(15); § 100.8(b)(16)
— candidate appearances, payments for, § 110.8(e)(1)
— delegate payments, § 110.14(g)(2)
— election recount costs, § 100.7(b)(20); § 100.8(b)(20)
— food, beverage and invitations, § 100.7(b)(6) and (7); § 100.8(b)(7) and (8); § 114.1(a)(2)(v)
— legal and accounting services, § 100.7(b)(13); § 100.8(b)(14); § 114.1(a)(2)(vi)
— office building fund, donations to, § 100.7(b)(12); § 100.8(b)(13); § 114.1(a)(2)(ix)
— personal property, § 100.7(b)(4); § 100.8(b)(5)
— residential premises, church or community room, § 100.7(b)(4) and (5); § 100.8(b)(5) and (6)
— travel expenses, § 100.7(b)(8); § 100.8(b)(9)
— volunteer activity, See: VOLUNTEER ACTIVITY
— voter drive for Presidential nominee, § 100.7(b)(17); § 100.8(b)(18); § 106.1(c)(3)

Contribution limitations
— independent subordinate committee, § 110.3(b)(2)(ii)(A) and (B)
— national/House committees, § 110.3(b)(2)(i)
— national/Senate committees, § 110.2(c); § 110.3(b)(4)
— State committees, § 110.3(b)(1)(ii)
— subordinate committees, § 110.3(b)(1)(ii)

Contributions to national, House and Senate committees; § 110.1(b)(2); § 110.2(a)(2)(i)

Convention (national nominating) registration and reporting, § 107.2

Definition, § 100.5(e)(4)

Expenditures
— coordinated party, § 102.13(b); § 109.1(d)(2); § 110.7
— independent, prohibited, § 110.7(a)(5) and (b)(4)

Federal/non-Federal election financing, § 102.5; § 104.10; § 106.1(e)

Independent expenditures, prohibited, § 110.7(a)(5) and (b)(4)

Local committee, status as political committee, § 100.5(c)

National committee
— as principal campaign committee of Presidential candidate, § 102.12(c)(1)
— committees established and maintained by, § 110.1(b)(2); § 110.2(a)(2)
— coordinated party expenditure limits, § 110.7(a) and (b)
— definition, § 100.13

Political party, definition, § 100.15

Registration requirements, § 102.1(d)

Reporting requirements, See: REPORTING

Solicitations by, notices required, § 110.11(a)(1)(ii) and (iv)(A)

State committee
— committees established and maintained by, § 110.3(b)(2)(ii)
— coordinated party expenditure limits, § 110.7(b) and (c)
— definition, § 100.14(a)
— designated as agent of national committee, § 109.1(d)(2); § 110.7(a)(4)

Subordinate committee
— affiliated/independent status, § 110.3(b)(2)(ii)
PARTY COMMITTEE—Continued
Subordinate committee—Continued
   — coordinated party expenditure limit, § 110.7(b)
   — definition, § 100.14(b)
   — designated as agent of national committee, § 109.1(d)(2); § 110.7(a)(4)
Transfers
   — between committees of same party, unlimited, § 102.6(a); §110.3(c)
   — of excess campaign/office account funds, § 113.2(c)

PERSON
Contribution limitations, § 110.1; § 110.5
Definition, § 100.10; § 109.1(b)(1)
Independent expenditures by, § 105.4; Part 109
Prohibition against solicitation of people named in reports, § 104.15

PERSONAL FUNDS
Of candidate
   — definition, § 110.10(b)
   — unlimited expenditures, § 110.10(a)
   — used for living expenses, § 100.8(b)(22)
   — used for securing loans, § 100.7(a)(1)(i)
   — used for travel expenses, § 106.3(b)(1)
Of delegate, expenditures from, § 110.14(d)
Of Vice Presidential candidate, expenditures from, § 110.8(f)(2)
Of volunteer, used for living expenses, § 100.7(b)(8); § 100.8(b)(9)
Segregated from political funds, §102.15

PERSONAL SERVICES
Compensated, considered contribution, § 100.7(a)(3)
Volunteered, contribution exemption, § 100.7(b)(3)
See also: LEGAL AND ACCOUNTING SERVICES; VOLUNTEER ACTIVITY

PETTY CASH FUND
Disbursements from, § 102.11; § 103.3(a)
Recordkeeping required, § 102.11

POLITICAL ACTION COMMITTEE
See: SEPARATE SEGREGATED FUND

POLITICAL COMMITTEE
Affiliated, See: AFFILIATED COMMITTEE
Audits of, § 104.16
See also: AUDITS
Authorized, See: AUTHORIZED COMMITTEE
Campaign depository, See: CAMPAIGN DEPOSITORY
Collecting agent for, § 102.6(b) and (c)
Communications/advertising by, § 110.11(a)
See also: COMMUNICATIONS/ADVERTISING
Definition, § 100.5
Delegate committee, See: DELEGATE
Federal/non-Federal, § 102.5; § 106.1(e)
Forwarding contributions to, § 102.8
Fundraising by, § 110.11(a)
See also: FUNDRAISING
Funds, separate from personal, § 102.15
Host committee (convention), registration and reporting, § 107.1
Identification number, § 102.2(c)
Incorporation of, § 114.12(a)
Joint fundraising, committee established for, § 102.17(b)(1) and (2)
Multicandidate, See: MULTICANDIDATE COMMITTEE
Name of, restrictions, § 102.14
Organization of, § 102.7
Party, See: PARTY COMMITTEE
Petty cash fund, § 102.11; § 103.3(a)
POLITICAL COMMITTEE—Continued

Principal campaign, *See:* PRINCIPAL CAMPAIGN COMMITTEE

Recordkeeping requirements, *See:* RECORDKEEPING

Registration, § 102.1; § 102.2; § 102.6(a)(2); § 102.17(a)(1)

Reporting requirements, *See:* REPORTING

Separate segregated fund, *See:* SEPARATE SEGREGATED FUND

Single candidate, *See:* SINGLE CANDIDATE COMMITTEE

Statement of Organization, § 102.1; § 102.2

Termination of, § 102.3; § 102.4

Transfers among, *See:* TRANSFER OF FUNDS

Treasurer, *See:* TREASURER OF POLITICAL COMMITTEE

Unauthorized, *See:* UNAUTHORIZED COMMITTEE

POLITICAL PARTY

*See:* PARTY COMMITTEE

POLLING

Acceptance of results, § 106.4(b) and (c)

Allocation of expenditure

— by candidate, § 106.4(e)

— by candidate, Presidential, § 106.2(b)(2)(vi) and (c)(1)(iii)

— by unauthorized committee, § 106.4(d)

— methods for, § 106.4(e)

— reporting of, § 106.4(f), (g) and (h)

Contribution in-kind, § 106.4

Testing-the-waters exemption, § 100.7(b)(1); § 100.8(b)(1); § 106.4(a) and (b)

POSTMARK

As date of filing, § 104.5(e)

PRIMARY ELECTION

Contributions

— post-primary, § 110.1(a)(2)(i) and (ii)(B)

— segregated from general election contributions, § 102.9(e)

— to unopposed candidate, § 110.1(j)(3); § 110.2(d)(3)

Definition, § 100.2(c)

Transfer of unused funds to general election campaign, § 110.3(a)(2)(iii)

*See also:* ELECTION

PRINCIPAL CAMPAIGN COMMITTEE

Consolidated report filed by, § 104.3(f)

Contributions to, *See:* CANDIDATE

Definition, § 100.5(d) and (e)(1)

Designation of, § 101.1(a); § 102.12

Registration of, § 102.1(a); § 102.2(b)(1)(i)

Support of one candidate only, § 102.12(b) and (c)

Transfers between, § 110.3(a)(2)(iv) and (v)

*See also:* AUTHORIZED COMMITTEE

PRIVACY ACT

Part 1

PROPERTY, REAL OR PERSONAL

Use of, exempted, § 100.7(b)(4); § 100.8(b)(5)

PUBLIC INSPECTION OF DOCUMENTS

Access to documents, Parts 4 and 5

Advisory opinions and requests for, § 4.4(a)(11); § 5.4(a)(2); § 112.2

Audits, § 1.14; § 4.4(a)(14)

Compliance proceedings

— confidentiality, § 1.14; § 111.21

— public disclosure, § 4.4(a)(3) and (12); § 5.4(a)(3) and (4); § 111.20

Freedom of Information Act, Part 4

Public records, Parts 4 and 5

Reports

— availability of, § 4.4(a)(10); § 5.4(a)(1)
PUBLIC INSPECTION OF DOCUMENTS—Continued
Reports—Continued
— filed with State officials, § 108.6(c)
— sale/use restriction, § 104.15

RECEIPTS
Deposit of, § 103.3(a)
Reporting, See: REPORTING
See also: CONTRIBUTIONS

RECORDKEEPING
Collecting agent, duties of, § 102.8(c)(5) and (6)
Contributions
— aggregate of individual’s, § 104.8(b)
— by check, § 104.8(c) and (d)
— by payroll deduction, § 104.8(b)
— contributor identification, § 100.12; § 104.7(b); § 104.8(a) and (b)
— earmarked, § 102.8(c); § 110.6(c)(4)
— forwarding, § 102.8
— fundraising/mass collection proceeds, § 102.17(c)
— illegal-appearing, § 103.3(b)
— primary/general election designations, accounting of, § 102.9(e)
— records required, § 102.9(a)
Disbursements
— advance for travel/subsistence, § 102.9(b)(2)(i)(B)
— aggregate of, to one recipient, § 104.9(b)
— credit card, disbursements by, § 102.9(b)(2)(ii)
— credit union account, disbursements from, § 102.9(b)(2)(iii)
— documentation required, § 102.9(b)(2)
— “payee,” identification and definition of, § 102.9(b)(1)(i) and (2)(i)(A)
— petty cash fund records, § 102.11
— “purpose” of, § 104.3(b)(1)(i) and (B); § 104.9(a)
— records required, § 102.9(b)(1)
Expenditures allocated among states, § 106.2(d) and (e)
Federal activity of unregistered organization, § 102.5(b)
Joint fundraising, § 102.17(c)(4)
Petty cash fund, § 102.11
Records
— best efforts of treasurer, § 102.9(d); § 104.7
— maintenance of, § 102.9(d); § 104.14(b)(1)
— preservation of, § 102.9(c); § 104.14(b)(2) and (3)
Separate segregated fund custodian, duties of, § 114.6(d)
State officers’ duties, § 108.6
Testing-the-waters activity, § 101.3
See also: REPORTING
RECOUNT EXPENSES
See: ELECTION
REGISTRATION
See: POLITICAL COMMITTEE; VOTER DRIVES
REGULATIONS
See: RULES AND REGULATIONS
REPORTING
Acknowledgement of report’s receipt, § 104.14(c)
Audit of reports, § 104.16
See also: AUDITS
Best efforts of treasurer, § 104.7
Cash-on-hand, § 104.3(a)(1); § 104.12
Collecting agent, of funds received through, § 102.6(c)(7)
 REPORTING—Continued
Communications report, § 100.8(b)(4); § 104.6; § 105.4; § 114.5(c)(2)(i)
Compulsory, § 104.1(a)
Computerized, § 104.2(d)
Consolidated, § 104.3(f)
Content of reports, § 104.3; § 104.17
Contributions
— aggregate, § 104.8(b)
— by check, § 104.8(c) and (d)
— earmarked, § 104.3(j); § 110.6(c)
— exceeding $200, § 104.8(a)
— illegal-appearing, § 103.3(b)
— in-kind, § 104.13; § 106.1(b)
— of $1,000 or more, 48 hour notification, § 104.5(f)
— summary of, § 104.3(c)
— uniformity in reporting, § 104.8
Contributors
— change of name, § 104.8(a)
— identification, § 100.12; § 104.7(b); § 104.8(a) and (b)
— multiple contributors, § 104.8(c) and (d)
— pseudonyms, use of, § 104.3(e)
Convention, national nominating, Part 107.
Corporation/labor organization, for internal communications, § 104.6.
Cumulative, § 104.3(i)
Debts and obligations, § 104.3(d); § 104.11
Disbursements
— categories of, § 104.3(b)(1) and (2)
— itemization of, § 104.3(b)(3) and (4)
Election year, § 104.5(a)(1), (b)(1) and (c)(1)
Expenditures
— aggregate of, to one recipient, § 104.9(b)
— candidate-allocated, § 104.10
— coordinated party, § 110.7(c)
— exceeding $200, § 104.9(a)
— operating, summarized, § 104.3(c)
— State-allocated, for Presidential candidates, § 106.2(d)
— uniformity in reporting, § 104.9
Failure to report, § 111.8(c)
Filing reports, See: FILING
Forms, See: FORMS
Forty-eight hour notification of contribution, § 104.5(f)
Identification number, § 102.2(c)
Independent expenditures, See: INDEPENDENT EXPENDITURES
Interest income, § 103.3(a); § 104.3(a)(4)(vi)
Joint fundraising activity, § 102.17(c)(3)(iii) and (8)
Legal and accounting services, § 104.3(h); § 114.5(e)(2)(ii)
Monthly report
— by Presidential committee, § 104.5(b)(1)(i) and (iii) and (2)(i)
— by unauthorized committee, § 104.5(c)(3)
— waivers, § 104.5(b)(1)(i)(C) and (c)(3)(ii)
Non-election year, § 104.5(a)(2), (b)(2) and (c)(2)
Party coordinated expenditures, § 110.7(c)
Party office building fund, donations to, § 104.3(g)
Payroll deductions, § 104.8(b)
Post-election report
— by Congressional committee, § 104.5(a)(1)(ii)
— by Presidential committee, § 104.5(b)(1) (i)(C) and (ii)
— by unauthorized committee, § 104.5(c)(1)(iii)
REPORTING—Continued

Pre-election report
— by Congressional committee, § 104.5(a)(1)(i)
— by Presidential committee, § 104.5(b)(1)(i)(C) and (ii)
— by unauthorized committee, § 104.5(c)(1)(ii)

Preservation of reports, § 102.9(c); § 104.14(b)(2) and (3)

Presidential committee reports, § 104.17

Pseudonyms, § 104.3(e)

Public inspection of reports, See: PUBLIC INSPECTION OF DOCUMENTS

Quarterly report
— by Congressional committee, § 104.5(a)(1)(ii)
— by Presidential committee, § 104.5(b)(1)(ii) and (2)(ii)
— by unauthorized committee, § 104.5(c)(1)(i)
— waivers, § 104.5(a)(1)(ii)(C) and (c)(1)(i)(C)

Receipts, § 104.3(a)
— cash-on-hand, § 104.3(a)(1); § 104.12
— categories of, § 104.3(a)(2) and (3)
— itemization of, § 104.3(a)(4)

Requirements, formal, § 104.14

Sale/use restriction on filed reports, § 104.15

Semiannual report
— by Congressional committee, § 104.5(a)(2)
— by unauthorized committee, § 104.5(c)(2)(i)

 Separate segregated fund reports, § 114.5(e)

Special election reports, § 104.5(h)

State filing, See: FILING

State officers' duties, § 108.6

Stocks, bonds, art objects, § 104.13(b)

Termination report, § 102.3(a)

Testing-the-waters activity, § 101.3

Transmittal of reports to Commission, § 105.5

Treasurer of committee, duties of, § 104.1(a); § 104.14

Vice Presidential committee reports, § 104.5(d); § 104.17

Voluntary, § 104.1(b)

Waivers
— for special election, § 104.5(h)(2)
— monthly, § 104.5(b)(1)(i)(C) and (c)(3)(ii)
— quarterly, § 104.5(a)(1)(ii)(C) and (c)(1)(i)(C)

Year-end report
— by Congressional committee, § 104.5(a)(1)(ii)(A) and (2)(i)(B)
— by Presidential committee, § 104.5(b)(1)(i)(C)
— by unauthorized committee, § 104.5(c)(1)(i)(A) and (2)(i)(B)

See also: FILING; FORMS; RECORDKEEPING

RETI RING DEBTS
See: DEBTS

RULES AND REGULATIONS
Advisory opinions based on, § 112.1(a)

Effect on State law, § 108.7

Scope, § 1.1; § 2.1; § 4.3; § 5.3; § 100.1

SECRETARY OF THE SENATE
Reports filed with, § 105.2

Transmittal of reports to Commission, § 105.5

SENATORIAL CAMPAIGN COMMITTEE
Contributions by, § 110.2(c); § 110.3(b)(4)
Contributions to, § 110.1(b)(2); § 110.2(a)(2)(ii)
Index, General

SEPARATE SEGREGATED FUND

Affiliated
— contribution limit shared, § 110.3(a)(1)
— definition, § 100.5(g)(2)
Collecting agent for, § 102.6(b) and (c)
Communications to public, § 114.5(i)
See also: COMMUNICATIONS/ADVERTISING

Connected organization of
— control of fund, § 114.5(d)
— definition, § 100.6
— disclosure of, on Statement of Organization, § 102.2(b)(ii)
— name requirement, § 102.14(c)
— treasury money used for fund, § 114.5(b)

Contributions to fund
— contributors permitted by law, § 114.5(j)
— limits apply, § 114.5(f)
— via employee participation plan, § 114.11
— voluntary only, § 114.1(d); § 114.5(a)

Control of, § 114.5(d)

Establishment/administration/solicitation costs
— connected organization’s payment of, § 114.5(b)
— contribution/expenditure exemption, § 114.1(a)(2)(iii)
— definition, § 114.1(b)

Facilities used in volunteer activity, § 114.9

Federal contractor, established by, § 115.3

Fundraising event, reimbursement to connected organization for, § 114.5(b)(2)

Membership in, § 114.5(c)

Name of, restrictions, § 102.14(c)

Political committee status, § 100.5(b)

Registration of, § 102.1(c)

Reporting by, § 114.5(e)

See also: REPORTING

Solicitation of contributions to
— by collecting agent, § 102.6(c)(1)
— coercive methods prohibited, § 114.5(a)(1)
— disclaimer notice not required, § 110.11(a)(iv)(B)
— employees/members, requirements, § 114.5(a)
— guidelines for solicitation card, § 114.5(a)(2)
— methods for, § 114.1(f) and (g)
— to restricted class only, § 114.1(c) and (e)
— twice yearly solicitations, § 114.6

Statement of Organization requirements, § 102.2

Transmittal of funds received by collecting agent for, § 102.6(c)

Twice yearly solicitations, § 114.6

Use of treasury funds, § 114.5(b)

See also: CORPORATION/LABOR ORGANIZATION/NATIONAL BANK; MEMBERSHIP ORGANIZATION; TRADE ASSOCIATION

SINGLE CANDIDATE COMMITTEE

Contributions to, § 110.1(h)(1); § 110.5(b)(2)
Definition, § 100.5(e)(2)

SLATE CARD/SAMPLE BALLOT

Contribution/expenditure exemption, § 100.7(b)(9); § 100.8(b)(10)

SOLE PROPRIETOR

As Federal contractor, § 115.5

SOLICITATION

See: CONTRIBUTIONS; FUNDRAISING; SEPARATE SEGREGATED FUND

SPECIAL ELECTION

Definition, § 100.2(f)
SPECIAL ELECTION—Continued

Report, § 104.5(h)

See also: ELECTION

SPOUSE

Assets owned by candidate jointly with, § 110.10(b)(3)
Contributions by, § 100.7(c); § 110.1(d)(1)
Expenditures by, § 100.8(c)
Loans, cosigning, § 100.7(a)(1)(i)(D) and (b)(11); § 100.8(b)(12)

STATE

Definition, § 100.11
Filing with, See: FILING
Law, effect of Act and regulations on, § 108.7
Officeholder, definition, § 113.1(d)
Officer
— duties of, § 108.6
— filing documents with, Part 108

STATE PARTY COMMITTEE

See: PARTY COMMITTEE

STOCKHOLDER

Communications with, by corporation
— nonpartisan, § 114.4
— partisan, § 114.3(a)
Corporate facilities, use of by, § 114.9(a)
Definition, § 114.1(h)
Solicitations of, § 114.5(g) and (k); § 114.6(d); § 114.6(b); § 114.8(f) and (g)

SUNSHINE ACT

Part 2

TERMINATION OF COMMITTEE

By Commission, § 102.4
By committee, § 102.3

TESTING-THE-WATERS EXPENSES

Contribution/expenditure exemption, pre-candidacy, § 100.7(b)(1); § 100.8(b)(1)
Polling expenses, § 106.2(a)(2); § 106.4(a)

TRADE ASSOCIATION

Communications by
— nonpartisan, to employees and restricted class, § 114.4(a)(1)(ii); § 114.8(i)
— nonpartisan, to general public, § 114.4(d)
— partisan, to restricted class, § 114.3(a)(2); § 114.8(h) and (i)
— reporting, § 100.8(b)(4)(iv); § 104.6
Definition, § 114.8(a)
Employees, § 114.8(i)
Federation of, solicitations by, § 114.8(g)
Separate segregated fund solicitations
— contribution prohibition applies, § 114.8(b)
— notice not required, § 110.11(a)(1)(i)(iv)(B)
— of corporate members, § 114.7(c); § 114.8(c), (d), (e) and (l)(2)
— of employees, § 114.8(e)(4) and (l)(2)
— of member’s separate segregated fund, prohibited, § 114.7(j)
— of noncorporate members, § 114.7(c)
Solicitation approvals
— limited to one trade association per year, § 114.8(c)(2)
— may limit number/scope of solicitations, § 114.8(d)(5) and (e)
— of subsidiary of corporate member, § 114.8(f)
— retention of, § 114.8(d)(2)
— separate designation required for each year, § 114.8(d)(4)
Index, General

TRADE ASSOCIATION—Continued
Solicitation approvals—Continued
— written, § 114.8(d)(2)

See also: COMMUNICATIONS/ADVERTISING; SEPARATE SEGREGATED FUND

TRANSFER OF FUNDS
Affiliation criterion, § 100.5(g)(2)(ii)(E); § 110.3(a)(1)(iii)(E)
Between
— affiliated committees, § 102.6(a)(1)
— authorized committees of same candidate, § 110.3(a)(2)(ii)
— candidate's previous/current campaign committees, § 110.3(a)(2)(iv)
— collecting agent and separate segregated fund, § 102.6(b) and (c)
— dual candidate's campaign committees, § 110.3(a)(2)(v)
— participants of joint fundraiser, § 102.6(b)(1)(iii); § 102.17(c)
— party committees of same party, § 102.6(a)(1)(ii); § 110.3(c)
Excess campaign funds, § 110.3(a)(2)(iii) and (iv); § 113.2(c)
For investment purposes, § 103.3(a)
Joint fundraising proceeds, § 102.6(a)(1)(iii); § 102.17(c)(7); § 110.3(a)(2)(i)
Office account funds, § 113.4
Primary funds to general election campaign, § 110.3(a)(2)(iii)
Registration requirements may be triggered by, § 102.6(a)(2); § 102.17(c)(7)(i)
Reporting requirements for, § 102.6(c)(7); § 102.17(c)(8)

TRAVEL
Advance of money for, § 102.9(b)(2)(1)(B)
Allocation of expenses
— among States, by Presidential candidates, § 106.2(c)(4)
— campaign/noncampaign, § 106.3
— intra-State, by Presidential candidates, § 106.2(b)(2)(iii)
Corporate/labor transport for candidate, § 114.9(e)
Government conveyance used for, § 106.3(e)
Unreimbursed payments for, exempted, § 100.7(b)(8); § 100.8(b)(9)

TREASURER OF POLITICAL COMMITTEE
Assistant treasurer, designation of, § 102.7(a)
Best efforts in
— determining contribution's legality, § 103.3(b)(1)
— obtaining required information, § 102.9(d); § 104.7
Custodian of separate segregated fund, § 114.6(d)(5)
Duties
— accepting contributions/making expenditures, § 102.7(b)
— authorizing expenditures, § 102.7(c)
— depositing receipts, § 103.3(a)
— filing documents, § 104.14(d)
— recordkeeping, § 102.9; § 104.14(b)
— reporting, § 104.1(a)
— retaining records, § 102.9(c); § 104.14(b)(2) and (3)
— signing documents, § 104.14(a)
Forwarding contributions to, § 102.8
Required for political committees, § 102.7(a)
Vacancy in office, § 102.7(a) and (b)

