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U.S. DEPARTMENT OF COMMERCE  
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FEDERAL - STATE ELECTION LAW SURVEY:  
AN ANALYSIS OF STATE LEGISLATION, FEDERAL  
LEGISLATION AND JUDICIAL DECISIONS

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PREPARED FOR

FEDERAL ELECTION COMMISSION, WASHINGTON, D. C.



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FEDERAL - STATE ELECTION LAW SURVEY:  
AN ANALYSIS OF STATE LEGISLATION,  
FEDERAL LEGISLATION AND JUDICIAL DECISIONS

PREPARED FOR  
FEDERAL ELECTION COMMISSION  
BY  
AMERICAN LAW DIVISION OF THE CONGRESSIONAL RESEARCH  
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## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

November 2, 1977

Reader:

Obtaining accurate, up-to-date information on State and Federal election laws and election case decisions is an expensive and time consuming process.

The purpose of the attached Election Law Survey is to assist in this process by providing this information through one handy source. The Survey is published quarterly and is cumulative to the first of the calendar year. The attached volume is the third quarterly edition for 1977.

Inevitably, in a report of this size, mistakes will be made. I urge you to let me know when you spot a mistake so we can make corrections for our next edition.

We in the National Clearinghouse on Election Administration are also very interested in your experiences with using this Survey and in ways to improve it. Please let us know what you think of it and how we can be of even greater service to you.

We look forward to hearing from you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gary L. Greenhalgh".

Dr. Gary L. Greenhalgh  
Director  
National Clearinghouse on  
Election Administration

Attachment

## FOREWORD

The Federal-State Election Law Survey is a project sponsored by the Federal Election Commission and produced by the American Law Division of the Congressional Research Service of the Library of Congress. The Federal-State Election Law Survey comprises major election legislation, both Federal and state, and analyses of various Supreme Court, Federal, and State cases involving election matters. A quarterly cumulative publication will be issued in the months of March, June, September, and December. The December issue will be the final cumulative edition of the year.

The principal purpose of the Federal-State Election Law Survey is to furnish in the form of a brief analysis the essential provisions of state election laws and important court decisions in the election law field. In regard to federal legislation, the Election Law Survey will provide a brief summary of pending public bills and resolutions dealing with election laws and include more detailed analyses of those bills that have had action. From time to time certain memoranda, reports, and studies in the election law field will be included. It is hoped that these publications will give readers sufficient information concerning what other States, the Federal Government, and the court systems are doing in the election area.

The editors rely on the accuracy, the promptness, and the completeness of the State Legislative Reporting Service of Commerce Clearing House for copies of all state election laws. Unavoidably, there will be a time lapse between the enactment of some laws and their publication in the Election Law Survey. Such laws will appear in a later issue. Summaries of these laws, although reasonably complete, are not intended to be exhaustive. The statutory text should be consulted before acting on the basis of any such enactment. Should more information be desired by the reader on any section, it might be necessary to contact the state legislature, congressional office, or court involved to get a complete version of the law, bill, or decision. The object of this publication is to give as much quantity, quality, and detail as time and space permit.

Each issue of the Federal-State Election Law survey encompasses the following sections:

Section I. State Session Laws--This section contains summaries of election laws recently enacted by the States. Under each state heading, the Senate bills and resolutions, that have become laws, are listed first followed by the House bills and resolutions; the bills and resolutions are listed in numerical order. After each bill number, there are listed a chapter number--if given--and the date on which the bill was approved and enacted into law.

Section II. Federal Legislation--This section is devoted to an analysis of Federal legislation introduced in Congress and of any action which Congress has taken on such legislation. The bills and resolutions are listed serially and briefly summarized. The major sponsor and the date of introduction follow, along with the Committee to which the measure is referred and any further action taken on it.

Section III. Judicial Decisions--This section has three parts, a part dealing with analyses of U.S. Supreme Court cases dealing with election matters, a part concerning Federal lower court decisions, and a part concerning state court decisions. The analyses give a brief statement of the holding of the case and analyze the rationale and the issues involved in the decision including, where appropriate, important concurring and dissenting opinions.

Section IV. Other Election Material--This section includes certain memoranda, reports, and studies in the election field. There are also included analyses of certain State Attorney General opinions concerning election law matters.

Index. All entries relating to legislation and court decisions are indexed.

Preparation of the Federal-State Election Law Survey is the responsibility of the American Law Division of the Congressional Research Service, Library of Congress under contract with the Federal Election Commission and under the Supervision of Gary L. Greenhalgh, Director of the Clearing House on Election Administration. Thomas M. Durbin, Patricia Ann Fiori, and Jay R. Shampansky are the Editors, with the assistance of Rita A. Reimer on the State law section. Patricia C. Feldman is the Research Analyst. Gilbert Gude, Director of the Congressional Research Service, Joseph E. Ross, Chief of the American Law Division, and Daniel Hill Zafren, Assistant Chief, serve as Supervising Editors.

## TABLE OF ABBREVIATIONS

AB-----	Assembly Bill (State)
ACA-----	Assembly Constitutional Amendment (State)
ACR-----	Assembly Concurrent Resolution
AI-----	Assembly Initiative
AR-----	Assembly Resolution (State)
C. A. -----	Court of Appeals
CACR-----	Concurrent Resolution Proposing Constitutional Amendment (State)
Com. -----	Committee
D. -----	District Court
F. 2d-----	Federal Reporter, Second Series
F. Supp. -----	Federal Supplement
FEC-----	Federal Election Commission
HB-----	House Bill (State)
HCR-----	House Concurrent Resolution (State)
H. Con. Res. -----	House Concurrent Resolution (Federal)
HF-----	House File (State)
HJR-----	House Joint Resolution (State)
H. J. Res. -----	House Joint Resolution (Federal)
H. Rept. -----	House Report (Federal)
HR-----	House Resolution (State)
H. R. -----	House of Representatives Bill (Federal)
H. Res. -----	House Resolution (Federal)
JRS-----	Joint Resolution/Senate (State)

## TABLE OF ABBREVIATIONS CONT'D

LB-----	Legislative Bill (State)
L.W.-----	Law Week
S.-----	Senate Bill (Federal)
SB-----	Senate Bill (State)
SF-----	Senate File (State)
SCR-----	Senate Concurrent Resolution (State)
S. Con. Res.-----	Senate Concurrent Resolution (Federal)
SI-----	Senate Initiative (State)
SJR-----	Senate Joint Resolution (State)
S.J.Res.-----	Senate Joint Resolution (Federal)
S. Rept.-----	Senate Report (Federal)
SR-----	Senate Resolution (State)
S. Res.-----	Senate Resolution (Federal)
Subcom.-----	Subcommittee
U.S. (in citation to court decisions)-----	United States Supreme Court Reports
U.S.C.-----	United States Code

## HIGHLIGHTS OF MAJOR ELECTION LEGISLATION

### STATE LEGISLATION

<u>Bill Number</u>	<u>Title or Description</u>	<u>Approved</u>	<u>Act/Chap. No.</u>
Colorado HB 1508	Lobbying	6/19/77	
Connecticut HB 7027	Presidential Primaries	7/6/77	Act 77-353
Georgia HB 501	Campaign Financing	4/8/77	Act 741
Maine HB 1739	Campaign Financing	7/25/77	Chapter 575
Maryland HB 464	Lobbying	5/26/77	Chapter 938
Michigan SB 1570	Campaign Financing	12/30/76	Act 388
Mississippi HB 430	Lobbying	3/23/77	Chapter 388
Montana Initiative 73	Recall and Advisory Recall Act	11/2/76	
Montana SB 33	Campaign Financing/ Election Offenses	4/8/77	Chapter 334
Montana SB 403	Initiative and Referendum	4/8/77	
Nevada AB 450	Ethics in Governmental Law	5/14/77	
New Jersey AB 1911	Absentee Voting	3/24/77	Chapter 47
New Mexico SB 290	Independent Candidates	4/7/77	Chapter 322
New Mexico SB 303	Presidential Primaries	4/6/77	Chapter 230

## HIGHLIGHTS OF MAJOR ELECTION LEGISLATION

### STATE LEGISLATION CONT'D

<u>Bill Number</u>	<u>Title or Description</u>	<u>Approved</u>	<u>Act/Chap. No.</u>
New Mexico HB 74, 253	Lobbying	4/7/77	Chapter 261
Ohio SB 125	Voter Registration	5/27/77	
South Dakota HB 901	Lobbying	4/4/77	
Utah Initiative Measure	Recall and Advisory Recall Act	11/2/76	
Washington SB 2873	Legislative Ethics	6/10/77	Chapter 218-X
Wyoming SB 127A	Campaign Financing	3/9/77	Chapter 186



NOTE: The following 1976 laws were received by the editors too late to be included in the final edition of the 1976 Election Law Survey and are thus included for completeness in the 1977 Survey.

## CONNECTICUT

### Const. Am. 1, Approved by the Electorate 11/2/76

Proposes an amendment to Article 6, §1 of Connecticut's Constitution as follows: Every U.S. citizen who is 18 years of age [formerly 21] who is a bona fide resident of the town in which he or she seeks to be elector [~~deletes requirement of six-month residency~~] and who takes such oath as prescribed by law, shall be qualified to be an elector.

### Const. Am. 2, Approved by the Electorate 11/2/76

States that any citizen who is 18 years of age on or before the day of a regular election may apply to be admitted as an elector 4 months prior to such election in the manner as prescribed by law, and if qualified, shall become an elector on his or her 18th birthday. Amends Article 6 of the Constitution of Connecticut.

### Const. Am. 4, Approved by the Electorate 11/2/76

Amends Article 3, §6 of the Constitution of Connecticut pertaining to plans of districting or reapportionment. Establishes a reapportionment committee appointed by the general assembly to advise the general assembly on matters of apportionment on or before February 15 next following the completion of the decennial census of the U.S., consisting of 4 members of the senate, 4 members of the house of representatives, and if more than two political parties in a house, 2 more members to be designated by a member of that third party.

The general assembly must enact a plan of districting by May 15 [formerly April 1] next following the completion of the U.S. decennial census, or if failing to meet this deadline, the governor shall appoint an 8-member commission which shall then appoint an elector of the state as ninth member. This commission shall submit a plan of districting to the secretary of the state by September 1 [formerly July 1], or if failing to meet this deadline, the secretary of state must notify the supreme court [formerly a 3-member board]. The supreme court shall render its decision within 60 days following the secretary of state's notification (or following the filing of a petition by any registered voter), or shall file its plan with the secretary of the state not later than December 15 next following the completion of the U.S. decennial census, which shall be published and then have the full force of law.

## DELAWARE

### SB 852, Chapter 31, Approved 8/10/76

Amends an act which amended Chapter 31, Title 15, of the Delaware Code relating to primary elections and nominations of candidates and providing for a direct primary, by changing the effective date from 1976 to 1978.

## MASSACHUSETTS

### SB 1362, Chapter 458, Approved 10/22/76

Relates to lobbying. Every legislative agent, every lobbying group or organization (with the exception of a charitable corporation registered as an exempt organization), and every employer of a legislative agent must render a complete and detailed statement, under oath, containing the total amounts of expenditures incurred or paid in the course of the legislative activity as well as other required information by July 15 [formerly May 15] for the reporting period from January 1 to June 30, and by January 15 [formerly November 15] for the reporting period from July 31 to December 31 of the preceding year. Amends Chapter 3, §§43, 44 and 47 of the General Laws of Massachusetts.

### SB 1398, Adopted 5/11/76

Directs the Legislative Research Council to investigate and study several measures dealing with political activity by state employees, and report its findings to the clerk of the house of representatives no later than the last Wednesday of December [i. e., December 29], 1976.

### HB 1546, Chapter 475, Approved 10/27/76

Amends Chapter 51, §28 of the Massachusetts General Laws, providing that registrars of voters hold a continuous session for registration from twelve o'clock noon until eight o'clock [formerly ten o'clock] on the Saturday evening preceding the last day for registration.

### HB 5096, Chapter 475, Approved 10/25/76

Amends Chapter 53, §35 of the General Laws of Massachusetts, stating that where the voter has inserted the name of the candidate for whom he intends to vote, he is no longer required to mark a cross (X) against this name. Makes necessary conforming amendments to other provisions of Chapter 54, §§77 and 78.

## MASSACHUSETTS CONT'D

### HB 5424, Adopted 10/7/76

States that the Legislative Research Council shall study and investigate state constitutional provisions which: (1) require voter approval prior to state (or any political subdivision) borrowing, and (2) require the electorate's approval of the taxing jurisdiction prior to defining a property tax base, establishing a maximum property tax rate, and allowing a higher property tax. The Council shall file its reports with the clerk of the house of representatives not later than the 3rd Wednesday in March, 1976.

### Const. Am. 3, Approved by the Electorate 11/2/76

Amends Article XLV of the Constitution of Massachusetts to provide for absentee voting by persons who hold religious beliefs in conflict with the act of voting on the day the election is held.

## MICHIGAN

### SB 1570, Act 388, Approved 12/30/76

Generally regulates campaign financing.

Establishes the secretary of state as the general overseer of the act, required to promulgate rules and issue declaratory rulings, and conduct investigations as needed to determine if there is reason to believe a violation has occurred. Requires the results of any such investigation to be forwarded to the attorney general if they indicate a violation has occurred.

Permits any citizen in the state to file a complaint for investigation with the secretary of state, alleging violation of the act.

Requires each candidate, within 10 days after becoming a candidate, to form a candidate committee. Requires each committee to have a treasurer who is a qualified elector of the state and one official depository, a financial institution in the state. Permits a candidate to serve as his or her own committee treasurer, and states that he or she shall be considered treasurer when a vacancy exists in that office.

States that no contribution may be accepted nor expenditure made by a committee which has not filed an organizational statement or does not have a treasurer. Requires all contributions received to be deposited in the official depository, or in a secondary depository used solely for depositing contributions promptly transferred to the main depository. Prohibits expenditures not authorized by the treasurer or his or her designee.

## MICHIGAN CONT'D

Specifies records to be maintained by committee treasurers.

Authorizes the secretary of state to promulgate rules for the withdrawal of funds for petty cash expenditures, with appropriate recordkeeping requirements. Limits single petty cash expenditures to \$50.

Requires all committees to file organizational statements within 10 days after formation (30 days after the effective date of this act for committees now in operation). Requires such statements to include the name and address of the committee, and of its treasurers and other principal officers; the names of official and secondary depositories; the names of all entities (non-individuals) associated with the committee; and its designation as a candidate, political party, independent or ballot question committee, if applicable.

Permits candidates and committees who do not expect to receive or expend in excess of \$500 to file sworn statements to this effect in lieu of regular campaign reports; however, requires reports to be filed once this amount is exceeded.

Requires committee statements, other than those of political party committees, to include the following information:

- certain identifying information;
- total receipts and expenditures for the period;
- cash on hand at the beginning and end of the period;
- total contributions for the period from those contributing \$20 or less and more than \$20; the name and address of those contributing over \$20; and the occupation, employer, and principal place of business for persons contributing over \$200 per period;
- specified information on fund raising events;
- specified information on loans;
- the name and address of each committee and its treasurer making a contribution, with the name, address, and amount given to the committee by each person contributing over \$20 of the committee's contribution;
- a general listing of expenditures of \$50 or less and the total of those expenditures;
- the name and address of each person to whom expenditures totalling over \$50 were made, with the amount and purpose of such expenditures;
- amounts of expenditures for or against a candidate or ballot question, during the period and cumulatively (apportioned among candidates or ballot questions if more than one was supported or opposed).

Requires campaign statements filed by political party committees to include:

- the name and address of each person contributing over \$20 in a calendar

## MICHIGAN CONT'D

- year, with the amount and date(s) of contribution, and the occupation, employer, and principal place of business for each person contributing over \$200 in a calendar year;
- the name and address of the treasurer of each out-of-state committee contributing over \$20 which has not filed an organizational statement in Michigan;
- a listing of expenditures, broken down by candidate or ballot question;
- identification information.

States that contributions made by one person on behalf of another shall be reported as appropriate by the person making the contribution, and shall be attributed to both for purposes of contribution limits.

Requires late contributions of \$200 or more received after the closing date of the last pre-election campaign statement to be reported within 48 hours.

Requires committees supporting or opposing candidates to file campaign statements not later than the 10th day before each election (closing date: 15 days before the election) and not later than 30 days following election (closing date: 20 days after the election).

Requires ballot question committees to file campaign statements not later than 35 days after the ballot question has qualified for the ballot (or the deadline for qualifying, if the question did not) (closing date: 20 days after the election).

Requires all committees to file annual campaign statements not later than June 30 (closing date: June 20).

Establishes the following filing offices: all candidate committees file with the county clerk of the candidate's county of residence; state elective and judicial office candidates also file with the secretary of state. Ballot question committees file with the secretary of state, and with the clerk of the most populous county in the state or district, as applicable; except that county committees file only with the clerk of that county. State central or district party committees file with the secretary of state, who files a copy with the clerk of the county of residence of each candidate for which the committee reports contributions or expenditures. County party committees file with the clerk of the county, and the clerk of the county of residence of each candidate for which the committee reports contributions or expenditures. Other county committees file with the clerk of the county.

Requires all campaign statements to be signed and verified by the committee treasurer, and by the candidate, if a candidate committee.

Prohibits cash contributions over \$20 and cash expenditures over \$50.

## MICHIGAN CONT'D

Requires all contributions and expenditures over that amount, except in-kind, to be made by written instrument containing the names of the payor and payee.

Prohibits anonymous contributions, and requires that any received be given to a tax-exempt charitable organization. Excludes contributions at fund-raising events or for casual services, or from the sale of political merchandise, of \$20 or less in a calendar year; and dues, membership fees, etc., of \$20 or less in a calendar year.

Prohibits contributions in the name of another, and requires earmarked contributions to include the name and address of both the source and the intermediary.

Requires contributions over \$20 from out-of-state committees or persons to include statements listing the name and address and amount contributed by each person contributing over \$20 of the contribution.

Prohibits a candidate committee from making a contribution or independent expenditure in behalf of another candidate committee.

Permits unexpended funds to be transferred by a person from one candidate to another candidate committee of that person if candidate contribution limits have not been exceeded. States that otherwise these shall be given to a political party committee, or a tax-exempt charitable institution, or returned to the contributors upon termination of the committee.

States that at the beginning of every odd-numbered year, the secretary of state shall recommend adjustments to the contribution and expenditure limits, based on the consumer price index and the number of registered voters in the state.

Requires all political printed matter to include the name and address of the person paying for the matter, or the name and address of the person paying for a radio or television advertisement. States that, if the expenditure is independent, such lack of authorization must be noted.

Permits elected public officials to establish officeholder expense funds, to be used for expenses incidental to the person's office but not for contributions and expenditures to further his or her own nomination or election. Places these contributions and expenditures under the applicable limits and requires them to be reported no later than January 31 of each year (closing date: January 1).

Requires those making independent expenditures of \$100 or more in a

## MICHIGAN CONT'D

calendar year to report such expenditures within 10 days to their county clerk. Requires this clerk to furnish copies to other filing officers as listed above.

Limits contributions by persons other than independent committees or political party committees to candidate committees with respect to a single election as follows:

- \$1,700, candidates for state elective offices, other than state legislators;
- \$450, candidates for state senator; and
- \$250, candidates for state representative.

Permits independent and political party committees to contribute up to 10 times the above amounts, and state central committees of political parties to contribute up to 20 times these amounts generally (10 times these amounts for state legislators).

Excludes contributions from members of a candidate's immediate family to his candidate from the above limitations.

Generally prohibits corporate contributions, except for ballot questions. Permits the establishment and administration of separate segregated funds to be used for political purposes, funded by voluntary contributions.

Establishes the state campaign fund, to be administered by the state treasurer, used for funding gubernatorial elections only.

Permits taxpayers to designate \$2 of their tax liability (\$4 for a joint return) to the fund, with an amount equal to these designations to be appropriated annually.

Requires sufficient funds to be set aside for general election needs before primary elections can be funded. States that if all primary needs cannot be met, they shall be met proportionally.

Requires candidates wishing to receive money from the fund to apply with the secretary of state, giving the amount they wish to receive.

Defines "qualifying contributions" as contributions of \$100 or less, made by written instrument, and not by the candidate or members of his immediate family, after April 1 of the year preceding a gubernatorial election year. States that such contributions are limited to \$100 from each person.

States that in a primary election, a candidate may receive moneys from the state campaign fund equal to \$2 for each \$1 of qualifying contributions, if he certifies that his candidate committee has received qualifying

## MICHIGAN CONT'D

contributions at least equal to 5% of his spending limit, and provides the name and address of each person making a qualifying contribution. States that unopposed candidates may not receive primary funding, except that unopposed candidates in one major party may receive 25% of the maximum allowable amount (66 2/3% of the expenditure limit) if the other major party has a contest for that office.

States that a major political party nominee is entitled to payment of not more than 75% of his spending limit and may, subject to law, raise the remaining 25% in private contributions. Permits the nominee to accept less public money and raise more privately if so desired.

Permits proportional pre-election payments to candidates representing parties which received 5% or more of the votes for the office in the last election, and retroactive proportional payments to candidates of a party receiving 5% or more of the votes for governor. Provides for additional retroactive reimbursement of a minor party candidate who receives more popular votes in an election than his party's candidate received at the preceding election.

Alternatively, permits any candidate listed on the ballot in the general election to receive in lieu of the above amounts \$1 for each \$1 of qualifying contributions, up to 50% of his or her spending limit, if he or she has certified to the secretary of state an amount of qualifying contributions equal to 5% of the designated spending limit.

States that public moneys may be used for enumerated qualified campaign expenditures only.

Limits expenditures by candidate committees of candidates accepting public financing to \$1,000,000, although an additional 20% may be spent for solicitation purposes. States that persons violating this limitation may be prohibited from assuming the duties of a public office or from receiving compensation from public funds, or both.

States that persons other than independent committees or political party committees may not make contributions to candidate committees in excess of \$1,700 for a single election. Permits independent committees to contribute ten times this amount. Permits political party state committees to contribute up to 25% of the candidate's expenditure limit, and district or county committees to contribute up to 1% of the expenditure limit. Limits contributions from a candidate's immediate family to \$25,000. [The above limitations apply only to candidates accepting public financing.]



## MONTANA

Initiative 73, Approved by the Electorate 11/2/76

Enacts the Montana Recall and Advisory Recall Act.

Provides that every person holding a public office of the State or any of its political subdivisions either by election or appointment is subject to recall from such office by the electors of the State or political subdivision. Specifies that any reason causing the electorate dissatisfaction with a public official shall be sufficient grounds for recall, notwithstanding good faith attempts to perform the duties of his office. States that the recall is cumulative and additional to, rather than a substitute for, other methods for removal of public officers.

Specifies the number of signatures required on recall petitions: elected or appointed State officers --10% of persons voting at preceding State general election; elected or appointed county officers --15% of persons voting at preceding county general election; elected or appointed local officers --20% of persons voting at preceding local general election.

Provides that no recall petition shall be filed against an officer until he has held office for two months. Also prohibits a recall petition from being filed against an officer for whom a recall election has been held for a period of two years during his term of office, unless the State or political subdivision financing such recall election is first reimbursed for all expenses of the preceding recall election.

States that if the officer named in the petition for recall submits in writing such officer's resignation, it shall be accepted and become effective the day it is offered. The vacancy created by such resignation shall be filled as provided by law, but the official named in the petition for recall shall not be appointed to fill the vacancy. Also states that if the officer named in the petition for recall either refuses to resign or does not resign within five days after the petition is filed, a special election shall be proclaimed unless the filing is within 90 days of a general election, in which case the question shall be placed on the general election ballot.

Specifies the form of ballot to be used at a recall election. The ballot shall set forth the statement contained in the recall petition stating the reasons for demanding the recall of such officer and the officer's statement of reasons why he should not be recalled.

Provides that the officer named in the recall petition shall continue in office until the results of the special election are officially declared. If a majority of those voting on the question vote to remove the officer then the office shall become vacant and the vacancy filled as provided by law, but the officer recalled may not be appointed to fill the vacancy.

## MONTANA CONT'D

States that the provisions of this act relating to recall of State officers and recall elections are applicable to the recall of a United States Senator or Representative, except that only electors residing in a Representative's congressional district shall be eligible to petition for his recall or vote at the recall election.

Provides that when there is filed with the Secretary of State a petition containing the signatures of qualified electors equalling 5% of the persons voting at the preceding State general election, requesting the resignation of a United States district judge for the district of Montana, the Secretary of State shall submit to the electors at the next general election the question whether the electors request the resignation of the judge. Within ten days after certification of the results of the election, the Secretary of State shall transmit the results to the judge named in the petition, and if the resignation is favored, to the President and Senate of the United States.

Note: This act has been amended by HB 795, Chapter 364, Laws 1977, infra.

## NEVADA

Const. Am., Question 1, Approved by the Electorate 11/2/76

Amends Article 2, §1 of the Constitution of Nevada to eliminate the 6-month state residency requirement for electors, but maintaining the 30-day county or district residency requirement.

## OHIO

HJR 37, Approved by the Electorate 11/2/76

Amends Article III, §§15 and 17 of the Constitution of Ohio, pertaining to a vacancy occurring in the Offices of Governor and Lieutenant Governor. Provides that if a vacancy occurs in both offices because of death, conviction on impeachment, resignation or removal before the first 20 months of the term have expired, a governor and lieutenant-governor shall be elected at the next general election in an even-numbered year and the officer next in line of succession shall serve as Governor until the newly elected governor has qualified. Also provides that if by reason of death, resignation or disqualification the Governor-elect is unable to assume office, the Lieutenant Governor-elect shall assume office for the full term, but if the Governor-elect fails to assume office by reason of disability, the Lieutenant-Governor-elect shall serve only until the termination of the Governor-elect's disability.

