

TITLE 2 - THE CONGRESS**CHAPTER 14 - FEDERAL ELECTION CAMPAIGNS****SUBCHAPTER I - DISCLOSURE OF FEDERAL CAMPAIGN FUNDS****§ 434. Reporting requirements****(a) Receipts and disbursements by treasurers of political committees; filing requirements**

(1) Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

(2) If the political committee is the principal campaign committee of a candidate for the House of Representatives or for the Senate—

(A) in any calendar year during which there is ¹ regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file the following reports:

(i) a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election;

(ii) a post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day after such general election; and

(iii) additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter: except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year; and

(B) in any other calendar year the treasurer shall file quarterly reports, which shall be filed not later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter, except that the report for the quarter ending December 31 shall be filed not later than January 31 of the following calendar year.

(3) If the committee is the principal campaign committee of a candidate for the office of President—

(A) in any calendar year during which a general election is held to fill such office—

(i) the treasurer shall file monthly reports if such committee has on January 1 of such year, received contributions aggregating \$100,000 or made expenditures aggregating \$100,000 or anticipates receiving contributions aggregating \$100,000 or more or making expenditures aggregating \$100,000 or more during such year: such monthly reports shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month, except that, in lieu of filing the report otherwise due in November and December, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year;

(ii) the treasurer of the other principal campaign committees of a candidate for the office of President shall file a pre-election report or reports in accordance with paragraph (2)(A)(i), a post-general election report in accordance with paragraph (2)(A)(ii), and quarterly reports in accordance with paragraph (2)(A)(iii); and

(iii) if at any time during the election year a committee filing under paragraph (3)(A)(ii) receives contributions in excess of \$100,000 or makes expenditures in excess of \$100,000,

the treasurer shall begin filing monthly reports under paragraph (3)(A)(i) at the next reporting period; and

- (B)** in any other calendar year, the treasurer shall file either—
- (i)** monthly reports, which shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month; or
 - (ii)** quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter and which shall be complete as of the last day of each calendar quarter.
- (4)** All political committees other than authorized committees of a candidate shall file either—
- (A)**
- (i)** quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year;
 - (ii)** a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;
 - (iii)** a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election; and
 - (iv)** in any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year; or
- (B)** monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

Notwithstanding the preceding sentence, a national committee of a political party shall file the reports required under subparagraph (B).

(5) If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii) or subsection (g)(1) of this section) is sent by registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, the United States postmark shall be considered the date of filing the designation, report or statement. If a designation, report or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii), or subsection (g)(1) of this section) is sent by an overnight delivery service with an on-line tracking system, the date on the proof of delivery to the delivery service shall be considered the date of filing of the designation, report, or statement.

(6) **(A)** The principal campaign committee of a candidate shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of \$1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the

office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

(B) Notification of expenditure from personal funds.—

(i) Definition of expenditure from personal funds.— In this subparagraph, the term “expenditure from personal funds” means—

- (I)** an expenditure made by a candidate using personal funds; and
- (II)** a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate’s authorized committee.

(ii) Declaration of intent.— Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Senator, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election that will exceed the State-by-State competitive and fair campaign formula with—

- (I)** the Commission; and
- (II)** each candidate in the same election.

(iii) Initial notification.— Not later than 24 hours after a candidate described in clause (ii) makes or obligates to make an aggregate amount of expenditures from personal funds in excess of 2 times the threshold amount in connection with any election, the candidate shall file a notification with—

- (I)** the Commission; and
- (II)** each candidate in the same election.

(iv) Additional notification.— After a candidate files an initial notification under clause (iii), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceed² \$10,000 with—

- (I)** the Commission; and
- (II)** each candidate in the same election.

Such notification shall be filed not later than 24 hours after the expenditure is made.

(v) Contents.— A notification under clause (iii) or (iv) shall include—

- (I)** the name of the candidate and the office sought by the candidate;
- (II)** the date and amount of each expenditure; and
- (III)** the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.

(C) Notification of disposal of excess contributions.— In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate’s authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under paragraph (1) of section 441a (i) of this title) and the manner in which the candidate or the candidate’s authorized committee used such funds.

(D) Enforcement.— For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 437g of this title.

(E) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.

(7) The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward.

(8) The requirement for a political committee to file a quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i) shall be waived if such committee is required to file a pre-election report under paragraph (2)(A)(i), or paragraph (4)(A)(ii) during the period beginning on the 5th day after the close of the calendar quarter and ending on the 15th day after the close of the calendar quarter.