TRUSTEE PLAN
Employee participation plan, § 114.11

TRUSTS
Established for minors, § 110.1(l)(2)
Personal funds of candidate, § 110.10(b)

UNAUTHORIZED COMMITTEE
Communications on behalf of candidate
UNAUTHORIZED COMMITTEE—Continued
Communications on behalf of candidate—Continued
— independent expenditure, § 109.1
— notice required, § 109.3; § 110.11(a)(1)(iii) and (iv)(A)
Contributions to, § 102.8(b); § 110.1(h)
Definition, § 100.5(f)(2)
Name of, restrictions, § 102.14(a)
Polling results, purchased by, § 106.4(d)
See also: POLITICAL COMMITTEE

UNUSED CAMPAIGN FUNDS
See: EXCESS CAMPAIGN FUNDS

VENDOR DISCOUNTS
Food and beverage, exempted contribution/expenditure, § 100.7(b)(7);
§ 100.8(b)(8); § 114.1(a)(2)(v)

VICE PRESIDENTIAL CANDIDATE
See: CANDIDATE FOR PRESIDENT

VIOLATION
Of contribution/expenditure prohibitions and limitations, § 110.9(a)
See also: COMPLIANCE

VOLUNTEER ACTIVITY
Campaign materials, See: CAMPAIGN MATERIALS
Church or community room, § 100.7(b)(5); § 100.8(b)(6)
Corporate/labor facilities used for, § 114.9(a) and (b)
Food, beverage and invitations, § 100.7(b)(6); § 100.8(b)(7)
Legal and accounting services, See: LEGAL AND ACCOUNTING SERVICES
Living expenses, § 100.7(b)(8); § 100.8(b)(9)
Personal services, § 100.7(b)(3)
Residential premises, § 100.7(b)(4); § 100.8(b)(5)
Travel, § 100.7(b)(8); § 100.8(b)(9)
Vendor discount of food/beverage, § 100.7(b)(7); § 100.8(b)(8); § 114.1(a)(2)(v)

VOTER DRIVES
Allocation of expenses to candidate, § 106.1(c)(2) and (3)
Candidate records and voter guides See: VOTER GUIDES AND VOTING RECORDS
Cosponsorship of
— when not required, § 114.4(c)(4)
— with nonprofit organization, § 114.4(b)(5)(ii) and (c)
— with State and local election agencies, § 114.4(c)(3)
Defrayal of expenses by corporation/labor organization, § 114.4(b)(3) and (c)(2)
Distribution of voting information at place of employment, § 114.4(c)(1)(i)(C) and (ii)
Nonpartisan
— by corporation/labor organization, § 114.1(a)(2)(ii); § 114.4(b) and (c)
— by trade association/membership organization, § 114.4(a)(1)(ii)
— expenditure exemption for, § 100.8(b)(3)
Partisan
— by corporation/labor organization, § 100.8(b)(4); § 114.1(a)(2)(i); § 114.3(b) and (c)(3) and (4)
— by party committee, § 100.7(b)(9) and (17); § 100.8(b)(10) and (18); § 106.1(c)(3)
— by trade association/membership organization, § 114.3(a)(2)
— reporting, § 100.8(b)(4); § 114.3(b)
Party committee-sponsored
— administrative costs, § 102.5; § 106.1(e)
Index, General

VOTER DRIVES—Continued
Party committee-sponsored—Continued
— campaign material, preparation and distribution of, § 100.7(b)(15) and (16); § 100.8(b)(16) and (17)
— Presidential nominee, on behalf of, § 100.7(b)(17); § 100.8(b)(18); § 106.1(c)(3)
— reporting, § 104.3(b)(1) and (3)
— sample ballots/slate cards, used in, § 100.7(b)(9); § 100.8(b)(10)

VOTER GUIDES AND VOTING RECORDS
Defrayal of production/distribution costs, § 114.4(b)(3)
Distribution of, at place of employment, § 114.4(c)(1)(ii)
Distribution/preparation of, by corporation/labor organization, § 114.4(b)(4) and (5)
See also: CAMPAIGN MATERIALS

VOTING AGE POPULATION
Basis of expenditure limitations for
— coordinated party, § 110.7(a)(2) and (b)(2)(i)(A)
— for Presidential candidate, § 110.8(a)(1)
Definition, § 110.9(d)

WAIVERS, REPORTING
See: REPORTING

243
General Election Financing, Parts 9001–9007 and 9012

A

ACCOUNTS
See: CAMPAIGN DEPOSITORY

ADJUSTMENT OF ENTITLEMENT
See: ENTITLEMENT; PAYMENTS

AGREEMENT
Candidate agrees to
— accept burden of proof, § 9003.1(b)(1)
— comply with Act and regulations, § 9003.1(b)(7)
— comply with documentation requirements, § 9003.1(b)(2) and (4)
— identify depositories, § 9003.1(b)(6)
— identify treasurer, § 9003.1(b)(6)
— keep books and records, § 9003.1(b)(4)
— make repayments, § 9003.1(b)(5)
— pay civil penalty, if required, § 9003.1(b)(8)
— permit/facilitate audit and examination, § 9003.1(b)(5)
— provide explanation/additional information, § 9003.1(b)(3) and (4); § 9012.4

Eligibility for payments requires, § 9003.1(a)(1)

Submission dates for, § 9003.1(a)(2)

See also: ELIGIBILITY

AUDIT AND EXAMINATION
Additional, § 9007.1(a)(2); § 9007.4

Agreement to permit, § 9003.1(b)(5)
Committee response to, § 9007.1(c)(2) and (3)
— extension of time for, § 9007.3

Fieldwork, § 9007.1(b)
— information provided to committee, § 9007.1(b)(2), (3) and (4)
— records, office and staff provided for, § 9007.1(b)(1)
— settlement of dispute arising during, § 9007.1(b)(1)(iv)

See also: REPAYMENTS

AUTHORIZED COMMITTEE
Candidate's responsibilities, references to include, § 9002.1(d)

Definition, § 9002.1

Expenses incurred by, are qualified campaign expenses, § 9002.11(b)
Expenses incurred by, in excess of entitlement, § 9012.1
National committee may be designated as, § 9002.1(c)
Reporting by, § 9003.3(a)(3)(ii); § 9006.1
Support of other candidates by, § 9002.11(b)(3)
Withdrawal of authorization, § 9002.1(b)

See also: CANDIDATE; POLITICAL COMMITTEE

CAMPAIGN DEPOSITORY
Candidate agreement, § 9003.1(b)(6)

Compliance fund, major party candidate, § 9003.3(a)
Individuals' contributions, depository for, § 9003.2(c)(6); § 9000.3(a)(3) and (b)(2); § 9003.4(c); § 9005.2(c)

Loans for expenses incurred prior to receipt of funds, § 9003.4(c)
Minor or new party candidates, § 9003.3(c)

245
CAMPAIGN DEPOSITORY—Continued

Public funds, depository for, § 9005.2(c)
Segregation of compliance and public funds, § 9003.3(a)(3)(i)

CANDIDATE
Agreement, § 9003.1
See also: AGREEMENT
Authorized committee of, § 9002.1
— qualified campaign expenses incurred by, § 9002.11(b)
— withdrawal of authorization, § 9002.1(b)
Certification by, § 9003.2
See also: CERTIFICATION
Compliance, § 9003.1(b)(7)
Definition, § 9002.2
Eligible, defined, § 9002.4
See also: ELIGIBILITY
Entitlement of
See: ENTITLEMENT
Family of, § 9003.2(c)(1)
Independent, § 9002.7
Major-party candidate
— certification of, § 9003.2(a)
— definition of, § 9002.2(a)(1)
— entitlement of, § 9004.1
Minor party candidate
— certification of, § 9003.2(b)
— definition of, § 9002.7
— entitlement of, § 9004.2; § 9004.3
New party candidate
— certification of, § 9003.2(b)
— definition of, § 9002.8
— entitlement of, § 9004.2
— post-election payments to, § 9004.3
Personal funds of, § 9003.2(c)
Reporting by, § 9003.3(b)(2); § 9003.4(c); § 9006.1
Support of other candidates by, § 9002.11(b)(3)
Vice Presidential
— authorized committee of, § 9002.1(a)
— certification of, § 9003.2 (a) and (b)
— definition, § 9002.2(a)(1)
— eligibility, § 9002.4
— expenditures for, § 9002.11(b)(1)
— personal funds of, § 9003.2(c)(4)
Withdrawal by, § 9004.8
— eligibility ceases, § 9004.8(b)
— repayment required, § 9004.9(c)

CERTIFICATION
By FEC to Secretary of Treasury
— finality of, § 9005.1(d)
— for major party candidates, § 9005.1(a)
— for minor/new party candidates, post-election, § 9005.1(c)
— for minor/new party candidates, pre-election, § 9005.1(b)
— payments by Secretary based on receipt of, § 9005.2
By major party candidate to FEC, § 9003.2 (a) and (c)
— contribution limitations, § 9003.2(a)(2)
— deadline for submission, § 9003.2(d)
— expenditure limitations, § 9003.2(a)(1)
— personal and family expenditures, limitations on, § 9003.2(c)
By minor/new party candidate to FEC, § 9003.2 (b) and (c)
Index, General Election Financing

CERTIFICATION—Continued
By minor/new party candidate to FEC, § 9003.2 (b) and (c)—Continued
— contribution limitations, § 9003.2(b)(2)
— deadline for submission, § 9003.2(d)
— expenditure limitations, § 9003.2(b)(1)
— personal and family expenditures, limitations on, § 9003.2(c)
See also: ENTITLEMENT; PAYMENTS

COMMISSION
Definition, § 9002.3

COMPLIANCE FUND
See: LEGAL AND ACCOUNTING COMPLIANCE FUND

CONTRIBUTIONS
Allowable, § 9003.3
Corporate/labor, prohibited, § 9003.3(a)(1)(1)(B)
Definition, § 9002.13
From family members or personal funds, § 9003.2(c)
Legal and accounting compliance costs, § 9003.3 (a)(1) and (c)(3)(iv)
Limitations and prohibitions
— corporate/labor, § 9003.3(a)(1)(1)(B)
— unauthorized committee, § 9012.6
Reporting of, § 9006.1(b)(1) (i) and (ii).
Solicitation of
— by major party candidate, § 9003.3 (a) and (b)
— by minor/new party candidate, § 9003.3(c)
Unauthorized, § 9012.6
Used for qualified campaign expenses
See also: QUALIFIED CAMPAIGN EXPENSES
See also: LEGAL AND ACCOUNTING COMPLIANCE FUND, QUALIFIED CAMPAIGN EXPENSES

CONVENTION FUNDING
See: Part 9008

DEFICIENCY IN FUND
Minor/new party candidate entitlement, adjusted due to, § 9004.3(b)(2)
Payment withheld due to, § 9005.2(b)
Sale of assets acquired for fundraising permitted if, § 9004.10
Solicitation of contributions, major party candidate
— campaign depository for, § 9003.2(a)(2); § 9003.3(b)(2)
— cost of solicitation, § 9003.3(b) (5), (6), (7) and (8)
— limitations and prohibitions applicable, § 9003.3(b)(4)
— reporting of, § 9006.1(b)(1)(i)
— to defray qualified campaign expenses only, § 9003.3(b)(1)
— transfer from legal and accounting compliance fund, § 9003.3(b)(3)

DEFINITIONS
Authorized committee, § 9002.1(a)
Candidate, § 9002.2
Capital assets, § 9004.9(d)(1)
Commission, § 9002.3
Contribution, § 9002.13
Eligible candidates, § 9002.4
Expenditure report period, § 9002.12
Fund, § 9002.5
Immediate family, § 9003.2(c)(1)
Major party, § 9002.6
Minor party, § 9002.7
New party, § 9002.8
Payee, § 9003.5(b)(3)(i)
DEFINITIONS—Continued
Personal funds, § 9003.2(c)(3)
Political committee, § 9002.9
Presidential election, § 9002.10
Purpose of campaign expense, § 9003.5(b)(3)(ii)
Qualified campaign expense, § 9002.11
Secretary, § 9002.14

DISBURSEMENTS
Documentation required for, § 9003.5
From legal/accounting compliance fund, § 9003.3(a)(3)(II)
Reporting of, § 9006.1
See also: EXPENDITURES

ELECTION
Expenditure report period for, § 9002.12
Party status defined by results of
— major, § 9002.6
— minor, § 9002.7
— new, § 9002.8
Post-election payments based on result of
— minor/new party candidate, § 9004.3
Pre-election payments based on result of previous
— minor party candidate, § 9004.2 (a) and (b)
— new party candidate, § 9004.2(c)
Presidential, defined, § 9002.10

ELIGIBILITY
Agreement required to establish, § 9003.1(a)(1)
Certification required to establish, § 9003.2
Eligible candidates, defined, § 9002.4
FEC certification of, to Secretary, § 9005.1
Withdrawal terminates, § 9004.8(a)
See also: AGREEMENT; CERTIFICATION

ENTITLEMENT
Adjustment of, due to deficiency in fund, § 9003.3(b); § 9004.3(b); § 9005.2(b)
Expenditures exceed, § 9012.1
Investment of funds, § 9004.5
Major party candidate, maximum amount of, § 9004.1; § 9004.3(b)(2)
Minor/new party candidate
— election results determine, § 9004.3(a)
— maximum amount of, § 9004.3 (b) and (c)
— net outstanding qualified campaign expenses, § 9004.9
— pre-election, § 9004.2
Payment to candidates
See: PAYMENTS
Withdrawal of candidate affects, § 9004.8

EXPENDITURES
Documentation of, § 9003.1(b); § 9003.5
Expenditure report period, § 9002.12
Legal and accounting compliance expenses
See: LEGAL AND ACCOUNTING COMPLIANCE FUND
Limitations
— major party candidate, § 9003.2(a)(1)
— minor/new party candidate, § 9003.2(b)(1)
— party committee, § 110.7(a)
— personal and family funds, § 9003.2(c)
— unauthorized committee, § 9012.6(a)
— Vice Presidential candidate, § 9003.2(c)(4)
Index, General Election Financing

EXPENDITURES—Continued

Limitations exceptions
See: QUALIFIED CAMPAIGN EXPENSES

Nonqualified campaign expenses
— civil or criminal penalties, § 9004.4(b)(4)
— incurred after expenditure report period, § 9004.4(b)(3)
— incurred in excess of limitations, § 9004.4(b)(2); § 9012.1
— incurred to support other candidate, § 9002.11(b)(3)
— net loss resulting from investment of funds, § 9004.5
— solicitation costs, major party candidate, § 9004.4(b)(5)

Reporting, § 9006.1

Travel
— for campaign staff, § 9004.7
— for media personnel, § 9004.6
See also: TRAVEL

Unauthorized, § 9012.6

Use of public funds for
See: QUALIFIED CAMPAIGN EXPENSES

FILING DATES
See: REPORTS

FUNDRAISING
See: CONTRIBUTIONS; LEGAL AND ACCOUNTING COMPLIANCE FUND
FUNDS
See: ENTITLEMENT; PAYMENTS; USE OF FUNDS

GENERAL ELECTION
See: ELECTION

GOVERNMENT CONTRACTOR
Contributions from, prohibited, § 9003.3(a)(1)(i)(B)

INVESTMENT OF PUBLIC FUNDS
Permissible, § 9004.5
Repayment of income/loss resulting from, § 9004.5; § 9007.2(b)(4)

LABOR ORGANIZATION
Contributions from, prohibited, § 9003.3(a)(1)(i)(B)

LEGAL AND ACCOUNTING COMPLIANCE FUND
Administrative expenses, § 9003.3(a)(2)(ii)(A)

Campaign depository for
— major party candidate, separate account required, § 9003.3(a)(3)
— minor/new party candidate, § 9003.3(c)(3)

Candidate may borrow from, § 9003.4(b)(2)

Contributions may be accepted for, § 9003.3(a)

Contributions to, subject to limitations and prohibitions, § 9003.3(a)(1)(i)(B)

Establishment of, prior to candidate nomination, § 9003.3(a)(1)(i)

Exempt from definition of qualified campaign expense and expenditure limitations, § 9003.3(a)(2)(i) and (iii)

Expenditure limitations do not apply, § 9003.3(a)(2)(iii)

Recordkeeping and reporting, § 9003.3(a)(3)(ii)

Reimbursement of services initially paid from public funds, § 9003.3(a)(2)(i)(F) and (i)(B); § 9004.4(a)(3)

Solicitation of contributions for, § 9003.3(a)(1)(i)(A) and (2)(i)(E)
LEGAL AND ACCOUNTING COMPLIANCE FUND—Continued
Transfer from, to retire primary debts, § 9003.3(a)(2)(iv)
Transfer from, to separate account for contributions to supplement public funds, § 9003.3(b)
Transfer to, from primary, § 9003.3(a)(1) (ii) and (iii)
Uses of, § 9003.3(a)(2)

LOANS
Incurred for qualified campaign expenses, § 9003.4(b)
Public funds used to repay, § 9004.4(a)(2)
Repayment of, § 9003.4(b)
Source of
— banks, § 9003.4(b)(1)
— excess primary campaign funds, § 9003.4(b)(4)(i)
— legal and accounting compliance fund, § 9003.3(a)(2)(i)(F)
— personal funds, § 9003.4(a)(5)

MAJOR PARTY
Candidate adherence to limitations on
— contributions, § 9003.2(a)(2)
— expenditures, § 9003.2(a)(1)
Definition, § 9002.6
Entitlement, § 9004.1
Reports, § 9006.1

MINOR PARTY
Candidate adherence to limitations on
— contributions, § 9003.2(b)(2)
— expenditures, § 9003.2(b)(1)
Definition, § 9002.7
Entitlement for
— post-election payments, § 9004.3(a)
— pre-election payments, § 9004.2
Reports, § 9006.1

NATIONAL PARTY COMMITTEE
Convention expenses in excess of entitlement, § 9012.1(b)
Designated as candidate’s principal campaign committee, § 9002.1(c)
Expenditure limitations, § 110.7(a)
Kickbacks given or accepted by, § 9012.5

NET OUTSTANDING QUALIFIED CAMPAIGN EXPENSES
Assets included in computation of, § 9004.9(c); § 9007.2(g)
Commission review of statement, § 9004.9(e)
Computation of, § 9004.9 (a) and (d)
Date for filing statement of
— all candidates, § 9004.9(b)
— candidates who withdraw prior to election, § 9004.8(b)(2); § 9004.9(c)
Determines post-election funding, § 9004.9(e)(2); § 9005.1(c)
See also: PAYMENTS; REPAYMENTS

NEW PARTY
Candidate adherence to limitations on
— contributions, § 9003.2(b)(2)
— expenditures, § 9003.2(b)(1)
Definition, § 9002.8
Entitlement, § 9004.2; § 9004.3
Reports, § 9006.1
NONQUALIFIED CAMPAIGN EXPENSES
See: EXPENDITURES.
Index, General Election Financing

NOTIFICATIONS
By candidate to FEC concerning
— disputed initial determination, § 9005.1(b)(2) and (c)(4)
— disputed repayment, § 9007.2(c) (2) and (3)
— extension of time, request for, § 9007.3
— newly discovered assets, § 9007.2(g)
— post-election entitlement, § 9004.9(e)(2)
— withdrawal of candidacy, § 9004.8(b)(2)
By FEC to candidate concerning
— additional repayment, § 9007.2(f)
— repayment, § 9007.2(a)(2) and (b)
See also: REPORTS

PARTY
See: MAJOR PARTY; MINOR PARTY; NATIONAL PARTY COMMITTEE; NEW PARTY

PAYMENTS
Audit may affect, § 9007.1
Campaign depository for
— major party candidate, must be separate, § 9005.2(c)
— minor party candidate, § 9003.3(c)(3)
Deficiency in
See: DEFICIENCY IN FUND
Eligibility for, certification by FEC of, § 9003.1(a)(1)
— major party candidate, § 9003.2(a)
— minor/new party candidate, § 9003.2(b)
Entitlement to funds
— major party candidate, § 9004.1
— minor/new party candidate, § 9004.2; § 9004.3
See also: ENTITLEMENT
FEC certification to Secretary of Treasury, § 9005.2(a)
Investment of, § 9004.5; § 9007.2(b)(4)
Secretary of Treasury makes, § 9005.2 (a) and (b)
Unlawful use of, § 9012.3
Use of, for qualified campaign expenses only, § 9004.4(a)
Withheld, if deficiency in fund, § 9005.2(b)
See also: QUALIFIED CAMPAIGN EXPENSES; REPAYMENTS

PERSONAL FUNDS
Definition, § 9003.2(c)(3)
Expended prior to expenditure report period, § 9003.4(b)(5)
Expenses from, by Vice Presidential candidate, § 9003.2(c)(4)
Limitations on, § 9003.2(c)
Reporting of, § 9006.1(b)(1)(iv)

POLITICAL COMMITTEE
Definition, § 9002.9
See also: AUTHORIZED COMMITTEE

POST-ELECTION PAYMENTS
See: ENTITLEMENT; PAYMENTS

PRESIDENTIAL ELECTION CAMPAIGN FUND
See: PAYMENTS; SECRETARY OF THE TREASURY

PRINCIPAL CAMPAIGN COMMITTEE
See: AUTHORIZED COMMITTEE

PUBLIC FUNDS
See: ENTITLEMENT; PAYMENTS; REPAYMENTS; USE OF FUNDS
QUALIFIED CAMPAIGN EXPENSES
Authorized committees incur, § 9002.1; § 9002.11(b)
Burden of proof on candidate, § 9003.5(c)
Certification not to exceed limitations on
— major party candidate, § 9003.2(a)
— minor party candidate, § 9003.2(b)
Contributions solicited to defray, by minor/new party candidate
— administrative costs, § 9003.3(c)(6), (7) and (8)
— campaign depository for, § 9003.3(c)(3)
— legal and accounting compliance costs, § 9003.3(c)(6), (7) and (8)
— limitations and prohibitions, § 9012.2
— reporting of, § 9003.3(c)(4) and (9); § 9006.1(b)(1)(ii)
— solicitation costs, § 9003.3(c)(5)
— to supplement public funds, § 9003.3(c)(1)
Definition, § 9002.11(a)
Defrayal of, if candidate withdraws, § 9004.8(b)(1)
Documentation required for, § 9003.1(b)
Expenditures in excess of limitations, § 9007.2(a)(2); § 9012.1
Incur before or after expenditure report period, § 9002.11(c); § 9003.4(a)
Incur on behalf of Vice Presidential candidate, § 9002.11(b)(1)
Legal and accounting compliance costs
See; LEGAL AND ACCOUNTING COMPLIANCE FUND
Loans incurred for, § 9003.4(b)
Media personnel, transportation and services provided to, § 9004.6
Net outstanding, statement of, § 9004.9
Nonqualified
See; EXPENDITURES
Polling costs, § 9003.4(a)(1)
Recordkeeping, § 9003.1(b)(1); § 9003.5
Reporting, § 9006.1
Solicitation of contributions by major party candidate
See; DEFICIENCY IN FUND
Travel, § 9004.7
See also; TRAVEL
Unauthorized expenditures, limitations for, § 9012.6
Use of personal funds for, § 9003.4(c)
Use of public funds for, § 9004.4(a)
Use of public funds for other than, § 9007.2(b)(2)
Winding down costs, § 9004.4(a)(4)

RECORDKEEPING
Falsification in, § 9012.4
Legal/accounting compliance fund, § 9003.3(a)(3)
Petty cash fund, § 9003.5(a)(2)(1)
Qualified campaign expenses, § 9003.1(b)(1) and (4); § 9003.3(b)(2); § 9003.5; § 9006.1
Retention of records, § 9003.5(c)

REIMBURSEMENTS
For travel by media personnel, § 9004.6
From compliance fund to account containing public funds, § 9003.3(a)(2)(ii)(B)
In computing qualified campaign expenses, § 9002.11(b)(4)
May be deposited with public funds, § 9005.3(d)