## PENNSYLVANIA

### SB 33, Act 212, Approved 10/7/76

Amends provisions of the Pennsylvania "Lobbying Registration Act." Every lobbyist must file with the Chief Clerk of the House of Representatives and the Secretary of State a sworn statement within five days after engaging in lobbying for the first time in any calendar year indicating: (1) his name and address; (2) the name and address of his employer; (3) in whose interest he will lobby; and (4) the duration of his employment. Another sworn statement of expenditures made and obligations incurred must be filed on January 30 and July 30 of each year. Where the lobbyist fails to file statements of expenses and obligations, the organization in whose interest he is employed must report amounts advanced or reimbursed to the lobbyist for the reporting period.

In addition, compensation contingent on the passage or defeat of legislation or the occurrence or nonoccurrence of any formal action by any agency is prohibited. Violators of these provisions are subject to a fine of \$2,500 and/or one year in prison and may be disqualified as lobbyists for five years. All statements and reports are open to public inspection.

Lobbying is defined to mean:

(1) to advocate the passage or defeat of legislation to members or staff of the General Assembly, or the approval or veto of legislation to the Governor or his staff; or (2) to advocate to officers or employers of any agency that the agency take or refrain from taking any formal action, or that any agency engage in lobbying as defined in subclause (1).

### HB 484, Act 236, Approved 11/23/76

Amends procedures to be followed in creating, dividing, realigning, or consolidating wards in first class cities. Basically provides that any such action shall be ordered by the court of common pleas of the county in which the city is located, with approval by the electors of the ward(s) affected required before the new plan can take effect.

### HB 1579, Act 269, Approved 11/30/76

Prohibits county commissioners from sitting on the county board of elections if there are candidates in the election, or if it concerns a Home Rule Charter.

Increases the per diem pay of election judges, inspectors, clerks, and machine inspectors.

## PENNSYLVANIA CONT'D

Requires receipts to be given to those filing nomination papers.

Permits ballots in all elections to be marked by either a cross or a check mark.

Requires ballots to indicate how many candidates may be voted for (if more than one).

Requires party offices to be placed at the end of the ballot or on the final rows of the voting machine, as applicable.

Requires each voter on the permanently disabled absentee voter list to file a written statement [formerly a physician's statement] testifying as to his or her continued disability.

Permits those who will be absent from their residence on election day to request an absentee ballot by mail.

## UTAH

Initiative Measure, Approved by the Electorate 11/2/76

Enacts the Utah Recall and Advisory Recall Act.

Provides that every public officer holding a public office, either by election or appointment, is subject to recall from that office by the registered voters of the electoral district (which may include the whole State) from which candidates are elected or appointed to that office. States that any reason causing the voters' dissatisfaction with that public official shall be sufficient grounds for recall, notwithstanding his good faith attempts to perform the duties of his office. A number of registered voters equaling in number at least 10% for elected State officers, 12% for elected county officers, and 15% for elected town and city officers of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies may, by recall petition, demand his recall. A number of registered voters equaling in number at least 10% for appointed state officers, 12% for appointed county officers, and 15% for appointed town and city officers of the registered voters at the last general election held in the electoral district from which said officer was appointed may, by petition, demand his recall.

Specifies that the procedure for removal detailed in this act is cumulative

## UTAH CONT'D

and in addition to, rather than a replacement for, other methods for removal of public officers.

Prohibits a recall petition from being circulated against any officer until he has held office for six months, except that a petition for recall may be filed against a member of the legislature at any time after five days from the beginning of the first session after his election. States that after one recall petition and election, no further recall petition shall be filed against the same officer within a period of two years during his term of office, unless the petitioners signing the petition first pay into the public treasury from which such recall election expenses were paid all expenses of the preceding recall election.

Specifies the form of the recall.

Provides that if the officer named in the recall petition submits in writing such officer's resignation, it shall be accepted and become effective the day it is offered. - The vacancy created by such resignation shall be filled as provided by law. If the officer named in the petition for recall fails to resign within five days after the petition is filed, a special election shall be proclaimed to determine whether the officer shall be recalled.

States that the ballot at a recall election shall contain in no more than 200 words the reason for demanding the recall of the officer and in no more than 200 words the justification of the officer for actions taken while in office.

Provides that prior to a primary or any other election, a candidate for the office of United States Senator or Representative in Congress may file with the Secretary of State a statement indicating that the candidate, if elected, either will or will not deem himself under obligation to resign if not re-elected on a recall vote. Also provides procedures for a petition for election to request the resignation of a United States judge for the district of Utah. States that when there is filed with the Secretary of State a petition signed by 15% of the registered voters of the judicial district as determined by the total number of votes cast for Governor at the preceding election in the district, requesting the resignation of a United States judge for the district of Utah, the Secretary of State shall submit to the electors at the next ensuing general election the question whether the electors request the resignation of the judge. The Secretary of State shall transmit the results of the election to the official named in the petition, and if the resignation is favored, to the President and Senate of the United States.

## VIRGINIA

### Const. Am., Question 1, Approved by the Electorate 11/2/76

Amends Article II, §§1 and 2 of the Constitution of Virginia to eliminate length of residence as a qualification to vote and to extend the time a voter may vote in his precinct after moving from it.

### Const. Am., Question 2, Approved by the Electorate 11/2/76

Amends Article II, §4 of the Constitution of Virginia to permit absentee registration by persons and their families who are temporarily residing outside the country by reason of employment.

### Const. Am., Question 3, Approved by the Electorate 11/2/76

Amends Article II, §5 of the Constitution of Virginia to specify that the one-year residency requirement for office seekers be the year preceding election to office.

### Const. Am., Question 5, Approved by the Electorate 11/2/76

Amends Article 6, §12 of the Constitution of Virginia to permit judicial appointments of elected local officials, and eliminate the need for special elections to fill a less than 60-day vacancy.

## WASHINGTON

### Referendum Bill 36, Approved by the Electorate 11/2/76

Extends financial disclosure requirements to cover specified State executive officers. Requires those appointed to such positions to file financial disclosure statements within two weeks of being so appointed.

Modifies information required to be reported with respect to interests held in banks or commercial institutions.

## STATE SESSION LAWS

### ALABAMA

#### SB 14, Chapter 69, Approved 6/14/77

Amends Act No. 1196 of Alabama's 1975 Regular Session relating to the nominating procedure of candidates. Changes the date for primaries to the first Tuesday after the first Monday in September [formerly May]. Also changes the dates for declaration of candidacy to 60 [formerly 46] days before the date of the primary and certification of candidacy to no later than 5 p.m. 50 [formerly 39] days before the primary by the county or state party chairman and not less than 40 [formerly 29] days prior to the primary by the secretary of state. Also changes the date one of two candidates receiving the highest number of votes in the first primary election, after deciding not to enter the second primary, must certify his declination to not more than 3 [formerly not less than 10] days after the first primary. Provides that beat or mass meetings must be held on the same date as that set for primary elections or within 90 days preceding such date [deletes provision requiring meetings to be held in a hall, room, or open place at or in the immediate vicinity of the voting place of the respective precinct or voting districts].

Amends procedures by which candidates may have their names placed on the ballot. Provides that the following persons are entitled for ballot placement for the general election: all candidates who have been put in nomination by primary election, certified by the chairman and secretary of the party canvassing board, and filed with the secretary of state or county probate judge on the day next following the last day for contesting the primary election (or if contested, the day following the contest decision); all candidates who have been put in nomination by caucus, convention, mass meeting, or other political party or faction assembly, certified in writing by the chairman and secretary of the appropriate assembly, and filed with the secretary of state or county probate judge on or before 5:00 p.m. on the day of the first primary election; and each candidate who has requested to be an independent candidate by written petition signed by a number of qualified electors equaling or exceeding 1% of the total number of registered voters of the county, state or district depending on the office to be filled [formerly 1,000 electors] and filed on or before 5:00 p.m. on the day of the first primary election [formerly the first Tuesday in May]. Requires the secretary of state to certify to the probate judge the independent candidacy of each qualified candidate not later than six days after the second primary, who shall then have the ballot printed containing the names of the qualified candidates (except the name of any independent candidate who was a candidate in the primary election of that year may not be printed on the ballot). States that all nominations made by

## STATE SESSION LAWS

### ALABAMA CONT'D

primary election may be contested within 5 days after the primary election [formerly 5 days after the result was formally declared for candidates for county offices and 15 days after for all other candidates]. Repeals §§145 and 373 of Title 17, the Code of Alabama.

#### SB 45, Chapter 769, Approved 5/23/77

Requires boards of registrars which visit college or university campuses to remain there for one full working day [formerly five consecutive days], weekends and holidays excepted. Permits students of four year colleges and universities to register on their campuses, regardless of the precincts or wards in which they may reside. Also exempts Etowah County from the coverage of this Act.

#### SB 108, Chapter 74, Approved 6/14/77

Relates to petitions for an election or referendum in counties with a population between 95,000 and 115,000. Specifies that any petition for the call of an election in such counties must bear the signature, address, and precinct of voting of each petitioner, who must be a registered elector of the county. Requires the probate judge to determine if the petition meets legal requirements and to call an election or referendum upon such determination.

#### SB 399, Act 120, Approved 3/16/77

Provides for a mayor-council form of municipal government, which may be adopted by any city in the State having a population of not less than 60,000 nor more than 125,000. Provides that on April 19, 1977, the proposition of adopting the mayor-council form of government for the city shall be submitted to the electors in every city to which the act applies when it becomes law. Thereafter in any city not then currently governed under the provisions of this act, upon the filing of a petition signed by ten percent or more of the qualified electors of the city, asking that the proposition of the adoption of the mayor-council form of government for the city be submitted to the electors, there shall be an election held on the proposition not more than 60 days after the filing of the petition.

Provides for the number of members of the council and their election and terms of office in any city adopting the mayor-council form of government. States that upon the adoption of the mayor-council form of government, the probate judge of the county wherein the city lies shall call an election to be held on the second Tuesday in September preceding the expiration of the term of office of the members of the city governing body



## STATE SESSION LAWS

### ALABAMA CONT'D

serving when the mayor-council form of government is adopted. Each voter in the election may cast one vote for a candidate from his district, one vote for a candidate for councilman-at-large, and one vote for a candidate for mayor. Also provides for the election, appointment, or designation of officers and employees of the city as well as their qualifications, duties, functions, powers, and authority, and for the election, term, qualifications, and compensation of a mayor.

HB 78-X, Chapter 49, Approved 6/14/77

Permits counties having a population between 300,000 and 600,000 inhabitants to use voting machine printout sheets for various electoral purposes.

HB 229-X, Chapter 64, Approved 6/14/77

States that members of the county board of registrars in all counties having populations between 27,000 and 27,900 are entitled to \$10 per day compensation when attending board meetings.

HB 590, Act 468, Approved 5/11/77

Reapportions counties having populations between 150,000 and 180,000 into five districts for the purpose of electing the county governing bodies. [Note: this apparently applies to only one county, including the City of Montgomery].

HB 948, Act 398, Approved 5/2/77

Provides for the establishment of a permanent list of physically incapacitated absentee voters in counties with populations of not less than 600,000. Requires qualified electors to submit a physician's certificate attesting to their disability, and states that they shall be mailed an absentee ballot prior to each election without further application being made.

HB 949, Act 399, Approved 5/2/77

States that in counties having populations of not less than 600,000, no person shall be registered as an elector within 21 days prior to an election.

HB 950, Chapter 784, Approved 5/25/77

Establishes procedures for filling vancancies which occur on the governing body of Jefferson County.

## STATE SESSION LAWS

### ALABAMA CONT'D

#### HB 1111, Act 524, Approved 5/11/77

Establishes procedures for holding special advisory referenda to ascertain the sentiment of voters on public issues in counties having populations between 60,000 and 65,000.

#### HB 1289, Act 613, Law Without Approval 5/16/77

Enacts registration procedures for counties having a population between 115,000 and 150,000. For example:

- provides that each register shall receive \$20 for each day's attendance, and each board may meet a maximum of 150 session days each year.
- permits board members to make precinct visits for registration, at the request of 25 or more persons who are eligible but not registered to vote.
- sets the registration deadline as 10 days before any election.
- requires registration lists to be purged when notice is received that a registered voter has died, become a non-resident of the state or county, been declared mentally incompetent, been convicted of a disenfranchising crime, or become otherwise disqualified.
- permits registration of a registered voter to be suspended when the voter has failed to vote in at least one election during a four year period; however, the voter may be reinstated upon following a specified re-identification procedure.
- requires a voter signature book to be maintained, to include each voter's signature, name and address (supplied each election day).

#### HB 1331, Chapter 791, Approved 5/23/77

Provides that after January 1, 1978, the Morgan County Board of Registrars shall administer all phases of absentee voting exclusively, except during municipal elections.

## STATE SESSION LAWS

### ALASKA

#### SB 164, Chapter 133, Approved 6/15/77

Requires candidates to designate a campaign treasurer within 15 days, for state office candidates, or 7 days, for municipal office candidates, after filing for the office [formerly 7 days for all offices]. Permits candidates for state office to submit the name and address of the treasurer to the Lieutenant Governor, for filing as above. States that if a candidate does not name a campaign treasurer, the candidate is the campaign treasurer.

Requires groups formed to sponsor an initiative, referendum or recall to report 30 days after their first filing with the lieutenant governor, and within 10 days after the end of each calendar quarter, until regular campaign finance reports during a general election year become due [under §15.13.110(a)].

Rewrites the information required to be provided on a declaration of candidacy. Deletes the provision which required the candidate to pledge to support the principles of the party which he sought to represent.

Specifies which contributions qualify for the \$50 tax credit, including dues and contributions to non-profit organizations organized primarily for the purpose of influencing elections. States that, before a civic league or organization may be eligible for these benefits, it must comply with specified disclosure and reporting requirements; these include the total amount of contributions received for the reporting period and, for any contribution over \$100, the name of the contributor and the amount contributed. Permits such entities to establish a separate fund to account for receipts and expenditures arising out of political activities.

## STATE SESSION LAWS

### ARIZONA

#### SB 1211, Chapter 135, Approved 5/31/77

Makes minor stylistic changes in new resident ballot application and voting procedures. Requires the county recorder to prepare precinct registers of new resident voters and deliver the lists to the absentee board. Prescribes penalty for absentee ballot abuse.

Makes stylistic and technical changes in prescribed form of referendum and initiative petitions. Provides that petitions shall be printed on pages 14 [formerly 8 1/2] inches in length by 8 1/2 [formerly 11] inches in width, and that not more than 15 [formerly 20] signatures on one sheet will be counted. Requires initiative petitions to be filed with the Secretary of State by 5 p.m. on the day required by the Constitution [formerly 5 months] prior to the general election. Also prescribes the official record to be used by an individual challenging an initiative or referendum petition in a court action.

States that the Secretary of State must select 5 % of the signatures filed with each petition for verification of eligibility, and must mail each sheet of selected signatures to the county recorder. The county recorder must return the signature sheets with the names and the number of persons selected by the Secretary of State for verification found not to be qualified electors. The Secretary of State, after receipt of the signature sheets, must subtract the ineligible signatures and after determining the percentage of signatures found to be invalid, subtract a like percentage of all other signatures included on the petitions. The following procedure shall be used to determine inclusion on the ballot: (1) if the actual number of valid signatures as projected from the random sample is at least 105% of the minimum number required by the Constitution (or if the number of signatures on the remaining sheets equals or exceeds the minimum required number), the initiative or referendum shall be placed on the ballot; (2) if the number of valid signatures as projected from the random sample is between 95 and 105% of the minimum number required, every signature filed shall be examined and verified; and if the number is less than 95% of the required number, the petition shall be returned to the person or organization who submitted it, stating how many ineligible signatures were found.

Amends the form of the official ballot and requires a brief phrase stating the essential change in the existing law should the measure receive a majority of votes cast, to follow the descriptive title and summary of each measure.

## STATE SESSION LAWS

### ARIZONA CONT'D

Prescribes the form of a recall petition, and provides that the form of the circulator's affidavit shall be the form prescribed for an initiative and referendum.

## STATE SESSION LAWS

### ARKANSAS

HB 123, Act 77, Approved 1/31/77

Authorizes the use of electronic voting systems in elections in the State, at the option of county boards of election commissioners. Permits the precinct boundaries, etc., to be changed as needed to implement the system. Gives permissible specifications of electronic voting systems; states how absentee ballots may be utilized in conjunction with such systems; and establishes procedures for canvassing votes where any such system is used.

HB 258, Act 312, Approved 3/1/77

Eliminates the 30 day pre-election filing report for the general primary election. Provides that unopposed candidates in any of the primaries or the general election are not required to file a pre-election report. Eliminates the 30-day post-election report by all candidates for the preferential primary, and requires the information to be reported in the final report following the general primary. Requires candidates to report personal loans by financial institutions as campaign contributions. Changes reporting requirement levels for county officials from \$100 to \$250. Also requires supplemental reports to be made after the post-election report. Increases the amount of a permitted cash contribution from \$50 to \$100. Requires a cash payment of a filing fee to be reported as a campaign expenditure and the candidate to obtain a receipt for the payment. Requires political parties as well as candidates or persons acting on the candidate's behalf to record all contributions and expenditures. Provides that the Secretary of State must designate a member of his or her office to answer questions about filing procedures and to aid candidates and their agents in filing for election.

HB 465, Act 783, Approved 3/28/77

Reorganizes the State Board of Election Commissioners by adding 4 resident State electors who do not hold an elective office as members, providing for meetings every 3 months or as needed, and determining that the term for all members will be two years. Establishes a 15-member Citizens Election Advisory Council for reviewing election laws and procedures of Arkansas and preparing recommendations for recodification and revisions of State election laws. All members are to be elected by a majority vote of the State Board of Election Commissioners and their terms will terminate on June 30, 1978, unless the Board determines that their continued employment is necessary to complete the study. All of the Council's findings and recommendations are to be submitted to the Board,

## STATE SESSION LAWS

### ARKANSAS CONT'D

who will review the revisions or amendments and submit them to the Governor and to the General Assembly. The Attorney General will be the legal counsel for the Board and will offer advice and assistance to the Council upon request. Amends §3-502(a) of the Arkansas Statutes.

#### HB 554, Act 888, Approved 3/30/77

Reduces the number of voters required to form a new political party to 3% [formerly 7%] of the total vote cast for the office of Governor or nominees for Presidential Electors at the last preceding election. Changes the schedule of filing party pledges, ballot fees and petitions by a new political party to the period beginning January 1 and ending 12 noon on the 1st Tuesday in May before the preferential primary election. Amends §§3-113 and 3-101(a) of the Arkansas Statutes.

#### HB 604, Act 472, Approved 3/17/77

Strengthens the Code of Ethics Law of Arkansas. Requires public officials, prosecuting attorneys, constitutional State officers, appointive administrative officers, and officers who file as candidates for election to any State, district, county or municipal office to disclose certain information to the Secretary of State or appropriate district offices and with the city clerk of the municipality or county in which the office is held or being sought. Provides that the Secretary of State, each county clerk, and each city clerk must prepare a list of all elected officials and public officials who have filed statements with their respective offices and mail a notice to all persons who failed to file a statement. Specifies that the State prosecuting attorneys will be responsible for supervising compliance with the Act and prosecuting violators. Amends §§12-3006, 12-3007 and 12-3008 of the Arkansas Statutes.

## STATE SESSION LAWS

### CALIFORNIA

#### AB 185, Chapter 167, Approved 6/29/77

Permits the county clerk in counties using electronic voting systems to deviate from the order of certain offices as established by §10213 of the Elections Code, so as to make the most efficient use of space on the ballot.

#### AB 501, Chapter 196, Approved 6/30/77

Requires the envelope containing an absentee ballot to merely contain the signature of the voter. [formerly the signature had to be written as it appears on the voter's affidavit or registration or written across the sealed flap of the envelope]. Also requires the envelope to contain a warning that voting twice is a felony, and both ballots are void. Amends §§1009 and 1101 of the California Elections Code.

#### AB 1113, Chapter 177, Approved 6/30/77

Conforms the provisions governing the furnishing of election supplies and equipment at municipal elections to those provisions which generally govern the furnishing of such election materials. Repeals provision requiring the use of original affidavits of registration or copies by precinct officers at municipal elections (however, until January 1, 1978, city clerks conducting a municipal election in a city and county are required to furnish original affidavits of registration or copies to precinct officers).

#### AB 1178, Chapter 297, Approved 7/7/77

Requires the pro and con arguments with regard to local measures which are printed in the ballot pamphlet to be identified as such with reference to the appropriate title and ballot number.



## STATE SESSION LAWS

### COLORADO

#### SB 188, Approved 7/15/77

Amends provisions relating generally to special districts and to the election of boards of directors of special districts. For example, provides that the first biennial election shall be held on the Tuesday succeeding the first Monday in May in the first even numbered year after the date of the order of consolidation, and that biennial elections shall be held on the Tuesday succeeding the first Monday in May of every second year thereafter. Requires that legal notice by publication be given not less than 40 nor more than 50 days prior to a regular election specifying the date of the election, the number of directors to be elected, and their terms of office, and the name of the secretary and the address where nomination petitions are available. Specifies that no write-in vote for director shall be counted unless an affidavit of intent has been filed with the secretary not later than the close of business on the Friday before the election indicating that the person desires the office and is legally qualified to assume the duties of the office if elected.

#### SB 349, Approved 6/1/77

Amends provision concerning delegates to political party assemblies. Provides that in each senatorial and representative district, elected delegates to the county assemblies within these districts shall serve also as senatorial and representative district delegates if the district central committee chooses by resolution [formerly delegates to senatorial and representative districts were to be selected by the respective county assemblies from among the members of the county assemblies].

#### SB 522, Approved 6/29/77

Makes minor and technical amendments to numerous provisions of the Colorado Revised Statutes, including the following revisions in election law.

Permits a new resident to apply for a presidential and vice-presidential election ballot no earlier than 29 [formerly 90] days before the presidential election nor later than the close of business on the Friday before the election.

Provides for a recount if any candidate for county office failed to be nominated or any candidate for any precinct office failed to be elected in a primary election by 2% or less of the highest vote cast for a candidate of his office or if any candidate for a county office failed to be elected in a

## STATE SESSION LAWS

### COLORADO CONT'D

general election by 1/2 of 1% or less of the highest vote cast for a candidate for that office.

Provides that the supreme court shall take original jurisdiction for summarily adjudicating contests for state [formerly or national] offices.

Permits any elector to file a petition in the district court 10 days before any general, primary, or special election [deletes precinct registration day] for the removal of an election judge.

Redefines "delegate" to include any registered elector who has attained 18 years of age or become a naturalized citizen within the 3 months immediately preceding the caucus even though he has been affiliated with the political party for less than 3 months.

HB 1281, Approved 5/24/77

Makes amendments to provisions concerning election law offenses. Provides that the district attorney or attorney general shall prosecute violators of election law provisions of Articles 1-17 and 30 [formerly only Articles 1-17]. Charges the secretary of state with the administration and enforcement of provisions of Article 30. Deletes section making Article 30 applicable to all elections except general, special, or primary elections and municipal elections.

HB 1346, Approved 5/24/77

Authorizes voter registration for U.S. citizens residing outside the U.S., whose domicile immediately prior to their departure was in Colorado and who meet the other registration qualifications, upon receipt of an application form by the county clerk and recorder, pursuant to the Federal "Overseas Citizens Voting Rights Act of 1975."

HB 1348, Approved 6/19/77

Amends various procedures relating to absentee voting. For example, states that requests for applications for absentee ballots may be made orally or in writing, not more than 30 [formerly 20] days preceding the election. In an emergency, permits deputies who are notaries to deliver absentee ballots, acknowledge or attest the ballots after they have been voted and sealed, and return them to the proper office. States that no fee shall be charged for notarizing an absentee ballot.

## STATE SESSION LAWS

### COLORADO CONT'D

HB 1508, Approved 6/19/77

Amends and expands various provisions of the State's lobbying code (Colorado Revised Statutes, §§24-5-301 et seq.).

Defines "lobbying" so as to include different types of activity depending on the individual sought to be influenced. Thus, activity designed to influence the drafting, adoption or amendment of an agency regulation, rule, etc., is considered lobbying with regard to members of the rule-making board, commission, etc., involved; while other specified lobbying activities, designed to influence legislative enactments, must involve the governor, the lieutenant governor, or a member of the general assembly.

Defines "professional lobbyist" (as opposed to "volunteer lobbyist") as any individual who engages himself or is engaged by any other person for pay or for any consideration for lobbying. Excludes from requirements of the code volunteer lobbyists, state officials or employees acting in their official capacity, elected public officials acting in their official capacity, and those appearing as a counselor or advisor in an adjudicatory proceeding. Requires any professional lobbyist, before engaging in lobbying, and prior to January 15 of any subsequent year if still engaged in lobbying, to register with the secretary of state.

Generally requires disclosure statements to be filed with the secretary of state within 15 days after the end of the first calendar month if contributions are accepted or expenditures made for lobbying purposes, and within 15 days after the end of each subsequent month during the calendar year. Requires a cumulative disclosure statement for the entire year to be filed on or before January 15 of the following year. Specifies the information to be included within such statements, which information differs for those engaged in actual lobbying activity (as defined in the statute) and those whose sole activity is making expenditures for gifts or entertainment for covered individuals.