(9) 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 political committees filing under paragraph (4)(A) which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The Commission shall require no more than one pre-election report for each election and one post-election report for the election which fills the vacancy. The Commission may waive any reporting obligation of committees required to file for special elections if any report required by paragraph (2) or (4) is required to be filed within 10 days of a report required under this subsection. The Commission shall establish the reporting dates within 5 days of the setting of such election and shall publish such dates and notify the principal campaign committees of all candidates in such election of the reporting dates.

(10) The treasurer of a committee supporting a candidate for the office of Vice President (other than the nominee of a political party) shall file reports in accordance with paragraph (3).

(11) (A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form if not required to do so under the regulation promulgated under clause (i).

(B) The Commission shall make a designation, statement, report, or notification that is filed with the Commission under this Act available for inspection by the public in the offices of the Commission and accessible to the public on the Internet not later than 48 hours (or not later than 24 hours in the case of a designation, statement, report, or notification filed electronically) after receipt by the Commission.

(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

(D) As used in this paragraph, the term “report” means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.

(12) **Software for filing of reports.**—

(A) **In general.**— The Commission shall—

(i) promulgate standards to be used by vendors to develop software that—

(I) permits candidates to easily record information concerning receipts and disbursements required to be reported under this Act at the time of the receipt or disbursement;

(II) allows the information recorded under subclause (I) to be transmitted immediately to the Commission; and

(III) allows the Commission to post the information on the Internet immediately upon receipt; and

(ii) make a copy of software that meets the standards promulgated under clause (i) available to each person required to file a designation, statement, or report in electronic form under this Act.

(B) Additional information.— To the extent feasible, the Commission shall require vendors to include in the software developed under the standards under subparagraph (A) the ability for any person to file any designation, statement, or report required under this Act in electronic form.

(C) Required use.— Notwithstanding any provision of this Act relating to times for filing reports, each candidate for Federal office (or that candidate's authorized committee) shall use software that meets the standards promulgated under this paragraph once such software is made available to such candidate.

(D) Required posting.— The Commission shall, as soon as practicable, post on the Internet any information received under this paragraph.

(b) Contents of reports

Each report under this section shall disclose—

- (1) the amount of cash on hand at the beginning of the reporting period;
- (2) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all receipts, and the total amount of all receipts in the following categories:
 - (A) contributions from persons other than political committees;
 - (B) for an authorized committee, contributions from the candidate;
 - (C) contributions from political party committees;
 - (D) contributions from other political committees;
 - (E) for an authorized committee, transfers from other authorized committees of the same candidate;
 - (F) transfers from affiliated committees and, where the reporting committee is a political party committee, transfers from other political party committees, regardless of whether such committees are affiliated;
 - (G) for an authorized committee, loans made by or guaranteed by the candidate;
 - (H) all other loans;
 - (I) rebates, refunds, and other offsets to operating expenditures;
 - (J) dividends, interest, and other forms of receipts; and
 - (K) for an authorized committee of a candidate for the office of President, Federal funds received under chapter 95 and chapter 96 of title 26;
- (3) the identification of each—
 - (A) person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution;
 - (B) political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;
 - (C) authorized committee which makes a transfer to the reporting committee;
 - (D) affiliated committee 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 political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfer;
 - (E) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan;

- (F) 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 (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of such receipt; and
 - (G) 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 (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such receipt;
- (4) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all disbursements, and all disbursements in the following categories:
- (A) expenditures made to meet candidate or committee operating expenses;
 - (B) for authorized committees, transfers to other committees authorized by the same candidate;
 - (C) transfers to affiliated committees and, where the reporting committee is a political party committee, transfers to other political party committees, regardless of whether they are affiliated;
 - (D) for an authorized committee, repayment of loans made by or guaranteed by the candidate;
 - (E) repayment of all other loans;
 - (F) contribution refunds and other offsets to contributions;
 - (G) for an authorized committee, any other disbursements;
 - (H) for any political committee other than an authorized committee—
 - (i) contributions made to other political committees;
 - (ii) loans made by the reporting committees;
 - (iii) independent expenditures;
 - (iv) expenditures made under section 441a (d) of this title; and
 - (v) any other disbursements; and
 - (I) for an authorized committee of a candidate for the office of President, disbursements not subject to the limitation of section 441a (b) of this title;
- (5) the name and address of each—
- (A) 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 a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;
 - (B) authorized committee to which a transfer is made by the reporting committee;
 - (C) 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 transfers;
 - (D) person who receives a loan repayment from the reporting committee during the reporting period, together with the date and amount of such loan repayment; and
 - (E) person who receives a contribution refund or other offset to contributions from the reporting committee where such contribution was reported under paragraph (3)(A) of this subsection, together with the date and amount of such disbursement;
- (6) (A) for an authorized committee, the name and address of each person who has received any disbursement not disclosed under paragraph (5) in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such disbursement;