REPAYMENTS
Additional, § 9007.2 (f) and (g)
Bases for
— assets newly discovered, § 9007.2(g)
Index, General Election Financing

REPAYMENTS—Continued

Bases for—Continued

— funds remain after qualified campaign expenses paid, § 9007.2(b)(3)
— funds used for nonqualified campaign expenses, § 9007.2(b)(2)
— investment of funds results in income or loss, § 9004.5; § 9007.2(b)(4)
— payments exceed entitlement, § 9007.2(b)(1)
— unlawful contributions accepted, major party candidate, § 9007.2(b)(5)

Candidate agreement to make, if required, § 9003.1(b)(5)
Committee response to FEC determination, § 9007.2(c)
Limitation of total amount, § 9007.2(h)
Notification of need for making, § 9007.2(a)
Priority over other debts, § 9007.2(a)(3)
Procedures used to determine, § 9007.2(c)
Time limitation
— for Commission to determine need for, § 9007.2(a)(2) and (f)
— for committee to make, § 9007.2 (d) and (e)

REPORTS

By all candidates, § 9006.1
Contributions to defray nonqualified campaign expenses, § 9003.3
Expenditure report period, § 9002.12
Expenditures incurred after expenditure report period, § 9002.11(c)(1)
Falsification of, § 9012.4
Filing dates, § 9006.2
Legal and accounting services, § 9002.11(b)(5); § 9003.3(a)(3)
Loans, § 9003.4(c)
Net outstanding qualified campaign expenses, § 9004.9
Private contributions, § 9003.3(a)(3)
Qualified campaign expenses, § 9006.1
Travel expenses, § 9004.6(c); § 9004.7 (a) and (b)

SECRETARY OF THE TREASURY

Definition, § 9002.14
FEC certification to, § 9005.1
Payment to candidate, § 9005.2(a)
Repayment to Treasury
See: REPAYMENTS

SOLICITATION OF CONTRIBUTIONS

See: CONTRIBUTIONS

STATE

Qualification for State ballots defines candidates, § 9002.2(a)(2)
Support of candidates for State office, § 9002.11(b)(3)

STATE PARTY
Expenditure limitations, § 110.7(a)

TRAVEL
Allocation of expenditures for, § 9004.7
Commercial transportation used for, § 9004.7(b)(7)
Computing campaign- and noncampaign-related costs, § 9004.7(b) (1) and (2)
Government conveyance/accommodations used, § 9004.7(b) (4) and (5)
Itinerary required, § 9004.7(b)(3)
Media personnel, transportation and services provided to, § 9004.6
Other than government or charter used, § 9004.7(b)(7)
Passenger list required, § 9004.7(b)(4)
Qualified campaign expense for campaign-related, § 9004.7(a)
Reporting of, § 9004.6(c); § 9004.7
Spouse or family, costs for, § 9004.7(b)(6)
TRAVEL—Continued
Staff's costs, § 9004.7(a)

UNAUTHORIZED COMMITTEE
Contributions and expenditures by, § 9012.6

USE OF FUNDS
Contributions from individuals, uses for
— make up deficiency in payments, § 9003.3(b)(1)
— may not pay primary debt, § 9003.3(a)(2)(iv)
— must be segregated from public funds, § 9003.3(a)(3)
— legal and accounting compliance costs, § 9003.3(a)
Legal and accounting compliance funds, § 9003.3(a)(2)
Public funds used by candidate
— control over, § 9005.3(a)
— defray qualified campaign expenses, § 9004.4(a)(1)
— investment, § 9004.5; § 9007.2(a)(6)
— loan repayment, § 9004.4(a)(2)
— support other candidates, § 9002.11(b)(3)
See also: QUALIFIED CAMPAIGN EXPENSES

VICE PRESIDENTIAL CANDIDATE
See: CANDIDATE
ACCOUNTS
Maintained by convention committee
— bank depository required, § 9008.8(b)(3)(v)
— bank records for all accounts furnished when requested by FEC, § 9008.8(b)(4)(vi)
— for deposit of private contributions, § 9008.8(b)(4)(iv)
— for deposit of public funds, § 9008.8(b)(4)(iii)
— limitation on payments from account, § 9008.5
Maintained by host committee for contributions from local retail businesses, municipal corporations and government agencies, § 9008.7(d)(3)(iii)

ADMINISTRATIVE EXPENSES
Host committee’s, contributions may defray, § 9008.7(d)(2)(iii)(D)
National or convention committee’s, public funds may defray, § 9008.6(a)(4)(x)

ADVERTISING
As acknowledgement of donation to host committee, § 9008.7(d)(2)(ii)
By host committee for promotion, § 9008.7(d)(2)(iii)(A)
By local businesses on samples and promotional material, § 9008.7(c)(2)

AGREEMENTS
By convention committee, letter of agreement, § 9008.8(b)(1) and (4)
By national committee; application statement, § 9008.8(b)(1) and (3)
Date for filing, § 9008.8(b)(5)

AUDITS
See: EXAMINATIONS AND AUDITS

BANKS
May not donate to host committee, § 9008.7(d)(2)(i) and (3)(i)
May not provide discounts to national committee, § 9008.7(c)(1)(i)
May provide samples and promotional material to national committee, § 9008.7(c)(2)(iii)
See also: ACCOUNTS

CANDIDATE
Expenditure by, from campaign account to attend convention, excepted from expenditure limitation, § 9008.7(e)
Expenses of, may not be defrayed by convention funds, § 9008.6(b)(1)

CERTIFICATION
By FEC to Secretary of Treasury for entitlement, § 9008.8(e)

COMMISSION
See: FEDERAL ELECTION COMMISSION

CONTRIBUTIONS
Excessive, § 9008.10(c)
Private contributions
— account for, must be segregated, § 9008.8(b)(4)(iv)
— entitlement adjusted if committee opts to receive, § 9008.8(a)(2) and (3)
— limitations and prohibitions of Act apply, § 9008.8(a)(4)
— must be reported, § 9008.8(a)(4)
CONTRIBUTIONS—Continued
Private contributions—Continued
— received by convention committee, § 9008.8(b)(2)
To host committee, to defray convention expenses, § 9008.7(d)(3)
— acceptable contributors, § 9008.7(d)(3)(i) and (iv)
— amount proportionate to expected commercial return, § 9008.7(d)(3)(ii)
To host committee, to promote convention city and commerce, § 9008.7(d)(2)
— acceptable contributors, § 9008.7(d)(2)(i) and (iv)
— donor may restrict use of funds, § 9008.7(d)(2)(ii)
— use of funds, § 9008.7(d)(2)(iii)
To national committee, exceptions
— contributions used to pay civil or criminal penalties, § 9008.6(b)(3)
— facilities and services provided by government agencies and municipal corporations, § 9008.4(c); § 9008.7(b)
— in-kind contributions by businesses, § 9008.4(c); § 9008.7(c)
— legal and accounting services, if paid for by regular employer, § 9008.7(f)(1)
See also: USE OF FUNDS

CONVENTION COMMITTEE
Audit of, by FEC, § 9008.9
Cessation of activity, § 9008.12(b)(3)
Duties of, § 9008.8(b)(2)
Letter of agreement
— binding also for national committee, § 9008.8(b)(4)
— comply with expenditure limitations, § 9008.8(b)(4)(i)
— date of filing, § 9008.8(b)(5)
— document convention expenses, § 9008.8(b)(4)(v)
— establish accounts, § 9008.8(b)(4)(iii) and (iv)
— file convention reports, § 9008.8(b)(4)(ii)
— furnish books, records and other information, § 9008.8(b)(4)(vi)
— make repayments, § 9008.8(b)(4)(vii)
— pay civil penalties, § 9008.8(b)(4)(viii)
— permit audits and examinations, § 9008.8(b)(4)(vii)
Makes all expenditures for convention expenses, § 9008.8(b)(2)
National committee establishes, § 9008.8(b)
Officers of, designated by national committee, § 9008.8(b)(3)(iv)
Receives all private contributions to defray convention expenses, § 9008.8(b)(2)
Receives all public funds, § 9008.8(b)(2)
Registers as a political committee, § 9008.8(b)(2); § 9008.12(b)(1)(i)
Reporting obligations, § 9008.12(b)(2)

CORPORATION
Contributions to host committee
— to defray convention expenses, § 9008.7(d)(3)
— to promote convention city and commerce, § 9008.7(d)(2)
Local, definition, § 9008.7(c)(2)(iv) and (d)(2)(iv)
Municipal corporations
— expenditures by, not counted against national party limitation, § 9008.4(c); § 9008.7(b)
— facilities and services provided by, § 9008.7(b)
Private business concerns
— discounts to national committee by, § 9008.7(c)(1)
— samples and promotional material provided by, § 9008.7(c)(2)
See also: BANKS

DEFINITIONS
Commission, § 9008.2(a)
Convention, § 9008.2(g)

256
Index, Convention Funding

DEFINITIONS—Continued
Convention committee, § 9008.8(b)(2)
Convention expenses, § 9008.6(a)(4)
Fund, § 9008.2(b)
Host committee, § 9008.7(d)(1)
Life of the convention, § 9008.7(d)(3)(v)
Local business, § 9008.7(c)(2)(iv) and (d)(2)(iv)
Major party, § 9008.2(c)
Metropolitan Statistical Area, § 9008.7(c)(2)(iv)
Minor party, § 9008.2(d)
National committee, § 9008.2(e)
New party, § 9008.2(f)
Nominating convention, § 9008.2(g)
Presidential Election Campaign Fund, § 9008.2(b)
Secretary, § 9008.2(h)

DELEGATES
Personal funds used to attend convention, excepted from expenditure limitation, § 9008.7(e)
Public convention funds prohibited from defraying expenses of, § 9008.6(b)(1)
See also: § 110.14

ELIGIBILITY
Major party, § 9008.1(a)
Minor party, § 9008.1(a)
New party, ineligible, § 9008.1(a)
Requirements, § 9008.8(b)
See also: ENTITLEMENT

ENTITLEMENT
Acceptance of, § 9008.8(a)(1)
Adjustment of
— by amount of private contribution received, § 9008.4(c); § 9008.8(a)
— by Consumer Price Index, § 9008.1(a); § 9008.3(a); § 9008.4(a)
— by income from investment of public funds, § 9008.4(b)
— not affected by increased expenditure limitations, § 9008.7(a)(3)
Eligibility requirements, § 9008.8(b)
Major party committee entitlement, § 9008.1(a); § 9008.3(a)
Minor party committee entitlement, § 9008.1(a); § 9008.3(b)
New party, not entitled, § 9008.1(a)
Private contributions, effect on, § 9008.4(c); § 9008.8(a)
See also: USE OF FUNDS

EXAMINATIONS AND AUDITS
Conducted by FEC, § 9008.9
Committees agree to permit, § 9008.8(b)(4)(vii)
Repayments based on findings of, § 9008.8(b)(4)(vii)

EXPENDITURES
By convention committee, § 9008.8(b)(2)
By host committee, § 9008.7(d)
Documentation required
— by convention committee, § 9008.8(b)(4)(v)
— improper, § 9008.10(d)
See also: REPORTS
Limitation, § 9008.7(a)
— adherence to, § 9008.8(b)(4)(i)
— authorization by FEC to exceed, § 9008.7(a)(3)
— exceeded, repayment required, § 9008.10(b)
— major party, § 9008.7(a)(1)
— minor party, § 9008.7(a)(2)

257
EXPENDITURES—Continued

Limitation exceptions, § 9008.4(c)
- discounts by retail business, § 9008.7(c)(1)
- government agencies and municipal corporations, facilities and services provided by, § 9008.7(b)
- host committees, § 9008.7(d)(4)
- in-kind contributions by business, § 9008.7(c)
- legal and accounting services, § 9008.7(f)(1)
- participation/attendance costs, § 9008.7(e)
- payments for civil or criminal penalties, § 9008.6(b)(3)
- samples and promotional material from local business, § 9008.7(c)(2)

F

FEDERAL ELECTION COMMISSION
Authorization by, to exceed expenditure limitation, § 9008.7(a)(3)
Certification to Secretary of Treasury for public funds, § 9008.8(e)
Definition, § 9008.2(a)
Examinations and audits conducted by, § 9008.9
Repayments
- notification by, to national committee, § 9008.10(g)
- resolution of dispute concerning, § 9008.11

FUNDS
See: ENTITLEMENT; PAYMENTS; USE OF FUNDS

G

GOVERNMENT AGENCY
Committee established to represent, registration of, § 9008.12(a)
Expenditures by, excepted from limitations, § 9008.4(c)
- to defray convention expenses, § 9008.7(d)(3)
- to promote convention city, § 9008.7(d)(2)
Facilities and services provided by, § 9008.7(b)

HOST COMMITTEE
Audit of, required, § 9008.9
Contributions
- to defray convention expenses, § 9008.7(d)(3)
- to promote convention city and commerce, § 9008.7(d)(2)
Definition, § 9008.7(d)(1)
Expenditures by, excepted from limitations, § 9008.4(c); § 9008.7(d)(4)
Registration of, § 9008.7(d)(1); § 9008.12(a)(1)(i)
Reporting by, § 9008.1(b); § 9008.12(a)(2)
Use of funds, § 9008.7(d)(2)(iii)
See also: CONTRIBUTIONS; USE OF FUNDS

INELIGIBILITY
See: ELIGIBILITY

INVESTMENT OF PUBLIC FUNDS
Entitlement adjusted for income generated by, § 9008.4(b)
Permitted if income defrays convention expenses, § 9008.6(a)(5)

LEGAL AND ACCOUNTING SERVICES
Expenditure, if compensated, § 9008.7(f)(2)
Expenditure limitation exception, § 9008.4(c); § 9008.7(f)(1)
Index, Convention Funding

LOANS
Public funds may be used to repay, § 9008.6(a)(2) and (4)(xi)

MAJOR PARTY
Definition, § 9008.2(c)
Entitlement, § 9008.1(a); § 9008.3(a)
— acceptance of, § 9008.8(a)(1)
— eligibility requirements, § 9008.8(b)
Establishment of convention committee, § 9008.8(b)(1)
Expenditure limitations, § 9008.7(a)(1)
— authorization to exceed, § 9008.7(a)(3)
Private contributions to, § 9008.8(a)(2) and (4)
Reporting by, § 9008.12(b)

MINOR PARTY
Definition, § 9008.2(d)
Entitlement, § 9008.1(a); § 9008.3(b)
— acceptance of, § 9008.8(a)(1)
— eligibility requirements, § 9008.8(b)
Establishment of convention committee, § 9008.8(b)(1)
Expenditure limitations, § 9008.7(a)(2)
— authorization to exceed, § 9008.7(a)(3)
Private contributions to, § 9008.8(a)(3) and (4)
Reporting by, § 9008.12(b)

MONEY
See: CONTRIBUTIONS; EXPENDITURES; PAYMENTS

MUNICIPAL CORPORATION
See: GOVERNMENT AGENCY

NOTIFICATION
By FEC to national committee concerning repayments, § 9008.10(g)
By national committee to FEC concerning disputed repayments, § 9008.11(a)

NATIONAL PARTY COMMITTEE
Convention committee, established by, § 9008.8(b)(1)
See also: CONVENTION COMMITTEE
Definition, § 9008.2(e)
Entitlement, § 9008.1(a); § 9008.3
See also: ENTITLEMENT
Expenditures by
See: EXPENDITURES
Payments to
— certification of, § 9008.8(e)
— date for receiving, § 9008.8(d)
— increase in certified amount, § 9008.8(c)
— limitation on, from account, § 9008.5
Registration, § 9008.12(b)(1)(ii)
Repayments by
See: REPAYMENTS
Reporting requirements, § 9008.12(b)(2)
Use of public funds
— definition of convention expenses, § 9008.6(a)(4)
— permissible uses, § 9008.6(a)
— prohibited uses, § 9008.6(b)
See also: USE OF FUNDS

NEW PARTY
Definition, § 9008.2(f)
Not entitled to public funds, § 9008.1(a)
NOMINATING CONVENTION
Committee established for, § 9008.8(b)(1)
Contributions for
See: CONTRIBUTIONS
Definition, § 9008.2(g)
Expenditure limitations
See: EXPENDITURES
"Life of the convention," definition, § 9008.7(d)(3)(v)
Public funds for use at
— adjustment to entitlement, § 9008.4
— entitlement, § 9008.3
— limitation on payment from account, § 9008.5
— permissible uses, § 9008.6(a)
— prohibited uses, § 9008.6(b)
See also: CONVENTION COMMITTEE; HOST COMMITTEE; NATIONAL PARTY COMMITTEE; USE OF FUNDS

PARTY
See: MAJOR PARTY; MINOR PARTY; NATIONAL PARTY COMMITTEE; NEW PARTY
PAYMENTS
Acceptance of, optional, § 9008.8(a)(1)
Application for, § 9008.8(b)(1)
Bank depository for, § 9008.8(b)(4)(iii)
Certification by Commission to Secretary of Treasury, § 9008.8(e)
Convention committee receives, § 9008.8(b)(2)
Date for receiving, § 9008.8(d)
Eligibility for, § 9008.1(a); § 9008.8(b)
Entitlement, § 9008.1(a); § 9008.3
See also: ENTITLEMENT
Excess payments, repayment of, § 9008.10(a)
Increase in certified amount, § 9008.8(c)
Investment of, § 9008.4(a); § 9008.6(a)(5)
Limitation on, § 9008.5
Private contributions affect, § 9008.8(a)
Repayments
See: REPAYMENTS
Requests for, statement required, § 9008.8(b)(3)
See also: USE OF FUNDS
PRIVATE BUSINESS CONCERNS
See: CORPORATION
PUBLIC FUNDS
See: ELIGIBILITY; ENTITLEMENT; PAYMENTS; REPAYMENTS; USE OF FUNDS

REGISTRATION
Committees, including host and groups representing government agencies,
§ 9008.12(a)
Convention committee, § 9008.8(b)(2)
Political party committees, § 9008.8(b)(2); § 9008.12(b)
REPAYMENTS
Committees agree to make, § 9008.8(b)(4)(vii)
Date for making, § 9008.10(g)(2)
Disputed, § 9008.11
Extension of period for making, § 9008.10(g)(2)
Limit on, § 9008.10(f)
INDEX, CONVENTION FUNDING

REPAYMENTS—Continued
Notification by FEC, § 9008.10(g)(1)
Payable to U.S. Treasury, § 9008.10(g)(3)
Required if
— contributions and funds combined exceed expenditure limitations, § 9008.10(c)
— expenses exceed expenditure limitations, § 9008.10(b)
— funds improperly documented, § 9008.10(d)
— funds remain unspent after convention expenses paid, § 9008.10(e)
— funds used for unauthorized expenses, § 9008.10(d)
— payments exceed entitlement, § 9008.10(a)
Unspent funds, § 9008.10(e)
— date for repayment, § 9008.10(e)(3)
— interim repayment, § 9008.10(e)(2)
— refunded, but later needed to defray expenses, § 9008.10(e)(2)

REPORTS
By convention committees, national committees, and committees and organizations representing a national party, § 9008.1(b); § 9008.8(b)(4)(ii); § 9008.12(b)
— post-convention, § 9008.12(b)(2)(i) and (ii)
— quarterly, § 9008.12(b)(2)(i) and (ii)
— registration, § 9008.12(b)(1)(i) and (ii)
By host committees and other committees or organizations representing municipal, state or other local government agencies, § 9008.1(b);
§ 9008.12(a)
— final, § 9008.12(a)(2)(iii)
— post-convention, § 9008.12(a)(2)(i)
— quarterly, § 9008.12(a)(2)(ii)
— registration, § 9008.12(a)(1)(i)
Exceptions
— State or subordinate State party committees, § 9008.12(b)(1)(iii)
— unsuccessful efforts to attract convention, § 9008.1(b); § 9008.12(a)(1)(ii)
See also: Part 107

SECRETARY OF TREASURY
Definition, § 9008.2(h)
FEC certifications to, for payment of entitlement, § 9008.8(e)
Repayments made to, § 9008.10(g)(3)

USE OF FUNDS
Funds donated to host committee, § 9008.7(d)(2)(iii)
— defray administrative expenses, § 9008.7(d)(2)(ii)(D)
— facilitate commerce, § 9008.7(d)(2)(ii)(C)
— promote suitability of city as convention site, § 9008.7(d)(2)(ii)(A)
— welcome convention attendees, § 9008.7(d)(2)(ii)(B)
Permissible, § 9008.6(a); § 9008.7(d)(2)(iii)
— defray convention expenses, § 9008.6(a) (1) and (4)
— investment of funds, § 9008.6(a)(5)
— repay principal and interest on loans, § 9008.6(a)(2) and (4)(xi)
— restore funds used for convention expenses, § 9008.6(a)(3)
Private contributions used by national committee, § 9008.8(a)(2), (3) and (4)
Prohibited, § 9008.6(b)
— defray candidate/delegate expenses, § 9008.6(b)(1)
— defray payment that violated Federal/State laws, § 9008.6(b)(2)
— improper use of funds, repayment required, § 9008.10(d)
— payment of civil or criminal penalties, § 9008.6(b)(3)

261
Presidential Primary Matching Fund, Parts 9031–9039*

A

ACCOUNTS
Matching payment account maintained by U.S. Treasury.
— definition of, § 9032.5
— equal distribution of funds from, § 9037.2
— repayment of funds from, § 9038.2
— transfer of funds from, § 9037.1

Special account maintained by principal campaign committee
— deposit of matching funds into, § 9037.3
— designation of, § 9031.1(b)(7)

AGREEMENTS
Candidate must agree to
— adhere to campaign expenditure limitation, § 9035.1(a)
— adhere to personal funds limitation, § 9035.2
— comply with agreements, § 9033.1(a)
— comply with documentation requirements, § 9033.1(b) and (c)
— gather books and records in centralized location, § 9033.1(b)(6)
— keep and furnish books, records, § 9033.1(b)(5); § 9033.11(c)
— make repayments, § 9033.1(b)(6)
— obtain and furnish evidence of qualified expenses, § 9033.1(b)(11)
— pay civil penalties, § 9033.1(b)(10)
— permit audits and examinations, § 9033.1(b)(6)
— prepare submissions in good order, § 9033.1(b)(8)

Date for submitting, § 9033.2(a)(1)

Eligibility contingent upon, § 9033.1(b)

Failure to comply with disclosure requirements, § 9033.9

Joint fundraising, § 9034.8(c)(1)

APPEALS BY CANDIDATE COMMITTEE
Active candidacy, § 9033.7(c)

during audit, § 9038.1 (b)(1)(iv) and (c)(2)
Expenditure limitation exceeded, § 9039.3(b); § 9039.9
Failure to comply with disclosure requirements, § 9039.9
Failure to meet threshold requirements, § 9039.4(c)
Inactive candidacy, § 9039.6(c)
Ineligibility for matching funds determination, § 9039.3(b) and (c)
Repayments, § 9038.2(c)
Resubmissions, § 9036.5(e)
Suspension of payments, § 9039.9(b) and (d)(1)

ASSETS
Accurate valuation of, § 9034.5(e)
In determining net outstanding campaign obligation, § 9034.5(b)
Newly discovered, § 9038.2(g)
Sale of, for fundraising purposes, § 9034.9
Sale of, for liquidation of debts, § 9034.9(b)

AUDITS
Agreement to submit to, § 9033.1(b)(6)
Continuing review, § 9039.2

*This index makes occasional reference to Parts 102-115 of 11 CFR, governing Federal election activity.
AUDITS—Continued
Discretionary, § 9038.1(a)(2); § 9039.3
Eligibility for funds determined by § 9033.1; § 9033.11
Entrance conference, § 9038.1(b)(2)(i)
Exit conference, § 9038.1(b)(2)(ii)
Fieldwork required for, § 9038.1(b)
  — office space and records supplied, § 9038.1(b)(1)(i)
  — personnel made available, § 9038.1(b)(1)(ii)
Interim report, § 9038.1(c)
Public release of report, § 9038.1(d) and (e)
Repayments determined by, § 9038.1(a)(3); § 9038.2(a)(1)
Required, of candidate and authorized committee(s), § 9033.2(d); § 9038.1(a)
Retention of records for, § 9039.1
Settlement of disputes arising during, § 9038.1(b)(iv)