In the area of enforcement, authorizes the secretary of state to revoke or suspend the license of, or bar from registration for specified periods those failing to file complete disclosure statements or otherwise comply with the code. Permits the secretary of state, on his own motion or on the verified complaint of any person, to investigate the activities of any individual who may be violating this statute.

Requires any lobbyist who employs or causes his employer to employ any member of the general assembly or certain [covered] executive state employees to file information on such employment with the secretary of state within 15 [formerly 10] days after such employment.

## STATE SESSION LAWS

### CONNECTICUT

SB 241, Act 77-82, Approved 5/10/77

Establishes write-in procedures for the office of presidential elector. Requires each write-in presidential candidate to register his candidacy with the secretary of state by submitting his name and the names of his vice-presidential candidate and a slate of presidential electors, a statement of consent to being a candidate, and a statement of party designation. Permits such information to be filed at any time after January 1 of the election year and not later than 14 business days before the election. Amends §§9-175 and 9-265 of the Connecticut General Statutes.

SB 1251, Act 77-201, Approved 5/20/77

Permits an organization to form only one organization political committee. Permits each organization political committee to contribute up to \$5,000 [formerly \$2,000] to the state central committee of a political party in each calendar year. Amends §§9-336c and 9-336e of the Connecticut General Statutes.

SB 1401, Act 77-68, Approved 4/19/77

States that whenever the term "special election warned and held or called for that purpose," or words of similar import, is used in the General Statutes, unless the context clearly indicates otherwise, it means a referendum. Amends §1-1c of the Connecticut General Statutes.

SB 1555, Act 77-583, Approved 7/1/77

Amends procedures involving continuing political committees. Prohibits a continuing political committee from forming any other political committee, except that two such committees may join to form a political committee for the purpose of a single fund-raising event.

Limits individual contributions in a calendar year to political party state central committees to \$5,000 [formerly \$2,500].

Requires state and district political party conventions to be closed not later than the 43rd [formerly 47th] day preceding the primary election. Requires lists of candidates nominated by such conventions to be certified to the secretary of state not later than the 42nd [formerly 46th] day preceding the primary.

## STATE SESSION LAWS

### CONNECTICUT CONT'D

#### SB 1557, Act 77-180, Approved 5/20/77

Establishes the second Tuesday in October as a filing date for continuing political committees, instead of the second Tuesday in September. Amends §9-348p(b) of the Connecticut General Statutes.

#### SB 1566, Act 77-209, Approved 5/24/77

Provides that at all elections, only electors who are in line at 8:00 p.m. will be permitted to cast their votes after the closing hour of the polls (the polls are required to remain open from 6:00 a.m. to 8:00 p.m.) [formerly electors had to be inside the voting machine booth or already checked off]. A designated election or police official of the municipality, placed at the end of the line at 8:00 p.m., will prevent any electors who were not in line at 8:00 p.m. from entering the line. Amends §9-174 of the Connecticut General Statutes.

#### SB 1636, Act 77-188, Approved 5/20/77

Changes the filing deadline for the certification of minor party candidates for municipal office to 38 [formerly 32] days prior to the election. Amends §9-452 of the Connecticut General Statutes.

#### SB 1637, Act 77-213, Approved 5/24/77

Provides that upon the filing of any petition proposing a candidacy for a municipal office or for member of a town committee or delegates or district delegates to a convention, the registrar shall sign and give to each circulator submitting a page or pages of such petition a receipt indicating the number of such pages so submitted and the date and time when such pages were submitted. Repeals and reenacts §9-412 of the Connecticut General Statutes.

#### SB 1639, Act 77-202, Approved 5/20/77

Provides that absentee ballots received by electors appointed to count the ballots or central counting places shall be placed in a depository envelope [formerly package with an outer wrapper] to be provided by the secretary of state, sealed and then returned to the municipal clerk. Amends §§9-150 9-153, and 9-232e of the Connecticut General Statutes.

## STATE SESSION LAWS

### CONNECTICUT CONT'D

SB 1641, Act 77-196, Approved 5/20/77

Requires home rule charters and amendments to be submitted to the secretary of state within 15 [formerly 7] days of approval. Also amends procedures to be followed when reporting municipal election results to the secretary of state.

SB 1653, Act 77-330, Approved 6/3/77

Changes times specified when the board for admission of electors shall hold registration sessions. Requires that a session be held from 7 p.m. to 9 p.m. for the admission of electors on the fourteenth day before a primary for State, district, and certain municipal offices, regardless of whether or not such town is actually having a primary. Also requires that sessions be held on the first Saturday after Labor Day from at least 9 a.m. to 1 p.m. and on the Saturdays of the fifth and sixth weeks before each regular election from at least 9 a.m. to 1 p.m. Between the Saturdays of the fifth and the fourth weeks before such election the board shall hold a session from 7 p.m. to 9 p.m. on the Wednesday of that week. A session shall also be held on the Saturday of the fourth week from 9 a.m. until 8 p.m., and the board shall further hold a session on the 21st day before the election between 9 a.m. and 8 p.m. In all towns, the board shall meet on the last week day before the election from at least 9 to 11 a.m. for the purpose of admitting persons whose qualifications as to age or citizenship were attained after the 21st day before the election, and for no other purpose.

Provides that any session of the board for admission of electors may be held by one or more admitting officials designated by the board. Provides that no session for the admission of persons at their place of employment shall be held after the last session for admission of electors held prior to an election.

Repeals and reenacts §§9-17, 9-19b, 9-19c, and 9-19e of the Connecticut General Statutes.

SB 1654, Act 77-187, Approved 5/20/77

Amends procedures relating to the counting of absentee ballots. Provides that unless central counting has been designated, all absentee ballots received by the municipal clerk not later than 11:00 a.m. of the day before the election shall be sorted into voting districts, and the names checked

## STATE SESSION LAWS

### CONNECTICUT CONT'D

against the registry list to verify absentee status. The ballots are delivered to the registrars of voters at noon on election day, along with others, properly sorted, received after the 11:00 a.m. cut-off point. States that absentee ballot counters may start to work not earlier than 12:00 noon on election day [formerly 2:00 p.m.]. Makes other minor changes as needed to carry out the above provisions.

#### SB 1663, Act 77-604, Approved 7/6/77

Makes minor and technical amendments to numerous provisions of the Connecticut General Statutes. With regard to elections, requires the State Elections Commission to elect one of its members to serve as chairman and another to serve as vice-chairman. Also establishes a few set of rates to be received by the secretary of state for filing or recording any document.

#### HB 5014, Act 77-173, Approved 5/19/77

Provides that in any municipality, at any election, there is a voting district which differs geographically from the district lines as constituted in a municipal election year [formerly district containing less than 500 electors], the registrars of voters may either provide a polling place therein or a separate voting machine in another district for the electors' use. Amends §9-168a of the Connecticut General Statutes.

#### HB 6521, Act 77-168, Approved 5/19/77

Amends §9-453a of the Connecticut General Statutes, concerning nominating petitions. Requires each signator of a nominating petition to print his name following the signing of his name, on a line to be inserted on the nominating petition form for that purpose.

#### HB 6800, Act 77-163, Approved 5/19/77

Authorizes registrars, on the written request of an elector, to make any changes in the name of the electors as it appears on the registry list. Repeals and reenacts §9-42a of the Connecticut General Statutes.

#### HB 7026, Act 77-97, Approved 5/11/77

Permits absentee ballots to be used in a primary election for town committee members. Amends §9-133a of the Connecticut General Statutes.

## STATE SESSION LAWS

### CONNECTICUT CONT'D

HB 7027, Act 77-353, Approved 7/6/77

Establishes a presidential preference primary, to be held on the Tuesday after the first Monday in March of each presidential election year, for each of the two political parties with the largest enrolment in the state. States that candidates' names shall be placed on the ballot either by the secretary of state, or by petition, as follows.

Requires the secretary of state to determine for inclusion on the ballot which candidates are generally and seriously advocated or recognized according to reports in the national or state news media, and announce their names on the 60th day preceding the primary. Requires each such candidate to be notified of his selection and permits him to withdraw by written notification to the secretary of state prior to the 46th day before the primary. Permits the names of additional candidates to be placed on the ballot by the secretary of state through the 46th day preceding the primary.

With reference to petition candidates, requires them to obtain on appropriate petitions the signatures of enrolled party members equal to at least 1% of the total party enrolment in the state and to file these with their party's registrar no later than the 46th day preceding the primary. Requires the registrar to verify the signatures no later than the 42nd day preceding the primary, and to forward the results to the secretary of state.

Requires the secretary of state to determine by lot, in a public ceremony held on the 35th day preceding the primary, the order in which the names of the candidates will appear on the ballot, with "none of those listed" to always appear last. States that the names of the delegates shall not be included on the ballot; however, each primary candidate shall be deemed to be represented by an appropriate slate of delegates. States that if a candidate dies, his name shall not be included on the ballot, but the order of the remaining names shall remain the same.

Requires the chairman of each state central committee to certify in writing to the secretary of state not later than the 14th day preceding the primary the number of delegates and alternates to which the party is entitled broken down by district if the party rules provide that the delegates and alternates are to be apportioned among the various districts).

Requires each party to hold a separate candidate caucus for each candidate whose name appears on the ballot, and also an uncommitted caucus (either statewide or districtwide, depending on the manner of allocation),



## STATE SESSION LAWS

### CONNECTICUT CONT'D

on the 14th day preceding the primary. States that all the enrolled party members who support a particular candidate shall be eligible to participate in that candidate's caucus, while others may participate in the uncommitted caucus. Specifies methods of publicizing the caucuses.

Requires each caucus to select a chairman according to party rules, and then a slate of delegates and alternates, also as provided by party rules. Requires the names and addresses of the delegates and alternates to be certified in writing to the chairman of the party's state central committee, who in turn certifies this information to the secretary of state.

Requires the secretary of state to tabulate the votes cast at the primary, and to determine to the nearest 1/10th of 1% the percentage cast for each candidate and for the uncommitted slate. States that the number of delegates committed to each candidate or to the uncommitted slate shall be proportionally based on the percentage of votes which each received.

Requires delegates and alternates to file a written notice of acceptance within one week after notification of election by the secretary of state.

Requires such notice to contain the nominee's acceptance of the nomination and a pledge that he will support the candidate to whom committed for the first two ballots at the national convention. States that the name of any delegate or alternate who does not vote in accordance with this pledge shall be stricken from the party lists and may not be restored until after the expiration of the presidential term following the convention at which the pledge was violated.

Requires the secretary of state to certify to the credentials committee of the national convention of each party the names and addresses of all elected delegates and alternates. States that, if a vacancy occurs in a slate before or after the presidential primary, the remaining members shall choose an alternate to fill it, and shall also fill the resulting [alternate] vacancy.

HB 7159, Act 77-231, Approved 5/26/77

Authorizes the registrars of any municipality to designate polling places in an adjacent district where necessitated by the lack of an existing convenient or suitable polling place within the district, provided that a separate location from the existing polling places for such adjacent district is designated. Amends §9-168b of the Connecticut General Statutes.

## STATE SESSION LAWS

### CONNECTICUT

#### HB 7809, Act 77-537, Approved 7/5/77

Provides that the circulator of a nominating petition must submit each page to: (1) the town clerk of the town in which the signers reside at least 9 weeks prior to the election or (2) the secretary of state at least 10 weeks prior to the election, who shall submit the petition pages to the appropriate town clerk for certifying the signatures [formerly only to the town clerk]. Requires the town clerk to complete the certifications and file each nominating petition page with the secretary of state within 2 [formerly 3] weeks after it was submitted to him, and not later than 7 weeks before the election. Amends §§9-453i, 9-453j, and 9-453n of the Connecticut General Statutes.

#### HB 8159, Act 77-158, Approved 5/19/77

Prohibits stock corporations, other business organizations and other organizations from making contributions to promote or defeat any ballot question, amendment, etc., or to a political issue committee, in excess of 10 cents for each person residing in the area in which the election is held. Requires any such entity which contributes or expends over \$1,000 for this purpose to file all designations and financial statements required of political issue committees, and otherwise to comply with laws regulating political issue committees. Amends §9-336f of the Connecticut General Statutes.

#### HB 8241, Act 77-240, Approved 5/26/77

Requires an election to fill a vacancy in the General Assembly to be held on the 40th [formerly 30th] day following the Governor's issuance of the writs of election. Requires those circulating nomination petitions of candidates in the election to file their statements of electoral status and residence with the secretary of state not later than 5 [formerly 17] days after issuance of the writs, and to file the petitions within 2 [formerly 7] days after the deadline for their circulation. Amends §§9-215 and 9-216 of the Connecticut General Statutes.

#### HB 8243, Act 77-239, Approved 5/26/77

Provides for the inclusion of write-in votes in a recanvass held in the event of a discrepancy in the returns of any voting district. Repeals and reenacts §§9-130 and 9-311 of the Connecticut General Statutes.

## STATE SESSION LAWS

### CONNECTICUT CONT'D

#### HB 8244, Act 77-283, Approved 5/27/77

Amends §§9-35 and 9-42 of the Connecticut General Statutes, concerning the adding of voters to the registry list. Provides that if the name of an elector formerly registered as an elector was omitted from the list by clerical error, or upon presentation under oath of satisfactory evidence that he is still a bona fide resident of the town, his name must be added to the list.

#### HB 8245, Act 77-298, Approved 5/13/77

Adds an enrollment session 14 days before each primary election, and deletes the mandatory session formerly required on the 2nd Fridays of January and June in each even-numbered year. States that no enrollment session may be held during the 14 [formerly 21] days preceding a primary or caucus, and each session must be publicized in a newspaper not more than 10 [formerly 15] days before it is held. States that no changes on enrollment lists may be made during the 14 [formerly 5] days before a primary, caucus or convention.

Requires the registrars to print at least once during the calendar year complete, corrected enrollment lists, with supplements to be printed within one week after a session held on the 14th day preceding a primary, and again before the election, listing those who have enrolled during the interim period. Lists according to party must also be prepared for any caucus or convention on the day before it is held.

Establishes procedures whereby an enrolled party member who moves from one town to another in the State to vote at a statewide primary in his former town.

#### HB 8246, Act 77-245, Approved 5/26/77

Deletes references to the "town clerk" in numerous provisions which refer to municipalities in which the town clerk does not serve as the clerk for election purposes.

#### HB 8247, Act 77-244, Approved 5/26/77

Implements a State constitutional amendment concerning pre-registration of 17-year-old citizens as electors. Provides that any citizen who will have attained the age of 18 years on or before the day of a regular election may, within the period of 4 months prior to such election, apply for admission as an elector. If such citizen is found to be qualified he shall

## STATE SESSION LAWS

### CONNECTICUT CONT'D

become an elector on the day of his 18th birthday. Requires the registrars to add the name of any person applying under this provision, if found qualified, to the registry list and, if applicable, to the enrollment list, together with the effective date of his registration. Repeals and reenacts §§9-12, 9-20, and 9-56 of the Connecticut General Statutes.

HB 8249, Act 77-303, Approved 6/2/77

Requires the secretary of state to examine absentee ballots and sample ballot labels after they are filed, and if they contain an omission or error, he shall order the municipal clerk to reprint them or take other appropriate action. Requires the municipal clerk, upon discovering his omission of a candidate's name or party designation or an incorrectly imprinted state or local question, to mail to each absentee ballot applicant a statement explaining the error, a copy of the pertinent statutes (§§9-136 and 9-142) and an application for another corrected absentee ballot. Amends §§9-136b, 9-136c and 9-256 of the Connecticut General Statutes.

HB 8252, Act 77-216, Approved 5/27/77

Includes registrars as admitting officials in certain situations. Also deletes the requirement that registration applications be made in quadruplicate, and rewrites the provision so that only an original, one copy, and a receipt to the registrant are required. Deletes the requirement that prospective voters list their marital status, and, if married women, include their maiden names on the application. Amends §§9-19e and 9-20 of the Connecticut General Statutes.

## STATE SESSION LAWS

### FLORIDA

NOTE: SB 563, Chapter 77-175, approved 6/9/77, substantially revised and rewrote the entire Florida Election Code (Florida Statutes, Chapters 97-106). This measure will be summarized and included in the final 1977 Federal-State Election Law Survey.

#### SB 82, Chapter 77-136, Approved 6/8/77

Permits election districts to lie in more than one county commissioner's district. Repeals §124.04 of the Florida Statutes.

#### SB 781, Chapter 267, Approved 6/17/77

States that for the purpose of providing a supplemental and alternative procedure for the registration of electors and for conducting elections, the supervisor of elections may require a system of automation in the processing of registration data, and may make use of computers and data processing equipment and records adaptable for efficiency in conducting elections. States that a computer printout may be used at the polls as a precinct register in lieu of the registration books. Adds §§98.451, 98.461, 98.471, 98.481, and 98.491 to the Florida Statutes.

#### HB 37, Chapter 33, Approved 5/17/77

Authorizes the legislative and governing body of a county to place questions or propositions on the ballot at any primary, general, or special election so as to obtain an expression of elector sentiment with respect to matters of substantial concern within the county. Adds §125.01(1)(y) to the Florida Statutes.

#### HB 385, Chapter 77-178, Approved 6/10/77

Provides that it is unlawful for any person to knowingly sign a petition for a particular issue or candidate more than one time. Adds §104.185 to the Florida Statutes.

#### HB 1159, Chapter 77-279, Approved 6/20/77

Relates generally to municipal recalls. Requires the chief judge of the judicial circuit in which the municipality is located [formerly the municipal governing body] to set the date of a recall election. Also states that violations of Part II of Chapter 447 of the Florida Statutes, relating to Labor Organizations and Public Employees, shall not be considered as grounds for municipal recalls.

## STATE SESSION LAWS

### GEORGIA

SB 168, Act 630, Approved 3/30/77

Prohibits any State officer or employee from coercing any other State officer or employee to pay, lend or contribute any amount of money or anything of value to any party, committee, organization, agency or person for political purposes. Provides penalties for violators.

HB 24, Act 7, Approved 2/11/77

HB 26, Act 8, Approved 2/11/77

Amends §§34A-1206 and 34-1307 of the Georgia Code to prohibit the solicitation of votes or distribution of campaign literature by all persons [formerly candidates were exempt] within 250 feet of a polling place, or of the outer edge of any building within which such polling place is established, whichever distance is greater.

HB 27, Act 639, Approved 3/30/77

Provides that the Secretary of State must disseminate certain information concerning primaries and elections to candidates for federal and state office and Probate Judges.

Ensures that all electors may vote at the election district in which they registered except for those who made special arrangements to vote at a central location in the county.

Allows the names of political party nominees to be placed on the ballots without their filing notices of candidacy.

Changes the filing date for notices of candidacy for federal or state candidates in a general election from 45 to 75 days prior to the election. Provides that the candidates must also submit an affidavit with a statement that they have never been convicted and sentenced for violating election laws, malfeasance in office or certain other crimes under State or U.S. laws.

States that candidates for party nomination must pay a filing fee or submit a pauper's affidavit to qualify for a party primary.

Provides that in party primaries the names of all unopposed candidates will be placed on the ballot below the names of all candidates for other offices who have opposition for party nomination.

## STATE SESSION LAWS

### GEORGIA CONT'D

Requires the grand jury to appoint a committee to ensure the proper preparation of voting machines; and if they fail to oversee the preparation of the voting machines, the superintendent must appoint a panel to perform the duties.

Provides for poll watchers in primaries and elections. Permits each candidate to submit the name of one poll watcher for each election district for a primary at least 21 days [formerly 10] prior to the primary, and each party committee to appoint no more than 2 poll watchers from each district 7 days [formerly 3] before the primary. Permits a political party to designate 2 poll watchers for an election at least 7 days before the poll watchers are to be appointed by the party committee.

Provides for periodic inspection of voting machines and vote recorders by the poll officer and provides that if inoperative, the poll officer must immediately lock and seal operating lever or mechanism of machine.

Amends Title 34 of the Code of Georgia.

#### HB 33, Act 11, Approved 2/11/77

Amends §34-1704 of the Georgia Code, relating to venue in election contests so as to change the procedure for determining which judge shall preside over an election contest. The judge of the superior court who has the most years of service [formerly senior judge] and who resides outside of the judicial circuit, the congressional or senatorial district or other area involved in the contest shall preside; or if disqualified or unable to serve, an appointed disinterested judge of superior court, or senior judge of superior court [formerly judge of the superior court emeritus], residing outside of the judicial circuit, the congressional or senatorial district or other area involved in the contest [formerly outside of the judicial circuit only] shall serve in the place of such judge.

#### HB 34, Act 178, Approved 3/11/77

Provides that the closing date for registration lists, the deadline by which candidates must qualify and the specified time for a runoff shall be the same for municipal primaries and elections held in conjunction with general primaries and elections as for general elections. Requires candidates to state in their submitted affidavits that they have never been convicted and sentenced for fraudulent violation of primary or election laws, malfeasance in office, felony or crime. States that a candidate must

## STATE SESSION LAWS

### GEORGIA CONT'D

submit the name of one poll watcher for each election district at least 21 days [formerly 10] prior to the primary, and that the municipal or other party executive committee must designate two poll watchers for each election district at least 7 [formerly 3] days prior to the primary. Requires a poll officer to inspect the vote recorder, ballot labels and voting machines at least once every hour, and provides for a procedure in the event that a voting machine becomes inoperable. Amends Title 34A, the Georgia Municipal Election Code, of the Georgia Code.

#### HB 54, Act 12, Approved 2/11/77

Amends §34-1307, relating to prohibition of solicitation by all persons within 250 feet of a polling place, so as to also prohibit the solicitation of signatures for petitions within same distance of the polling place.

#### HB 86, Act 241, Approved 3/23/77

Provides for absentee ballot applications by members of the Armed Forces, the merchant marine and their spouses and dependents for use in primary, run-off, and general elections.

#### HB 91, Act 242, Approved 3/23/77

Provides for the selection, where practicable, of polling places which are accessible to handicapped voters. Amends §34-705(d) of the Code of Georgia.

#### HB 114, Act 4, Approved 2/7/77

Establishes five-member election boards in counties having a population between 60,000 to 65,000 which shall have jurisdiction over the conduct of primaries and elections in such counties, pursuant to Title 34 of the Georgia Code of 1933, as amended in 1964. The five members who must be electors and residents of the county are to be appointed as follows: one member is to be appointed by the chairman of the committee of the political party which received the largest number of votes in the State in the last election, one member to be appointed by the chairman of the committee of the political party which received the next largest number of votes in same election, (if they fail to be appointed within 30 days preceding the date they are to take office, they will be appointed by the governing authority) and three members to be appointed by the governing authority of such county.



## STATE SESSION LAWS

### GEORGIA CONT'D

HB 189, Act 183, Approved 3/11/77

Makes it a felony to make a false statement on a voter's certificate or certain other election documents. Amends §§34-1302 and 34-1905 of the Georgia Code.

HB 486, Act 287, Approved 3/23/77

Provides that no elected county or municipal official will be eligible to serve as a member of the General Assembly.

HB 487, Act 288, Approved 3/23/77

Relates to voting by absentee electors, amending §34-1406 of the Code of Georgia.

States that when an elector applies for an absentee ballot and the ballots have already been printed, the absentee ballot must be delivered to the elector, and the elector must then vote the ballot at the registrar's office.

HB 488, Act 289, Approved 3/23/77

Provides for a deadline by which the superintendent and board of registrars must prepare and deliver absentee ballots --at least 21 days prior to any primary or election except for run-off elections.

HB 501, Act 741, Approved 4/8/77

Makes numerous changes in Georgia's campaign and financial disclosure laws, including the following:

Redefines "contribution" and "expenditure" so as to include transactions by which a candidate's qualifying fee is furnished or paid by anyone other than the candidate.

Requires the first report filed in any election year to include all contributions received or expenditures made in support of the campaign in question in prior years.

Permits the same individual to serve both as the chairman and the treasurer of a committee.

Establishes the following filing offices: all offices except county and municipal offices and justice of the peace --original with Secretary of State

## STATE SESSION LAWS

### GEORGIA CONT'D

and copy with probate judge of candidate's county of residence; county office and justice of the peace --probate judge in county of residence; municipal office --municipal clerk or, if no clerk, chief executive officer of the municipality.

Specifies detailed information to be filed on contributions consisting of loans, advances or extensions of credit.

Requires campaign finance reports to be cumulative during each calendar year.

States that candidates receiving no contributions of \$101 or more need file only the initial and final required reports.

Repeals all expenditure limitations.

Further restricts those qualified to serve on the State Campaign and Financial Disclosure Commission, so that no person who has qualified to run for any Federal, State or local public office or who has held any such office for five years prior to the appointment, or who is serving as an officer of a political party is eligible to serve on the Commission.

Requires independent complaints of violations to be verified under oath to the best information, knowledge and belief of the person(s) making them.

Permits the Commission to levy a civil penalty not to exceed \$100 for each failure to file a required report.

Deletes the requirement that the Commission annually report its recommendations for further legislation it finds necessary.

HB 631, Act 308, Approved 3/23/77

Amends provisions relating to the challenge of absentee ballots. Permits an elector to challenge absentee electors whose names appear on the master list prior to the closing of the polls on the day of the primary election. Amends §§34-1405 and 34-1407 of the Code of Georgia.

HB 657, Act 671, Approved 3/30/77

Provides for the preparation of sample or facsimile ballot labels for each candidate and question in each general election by superintendents in

## STATE SESSION LAWS

### GEORGIA CONT'D

those municipalities which will utilize vote recorders or voting machines. Amends §34A-1012 of the Code of Georgia.

HB 693, Act 673, Approved 3/30/77

Relates to petitions for new election districts. Provides for notices of changes in election districts sent to affected electors within counties of Georgia having a population of 500,000 or more.