- (B) for any other political committee, the name and address of each—
- (i) political committee which has received a contribution from the reporting committee during the reporting period, together with the date and amount of any such contribution;
 - (ii) person who has received a loan from the reporting committee during the reporting period, together with the date and amount of such loan;
 - (iii) person who receives any disbursement during the reporting period in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), in connection with an independent expenditure by the reporting committee, together with the date, amount, and purpose of any such independent expenditure and a statement which indicates whether such independent expenditure is in support of, or in opposition to, a candidate, as well as the name and office sought by such candidate, and a certification, under penalty of perjury, 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;
 - (iv) person who receives any expenditure from the reporting committee during the reporting period in connection with an expenditure under section 441a (d) of this title, together with the date, amount, and purpose of any such expenditure as well as the name of, and office sought by, the candidate on whose behalf the expenditure is made; and
 - (v) person who has received any disbursement not otherwise disclosed in this paragraph or paragraph (5) in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), from the reporting committee within the reporting period, together with the date, amount, and purpose of any such disbursement;
- (7) the total sum of all contributions to such political committee, together with the total contributions less offsets to contributions and the total sum of all operating expenditures made by such political committee, together with total operating expenditures less offsets to operating expenditures, for both the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office); and
- (8) the amount and nature of outstanding debts and obligations owed by or to such political committee; and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished and the consideration therefor.
- (c) **Statements by other than political committees; filing; contents; indices of expenditures**
- (1) Every person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of \$250 during a calendar year shall file a statement containing the information required under subsection (b)(3)(A) of this section for all contributions received by such person.
 - (2) Statements required to be filed by this subsection shall be filed in accordance with subsection (a)(2) of this section, and shall include—
 - (A) the information required by subsection (b)(6)(B)(iii) of this section, indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;
 - (B) under penalty of perjury, a certification whether or not 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 candidate; and
 - (C) the identification of each person who made a contribution in excess of \$200 to the person filing such statement which was made for the purpose of furthering an independent expenditure.

(3) The Commission shall be responsible for expeditiously preparing indices which set forth, on a candidate-by-candidate basis, all independent expenditures separately, including those reported under subsection (b)(6)(B)(iii) of this section, made by or for each candidate, as reported under this subsection, and for periodically publishing such indices on a timely pre-election basis.

(d) Filing by facsimile device or electronic mail

(1) Any person who is required to file a statement under subsection (c) or (g) of this section, except statements required to be filed electronically pursuant to subsection (a)(11)(A)(i) of this section may file the statement by facsimile device or electronic mail, in accordance with such regulations as the Commission may promulgate.

(2) The Commission shall make a document which is filed electronically with the Commission pursuant to this paragraph accessible to the public on the Internet not later than 24 hours after the document is received by the Commission.

(3) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying the documents covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

(e) Political committees

(1) National and congressional political committees

The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

(2) Other political committees to which section 441i applies

(A) In general

In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 441i (b)(1) of this title applies shall report all receipts and disbursements made for activities described in section 431 (20)(A) of this title, unless the aggregate amount of such receipts and disbursements during the calendar year is less than \$5,000.

(B) Specific disclosure by State and local parties of certain non-Federal amounts permitted to be spent on Federal election activity

Each report by a political committee under subparagraph (A) of receipts and disbursements made for activities described in section 431 (20)(A) of this title shall include a disclosure of all receipts and disbursements described in section 441i (b)(2)(A) and (B) of this title.

(3) Itemization

If a political committee has receipts or disbursements to which this subsection applies from or to any person aggregating in excess of \$200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b) of this section.

(4) Reporting periods

Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a)(4)(B) of this section.