AUTHORIZED COMMITTEE
Definition, § 9032.1
Expenses incurred in excess of limitations, § 9033.2(b)(2) and (3); § 9033.3(a);
  § 9035.1
Included in
  — audit and examination requirements, § 9033.1(b)(6) and § 9038.1
  — candidate agreements, § 9033.1(a)(1)
  — expenditure limitations, § 9033.2(b)(2); § 9033.3(a); § 9035.1
  — threshold certification requirements, § 9033.2(b)(2)
Qualified campaign expenses incurred by, § 9032.9(a)(1) and (b)
Withdrawal of authorization, § 9032.1(b)

CAMPAIGN DEPOSITORY
Agreement to furnish records of, § 9033.1(b)(4), (5) and (7)
Deposit of contribution required before matching, § 9034.2(a)(3)
Documentation of, for threshold submission, § 9036.1(b)(1) and (3)
Funds deposited into, § 9037.3
Joint fundraising, separate account for, § 9034.8(c)(4)
Vice Presidential candidate's, § 103.4
See also: ACCOUNTS; RECORDS; 11 CFR PART 103

CANDIDATES
Active candidacy, § 9033.7
Agreements by, § 9033.1
See also: AGREEMENTS
Appeals
See also: Appeals
Authorization
  — of person who makes qualified campaign expenditures, § 9032.9(b)
  — of political committee, § 9032.1
Certifications, § 9033.2
See also: CERTIFICATIONS
Continuation of certifications, § 9036.6
Contributions to
See: CONTRIBUTIONS
Definition of § 9032.2
Deposit of funds by, § 9037.3
Eligibility for matching funds
  — initial, § 9033.4
  — reestablishment of, § 9033.8
See also: ELIGIBILITY
Entitlement, § 9034.1
See also: ENTITLEMENT
Expenditure limitations

264
Index, Primary Election Financing

CANDIDATES—Continued
Expenditure limitations—Continued
See: EXPENDITURES
Immediate family of § 9035.2(b)
Inactive candidacy, § 9033.6
Ineligibility for matching funds, § 9033.3; § 9033.5; § 9033.6
See also: ELIGIBILITY
Net outstanding campaign obligation of § 9034.5
Personal funds of, § 9035.2(a)
Reporting of, § 9033.1(a)(8); Part 9039
Repayments
See: REPAYMENTS
Use of funds
See: USE OF FUNDS
CAPITAL ASSETS
See: ASSETS
CERTIFICATIONS
By candidates to FEC
— date for submitting, § 9033.2(e)
— for threshold amount, § 9033.2; § 9036.1
— of active candidacy, § 9033.7(a)
— of inactive candidacy, § 9033.5(a) and § 9033.6
— of satisfying requiring for each State, § 9032.2(b)(3)
— to comply with expenditure limitations, § 9032
By FEC concerning expenditure limitations, § 9033.3
By FEC to Secretary of Treasury
— additional, § 9036.2
— continued, § 9036.6
— initial, § 9036.1
— may be suspended for noncompliance, § 9033.9
— payments of less than requested amount, § 9036.4(b)
— required for payments to candidate, § 9037.1
— requirements for, § 9036.1; § 9036.2
— resubmissions, § 9036.5(d)
— withheld for insufficient documentation § 9036.3
— withheld if expenditure limit exceeded, § 9033.3(a)
See also: PAYMENTS; SUBMISSIONS
CONTRIBUTIONS
By money order, § 9034.2(c)(4)
By written instrument, § 9034.2(a)(4)
Certification of threshold amount of, § 9036.1
Deposit on receipt of, § 9034.2(a)(3)
Documentation of excess over purchase price, § 9034.2(c)(5)
From escrow/trust account, § 9034.2(c)(2)
From immediate family, § 9035.2
From joint account, § 9034.2(c)(1)
From partnership, unincorporated business, § 9034.2(c)(3)
Fundraising
See: FUNDRAISING; JOINT FUNDRAISING
Insufficiently documented, § 9033.2(c)(3); § 9036.3
Matchable
See: MATCHABLE CAMPAIGN CONTRIBUTIONS
Nonmatchable
— check drawn on account of committee, corporation, labor organization, government contractor, § 9034.3(f)
— contract, promise, § 9034.3(c)
— credit card, § 9034.3(c)
— currency, § 9034.3(j)
CONTRIBUTIONS—Continued
Nonmatchable—Continued
— definition of, § 9034.3
— from corporation, labor organization, government contractor, political committee, § 9034.3(d)
— illegally made or accepted, § 9034.3(e)
— in-kind, § 9034.3(a)
— made without donative intent, § 9034.3(l)
— non-qualified campaign expenses, § 9034.4(b)
— pledge card, § 9034.3(c)
— purchase price of drawing/raffle ticket, § 9034.3(h)
— purchase price of item of value, § 9034.3(g)
— subscription, loan, advance, etc., § 9034.3(b)
— transfer of joint fundraising receipts, § 9034.8(c)(7)
— transfer to other campaigns, § 9034.4(c)
Not qualified after submission for matching, § 9036.3(c)(3)
Prohibited, § 9034.3 and § 9034.4
Rejected for matching, § 9036.5(a)
Residency requirement for those making, § 9033.2(b)(2)
Resubmission of, § 9036.5
Solicitation of, in determining active candidacy, § 9033.6(b)(2)
Submission of, for matching
— after date of ineligibility, § 9034.1(b); § 9034.4(b)(3)
— alphabetical listing required, § 9036.1(b)(4)
— compliance with Guideline for Presentation in Good Order, § 9033.1(b)(8); § 9036.1(b); § 9036.2(b)
— deadline for, § 9036.6
— documentation, supporting, § 9036.1(b)(3) and (4)
— FEC review of, § 9033.4; § 9036.4
— for additional payments, § 9036.2
— for threshold purposes, § 9033.2; § 9036.1
— photocopy required, § 9033.2(c)(2)
See also: SUBMISSIONS
Use of contributions and matching payments
— defray qualified campaign expenses, § 9034.4(a)
— “testing-the-waters”, § 9034.4(a)(2)
— transfer between principal and authorized committees, § 9034.4(c)
— winding down costs, § 9034.4(a)(3)
See also: USE OF FUNDS
CORPORATION
Contributions from corporate account, nonmatchable, § 9034.3(d) and (f)
Contributions from corporate account, prohibited, § 114.2(a)

DEFINITIONS
Authorized committee § 9032.1
Candidacy, § 9032.2; § 9033.6; § 9033.7
Candidate, § 9032.2
Capital assets, § 9034.5(b)(1)
Certifications, § 9033.2
Commission, § 9032.3
Contribution, § 9032.4
Eligibility requirements, Part 9033
“Essentially political,” § 9034.2(c)(6)
Immediate family, § 9035.2(b)
Ineligibility dates, § 9033.5
Insufficient documentation, § 9036.3
Matchable contributions, § 9034.2
Index, Primary Election Financing

DEFINITIONS—Continued

Matching payment account, § 9032.5
Matching payment period, § 9032.6
Net outstanding campaign obligations, § 9034.5(a)
Nonmatchable contributions, § 9034.3
Nonqualified campaign expenses, § 9034.4(b)
Payee, § 9033.1(b)(3)(i)
Personal funds, § 9035.2(c)
Political committee, § 9032.8
Political party, § 9032.3(b)(1)
Presidential Primary Matching Payment Account, § 9032.5
Primary election, § 9032.7
Purpose, § 9033.11(b)(3)(ii)
Qualified campaign expenses, § 9032.9; § 9034.4(a)
Secretary, § 9032.10
Seeking nomination, § 9033.2(b)(1)
State, § 9032.11
"Testing-the-waters" expenses, § 9034.4(a)(2)
Total deposits, § 9038.3(c)
Voting age population, § 110.9(d)
Winding down costs, § 9034.4(a)(3)
Written instrument, § 9034.2(b)

DISBURSEMENTS
See: EXPENDITURES; QUALIFIED CAMPAIGN EXPENSES

DISCLOSURE
See: REPORTING

DOCUMENTATION
See: AGREEMENTS; SUBMISSIONS

E

ELECTION
Contributions
See: CONTRIBUTIONS
Definition, § 9032.7
Participation/performance in, as factor for determining eligibility, § 9033.5(b); § 9033.8(b)

ELIGIBILITY
Candidate agreements, § 9033.1
See also: AGREEMENTS
Candidate certifications, § 9033.2
See also: CERTIFICATIONS
FEC determination of
— inactive candidacy, § 9033.6
— ineligibility, § 9033.3; § 9033.5; § 9033.6
— threshold requirement, § 9033.4
Reestablishment of, § 9033.8
Residence requirements of contributors, § 9033.2(b)(3)
Terminated for
— exceeding expenditure limits, § 9033.9(a); § 9033.10
— failure to comply with disclosure requirements, § 9033.9(a)
— inactive candidacy, § 9033.5(a); § 9033.6
See also: INELIGIBILITY

ENTITLEMENT
Adjustment due to
— inactive status, § 9033.6
— unqualified contribution, § 9036.4(b)
Candidate entitlement, § 9034.1
Certification to Secretary of Treasury, § 9036.1(c)
ENTITLEMENT—Continued

Matchable contributions, § 9034.2; § 9034.3

Maximum entitlement, § 9034.1(d)

Payments after determination of ineligibility, § 9034.1(b) and (c);
§ 9034.4(b)(3)

Payments after suspension, § 9033.9(d); § 9034.1(c)

Threshold requirement, § 9033.4

Use of contributions and matching payments, § 9034.4

See also: CERTIFICATIONS, PAYMENTS

EXAMINATIONS AND AUDITS

See: AUDITS

EXPENDITURES

Allocation among States
— limits, § 102.6
— media, § 106.2(b)(2)(i)
— methods for, § 106.2(b)
— overhead, § 106.2(b)(2)(iv)
— polling, § 106.2(b)(2)(vi)
— reporting, § 106.2(d) and (e)
— staff salaries, § 106.2(b)(2)(ii)
— telephone service, § 106.2(b)(2)(v)
— “testing-the-waters,” § 106.2
— travel, intra-State, § 106.2(a)(2); § 9034.7
— uniformly applied, § 106.2(b)(1)

Allocation among States, exemptions for national campaign strategy
— compliance, § 106.2(c)(5)
— fundraising, § 106.2(c)(5); § 110.8(c)
— media personnel, transportation and services provided to, § 106.2(c)(3)
— national campaign, § 106.2(c)
— operating, § 106.2(c)(1)(i)
— polling, § 106.2(c)(1)(ii)
— reporting, § 106.2(d) and (e)
— travel, interstate, § 106.2(c)(4); § 9034.7

As factor for determining active candidacy, § 9033.6(b)(2)

From petty cash fund, § 9033.11(b)(2)(i)

Independent expenditures, § 9032.1(d)

Limitation exemptions
— fundraising costs, § 106.2(c)(5); § 9035.1(c)
— legal and accounting compliance costs, § 106.2(c)(5); § 9035.1(c)
— party-building activity, § 110.8(e)
— travel/services made available to media personnel, § 9034.6

Limitations, § 110.8
— applicable only if receiving matching funds, § 9035.1(d)
— candidate will not exceed, § 9033.2(b)(2); § 9035.1
— exceeded by candidate committee, appeal of determination, § 9033.3(b)
— exceeded by candidate committee, determination by FEC, § 9033.3(a)
— for qualified campaign expenses, § 9034.4(a) and § 9035.1
— from funds of immediate family, § 9035.2(b)
— from personal funds, § 110.8(f)(2); § 9035.2(a)
— voting age population used to determine, § 110.8(a)(1)

Made by party, § 110.8(e)

Made on behalf of a candidate, § 9032.1, § 9032.9(b)

Made on behalf of Vice Presidential candidate, § 110.8(f)(1) and (g)

Media, transportation and services, expenses for, § 9034.6

See also: MEDIA

Nonqualified expenses
— civil or criminal penalty, § 9034.4(b)(4)
— excess of limitations, § 9034.4(b)(2)
Index, Primary Election Financing

EXPENDITURES—Continued
Nonqualified expenses—Continued
— expenses incurred after date of ineligibility, § 9034.4(b)(3)
Polling, allocation of, § 106.4
Qualified campaign expenses
See: QUALIFIED CAMPAIGN EXPENSES

FUNDRAISING
Allocation of expenditures made for, § 110.8(c)
"Donative intent" required for matching contributions, § 9034.3(i)
Entertainment, purchase price of, § 9034.2(c)(5)
"Essentially political" activity, admission price for, § 9034.2(c)(6)
Expenditures exempted from State allocation, § 106.2(c)(5); § 9035.1(c)
Joint
See: JOINT FUNDRAISING
Sale of assets for, § 9034.9
Sale of lottery/raffle tickets, § 9034.3(h)

GOVERNMENT CONTRACTORS
Contributions from, nonmatchable, § 9034.3 (d) and (f)
Contributions from, prohibited, § 115.2(a)

HEARINGS
See: APPEALS

INACTIVE CANDIDACY
Candidate shall notify FEC, § 9033.5(a)
Criteria determination, § 9033.6 (a) and (b)
See also: CANDIDATE

INELIGIBILITY
Appeal of FEC determination, § 9033.3(b)
Date of, § 9033.5
For exceeding expenditure limitations, § 9033.3
Inactive candidacy, § 9033.6
Net outstanding campaign obligation after, § 9034.1 (a) and (b); § 9034.5(b)
See also: ELIGIBILITY

INVESTIGATIONS
See: AUDITS

JOINT FUNDRAISING
Aggregate contribution to, § 9034.8(c) (6) and (7)
Agreement required, § 9034.8(c)(1)
Committee/representative/agent for, § 9034.8(b)
Contribution limitations, § 9034.8(c) (6) and (7)
Depository for receipts from, separate, § 9034.8(c)(4)
Expenditure exemption for, § 9035.1(c)
Expenses and proceeds, allocation of, § 9034.8(c) (7) and (8)
Funds advanced for start-up costs, § 9034.8(c)(2)
Notice required for solicitations, § 9034.8(c)(3)
Procedures for, § 9034.8(c)
Receipts from, submitted for matching payments, § 9034.2(c)(7); § 9034.8
(a)(2)(i) and (c)(7)
Recordkeeping requirements, § 9034.8 (c)(5) and (9)
Representative's duties, § 9034.8(c)(5)
Sale of assets acquired for, § 9034.9
Use of contributions received from, § 9034.8(a)(2)

269
LABOR ORGANIZATION
Contributions from union account, nonmatchable, § 9034.3 (d) and (f)
Contributions from union account, prohibited, § 114.2(a)

LOANS
Not matchable, § 9034.3(b)
Public funds may be used to repay, § 9034.4(a)

MATCHABLE CAMPAIGN CONTRIBUTIONS
Additional submissions for, § 9036.2
Candidate satisfies requirements for, § 9036.1
Definition of, § 9034.2; § 9034.3
Documentation required for matching payments, § 9033.11
Eligibility for
See: ELIGIBILITY
Examples of, § 9034.2(c)
For "essentially political event," § 9034.2(c)(6)
Ineligibility for
See: INELIGIBILITY
Insufficient documentation of, § 9036.3
Joint fundraising receipts, § 9034.8 (a)(2) and (c)(6)
Must comply with Guideline for Presentation in Good Order, § 9036.1(b);
§ 9036.2(b)
Received after reestablishment of active candidacy, § 9034.1(c)
Repayment of amounts in excess of entitlement, § 9038.2(a)(1)
Threshold submissions, § 9036.1
See also: CONTRIBUTIONS; SUBMISSIONS

MATCHING PAYMENT ACCOUNT
Definition, § 9032.5
See also: ACCOUNTS, PAYMENTS

MATCHING PAYMENT PERIOD
Audits after close of, § 9038.1
Definition of, § 9032.6
End of, § 9033.5(c)
Payment of matching funds begins with, § 9036.1(c); § 9037.1
See also: PAYMENTS

MEDIA
Costs allocated among States, § 106.2(b)(2)(i)
Personnel, transportation and services provided to, § 9034.6
Production costs, not allocated, § 106.2(c)(2)

NET OUTSTANDING CAMPAIGN OBLIGATIONS (NOCO)
Matching funds to defray, § 9034.1(b)
Statement contents, § 9034.5 (a), (b) and (c)
Submission of statement(s), § 9034.5 (a) and (b)
Valuation of assets, § 9034.5(e)

NONMATCHABLE CONTRIBUTIONS
See: CONTRIBUTIONS

NOTIFICATIONS
By candidate to FEC concerning
— authorization of committee, § 9032.2(d)
— candidate agreements, § 9033.1
— depository, § 9033.1(a)(6)
— disputed ineligibility determination, § 9033.3(b)
— disputed repayment, § 9038.2(b)
NOTIFICATIONS—Continued
By candidate to FEC concerning—Continued
— disputed resubmission, § 9036.5 (b) and (e)
— explanation of expenditures, § 9033.1(b)(3)
— extension of repayment period, § 9038.2(d)
— identification of person entitled to receive matching funds, § 9033.1(a)(7)
— inactive candidacy, § 9033.5(a)(2); § 9033.7(a)
— liquidation of all obligations, § 9038.3(b)
— net outstanding campaign obligations, § 9034.5(a)
— newly discovered assets, § 9038.2(g)
— nonmatchable contribution submitted, § 9036.4(c)
— request for resubmission, § 9036.5
— threshold requirements, § 9033.4(b)
By FEC to candidate concerning
— audits to determine eligibility, § 9033.2(c)
— certification of less than requested amount, § 9036.4(b)
— continuing review, § 9039.2(b)
— determination of active candidacy, § 9033.7(b)
— determination of inactive candidacy, § 9033.6(c)
— determination of ineligibility, § 9033.3(b)
— determination to suspend payments, § 9033.9(b)
— disputed unmatchable contributions, § 9036.5(e)
— eligibility and certification requirements, § 9034.1(a)
— initial certification, § 9036.1(c)
— noncompliance with Title 2, § 9033.9(b)
— possible candidate status, § 9032.2(d)
— repayments, § 9038.2 (a) and (c)
— resubmission of documentation, § 9036.4(b)
— threshold requirements, § 9033.4(b)

PAYMENTS
Bank depository for, § 9037.3
Candidate documentation of matchable contributions
— additional submissions, § 9036.2 (a) and (d)
— resubmissions, § 9036.5
— threshold submissions, § 9033.2
Candidate eligibility for
— FEC determination of, § 9036.1
— reestablishment of, § 9033.8
— requirements, § 9033.1; § 9033.2; § 9035.1
See also: ELIGIBILITY
Candidate ineligible for, § 9033.3 (a) and (d); § 9034.1(a)
See also: INELIGIBILITY
Certification of funds by FEC to Secretary of Treasury
— additional amounts, § 9036.2(c); § 9036.6
— disputed submissions, § 9036.5(c)
— for less than amount requested, § 9036.4(a)
— for threshold submission, § 9036.1(c)
Continuation of payments after ineligibility, § 9034.1(b)
Entitlement to funds, § 9034.1
Equal distribution of funds by Secretary of Treasury, § 9037.2
Limitation of, § 9034.1(d)
Matchable campaign contributions, § 9034.2
Matching payment account, § 9032.5
Matching payment period, § 9032.6
Net outstanding campaign obligations, based on, § 9034.1
Nonmatchable campaign contributions, § 9034.3
PAYMENTS—Continued
Payment schedule, § 9036.1(c); § 9036.2(c)
Post-election payments, § 9036.6
Repayments
See: REPAYMENTS
Secretary of the Treasury disbursements, § 9037.1
Suspension of, for noncompliance, § 9033.3(b); § 9033.9
Suspension of, right to appeal, § 9033.3(b); § 9033.10
Termination of payments, § 9033.6; § 9034.1
Use of payments
See: USE OF FUNDS
PERSONAL FUNDS
Definition, § 9035.2
Limitations on, § 9035.2
Of Vice Presidential candidate, § 110.8(f)(2)
POLITICAL COMMITTEE
Authorized by candidate, § 9032.1
Contributions not matchable, § 9034.3(d)
Definition, § 9032.8
POLLING
See: EXPENDITURES
PRIMARY
See: ELECTION
PRIMARY MATCHING FUNDS
See: ENTITLEMENT, PAYMENTS
PUBLIC FUNDS
See: ENTITLEMENT, PAYMENTS; REPAYMENTS; USE OF FUNDS
QUALIFIED CAMPAIGN EXPENSES
Agreement, § 9033.1(b)(1)
Authorization to make, § 9032.9(b)
Burden of proof, § 9033.1(a)
Certification not to exceed limitations, § 9033.2(b)(2)
Definition, § 9032.9; § 9034.4(a)
Documentation required to prove, § 9033.11 (a) and (b)
Limitation on, § 9035.1
Liquidation of, § 9038.3
Matchability contingent upon, § 9034.4(a)
Media
— allocation of costs, by State, § 106.2 (b)(1) and (2)(i)
— nationwide advertising, § 106.2 (c)(1)(ii) and (3)
— personnel, transportation and services provided to, § 9034.6(a)
— production costs incurred for, § 106.2(c)(2)
— reporting of reimbursement, § 9034.6(c)
Nonqualified campaign expenses, § 9034.4(b)
Reports on, § 9033.1(b)(9)
"Testing-the-waters," § 9034.4(a)(2)
Travel, allocation of
— candidate’s spouse/family accompanying, § 9034.7(b)(6)
— charters, § 9034.7(b)(7)(i)
— commercial airlines, § 9034.7(b)(2) and (7)(ii)
— government conveyance, § 9034.7(b) (4), (5) and (7)
— incidental contacts, § 9034.7(b)(2)
— itinerary required, § 9034.7(b)(3)
— noncampaign-related stops, § 9034.7(b)(2)
Use of public funds for, § 9034.4(a)
Use of public funds for other than, § 9038.2(b)(2)
QUALIFIED CAMPAIGN EXPENSES—Continued

Winding down costs, § 9034.4(a)(3)
See also: EXPENDITURES

R

RECEIPTS
See: CONTRIBUTIONS; MATCHABLE CAMPAIGN CONTRIBUTIONS

RECORDS
Agreement to keep, § 9033.1 (a) and (b) (2), (5) and (6).
Allocation of exempted expenditures, § 9035.1(c)
Audit review of, § 9033.1(b)(6); § 9038.1
Guideline for Presentation in Good Order, § 9036.4(e)
Joint fundraising, requirements for, § 9034.8(c) (5) and (9)
Recordkeeping requirements, § 9033.11(b)
Retention of, § 9033.11(c); § 9039.1
See also: REPORTS; SUBMISSIONS; 11 CFR PART 102

REPAYMENTS
Additional determinations, § 9038.2 (b), (f) and (g)
Agreement to comply with determination, § 9033.1(b)(6)
Appeal procedures, § 9038.2 (c)(2) and (3)
Bases for, § 9038.2(b)
— failure to provide adequate documentation, § 9038.2(b)(3)
— funds used for nonqualified campaign expenses, § 9038.2(b)(2)
— payments exceed entitlement, § 9038.2(b)(1)
— surplus in net outstanding campaign obligations, § 9038.2(b)(4); § 9038.3(c)
FEC determination of need for making, § 9038.2(a)(1)
— notification of, § 9038.2(a)(2)
— procedures for, § 9038.2(c)
— time limit on, § 9038.2(a)(2)
Liquidation of obligations, § 9038.3
Newly discovered assets, § 9038.2(g)
Primary obligation, over other debts, § 9038.2(a)(3)
Time period for making, § 9038.2 (d) and (e); § 9038.4