HB 1004, Act 692, Approved 3/30/77

Establishes a board of elections in each county of Georgia having a population of 63,000 to 65,999. Authorizes the boards to hire employees, subject to the approval and confirmation by the county governing authority. Also authorizes the boards to contract with municipalities for the holding of any primary or election within the municipality. Abolishes the board of registrars and the office of chief registrar in such counties.

## STATE SESSION LAWS

### HAWAII

HB 171, Act 189, Approved 6/8/77

Amends numerous election law provisions, including the following:

States that, for election purposes, there can be only one residence for an individual; however, in determining residency, a person may treat himself separately from his spouse.

Permits voter registration affidavits to be copied, and information compiled from the affidavits to be released, pursuant to ordinances promulgated by the appropriate county council. Also permits voter registration information compiled in each county to be transmitted to a central file to prevent or detect duplicate voter registrations and for use in the compilation of election reports.

States that whenever the last day for the close of registration, or to challenge nomination papers, falls on a Saturday, Sunday, or holiday, the deadline becomes the next working day thereafter [formerly preceding].

States that, after a political party has filed an affidavit to challenge its disqualification, a hearing must be held not later than 20 days following the receipt of its affidavit by the appropriate election officer. Requires newspaper notice of the hearing to be circulated, with the decision to be handed down not later than the 7th day following the hearing.

Deletes the requirement that chief election officers make a list of precinct officials by representative district not later than 10 days prior to an election, for the purpose of filling precinct vacancies. Also deletes the requirement that the chairman of each political party notify the chief election officer of the names of the party's presidential and vice-presidential candidates by August 31 in a presidential election year.

Permits poll watchers to observe the operations of an absentee polling place.

Permits the chief election officer, at his discretion, to have a background design imprinted onto the ballot. States that, when an electronic voting system is used, the ballot may have pre-punched codes and printed information to identify the voting districts and precincts and so facilitate the electronic data processing of these ballots.

Changes the filing deadline to the 56th [formerly 45th] day prior to the primary, special primary, or special election, for members of Congress, state, and county officers.

## STATE SESSION LAWS

### HAWAII CONT'D

Specifies additional procedures for evidentiary hearings and decisions on challenges of nomination papers. Gives the chief election officer or clerk (for county offices) the necessary powers and authority to conduct evidentiary hearings and administer oaths, and requires the hearing to be held not later than 4 working days after the objection has been filed.

Requires presidential electors and alternates to be registered voters [formerly residents] of the state.

States that no person may be a candidate for any primary election unless at the time of the filing of his nomination papers, he is and shall have been a resident of the district from which he seeks election for a period of at least 3 months.

HB 433, Act 151, Approved 6/2/77

Provides that the chief election officer of a precinct may designate at least one of his assigned additional precinct officials as a voter assistance official. Changes compensation rates for precinct officials as follows: precinct officials (other than the chairman and voter assistance official) --\$45 [formerly \$35] for each election; voter assistance official --\$50 for each election; and chairman --\$55 [formerly \$45] for each election for a single-unit precinct and \$10 more per unit for larger precincts. Amends §§11-71 and 11-76 of the Hawaii Revised Statutes.

## STATE SESSION LAWS

### IDAHO

#### SB 1014, Chapter 3, Approved 2/23/77

Designates the legislative council as the state coordinating agency for implementing the provisions of Public Law 94-171 (13 U.S.C. 141) relating to election precincts. Specifies boundary requirements such as following visible, recognizable features except when a precinct boundary coincides with a city or county boundary which does not follow a visible feature or establishing the internal boundaries of subprecincts. Specifies information which shall be provided by the county clerk and maintained by the secretary of state, deleting a formerly required population count by precinct using the latest federal census figures. Authorizes an individual to serve on two or more election boards simultaneously where a single polling place is designated for 2 or more precincts. States that an election board for a precinct (formerly polling place) shall have no more than 10 members. Amends Chapter 3, Title 34, §§ 34-301, 34-303 and 34-306 of the Idaho Code.

#### SB 1036, Chapter 7, Approved 2/25/77

Provides for a process by which the names of independent candidates for the offices of president and vice-president are to be placed on the general election ballot and for certification of independent presidential electors. Independent candidates for president and vice-president must file a petition (only one petition need be filed for both offices) by August 25 of election year signed by qualified electors equaling at least 3% of the number of votes cast in Idaho for presidential electors at the previous presidential election as well as declarations of candidacy stating that they are independent candidates and have no political party affiliation. Independent candidates who have qualified for ballot status should certify the names of presidential electors to the secretary of state by September 1, who shall then certify the electors and candidates to the county clerks by September 25. Amends Chapter 7, Title 34, of the Idaho Code by adding §34-708A.

#### SB 1037, Approved 2/25/77

Provides that the secretary of state design the general election ballot to allow for write-in candidates under each office title (formerly a separate column for write-in candidates). Amends §34-906 of the Idaho Code.

#### SB 1054, Approved 2/25/77

Provides that registered electors who have changed residence five or more days (formerly 30 days) prior to an election shall be allowed to vote

## STATE SESSION LAWS

### IDAHO CONT'D

at that election and that electors who change residences within the same precinct shall be allowed to vote, the change of address to be noted on the registration card by the election officials. Provides for a uniform 4-year period of registration for all electors and for cancellation of registration after every general election beginning in 1978 of any elector who had not voted at any election for which registration is required in the past 4 years. Amends §§ 34-413, 34-421, and 34-435 of the Idaho Code.

#### SB 1136, Approved 3/29/77

Amends various campaign contributions and reporting provisions, including the following changes:

Excludes from the definition of "contribution" personal funds used to pay a candidate's filing fee.

Defines "political committee" as any person specifically designated to support or oppose any candidate or measure; or any person, including a political party and its local committees, which receives contributions or makes expenditures over \$500 in the course of any calendar year to support or oppose any candidate(s) or measure(s).

Establishes the following contents of reports: a list of all contributions, including the name and address of each person contributing an aggregate amount of more than \$50 and the amount contributed by each such person, and the sum of all smaller contributions; and the name and address of each person to whom an expenditure of \$25 or more was made, with the amount, date and purpose of each such expenditure, and the sum of all smaller expenditures.

Requires all expenditures of \$25 or more to be vouched for by a receipt or cancelled check, or an accurate copy thereof.

Requires political statements to clearly indicate the person responsible for the communication.

Requires campaign and lobbying statements to be preserved for 4 [formerly 6] years from the date of receipt.

#### HB 92, Approved 2/28/77

Amends Section 34-715 of the Idaho Code relating to filling vacancies in the slate of candidates of a political party, by deleting provisions stating that

## STATE SESSION LAWS

### IDAHO CONT'D

a vacancy occurring during the 10-day period before a primary election or at least 10 days before the general election shall be filled by the person receiving the next highest number of votes at the primary election, provided he or she had polled at least 25% of the total vote for that office.



## STATE SESSION LAWS

### INDIANA

#### SB 5, Approved 4/12/77

Amends §3-1-7-6 and repeals §3-1-7-5.5 of the Indiana Code, relating to the establishment of county boards of registration. Makes such boards mandatory in counties having a population of 100,000 [formerly 80,000] or more, and optional in counties having a population between 80,000 and 100,000.

Establishes the following salary levels for board members: in counties having a population of 250,000, the annual salary must be at least \$4,500 (no maximum stated); in others, the salary must be at least \$2,400 (no maximum stated).

#### SB 77, Approved 4/21/77

Relates to vacancies in elective offices in which the person who last held the vacated office was a candidate of a political party whose candidate at the last election for secretary of state received either the highest or next highest number of votes cast state-wide for that office.

Provides that vacancies in all elective county, township, city and town offices, except for the offices of prosecuting attorney, clerk of the circuit court, and judge of any court, must be filled for the unexpired term by a caucus. States that the county chairman of the same political party must call a caucus within 30 days after vacancy. States qualified persons must file declarations of candidacy with the caucus chairman at least 72 hours before the caucus time.

Outlines eligibility requirements for caucus members including being a member of the same political party as the officer who vacated the office and being a precinct committeeman for 30 days. Forbids any caucus member to vote by proxy. States that the election must be conducted by secret ballot by a majority vote.

#### SB 293, Approved 4/19/77

Provides that every county election must make available 1 voting machine for every 10,000 voters (but not more than 2 per township within the county) from the 18th to the 9th day before the election at convenient places --e.g. shopping centers --in the county. States that the voting machines must contain the names of all candidates and a description of all issues as they will appear on the ballot on election day. These machines must be attended at least 12 hours each day by instructors approved by the county chairman of the 2 political parties whose candidates

## STATE SESSION LAWS

### INDIANA CONT'D

received the largest number of votes statewide in the preceding election for that office.

#### SB 509, Approved 4/21/77

Provides that when a legislative vacancy occurs in the general assembly, the precinct committeemen of the the same political party as the person who vacated the seat must select a new assembly person by secret ballot. States that a precinct committeeman of a split precinct within the district is entitled to 1/2 vote [formerly specified split precinct must have more than 200 registered voters]. Amends §2-2.1-2 of the Indiana Code.

#### HB 1066, Approved 3/17/77

Relates to primary elections for state, county, city or township officers. Provides that if there is a contest in the primary election for the nomination of a candidate for election to any office, the name of each candidate for each party nomination shall be placed on the primary ballot, whether or not the candidate for nomination is opposed. Amends §3-1-9 of the Indiana Code.

#### HB 1217, Approved 3/31/77

States that the county election board must provide return envelopes for absentee voters' ballots stamped for return by at least first class mail [formerly special delivery]. Provides that on election day, each clerk of a circuit court must visit the appropriate post office to collect absent voters' envelopes at the latest possible time that will permit delivery of the ballot to the appropriate precinct election board before 6:00 p.m. Amends §§3-1-22-6 and 3-1-22-11 of the Indiana Code.

#### HB 1278, Approved 4/22/77

States that colleges and universities must permit voter registration by deputy registration officers in the public areas of their student or teacher housing facilities between 10 a.m. and 8 p.m. each day of March and September on which registration is allowed by §3-1-7-7 of the Indiana Code.

#### HB 1601, Approved 4/12/77

Deletes the requirement that voters at a primary election be required to give their social security numbers prior to being allowed to vote. Amends §3-1-9-10 of the Indiana Code.

## STATE SESSION LAWS

### INDIANA CONT'D

#### HB 2010, Approved 3/31/77

Provides that the governing body of each school corporation and chief administrative official of each private school must authorize the absence of each secondary school student who serves as a helper to a political candidate or political party on the date of each general, city or town, special and primary election at which he works --the student may not be penalized in any way. The student must however submit a document signed by his parent or guardian giving him permission to participate in the election and must also submit a document signed by the candidate, political party chairman, etc., verifying the performance of his services. Amends §20-8.1-3 of the Indiana Code.

#### HB 2113, Approved 4/21/77

Provides that city committees of each political party must be organized at least 90 days before the city election [formerly 60 days before the city primary], the time to be established by the state central committee of each political party. Amends §3-1-2 of the Indiana Code.

## STATE SESSION LAWS

### IOWA

#### SR 2, Adopted 1/13/77

Establishes rules applicable to lobbying activities involving the Iowa General Assembly. Requires all lobbyists, regardless of whether they will make reportable expenditures while lobbying, to register with the secretary of the senate. Also requires separately or jointly registered lobbyists who have made reportable expenditures to file a monthly report by the twentieth day of each month with the secretary of the senate concerning their lobbying activities during the preceding calendar month. The monthly report is to list the totals of all expenditures (with certain specified exceptions) made or incurred by the lobbyist and his or her employer or employers expended directly upon the members of the senate, collectively, in the performance of lobbying service during the period covered. The report shall include subtotals for food and refreshment, entertainment, the provision of travel for senators, recreation expenses, lodging expenses away from home, and other expenditures. Other specified information is also to be included in the monthly report.

Provides that a lobbyist who can reasonably expect that an amount will be expended by him on one occasion which will result in an expenditure of more than \$25 in one month cumulatively upon a senator, a senator's spouse, and a senator's unemancipated minor children, shall notify the senator of the expected expenditure before it is made. Upon notification, if the senator agrees to reimburse the lobbyist either for the expenditure or that portion of it in excess of \$25, to the extent of the agreed reimbursement, the expenditure shall not be reportable by the lobbyist, provided that the lobbyist is reimbursed prior to the date of filing the monthly report. Prohibits a lobbyist from cumulatively expending upon a senator, a senator's spouse and unemancipated minor children more than \$50 in any calendar year. Campaign contributions are not included in determining the \$50 limit.

Specifies that each person registered any time during the year, as a lobbyist who will make reportable expenditures, must file with the secretary of the senate a year-end report containing the unitemized total annual expenditures related to lobbying for the previous calendar year incurred by each individual, company, firm, corporation, union, association or cause for which that person lobbies.

Requires each senator to file, by the twentieth day of each month, with the secretary of the senate a report of all items or services of an apparent value in excess of \$5 which he or she received during the preceding month from a lobbyist, or the individual, organization, corporation, or cause represented by the lobbyist.

## STATE SESSION LAWS

### KANSAS

#### SB 172, Approved 3/29/77

Amends §25-3204 of the Kansas Statutes relating to the envelopes of abstracts of the votes in national and state primary and general elections. Repeals provision requiring the secretary of state to preserve the original envelopes for 2 years after the election.

#### SB 173, Approved 4/4/77

Makes minor amendments in the form of the general election ballot, so as to substitute the term "United States Representative" for the term "Congressman" on the ballot. Also states that the state treasurer and the commissioner of insurance shall be elected for terms of four years. Repeals and reenacts §§25-616 and 25-4001 of the Kansas Statutes.

#### SB 283, Approved 4/11/77

Provides that each voting place provided by the county election officer for national, state, county, township, city and school primary and general elections must be accessible to and useable by elderly persons and by physically handicapped persons. Establishes standards of accessibility.

#### SB 340, Approved 3/8/77

Amends §25-2316a of the Kansas Statutes to include provisions relating to the removal of names from voter registration books, formerly existing as §25-2316 and 25-2316b, and repealing the latter sections.

#### SB 353, Approved 4/13/77

Permits any person to have access to the registration books during regular business hours, under supervision of the county election officer. [Formerly only persons appointed by the chairman of any political organization were permitted access to the registration books.] States that a person may make a written request for a copy of the registration books at any time except during the 20 days preceding any election --the requester will be provided with a copy within 10 days by the election officer at the requester's expense. Forbids use of voter registration lists for commercial purposes. Amends §25-2320 of the Kansas Statutes.

#### SB 387, Approved 3/30/77

Provides that the name of each candidate may be printed on the ballot only

## STATE SESSION LAWS

### KANSAS CONT'D

once, except a candidate's name may also appear on the ballot as a candidate for precinct committeeman or committeewoman. States also that a person's name may appear as a candidate for the unexpired term for an office as well as a candidate of the same political party for the next regular term for that office. Amends §§25-213 and 25-613 of the Kansas Statutes.

#### HB 2622, Approved 3/30/77

Provides that when a voting machine becomes inoperative, ballots similar to the official ballots will be made available to those voters at the polls who cannot wait while a substitute machine is being procured or the injured one is repaired and will be counted with the votes registered on the voting machine. Amends §25-1331 of the Kansas Statutes.

## STATE SESSION LAWS

### LOUISIANA

#### SB 87, Approved 7/10/77

Prohibits the holding of any election in the State on certain specified Jewish holy days.

#### SB 684, Act 241, Approved 7/5/77

Changes the term of office for the three members of the Louisiana board of ethics to six years [formerly a term concurrent with the Governor], provided that initially the member appointed by the governor shall serve for two years, the member elected by the house of representatives for four years, and the member elected by the senate for six years. Authorizes the board to elect a chairman from among its members to serve a two-year term in an election to be held no later than 30 days after July 1 of each odd-numbered year. Amends and reenacts §1144, sub-§A, of Title 42 of the Louisiana Revised Statutes.

#### HB 176, Act 543, Approved 7/15/77

Rewrites §18:1463 of the Louisiana Revised Statutes, relating to political advertising. Includes a legislative finding of compelling state interest in that elections cannot be held in a fair and ethical manner when certain criteria are not met. Accordingly, the following acts are prohibited:

- printing or distributing material which falsely alleges that a candidate is supported by or affiliated with another candidate, group of candidates, or other person, or a political faction;
- publishing anonymous statements that make scurrilous, false, or irresponsible adverse comment about a candidate or proposition. Excludes from this latter requirement statements merely expressing support for or opposition to a candidate or proposition, as well as bumper stickers, lapel pins and stickers, lawn signs and the like.

Also requires, with the above exceptions, material published, distributed, or transmitted by associations, organizations, committees and/or corporations to be properly identified. Establishes penalties of a fine not to exceed \$2,000 [formerly \$500] and/or imprisonment not to exceed 2 years [formerly 6 months].

#### HB 439, Act 590, Approved 7/19/77

States that any person who has been convicted of any crime involving fraud while serving in the conduct of an election and in his capacity as a commissioner-in-charge, commissioner, watcher, or employee of a parish

## STATE SESSION LAWS

### LOUISIANA CONT'D

custodian of voting machines, or deputy of a clerk of court or of the civil sheriff of the parish of Orleans, shall thereafter be prohibited from serving in any of the aforementioned positions in any election.



## STATE SESSION LAWS

### MAINE

#### SB 186, Chapter 78, Approved 4/14/77

Makes minor changes in wording to correct errors and inconsistencies in §225 of Title 20 of the Maine Revised Statutes relating to voting procedures at district meetings, §491 of Title 21 relating to the nomination of a candidate, and §925 of Title 21 relating to challenged ballots.

#### SP 343, Chapter 265, Law Without Approval 6/8/77

Eliminates the requirement that registrars view the naturalization papers of naturalized citizens. Repeals §102, sub-§1, of Title 21 of the Maine Revised Statutes.

#### SB 374, Chapter 412, Approved 6/30/77

Provides that absentee ballot applications and absentee ballot return envelopes are public records until the close of voting on election day. After that time, these applications and records are not public records and may be inspected only as provided in the election law.

#### SB 437, Chapter 486, Law Without Approval, 7/11/77

Authorizes each county, by vote of its voters, to determine the structure of county government in that county by the adoption of county charters. Adds a new Chapter 11 (§§1501 et seq.) to Title 30 of the Maine Revised Statutes.

#### SP 445, Chapter 468, Approved 7/7/77

Requires municipal officers in each municipality of 15,000 or more population at general elections to provide at least one voting booth for each 150 [formerly 200] voters qualified to vote at each voting place (for other elections, one voting booth for each 200 voters). Amends §603, sub-§1, of Title 21 of the Maine Revised Statutes.

#### SB 590, Chapter 564, Law Without Approval 7/23/77

Corrects errors and inconsistencies in State laws. Makes minor amendments concerning registration and political conventions. Provides that any candidate, person, or committee engaging in activities in the State on account of which a report is required by Federal law shall file with the Commission on Governmental Ethics and Election Practices a completed copy of the report required by Federal law on the date required by Federal law and no other campaign finance report shall be required.

## STATE SESSION LAWS

### MAINE CONT'D

#### HB 1, Chapter 442, Law Without Approval 7/5/77

Requires the registrar of each municipality concerned to certify which names on a petition appear on the voting list of that municipality as registered voters and to strike out any names which do not satisfy legal requirements. Specifies that the petition shall be submitted to the registrar of each municipality concerned for certification by 5 p.m. on the fifth day before the primary election. [Note: This law was repealed by SB 590, Chapter 564, Laws 1977.]

#### HP 32, Chapter 32, Approved 3/22/77

Requires voters to state their street address, upon request, as well as their name when voting. Amends §861, sub-§§1 and 5 of Chapter 21 of the Maine Revised Statutes.

#### HP 58, Chapter 68, Approved 4/13/77

Amends §5353 of Title 30 of the Maine Revised Statutes to clarify a provision relating to reapportionment. Provides that each district must contain as nearly as possible the same number of inhabitants, but the districts must not differ in number of inhabitants by more than 10% of the inhabitants [formerly voters] in the smallest district created.

#### HP 68, Public Law 233, Approved 5/27/77

Requires an elderly or physically handicapped voter wishing to vote at the clerk's office or at an alternative voting place to so notify the clerk at least 5 [formerly 10] days prior to the date of the election. Also requires each clerk, not later than 10 days before an election, to issue a public notice designating the location of alternative accessible voting places, except that no such notice is required in any municipality in which all or no voting places are accessible to these persons. Amends Title 21, §604, of the Maine Revised Statutes.

#### HP 146, Chapter 334, Law Without Approval, 6/20/77

Provides for advance registration for any person between 27 years 6 months and 18 years of age, who is otherwise qualified to be a voter, and who will be outside Maine, as a student or as a member of the armed forces during the 1st period they would otherwise be able to register. Such person may vote by absentee ballot at any election so long as he or she is 18 years of age on or before the election date and is otherwise eligible to

## STATE SESSION LAWS

### MAINE CONT'D

vote by absentee ballot. Requires the registrar to make a list of such persons, and to place their names on the voting list when they reach 18 years of age. Enacts §103 and amends §1253 of Title 21, the Maine Revised Statutes.

#### HP 318, Chapter 54, Approved 4/6/77

Provides that the Commission on Governmental Ethics and Election Practices must provide copies of its findings of fact and opinion on election contests to all parties to the appeal of the election before the commission within 3 days after adopting those findings. Amends §1423 of Title 21, the Maine Revised Statutes.

#### HP 454, Chapter 309, Approved 6/15/77

Amends Title 21, §§572, 603(2), and 704(6), relating to instruction posting required by the Election Code. Requires an instruction poster to be securely placed above the shelf in each voting booth for the purpose of aiding the voter, and deletes the provision which had permitted ballot instruction sheets to be used as instruction posters.

#### HP 621, Chapter 252, Approved 6/3/77

Amends the law creating the Commission on Governmental Ethics and Election Practices. Provides that legislators' statements of sources of income are public records. Also provides that if the Commission determines that a legislator has willfully filed certain false statements, the legislator shall be presumed to have a conflict of interest on every question and shall be precluded from voting on the matter or punished.

#### HB 836, Chapter 512, Approved 7/18/77

States that contributions to political groups or candidates may not be included in the operating expenses of public utilities. Amends §51-A of Title 35 of the Maine Revised Statutes.

#### HP 924, Chapter 210, Approved 5/25/77

Permits Maine citizens overseas to apply for absentee ballots by written request, or by written request from their spouse, a blood relative, or a former guardian. Enacts sub-§1-A and amends sub-§2 of §1253 of Title 21, the Maine Revised Statutes.

## STATE SESSION LAWS

### MAINE CONT'D

#### HB 937, Approved 6/21/77

Provides that if there is a tie vote for State Representative or State Senator as finally determined by the proper House pursuant to the Constitution of Maine, the Governor shall issue a proclamation declaring the tie and ordering a special election between the persons tied. Adds §1122(2)(C) to Title 21, the Maine Revised Statutes.

#### HP 981, Chapter 250, Approved 6/3/77

Includes sound amplification devices within the prohibition against advertising within 250 feet of the entrance to any polling place. Amends Title 21, §892(3), of the Maine Revised Statutes.

#### HB 1117, Chapter 500, Approved 7/14/77

Provides that the clerk may issue to any 3rd person, designated by absentee ballot applicants to receive the ballot, only enough absentee ballots to insure that he or she will not be in possession of more than 40 absentee ballots at any time for voters in a municipality. Requires such 3rd person to return an absentee ballot to the clerk's office within 5 business days of the date it was sent or delivered or before 8 p.m. on election day (or any time before the closing of polls for the presidential election), whichever is earlier. States that the clerk must keep a list of the 3rd persons to whom absentee ballots are sent. Provides that such a 3rd person who without good cause fails to return the absentee ballot within the required time limit will be guilty of a class E crime. Amends Title 21, §§1253 and 1579 of the Maine Revised Statutes.

#### HB 1183, Chapter 108, Approved 5/2/77

Clarifies the definition of activities reportable as lobbying. Includes the preparation of documents and research for the primary purpose of influencing legislative action as a reportable lobbying activity. States that any person acting as a lobbyist and the person employing that lobbyist must register with the Secretary of State no later than 7 [formerly 2] business days after the commencement of lobbying activities and pay a fee for joint registration. Amends §§313 and 317 of Title 3 of the Maine Revised Statutes.

#### HP 1212, Public Law 235, Approved 5/27/77

States that, in counting ballots, the election clerks shall separate them

## STATE SESSION LAWS

### MAINE CONT'D

the statement of the count to be wrapped around the outside of each lot of ballots. Amends Title 21, §924, sub-§2, of the Maine Revised Statutes.

HB 1235, Chapter 173, Approved 5/17/77

Requires voters to place a "mark" [formerly a cross or check] on the ballot.

States that if a voter marks his ballot in a manner which differs from the ballot instructions but in such a manner that it is possible to determine his choice, the vote shall be counted, and shall not be considered a distinguishing mark. Also, if the voter writes in the name of a deceased person or a person who could not be a candidate for office, the vote shall not be counted, but the name shall not be considered a distinguishing mark. However, if the voter has clearly manifested an intention to make a distinguishing mark, to fraudulently mark the ballot, etc., then the ballot is void.

Amends §§922 and 925 of Title 21, the Maine Revised Statutes.

HP 1353, Chapter 339, Approved 6/21/77

Provides that where voters register before a justice of the peace, notary public or other authorized person, such person must deliver the voter's application to the registrar before the deadline of the acceptance of registrations, to be placed on the voting list prior to the next election. Enacts §104 of Title 21, the Maine Revised Statutes.