(f) Disclosure of electioneering communications

(1) Statement required

Every person who makes a disbursement for the direct costs of producing and airing electioneering communications in an aggregate amount in excess of \$10,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

(2) Contents of statement

Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

- (A) The identification of the person making the disbursement, of any person sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.
- (B) The principal place of business of the person making the disbursement, if not an individual.
- (C) The amount of each disbursement of more than \$200 during the period covered by the statement and the identification of the person to whom the disbursement was made.
- (D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.
- (E) If the disbursements were paid out of a segregated bank account which consists of funds contributed solely by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 1101 (a)(20) of title 8) directly to this account for electioneering communications, the names and addresses of all contributors who contributed an aggregate amount of \$1,000 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date. Nothing in this subparagraph is to be construed as a prohibition on the use of funds in such a segregated account for a purpose other than electioneering communications.
- (F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of \$1,000 or more to the person making the disbursement during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

(3) Electioneering communication

For purposes of this subsection—

(A) In general

- (i) The term “electioneering communication” means any broadcast, cable, or satellite communication which—
 - (I) refers to a clearly identified candidate for Federal office;
 - (II) is made within—
 - (aa) 60 days before a general, special, or runoff election for the office sought by the candidate; or
 - (bb) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for the office sought by the candidate; and
 - (III) in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.
- (ii) If clause (i) is held to be constitutionally insufficient by final judicial decision to support the regulation provided herein, then the term “electioneering communication” means any broadcast, cable, or satellite communication which promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate) and which also is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate. Nothing in this subparagraph shall be construed to affect the interpretation or application of section 100.22(b) of title 11, Code of Federal Regulations.

(B) Exceptions

The term “electioneering communication” does not include—

- (i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate;
- (ii) a communication which constitutes an expenditure or an independent expenditure under this Act;
- (iii) a communication which constitutes a candidate debate or forum conducted pursuant to regulations adopted by the Commission, or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or
- (iv) any other communication exempted under such regulations as the Commission may promulgate (consistent with the requirements of this paragraph) to ensure the appropriate implementation of this paragraph, except that under any such regulation a communication may not be exempted if it meets the requirements of this paragraph and is described in section 431 (20)(A)(iii) of this title.

(C) Targeting to relevant electorate

For purposes of this paragraph, a communication which refers to a clearly identified candidate for Federal office is “targeted to the relevant electorate” if the communication can be received by 50,000 or more persons—

- (i) in the district the candidate seeks to represent, in the case of a candidate for Representative in, or Delegate or Resident Commissioner to, the Congress; or
- (ii) in the State the candidate seeks to represent, in the case of a candidate for Senator.

(4) Disclosure date

For purposes of this subsection, the term “disclosure date” means—

- (A) the first date during any calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of \$10,000; and
- (B) any other date during such calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of \$10,000 since the most recent disclosure date for such calendar year.

(5) Contracts to disburse

For purposes of this subsection, a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.

(6) Coordination with other requirements

Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act.

(7) Coordination with title 26

Nothing in this subsection may be construed to establish, modify, or otherwise affect the definition of political activities or electioneering activities (including the definition of participating in, intervening in, or influencing or attempting to influence a political campaign on behalf of or in opposition to any candidate for public office) for purposes of title 26.

(g) Time for reporting certain expenditures

(1) Expenditures aggregating \$1,000

(A) Initial report

A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours.

(B) Additional reports

After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$1,000 with respect to the same election as that to which the initial report relates.

(2) Expenditures aggregating \$10,000

(A) Initial report

A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours.

(B) Additional reports

After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$10,000 with respect to the same election as that to which the initial report relates.

(3) Place of filing; contents

A report under this subsection—

(A) shall be filed with the Commission; and

(B) shall contain the information required by subsection (b)(6)(B)(iii) of this section, including the name of each candidate whom an expenditure is intended to support or oppose.

(4) Time of filing for expenditures aggregating \$1,000

Notwithstanding subsection (a)(5) of this section, the time at which the statement under paragraph (1) is received by the Commission or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.

(h) Reports from Inaugural Committees

The Federal Election Commission shall make any report filed by an Inaugural Committee under section 510 of title 36 accessible to the public at the offices of the Commission and on the Internet not later than 48 hours after the report is received by the Commission.

(i) Disclosure of bundled contributions

(1) Required disclosure

Each committee described in paragraph (6) shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person reasonably known by the committee to be a person described in paragraph (7) who provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the covered period, and the aggregate amount of the bundled contributions provided by each such person during the covered period.

(2) Covered period

In this subsection, a “covered period” means, with respect to a committee—

(A) the period beginning January 1 and ending June 30 of each year;

(B) the period beginning July 1 and ending December 31 of each year; and

(C) any reporting period applicable to the committee under this section during which any person described in paragraph (7) provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold.