REPORTING
Administrative/overhead cost, § 9035.1(c)
Allocation of expenditures by State, § 106.2(a)
Appeal of FEC determination of failure to file, § 9039.3
Audit report, interim, § 9038.1(c)
Compliance with requirements by candidate/committee, § 9033.1(a)
Computer-generated, § 104.2(d)
Documentation of disbursements, § 9033.11
Fundraising representative’s duties, § 9034.8(b)
Guideline for Presentation in Good Order, § 9033.1(b)(8)
Joint fundraising, receipts and disbursements, § 9034.8(c)(9)
Location for filing, Part 105
Media, reimbursement for travel/services provided to, § 9034.8(c)
Net outstanding campaign obligations, § 9034.5(a)
Public release of audit findings, § 9038.1(e)
Requirements, § 9033.1(b)(9)
Review
— by FEC, § 9039.2; § 9039.3
— by public, § 9038.2(b)
Schedule for filing, § 104.5
Travel expenses, § 9034.7(a)
See also: QUALIFIED CAMPAIGN EXPENSES; SUBMISSIONS; 11 CFR PARTS 104, 105 and 108

RESUBMISSIONS
See: SUBMISSIONS

273
REVIEW

See: AUDITS; SUBMISSIONS

SECRETARY OF TREASURY

Definition, § 9032.10
Equitable distribution of funds by, § 9037.2
Establishment of primary matching payment account, § 9032.5
FEC certifications to Secretary for
— additional requests, § 9036.2(c)
— disputed submissions, § 9036.5(d)
— less than requested amount, § 9036.4(b)
— threshold amount, § 9036.1(c)(2)
— undisputed submissions, § 9036.4(b)(3)

STATE

Action under State law to qualify as candidate, § 9032.2(a)
Activity in more than one State
— defines eligibility of candidate, § 9033.2(b)
— defines ineligibility date, § 9033.5 (a) and (b)
— determines inactive candidacy, § 9033.6 (a) and (c)
— reestablishes eligibility, § 9033.8 (a) and (b)

Contributions submitted for matching, segregated by
— for additional submissions, § 9036.2(b)(1)(ii)
— for threshold submissions, § 9036.1(b)

Definition of State, § 9032.11

Submissions

Additional
— alphabetical segregation, § 9036.2(b)(1)
— certification by FEC, § 9036.2(c)
— contributions returned to contributor, § 9036.2(b)(1)(iii)
— contributor information required, § 9036.2(b)(1)(iv)
— dates for presenting, § 9036.2(a); § 9036.6
— documentation supporting, § 9036.2(b)
— first submission, § 9036.2(b)(1)
— format for, § 9036.2(b)
— in non-Presidential election year, § 9036.2(d)
— letter request, in lieu of formal submission, § 9036.2(b)(2)
— photocopy required, § 9036.2(b)(1)(v)

Errors
— discrepancy between contribution list and written instrument, § 9036.3(b)
— discrepancy in written instrument, § 9036.3(a)
— inconsistency within/between contributor lists, § 9036.3(c)
— insufficient documentation as basis for rejection, § 9036.3
— omission of information/supporting documentation, § 9036.3(d)

Insufficient documentation as basis for ineligibility, § 9036.3

Resubmissions
— alternative methods of, § 9036.5(a)
— certification of, § 9036.5(d)
— dates for presenting, § 9036.5(b)
— documentation required, § 9036.5(c)
— final determination of, § 9036.5 (e) and (f)
— format for, § 9036.5(c)

Review by FEC
— accepted for matching, § 9036.4(b)
— adjustment of amount to be matched, § 9036.4(c)
Index, Primary Election Financing

SUBMISSIONS—Continued
Review by FEC—Continued
— certification of less than amount requested, § 9036.4 (b) and (c)
— rejected for noncompliance with Guideline, § 9036.4(a)
— statistical sampling techniques used, § 9036.4(b)
Threshold submissions
— bank depository documentation required, § 9036.1(b)(3)
— certification by FEC, § 9036.1(c)(2)
— content of, § 9036.1(b)
— contributor information required, § 9036.1(b)(1)
— date for making, § 9036.1(a)
— documentation required, § 9036.1(b)(2)
— Guideline for Presentation in Good Order, § 9036.1(b)
— notification of eligibility, § 9036.1(c)
— photocopy of written instrument, § 9036.1(b)(2)
— segregation of contributions by State, § 9036.1(b)(2) and (4)
See also: CERTIFICATIONS; NOTIFICATIONS; RECORDS

TERMINATION OF PAYMENTS
See: ELIGIBILITY; INELIGIBILITY; PAYMENTS

THRESHOLD
See: CERTIFICATIONS; ELIGIBILITY; SUBMISSIONS

TRANSPORTATION
Interstate, not allocable, § 106.2(c)(4)
Intra-State, allocable, § 106.2(a)(2)
Of media personnel, § 9034.6(a)

TRAVEL
See: QUALIFIED CAMPAIGN EXPENSES

TREASURY
See: SECRETARY OF TREASURY

USE OF FUNDS
Depository for matching funds, § 9037.3
Determining whether to become candidate, § 9034.4(a)(2)
Expenses incurred during period of ineligibility, § 9034.1(c)
Net outstanding campaign obligations, § 9034.1(b)
Qualified campaign expenses, § 9034.4
Winding down costs, § 9034.4(a)(3)

VOTING AGE POPULATION
Definition, § 110.9(d)
Used in determining expenditure limitations, § 110.8(a)(1)

WINDING DOWN COSTS
See: QUALIFIED CAMPAIGN EXPENSES
### Table of CFR Titles and Chapters

(As of December 13, 1985)

#### Title 1—General Provisions

<table>
<thead>
<tr>
<th>Chap.</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Administrative Committee of the Federal Register (Parts 1-49)</td>
</tr>
<tr>
<td>II</td>
<td>Office of the Federal Register (Parts 50-299)</td>
</tr>
<tr>
<td>III</td>
<td>Administrative Conference of the United States (Parts 300-399)</td>
</tr>
<tr>
<td>IV</td>
<td>Miscellaneous Agencies (Parts 400-499)</td>
</tr>
</tbody>
</table>

#### Title 2—[Reserved]

#### Title 3—The President

- Proclamations
- Executive Orders
- Other Presidential Documents

| I     | Executive Office of the President (Parts 100-199) |

#### Title 4—Accounts

| I     | General Accounting Office (Parts 1-99)          |
| II    | Federal Claims Collection Standards (General Accounting Office—Department of Justice) (Parts 100-299) |
| III   | General Accounting Office (CASB) (Parts 300-499) |

#### Title 5—Administrative Personnel

| I     | Office of Personnel Management (Parts 1-1199)   |
| II    | Merit Systems Protection Board (Parts 1200-1299) |
| III   | Office of Management and Budget (Parts 1300-1399) |
| IV    | Advisory Committee on Federal Pay (Parts 1400-1499) |
| V     | The International Organizations Employees Loyalty Board (Parts 1500-1599) |
| VII   | Advisory Commission on Intergovernmental Relations (Parts 1700-1799) |
| IX    | Appalachian Regional Commission (Parts 1900-1999) |
| XI    | United States Soldiers’ and Airmen’s Home (Parts 2100-2199) |
| XIV   | Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel (Parts 2400-2499) |
Title 5—Administrative Personnel—Continued

Chap. XV Office of Administration, Executive Office of the President (Parts 2500-2599)

Title 6—[Reserved]

Title 7—Agriculture

Subtitle A—Office of the Secretary of Agriculture (Parts 0-25a)

Subtitle B—Regulations of the Department of Agriculture

I Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture (Parts 26-209)

II Food and Nutrition Service, Department of Agriculture (Parts 210-299)

III Animal and Plant Health Inspection Service, Department of Agriculture (Parts 300-399)

IV Federal Crop Insurance Corporation, Department of Agriculture (Parts 400-499)

V Agricultural Research Service, Department of Agriculture (Parts 500-599)

VI Soil Conservation Service, Department of Agriculture (Parts 600-699)

VII Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture (Parts 700-799)

VIII Federal Grain Inspection Service, Department of Agriculture (Parts 800-899)

IX Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture (Parts 900-999)

X Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture (Parts 1000-1199)

XI Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture (Parts 1200-1299)

XIV Commodity Credit Corporation, Department of Agriculture (Parts 1400-1499)

XV Foreign Agricultural Service, Department of Agriculture (Parts 1500-1599)

XVI Rural Telephone Bank, Department of Agriculture (Parts 1600-1699)

XVII Rural Electrification Administration, Department of Agriculture (Parts 1700-1799)

XVIII Farmers Home Administration, Department of Agriculture (Parts 1800-2099)

XXI Foreign Economic Development Service, Department of Agriculture (Parts 2100-2199)

XXII Office of International Cooperation and Development, Department of Agriculture (Parts 2200-2299)

XXIV Board of Contract Appeals, Department of Agriculture (Parts 2400-2499)

278
Title 7—Agriculture—Continued

XXV Office of the General Sales Manager, Department of Agriculture (Parts 2500-2599)
XXVI Office of Inspector General, Department of Agriculture (Parts 2600-2699)
XXVII Office of Information Resources Management, Department of Agriculture (Parts 2700-2799)
XXIX Office of Energy, Department of Agriculture (Parts 2900-2999)
XXX Office of Operations and Finance, Department of Agriculture (Parts 3000-3099)
XXXI Office of Environmental Quality, Department of Agriculture (Parts 3100-3199)
XXXII Office of Grants and Program Systems, Department of Agriculture (Parts 3200-3299)
XXXIV Cooperative State Research Service, Department of Agriculture (Parts 3400-3499)

Title 8—Aliens and Nationality

I Immigration and Naturalization Service, Department of Justice (Parts 1-499)

Title 9—Animals and Animal Products

I Animal and Plant Health Inspection Service, Department of Agriculture (Parts 1-199)
II Packers and Stockyards Administration, Department of Agriculture (Parts 200-299)
III Food Safety and Inspection Service, Meat and Poultry Inspection, Department of Agriculture (Parts 300-399)

Title 10—Energy

I Nuclear Regulatory Commission (Parts 0-199)
II Department of Energy (Parts 200-699)
III Department of Energy (Parts 700-999)
X Department of Energy (General Provisions) (Parts 1000-1099)
XV Office of the Federal Inspector for the Alaska Natural Gas Transportation System (Parts 1500-1599)

Title 11—Federal Elections

I Federal Election Commission (Parts 1-9099)

Title 12—Banks and Banking

I Comptroller of the Currency, Department of the Treasury (Parts 1-199)
II Federal Reserve System (Parts 200-299)
III Federal Deposit Insurance Corporation (Parts 300-399)
IV Export-Import Bank of the United States (Parts 400-499)
Title 12—Banks and Banking—Continued

Chap.

V Federal Home Loan Bank Board (Parts 500-599)
VI Farm Credit Administration (Parts 600-699)
VII National Credit Union Administration (Parts 700-799)
VIII Federal Financing Bank (Parts 800-899)
XI Federal Financial Institutions Examination Council (Parts 1100-1199)
XII Depository Institutions Deregulation Committee (Parts 1200-1299)

Title 13—Business Credit and Assistance

I Small Business Administration (Parts 1-199)
III Economic Development Administration, Department of Commerce (Parts 300-399)
V Regional Action Planning Commissions (Parts 500-599)

Title 14—Aeronautics and Space

I Federal Aviation Administration, Department of Transportation (Parts 1-199)
II Office of the Secretary, Department of Transportation (Aviation Proceedings) (Parts 200-399)
V National Aeronautics and Space Administration (Parts 1200-1299)

Title 15—Commerce and Foreign Trade

SUBTITLE A—Office of the Secretary of Commerce (Parts 0-29)
SUBTITLE B—Regulations Relating to Commerce and Foreign Trade

I Bureau of the Census, Department of Commerce (Parts 30-199)
II National Bureau of Standards, Department of Commerce (Parts 200-299)
III International Trade Administration, Department of Commerce (Parts 300-399)
IV Foreign-Trade Zones Board (Parts 400-499)
VI Bureau of Industrial Economics, Department of Commerce (Parts 600-699)
VIII Bureau of Economic Analysis, Department of Commerce (Parts 800-899)
IX National Oceanic and Atmospheric Administration, Department of Commerce (Parts 900-999)
XII United States Travel Service, Department of Commerce (Parts 1200-1299)
XIII East-West Foreign Trade Board (Parts 1300-1399)
XIV Minority Business Development Agency (Parts 1400-1499)
SUBTITLE C—Regulations Relating to Foreign Trade Agreements
XX Office of the United States Trade Representative (Parts 2000-2099)

280
Title 15—Commerce and Foreign Trade—Continued

Chap.

SUBTITLE D—Regulations Relating to Telecommunications and Information

XXIII National Telecommunications and Information Administration, Department of Commerce (Parts 2300-2399)

Title 16—Commercial Practices

I Federal Trade Commission (Parts 0-999)
II Consumer Product Safety Commission (Parts 1000-1799)

Title 17—Commodity and Securities Exchanges

I Commodity Futures Trading Commission (Parts 1-199)
II Securities and Exchange Commission (Parts 200-399)

Title 18—Conservation of Power and Water Resources

I Federal Energy Regulatory Commission, Department of Energy (Parts 1-399)
III Delaware River Basin Commission (Parts 400-499)
VI Water Resources Council (Parts 700-799)
VIII Susquehanna River Basin Commission (Parts 800-899)
XIII Tennessee Valley Authority (Parts 1300-1399)

Title 19—Customs Duties

I United States Customs Service, Department of the Treasury (Parts 1-199)
II United States International Trade Commission (Parts 200-299)
III International Trade Administration, Department of Commerce (Parts 300-399)

Title 20—Employees' Benefits

I Office of Workers' Compensation Programs, Department of Labor (Parts 1-199)
II Railroad Retirement Board (Parts 200-399)
III Social Security Administration, Department of Health and Human Services (Parts 400-499)
IV Employees' Compensation Appeals Board, Department of Labor (Parts 500-599)
V Employment and Training Administration, Department of Labor (Parts 600-699)
VI Employment Standards Administration, Department of Labor (Parts 700-799)
VII Benefits Review Board, Department of Labor (Parts 800-899)
VIII Joint Board for the Enrollment of Actuaries (Parts 900-999)
Title 24—Housing and Urban Development—Continued

III Government National Mortgage Association, Department of Housing and Urban Development (Parts 300-399)

V Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (Parts 500-599)

VI Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (Parts 600-699)

VII Office of the Secretary, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Public and Indian Housing Programs) (Parts 700-799)

VIII Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Section 202 Direct Loan Program) (Parts 800-899)

IX Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development (Parts 900-999)

X Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Interstate Land Sales Registration Program) (Parts 1700-1799)

XI Solar Energy and Energy Conservation Bank, Department of Housing and Urban Development (Parts 1800-1899)

XII Office of Inspector General, Department of Housing and Urban Development (Parts 2000-2099)

XV Mortgage Insurance and Loan Programs Under the Emergency Homeowners’ Relief Act, Department of Housing and Urban Development (Parts 2700-2799)

XX Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Parts 3200-3699)

XXV Neighborhood Reinvestment Corporation (Parts 4100-4199)

Title 25—Indians

I Bureau of Indian Affairs, Department of the Interior (Parts 1-299)

II Indian Arts and Crafts Board, Department of the Interior (Parts 300-399)

IV Navajo and Hopi Indian Relocation Commission (Parts 700-799)

Title 26—Internal Revenue

I Internal Revenue Service, Department of the Treasury (Parts 1-699)

Title 27—Alcohol, Tobacco Products and Firearms

I Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury (Parts 1-299)
Title 28—Judicial Administration

Chap.

I Department of Justice (Parts 0-199)
III Federal Prison Industries Inc., Department of Justice (Parts 300-399)
V Bureau of Prisons, Department of Justice (Parts 500-599)

Title 29—Labor

SUBTITLE A—Office of the Secretary of Labor (Parts 0-99)
SUBTITLE B—Regulations Relating to Labor

I National Labor Relations Board (Parts 100-199)
II Bureau of Labor-Management Relations and Cooperative Programs, Department of Labor (Parts 200-299)
III National Railroad Adjustment Board (Parts 300-399)
IV Office of Labor-Management Standards, Department of Labor (Parts 400-499)
V Wage and Hour Division, Department of Labor (Parts 500-899)
IX Construction Industry Collective Bargaining Commission (Parts 900-999)
X National Mediation Board (Parts 1200-1299)
XII Federal Mediation and Conciliation Service (Parts 1400-1499)
XIV Equal Employment Opportunity Commission (Parts 1600-1699)
XVII Occupational Safety and Health Administration, Department of Labor (Parts 1900-1999)
XX Occupational Safety and Health Review Commission (Parts 2200-2499)
XXV Office of Pension and Welfare Benefit Programs, Department of Labor (Parts 2500-2599)
XXVI Pension Benefit Guaranty Corporation (Parts 2600-2699)
XXVII Federal Mine Safety and Health Review Commission (Parts 2700-2799)

Title 30—Mineral Resources

I Mine Safety and Health Administration, Department of Labor (Parts 1-199)
II Minerals Management Service, Department of the Interior (Parts 200-299)
III Board of Surface Mining and Reclamation Appeals, Department of the Interior (Parts 300-399)
IV Geological Survey, Department of the Interior (Parts 400-499)
VI Bureau of Mines, Department of the Interior (Parts 600-699)
VII Office of Surface Mining Reclamation and Enforcement, Department of the Interior (Parts 700-999)

Title 31—Money and Finance: Treasury

SUBTITLE A—Office of the Secretary of the Treasury (Parts 0-50)
SUBTITLE B—Regulations Relating to Money and Finance
Title 31—Money and Finance: Treasury—Continued

Chap.

I Monetary Offices, Department of the Treasury (Parts 51-199)
II Fiscal Service, Department of the Treasury (Parts 200-399)
IV Secret Service, Department of the Treasury (Parts 400-499)
V Office of Foreign Assets Control, Department of the Treasury (Parts 500-599)
VI Bureau of Engraving and Printing, Department of the Treasury (Parts 600-699)
VII Federal Law Enforcement Training Center, Department of the Treasury (Parts 700-799)

Title 32—National Defense

SUBTITLE A—Department of Defense
I Office of the Secretary of Defense (Parts 1-399)
V Department of the Army (Parts 400-699)
VI Department of the Navy (Parts 700-799)
VII Department of the Air Force (Parts 800-1099)

SUBTITLE B—Other Regulations Relating to National Defense
XII Defense Logistics Agency (Parts 1200-1299)
XVI Selective Service System (Parts 1600-1699)
XIX Central Intelligence Agency (Parts 1900-1999)
XX Information Security Oversight Office (Parts 2000-2099)
XXI National Security Council (Parts 2100-2199)
XXIV Office of Science and Technology Policy (Parts 2400-2499)
XXVII Office for Micronesian Status Negotiations (Parts 2700-2799)
XXVIII Office of the Vice President of the United States (Parts 2800-2899)

Title 33—Navigation and Navigable Waters

I Coast Guard, Department of Transportation (Parts 1-199)
II Corps of Engineers, Department of the Army (Parts 200-399)
IV Saint Lawrence Seaway Development Corporation, Department of Transportation (Parts 400-499)

Title 34—Education

SUBTITLE A—Office of the Secretary, Department of Education (Parts 1-99)

SUBTITLE B—Regulations of the Offices of the Department of Education
I Office for Civil Rights, Department of Education (Parts 100-199)
II Office of Elementary and Secondary Education, Department of Education (Parts 200-299)
III Office of Special Education and Rehabilitative Services, Department of Education (Parts 300-399)
IV Office of Vocational and Adult Education, Department of Education (Parts 400-499)
Title 34—Education—Continued

Chap.  
V Office of Bilingual Education and Minority Languages Affairs, Department of Education (Parts 500-599)  
VI Office of Postsecondary Education, Department of Education (Parts 600-699)  
VII Office of Educational Research and Improvement, Department of Education (Parts 700-799)

Title 35—Panama Canal

I Panama Canal Regulations (Parts 1-299)

Title 36—Parks, Forests, and Public Property

I National Park Service, Department of the Interior (Parts 1-199)  
II Forest Service, Department of Agriculture (Parts 200-299)  
III Corps of Engineers, Department of the Army (Parts 300-399)  
IV American Battle Monuments Commission (Parts 400-499)  
V Smithsonian Institution (Parts 500-599)  
VII Library of Congress (Parts 700-799)  
VIII Advisory Council on Historic Preservation (Parts 800-899)  
IX Pennsylvania Avenue Development Corporation (Parts 900-999)  
X Commission of Fine Arts (Parts 1000-1099)  
XI Architectural and Transportation Barriers Compliance Board (Parts 1100-1199)  
XII National Archives and Records Administration (Parts 1200-1299)

Title 37—Patents, Trademarks, and Copyrights

I Patent and Trademark Office, Department of Commerce (Parts 1-199)  
II Copyright Office, Library of Congress (Parts 200-299)  
III Copyright Royalty Tribunal (Parts 300-399)  
IV Assistant Secretary for Productivity, Technology and Innovation, U.S. Department of Commerce (Parts 400-499)

Title 38—Pensions, Bonuses, and Veterans’ Relief

I Veterans Administration (Parts 0-99)

Title 39—Postal Service

I United States Postal Service (Parts 1-999)  
III Postal Rate Commission (Parts 3000-3099)

Title 40—Protection of Environment

I Environmental Protection Agency (Parts 1-799)  
V Council on Environmental Quality (Parts 1500-1599)
Title 41—Public Contracts and Property Management

Chap.