HP 1649, Chapter 337, Approved 6/20/77

Clarifies the investigatory authority of the Commission on Governmental Ethics and Election Practices with regard to election contests. Permits any candidate in a contested election to make written application to the Commission requesting an investigation, with the Commission to act if the application shows sufficient ground for believing that a violation of law affecting the outcome of the election has occurred. Requires the State Auditor and the Secretary of State to assist the Commission in making such investigations, and states that the Attorney General shall be counsel for the Commission and may examine any witnesses before it. Amends §§1008 and 1423 and enacts §1422-A of Title 21, Maine Revised Statutes.

## STATE SESSION LAWS

### MAINE CONT'D

#### HP 1664, Chapter 430, Approved 7/1/77

Amends §§631, 632, and 637 of Title 21 of the Maine Revised Statutes, relating to registration periods. Formerly, although applicants could register on election day, they could not do so on a specified number of business days prior to the election (ranging from 1 business day, for municipalities with a population of 2,500 or less, to 9 business days, for municipalities with a population of 24,001 or more). Under this law, those wishing to register in person during these periods may do so, and their names are to be placed at the option of each registrar either on the regular voting list of the polling place or on a supplemental voting list, for use on election day.

#### HP 1691, Chapter 400, Approved 6/29/77

Establishes the following new fees for recounts in election contests:

- for a combined vote of 1,000 or less, with a vote difference of over 10% between the two candidates, \$150 [formerly \$100];
- for a combined vote of 1,001 to 5,000, with a vote difference of over 5%, \$200 [formerly \$150];
- for a combined vote of 5,001 to 10,000, with a vote difference of over 4%, \$250 [formerly \$200]; and
- for a combined vote of 10,001 to 50,000, with a vote difference of over 3%, \$300 [formerly \$250].

Also amends procedures relating to the issuance of election certificates following recounts. States that, for cases involving elections finally determined by the Governor, issuance of the certificate will follow the usual procedure. For other elections, the Governor shall withhold issuance of the certificate while the election is contested before the Commission on Governmental Ethics and Election Practices. States that if, before the convening of the finally determinative body in an election not determined by the Governor, the Commission finds that a candidate has apparently been elected, it must so notify the Governor, and the Governor will then issue a certificate of apparent election to such candidate.

Amends §§1095 and 1151 of Title 21, Maine Revised Statutes.

#### HB 1692, Chapter 425, Approved 7/1/77

Amends Title 21, Chapters 15 and 17, of the Maine Revised Statutes relating to primary and nomination petitions.

Requires candidates for the office of Presidential Elector or for any county office [formerly federal, state or county office] to be residents of and

## STATE SESSION LAWS

### MAINE CONT'D

voters in the electoral division they seek to represent on the date established for filing primary petitions.

Specifies required form of primary and nomination petitions. Requires voters to personally sign their names on the petitions in such a way as to satisfy the registrar of their municipality that they are registered voters and enrolled in the party named on the petition; and requires the voter or the petition circulator to print the voter's name. States that the voter's street address and municipality of registration must be printed or written on the petition, and permits ditto marks for municipality of registration only.

Requires petitions to be signed by the following number of voters:

- Candidates for the office of Presidential Elector: 2,000 - 3,000 voters;
- Candidate for the office of Governor: 2,000 - 3,000 voters;
- Candidate for the office of U.S. Senator: 2,000 - 3,000 voters;
- Candidate for the office of U.S. Representative: 1,000 - 1,500 voters;
- Candidate for county office: 150 - 200 voters;
- Candidate for the office of State Senator: 100 - 150 voters; and
- Candidate for the office of State Representative: 25 - 40 voters.

Deletes provision stating voters may sign only as many primary petitions and nomination petitions for each office as there are vacancies to be filled.

Provides that the petition circulator must verify by oath before a Notary Public, Justice of the Peace or other authorized person that all of the signatures were made in his presence and his belief each signature is genuine and each such person is enrolled in the party and a resident of the electoral district. States that the registrar of each municipality shall certify the names which appear on the voting list of registered and enrolled voters, and strike out any other names. The Secretary of State must then review it and if it contains the required number of certified signatures, accept and file it.

Permits registered voters residing in the electoral district of the candidate to file a challenge by or before 5:00 p.m. on the 5th day after the final date for filing petitions. Public hearings shall be held within 7 days by the Secretary of State on any challenge properly filed, the burden to be upon the challenger to provide sufficient evidence to invalidate the petitions. A ruling on the validity of the challenge must be made within 5 days after completion of hearing by the Secretary of State, which may be appealed by commencing an action in the Superior Court within 5 days of the decision.

## STATE SESSION LAWS

### MAINE CONT'D

Provides that when no person has qualified as a candidate for nomination by primary election by filing a primary petition, a person who fulfills the other qualifications but whose name is not on the ballot may be nominated at the primary election by receiving a number of valid write-in votes, equal to at least twice the number of signatures required on a primary petition for a candidate for that office. Requires the write-in candidate to file a written acceptance with the Secretary of State within 7 days after receiving notice of his nomination.

#### HP 1734, Chapter 496, Approved 7/14/77

Makes numerous amendments to clarify the election laws of the Maine Revised Statutes, including the following:

Defines "challenged ballot" as a ballot cast by one whose eligibility to vote has been questioned and "disputed ballot" as a ballot which has been questioned as to validity during the recount process.

Permits the registrar to appoint one or more deputies [formerly not more than 2].

Provides for overseas registration and specifies information required to be supplied by qualified applicants.

Prohibits persons under guardianship for reasons of mental illness from registering or voting at any election.

Permits township residents, if they live in a portion of the township not easily accessible to a town within their representative district, to register, enroll and vote in a more convenient town within or outside the county [formerly required to file a written request with the Secretary of State for a change of voting place]. States that township residents who vote in a town outside their state senatorial district may not vote for the office of State Senator and those who vote outside their county may not vote for county office.

Requires voters in voting on a referendum question to place the mark in the square of their choice at the left [formerly right] of the question.

Provides that if a challenged ballot affects the result of an election, its validity shall be determined by the Commission on Governmental Ethics and Election Practices [formerly Governor].



## STATE SESSION LAWS

### MAINE CONT'D

Provides that a ballot which is held to be defective by the warden or ward clerk will not be counted for the office, candidate, or question affected by the defect, and a that ballot held void will not be counted. States that the warden or ward clerk must mark "Defective" on the outside of defective ballots, the reason for its being held defective, and the office, candidate or question for which it is defective; and must replace the ballot with the other ballots, to be counted for other offices or questions. The warden or ward clerk must also mark "void" on the outside of void ballots and the reason they have been void; and keep them segregated from the other ballots.

Requires the municipal clerk to take appropriate security measures to insure the safety and protection of all ballots.

Provides that when the Secretary of State tabulates the election returns, all candidates receiving less that .1% of the total vote cast must be entitled "others."

Permits an inspection and recount on any referendum question by application to the Secretary of State within the deadlines, on petition signed by 100 or more affected voters [~~deletes provision requiring person to whom the application is directed to publish a notice of the details of the inspection~~].

Provides for assistance to voters who are unable to read or complete their application because of blindness or other physical disability or because of illiteracy or religious faith. States that the aide must be of voting age and requires the aide to write on the application that he has assisted such voter, state the reason the voter was unable to complete or sign the application, and sign his name.

Requires the clerk to maintain a copy of duplicate lists by districts of the names and addresses of voters as shown on their return envelopes for 4 years [formerly 2 years]. States that the clerk must keep the checklists in his office for 2 years [formerly 1 year], unless sooner released to the Secretary of State or required by him to be kept longer.

Provides that the nomination of a candidate or nominee, other than by party, to fill a vacancy must be made by nomination petition.

Reclassifies and adds to Class D and Class E crimes. Makes dual registration, voting under an assumed name, improper voting, and unauthorized handling of voting machines or devices Class D [formerly E] crimes, and

## STATE SESSION LAWS

### MAINE CONT'D

deletes the following from Class D crimes: an individual's causing an unreasonable delay in registration or enrollment of another or refusal to allow a qualified person to vote; an offer or a solicitation of money or position to induce an individual to vote for or against a candidate, party or principle; tampering with voting machines; and an organization offering money in return for enrollment of voters. Adds to Class E crimes unauthorized activity within 250 feet of the voting place or the registrar's office on election day and failure of clerk to check absentee ballot envelopes, and deletes defacing, falsifying or suppressing a public record, ballot, checklist, notices, specimen ballots and instructions.

HB 1739, Chapter 575, Passed Over Veto 7/25/77

Expands the definition of "candidate" to include any person who has received contributions or made expenditures or has given his consent for any other person to do so, with the intent of qualifying as a candidate.

Defines "clearly identified" with respect to a candidate as meaning that the name of the candidate appears, a photograph or drawing of the candidate appears, or the identity of the candidate is apparent by unambiguous reference.

Expands the definition of "contribution" to include transactions, etc., made to liquidate a candidate's campaign deficit.

Requires state, district and county political party committees to submit to the Commission on Governmental Ethics and Election Practices the names and addresses of all officers and treasurers and the name and address of the principal paid employee, if any, within 30 days after the appointment, election or hiring of such persons. Requires municipal party committees to file the names and addresses of their chairman, secretaries and treasurers on or before April 30 of each general election year, with changes to be reported within 30 days. Permits the state committee to submit a consolidated report giving all of the above information.

Amends provisions relating to contributions by a candidate's immediate family so as to make them apply only to the candidate and his spouse.

Prohibits candidates, political committees, political parties and their committees, those required to file campaign finance reports, and their authorized agents from expending money for liquor to be distributed to or consumed by voters while the polls are open on election day [formerly the prohibition was general].

## STATE SESSION LAWS

### MAINE CONT'D

Requires those charged with preserving all receipted bills and accounts in conjunction with campaign finance statements to do so for two years following the final report to be filed for the election to which they pertain, unless otherwise ordered by the Commission or by a court.

Requires gubernatorial candidates, their treasurers, and the treasurers of their authorized committees to file reports on the following schedule:

- (1) By January 15 following any non-gubernatorial election year, if contributions or expenditures in excess of \$1,000 were made or received;
- (2) 42 days before each election, complete as of the 49th day before the election;
- (3) 7 days before each election, complete as of the 11th day before the election;
- (4) late contributions or expenditures of \$1,000 or more made after the 11th day and more than 48 hours before any election must be reported within 48 hours;
- (5) 42 days following each election, complete as of 35 days before the election; and
- (6) if surpluses of deficits remain, supplemental reports must be filed every 90 days until no such balances remain.

Requires reports to be complete back to the completion date of the previous report (6 months for the first pre-primary report if no January 15 report was filed). States that the post-primary election report shall be considered a previous report in relation to reports with respect to a general election.

Requires candidates for state (other than gubernatorial) or county office, their treasurers, and the treasurers of their authorized committees to file reports as indicated under numbers (3)-(6) above.

Requires candidates seeking nomination by petition to file reports on the same dates as candidates seeking the nomination by primary election.

Requires the above campaign reports to include itemized accounts of contributions received, and the name, address, occupation, and principal place of business, if any, of each person who made a contribution in excess of \$50 aggregate for that election; an itemized listing of expenditures made or authorized, the purpose of each and the name of each payee and creditor. States that total contributions with respect to an election of less than \$500 (except when contributions aggregating over \$50 are included) and expenditures of less than \$500 need not be itemized. Requires loans aggregating over \$500 during a reporting period to be reported whether or not they are defined as campaign contributions.

## STATE SESSION LAWS

### MAINE CONT'D

Requires political party committees making independent political contributions in excess of \$50 with respect to one candidate in an election to file a report with the commission, giving information as to contributions and/or expenditures over \$50 above. Requires other persons making such contributions or expenditures independently to file similar statements, along with information as to whether the contribution or expenditure is in support of or in opposition to the candidate, and a statement under oath or affirmation as to whether an 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.

Requires any membership organization or corporation making a communication to its members or stockholders expressly advocating the election or defeat of a clearly identified candidate to report any expenditures in the aggregate amount in excess of \$50 for such communication in any election, whether or not it is defined as an expenditure.

Requires the above reports to be filed on the same dates as other reports required for the particular office involved (i. e., gubernatorial, or other state or county office filing schedule).

Amends procedures to be followed when reports are not filed on time. Retains the \$10 per day penalty, but requires the commission, upon determining that a report is late, to notify the Secretary of State of such lateness, with that office having 30 days to collect the penalty. States that the failure to pay the full amount of any such penalty is a civil violation, with the Secretary of State to report such action to the Attorney General who shall bring a civil action to enforce the claim.

Requires the commission to meet at least 4 times during any year in which primary and general elections are held. Requires additional meetings at the call of specified public officers, the chairman, or a majority of the members, provided that all members are notified of the particulars of the meeting at least 24 hours in advance.

Also establishes procedures for reporting campaign finance information in connection with campaigns for the initiation, promotion or defeat of questions. Generally corresponds to the requirements set forth above as to reporting periods, information included, and penalties for late filing. Also requires any committee formed in connection with such an election to appoint a treasurer and file his name within 7 days after the appointment, and prohibits the acceptance of contributions or making of expenditures prior to such appointment. Establishes identification requirements

STATE SESSION LAWS

MAINE CONT'D

for statements published, distributed or broadcast in the course of any such campaign.

HB 1866, Chapter 386, Approved 6/27/77

States that the Secretary of State need not produce new ballots if candidates or nominees withdraw after the following dates:

- 40 days prior to any election for federal or gubernatorial office;
- 20 days prior to any election for State Senate or county office; and
- 10 days prior to any election for Representative to the Legislature.

Adds a new §1476 to Title 21 of the Maine Revised Statutes.

## STATE SESSION LAWS

### MARYLAND

#### SB 52, Chapter 679, Approved 5/26/77

Proposes an amendment (to be submitted to the voters at the general election in November, 1978) to Article XIV of the Maryland Constitution, to the effect that if the General Assembly determines that a proposed constitutional amendment affects only one county or the city of Baltimore, the proposed amendment shall be part of the Constitution if it receives a majority of the votes cast in the State and in the affected county or city of Baltimore, as the case may be.

#### SB 178, Chapter 871, Approved 5/26/77

Authorizes an agency under investigation by a legislative investigating committee to retain separate counsel, if advised by the Attorney General that there is a conflict of interest in his representing the agency. Makes the retention of such separate counsel subject to approval by the Board of Public Works. Amends Article 32A, §5, of the Maryland Code.

#### SB 242, Chapter 306, Approved 5/17/77

Requires a polling place, to the extent feasible, to be structurally barrier free in order to permit reasonable access, for the purpose of voting, to physically handicapped voters. Provides a procedure for the assignment of a qualified physically handicapped voter to an alternate polling place, subject to the following conditions and limitations: the alternate polling place must be located in the same county or Baltimore City as the polling place where the voter resides and it must be one in which the ballot used is identical to the ballot in the polling place where the voter resides. Amends § 2-11(a) and enacts §3-21A of Article 33, the Code of Maryland.

#### SB 258, Chapter 172, Approved 4/29/77

Requires the Secretary of State to prescribe the form to be used to list the contributions and expenditures of a person or group which files a referendum petition. Amends §23-6(a) of Article 33 of the Maryland Code.

#### SB 522, Chapter 896, Approved 5/26/77

Relates to the cancellation of registration in Baltimore City. States that, in addition to regular procedures, the names and last known street addresses of those voters in Baltimore City whose registration is about to be cancelled shall be published in a local newspaper of general circulation one month prior to the date of removal. Amends Article 33, §3-20(a) of the Maryland Code.

## STATE SESSION LAWS

### MARYLAND CONT'D

#### SB 710, Chapter 340, Approved 5/17/77

Requires campaign funds reports to be filed by central and continuing political committees on the anniversary of the date of the last general election in years in which a general election is not held. Amends Article 33, §26-11(c) of the Maryland Code.

#### SB 923, Chapter 638, Approved 5/17/77

Defines "central committee," as used in the Election Code, as the local or statewide governing body of a political party, as appropriate in the context. Amends numerous sections of the Election Code, so as to refer to central committees, rather than to State or local central committees.

#### HB 352, Chapter 115, Approved 4/12/77

Amends §4B-1(b) of Article 33 of the Code of Maryland relating to petitions. Provides that each petition must be accompanied by an affidavit(s) which states that the signers are registered voters of the county and that the affiant(s) witnessed each signature to the petition, the affidavits to be made before a notary public or other authorized officer [deletes justice of the peace].

#### HB 444, Chapter 79, Approved 3/31/77

Requires the local election board offices to be open from 9 a.m. to 9 p.m. on the last day for the filing of a certificate of candidacy under the primary election law.

#### HB 454, Chapter 80, Approved 3/31/77

Requires the local election boards to file with the State Administrative Board of Election Laws copies of any rules and regulations adopted by the local board within 30 days from their adoption, as well as providing reports of registration and other registration related activity as required by the State Board.

Provides that the local boards must retain cancelled registration records which are open to public inspection and certain other registration records for 5 years and then transfer these records to the State Board for delivery to the Hall of Records or to a local historical depository.

Amends §§2-9(b), 3-9A and 3-14(b) of the Code of Maryland.

## STATE SESSION LAWS

### MARYLAND CONT'D

HB 463, Chapter 681, Approved 5/26/77 .

Removes and corrects constitutional provisions, which are obsolete, inaccurate, invalid, unconstitutional, or duplicative, making mostly technical amendments to the election code.

States that every U.S. citizen of 18 years of age or upwards, who is a resident of Maryland [formerly 6 months residency required] as of the time for the closing of registration next preceding the election, will be entitled to vote in the ward or election district in which he resides at all State elections.

States that all words or phrases, used in creating public offices and positions which denote the masculine gender shall be construed to include the feminine gender, unless specifically expressed to the contrary.

Deletes provision making ministers or preachers of the Gospel or of any other religious creed, or denomination, ineligible as Senator or Delegate.

Provides procedure for filling offices of Delegate or Senator vacated because of death, disqualification, resignation, expulsion, or in case of a tie between 2 or more qualified persons. The Governor must appoint a person to fill the vacancy within 15 days after receiving the name of a person submitted by the Central Committee of his political party, such appointee to be a member of that same political party, or if a name is not submitted from the Committee within 30 days after the vacancy (or if there is not a Central Committee in the district or county), a qualified person shall be appointed by the Governor.

States that except for the judges of the district court, the judges of the several courts other than the Court of Appeals shall be elected in Baltimore City and in each county by the qualified voters at the general election held on the Tuesday after the 1st Monday in November.

Deletes provision exempting Justices of the Peace, Constables and Coroners from keeping a book listing all sums of money received as a payment or compensation for performance of official duties, to be inspected by the Comptroller of the State and the General Assembly.

HB 464, Chapter 938, Approved 5/26/77

Rewrites and/or amends numerous lobbying provisions, effective through July 1, 1980. [Provides that these provisions (Article 40, §§5-13 of the



## STATE SESSION LAWS

### MARYLAND CONT'D

Maryland Code) shall automatically be reenacted in their present (pre-amendment) form on that date. ]

Defines "lobbyist" as any person who directly communicates with a legislative or executive officer with the purpose of influencing legislative action and who either incurs expenses of \$100 or more or receives \$500 or more as compensation for the purpose of influencing legislative action. Defines "Executive Branch Lobbyist" as any person who spends \$75 or more cumulatively during a reporting period on an official in the executive branch for meals, beverages, special events or gifts in connection with or with the purpose of influencing executive branch activity.

Excludes from the definition, in addition to those presently excluded, publishers and working members of the press or news media in their normal course of employment; editorial commentators; bona fide religious representatives seeking to protect their right to practice their religion; those engaged in lobbying exclusively for counties and municipalities; and those compensating lobbyists who engage in no other lobbying activity and who reasonably believe such lobbyists will report all covered expenditures.

Requires registration on or before January 10 of each year, or not later than 5 days after first performing any covered activity, of lobbyists and executive branch lobbyists; those spending \$500 or more during a reporting period to compensate lobbyists [except as excluded above]; and those expending \$2,000, including postage, in a reporting period expressly to solicit others to communicate with any officer in the legislative branch to influence any legislative action or gubernatorial veto.

States that no registrant may be employed on a contingent arrangement, dependent in any manner on a contingency connected with any action of the General Assembly.

Requires two reports annually, under oath, to be filed as follows: one covering the period from November 1 through April 30, filed by May 31; and one covering the period from May 1 through October 30, filed by November 30. Requires each registrant to file a separate activity report for each person from whom he receives compensation.

Specifies information to be included in the reports filed by both legislative and executive branch registrants and states that the Governor may require any registration [e.g., lobbyists] to file such additional reports as he may deem necessary. Requires lobbyists and executive branch lobbyists to

## STATE SESSION LAWS

### MARYLAND CONT'D

obtain and preserve all accounts, bills, receipts, etc., needed to substantiate a report for two years from the date of its filing.

Requires all such reports to be retained by the Secretary of State as public records for at least two years from the date of their receipt, and made available for examination and copying by the public during regular office hours. Requires each person examining or copying any such report to record his name, home address, and the name of the person whose report was examined or copied.

Requires the Secretary of State to compile and maintain information relating to various categories of disclosures, as well as the total amount reported by all registrants for their lobbying activities.

Also amends §§2907 and 2908 of Title 33, relating to the Financial Disclosure Advisory Board, which is now renamed the Maryland Public Disclosure Advisory Board. States that, of the five members, one shall be appointed by the Governor, and two each by the President of the Senate and the Speaker of the House from the principal majority and minority parties in the legislature.

Authorizes the Board to request the Comptroller, Attorney General, and Secretary of State for such professional assistance as might be necessary in carrying out its duties and functions.

Includes oversight, investigation of complaints, etc., with regard to lobbying within the scope of the Board's authority. Requires the person charged, the Attorney General, and the appropriate State's Attorney [new] to be notified of any charged violation.

States that the Board, in issuing and publishing advisory opinions, may not identify the person requesting the opinion without such person's consent. States that procedures, rules and regulations may not be adopted and published until after notice and an opportunity for public comment has been given.

HB 533, Chapter 295, Approved 5/17/77

States that the State Administrative Board of Election Laws shall prescribe the form and arrangement of all paper ballots, and those parts of machine ballots which involve candidates who have filed certificates of candidacy with the Board and statewide questions.

## STATE SESSION LAWS

### MARYLAND CONT'D

Permits one representative of each independent candidate to be present when voting machines are inspected. Requires election judges to initial the paper rolls on each voting machine (used for write-in voting) prior to its use, if they cannot locate the signature of the machine's custodian placed there at the time of its inspection. Also requires the roll to be initiated by the judges canvassing the machine, if the original initials are no longer visible.

States that, at the time of the canvass, the paper roll shall be inspected for votes cast for write-in candidates, and a tabulation of all such votes shall become a part of the official canvass.

Requires voters using electronically reproduced voter authority cards to enter their date of birth in the spaces provided, if such information is not preprinted.

Requires ballot titles of constitutional amendments and questions to be made available for inspection by any registered voter, if they are certified prior to 25 days before the election.

#### HB 657, Chapter 462, Approved 5/17/77

Extends the period of time within which questions concerning a proposed Constitution or constitutional amendment or other questions submitted for popular approval may be certified to election boards in Howard County.

#### HB 794, Chapter 787, Approved 5/26/77

States that the campaign expenditure limitations set forth in Article 33, §31-3 of the Maryland Code shall not take effect until January 1, 1982 [formerly 1978].

#### HB 862, Chapter 790, Approved 5/26/77

Requires owners of multifamily residential structures in Montgomery County to designate a public area within each structure where voter information material may be distributed or deposited within the 60 day period immediately preceding each primary or general election. Requires the material deposited in the designated public area to remain available for residents of the structure for a period of at least 10 days. Adds a new §25-4 to Article 33 of the Maryland Code.

## STATE SESSION LAWS

### MARYLAND CONT'D

#### HB 984, Chapter 950, Approved 5/26/77

Expands current contribution limitations to include special elections. In addition to present limitations, permits up to \$2,500 to be contributed to committees working for the passage or defeat of any ballot question. Amends Article 33, §26-9(b) of the Maryland Code.

#### HB 989, Chapter 502, Approved 5/17/77

Authorizes any person to file a complaint with the State Board of Ethics, alleging a conflict of interest by an officer or employee of the Executive Branch. Requires the Board to investigate each complaint, upon finding that it has substantial merit. Amends Article 41, §14A, of the Maryland Code.

#### HB 1112, Chapter 518, Approved 5/17/77

Permits campaign contributors doing business with the State and other public entities to omit information as to the nature and amount of business done, and what agencies were involved, if the Attorney General approves such omission. States that the Attorney General may grant such approval if he finds it would be unduly burdensome to require the information, the public interest would not be substantially impaired by its omission, and if the person submitting the statement stipulates that he has done the requisite business in the amount of \$10,000 or more during the period in question. Amends Article 33, §30-2(c), of the Maryland Code.

#### HB 1127, Chapter 519, Approved 5/17/77

Permits the election board of each county and Baltimore City to mail at least one week before every election a specimen ballot to each registered voter's household, which would exempt them from the provision requiring them to give notice of the time and place of the election by advertisements in at least 2 newspapers of general circulation the week preceding the election (or in Baltimore City, 5 days before the election in all daily newspapers). Amends Article 33, §2-10, of the Maryland Code.

#### HB 1219, Chapter 533, Approved 5/17/77

Elections corrective bill --corrects technical errors in various laws relating to elections.

## STATE SESSION LAWS

### MARYLAND CONT'D

#### HB 1398, Chapter 818, Approved 5/26/77

Prohibits an elector from voting for more than allotted number of candidates from a specific county, if there are provisions for the election of only a certain number of delegates from that county and a legal requirement that the delegates live in the county. Amends Article 33, §16-5(d), of the Maryland Code.