(3) Applicable threshold

(A) In general

In this subsection, the “applicable threshold” is \$15,000, except that in determining whether the amount of bundled contributions provided to a committee by a person described in paragraph (7) exceeds the applicable threshold, there shall be excluded any contribution made to the committee by the person or the person’s spouse.

(B) Indexing

In any calendar year after 2007, section 441a (c)(1)(B) of this title shall apply to the amount applicable under subparagraph (A) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amount applicable under subparagraph (A), the “base period” shall be 2006.

(4) Public availability

The Commission shall ensure that, to the greatest extent practicable—

(A) information required to be disclosed under this subsection is publicly available through the Commission website in a manner that is searchable, sortable, and downloadable; and

(B) the Commission’s public database containing information disclosed under this subsection is linked electronically to the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995 [2 U.S.C. 1601 et seq.].

(5) Regulations

Not later than 6 months after September 14, 2007, the Commission shall promulgate regulations to implement this subsection. Under such regulations, the Commission—

(A) may, notwithstanding paragraphs (1) and (2), provide for quarterly filing of the schedule described in paragraph (1) by a committee which files reports under this section more frequently than on a quarterly basis;

(B) shall provide guidance to committees with respect to whether a person is reasonably known by a committee to be a person described in paragraph (7), which shall include a requirement that committees consult the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995;

(C) may not exempt the activity of a person described in paragraph (7) from disclosure under this subsection on the grounds that the person is authorized to engage in fundraising for the committee or any other similar grounds; and

(D) shall provide for the broadest possible disclosure of activities described in this subsection by persons described in paragraph (7) that is consistent with this subsection.

(6) Committees described

A committee described in this paragraph is an authorized committee of a candidate, a leadership PAC, or a political party committee.

(7) Persons described

A person described in this paragraph is any person, who, at the time a contribution is forwarded to a committee as described in paragraph (8)(A)(i) or is received by a committee as described in paragraph (8)(A)(ii), is—

(A) a current registrant under section 4(a) of the Lobbying Disclosure Act of 1995 [2 U.S.C. 1603 (a)];

(B) an individual who is listed on a current registration filed under section 4(b)(6) of such Act [2 U.S.C. 1603 (b)(6)] or a current report under section 5(b)(2)(C) of such Act [2 U.S.C. 1604 (b)(2)(C)]; or

(C) a political committee established or controlled by such a registrant or individual.

(8) Definitions

For purposes of this subsection, the following definitions apply:

(A) Bundled contribution

The term “bundled contribution” means, with respect to a committee described in paragraph (6) and a person described in paragraph (7), a contribution (subject to the applicable threshold) which is—

- (i) forwarded from the contributor or contributors to the committee by the person; or
- (ii) received by the committee from a contributor or contributors, but credited by the committee or candidate involved (or, in the case of a leadership PAC, by the individual referred to in subparagraph (B) involved) to the person through records, designations, or other means of recognizing that a certain amount of money has been raised by the person.

(B) Leadership PAC

The term “leadership PAC” means, with respect to a candidate for election to Federal office or an individual holding Federal office, a political committee that is directly or indirectly established, financed, maintained or controlled by the candidate or the individual but which is not an authorized committee of the candidate or individual and which is not affiliated with an authorized committee of the candidate or individual, except that such term does not include a political committee of a political party.

Footnotes

¹ So in original. Probably should be followed by “a”.

² So in original. Probably should be “exceeds”.

(Pub. L. 92–225, title III, § 304, Feb. 7, 1972, 86 Stat. 14; Pub. L. 93–443, title II, §§ 204(a)–(d), 208(c)(4), Oct. 15, 1974, 88 Stat. 1276–1278, 1286; Pub. L. 94–283, title I, § 104, May 11, 1976, 90 Stat. 480; Pub. L. 96–187, title I, § 104, Jan. 8, 1980, 93 Stat. 1348; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 104–79, §§ 1(a), 3 (b), Dec. 28, 1995, 109 Stat. 791, 792; Pub. L. 106–58, title VI, §§ 639(a), 641 (a), Sept. 29, 1999, 113 Stat. 476, 477; Pub. L. 106–346, § 101(a) [title V, § 502(a), (c)], Oct. 23, 2000, 114 Stat. 1356, 1356A–49; Pub. L. 107–155, title I, § 103(a), title II, §§ 201(a), 212, title III, §§ 304(b), 306, 308 (b), title V, §§ 501, 503, Mar. 27, 2002, 116 Stat. 87, 88, 93, 99, 102, 104, 114, 115; Pub. L. 108–199, div. F, title VI, § 641, Jan. 23, 2004, 118 Stat. 359; Pub. L. 110–81, title II, § 204(a), Sept. 14, 2007, 121 Stat. 744.)