SUBTITLE B—Other Provisions Relating to Public Contracts

50 Public Contracts, Department of Labor (Parts 50-1—50-999)

51 Committee for Purchase from the Blind and Other Severely Handicapped (Parts 51-1—51-99)

60 Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Parts 60-1—60-999)

SUBTITLE C—Federal Property Management Regulations System

101 Federal Property Management Regulations (Parts 101-1—101-99)

105 General Services Administration (Parts 105-1—105-999)


114 Department of the Interior (Parts 114-1—114-99)

115 Environmental Protection Agency (Parts 115-1—115-99)

128 Department of Justice (Parts 128-1—128-99)

SUBTITLE D—Other Provisions Relating to Property Management [Reserved]

SUBTITLE E—Federal Information Resources Management Regulations System

201 Federal Information Resources Management Regulations (Parts 201-1—201-99)

Title 42—Public Health

I Public Health Service, Department of Health and Human Services (Parts 1-199)

III Saint Elizabeths Hospital, Department of Health and Human Services (Parts 300-399)

IV Health Care Financing Administration, Department of Health and Human Services (Parts 400-499)

Title 43—Public Lands: Interior

SUBTITLE A—Office of the Secretary of the Interior (Parts 1-199)

SUBTITLE B—Regulations Relating to Public Lands

I Bureau of Reclamation, Department of the Interior (Parts 200-499)

II Bureau of Land Management, Department of the Interior (Parts 1000-9999)

Title 44—Emergency Management and Assistance

I Federal Emergency Management Agency (Parts 0-399)

IV Department of Commerce and Department of Transportation (Parts 400-499)

287
Title 48—Federal Acquisition Regulations System—Continued

Chap. 4 Department of Agriculture (Parts 400-499)
5 General Services Administration (Parts 500-599)
7 Agency for International Development (Parts 700-799)
8 Veterans Administration (Parts 800-899)
9 Department of Energy (Parts 900-999)
10 Department of the Treasury Acquisition/Procurement Regulation (Parts 1000-1099)
12 Department of Transportation (Parts 1200-1299)
13 Department of Commerce (Parts 1300-1399)
14 Department of the Interior (Parts 1400-1499)
15 Environmental Protection Agency (Parts 1500-1599)
18 National Aeronautics and Space Administration (Parts 1800-1899)
19 United States Information Agency (Parts 1900-1999)
22 Small Business Administration (Parts 2200-2299)
24 Department of Housing and Urban Development (Parts 2400-2499)
25 National Science Foundation (Parts 2500-2599)
28 Department of Justice (Parts 2800-2899)
29 Department of Labor (Parts 2900-2999)
44 Federal Emergency Management Agency (Parts 4400-4499)
61 General Services Administration Board of Contract Appeals (Parts 6100-6199)

Title 49—Transportation

SUBTITLE A—Office of the Secretary of Transportation (Parts 1-99)

SUBTITLE B—Other Regulations Relating to Transportation

I Research and Special Programs Administration, Department of Transportation (Parts 100-199)
II Federal Railroad Administration, Department of Transportation (Parts 200-299)
III Federal Highway Administration, Department of Transportation (Parts 300-399)
IV Coast Guard, Department of Transportation (Parts 400-499)
V National Highway Traffic Safety Administration, Department of Transportation (Parts 500-599)
VI Urban Mass Transportation Administration, Department of Transportation (Parts 600-699)
VII National Railroad Passenger Corporation (AMTRAK) (Parts 700-799)
VIII National Transportation Safety Board (Parts 800-899)
IX United States Railway Association (Parts 900-999)
X Interstate Commerce Commission (Parts 1000-1399)

289
Title 50—Wildlife and Fisheries

Chap.
I United States Fish and Wildlife Service, Department of the Interior (Parts 1-199)
II National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce (Parts 200-299)
III International Regulatory Agencies (Fishing and Whaling) (Parts 300-399)
IV Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce); Endangered Species Committee Regulations (Parts 400-499)
V Marine Mammal Commission (Parts 500-599)
VI Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce (Parts 600-699)

CFR Index and Finding Aids

Subject/Agency Index
List of Agency Prepared Indexes
Parallel Tables of Statutory Authorities and Rules
Acts Requiring Publication in the Federal Register
List of CFR Titles, Chapters, Subchapters, and Parts
### Alphabetical List of Agencies Appearing in the CFR

(As of December 13, 1985)

<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTION</td>
<td></td>
</tr>
<tr>
<td>Administrative Committee of the Federal Register</td>
<td>45, XII</td>
</tr>
<tr>
<td>Administrative Conference of the United States</td>
<td>1, I</td>
</tr>
<tr>
<td>Advisory Commission on Intergovernmental Relations</td>
<td>1, III</td>
</tr>
<tr>
<td>Advisory Committee on Federal Pay</td>
<td>5, VII</td>
</tr>
<tr>
<td>Advisory Council on Historic Preservation</td>
<td>5, IV</td>
</tr>
<tr>
<td>African Development Foundation</td>
<td>36, VIII</td>
</tr>
<tr>
<td>Agency for International Development</td>
<td>22, XV</td>
</tr>
<tr>
<td>Agricultural Marketing Service</td>
<td>22, II; 48, 7</td>
</tr>
<tr>
<td>Agricultural Research Service</td>
<td>7, I, IX, X, XI</td>
</tr>
<tr>
<td>Agricultural Stabilization and Conservation Service</td>
<td>7, VII</td>
</tr>
<tr>
<td>Agriculture Department</td>
<td></td>
</tr>
<tr>
<td>Agricultural Marketing Service</td>
<td>7, I, IX, X, XI</td>
</tr>
<tr>
<td>Agricultural Research Service</td>
<td>7, V</td>
</tr>
<tr>
<td>Agricultural Stabilization and Conservation Service</td>
<td>7, VII</td>
</tr>
<tr>
<td>Animal and Plant Health Inspection Service</td>
<td>7, III; 9, I, III</td>
</tr>
<tr>
<td>Commodity Credit Corporation</td>
<td>7, XIV</td>
</tr>
<tr>
<td>Contract Appeals, Board of</td>
<td>7, XXIV</td>
</tr>
<tr>
<td>Cooperative State Research Service</td>
<td>7, XXXIV</td>
</tr>
<tr>
<td>Energy, Office of</td>
<td>7, XXIX</td>
</tr>
<tr>
<td>Environmental Quality, Office of</td>
<td>7, XXXI</td>
</tr>
<tr>
<td>Farmers Home Administration</td>
<td>7, XVIII</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 4</td>
</tr>
<tr>
<td>Federal Crop Insurance Corporation</td>
<td>7, IV</td>
</tr>
<tr>
<td>Federal Grain Inspection Service</td>
<td>7, VIII</td>
</tr>
<tr>
<td>Food and Nutrition Service</td>
<td>7, II</td>
</tr>
<tr>
<td>Food Safety and Inspection Service</td>
<td>9, III</td>
</tr>
<tr>
<td>Foreign Agricultural Service</td>
<td>7, XV</td>
</tr>
<tr>
<td>Foreign Economic Development Service</td>
<td>7, XXI</td>
</tr>
<tr>
<td>Forest Service</td>
<td>36, II</td>
</tr>
<tr>
<td>General Sales Manager, Office of</td>
<td>7, XXV</td>
</tr>
<tr>
<td>Grants and Program Systems, Office of</td>
<td>7, XXXII</td>
</tr>
<tr>
<td>Information Resources Management, Office of</td>
<td>7, XXVII</td>
</tr>
<tr>
<td>Inspector General, Office of</td>
<td>7, XXVI</td>
</tr>
<tr>
<td>International Cooperation and Development Office</td>
<td>7, XXII</td>
</tr>
<tr>
<td>Operations and Finance, Office of</td>
<td>7, XXX</td>
</tr>
<tr>
<td>Packers and Stockyards Administration</td>
<td>9, II</td>
</tr>
<tr>
<td>Rural Electrification Administration</td>
<td>7, XVII</td>
</tr>
<tr>
<td>Rural Telephone Bank</td>
<td>7, XVI</td>
</tr>
<tr>
<td>Secretary of Agriculture, Office of</td>
<td>7, Subtitle A</td>
</tr>
<tr>
<td>Soil Conservation Service</td>
<td>7, VI</td>
</tr>
<tr>
<td>Air Force Department</td>
<td>32, VII</td>
</tr>
<tr>
<td>Alaska Natural Gas Transportation System, Office of the Federal Inspector</td>
<td>10, XV</td>
</tr>
<tr>
<td>Alcohol, Tobacco and Firearms, Bureau of</td>
<td>27, I</td>
</tr>
<tr>
<td>AMTRAK</td>
<td>49, VII</td>
</tr>
<tr>
<td>American Battle Monuments Commission</td>
<td>36, IV</td>
</tr>
<tr>
<td>Animal and Plant Health Inspection Service</td>
<td>7, III; 9, I</td>
</tr>
<tr>
<td>Appalachian Regional Commission</td>
<td>5, IX</td>
</tr>
<tr>
<td>Architectural and Transportation Barriers Compliance</td>
<td></td>
</tr>
<tr>
<td>Board</td>
<td>36, XI</td>
</tr>
</tbody>
</table>

291
<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arms Control and Disarmament Agency, U.S.</td>
<td>22, VI</td>
</tr>
<tr>
<td>Army Department</td>
<td>32, V</td>
</tr>
<tr>
<td>Engineers, Corps of</td>
<td>33, II; 36, III</td>
</tr>
<tr>
<td>Benefits Review Board</td>
<td>20, VII</td>
</tr>
<tr>
<td>Bilingual Education and Minority Languages Affairs, Office of</td>
<td></td>
</tr>
<tr>
<td>Blind and Other Severely Handicapped, Committee for Purchase from</td>
<td></td>
</tr>
<tr>
<td>Board for International Broadcasting</td>
<td>41, 51</td>
</tr>
<tr>
<td>Budget, Office of Management and</td>
<td>22, XIII</td>
</tr>
<tr>
<td>Census Bureau</td>
<td>5, III</td>
</tr>
<tr>
<td>Central Intelligence Agency</td>
<td>15, I</td>
</tr>
<tr>
<td>Child Support Enforcement, Office of</td>
<td>32, XIX</td>
</tr>
<tr>
<td>Civil Rights Commission</td>
<td>45, III</td>
</tr>
<tr>
<td>Civil Rights, Office for (Education Department)</td>
<td>45, VII</td>
</tr>
<tr>
<td>Claims Collection Standards, Federal</td>
<td>34, I</td>
</tr>
<tr>
<td>Coast Guard</td>
<td>4, II</td>
</tr>
<tr>
<td>Commerce Department</td>
<td>33, I; 46, I, III; 49, IV</td>
</tr>
<tr>
<td>Census Bureau</td>
<td>44, IV</td>
</tr>
<tr>
<td>Economic Analysis, Bureau of</td>
<td>15, I</td>
</tr>
<tr>
<td>Economic Development Administration</td>
<td>15, VIII</td>
</tr>
<tr>
<td>Endangered Species Committee</td>
<td>13, III</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>50, IV</td>
</tr>
<tr>
<td>Fishery Conservation and Management</td>
<td>48, 13</td>
</tr>
<tr>
<td>Industrial Economics, Bureau of</td>
<td>50, VI</td>
</tr>
<tr>
<td>International Trade Administration</td>
<td>15, III; 19, III</td>
</tr>
<tr>
<td>National Bureau of Standards</td>
<td>15, II</td>
</tr>
<tr>
<td>National Marine Fisheries Service</td>
<td>50, II, IV</td>
</tr>
<tr>
<td>National Oceanic and Atmospheric Administration</td>
<td>15, IX; 50, II, III, IV, VI</td>
</tr>
<tr>
<td>National Telecommunications and Information Administration</td>
<td>15, XXIII</td>
</tr>
<tr>
<td>Patent and Trademark Office</td>
<td>37, I</td>
</tr>
<tr>
<td>Productivity, Technology and Innovation, Assistant Secretary</td>
<td>37, IV</td>
</tr>
<tr>
<td>Secretary of Commerce, Office of</td>
<td>15, Subtitle A</td>
</tr>
<tr>
<td>United States Travel Service</td>
<td>15, XII</td>
</tr>
<tr>
<td>Committee for Purchase from Blind and Other Severely Handicapped</td>
<td>41, 51</td>
</tr>
<tr>
<td>Commodity Credit Corporation</td>
<td>7, XIV</td>
</tr>
<tr>
<td>Commodity Futures Trading Commission</td>
<td>17, I</td>
</tr>
<tr>
<td>Community Planning and Development, Office of Assistant Secretary</td>
<td>24, V, VI</td>
</tr>
<tr>
<td>Community Services, Office of</td>
<td>45, X</td>
</tr>
<tr>
<td>Comptroller of the Currency</td>
<td>12, I</td>
</tr>
<tr>
<td>Construction Industry Collective Bargaining Commission</td>
<td>29, IX</td>
</tr>
<tr>
<td>Consumer Product Safety Commission</td>
<td>16, II</td>
</tr>
<tr>
<td>Contract Appeals, Board of</td>
<td>7, XXXIV</td>
</tr>
<tr>
<td>Cooperative State Research Service</td>
<td>7, XXXIV</td>
</tr>
<tr>
<td>Copyright Office</td>
<td>37, II</td>
</tr>
<tr>
<td>Copyright Royalty Tribunal</td>
<td>37, III</td>
</tr>
<tr>
<td>Council on Environmental Quality</td>
<td>40, V</td>
</tr>
<tr>
<td>Customs Service, United States</td>
<td>19, I</td>
</tr>
<tr>
<td>Defense Department</td>
<td>33, Subtitle A</td>
</tr>
<tr>
<td>Air Force Department</td>
<td>32, VII</td>
</tr>
<tr>
<td>Army Department</td>
<td>32, V; 33, II; 36, III</td>
</tr>
<tr>
<td>Engineers, Corps of</td>
<td>33, II; 36, III</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 2</td>
</tr>
<tr>
<td>Navy Department</td>
<td>32, VI</td>
</tr>
<tr>
<td>Secretary of Defense, Office of</td>
<td>32, I</td>
</tr>
<tr>
<td>Defense Logistics Agency</td>
<td>32, XII</td>
</tr>
<tr>
<td>Delaware River Basin Commission</td>
<td>18, III</td>
</tr>
<tr>
<td>Depository Institutions Deregulation Committee</td>
<td>12, XII</td>
</tr>
<tr>
<td>Drug Enforcement Administration</td>
<td>21, II</td>
</tr>
<tr>
<td>East-West Foreign Trade Board</td>
<td>15, XIII</td>
</tr>
<tr>
<td>Economic Analysis, Bureau of</td>
<td>15, VIII</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title,Subtitle or Chapter</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Economic Development Administration</td>
<td>13, III</td>
</tr>
<tr>
<td>Education, Department of</td>
<td></td>
</tr>
<tr>
<td>Bilingual Education and Minority Languages Affairs, Office of Civil</td>
<td></td>
</tr>
<tr>
<td>Rights, Office for</td>
<td>34, V</td>
</tr>
<tr>
<td>Educational Research and Improvement, Office of</td>
<td>34, I</td>
</tr>
<tr>
<td>Elementary and Secondary Education, Office of</td>
<td>34, VII</td>
</tr>
<tr>
<td>Postsecondary Education, Office of</td>
<td>34, VI</td>
</tr>
<tr>
<td>Secretary of Education, Office of</td>
<td>34, Subtitle A</td>
</tr>
<tr>
<td>Special Education and Rehabilitative Services, Office of</td>
<td>34, III</td>
</tr>
<tr>
<td>Vocational and Adult Education, Office of</td>
<td>34, IV</td>
</tr>
<tr>
<td>Educational Research and Improvement, Office of Family Assistance,</td>
<td>34, VII</td>
</tr>
<tr>
<td>Office of</td>
<td></td>
</tr>
<tr>
<td>Employee Benefits Security, Office of</td>
<td>29, XXV</td>
</tr>
<tr>
<td>Employees' Compensation Appeals Board</td>
<td>20, IV</td>
</tr>
<tr>
<td>Employees Loyalty Board, International Organizations</td>
<td>5, V</td>
</tr>
<tr>
<td>Employment and Training Administration</td>
<td>20, VI</td>
</tr>
<tr>
<td>Employment Standards Administration</td>
<td>20, VI</td>
</tr>
<tr>
<td>Endangered Species Committee</td>
<td>50, IV</td>
</tr>
<tr>
<td>Energy, Department of</td>
<td></td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 9</td>
</tr>
<tr>
<td>Federal Energy Regulatory Commission</td>
<td>18, I</td>
</tr>
<tr>
<td>Energy, Office of, Department of Agriculture</td>
<td>7, XXXIX</td>
</tr>
<tr>
<td>Engineers, Corps of</td>
<td></td>
</tr>
<tr>
<td>Engraving and Printing, Bureau of</td>
<td>33, II; 38, III</td>
</tr>
<tr>
<td>Environmental Protection Agency</td>
<td>31, VI</td>
</tr>
<tr>
<td>Environmental Quality, Office of (Agriculture Department)</td>
<td>40, I; 41, 115; 48, 15</td>
</tr>
<tr>
<td>Equal Employment Opportunity Commission</td>
<td>29, XIV</td>
</tr>
<tr>
<td>Equal Opportunity, Office of Assistant Secretary for</td>
<td>24, I</td>
</tr>
<tr>
<td>Executive Office of the President</td>
<td>3, I</td>
</tr>
<tr>
<td>Administration, Office of</td>
<td>5, XV</td>
</tr>
<tr>
<td>Export-Import Bank of the United States</td>
<td>12, IV</td>
</tr>
<tr>
<td>Farm Credit Administration</td>
<td>45, II</td>
</tr>
<tr>
<td>Farmers Home Administration</td>
<td>12, VI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>7, XVIII</td>
</tr>
<tr>
<td>Federal Aviation Administration</td>
<td>14, I</td>
</tr>
<tr>
<td>Federal Claims Collection Standards</td>
<td>4, II</td>
</tr>
<tr>
<td>Federal Communications Commission</td>
<td>47, I</td>
</tr>
<tr>
<td>Federal Contract Compliance Programs, Office of</td>
<td>41, 60</td>
</tr>
<tr>
<td>Federal Crop Insurance Corporation</td>
<td>7, IV</td>
</tr>
<tr>
<td>Federal Deposit Insurance Corporation</td>
<td>12, III</td>
</tr>
<tr>
<td>Federal Election Commission</td>
<td>11, I</td>
</tr>
<tr>
<td>Federal Emergency Management Agency</td>
<td>44, 1; 48, 44</td>
</tr>
<tr>
<td>Federal Energy Regulatory Commission</td>
<td>18, I</td>
</tr>
<tr>
<td>Federal Financial Institutions Examination Council</td>
<td>12, XI</td>
</tr>
<tr>
<td>Federal Finacing Bank</td>
<td>12, VIII</td>
</tr>
<tr>
<td>Federal Grain Inspection Service</td>
<td>7, VIII</td>
</tr>
<tr>
<td>Federal Highway Administration</td>
<td>23, I, II; 49, III</td>
</tr>
<tr>
<td>Federal Home Loan Bank Board</td>
<td>12, V</td>
</tr>
<tr>
<td>Federal Home Loan Mortgage Corporation</td>
<td>1, IV</td>
</tr>
<tr>
<td>Federal Information Resources Management Regulations</td>
<td>41, Subtitle E, Ch. 201</td>
</tr>
<tr>
<td>Federal Inspector for the Alaska Natural Gas Transportation System,</td>
<td>10, XV</td>
</tr>
<tr>
<td>Office of</td>
<td></td>
</tr>
<tr>
<td>Federal Labor Relations Authority, and General Counsel of the</td>
<td>5, XIV; 22, XIV</td>
</tr>
<tr>
<td>Federal Labor Relations Authority</td>
<td>31, VII</td>
</tr>
<tr>
<td>Federal Law Enforcement Training Center</td>
<td></td>
</tr>
<tr>
<td>Federal Maritime Commission</td>
<td>46, IV</td>
</tr>
<tr>
<td>Federal Mediation and Conciliation Service</td>
<td>29, XII</td>
</tr>
<tr>
<td>Federal Mine Safety and Health Review Commission</td>
<td>29, XXVII</td>
</tr>
<tr>
<td>Federal Pay, Advisory Committee on</td>
<td>5, IV</td>
</tr>
<tr>
<td>Federal Prison Industries Inc.</td>
<td>28, III</td>
</tr>
<tr>
<td>Federal Property Management Regulations</td>
<td>41, 101</td>
</tr>
<tr>
<td>Federal Property Management Regulations System</td>
<td></td>
</tr>
<tr>
<td>Federal Railroad Administration</td>
<td></td>
</tr>
<tr>
<td>Federal Register, Administrative Committee of</td>
<td></td>
</tr>
</tbody>
</table>

293
<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title,Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Register, Office of</td>
<td>1, II</td>
</tr>
<tr>
<td>Federal Reserve System</td>
<td>12, II</td>
</tr>
<tr>
<td>Federal Service Impasses Panel</td>
<td>5, XIV</td>
</tr>
<tr>
<td>Federal Trade Commission</td>
<td>16, I</td>
</tr>
<tr>
<td>Fine Arts Commission</td>
<td>36, X; 45, XXI</td>
</tr>
<tr>
<td>Fiscal Service</td>
<td>31, II</td>
</tr>
<tr>
<td>Fish and Wildlife Service, United States</td>
<td>50, I, IV</td>
</tr>
<tr>
<td>Fishery Conservation and Management</td>
<td>50, VI</td>
</tr>
<tr>
<td>Fishing and Whaling, International Regulatory Agencies</td>
<td>50, III</td>
</tr>
<tr>
<td>Food and Drug Administration</td>
<td>21, I</td>
</tr>
<tr>
<td>Food and Nutrition Service</td>
<td>7, II</td>
</tr>
<tr>
<td>Food Safety and Inspection Service</td>
<td>9, III</td>
</tr>
<tr>
<td>Foreign Agricultural Service</td>
<td>7, XV</td>
</tr>
<tr>
<td>Foreign Assets Control, Office of</td>
<td>31, V</td>
</tr>
<tr>
<td>Foreign Economic Development Service</td>
<td>45, V</td>
</tr>
<tr>
<td>Foreign Service Grievance Board</td>
<td>7, XXI</td>
</tr>
<tr>
<td>Foreign Service Impasse Disputes Panel</td>
<td>22, IX</td>
</tr>
<tr>
<td>Foreign Service Labor Relations Board</td>
<td>22, XIV</td>
</tr>
<tr>
<td>Foreign-Trade Zones Board</td>
<td>15, IV</td>
</tr>
<tr>
<td>Forest Service</td>
<td>36, II</td>
</tr>
<tr>
<td>General Accounting Office</td>
<td>4, I, II, III</td>
</tr>
<tr>
<td>General Sales Manager, Office of</td>
<td>7, XXV</td>
</tr>
<tr>
<td>General Services Administration</td>
<td></td>
</tr>
<tr>
<td>Contract Appeals Board</td>
<td>48, 61</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 5</td>
</tr>
<tr>
<td>Federal Information Resources Management Regulations</td>
<td>41, Subtitle E, Ch. 201</td>
</tr>
<tr>
<td>Federal Property Management Regulations System</td>
<td>41, 101, 105</td>
</tr>
<tr>
<td>Geological Survey</td>
<td>30, IV</td>
</tr>
<tr>
<td>Government National Mortgage Association</td>
<td>24, III</td>
</tr>
<tr>
<td>Grants and Program Systems, Office of</td>
<td>7, XXXII</td>
</tr>
<tr>
<td>Great Lakes Pilotage</td>
<td>46, III</td>
</tr>
<tr>
<td>Harry S Truman Scholarship Foundation</td>
<td>45, XVIII</td>
</tr>
<tr>
<td>Health and Human Services, Department of</td>
<td>45, Subtitle A</td>
</tr>
<tr>
<td>Child Support Enforcement, Office of</td>
<td>45, III</td>
</tr>
<tr>
<td>Community Services, Office of</td>
<td>45, X</td>
</tr>
<tr>
<td>Family Assistance, Office of</td>
<td>45, II</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 3</td>
</tr>
<tr>
<td>Food and Drug Administration</td>
<td>21, I</td>
</tr>
<tr>
<td>Health Care Financing Administration</td>
<td>42, IV</td>
</tr>
<tr>
<td>Human Development Services Office</td>
<td>45, XIII</td>
</tr>
<tr>
<td>Public Health Service</td>
<td>42, I</td>
</tr>
<tr>
<td>Refugee Resettlement, Office of</td>
<td>45, IV</td>
</tr>
<tr>
<td>St. Elizabeth’s Hospital</td>
<td>42, III</td>
</tr>
<tr>
<td>Social Security Administration</td>
<td>20, III; 45, IV</td>
</tr>
<tr>
<td>Health Care Financing Administration</td>
<td>42, IV</td>
</tr>
<tr>
<td>Housing and Urban Development, Department of</td>
<td></td>
</tr>
<tr>
<td>Community Planning and Development, Office of Assistant Secretary for</td>
<td>24, V, VI</td>
</tr>
<tr>
<td>Equal Opportunity, Office of Assistant Secretary for</td>
<td>24, I</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 24</td>
</tr>
<tr>
<td>Government National Mortgage Association</td>
<td>24, III</td>
</tr>
<tr>
<td>Housing—Federal Housing Commissioner, Office of Assistant Secretary for</td>
<td>24, II, VIII, X, XX</td>
</tr>
<tr>
<td>Inspector General, Office of</td>
<td>24, XII</td>
</tr>
<tr>
<td>Mortgage Insurance and Loan Programs Under Emergency Homeowners’ Relief Act</td>
<td>24, XV</td>
</tr>
<tr>
<td>Public and Indian Housing, Office of Assistant Secretary for</td>
<td>24, IX</td>
</tr>
<tr>
<td>Secretary, Office of Solar Energy and Energy Conservation Bank</td>
<td>24, Subtitle A, VII</td>
</tr>
<tr>
<td>Housing—Federal Housing Commissioner, Office of Assistant Secretary for</td>
<td>24, XI</td>
</tr>
<tr>
<td>Human Development Services Office</td>
<td>45, XII</td>
</tr>
<tr>
<td>Immigration and Naturalization Service</td>
<td>8, I</td>
</tr>
<tr>
<td>Indian Affairs, Bureau of</td>
<td>25, I</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Indian Arts and Crafts Board</td>
<td>25, II</td>
</tr>
<tr>
<td>Industrial Economics, Bureau of, Commerce Department</td>
<td>15, VI</td>
</tr>
<tr>
<td>Information Agency, United States</td>
<td>22, V; 48, 19</td>
</tr>
<tr>
<td>Information Resources Management, Office of, Agriculture Department</td>
<td>7, XXVII</td>
</tr>
<tr>
<td>Information Security Oversight Office</td>
<td>32, XX</td>
</tr>
<tr>
<td>Inspector General, Office of, Agriculture Department</td>
<td>7, XXVII</td>
</tr>
<tr>
<td>Inspector General, Office of, Housing and Urban Development Department</td>
<td>24, XII</td>
</tr>
<tr>
<td>Inter-American Foundation</td>
<td>22, X</td>
</tr>
<tr>
<td>Intergovernmental Relations, Advisory Commission on</td>
<td>5, VII</td>
</tr>
<tr>
<td>Interior Department</td>
<td></td>
</tr>
<tr>
<td>Endangered Species Committee</td>
<td>50, IV</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 14</td>
</tr>
<tr>
<td>Federal Property Management Regulations System</td>
<td>41, 114</td>
</tr>
<tr>
<td>Fish and Wildlife Service, United States</td>
<td>30, I, IV</td>
</tr>
<tr>
<td>Geological Survey</td>
<td>30, IV</td>
</tr>
<tr>
<td>Indian Affairs, Bureau of</td>
<td>25, I</td>
</tr>
<tr>
<td>Indian Arts and Crafts Board</td>
<td>25, II</td>
</tr>
<tr>
<td>Land Management Bureau</td>
<td>43, II</td>
</tr>
<tr>
<td>Minerals Management Service</td>
<td>30, II</td>
</tr>
<tr>
<td>Mines, Bureau of</td>
<td>30, VI</td>
</tr>
<tr>
<td>National Park Service</td>
<td>36, I</td>
</tr>
<tr>
<td>Reclamation Bureau</td>
<td>43, I</td>
</tr>
<tr>
<td>Secretary of the Interior, Office of</td>
<td>43, Subtitle A</td>
</tr>
<tr>
<td>Surface Mining and Reclamation Appeals, Board of</td>
<td>30, III</td>
</tr>
<tr>
<td>Surface Mining Reclamation and Enforcement, Office of</td>
<td>30, VII</td>
</tr>
<tr>
<td>United States Fish and Wildlife Service</td>
<td>50, I, IV</td>
</tr>
<tr>
<td>Internal Revenue Service</td>
<td>26, I</td>
</tr>
<tr>
<td>International Boundary and Water Commission, United States and Mexico</td>
<td>22, XI</td>
</tr>
<tr>
<td>International Cooperation and Development Office</td>
<td>7, XXII</td>
</tr>
<tr>
<td>International Development, Agency for</td>
<td>22, II</td>
</tr>
<tr>
<td>International Development Cooperation Agency</td>
<td>22, XII</td>
</tr>
<tr>
<td>International Development, Agency for</td>
<td>22, II</td>
</tr>
<tr>
<td>International Joint Commission, United States and Canada</td>
<td>22, IV</td>
</tr>
<tr>
<td>International Organizations Employees Loyalty Board</td>
<td>5, V</td>
</tr>
<tr>
<td>International Regulatory Agencies (Fishing and Whaling)</td>
<td>50, III</td>
</tr>
<tr>
<td>International Trade Administration</td>
<td>15, III; 19, III</td>
</tr>
<tr>
<td>International Trade Commission, United States</td>
<td>19, II</td>
</tr>
<tr>
<td>Interstate Commerce Commission</td>
<td>49, X</td>
</tr>
<tr>
<td>Joint Board for the Enrollment of Actuaries</td>
<td>20, VIII</td>
</tr>
<tr>
<td>Justice Department</td>
<td>28, I, 41, 128</td>
</tr>
<tr>
<td>Drug Enforcement Administration</td>
<td>21, II</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 28</td>
</tr>
<tr>
<td>Federal Claims Collection Standards</td>
<td>4, II</td>
</tr>
<tr>
<td>Federal Prison Industries Inc.</td>
<td>28, III</td>
</tr>
<tr>
<td>Foreign Claims Settlement Commission of the United States</td>
<td>45, V</td>
</tr>
<tr>
<td>Immigration and Naturalization Service</td>
<td>8, I</td>
</tr>
<tr>
<td>Prisons, Bureau of</td>
<td>28, V</td>
</tr>
<tr>
<td>Labor Department</td>
<td></td>
</tr>
<tr>
<td>Benefits Review Board</td>
<td>20, VII</td>
</tr>
<tr>
<td>Employees' Compensation Appeals Board</td>
<td>20, IV</td>
</tr>
<tr>
<td>Employment and Training Administration</td>
<td>20, V</td>
</tr>
<tr>
<td>Employment Standards Administration</td>
<td>20, VI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 29</td>
</tr>
<tr>
<td>Federal Contract Compliance Programs, Office of</td>
<td>41, 60</td>
</tr>
<tr>
<td>Federal Procurement Regulations System</td>
<td>41, 50</td>
</tr>
<tr>
<td>Labor-Management Relations and Cooperative Programs, Bureau of</td>
<td>29, II</td>
</tr>
<tr>
<td>Labor-Management Standards, Office of</td>
<td>29, IV</td>
</tr>
<tr>
<td>Mine Safety and Health Administration</td>
<td>30, I</td>
</tr>
<tr>
<td>Occupational Safety and Health Administration</td>
<td>29, XVII</td>
</tr>
<tr>
<td>Pension and Welfare Benefit Programs</td>
<td>29, XXV</td>
</tr>
<tr>
<td>Public Contracts</td>
<td>41, 50</td>
</tr>
</tbody>
</table>