#### HB 2058, Chapter 622, Approved 5/17/77

Requires that specified commissioners and applicants for appointment as commissioners of the Washington Suburban Sanitary Commission, the Washington Suburban Transit Commission (if appointed from Montgomery County or Prince George's County), and the Maryland-National Capital Park and Planning Commission file financial disclosure statements. Relates also to the time and place for filing financial disclosure statements, and to the period to be covered by such statements.

## STATE SESSION LAWS

### MASSACHUSETTS

#### SB 283, Chapter 136, Approved 4/29/77

Reduces the number of signatures required for nomination at state primaries by candidates for state secretary, state treasurer and state auditor to 5,000 [formerly 10,000]. Amends §44 of Chapter 53 of the Massachusetts General Laws.

#### SB 1663, Chapter 180, Approved 5/13/77

Reapportions the State's eight councillor districts and forty (state) senate districts. Amends Chapter 57, §2 and 3, of the Massachusetts General Laws.

#### SB 1677, Chapter 263, Approved 6/7/77

Requires condominium and certain residential apartment complex owners to provide to the registrar of voters a list of the names of persons 17 years of age or older who reside in such buildings. Amends §10A of Chapter 51 of the Massachusetts General Laws.

#### HB 2926, Chapter 226, Approved 5/23/77

Amends Chapter 51, §3, of the Massachusetts General Laws, relating to registration of persons moving from one ward or precinct to another in the same city or town. Permits any registered voter who makes such a move to register and vote at his new address by making written application to the city or town clerk no later than the close of registration.

#### HB 3298, Chapter 297, Approved 6/14/77

Amends Chapter 54, §65, of the Massachusetts General Laws, further defining political activity at polling places. Prohibits any person from collecting signatures upon petitions, referendum petitions or nomination papers within 150 feet from a polling place.

#### HB 3301, Chapter 329, Approved 6/27/77

Requires information as to the district name or number to be included on nomination papers before any signature of a purported registered voter is obtained.

#### HB 3313, Chapter 294, Approved 6/14/77

Repeals the state's campaign media spending restrictions. Requires can-

## STATE SESSION LAWS

### MASSACHUSETTS CONT'D

didates who must designate a depository to file an accounting of such expenses on the following schedule: on or before the 10th day of March and June, the 8th day preceding a primary or biennial state election, the 30th and 8th days preceding a special primary (including a convention or caucus), the 8th day preceding a special election, and January 10 of the year following any such primary or election (complete through the preceding December 31).

#### HB 5885, Chapter 267, Approved 6/7/77

Requires voters to be informed that failure to return certain requests for census information may result in their being dropped from lists of registered voters. Amends Chapter 51, §4, of the Massachusetts General Laws.

#### HB 5887, Chapter 299, Approved 6/14/77

Amends Chapter 51, §§29 and 29A, of the Massachusetts General Laws relative to the registration time for certain special preliminaries, primaries, elections and town meetings. Provides that the registration times shall be as follows: from 12:00 noon until 10:00 P.M. on the 20th day preceding a special state election; from 12:00 noon until 8:00 P.M. on the 20th day preceding a special city or town election; and from 12:00 noon until 8:00 P.M. on the 10th day preceding a special town meeting.

#### HB 6124, Chapter 426, Approved 7/15/77

Permits voters to vote by absentee ballot if they are unable to cast their vote in person on election day because of religious beliefs. Amends Chapter 54, §86, of the Massachusetts General Laws.

## STATE SESSION LAWS

### MINNESOTA

#### SF 51, Chapter 91, Approved 5/18/77

Makes minor and stylistic changes in various provisions of the Minnesota election laws. Also:

Prohibits the following activities between 6 p.m. and 8 p.m. on election day: all school-sponsored events, at all levels; school board meetings; and meetings of a county board of commissioners or the governing board or council of a municipality.

Requires judges to determine the number of ballots distributed prior to tabulation.

Requires the secretary of state [formerly the attorney general] to approve the experimental use of voting machines.

Changes the ballot request form so as to include those who have been residents of the state for more than 20 [formerly 30] days.

#### SB 170, Chapter 55, Approved 5/4/77

Amends various conflict of interest provisions to include savings associations as well as banks. Exempts contracts from operation of the statute when competitive bids are not required by law and the amount does not exceed \$5,000 [formerly \$1,000]. Amends §471.88 of the Minnesota Statutes.

#### SF 266, Chapter 308, Approved 5/27/77

Permits the Secretary of State to prepare and transmit to the county auditors detailed written instructions on election laws relating to the conduct of elections, conduct of voter registration, and voting procedures. Directs the Secretary of State, before each statewide primary election, to conduct conferences for county auditors for the purpose of giving instructions on the administration of election laws and the training of local election officials and election judges. Requires the county auditor of each county to train all election judges who are appointed to serve at any election to be held in the county. A county auditor may delegate to a municipal election official the duties to train election judges for any municipality.

Provides that in polling places where paper ballots are not used, two judges, who are not members of the same political party, shall assist a disabled voter who is at the entry of the polling place.



## STATE SESSION LAWS

### MINNESOTA CONT'D

Amends §§204A.13, 204A.14, and 204A.34 of the Minnesota Statutes, and adds §204A.175.

#### SF 335, Chapter 133, Approved 5/19/77

Permits an individual who is employed as an election judge in a precinct other than his own to vote absentee.

Establishes new procedures for appointing election judges, as follows: At least 65 days before the election, the county or legislative district chairman of each party furnishes a list of qualified voters in each election precinct to act as election judge, to the auditor of the county in which the precinct is located. At least 55 days before the date of the election, the auditor furnishes to each of the appointing authorities a list of appropriate names for each election precinct. The appointing authorities then select and appoint qualified electors as election judges.

Permits a person to be appointed as election judge for a precinct in which he does not reside if an insufficient number of names of qualified voters in that precinct are on file in the office of the appointing authority. Amends §§207.02 and 204A.17.1 of the Minnesota Statutes.

#### SF 916, Chapter 149, Approved 5/19/77

States that if during specified periods a municipality annexes an unincorporated area located in the same county and adjacent to the corporate boundary, the annexed area may be included in the precinct immediately adjacent to it. Requires the clerk to notify each registered voter in the area affected by the change at least 30 days prior to the first election held after the change takes place. Amends §204A.06 of the Minnesota Statutes.

#### SB 1208, Chapter 88, Approved 5/12/77

Requires polling places to be accessible to and useable by elderly and physically handicapped voters. Establishes specific standards of accessibility, such as the use of stairs, handrails, etc. Also permits persons unable to enter a polling place to register and vote without leaving their vehicles. Amends §§204A.09 and 204A.34.2 of the Minnesota Statutes.

#### HB 300, Chapter 96, Approved 5/18/77

Deletes the requirement that county voter registration offices established in public buildings remain open until 9:00 p.m. on the last registration

## STATE SESSION LAWS

### MINNESOTA CONT'D

day and on specified other dates. Amends §201.091.6 of the Minnesota Statutes.

HF 789, Chapter 395, Approved 6/2/77

Makes various amendments relating to election day voter registration.

States that when an applicant to prove his residence has an individual who is registered to vote in the precinct sign an oath that he personally knows that the applicant is a resident of the precinct, such oath must be attached to the applicant's registration card until his address is verified.

Requires the county auditor to supply the judges in each precinct with an accurate map or precinct finder of the precinct to assist in determining whether voters are registering in the proper precinct. Requires county auditor to have available current registered voter lists by precinct for the county within 90 days after [formerly 25 days before] each general election, to be periodically corrected and updated, and a final corrected list available 15 [formerly 60] days before each primary election. Provides for a duplicate registration file to be open to public inspection, but only for purposes related to elections, political activities, or law enforcement.

Deletes provision requiring certain public buildings to remain open until 9:00 P.M. on the last registration day and for at least 2 days immediately preceding the last registration day and also from 10:00 A.M. to 4:00 P.M. on the Saturday immediately preceding the last registration day.

Requires the department of public safety to transmit to applicants applying for a corrected duplicate driver's license a voter registration card with instructions.

Requires absentee ballot applicants to present proof of residence before it may be accepted.

Permits eligible voters to apply for absentee ballots on election day if they become a resident or patient the day before in a health care facility or hospital. Provides for 2 election judges of different political parties, designated by the municipal clerk, to deliver absentee ballots to residents or patients of health care facilities or hospitals.

Amends §§201.061, 201.071, 201.091, 201.14, 204A.37, 207.03, 207.05, 207.10 and 207.101 of the Minnesota Statutes.

## STATE SESSION LAWS

### MINNESOTA CONT'D

#### HB 1223, Chapter 346, Approved 5/27/77

Relates generally to various administrative procedures. As to elections, provides that upon the receipt of an application by a political committee or a political fund or any of its members or contributors for an exemption from provisions of the law requiring the filing of campaign finance reports, the State ethical practices board shall give notice to all persons known to the board to have an interest in the application and publish notice of the filing of the application in the State register. The board may grant the exemption 30 days after the notice of the filing has been fully made. Provides for a contested case hearing procedure on applications for exemptions in instances where objections to the application are received by the board within 20 days after the notice of filing has been made, where the application has been denied by the board without a hearing and the applicant subsequently requests a hearing, and where the board has elected such a procedure.

#### HB 1305, Chapter 347, Approved 5/27/77

General revisor's bill--provides for the correction of erroneous, ambiguous, omitted and obsolete references and text throughout the Minnesota Statutes.

Also enacts a new §15.054, which prohibits public employees from purchasing merchandise from governmental agencies, except for surplus property or materials sold after reasonable public notice at public auction and meeting other specified conditions.

## STATE SESSION LAWS

### MISSISSIPPI

#### HB 430, Chapter 388, Approved 3/23/77

Relates generally to the registration of lobbyists. Provides that it is the duty of the Secretary of State to prescribe forms for statements and reports; to prepare recommendations as to uniform methods of accounting and reporting for use by persons required to file statements and reports; to make statements and reports filed by lobbyists available for public inspection and copying; and to preserve such statements and reports for a period of five years from date of receipt.

Provides that the statement filed by a lobbyist after commencing work must be filed within fifteen (formerly five) days from the date of such employment. The statement is to be signed by both the employer and the person or firm employed or, alternatively, the employer and employee are to each furnish a signed statement to the Secretary of State.

States that lobbying provisions specifically apply to any employee of a person, firm, corporation, government agency, or association whether said employment be by fee, contractual arrangement, or retainer agreement, or on a regular salary basis, who is assigned thereby as a regular function of his employment position or the position for which he is temporarily employed, and who attempts at any time to influence in any manner, including the dissemination of information regarding legislative matters to others for the purpose of encouraging them to contact legislators with reference to particular matters, the act or vote of any member of the State legislature, upon any legislative measure, or to promote or oppose any matter pending or that might come before the legislature, even though the employee may receive no additional compensation for such efforts.

Deletes the provisions of existing law which made the lobbying provisions inapplicable to representatives of any of the institutions owned, fostered, maintained or controlled by the State; to officers of a municipality or their representative or attorney; to members of the board of supervisors of a county, or their attorney or representative; or to levee boards or drainage districts, or their attorney or representative, while acting for such municipalities, boards of supervisors, levee boards or districts, or to any State or county officer, while representing his department or acting in his official capacity.

Changes the time for filing itemized statements of amounts paid to employees and itemized statements of employees showing amounts of expenditures to May 30 of each year. Provides that in required itemized

## STATE SESSION LAWS

### MISSISSIPPI CONT'D

statements there shall be listed the proper name of each individual legislator on each individual occasion that the legislator received any benefit pursuant to any activity that is required to be reported. A copy of said statement is to be sent by mail to each legislator whose name is listed on a statement filed by a person, firm, corporation, public agency, or association. However, the name of an individual legislator shall not be listed for any single occasion at which anything of value received by the individual legislator was less than \$25.

Makes specified provisions of the Mississippi lobbying law applicable to all persons, firms, corporations, associations, or other entities who seek to influence the official actions of any board of supervisors or member thereof, any member of the governing body of a municipality, any member of the board of trustees of a school or junior college district or the Board of Trustees of the Institutions of Higher Learning, and various other local boards and commissions.

## STATE SESSION LAWS

### MISSOURI

#### SB 97, Approved 6/14/77

Relates to official ballot titles. Provides that official ballot titles for proposed constitutional amendments and for measures proposed by initiative or referendum shall contain fiscal note summaries, stating the estimated cost or savings, if any, of the measures to be voted upon. Also provides that the numbering of constitutional amendments shall alternate by block of ten numbers with the numbering of measures proposed by initiative or referendum. Repeals and reenacts §§125.030 and 126.081 of the Revised Statutes of Missouri.

#### SB 273, Approved 5/26/77

Provides that on the sample ballot distributed before the August primary, the names of the candidates shall be listed in the order in which they filed [previously, candidates were listed in alphabetical order]. Also provides that the number of ballots to be furnished to each precinct not using voting machines shall be one and a half times the number of votes cast by any party in the last preceding primary election. States that if a new party qualifies for ballots the county clerk shall determine the number of ballots which shall be reasonably required and distribute such number to the precincts. Repeals §120.440 of the Revised Statutes of Missouri, and enacts a new §120.440.

#### HB 100, Approved 7/15/77

Amends §78.550 of the Revised Statutes of Missouri relating to regulations for primaries and elections. Deletes provision requiring that the amount of money a candidate expends in securing his nomination and election be the same amount as fixed by the state law governing other elections. Provides that any person willfully voting or offering to vote at an election who is not 18 [formerly 21] years of age will be guilty of a misdemeanor.

#### HB 301, Approved 7/6/77

Amends §§113.070, 113.180 and 113.190 of the Revised Statutes of Missouri relating to the compensation of the board of election commissioners and its employees in certain counties (those having more than 700,000 inhabitants according to the last U.S. decennial census). States the deputy election commissioners shall receive compensation as determined by the board [formerly \$20 a day for services while employed]. Authorizes the board to establish compensation and classify its permanent and temporary

## STATE SESSION LAWS

### MISSOURI CONT'D

positions at the rates established by the county under its merit system. States that all judges and clerks of registration and election shall be paid \$30 [formerly \$25] per day.

HB 328, Approved 3/24/77

Repeals and reenacts numerous provisions of the Missouri Revised Statutes dealing with the numbering of election ballots so as to bring them into conformance with Article VIII, §3, of the Missouri Constitution as amended in 1976. Formerly all ballots were required to be numbered, with the number entered next to the voter's name on the registration lists. This requirement has now been dropped and the statutes amended accordingly.

## STATE SESSION LAWS

### MONTANA

#### SB 27, Chapter 365, Approved 4/14/77

Generally revises and clarifies the laws relating to elections. Makes numerous technical and some substantive changes in the laws.

Extends the applicability of various provisions in Title 23 of the Revised Codes of Montana (relating to elections) to provisions in Title 37 (relating to initiative and referendum measures). . Amends the definition of "election" so as to mean a general, special, or primary election held to choose a public officer or submit an issue for the approval or rejection of the people.

Amends the provision relating to cancellation of registration, so as to provide that the registrar shall cancel any registration card under the following circumstances: at the written request of the person registered; if a certificate of the death of an elector is filed or if an elector is reported as deceased by the department of health and environmental sciences; whenever 45 days or more prior to the closing of registration, three qualified registered electors residing within the precinct challenge an elector by filing affidavits giving specified information about the challenged elector and stating of the personal knowledge of the affiant that the person registered does not reside at the place designated on his registration card; whenever the insanity of the elector is legally established; whenever the incarceration of an elector in a penal institution for a felony conviction is legally established; or whenever a certified copy of a court order directing the cancellation is filed with the registrar.

Provides that nominating declarations are filed in the office of the registrar for county and district offices to be voted for in only one county, other than a legislator or a judge of the district court, and for precinct offices.

Specifies that abstracts of votes for nomination of each party for congressional offices, state or district offices to be voted on in more than one county, members of the legislature, and judges of the district court are to be on one sheet, separately for each political party. The registrar, immediately after making the abstracts of votes, shall send by mail a copy of each of the abstracts to the Secretary of State. Abstracts of votes for county and district offices to be voted on in only one county, other than a legislator or a judge of the district court, and precinct offices, are to be placed on separate sheets for each political party, and the registrar shall certify the nomination for each party and enter upon the register of nominations the name of each of the persons having the highest number of votes for nomination.



## STATE SESSION LAWS

### MONTANA CONT'D

Changes the composition of the Board of State Canvassers, so as to exclude the state treasurer and include the superintendent of public instruction.

Changes some of the grounds on which a person offering to vote may be orally challenged. Provides that a person may be challenged on the ground that he is of unsound mind, as determined by a court [formerly, could be challenged if he had been adjudicated insane or was confined to a State institution]. Also can be challenged if he is serving a sentence in a penal institution [formerly, could be challenged if he had been convicted of a felony and had not been pardoned].

Provides that if a candidate for a county or district office voted for in only one county, other than a legislator or a judge of the district court, or a precinct office, is defeated by a margin not exceeding  $\frac{1}{4}$  of 1% of the total votes cast or by a margin not exceeding 10 votes, whichever is greater, he may within five days after the official canvass file with the registrar a verified petition stating that he believes a recount will change the result and a recount of the votes for the office or nomination should be made. If a candidate for a congressional office, a state or district office voted on in more than one county, the legislature, or judge of the district court is defeated by a margin not exceeding  $\frac{1}{4}$  of 1% of the total votes cast for all candidates for the same position, he may within five days after the official canvass file a petition with the Secretary of State requesting a recount.

Provides the officials to whom the board making the canvass shall certify the vote in case of a tie vote.

Eliminates the provision requiring the governor to issue a writ of election to fill a vacancy in a seat in the United States Senate. An election to fill the vacancy is now automatically provided for at the next general election. However, the governor is still required to issue a writ of election to fill a vacancy in the office of United States Representative.

Provides that if a contribution is received from the treasurer of any political committee [formerly, political organization]; it is sufficient for the recipient to enter in his records the contribution as being received from the treasurer.

Provides that any action to contest the right of any person to be declared elected to an office or to annul and set aside an election, must, unless a different time is provided, be commenced within one year [formerly, 40 days] after the return day of the election.

## STATE SESSION LAWS

### MONTANA CONT'D

Eliminates the limitations on aggregate contributions by a candidate and his immediate family to his own candidacy and committees organized on his behalf.

SB 33, Chapter 334, Approved 4/8/77

Generally and substantively revises, repeals, and recodifies the election laws relating to the criminal provisions for election and campaign practices.

Provides that if a court of competent jurisdiction finds that the violation of any provision of Title 23 or Title 37 of the Revised Codes of Montana (relating to elections) by any candidate or political committee probably affected the outcome of any election, the result of that election may be held void and a special election held within 60 days of that finding. If the violation occurred during a primary election, the court may direct the appropriate political party to select a new candidate according to the provisions of State law and the custom of the party.

Specifies the conduct which constitutes various offenses, including tampering with election records and information, criminal mischief, false swearing and unsworn falsification.

Prohibits any person from knowingly causing, procuring, or allowing himself to be registered in the official register of any election district of any county knowing himself not to be entitled to such registration. Also prohibits any person from falsely impersonating another and causing the person so impersonated to be registered.

Prohibits any person from doing any electioneering on election day within any polling place or any building in which an election is being held or within 200 feet thereof. Makes it a misdemeanor to make, offer, or accept any bet upon the result of any election. Prohibits inducing a voter to vote by giving or lending him money, liquor, or valuable consideration; by promising to appoint a person to a public or private position; or by using force, coercion, violence, restraint, or undue influence.

Provides that no person may demand, solicit, request, or invite any payment or contribution for any religious, political, charitable, or other cause or organization supposed to be primarily or principally for the public good from a person who seeks to be or has been nominated or elected to any office in return for political support by the donee. No person may demand, solicit, ask, or invite any candidate to subscribe to the support of any club or organization; buy tickets to any entertainment or ball; or

## STATE SESSION LAWS

### MONTANA CONT'D

subscribe for or pay for space in any book, program, periodical, or other publication in return for political support by the donee. States that this prohibition does not apply to the soliciting of any business advertisement for insertion in a periodical in which the candidate was regularly advertising prior to his candidacy; to ordinary business advertising; to his regular payment to any organization of which he may have been a member or to which he may have been a contributor for more than six months before his candidacy; or to ordinary contributions at church services.

States that any person who accepts a contribution prohibited by Title 23 or Title 37, who makes a contribution in excess of the amounts specified in these titles, or who makes a contribution in any manner other than that provided in these titles is guilty of an illegal practice and is punishable by a fine not to exceed \$1,000, imprisonment in the county jail for a term not to exceed six months, or both, for each separate violation.

Provides that no publisher of a newspaper or other periodical may insert, either in its advertising or reading columns, any paid matter which is designated or tends to aid, injure, or defeat any candidate, political party or organization, or any measure before the people, unless it is stated therein that it is a paid advertisement. The name of the chairman or secretary, the names of the other offices of the political or other organization inserting the same, or the name of some voter who is responsible therefore (with his address) is to appear in such advertisement. Makes it unlawful to write, print, publish, mimeograph, type, or otherwise produce or circulate through the mails any letter, circular, bill, pamphlet, placard, poster, or other document relating to any election or to any candidate, political party, political committee, or ballot issue at any election unless the same bears on its face the name and address of the person paying for the printing or publishing and the name of the printer and publisher. States that no person may pay the owner, editor, publisher, or agent of any newspaper or other periodical to induce him to editorially advocate or oppose any candidate for nomination or election.

Prohibits any employer, in paying his employees the salary due them, from enclosing their pay in pay envelopes upon which is written the name of any candidate or political mottoes, containing threats or promises calculated or intended to influence the political opinions of the employees.

Specifies that no person may attempt to coerce, command, or require a public employee to give money, service, or any other thing of value to aid or promote any political committee or to aid or promote the nomination or election of any person to public office. Prohibits a public employee from soliciting any money, influence, service, or any other thing of value,

## STATE SESSION LAWS

### MONTANA CONT'D

and from otherwise aiding or promoting any political committee or the nomination or election of any person to public office while on the job or at his place of employment. However, a public employee has the right to express his personal political views.

#### SB 403, Approved 4/8/77

Amends, repeals and reenacts various provisions of the Revised Codes of Montana, relating to initiative and referendum procedures.

Guarantees the right of the people of Montana to petition to enact laws by initiative, to petition to approve or reject by referendum any act of the legislature except an appropriation of money, to call for a vote on whether there shall be a constitutional convention, and to propose constitutional amendments by initiative.

Specifies required form of petition.

Requires that a sample petition be submitted to the secretary of state for approval before circulated for signatures, who must then refer a copy to the attorney general for approval. Also requires the secretary of state to notify the person who submitted the sample petition of its approval or rejection within one week after receiving it. Provides that all petitions be serially numbered to distinguish the different types of petitions.

Provides that signed petitions must be submitted for certification to the county official responsible for elector registration not earlier than 1 year nor later than 2 weeks before the final filing date with the secretary of state. Requires an attached affidavit in which the submitter affirms he is the petition circulator and his belief that the signatures are genuine.

Requires the county official to verify that all petition signers are registered county electors and to compare a randomly selected group of signatures with the electors' registration signatures to ensure their authenticity; and to forward the verified sheets to the secretary of state. Permits a registered elector to question the authenticity of signatures on the petition that were not already compared with the registration records.

States that the secretary of state must receive all petitions before 5 p.m. of the second Friday of the fourth month prior to the election.

Provides that the secretary of state must transmit a copy of the ballot issue proposed by initiative or referendum to the attorney general at the same time he certifies to the governor the official filing of a completed

## STATE SESSION LAWS

### MONTANA CONT'D

petition, and transmit a copy of an act or a constitutional amendment proposed by the legislature no later than 6 months before the election. States that the attorney general must return a statement to the secretary of state within 10 days explaining the general purpose of the issue and at the same time express his approval or disapproval of the ballot form.

Clarifies procedures for formulating statements of the implication of a ballot issue.

Provides that the votes on ballot issues will be counted, canvassed and returned by the regular boards of judges, clerks and officers who count candidate votes. States that the secretary of state must prepare and file a statement of the canvass giving the number and title of each issue, number of votes cast for and against the issue, and the effective date; and submit a certified copy of this statement to the governor. The executive director of the legislative council should also receive a copy of this statement as well as a certified copy of all ballot issues approved by majority voing on the issue.

Specifies effective dates of initiative and referendum issues.

SB 445, Chapter 477, Approved 4/26/77

Enacts or amends various procedures involved with nonpartisan elections. Requires nomination declarations in such elections to be accompanied by petitions signed by at least 25 electors of the local government requesting the candidacy.

Establishes procedures for holding local government initiative and referendum elections.

Establishes new procedures for amending self-government charters and adopted forms of government.

Establishes ordinance requirements; for example, states that all ordinances must be submitted in writing in the form prescribed by resolution of the governing body, and states that no ordinance passed may contain more than one comprehensive subject.

HB 101, Chapter 158, Approved 3/29/77

Repeals conflicting statutes (§§84-4906.1 and 84-4906.2 of the Revised Codes of Montana) pertaining to income tax deductions for political contributions.

## STATE SESSION LAWS

### MONTANA CONT'D

#### HB 185, Chapter 23, Approved 3/8/77

Exempts certain candidates for the office of trustee of a school district, their political committees, and political committees organized to support or oppose a school district issue from the provisions of the election laws that require the filing of periodic reports of contributions and expenditures with the commissioner of campaign finances and practices, the appointment of a campaign treasurer, and the designation of a campaign depository. The exemption applies when the school district is a first-class district located in a county having a population of less than 15,000, a second- or third-class district, or a county high school district having an enrollment of less than 2,000. Amends §§23-4778 and 23-4781 of the Revised Codes of Montana.