References in Text

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

The Lobbying Disclosure Act of 1995, referred to in subsec. (i)(4)(B), (5)(B), is Pub. L. 104–65, Dec. 19, 1995, 109 Stat. 691, which is classified principally to chapter 26 (§ 1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

Prior Provisions

Provisions similar to those comprising subsec. (c) of this section were contained in section 305 of Pub. L. 92–225, title III, Feb. 7, 1972, 86 Stat. 16 (section 435 of this title) prior to amendment of section 305 of Pub. L. 92–225 by Pub. L. 93–433.

Amendments

2007—Subsec. (i). Pub. L. 110–81 added subsec. (i).

2004—Subsec. (a)(2)(A)(i), (4)(A)(ii). Pub. L. 108–199, § 641(1), substituted “(or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery

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confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before)” for “(or posted by registered or certified mail no later than the 15th day before)”.

Subsec. (a)(5). Pub. L. 108–199, § 641(2), added par. (5) and struck out former par. (5) which read as follows: “If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii), or subsection (g)(1) of this section) is sent by registered or certified mail, the United States postmark shall be considered the date of filing of the designation, report, or statement.”

2002—Subsec. (a)(2)(B). Pub. L. 107–155, § 503(a), substituted “the treasurer shall file quarterly reports, which shall be filed not later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter, except that the report for the quarter ending December 31 shall be filed not later than January 31 of the following calendar year.” for “the following reports shall be filed:

“(i) a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31; and

“(ii) a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.”

Subsec. (a)(4). Pub. L. 107–155, § 503(b), inserted concluding provisions.

Subsec. (a)(5). Pub. L. 107–155, § 212(b)(2)(A), substituted “subsection (g)(1) of this section” for “the second sentence of subsection (c)(2) of this section”.

Subsec. (a)(6)(B) to (E). Pub. L. 107–155, § 304(b), added subpars. (B) to (D) and redesignated former subpar. (B) as (E).

Subsec. (a)(11)(B). Pub. L. 107–155, § 501, amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.”

Subsec. (a)(12). Pub. L. 107–155, § 306, added par. (12).

Subsec. (c)(2). Pub. L. 107–155, § 212(a)(1), struck out concluding provisions which read as follows: “Any independent expenditure (including those described in subsection (b)(6)(B)(iii) of this section) aggregating \$1,000 or more made after the 20th day, but more than 24 hours, before any election shall be filed within 24 hours after such independent expenditure is made. Such statement shall be filed with the Secretary or the Commission and the Secretary of State and shall contain the information required by subsection (b)(6)(B)(iii) of this section indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved. Notwithstanding subsection (a)(5) of this section, the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.”

Subsec. (d)(1). Pub. L. 107–155, § 212(b)(2)(B), inserted “or (g)” after “subsection (c)”.

Subsec. (e). Pub. L. 107–155, § 103(a), added subsec. (e).

Subsec. (f). Pub. L. 107–155, § 201(a), added subsec. (f).

Subsec. (g). Pub. L. 107–155, § 212(a)(2), added subsec. (g).

Subsec. (g)(4). Pub. L. 107–155, § 212(b)(1), added par. (4).

Subsec. (h). Pub. L. 107–155, § 308(b), added subsec. (h).

2000—Subsec. (a)(5). Pub. L. 106–346, § 101(a) [title V, § 502(c)(2)], substituted “or (4)(A)(ii), or the second sentence of subsection (c)(2) of this section” for “or (4)(A)(ii)”.

Subsec. (c)(2). Pub. L. 106–346, § 101(a) [title V, § 502(c)(1)], in concluding provisions, substituted “shall be filed within” for “shall be reported within” and inserted at end “Notwithstanding subsection (a)(5) of this section, the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.”

Subsec. (d). Pub. L. 106–346, § 101(a) [title V, § 502(a)], added subsec. (d).

1999—Subsec. (a)(11). Pub. L. 106–58, § 639(a), added par. (11) and struck out former par. (11) which read as follows:

“(11)(A) The Commission shall permit reports required by this Act to be filed and preserved by means of computer disk or any other appropriate electronic format or method, as determined by the Commission.