295
<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secretary of Labor, Office of</td>
<td>29, Subtitle A</td>
</tr>
<tr>
<td>Wage and Hour Division</td>
<td>29, V</td>
</tr>
<tr>
<td>Workers’ Compensation Programs, Office of</td>
<td>20, I</td>
</tr>
<tr>
<td>Labor-Management Relations and Cooperative Programs, Bureau of</td>
<td>29, II</td>
</tr>
<tr>
<td>Labor-Management Standards Enforcement, Office of</td>
<td>29, IV</td>
</tr>
<tr>
<td>Land Management, Bureau of</td>
<td>43, II</td>
</tr>
<tr>
<td>Legal Services Corporation</td>
<td>45, XVI</td>
</tr>
<tr>
<td>Library of Congress</td>
<td>36, VII</td>
</tr>
<tr>
<td>Copyright Office</td>
<td>37, II</td>
</tr>
<tr>
<td>Low-Income Housing, Department of Housing and Urban Development</td>
<td>24, VIII</td>
</tr>
<tr>
<td>Management and Budget, Office of</td>
<td>5, III</td>
</tr>
<tr>
<td>Marine Mammal Commission</td>
<td>50, V</td>
</tr>
<tr>
<td>Maritime Administration</td>
<td>46, II</td>
</tr>
<tr>
<td>Merit Systems Protection Board</td>
<td>5, II</td>
</tr>
<tr>
<td>Micronesian Status Negotiations, Office for</td>
<td>32, XXVII</td>
</tr>
<tr>
<td>Mine Safety and Health Administration</td>
<td>30, I</td>
</tr>
<tr>
<td>Minerals Management Service</td>
<td>30, II</td>
</tr>
<tr>
<td>Mines, Bureau of</td>
<td>30, VI</td>
</tr>
<tr>
<td>Minority Business Development Agency</td>
<td>15, XIV</td>
</tr>
<tr>
<td>Miscellaneous Agencies</td>
<td>1, IV</td>
</tr>
<tr>
<td>Monetary Offices</td>
<td>31, I</td>
</tr>
<tr>
<td>Mortgage Insurance and Loan Programs Under the Emergency Homeowners’ Relief Act, Department of Housing and Urban Development</td>
<td>24, XV</td>
</tr>
<tr>
<td>National Aeronautics and Space Administration</td>
<td>14, V; 48, 18</td>
</tr>
<tr>
<td>National Archives and Records Administration</td>
<td>36, XII</td>
</tr>
<tr>
<td>National Bureau of Standards</td>
<td>15, II</td>
</tr>
<tr>
<td>National Capital Planning Commission</td>
<td>1, IV</td>
</tr>
<tr>
<td>National Commission on Libraries and Information Science</td>
<td>45, XVII</td>
</tr>
<tr>
<td>National Credit Union Administration</td>
<td>12, VII</td>
</tr>
<tr>
<td>National Foundation on the Arts and the Humanities</td>
<td>45, XI</td>
</tr>
<tr>
<td>National Highway Traffic Safety Administration</td>
<td>23, II, III; 49, V</td>
</tr>
<tr>
<td>National Labor Relations Board</td>
<td>29, I</td>
</tr>
<tr>
<td>National Marine Fisheries Service</td>
<td>50, II, IV</td>
</tr>
<tr>
<td>National Mediation Board</td>
<td>29, X</td>
</tr>
<tr>
<td>National Oceanic and Atmospheric Administration</td>
<td>15, IX; 50, II, III, IV, VI</td>
</tr>
<tr>
<td>National Park Service</td>
<td>36, I</td>
</tr>
<tr>
<td>National Railroad Adjustment Board</td>
<td>29, III</td>
</tr>
<tr>
<td>National Railroad Passenger Corporation (AMTRAK)</td>
<td>49, VII</td>
</tr>
<tr>
<td>National Science Foundation</td>
<td>45, VI; 48, 25</td>
</tr>
<tr>
<td>National Security Council</td>
<td>32, XXI</td>
</tr>
<tr>
<td>National Security Council and Office of Science and Technology Policy</td>
<td>47, II</td>
</tr>
<tr>
<td>National Telecommunications and Information Administration</td>
<td>15, XXIII</td>
</tr>
<tr>
<td>National Transportation Safety Board</td>
<td>49, VIII</td>
</tr>
<tr>
<td>Navajo and Hopi Indian Relocation Commission</td>
<td>25, I</td>
</tr>
<tr>
<td>Navy Department</td>
<td>32, VI</td>
</tr>
<tr>
<td>Neighborhood Reinvestment Corporation</td>
<td>24, XXV</td>
</tr>
<tr>
<td>Nuclear Regulatory Commission</td>
<td>10, I</td>
</tr>
<tr>
<td>Occupational Safety and Health Administration</td>
<td>29, XVII</td>
</tr>
<tr>
<td>Occupational Safety and Health Review Commission</td>
<td>29, XX</td>
</tr>
<tr>
<td>Overseas Private Investment Corporation</td>
<td>22, VII</td>
</tr>
<tr>
<td>Packers and Stockyards Administration</td>
<td>9, II</td>
</tr>
<tr>
<td>Panama Canal Regulations</td>
<td>35, I</td>
</tr>
<tr>
<td>Patent and Trademark Office</td>
<td>37, I</td>
</tr>
<tr>
<td>Peace Corps</td>
<td>22, III</td>
</tr>
<tr>
<td>Pennsylvania Avenue Development Corporation</td>
<td>36, IX</td>
</tr>
<tr>
<td>Pension Benefit Guaranty Corporation</td>
<td>29, XXVI</td>
</tr>
<tr>
<td>Pension and Welfare Benefit Programs, Department of Labor</td>
<td>29, XXV</td>
</tr>
<tr>
<td>Personnel Management, Office of</td>
<td>5, I; 45, VIII</td>
</tr>
<tr>
<td>Postal Rate Commission</td>
<td>39, III</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Postal Service, United States</td>
<td>39, I</td>
</tr>
<tr>
<td>Postsecondary Education, Office of</td>
<td>34, VI</td>
</tr>
<tr>
<td>President's Commission on White House Fellowships</td>
<td>1, IV</td>
</tr>
<tr>
<td>Presidential Documents</td>
<td>3</td>
</tr>
<tr>
<td>Prisons, Bureau of</td>
<td>28, V</td>
</tr>
<tr>
<td>Productivity, Technology and Innovation, Assistant Secretary (Commerce)</td>
<td>37, IV</td>
</tr>
<tr>
<td>Property Management Regulations System, Federal</td>
<td>41, Subtitle C</td>
</tr>
<tr>
<td>Public Contracts, Department of Labor</td>
<td>41, 50</td>
</tr>
<tr>
<td>Public Health Service</td>
<td>42, I</td>
</tr>
<tr>
<td>Railroad Retirement Board</td>
<td>20, II</td>
</tr>
<tr>
<td>Railway Association, United States</td>
<td>49, IX</td>
</tr>
<tr>
<td>Reclamation Bureau</td>
<td>43, I</td>
</tr>
<tr>
<td>Refugee Resettlement, Office of</td>
<td>45, IV</td>
</tr>
<tr>
<td>Regional Action Planning Commissions</td>
<td>13, V</td>
</tr>
<tr>
<td>Research and Special Programs Administration</td>
<td>49, I</td>
</tr>
<tr>
<td>Rural Electrification Administration</td>
<td>7, XVII</td>
</tr>
<tr>
<td>Rural Telephone Bank</td>
<td>7, XVI</td>
</tr>
<tr>
<td>Saint Elisabeths Hospital</td>
<td>42, III</td>
</tr>
<tr>
<td>Saint Lawrence Seaway Development Corporation</td>
<td>33, IV</td>
</tr>
<tr>
<td>Science and Technology Policy, Office of</td>
<td>32, XXIV</td>
</tr>
<tr>
<td>Science and Technology Policy, Office of, and National Security Council</td>
<td>47, II</td>
</tr>
<tr>
<td>Secret Service</td>
<td>31, IV</td>
</tr>
<tr>
<td>Securities and Exchange Commission</td>
<td>17, II</td>
</tr>
<tr>
<td>Selective Service System</td>
<td>32, XVI</td>
</tr>
<tr>
<td>Small Business Administration</td>
<td>13, I; 48, 22</td>
</tr>
<tr>
<td>Smithsonian Institution</td>
<td>36, V</td>
</tr>
<tr>
<td>Social Security Administration</td>
<td>20, III; 45, IV</td>
</tr>
<tr>
<td>Soil Conservation Service</td>
<td>7, VI</td>
</tr>
<tr>
<td>Solar Energy and Energy Conservation Bank, Department of HUD</td>
<td>24, X</td>
</tr>
<tr>
<td>Soldiers' and Airmen's Home, United States</td>
<td>5, XI</td>
</tr>
<tr>
<td>Special Education and Rehabilitative Services, Office of</td>
<td>34, III</td>
</tr>
<tr>
<td>Special Representative for Trade Negotiations, Office of</td>
<td>15, XX</td>
</tr>
<tr>
<td>State Department</td>
<td>22, I</td>
</tr>
<tr>
<td>Surface Mining and Reclamation Appeals, Board of</td>
<td>30, III</td>
</tr>
<tr>
<td>Susquehanna River Basin Commission</td>
<td>18, VIII</td>
</tr>
<tr>
<td>Tennessee Valley Authority</td>
<td>18, XIII</td>
</tr>
<tr>
<td>Trade Representative, United States, Office of</td>
<td>15, XX</td>
</tr>
<tr>
<td>Transportation, Department of</td>
<td>44, IV</td>
</tr>
<tr>
<td>Coast Guard</td>
<td>33, I; 46, I, III; 49, IV</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 12</td>
</tr>
<tr>
<td>Federal Aviation Administration</td>
<td>14, I</td>
</tr>
<tr>
<td>Federal Highway Administration</td>
<td>23, I, II; 49, III</td>
</tr>
<tr>
<td>Federal Railroad Administration</td>
<td>49, II</td>
</tr>
<tr>
<td>Maritime Administration</td>
<td>46, I</td>
</tr>
<tr>
<td>National Highway Traffic Safety Administration</td>
<td>23, II, III; 49, V</td>
</tr>
<tr>
<td>Research and Special Programs Administration</td>
<td>49, I</td>
</tr>
<tr>
<td>Saint Lawrence Seaway Development Corporation</td>
<td>33, IV</td>
</tr>
<tr>
<td>Secretary of Transportation, Office of</td>
<td>14, II; 49, Subtitle A</td>
</tr>
<tr>
<td>Urban Mass Transportation Administration</td>
<td>49, VI</td>
</tr>
<tr>
<td>Travel Service, United States</td>
<td>15, XII</td>
</tr>
<tr>
<td>Treasury Department</td>
<td></td>
</tr>
<tr>
<td>Alcohol, Tobacco and Firearms, Bureau of</td>
<td>27, I</td>
</tr>
<tr>
<td>Comptroller of the Currency</td>
<td>12, I</td>
</tr>
<tr>
<td>Customs Service, United States</td>
<td>19, I</td>
</tr>
<tr>
<td>Engraving and Printing, Bureau of</td>
<td>31, VI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 10</td>
</tr>
<tr>
<td>Federal Law Enforcement Training Center</td>
<td>31, VII</td>
</tr>
<tr>
<td>Fiscal Service</td>
<td>31, II</td>
</tr>
<tr>
<td>Foreign Assets Control, Office of</td>
<td>31, V</td>
</tr>
<tr>
<td>Internal Revenue Service</td>
<td>26, I</td>
</tr>
<tr>
<td>Monetary Offices</td>
<td>31, I</td>
</tr>
<tr>
<td>Secret Service</td>
<td>31, IV</td>
</tr>
<tr>
<td>Secretary of the Treasury, Office of</td>
<td>31, Subtitle A</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>United States Customs Service</td>
<td>19, I</td>
</tr>
<tr>
<td>Truman, Harry S, Scholarship Foundation</td>
<td>45, XVIII</td>
</tr>
<tr>
<td>United States and Canada, International Joint Commission</td>
<td>22, IV</td>
</tr>
<tr>
<td>United States Arms Control and Disarmament Agency</td>
<td>22, VI</td>
</tr>
<tr>
<td>United States Customs Service</td>
<td>19, I</td>
</tr>
<tr>
<td>United States Fish and Wildlife Service</td>
<td>50, I, IV</td>
</tr>
<tr>
<td>United States Information Agency</td>
<td>22, V; 48, 19</td>
</tr>
<tr>
<td>United States International Development Cooperation Agency</td>
<td>22, XII</td>
</tr>
<tr>
<td>United States International Trade Commission</td>
<td>19, II</td>
</tr>
<tr>
<td>United States Postal Service</td>
<td>39, I</td>
</tr>
<tr>
<td>United States Railway Association</td>
<td>49, IX</td>
</tr>
<tr>
<td>United States Soldiers’ and Airmen’s Home</td>
<td>5, XI</td>
</tr>
<tr>
<td>United States Trade Representative, Office of</td>
<td>15, XX</td>
</tr>
<tr>
<td>United States Travel Service</td>
<td>15, XII</td>
</tr>
<tr>
<td>Urban Mass Transportation Administration</td>
<td>49, VI</td>
</tr>
<tr>
<td>Veterans Administration</td>
<td>38, I; 48, 8</td>
</tr>
<tr>
<td>Vice President of the United States, Office of</td>
<td>32, XXVIII</td>
</tr>
<tr>
<td>Vocational and Adult Education, Office of</td>
<td>34, IV</td>
</tr>
<tr>
<td>Wage and Hour Division</td>
<td>29, V</td>
</tr>
<tr>
<td>Water Resources Council</td>
<td>18, VI</td>
</tr>
<tr>
<td>Welfare-Pension Reports, Office of Labor-Management and</td>
<td>29, IV</td>
</tr>
<tr>
<td>Workers’ Compensation Programs, Office of</td>
<td>20, I</td>
</tr>
</tbody>
</table>
List of CFR Sections Affected—1

All changes in this volume of the Code of Federal Regulations which were made by documents published in the Federal Register since Title 11 was established at 37 FR 6156, March 24, 1972, are enumerated in the following list except for the year 1972 which appears in the "List of CFR Sections Affected, 1964-1972," published in two separate volumes. Entries indicate the nature of the changes effected. Page numbers refer to Federal Register pages. The user should consult the entries for chapters and parts as well as sections for revisions.

Note: The following is the list of changes to Title 11 prior to the reconstitution of the Federal Election Commission by the Federal Election Campaign Act Amendments of 1976 (90 Stat. 475; 2 U.S.C. 431 note).

1973

<table>
<thead>
<tr>
<th>11 CFR</th>
<th>38 FR Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter I</td>
<td></td>
</tr>
<tr>
<td>11.25 Added</td>
<td>22202</td>
</tr>
<tr>
<td>14.2 (b)(4) revised</td>
<td>22202</td>
</tr>
<tr>
<td>14.12 Added</td>
<td>22202</td>
</tr>
<tr>
<td>19.1 Revised</td>
<td>22202</td>
</tr>
</tbody>
</table>

1974

(No amendments for 1974)

1975

<table>
<thead>
<tr>
<th>11 CFR</th>
<th>40 FR Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter I</td>
<td></td>
</tr>
<tr>
<td>Subchapter A (Parts 1-6) Removed</td>
<td>23832</td>
</tr>
</tbody>
</table>

11 CFR—Continued

<table>
<thead>
<tr>
<th>40 FR Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter I—Continued</td>
</tr>
<tr>
<td>Subchapter B (Parts 11-21 Removed)</td>
</tr>
<tr>
<td>Supplement B Removed</td>
</tr>
<tr>
<td>Chapter I</td>
</tr>
<tr>
<td>Chapter II Interim guidelines added</td>
</tr>
<tr>
<td>Chapter II Redesignated as Chapter I</td>
</tr>
<tr>
<td>Interim guidelines transferred to Chapter I</td>
</tr>
</tbody>
</table>

299
**List of CFR Sections Affected—2**

All changes in this volume of the Code of Federal Regulations which were made by documents published in the Federal Register since Chapter I, Title 11 was established at 41 FR 35932, August 25, 1976, are enumerated in the following list. Entries indicate the nature of the changes effected. Page numbers refer to Federal Register pages. The user should consult the entries for chapters and parts as well as sections for revisions.