#### HB 436, Chapter 116, Approved 3/28/77

Reorders the placement of political party candidates for office on the ballot. Amends §23-38-4 of the Revised Codes of Montana.

#### HB 447, Chapter 369, Approved 4/14/77

Deletes the requirement that a registrar must notify electors whose registration is being cancelled. Provides that when the registrar has completed cancellation of registration of voters, a notice of cancellation shall be published once a week for two weeks in a newspaper of general circulation in the county. Amends §23-3013 of the Revised Codes of Montana.

#### HB 462, Chapter 569, Approved 5/13/77

Implements Article XIII, §4, of the 1972 Montana Constitution, providing for a code of ethics and establishing guidelines on how to deal with situations which may give rise to a potential conflict of interest.

Defines "public officer" as any state officer except a legislator, member of the judiciary, or elected officer of a state subdivision. Defines "state agency" to include the state, the legislature and its committees, all executive departments, and all other establishments of the state government, except the courts.

States that the holding of public office or employment is a public trust, and public officers, legislators, and employees departing from their fiduciary duty under this trust shall be liable to the beneficiaries and suffer such other liabilities as a private fiduciary would suffer for abuse of trust.

## STATE SESSION LAWS

### MONTANA CONT'D

States that the following transgressions constitute violations of this fiduciary duty: accepting a gift which would cause a reasonable person to depart from the faithful and impartial discharge of his public duties, or which is known to be primarily intended as a reward for official action; or disclosing or using confidential information acquired in the course of official duties to substantially further personal economic interests.

Prohibits the following conduct by legislators: accepting any fee or contingent fee for promoting or opposing the passage of legislation; seeking other employment or soliciting a contract for services by the use of the elective office.

Prohibits the following conduct by state officers and employees: (1) using state time, facilities, or equipment for private business purposes; (2) engaging in substantial private financial transactions with a person inspected or supervised in the course of official duties; (3) assisting any person for compensation or a contingent fee to obtain a contract or any other economic benefit from the officer or employee's agency; and (4) performing an official act directly and substantially benefitting a business or other undertaking in which the officer or employee either has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

States that prohibitions (2) and (4), supra, also apply to local government officers and employees.

[Note: officers and employees may perform an act proscribed by prohibition (4) if they comply with the voluntary disclosure procedures discussed infra.]

States that when a legislator must take official action on a legislative matter as to which he has a conflict created by a personal or financial interest which would be directly and substantially affected by the legislative matter, he should consider disclosing or eliminating the interest or abstaining from the official action. [This requirement is not obligatory and violation does not constitute a violation of the public trust of the legislative office.]

Establishes the following advisory (not binding) ethical prohibitions for public officers (not legislators) and employees: acquiring an interest in any business or undertaking which may be directly and substantially affected by official action to be undertaken by the officer or employee's agency; obtaining employment following voluntary termination of office in which the individual will take direct advantage of matters to which he was directly involved during his term of employment; and performing an of-

## STATE SESSION LAWS

### MONTANA CONT'D

official act directly and substantially affecting a business or other undertaking to its economic detriment, when he has a substantial interest in a competing firm or undertaking.

States that public officers and employees, prior to acting in a manner which might impinge on their fiduciary duty, may disclose the nature of the conflict, in writing, to the secretary of state.

Authorizes the secretary of state to issue advisory opinions, and make rules as needed to carry out this Act. Requires him to maintain and permit reasonable access to voluntary disclosure statements.

HB 795, Chapter 364, Approved 4/14/77

Generally amends the Montana Recall and Advisory Recall Act (Initiative No. 73, 1976 Laws, supra).

Changes the title of the Act to the Montana Recall Act. Provides that a public officer holding an elective office may be recalled by the qualified electors entitled to vote for his successor. A public officer holding an appointive office may be recalled by the qualified electors entitled to vote for the successor or successors of the elective officer or officers who have the authority to appoint a person to that position.

Specifies that physical or mental lack of fitness, incompetence, neglect of duty, conviction of malfeasance in office, violation of one's oath of office, or certain felony offenses are the only bases for recall. States that no person may be recalled for performing a mandatory duty of the office he holds or for not performing any act that, if performed, would subject him to prosecution for official misconduct.

Provides that before a petition may be circulated for signatures, a sample circulation sheet must be submitted to the officer with whom the petition must be filed in the form in which it will be circulated. The filing officer shall review the petition for sufficiency as to form and approve or reject the form of the petition, stating his reasons therefor, within one week of receiving the sheet. The petition form submitted is to be accompanied by a written statement containing the reasons for the desired recall as stated in the petition. At least one of the petitioners must swear to the truth of the purported facts contained in the statement. Signed circulation sheets or sections of a petition for recall must be submitted to the officer responsible for registration of electors in the county in which the signatures were obtained within three months of the date the form of the petition was approved.



## STATE SESSION LAWS

### MONTANA CONT'D

Repeals §§20-24 of the Montana Recall and Advisory Recall Act (relating to recall of Members of Congress and advisory recall of United States district judges), and §§11-721.1, 11-3132, 11-3220, and 11-3540 of the Revised Codes of Montana (relating to recall of certain local elective officers).

HB 808, Chapter 538, Approved 4/29/77

Amends §§23-4901, 23-4902, and 23-4906 of the Revised Codes of Montana, making the public election [formerly election] campaign fund permanent. Provides that all candidates for public offices designated by the legislature [formerly only for the office of governor] are entitled to public monies for legitimate campaign expenses.

## STATE SESSION LAWS

### NEBRASKA

#### LB 4, Passed Over Veto, 6/1/77

Increases the lobbyist registration fee to \$25 for each two-year legislative session [formerly \$5 per year]. Also states that lobbyists need not keep receipts for food and drink expenditures if such expenditures are under \$25. Amends §§49-1482, 49-1486, and 49-1489 of the Nebraska Revised Statutes.

#### LB 38, Passed Over Veto, 6/1/77

Adopts the Nebraska Criminal Code, effective July 1, 1978. Provides, inter alia, that a public servant commits official misconduct if he knowingly violates any statute or lawfully adopted rule or regulation relating to his official duties. Also provides that any public servant, in contemplation of official action by himself or by a governmental unit with which he is associated, or in reliance on information to which he has access in his official capacity and which has not been made public, commits misuse of official information if he acquires a pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; speculates or wagers on the basis of such information or official action; or aids, advises, or encourages another to do any of the foregoing with intent to confer on any person a special pecuniary benefit.

#### LB 40, Passed Over Veto 6/1/77

Harmonizes various provisions of the Revised Statutes of Nebraska, including several relating to election offenses, with the new Nebraska Criminal Code (see LB 38, supra).

#### LB 93, Approved 4/27/77

Repeals §53-182 of the Revised Statutes of Nebraska which forbids campaign contributions from corporations having a license to sell alcoholic liquors.

#### LB 201, Approved 4/27/77

Makes for the most part minor and technical revisions in non-statewide elections, deletes obsolete language, etc.

Also: deletes the requirement that the person rendering assistance to a handicapped voter must be a registered voter of the State.

## STATE SESSION LAWS

### NEBRASKA CONT'D

Permits a defeated primary candidate to become a candidate by petition for the same office at the ensuing general election.

Requires nomination and election certificates to be mailed within 40 [formerly 20] days after an election.

Establishes procedures whereby the agent of a voter who is absent from the county may pick up such voter's ballot after the deadline for obtaining absentee ballots, and return it to the polls by 8:00 p.m. on election day. (This is comparable to procedures already in effect for handicapped voters.)

## STATE SESSION LAWS

### NEVADA

#### SB 65, Approved 3/23/77

Makes minor stylistic changes in §§49-52 of Chapter 730 of the Statutes of Nevada, relating to the preparation of the punchcard vote recording devices for an election.

#### SB 353, Approved 5/13/77

Provides that an explanation of each proposed constitutional amendment or statewide measure, including arguments for and against it, is to be included on all sample ballots. The condensations and explanations are to be prepared by the Secretary of State, upon consultation with the Attorney General and the Legislative Counsel, in easily understood language and reasonable length.

#### SB 445, Approved 5/16/77

Makes minor and technical amendments to various lobbying provisions.

Also: requires the secretary of state to furnish an appropriate identification badge to each lobbyist, to be worn by the lobbyist whenever he appears in the legislative building.

Excludes from the definition of "lobbyist" only those bona fide news medium employees who "lobby" only in the course of their professional duties and who contact members of the legislature for the sole purpose of carrying out their newsgathering function [new]. Also excludes elected officers who confine their lobbying activities to issues directly related to the scope of the office to which they were elected, and persons who contact the members of the legislature elected from the district in which they reside.

States that monthly reports need be filed only by registrants who have expended \$50 or more during the previous month.

Deletes the requirement that the secretary of state copy and make available to the public lobbying statements and reports. Requires him to compile an alphabetical list of registrants, giving specified information on each, and furnish copies to each county clerk for preservation and public inspection.

Permits an elected officer or employee of a political subdivision to receive compensation or reimbursement from organizations whose membership consists of elected or appointed public officers.

## STATE SESSION LAWS

### NEVADA CONT'D

#### AB 136, Approved 4/7/77

Requires the state or counties to pay the cost of a recount of votes if the candidate who demanded the recount prevails. Amends §§293.403, 293.405, and 353.264 of the Nevada Revised Statutes.

#### AB 158, Approved 4/7/77

Removes voting machine provisions from the Nevada Revised Statutes, substituting instead a punchcard voting system or other counting system by electronic computer or tabulator.

Provides that each election board must consist of at least 3 members [formerly 5 members in any precinct or district where ballots were used].

Provides for an absent ballot central counting board consisting of election board officers appointed by the county clerk who determines the number of members in accordance with the volume of absent ballots requested [formerly 4 members or more were required].

Requires a registered voter applying to vote at any primary election to give his name as well as his political affiliation.

#### AB 159, Approved 5/14/77

Deletes media expenditure limitations. Amends §§194A.050 and 294A.080 of the Nevada Revised Statutes.

#### AB 410, Approved 5/14/77

States that, for purposes of campaign finance reports, the term "candidate" includes any person who files a declaration or acceptance of candidacy, or whose name appears on an official ballot at any election (including recall and special elections). Requires reports of campaign contributions and expenses to be filed even if a candidate withdraws his candidacy or has no campaign contributions or expenditures.

Establishes the following filing deadlines [formerly 15 days after a primary and 30 days after a general election]:

- 15 days after the primary election if the candidate wins or 30 days after the primary if he loses, covering the period up to the primary;
- 15 days before the general election, for the period from the primary election up to 20 days before the general election; and

## STATE SESSION LAWS

### NEVADA CONT'D

--30 days after the general election, for the remaining period up to the general election.

Requires reports of campaign contributions and expenditures to be filed with the officer with whom the candidate filed his declaration or acceptance of candidacy, with each county clerk receiving reports to file a copy of each report with the secretary of state.

Requires contributions in excess of \$500 from a natural person [formerly individual] to be separately identified as to name and address of the contributor and the date of the contribution.

Makes minor and technical amendments to enforcement provisions.

#### AB 450, Approved 5/14/77

Enacts the Nevada Ethics in Government Law, and other provisions relating thereto.

Defines key terms used in the Ethics in Government Law, including "business entity," "financial interest," "gross income," "household," "public employee," and "public officer."

Creates an executive ethics commission and a legislative ethics commission. Requires each commission to meet at least once in each calendar quarter and at other times upon the call of the chairman. Also requires each commission to adopt regulations for handling inquiries and governing submission of statements of financial disclosure, and to inform the attorney general of all cases of noncompliance with the disclosure requirements by persons within its branch of government.

Establishes a code of ethical standards as a guide for the conduct of public officers and employees. The code provides in part that no public officer or employee may (1) seek or accept any gift, service, employment, or emolument which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties; (2) use his position in government to secure or grant unwarranted privileges or preferences for himself, any member of his household, any business entity in which he has a financial interest, or any other person; (3) approve, disapprove, or otherwise act upon any matter in which he has a financial interest without disclosing the full nature and extent of his interest; (4) participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which he has a financial interest; (5) accept any salary

## STATE SESSION LAWS

### NEVADA CONT'D

or other compensation from any private source for the performance of his duties as a public officer or employee; (6) use information acquired as a public officer or employee to further the economic interests of himself or any other person or business entity; or (7) suppress any governmental report because it might tend to affect unfavorably his private financial interests. In addition to the general requirements of the code of ethical standards, makes certain provisions applicable only to officers and employees of the executive branch, and other provisions applicable only to officers and employees of the legislative branch.

Requires the executive and legislative ethics commissions to render opinions interpreting the code of ethical standards, and to apply the code to given sets of facts and circumstances upon requests from an appropriate ethics committee or by an appropriate public officer or employee seeking guidance on questions directly related to the propriety of his own future conduct as an officeholder or employee.

Authorizes departments, boards, commissions, other agencies of the State, and governing bodies of counties and incorporated cities to establish specialized or local ethics committees to complement the functions of the executive and legislative ethics commissions.

Provides that every candidate for public office and every public officer shall file with the commission established for the branch in which he seeks or holds office a statement of financial disclosure. Specifies that a candidate for nomination or election shall file a statement of financial disclosure with the commission established for the branch in which he seeks office no later than the 10th day after the last day to qualify as a candidate for the office. Also specifies when and where elected and appointed public officers are to file statements of financial disclosure. Statements of financial disclosure shall be made in such form as the commission prescribes, and shall contain specified information concerning the candidate or public officer, including the following: each source of his income, or that of any member of his household, which constitutes 10% or more of such person's gross income for the preceding taxable year; any real estate (valued at \$2,500 or more) which he or a member of his household owns in the State, except a personal residence (an officer of a county, city, or other political subdivision is required to list such real estate only if it is within the county, city, or other political subdivision respectively); and the name of each creditor to whom he or a member of his household owns \$5,000 or more (with specified exceptions).

Generally prohibits certain State and local officials from having a personal interest in contracts authorized by or for the State or local governments.

## STATE SESSION LAWS

### NEVADA CONT'D

Repeals the Nevada Ethics in Government Law of 1975 (§§1 to 36, Chapter 540, Laws 1975).

#### AB 521, Approved 4/27/77

Provides that a registered voter may retain his or her residence when changing precincts after the close of registration for certain purposes. Amends §293.490 of the Nevada Revised Statutes.

#### AB 569, Approved 4/27/77

Clarifies the restriction on county commissioners against voting on certain matters extending beyond their terms of office. Amends §244.320 of the Nevada Revised Statutes.

#### AB 753, Approved 5/12/77

States that the registration deadline for recall elections shall be 9 p.m. of the third Saturday preceding the election. Amends §293.560 of the Nevada Revised Statutes.



## STATE SESSION LAWS

### NEW HAMPSHIRE

#### SB 1, Chapter 157, Approved 6/6/77

Amends §§55:9-a, 55:9-b and 55:9-c of the New Hampshire Revised Statutes, making provisions specifying voter registration duties of city clerks applicable also to town clerks. Provides that these provisions shall apply to all towns unless the town chooses to exempt itself by vote at an annual town meeting [formerly towns could adopt the provisions upon a vote of approval].

#### SB 366, Chapter 492, Approved 7/13/77

Establishes a 7-member oversight committee (to be comprised of the secretary of state, the attorney general or his designee, 3 members of the general public appointed by the secretary and attorney general, 1 member of the senate appointed by the president of the senate, and one member of the house appointed by the speaker of the house of representatives) to recodify the New Hampshire election laws. Requires the study to be completed and the proposed recodification in bill form by November, 1978 for legislative action by the 1979 session of the general court.

#### HB 29, Chapter 550, Approved 7/15/77

Amends provisions relative to the qualifications of candidates filing for certain offices. Requires that the affidavit of a candidate for nomination for the office of representative or senator include a statement that the candidate is a registered voter and that he is a member of the political party of which he seeks the nomination. Also requires that the affidavit be filed within five working days after his candidacy has been filed.

Provides that all candidates for primary election who are required to file declarations of candidacy must do so before their names shall be printed on the official ballot. States that candidates nominated by party committees must file required affidavits or declarations of candidacy, no later than ten days after the committee has notified the secretary of state.

#### HB 49, Chapter 512, Approved 7/15/77

Provides that where an individual is appointed to fill a vacancy in the office of Supervisor of the Check-List, the appointee shall only hold office until the next biennial election [formerly for the unexpired term], at which time a new supervisor will be elected to serve for the unexpired term. States that whenever the office of tax collector becomes vacant before the incumbent has completed the collection of taxes or upon removal from

## STATE SESSION LAWS

### NEW HAMPSHIRE CONT'D

office, the selectmen shall appoint a person to collect taxes until the next annual town meeting, at which time a new tax collector will be elected to serve for the unexpired term. Amends §§55:4 and 41:37 of the New Hampshire Revised Statutes.

HB 64, Chapter 445, Law Without Approval 7/6/77

Prohibits any person from seeking or holding the position as a member of the general court and county commissioner at the same time. Provides for a transitional period for those elected to both positions at the 1976 election so that they may serve out their current terms in both positions. Adds a new §64:2-a to the New Hampshire Revised Statutes.

HB 127, Chapter 514, Approved 7/15/77

Amends provisions relating to proof of residency in order to register so as to permit supervisors of the checklist and city clerks to require an applicant to present: (a) his birth certificate; (b) his naturalization papers if he is a naturalized citizen; (c) proof of residency in the form of an affidavit declaring that the applicant is an inhabitant of and dwells in the town, city or ward in which he desires to vote; and (d) any other evidence they may request. Amends §§55:9-a(III) and 55:14 of the New Hampshire Revised Statutes.

HB 139, Chapter 337, Approved 7/1/77

Provides for the filing and public availability of checklists after every biennial election [new] as well as every presidential election. Amends §§55:20-a and 201-A:18, II of the New Hampshire Revised Statutes.

HB 140, Chapter 338, Approved 7/1/77

Eliminates the requirement that at least one city or town intervene between an absentee voter and the place in which he is legally entitled to vote. Amends §60:2, III of the New Hampshire Revised Statutes.

HB 167, Chapter 515, Approved 7/15/77

States that registration sessions shall not be closer in time to the primary than the day immediately prior to the first day for filing a declaration of candidacy.

Also states that resignations from a state political party committee shall

## STATE SESSION LAWS

### NEW HAMPSHIRE CONT'D

be received by the committee, which shall set a place and time and manner for filling vacancies by election.

#### HB 223, Chapter 571, Law Without Approval 7/16/77

Requires any person required to register as a lobbyist to wear a clearly visible name tag when lobbying in the state house or the legislative office building. Exempts from this requirement those whose lobbying activity consists of appearing to testify before a legislative committee in an open hearing session. Adds a new §15:2-a to the New Hampshire Revised Statutes.

#### HB 266, Chapter 344, Approved 7/1/77

Relates to meetings of supervisors of the checklist in cities and towns. Provides that the first session held for correction of the checklist prior to an election shall take place for at least two hours between 6:00 and 9:00 p.m. Also specifies that no additions or corrections shall be made to the checklist after 6 p.m. [formerly midnight] Saturday 10 days prior to the election, except as otherwise provided by law. States that the reconvening of any session which has been adjourned shall not require publication of notice. Requires the supervisors of the checklist in all cities and towns to meet to make corrections and additions to the checklist not less than 10 days prior to any official meeting or election, other than annual and biennial elections, at which the checklist is to be used to determine who is eligible to participate or vote at the meeting or election.

#### HB 343, Chapter 418, Approved 7/5/77

Amends provisions relating to absentee voting. Permits city and town clerks to designate assistants to deliver absentee ballots to applicants therefor. Prohibits such clerks from designating as assistants for this purpose persons who are candidates for office or who are representing or working for candidates. Requires absentee voters to return their ballots either by mail or by personally delivering them to the appropriate city or town clerk.

Requires the city or town clerk to deliver envelopes containing absentee ballots to the moderators prior to the closing [formerly, prior to the opening] of the polls. Specifies that absentee ballots are to be deposited in the ballot boxes only at the close of the polls, but immediately after the polls are closed and before the ballots cast have been removed from the ballot box. Provides that the clerk of any municipality in any election in which

## STATE SESSION LAWS

### NEW HAMPSHIRE CONT'D

absentee voting is permitted shall not issue any application for absentee ballot forms after 11:00 a.m. on the day immediately prior to election day [formerly, after 11:00 a.m. on election day]. Also provides that the clerk shall not accept any completed absentee ballots delivered to him by any means after 5:00 on the day immediately prior to the election.

HB 390, Chapter 524, Approved 7/15/77

Amends provisions relative to the selection of delegates to national presidential nominating conventions. Provides that a presidential preference primary shall be held on the second Tuesday in March or on the Tuesday immediately preceding the date on which any other State shall hold a similar election. States that each presidential candidate who has filed for the preference primary or is a candidate by petition shall file with the Secretary of State not more than 74 nor less than 44 days before the presidential primary, the names, addresses, and order of preference of the delegates and their alternates who shall represent him as his delegation to the national convention. The filing with the Secretary of State is to be accompanied by payment of a \$10 fee for each proposed delegate, the payment to be paid by the proposed delegate.

Delegates and alternates selected by each candidate in the presidential preference primary are required to file with the Secretary of State a certification pledging themselves, if selected as delegates or alternates, to vote in the convention for a specified candidate for as long as he shall be a candidate before the convention.

Provides that, based on the total of the votes cast statewide for each presidential candidate in the presidential preference primary, the Secretary of State shall determine the percentage of the total votes received by each candidate, and apportion the number of delegates each of the successful candidates is entitled to receive. The apportionment is to be determined by the proportion of votes cast for each presidential candidate whose name was on the ballot that bears to the total votes cast for all presidential candidates of the same party at such election, rounded to the nearest whole number. Requires a presidential candidate to receive at least 10% of the total vote cast in his party to be eligible for a percentage of the apportioned delegates. Specifies that if the proportion of delegates authorized for each candidate leaves one or more delegates unassigned by process of the mathematical distribution, those delegates shall be authorized for the presidential candidate with the largest proportion of votes.

Specifies that in the event a write-in candidate for either political party receives 10% or more of the total ballots cast in his political party in the

## STATE SESSION LAWS

### NEW HAMPSHIRE CONT'D

presidential preference primary, that candidate shall designate his authorized number of delegates and alternates, and each delegate and alternate so designated shall execute the required pledge of support.

HB 456, Chapter 526, Approved 7/15/77

Requires the secretary of state, with the advice and approval of the attorney general, to prepare or have prepared by June 1 preceding each biennial election an up-to-date election procedure manual containing summaries of primary and election laws and procedures for conducting elections written in non-technical language. Requires the manual to be distributed free of charge to election officials and at cost to other persons who request it. Adds a new §5:6-a to the New Hampshire Revised Statutes.

HB 478, Chapter 352, Approved 7/1/77

Provides that the certificate of election is not to be issued by the governor until the time for any recount and appeal to the ballot law commission has expired, unless both candidates have waived in writing a recount and an appeal. Amends §63:8 of the New Hampshire Revised Statutes Annotated.

HB 652, Chapter 497, Approved 7/14/77

States that, after the ballots cast at an election have been counted and a declaration and record of the result made, the cast, cancelled and uncast ballots shall be placed in suitable containers and the containers sealed with filament or other similar tape, all as prescribed by the secretary of state, as needed to prevent the ballots from being removed or tampered with. Amends §59:88 of the New Hampshire Revised Statutes.

HB 670, Chapter 518, Approved 7/15/77

Provides that the ballots shall be examined and the votes for the several candidates and on any questions submitted shall be counted by the town clerk, the selectmen and the other election officials under the supervision of and in the presence of the moderator, who may inspect the ballots but may not do the actual counting [formerly counted by the moderator, in the presence of and with the assistance of the town clerk, the selectmen and the other election officials]. Provides for exceptions to this provision in all primary elections, general elections, and any other elections in which the secret ballot is used, as follows: (a) no person, other than the moderator, otherwise authorized to be within the guard-rail, may remain within the guard-rail during the counting of the votes for the office for

## STATE SESSION LAWS

### NEW HAMPSHIRE CONT'D

which he is a candidate (not to prevent an election official who is a candidate from performing his duties during the actual voting); and (b) any election official who is a candidate must disqualify himself from performing his duties as election official and an assistant to serve in the same capacity will be appointed by the moderator. Amends §59:69 and enacts §59:36-a of the New Hampshire Revised Statutes.

HB 772, Chapter 448, Law Without Approval 7/6/77

Prohibits candidates for any elective position other than a position as an election official from working within a polling place. Adds a new §59:36-a to the New Hampshire Revised Statutes.

HB 838, Chapter 539, Approved 7/15/77

Requires the town or city clerk to notify in writing any person receiving nomination for any town or ward office or the office of state representative for which he did not file a declaration of candidacy or primary petition and also forward notification to the secretary of state [formerly only to person receiving nomination]. States that if the secretary of state has not received the acceptance of the candidate nor evidence that notice was sent to the candidate 6 days from the date of the publication of the notice, he must contact the candidate to gain his acceptance or refusal of candidacy; and if the candidate cannot be contacted by the deadline for printing of ballots, his name shall be printed on the ballot. Amends §56:52 of the New Hampshire Revised Statutes.

HB 899, Chapter 433, Approved 7/5/77

Provides that the moderator in each town and ward shall file with the Secretary of State the total vote each candidate received for each place his name appears on the ballot and the candidate's total vote. Specifies that such totals shall be available to the public during the normal working hours of the Secretary of State.