“(B) In carrying out subparagraph (A) with respect to filing of reports, the Commission shall provide for one or more methods (other than requiring a signature on the report being filed) for verifying reports filed by means of computer disk

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or other electronic format or method. Any verification under the preceding sentence shall be treated for all purposes (including penalties for perjury) in the same manner as a verification by signature.

“(C) As used in this paragraph, the term ‘report’ means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.”

Subsec. (b)(2) to (4), (6), (7). Pub. L. 106–58, § 641(a), which directed insertion of “(or election cycle, in the case of an authorized committee of a candidate for Federal office)” after “calendar year” wherever appearing in pars. (2)–(4), (6), (7) of section 304(b) of the Federal Election Campaign Act, was executed by making the insertions in this section, which is section 304(b) of the Federal Election Campaign Act of 1971, to reflect the probable intent of Congress.

1995—Subsec. (a)(6)(A). Pub. L. 104–79, § 3(b)(1), substituted “notify the Secretary” for “notify the Clerk, the Secretary,” in first sentence.

Subsec. (a)(11). Pub. L. 104–79, § 1(a), added par. (11).

Subsec. (c)(2). Pub. L. 104–79, § 3(b)(2), substituted “filed with the Secretary” for “filed with the Clerk, the Secretary,” in last sentence.

1986—Subsec. (b)(2)(K). Pub. L. 99–514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

1980—Pub. L. 96–187 completely revised this section by changing the reporting requirements of candidates and committees so as to substantially reduce the maximum number of reports to be filed while maintaining full and adequate disclosure of campaign activities.

1976—Subsec. (a)(1)(C). Pub. L. 94–283, § 104(a), inserted provisions covering reports which must be filed in any year in which a candidate is not on the ballot for election to Federal office.

Subsec. (a)(2). Pub. L. 94–283, § 104(b), substituted “committee authorized by a candidate to raise contributions or make expenditures on his behalf, other than the candidate’s principal campaign committee, shall file the reports required under this section with the candidate’s principal campaign committee” for “committee which is not a principal campaign committee shall file the reports required under this section with the appropriate principal campaign committee”.

Subsec. (b). Pub. L. 94–283, § 104(c), added par. (13), redesignated former par. (13) as (14), and provided that committee treasurers and candidates be deemed to be in compliance with this subsection when they show that best efforts have been used to obtain and submit the information required by this subsection.

Subsec. (e). Pub. L. 94–283, § 104(d), designated existing provisions as par. (1), substituted “independent expenditures expressly advocating the election or defeat of a clearly identifiable candidate” for “expenditures” “\$100 during a calendar year” for “\$100 within a calendar year”, and “, on a form prepared by the Commission, a statement containing the information required of a person who makes a contribution in excess of \$100 to a candidate or political committee and the information required of a candidate or political committee receiving such a contribution” for “a statement containing the information required by this section. Statements required by this subsection shall be filed on the dates on which reports by political committees are filed but need not be cumulative”, and added pars. (2) and (3).

1974—Subsec. (a)(1). Pub. L. 93–443, §§ 204(a)(1), (2), 208 (c)(4)(A), substituted provisions of cls. (A) to (D) respecting filing of reports and that “Any contribution of \$1,000 or more received after the fifteenth day, but more than 48 hours, before any election shall be reported within 48 hours after its receipt.” for prior requirement that “Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing, except that any contribution of \$5,000 or more received after the last report is filed prior to the election shall be reported within forty-eight hours after its receipt.”; designated existing provisions as par. (1), inserting introductory text “Except as provided by paragraph (2),”; and substituted “Commission” and “it” for “appropriate supervisory officer” and “him” in first sentence, respectively.

Subsec. (a)(2), (3). Pub. L. 93–443, § 204(a)(2), added pars. (2) and (3).

Subsec. (b)(5). Pub. L. 93–443, § 204(b)(1), required information respecting guarantors.

Subsec. (b)(8). Pub. L. 93–443, § 204(b)(2), required the report to disclose the total receipts less transfers between political committees which support the same candidate and which do not support more than one candidate.

Subsec. (b)(9), (10). Pub. L. 93–443, § 204(b)(3), substituted “identification” for “full name and mailing address (occupation and the principal place of business, if any)” in pars. (9) and (10).

Subsec. (b)(11). Pub. L. 93–443, § 204(b)(4), required the report to disclose the total expenditures less transfers between political committees which support the same candidate and which do not support more than one candidate.