### 1976

<table>
<thead>
<tr>
<th>CFR</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>41 FR</td>
</tr>
<tr>
<td>Chapter I</td>
<td></td>
</tr>
<tr>
<td>Chapter established</td>
<td>35932</td>
</tr>
<tr>
<td>1 Added</td>
<td>43064</td>
</tr>
<tr>
<td>100—115 (Subchapter A) Established</td>
<td>35933</td>
</tr>
<tr>
<td>100 Added</td>
<td>35933</td>
</tr>
<tr>
<td>101 Added</td>
<td>35938</td>
</tr>
<tr>
<td>102 Added</td>
<td>35938</td>
</tr>
<tr>
<td>103 Added</td>
<td>35940</td>
</tr>
<tr>
<td>104 Added</td>
<td>35941</td>
</tr>
<tr>
<td>105 Added</td>
<td>35944</td>
</tr>
<tr>
<td>106 Added</td>
<td>35944</td>
</tr>
<tr>
<td>107 Added</td>
<td>35946</td>
</tr>
<tr>
<td>108 Added</td>
<td>35946</td>
</tr>
<tr>
<td>109 Added</td>
<td>35947</td>
</tr>
<tr>
<td>110 Added</td>
<td>35948</td>
</tr>
<tr>
<td>111 Added</td>
<td>35953</td>
</tr>
<tr>
<td>112 Added</td>
<td>35954</td>
</tr>
<tr>
<td>113 Added</td>
<td>35955</td>
</tr>
<tr>
<td>114 Added</td>
<td>35955</td>
</tr>
<tr>
<td>115 Added</td>
<td>35963</td>
</tr>
<tr>
<td>120—125 (Subchapter B) Established</td>
<td>35963</td>
</tr>
<tr>
<td>120 Added</td>
<td>35963</td>
</tr>
<tr>
<td>121 Added</td>
<td>35964</td>
</tr>
<tr>
<td>122 Added</td>
<td>35965</td>
</tr>
<tr>
<td>123 Added</td>
<td>35966</td>
</tr>
<tr>
<td>124 Added</td>
<td>35967</td>
</tr>
<tr>
<td>125 Added</td>
<td>35967</td>
</tr>
<tr>
<td>130—134 (Subchapter C) Established</td>
<td>35968</td>
</tr>
<tr>
<td>130 Added</td>
<td>35968</td>
</tr>
<tr>
<td>131 Added</td>
<td>35969</td>
</tr>
<tr>
<td>132 Added</td>
<td>35970</td>
</tr>
<tr>
<td>133 Added</td>
<td>35971</td>
</tr>
<tr>
<td>134 Added</td>
<td>35972</td>
</tr>
</tbody>
</table>

### 1977

<table>
<thead>
<tr>
<th>CFR—Continued</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter I—Continued</td>
<td></td>
</tr>
<tr>
<td>140—146 (Subchapter D) Established</td>
<td>35972</td>
</tr>
<tr>
<td>140 Added</td>
<td>35972</td>
</tr>
<tr>
<td>141 Added</td>
<td>35974</td>
</tr>
<tr>
<td>142 Added</td>
<td>35974</td>
</tr>
<tr>
<td>143 Added</td>
<td>35975</td>
</tr>
<tr>
<td>144 Added</td>
<td>35975</td>
</tr>
<tr>
<td>145 Added</td>
<td>35975</td>
</tr>
<tr>
<td>146 Added</td>
<td>35976</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CFR</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>42 FR</td>
</tr>
<tr>
<td>Chapter I</td>
<td></td>
</tr>
<tr>
<td>2 Added</td>
<td>13202</td>
</tr>
<tr>
<td>3 Added</td>
<td>13202</td>
</tr>
<tr>
<td>102 Transmittal of regulations to Congress</td>
<td>15206</td>
</tr>
<tr>
<td>102.9 (c)(3)(iii), (4) introductory text and (4)(ii) revised</td>
<td>19324</td>
</tr>
<tr>
<td>102.10 Amended</td>
<td>19324</td>
</tr>
<tr>
<td>104 Transmittal of regulations to Congress</td>
<td>15206</td>
</tr>
<tr>
<td>104.2 (b)(9) amended</td>
<td>19324</td>
</tr>
<tr>
<td>114 Transmittal or regulations to Congress</td>
<td>15206</td>
</tr>
<tr>
<td>114.4 (c)(2) revised</td>
<td>19324</td>
</tr>
<tr>
<td>134 Transmittal of regulations to Congress</td>
<td>15206</td>
</tr>
<tr>
<td>134.3 (c)(2) revised</td>
<td>19324</td>
</tr>
</tbody>
</table>

301
### Chapter I

- **4 Added** 33368
- **4.3 (c) corrected** 37491
- **100 (b)(16) added (effective pending congressional review)** 39350, 76736
- **(b)(16) removed (disapproved by Congress)** 59162
- **100.7 (b)(18) added (effective pending congressional review)** 39350, 76736
- **(b)(18) removed (disapproved by Congress)** 59162
- **107 Revised (effective pending congressional review)** 63045
- **Authority citation corrected** 77137
- **110.13 Added (effective pending congressional review)** 39350, 76736
- **Removed (disapproved by Congress)** 59162
- **114 Authority citation corrected** 77137
- **114.1 (a)(2) Introductory text and (viii) revised (effective pending congressional review)** 63045
- **114.4 (e) added (effective pending congressional review)** 39351, 76736
- **(e) removed (disapproved by Congress)** 59162
- **120—125 (Subchapter B) Removed** 77137
- **130—134 (Subchapter C) Removed** 77137
- **9008 (Subchapter F and Part) Added (effective pending congressional review)** 63039
- **Effective date confirmed** 77137
- **9008.8 (b)(4)(v)(C) and (D) corrected** 77137
- **9008.10 (g)(2) corrected** 77137
- **9031—9038 (Subchapter G) Added; regulations transferred from Chapter IX** 55781
- **9032.9 (a) revised (effective pending congressional review)** 63757
- **9033.1 (c) amended (effective pending congressional review)** 63758
- **9033.2 (b) revised; (f) amended (effective pending congressional review)** 63758
- **9033.3 Redesignated as 9033.4; new 9033.3 added (effective pending congressional review)** 63758
- **9033.4 Redesignated as 9033.5 and Introductory text, (a)(3), and (b)(1) amended; new 9033.4 redesignated from 9033.3 (effective pending congressional review)** 63758
- **9033.5 Redesignated as 9033.6 and (a) amended; new 9033.5 redesignated from 9033.4 and introductory text, (a)(3), and (b)(1) amended; new 9033.4 redesignated from 9033.3 (effective pending congressional review)** 63758
- **9033.6 Redesignated as 9033.7 and (a), (c), and (d) amended; new 9033.6 redesignated from 9033.5 and (a) amended (effective pending congressional review)** 63758
- **9033.7 Redesignated as 9033.8 and (a) and (b) amended; new 9033.7 redesignated from 9033.6 and (a), (c), and (d) amended (effective pending congressional review)** 63758
- **9033.8 Redesignated as 9033.9 and (a) amended; new 9033.8 redesignated from 9033.7 and (a) and (b) amended (effective pending congressional review)** 63758
- **9033.9 Redesignated from 9033.8 and (a) amended (effective pending congressional review)** 63758
- **9034.1 (a), (c), and (d) amended (effective pending congressional review)** 63758
- **9034.4 (b), (d), and (h) amended (effective pending congressional review)** 63758
- **9034.5 (a)(1) amended (effective pending congressional review)** 63758
- **9035.1 Revis ed (effective pending congressional review)** 63758

---

**Chapter IX**

- **Chapter established** 20341
- **Effective date 5-7-79** 26733
### List of CFR Sections Affected

#### 11 CFR—Continued

<table>
<thead>
<tr>
<th>CFR Section</th>
<th>Effective Date</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>44 FR Page</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Chapter IX—Continued**

- **Chapter removed; regulations transferred to Chapter I, 9031—9038 (Subchapter G)...55781**
- **9031—9038 Added (effective pending congressional review)...20341**
- **Effective date 5-7-79...26733**
- **9034.2 Corrected...22407**
- **(c)(4) corrected (effective pending congressional review)...25193**

**1980**

#### 11 CFR—Continued

<table>
<thead>
<tr>
<th>CFR Section</th>
<th>Effective Date</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>45 FR Page</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Chapter I—Continued**

- **1.1 (c) corrected...21209**
- **1.14 (a) corrected...21209**
- **3.2 (a)(1) corrected...21209**
- **4.1 (b) and (e) revised; (f) added...31291**
- **4.3 (b) and (c) removed; (a) designation removed...31291**
- **4.4 (a)(3) revised; (a)(10) through (15) added...31291**
- **(b) through (e) redesignated as (c) through (f); new (b) added...31292**
- **4.7 (a) and (b) revised...31292**
- **4.9 Revised...31292**
- **5 Added...31293**
- **100 Revised (effective pending congressional review)...15094**
- **Effective date confirmed...21211**
- **100.5 (e)(5) added (effective pending congressional review)...34867**
- **(e)(5) effective date confirmed...52357**
- **100.7 (a)(1)(B), (ii) and (c) corrected...21209**
- **(b)(21) effective date confirmed...21210**
- **Designation corrected...23642**
- **100.8 (b)(23) effective date confirmed...21210**
- **Designation corrected...23642**
- **(b)(15) amended and (21)(i) revised (effective pending congressional review)...43387**
- **(b)(15) and (21)(i) effective date confirmed...58820**
- **101 Revised (effective pending congressional review)...15103**
- **Effective date confirmed...21211**
- **101.1 (a) corrected...21209**

**11 CFR—Continued**

<table>
<thead>
<tr>
<th>CFR Section</th>
<th>Effective Date</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>45 FR Page</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Chapter I—Continued**

- **102 Revised (effective pending congressional review)...15104**
- **Effective date confirmed...21211**
- **102.3 (a) corrected...21209**
- **102.5 (a)(2) corrected...21209**
- **102.14 (c) corrected...21209**
- **103 Revised (effective pending congressional review)...15108**
- **Effective date confirmed...21211**
- **104 Revised (effective pending congressional review)...15108**
- **Effective date confirmed...21211**
- **104.2 (e)(3) corrected...21209**
- **104.3 (d), (e)(3), (f), (g), and (h) corrected; (j) correctly added...21209**
- **105 Revised (effective pending congressional review)...15116**
- **Effective date confirmed...21211**
- **106.1 (c)(3) added (effective pending congressional review)...15117**
- **(e) corrected...21209**
- **(c)(3) effective date confirmed...21211**
- **106.2 (a) revised (effective pending congressional review)...15117**
- **(a) effective date confirmed...21211**
- **106.3 (d) revised (effective pending congressional review)...15117**
- **(d) effective date confirmed...21211**
- **(a) amended (effective pending congressional review)...43387**
- **(a) effective date confirmed...58820**
- **106.4 (a) and (b) corrected...21209**
- **108 Revised (effective pending congressional review)...15117**
- **Effective date confirmed...21211**
- **108.4 Corrected...21209**
- **109 Revised (effective pending congressional review)...15118**
- **Effective date confirmed...21211**
- **110.1 (i)(1) and (2) corrected...21210**
- **110.2 (b) revised (effective pending congressional review)...15119**
- **(b) corrected...21210**
- **(b) effective date confirmed...21211**
- **110.3 (a)(1)(i) corrected...21210**
- **110.5 (d) added (effective pending congressional review)...34867**
- **(d) effective date confirmed...52357**
- **110.6 (c)(4) introductory text and (i) revised (effective pending congressional review)...15119**

*303*
11 CFR—Continued

Chapter I—Continued

(c)(4) introductory text and (i) effective date confirmed...........21211

110.7 (c)(2) revised; (c)(3) removed (effective pending congressional review). .15119
(c)(2) effective date confirmed........................................21211
(b)(5) correctly removed.............................................27435
(a)(6) added (effective pending congressional review). .43387
(a)(6) effective date confirmed.......................................58820

110.8 (c)(2) corrected..................................................21210

110.11 (a)(1) and (2) revised; (c) removed (effective pending congressional review). .15119
(a)(1) and (2) effective date confirmed................................21211

110.12 (a) and (b)(5) revised; (b)(6) added (effective pending congressional review). .15120
(a), (b)(5) and (6) effective date confirmed..........................21211

110.13 Effective date confirmed.......................................21210

110.14 Added (effective pending congressional review). .34867
Effective date confirmed..............................................52357

111 Revised (effective pending congressional review). .15120
Effective date confirmed..............................................21211

111.8 (c) corrected.....................................................21210

112 Revised (effective pending congressional review). .15123
Effective date confirmed..............................................21211

113 Revised (effective pending congressional review). .15124
Effective date confirmed..............................................21211

114.1 (a)(2)(v) revised (effective pending congressional review)........15125
(a)(1), (2)(vi), (vii), and (ix) corrected...............................21210
(a)(2)(v) effective date confirmed....................................21211

114.3 (b) corrected.....................................................21210

114.4 (e) effective date confirmed....................................21210

114.5 (e)(2)(i) corrected................................................21210

114.6 (c)(3), (d) introductory text, (2)(ii), and (3)(i) and (ii) revised (effective pending congressional review) .15125
(c)(3) and (d) introductory text, (2)(ii), (3)(i) and (ii) effective date confirmed...........21211

11 CFR—Continued

Chapter I—Continued

114.9 (a)(2), (b)(2) and (d) corrected..................................21210

114.12 (a) corrected.....................................................21210

115.1 (a) corrected.....................................................21210

1140—1146 (Subchapter D) Removed..................................58820

9001—9007 (Subchapter E) Added (effective pending congressional review). .43378
Effective date confirmed..............................................58820

9002 Added (effective pending congressional review). .43378
Effective date confirmed..............................................58820

9003 Added (effective pending congressional review). .43379
Effective date confirmed..............................................58820

9004 Added (effective pending congressional review). .43383
Effective date confirmed..............................................58820

9005 Added (effective pending congressional review). .43335
Effective date confirmed..............................................58820

9006 Added (effective pending congressional review). .43385
Effective date confirmed..............................................58820

9007 Added (effective pending congressional review). .43386
Effective date confirmed..............................................58820

9008.2 (e) corrected.....................................................21210

9008.3 (a) amended (effective pending congressional review). .15126
(a) effective date confirmed........................................21211

9008.6 (b)(3) corrected.................................................21210

9008.7 (a)(3) corrected.................................................21210

9008.8 (a)(4) corrected.................................................21210

9032.4 Corrected.......................................................21210

9032.9 (a) effective date confirmed....................................9559

9033.1 (c) effective date confirmed....................................9559

9033.2 (b) and (f) effective date confirmed...........................9559

9033.3 Effective date confirmed......................................9559

9033.4 Effective date confirmed......................................9559

9033.5 Effective date confirmed......................................9559

9033.6 Effective date confirmed......................................9559
<table>
<thead>
<tr>
<th>CFR Section Numbers</th>
<th>Effective Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 CFR—Continued</td>
<td></td>
</tr>
<tr>
<td>Chapter I—Continued</td>
<td></td>
</tr>
<tr>
<td>9033.7</td>
<td>Effective date confirmed</td>
</tr>
<tr>
<td>9033.8</td>
<td>Effective date confirmed</td>
</tr>
<tr>
<td>9033.9</td>
<td>Effective date confirmed</td>
</tr>
<tr>
<td></td>
<td>(a) corrected</td>
</tr>
<tr>
<td>Revised (effective pending congressional review)</td>
<td>25379</td>
</tr>
<tr>
<td>Effective date confirmed</td>
<td>45257</td>
</tr>
<tr>
<td>9034.1</td>
<td>(a), (c), and (d) effective date confirmed</td>
</tr>
<tr>
<td>9034.3</td>
<td>(d) corrected</td>
</tr>
<tr>
<td>9034.4</td>
<td>(b), (d), and (h) effective date confirmed</td>
</tr>
<tr>
<td>9034.5</td>
<td>(a)(1) effective date confirmed</td>
</tr>
<tr>
<td>9035.1</td>
<td>Effective date confirmed</td>
</tr>
<tr>
<td>9036.2</td>
<td>(a)(3) corrected</td>
</tr>
<tr>
<td>1981</td>
<td>(No regulations issued)</td>
</tr>
<tr>
<td>1982</td>
<td></td>
</tr>
<tr>
<td>11 CFR</td>
<td></td>
</tr>
<tr>
<td>Chapter I</td>
<td></td>
</tr>
<tr>
<td>110.12</td>
<td>(a) revised</td>
</tr>
<tr>
<td>1983</td>
<td></td>
</tr>
<tr>
<td>11 CFR</td>
<td></td>
</tr>
<tr>
<td>Chapter I</td>
<td></td>
</tr>
<tr>
<td>100.7</td>
<td>(a)(1)(i)(C) and (b)(11) revised; (a)(1)(i)(D) redesignated as (a)(1)(i)(E); new (a)(1)(i)(D) added (effective date pending)</td>
</tr>
<tr>
<td></td>
<td>(a)(1)(i)(C) and (b)(11) revision, (a)(1)(i)(D) redesignation as (a)(1)(i)(E), and new (a)(1)(i)(D) addition eff. 7-1-83</td>
</tr>
<tr>
<td>100.8</td>
<td>(b)(12) revised (effective date pending)</td>
</tr>
<tr>
<td></td>
<td>(b)(12) revision eff. 7-1-83</td>
</tr>
<tr>
<td>102.6</td>
<td>Revised (effective date pending)</td>
</tr>
<tr>
<td></td>
<td>Revision eff. 8-22-83</td>
</tr>
<tr>
<td>102.17</td>
<td>Added (effective date pending)</td>
</tr>
<tr>
<td></td>
<td>Addition eff. 8-22-83</td>
</tr>
<tr>
<td>106</td>
<td>Authority citation</td>
</tr>
</tbody>
</table>
11 CFR—Continued
Chapter I—Continued
114.8 (h) and (i) revised (effective date pending).........................9241
(h) and (i) revisions withdrawn........................................17566
(c)(2), (d)(2) and (4) revised (effective date pending).............48650
(h) and (i) revised (effective date pending)..........................50508
9001 Revised (effective date pending)..................................31825
Revision eff. 10–27–83..................................................49654
9002 Revised (effective date pending)..................................31825
Revision eff. 10–27–83..................................................49654
9003 Revised (effective date pending)..................................31827
Revision eff. 10–27–83..................................................49654
9003.2 (c)(3) revised (effective date pending).......................19021
(c)(3) revision eff. 7–1–83..............................................30351
9004 Revised (effective date pending)..................................31831
Revision eff. 10–27–83..................................................49654
9005 Revised (effective date pending)..................................31834
Revision eff. 10–27–83..................................................49654
9006 Revised (effective date pending)..................................31835
Revision eff. 10–27–83..................................................49654
9007 Revised (effective date pending)..................................31836
Revision eff. 10–27–83..................................................49654
9008 (Subchapter F) Heading removed; Part transferred to Subchapter E.............................................31839
9008.1 (a) revised..........................................................33244
9008.7 (c)(2)(iv) and (d)(2)(iv) revised................................33244
9008.8 (b)(4)(v)(A) introductory text revised..........................33244
9012 Added (effective date pending)..................................31839
Addition eff. 10–27–83..................................................49654
9031–9039 (Subchapter F) Re-designated from 9031–9038 (Subchapter G).............................................31839
9031–9039 (Subchapter G) Revised (effective date pending)........5234
Revision eff. 4–14–83..................................................14347
Revision eff. date corrected to 4–4–83................................16237
Redesignated as 9031–9038 (Subchapter F).............................................31839
9031 Revised (effective date pending)..................................5234

11 CFR—Continued
Chapter I—Continued
Revision eff. 4–14–83..................................................14347
Revision eff. date corrected to 4–4–83................................16237
9032 Revised (effective date pending)..................................5234
Revision eff. 4–14–83..................................................14347
Revision eff. date corrected to 4–4–83................................16237
9033 Revised (effective date pending)..................................5235
Revision eff. 4–14–83..................................................14347
Revision eff. date corrected to 4–4–83................................16237
9034 Revised (effective date pending)..................................5239
Revision eff. 4–14–83..................................................14347
Revision eff. date corrected to 4–4–83................................16237
9035 Revised (effective date pending)..................................5244
Revision eff. 4–14–83..................................................14347
Revision eff. date corrected to 4–4–83................................16237
9036 Revised (effective date pending)..................................5246
Revision eff. 4–14–83..................................................14347
Revision eff. date corrected to 4–4–83................................16237
9037 Revised (effective date pending)..................................5247
Revision eff. 4–14–83..................................................14347
Revision eff. date corrected to 4–4–83................................16237
9038 Revised (effective date pending)..................................5247
Revision eff. 4–14–83..................................................14347
Revision eff. date corrected to 4–4–83................................16237
9039 Added (effective date pending)..................................5250
Addition eff. 4–14–83..................................................14347
Addition eff. date corrected to 4–4–83................................16237

1984

Chapter I
4 Authority citation...............................................30459
4.9 Revised (effective date pending).................................30459
Eff. 10–19–84.....................................................41016
5 Authority citation...............................................30459
Authority citation corrected.......................................41016
### List of CFR Sections Affected

#### 11 CFR—Continued

<table>
<thead>
<tr>
<th>Chapter I—Continued</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.6 Revised (effective date pending)</td>
<td>30460</td>
</tr>
<tr>
<td>Eff. 10-19-84</td>
<td>41016</td>
</tr>
<tr>
<td>6 Added (effective date pending)</td>
<td>33211</td>
</tr>
<tr>
<td>Eff. 11-2-84</td>
<td>44091</td>
</tr>
<tr>
<td>114.1 (a)(2)(i) and (ii), (c) introductory text, and (2)(iv) revisions eff. 3-5-84</td>
<td>7981</td>
</tr>
<tr>
<td>114.3 Revision eff. 3-5-84</td>
<td>7981</td>
</tr>
<tr>
<td>114.4 (a) through (d) revisions eff. 3-5-84</td>
<td>7981</td>
</tr>
<tr>
<td>114.5 (g)(2) and (l) revisions eff. 3-5-84</td>
<td>7981</td>
</tr>
<tr>
<td>114.7 (a), (e), and (h) revisions eff. 3-5-84</td>
<td>7981</td>
</tr>
<tr>
<td>114.8 (c)(2) and (d)(2) and (4) revisions effective date confirmed</td>
<td>4932</td>
</tr>
<tr>
<td>(h) and (i) revision eff. 3-5-84</td>
<td>7981</td>
</tr>
<tr>
<td>9007.2 (b)(2)(i), (ii) (B), (C), and (D) revised; (b)(2)(iii) added (effective date pending)</td>
<td>33227</td>
</tr>
<tr>
<td>9008 Authority citation</td>
<td>30461</td>
</tr>
<tr>
<td>9008.1 (a) revised</td>
<td>30461</td>
</tr>
<tr>
<td>9008.3 (a) revised</td>
<td>30461</td>
</tr>
<tr>
<td>9034.5 (e)(2) corrected</td>
<td>19807</td>
</tr>
<tr>
<td>9038.2 (b)(2)(i) and (3) revised; (b)(2)(iii) added (effective date pending)</td>
<td>33228</td>
</tr>
</tbody>
</table>

#### 1985

<table>
<thead>
<tr>
<th>11 CFR—Continued</th>
<th>50 FR Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 CFR</td>
<td>50 FR Page</td>
</tr>
<tr>
<td>Chapter I—Continued</td>
<td></td>
</tr>
<tr>
<td>1.3 (b) amended</td>
<td>50778</td>
</tr>
<tr>
<td>1.4 (a) amended</td>
<td>50778</td>
</tr>
<tr>
<td>2 Revised</td>
<td>39972</td>
</tr>
<tr>
<td>2.2 Amended</td>
<td>50778</td>
</tr>
</tbody>
</table>

#### 1985

<table>
<thead>
<tr>
<th>11 CFR—Continued</th>
<th>50 FR Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter I—Continued</td>
<td>50 FR Page</td>
</tr>
<tr>
<td>3 Removed</td>
<td>39972</td>
</tr>
<tr>
<td>4.5 (a)(4)(i) and (iv) amended</td>
<td>50778</td>
</tr>
<tr>
<td>4.7 (a) and (b) amended</td>
<td>50778</td>
</tr>
<tr>
<td>4.8 (c) amended</td>
<td>50778</td>
</tr>
<tr>
<td>5.5 (a) and (c) amended</td>
<td>50778</td>
</tr>
<tr>
<td>6.103 (b) amended</td>
<td>50778</td>
</tr>
<tr>
<td>6.170 (d)(3) and (l) amended</td>
<td>50778</td>
</tr>
<tr>
<td>100.7 (b)(1) revised (effective date pending)</td>
<td>9994</td>
</tr>
<tr>
<td>(b)(1) eff. 7-1-85</td>
<td>25699</td>
</tr>
<tr>
<td>100.8 (b)(1) revised (effective date pending)</td>
<td>9994</td>
</tr>
<tr>
<td>(b)(1) eff. 7-1-85</td>
<td>25699</td>
</tr>
<tr>
<td>100.9 Amended</td>
<td>50778</td>
</tr>
<tr>
<td>100.19 (a) amended</td>
<td>50778</td>
</tr>
<tr>
<td>101.3 Revised (effective date pending)</td>
<td>9995</td>
</tr>
<tr>
<td>Eff. 7-1-85</td>
<td>25699</td>
</tr>
<tr>
<td>102.2 (a) amended</td>
<td>50778</td>
</tr>
<tr>
<td>104.2 (b) amended</td>
<td>50778</td>
</tr>
<tr>
<td>104.3 (e)(5) amended</td>
<td>50778</td>
</tr>
<tr>
<td>111.4 (a) amended</td>
<td>50778</td>
</tr>
<tr>
<td>111.15 (a) amended</td>
<td>50778</td>
</tr>
<tr>
<td>111.16 (c) amended</td>
<td>50778</td>
</tr>
<tr>
<td>112.1 (e) amended</td>
<td>50778</td>
</tr>
<tr>
<td>112.3 (d) amended</td>
<td>50778</td>
</tr>
<tr>
<td>9002.3 Amended</td>
<td>50778</td>
</tr>
<tr>
<td>9007.2 (b)(2)(i) introductory text, and (ii) (B), (C), and (D) revised; (b)(2)(iii) added (effective date pending)</td>
<td>9423</td>
</tr>
<tr>
<td>Eff. 6-26-85</td>
<td>26354</td>
</tr>
<tr>
<td>9008.2 (a) amended</td>
<td>50778</td>
</tr>
<tr>
<td>9032.3 Amended</td>
<td>50778</td>
</tr>
<tr>
<td>9038.2 (b)(2)(i) introductory text and (3) revised; (b)(2)(iii) added (effective date pending)</td>
<td>9423</td>
</tr>
<tr>
<td>Eff. 6-26-85</td>
<td>26354</td>
</tr>
</tbody>
</table>

307