

FEDERAL ELECTION COMMISSION

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FEC TRANSMITS DELEGATE

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SELECTION REPORT TO CONGRESS (202)

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WASHINGTON - NOVEMBER 11 - The Federal Election Commission is asking Congress to consider whether new legislation is necessary to bring all delegates to political party presidential nominating conventions under the contribution and expenditure limits of the federal campaign laws.

The FEC transmitted to Congress a special report on convention delegates that had been prepared by an internal FEC Task Force on Delegate Selection, chaired by Commissioner Thomas E. Harris, and accepted by the Commission 5-1 (Chairman Thomas B. Curtis, voting no, and attaching "dissenting views").

In a letter released today accompanying transmittal of the Task Force report, FEC Vice-Chairman Neil Staebler said the task force had been considering "whether a failure to limit the funds raised or expended by delegate-aspirants would in effect permit Presidential candidates and committees to divert funds in such a fashion as to exceed the statute's limitations on candidates themselves."

"While the activities of delegates authorized by, or publicly pledged to, a specific Presidential candidate are covered by certain provisions of the Act, the Task Force has concluded that unpledged delegates, except for reporting purposes, are not so covered. The Task Force thus suggests that if this imbalance between pledged and unpledged delegates is to be addressed, legislation is required," he told Congress.

The Task Force report indicated the Commission would not include delegate travel and subsistence in any delegate regulatory scheme. It said, "It appears to be within the power of the Commission to exclude from 'expenditure' and hence from reporting, travel to and subsistence at conventions, which would substantially reduce the number of reports required to be filed."

Staebler said, "We would note that pending additional legislation, the Commission must proceed to deal with the pending Advisory Opinion requests in accordance with the provisions of current law." He asked for "comments and suggestions" from Congress.

In his "Dissenting Views" Curtis expressed concern over "the limitation of the Federal Government's power in this area." Curtis said, "The Federal Government has not to date attempted to exercise jurisdiction over political parties. It is questionable to what extent the Federal Government could regulate them in the presidential selection process without the Constitution being amended," he said.

The Task Force Report contained possible legislative changes in two areas:

(1) REPORTING: The report expressed concern over the law's apparent requirement for "reporting by all delegates of campaign expenditures over \$100". The Task Force said, "It is questionable whether the interests of public disclosure and encouragement of participation in the political process are best served by requiring thousands of delegate candidates to file statements at a threshold as low as that provided by the Act."

(2) CONTRIBUTION AND EXPENDITURE LIMITS: The report presented "two possible approaches":

A. Legislation to impose limits on contributions to delegates (\$100 per delegate for individuals, \$500 per delegate for multi-candidate committees), and spending limits on unpledged delegates and delegates publicly pledged to support specific Presidential candidates, but not authorized by those candidates. The limits would be equivalent to the Presidential candidate's state spending limit. Authorized delegates would be subject to the Presidential candidates' limits.

B. A total contribution limit for individuals and delegates of \$10,000 for the delegate selection process, with no per-delegate limit. No delegate expenditure limits, except authorized delegates would be subject to the Presidential candidates' limits.