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Subsec. (b)(12). Pub. L. 93–443, §§ 204(b)(5), 208 (c)(4)(B), required the report to include a statement as to the circumstances and conditions under which any debt or obligation is extinguished and the consideration therefor and substituted “Commission” for “supervisory officer”.

Subsec. (b)(13). Pub. L. 93–443, § 208(c)(4)(B), substituted “Commission” for “supervisory officer”.

Subsecs. (d), (e). Pub. L. 93–443, § 204(c), added subsec. (d) and incorporated provisions of former section 435 of this title in provisions designated as subsec. (e), substituting “Commission” for “supervisory officer” therein.

Effective Date of 2007 Amendment

Pub. L. 110–81, title II, § 204(b), Sept. 14, 2007, 121 Stat. 746, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to reports filed under section 304 of the Federal Election Campaign Act [2 U.S.C. 434] after the expiration of the 3-month period which begins on the date that the regulations required to be promulgated by the Federal Election Commission under section 304(i)(5) of such Act (as added by subsection (a)) become final.”

Pub. L. 110–81, title II, § 215, Sept. 14, 2007, 121 Stat. 751, provided that: “Except as otherwise provided in sections 203, 204, 206, 211, 212, and 213 [enacting sections 1613 and 1614 of this title, amending this section, sections 1604 and 1606 of this title, and sections 612 and 616 of Title 22, Foreign Relations and Intercourse, and enacting provisions set out as notes under this section, sections 1604, 1606, 1613, and 1614 of this title, and section 612 of Title 22], the amendments made by this title [enacting sections 1613 and 1614 of this title, amending this section, sections 1602 to 1606, and 1610 of this title, and sections 612 and 616 of Title 22] shall apply with respect to registrations under the Lobbying Disclosure Act of 1995 [2 U.S.C. 1601 et seq.] having an effective date of January 1, 2008, or later and with respect to quarterly reports under that Act covering calendar quarters beginning on or after January 1, 2008.”

Effective Date of 2002 Amendment

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, except that amendment by sections 103(a), 201(a), 212, 304(b), 501, and 503 of Pub. L. 107–155 not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

Effective Date of 2000 Amendment

Amendment by Pub. L. 106–346 applicable with respect to elections occurring after January 2001, see section 101 (a) [title V, § 502(d)] of Pub. L. 106–346, set out as a note under section 431 of this title.

Effective Date of 1999 Amendment

Pub. L. 106–58, title VI, § 639(b), Sept. 29, 1999, 113 Stat. 476, provided that: “The amendments made by this section [amending this section] shall be effective for reporting periods beginning after December 31, 2000.”

Pub. L. 106–58, title VI, § 641(b), Sept. 29, 1999, 113 Stat. 477, provided that: “The amendment made by this section [amending this section] shall become effective with respect to reporting periods beginning after December 31, 2000.”

Effective Date of 1995 Amendment

Amendment by section 1(a) of Pub. L. 104–79 applicable with respect to reports for periods beginning after Dec. 31, 1996, see section 1(c) of Pub. L. 104–79, set out as a note under section 432 of this title.

Amendment by section 3(b) of Pub. L. 104–79 applicable with respect to reports, designations, and statements required to be filed after Dec. 31, 1995, see section 3(d) of Pub. L. 104–79, set out as a note under section 432 of this title.

Effective Date of 1980 Amendment

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, with subsec. (b) of this section applicable to authorized committees for President and Vice President in elections occurring after Jan. 1, 1981, see section 301 of Pub. L. 96–187, set out as a note under section 431 of this title.

Effective Date of 1974 Amendment

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of this title.

Responsibilities of Federal Communications Commission

Pub. L. 107–155, title II, § 201(b), Mar. 27, 2002, 116 Stat. 90, provided that: “The Federal Communications Commission shall compile and maintain any information the Federal Election Commission may require to carry out

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section 304(f) of the Federal Election Campaign Act of 1971 [2 U.S.C. 434 (f)] (as added by subsection (a)), and shall make such information available to the public on the Federal Communication Commission's website."

Report Required To Be Filed By January 31, 1975

Section 204(e) of Pub. L. 93-443 provided that notwithstanding the amendment to this section as to the time to file reports, nothing in Pub. L. 93-443 [see Short Title note set out under section 431 of this title] is to be construed as waiving the report required to be filed by Jan. 31, 1975 under the provisions of this section as in effect on Oct. 15, 1974, the date of enactment of Pub. L. 93-443.