HB 971, Chapter 435, Approved 7/5/77

Removes minor elected officials (including town moderators and city and ward officers) from the biennial election ballot.

HB 1091, Chapter 503, Approved 7/14/77

Relates to overseas citizens' voting rights. Provides that notwithstanding

## STATE SESSION LAWS

### NEW HAMPSHIRE CONT'D

any other provision of law, any United States citizen of requisite age who resides outside the United States shall have the right to register absentee for and to vote by special absentee ballot in any Federal election (except a presidential preference primary) in the town or city in New Hampshire in which he last dwelt and had his home immediately prior to his departure from the country, even though he no longer maintains a place of abode or address in that town or city and even though his intent to return there is uncertain, if: (a) he complies with all other applicable State requirements; (b) he is not domiciled or registered to vote in any other State or election district of a State or territory or in any territory or possession of the United States; and (c) he has a valid passport or card of identity and registration issued under authority of the Secretary of State of the United States. Establishes procedures for registration and voting by overseas citizens.

#### HB 1172, Approved 7/16/77

Requires the secretary of state to notify each town and ward clerk of the offices to be contested at a primary election at least 100 [formerly 74] days before the primary. Requires declarations of candidacy to be filed between 96 and 75 days prior to a primary election, and the filing fee paid or primary petitions filed, with supplemental petitions to be filed no later than 75 days before the primary. Similarly requires assents to candidacy to be filed not less than 75 days before the primary.

#### HB 1184, Chapter 504, Approved 7/14/77

Relates to a temporary absence from residence and its effect on voting rights. Provides that a domicile for voting purposes, once existing, continues to exist until another such domicile is gained; that a domicile is a question of fact and intention; and that a voter can have only one domicile for these purposes. Amends §54:10 of the New Hampshire Revised Statutes.

#### HB 1188, Chapter 507, Approved 7/14/77

Amends the composition of the 3-member state ballot law commission. Requires the chairman to be an attorney in good standing licensed to practice in the state, appointed by the New Hampshire Supreme Court; with the other two members to be appointed by the governor with the advice and consent of the council, one from each of the 2 major political parties in the state. Establishes staggered four year terms, to begin and expire on July 1. Also provides for pro tempore appointments to fill temporary

## STATE SESSION LAWS

### NEW HAMPSHIRE CONT'D

vacancies when any member [formerly any appointed member] of the commission cannot serve for any reason. Amends §§68:1 and 68:1-a of the New Hampshire Revised Statutes.

#### CACR 13, Adopted 6/20/77

Proposes an amendment to the New Hampshire Constitution, to be voted on by qualified electors at the 1978 general election. If adopted, a town, ward or place would be permitted by referendum to request that the Legislature divide it into two or more representative districts.



## STATE SESSION LAWS

### NEW JERSEY

#### SB 347, Chapter 89, Approved 5/16/77

Permits voters who have moved from one residence to another within the same election district at any time to vote in such election district at any election within 2 years after their change of residence [formerly were permitted to vote only at the next election]. Amends §19:31-11 of the New Jersey Statutes.

#### SB 3169, Chapter 125, Approved 6/13/77

States that county administrators need not reside within the county. Amends §40A:9-1 of the New Jersey Statutes.

#### AB 997, Chapter 90, Approved 5/16/77

Requires lobbyists to disclose to their employers the existence of potential conflicts of interests.

#### AB 998, Chapter 91, Approved 5/16/77

States that it is a misdemeanor for a lobbyist to work for the introduction or amendment of any legislation, with the purpose of thereafter being employed to prevent its passage.

#### AB 999, Chapter 92, Approved 5/16/77

Makes it a misdemeanor for an employer to hire a lobbyist, except on the condition that such lobbyist immediately comply with the proper registration requirements.

#### AB 1768, Chapter 15, Approved 2/10/77

Increases (from 30 to 40) the number of days prior to municipal commissioner elections that the names of the candidates for commissioners must be filed with the municipal clerk, with one exception: the names of candidates for first members of the commission must be filed 30 days prior to such election. Amends §40:75-3 of the New Jersey Revised Statutes.

#### AB 1854, Chapter 97, Approved 5/20/77

States that no voter, except a newly registered voter at the first primary at which he is eligible to vote, or a voter who has not previously voted in

## STATE SESSION LAWS

### NEW JERSEY CONT'D

a primary election [new], may vote in a primary election of a political party unless he was deemed to be a member of that party on the 50th day preceding the primary.

AB 1911, Chapter 47, Approved 3/24/77

Amends and supplements the Absentee Voting Law of 1953. For example, reduces the period of residence in the State required for a military service voter to vote absentee from 6 months to 30 days, and the period of residence in the county for such a voter from 40 days to 30 days. Permits a military service voter who is stationed and a resident in any garrison, barrack, or military or naval place or station in the State, or who resides therein as spouse or dependent of a person in the military, naval or marine service so stationed, and who claims his vote in the municipality wherein such residence is located, to vote by military absentee ballot in any election for which he is registered to vote in the election district of his residence in said municipality, but not otherwise.

Permits a civilian voter who because of permanent and total disability is unable to cast his ballot at the polling place in his district on election day to vote by absentee ballot. Provides that a voter who is permanently and totally disabled, and who states the reason for such disability in a request for an absentee ballot, shall be furnished an application for an absentee ballot by the county clerk for all future elections in which the voter shall be eligible to vote, without further request by the voter.

Modifies the notices to be published to military service voters and to civilian persons desiring absentee ballots.

Provides that if the county clerk has ascertained through investigating an absentee voter's registration record that, under the laws of the State, such voter is qualified to vote only in a certain party primary, he shall so indicate upon the primary ballot the primary party in which the voter is entitled to vote. In the case where the county clerk has ascertained through investigating the absentee voter's registration record that the applicant is requesting a ballot to vote in the first primary for which he is eligible after registration, the county clerk shall indicate upon the primary ballot that the voter can vote in any one of the party primaries.

Changes the certificate to be printed on the margin of the flaps of envelopes sent to military service and civilian absentee voters.

## STATE SESSION LAWS

### NEW JERSEY CONT'D

Provides that the Secretary of State shall cause to be prepared a standard military service absentee ballot application form and a standard civilian absentee ballot application form.

## STATE SESSION LAWS

### NEW MEXICO

#### SB 73, Chapter 124, Approved 3/31/77

Makes various amendments to the Election Code in order to comply with the 1975 amendments to the Federal Voting Rights Act of 1965.

For example, provides that all registration of voting notices, forms, instructions, assistance, or other information relating to the electoral process shall be printed in both English and Spanish. States that where a minority language is historically unwritten, all proclamations, registration or voting notices, instructions, assistance or other information relating to the electoral process shall be made available orally in the respective minority language, through the media when practicable, in public meetings and on election day at the polls.

Specifies that in those polling places designated by the Secretary of State as being subject to the provisions of the 1975 amendments to the Federal Voting Rights Act of 1965, oral assistance shall be made available to assist language minority voters who cannot read sufficiently well to exercise the elective franchise.

Requires the county clerk to initiate nonpartisan measures to urge and facilitate registration of language minority voters and other voters. Also requires the county clerk at the time of the printing of the official ballots to cause to be printed in both English and Spanish a number of sample ballots in a quantity equal to 30% of the number of voters in each precinct.

#### SB 104, Chapter 222, Approved 4/6/77

Amends, repeals, and enacts certain sections of the election code, making numerous changes in the election code, many of a technical or conforming nature. Defines "recheck" as a verification procedure pertaining to voting machines where the center counter compartment door of the voting machine is opened and the results of the balloting as shown on the counters of the machine are compared with the results shown on the official return. Defines "recount" as a means of retabulation and retallying of individual emergency paper ballots and absentee ballots.

States that certain provisions of the election code shall apply to local school board or local school bond elections; municipal officer or municipal bond elections; and to special district officer, special district bond or other special district elections.

Directs the county clerk, whenever possible, to assign persons appointed

## STATE SESSION LAWS

### NEW MEXICO CONT'D

as precinct board members to serve in precincts wherein they reside or in precincts located in the representative district wherein they reside.

Prohibits the holding of a municipal, school, or special district election within 42 days of any statewide election. Also provides that no bond issue or other question shall be voted on at any primary election.

Provides that where no voting machines are used to register absentee ballots, such ballots shall be canvassed, recounted, and disposed of in the manner provided by the election code for the canvassing, recounting, and disposition of emergency paper ballots. Where voting machines are used to register absentee ballots, such ballots shall be canvassed and rechecked in the manner provided by the election code for the canvassing and recheck of ballots cast on a voting machine.

Requires each political party to file its rules and regulations at least 71 [formerly 60] days before any election in which it is authorized to participate.

Specifies that the primary election filing fee for any county office shall be fifty dollars, which shall be paid at the time of the filing of the declaration of candidacy. However, the filing fee for candidates for the office of county councilman, county clerk, county assessor, or sheriff in H-class counties or incorporated counties under Art. 10, §5, of the State constitution shall be five dollars.

Requires the county clerk to prepare and supply the ballots used in elections conducted under the election code. Provides that ballots shall be uniform throughout the State. In the preparation of ballots, if it appears that the name of two or more candidates for any office to be voted on at the election are the same or so similar as to tend to confuse the voter as to the candidates' identities, the occupation and post office address of each such candidate shall be printed immediately under the candidate's name on the ballot. Provides that no candidate's name shall appear more than once on the ballot. Whenever a person is a candidate at any nominating convention or primary for nomination as the candidate of any political party for any office to be voted on at the election to be held next after such convention or primary, his name shall not be printed on the ballot at such election in the column under the party name and emblem of any other party.

Provides for the use and counting of emergency paper ballots. States that if any voting machine becomes disabled while being used to the extent

## STATE SESSION LAWS

### NEW MEXICO CONT'D

that any voter is unable to cast a vote for all the candidates or questions of his choice and have such vote recorded by the machine, it shall be repaired, if possible, or another voting machine shall be promptly substituted. If a disabled voting machine cannot be repaired in a reasonable length of time, and if there are no other voting machines available for substitution, the presiding judge shall order emergency paper ballots to be substituted and used.

Provides that the certification of names and addresses of the nominees for presidential electors by the chairman and secretary of the political party nominating convention must be made not less than 49 days prior to the election. Requires the secretary of state to certify proposed constitutional amendments or other questions to the county clerk of each county not less than 49 [formerly 30] days before the election at which it is to be submitted.

Amends the oath to be executed and subscribed by the chairman and the treasurer of political committees, which oath is to be attached to each itemized statement filed by the treasurer.

SB 290, Chapter 322, Approved 4/7/77

Establishes procedures for the nomination of independent candidates.

States that to qualify for a position on the ballot, each such candidate must submit a petition containing the following number of signatures, with percentages based on the number of votes cast for governor at the last gubernatorial election:

- for president, at least 3% of the total number of votes cast in each of at least 15 counties in the state, and not less than 5% of the total number of votes cast in the state;
- for U.S. Senator or other statewide office, at least 3% of the total number of votes cast in each of at least 10 counties in the state and not less than 5% of the total number of votes cast in the state;
- for U.S. Representative, at least 3% of the total number of votes cast in each of at least 5 counties in the district and not less than 5% of the total number of votes cast in the district;
- for member of the legislature, district judge, district attorney, member of the state board of education, magistrate or county office, at least 5% of the total number of votes cast in the district, division or county.

Prohibits a voter from signing such a nominating petition if he or she has signed another petition for a candidate for the same office (independent or party affiliated).

## STATE SESSION LAWS

### NEW MEXICO CONT'D

States that such petitions may not be circulated before January 1 preceding a general election or 80 days preceding a U.S. representative special election. Requires them to be filed during the period commencing at 9:00 a. m. on the first Tuesday of March of each even-numbered year and ending at 5:00 p. m. on the same day, and not later than 5:00 p. m. on the 61st day preceding any U.S. representative special election.

Specifies the form of the independent candidate's declaration of candidacy and the nominating petition. Requires each candidate to state that he has declined to designate a party affiliation on his affidavit or registration and has not changed this declination subsequent to January 1 of the general election year.

SB 303, Chapter 230, Approved 4/6/77

Provides for a presidential preference primary election. States that in the year in which the president and vice-president of the United States are to be elected, the registered voters of the State shall be given an opportunity to express their preference for the person to be presidential candidate of their party. The presidential primary election shall be held on the same date as the primary election is held in the State.

States that there shall be convened in Santa Fe a committee consisting of the chief justice of the supreme court, as chairman, the speaker of the house of representatives and the minority floor leader of the house of representatives, the president pro tempore of the senate and the minority floor leader of the senate. This committee shall nominate as presidential primary candidates not later than 90 days before the presidential preference primary election, the names of all those generally advocated and nationally recognized as candidates of the dominant political parties for the office of president. Provision is also made for nomination by petition. The Secretary of State is to contact each person who has been nominated by the committee or by petition and notify him in writing by registered mail that his name will be printed as a candidate on the New Mexico presidential primary ballot unless he otherwise directs.

Specifies that the voter shall be able to cast his ballot for one of the presidential candidates of his party or for an uncommitted delegation.

Provides that upon the completion of the State canvass of the results of the primary, the Secretary of State shall certify to the State chairman of each political party participating in the primary and to the credentials committee of the national convention of each such party the names of the

## STATE SESSION LAWS

### NEW MEXICO CONT'D

three candidates receiving the highest number of votes cast. The votes of the delegations from parties participating in the primary to their national conventions shall be cast by the chairman of the respective delegations for the candidates certified by the Secretary of State in the same proportion that the vote the candidates received bears to the total combined vote of all candidates. This provision concerning the casting of ballots at the national conventions by the State delegations is applicable only on the first ballot. Delegations may be released prior to the first ballot from voting in the specified manner upon the death of the candidate or upon his written unconditional release of votes allotted to him.

HB #'s 74 and 253, Chapter 261, Approved 4/7/77

Lobbyist Regulation Act --rewrites New Mexico's lobbying provisions.

Defines lobbying as attempting to influence any decision related to any legislative matter. Exempts from the definition of lobbyist elected officers acting in their official capacity, members of the legislature or legislative staff, witnesses called by committees and compensated wholly or in part by public funds, and individuals appearing to testify on their own behalf on legislative matters.

Requires each lobbyist to register with the secretary of state in January prior to each regular session, or during the 14 days immediately preceding any special session, or before any lobbying activity commences. Lists required information on the lobbyist and his employer to be included on the registration form, and requires changes in this information to be noted within one month.

Permits any person to file a sworn complaint with the attorney general charging violation of the Act, or the attorney general may act on his own initiative. Authorizes the attorney general to bring a civil action to force compliance with these requirements, or to revoke the lobbyist's registration and enjoin his lobbying activities for a period not to exceed 3 years.

Requires each lobbyist to periodically file with the secretary of state sworn statements containing the totals of all expenditures by category made or incurred for lobbying purposes. Requires these statements to be filed when registering, listing all previous expenses; and prior to the 60th day after the end of any regular or special session, listing all expenses incurred since the last filing.



## STATE SESSION LAWS

### NEW MEXICO CONT'D

Requires each lobbyist to obtain and preserve all accounts, bills, etc., needed to substantiate each financial statement for a period of two years. Similarly requires the secretary of state to preserve all registration forms and statements of expenditures for a period of two years, with these documents to be maintained as public records and open to public inspection.

Prohibits contingent fee arrangements in connection with lobbying the legislative branch of state government.

Provides a penalty of a fine not to exceed \$1,000 for each knowing violation of the Act.

HB 79, Chapter 78, Approved 3/29/77

Restricts elected municipal officers and employees from acquiring a financial interest which will be directly affected by their official acts. Forbids elected municipal officers and employees to use confidential information acquired from their municipal office or employment for their or another's private gain. Provides for enforcement by the district attorney of the judicial district in the municipality. Adds a new §14-9-4-1 to the New Mexico Statutes.

HB 203, Chapter 64, Approved 3/25/77

Changes the size of a precinct for general or primary election purposes so that it may not have had more than 800 [formerly 600] votes cast in person in the last preceding general election. Amends §3-3-1 of the New Mexico Statutes.

HB 239, Chapter 87, Approved 3/29/77

Provides that in order to qualify as a candidate for nomination by a political party, a person's registration record must show his residence in the district of the office for which he is a candidate on the date of the governor's proclamation for the primary election. Amends §3-18-17 of the New Mexico Statutes.

HB 263, Chapter 269, Approved 4/7/77

Amends various absentee voting provisions so as to bring the New Mexico Statutes into line with the Federal Overseas Citizens Voting Rights Act of 1975.

## STATE SESSION LAWS

### NEW YORK

#### SB 4543, Chapter 65, Approved 4/12/77

Amends the election law in relation to the establishment of a political calendar for 1977 and for special elections in 1978.

#### SI 6357-A, Chapter 937, Approved 8/11/77

Enacts, effective December 1, 1977, the Regulation of Lobbying Act, and repeals §66 of the legislative law, relating to lobbying. Establishes the New York temporary State commission on regulation of lobbying. Requires every lobbyist to annually file with the commission a statement of registration for each calendar year, unless the lobbyist in any year does not expend, incur, or receive at least \$1,000 of reportable expenditures for the purpose of lobbying, or is an officer, employee, counsel, or agent of any public corporation, when acting in that official capacity. Specifies that such statements of registration are to be kept on file for three years and shall during that time be open to the public for inspection.

Also requires any lobbyist who is required to file an annual statement of registration who in any year expends, receives, or incurs at least \$1,000 of reportable expenditures, to file a first periodic written report by the 15th day after the end of the reporting period in which the cumulative total expended for the lobbying year equalled \$1,000. Also requires any person who files a first periodic report to file a periodic report for each reporting period in which that person expends, receives, or incurs at least \$250 for the purposes of lobbying during that period. These reporting periods are from January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31. Specifies that public corporations are to file periodic written reports for reporting periods in which they expend at least \$1,000 for the purpose of lobbying during that period. Further requires the filing of annual reports by lobbyists and public corporations required to file periodic reports, as well as by any person, firm, corporation or association retaining, employing, or designating lobbyists, whether or not such lobbyists were actually required to file periodic reports, if during the year such entity expended at least \$1,000 of reportable expenditures for the purposes of lobbying. Prohibits hiring a lobbyist on a contingent retainer basis.

#### AB 4990, Chapter 324, Approved 6/28/77

Provides that, effective December 1, 1977, during the period of time that petitions filed by candidates are required by law to be preserved, no petition may be removed from the office of the board of elections for any purpose except while in the custody, or under the supervision, of a member

## STATE SESSION LAWS

### NEW YORK CONT'D

or employee of such board or pursuant to a court order.

AB 5363-A, Chapter 178, Approved 5/24/77

Provides for the preparation and distribution by the State Board of Elections of compilations of the provisions of the election law for 1977.

AB 5674-A, Chapter 459, Approved 8/1/77

Makes minor changes with regard to the form of designating and nominating petitions, including an indication as to the dates on which the signatures were obtained. Amends §§6-132 and 6-140 of the New York Election Law.

AB 5859, Chapter 461, Approved 8/1/77

Makes minor and technical amendments to the election law in relation to the form of paper ballots for primary elections.

AB 6674, Chapter 209, Approved 6/1/77

Provides that absentee ballots for permanently disabled voters shall be sent by certified rather than registered mail. Amends §3-a of the New York Election Law.

AB 9002, Chapter 463, Approved 8/1/77

Authorizes the filing of reproduced designating petitions in the event of theft or destruction of the original petitions. Requires such duplicates to be filed within 4 days of the last day for filing the petition, along with a candidate's affidavit giving the particulars of their theft or destruction, and attesting that to his best knowledge and belief the originals met all the legal requirements for such petitions. States that the act shall be retroactive to July 5, 1977, and remain in effect until November 30, 1977; and permits those whose petitions have been rejected prior to the enactment of this law to be covered by it if they file such duplicates within 72 hours after its enactment.

## STATE SESSION LAWS

### NORTH CAROLINA

#### SB 2, Chapter 661, Ratified 6/21/77

Changes the date of both the regular and the presidential primary election to the Tuesday after the first Monday in May [formerly the 3rd Tuesday in August], and amends other provisions accordingly. Requires notices of candidacy to be filed between 12:00 noon on the first Monday in January and 12:00 noon on the first Monday in February preceding the primary, and states that the time and date of the primary canvass shall be fixed by the State Board of Elections.

Also states that the State Board of Elections may be authorized, by resolution adopted prior to the printing of the primary ballots, to reduce the time by which absentee ballots are required to be printed and distributed for primary election from 60 to 45 days.

#### SB 293, Chapter 363, Ratified 5/11/77

Proposes an amendment to Article III, §2(2), of the North Carolina Constitution, to be submitted to the voters of the State at the general election held in November, 1978 or the next statewide election, whichever is earlier. If approved, it would permit the governor and lieutenant governor to serve two consecutive terms.

#### SB 298, Chapter 386, Ratified 5/13/77

Amends §162-107.1(c) of the North Carolina General Statutes, with regard to petitions filed by candidates in lieu of paying a filing fee. States that such petitions must be signed by 10% of the registered voters of the election area in which the office will be voted for, who are affiliated with the candidate's political party; or 200 registered voters, regardless of party affiliation, whichever requirement is greater.

#### HB 48, Chapter 130, Approved 4/4/77

Rewrites §163-74 of the North Carolina General Statutes, concerning party affiliation and change of party affiliation. States that no registered elector may change the record of his party affiliation or unaffiliated status for a primary, second primary or special or general election after the close of the registration books immediately prior to such election, and specifies that a voter may switch from an unaffiliated status to a political party status.

## STATE SESSION LAWS

### NORTH CAROLINA CONT'D

#### HB 49, Chapter 19, Ratified 2/18/77

Authorizes persons 17 years of age to vote in the presidential preference primary if they will be qualified to vote in the general election as long as they register not earlier than 60 days nor later than 21 days prior to the primary.

#### HB 153, Chapter 93, Ratified 3/18/77

Provides procedures for persons entitled to vote absentee ballots to vote in person at any time including the day of a primary or election. If a person's eligibility to register or vote terminates after the registration records have closed, he may register if otherwise qualified during the time the records are closed, or on the primary or election day. If an absentee application or ballot has already been mailed and the board of elections has not received the voted absentee ballot, the board shall void the ballot and such person will be eligible to vote on the day next preceding the primary, second primary or election.

#### HB 272, Chapter 95, Ratified 3/18/77

Provides for the optional appointment of two or more assistants for each precinct to aid the registrar and judges by the county or municipal board of elections [formerly the appointment of two assistants was mandatory and the appointment of additional assistants was optional]. States that not more than two assistants may be appointed in precincts having 500 or less registered voters [formerly in precincts of 300 voters, the board of elections could appoint one assistant in addition to two required assistants]. Where the board determines that assistants are needed in a precinct, an equal number must be appointed from different political parties, unless this requirement cannot be met because of an insufficient number of voters of different political parties. Amends §163-42 of the General Statutes of North Carolina.

#### HB 348, Chapter 218, Ratified 4/18/77

Prohibits forged signatures on petitions for elections or referenda. Adds a new §163-221 to the General Statutes of North Carolina.

#### HB 403, Chapter 240, Ratified 4/21/77

Permits certain public officials to transact business with public utilities in the regular course of business. Amends §14-234 of the North Carolina General Statutes.

## STATE SESSION LAWS

### NORTH CAROLINA CONT'D

HB 478, Chapter 265, Approved 4/27/77

Makes technical amendments to the election laws.

For example, repeals the provision permitting an unregistered person whodesires to become a candidate in a party primary to do so if, at the time he files a notice of candidacy, he signs and deposits with the election official with whom he files a written pledge that he will, during the registration period prior to the next primary, register as an affiliate of the political party in whose primary he intends to run as a candidate.

Also repeals the provision permitting a person who is not registered to vote in municipal elections to file a notice of candidacy in nonpartisan municipal elections if at the time he files his notice of candidacy he signs and deposits with the board of elections a written pledge that he will register in time to vote in the election.

Provides that the second primary is a continuation of the first primary and any voter who files a proper and timely affidavit of transfer of precinct, before the first primary, may vote in the second primary without having to refile the affidavit of transfer if he is otherwise qualified to vote in the second primary.

HB 509, Chapter 345, Ratified 5/10/77

Permits assistant registrars to assist handicapped voters if no near relative of the voter's choice is present at the voting place. States that under no circumstances may any precinct official be assigned to assist a handicapped voter, if the voter does not specify such official. Amends §163-152(a) of the North Carolina General Statutes.

HB 616, Chapter 408, Ratified 5/19/77

Makes technical changes to conform with prior changes in the election laws, amending Chapter 163 of the North Carolina General Statutes. Changes the words "no party," "independent," or "nonpartisan" to "unaffiliated" in reference to voters who are not affiliated with a political party.

HB 814, Chapter 697, Ratified 6/23/77

Exempts from coverage under lobbying provisions (a) those persons responding to inquiries from a Member of the General Assembly who engage

## STATE SESSION LAWS

### NORTH CAROLINA CONT'D

in no further lobbying activities, and (b) those giving facts or recommendations pertaining to legislative matters to their own legislative delegation(s) only. Adds sub-§§(8) and (9) to §120-47.8 of the North Carolina General Statutes.

#### HB 916, Chapter 453, Ratified 5/30/77

Permits voting place observers, at the option of the designating party chairman, to be relieved during the day of the primary or election, provided that they have served no less than 4 hours and the list of potential observers filed by the chairman contains the names of all persons authorized to represent that political party. Amends §163-45 of the North Carolina General Statutes.

#### HB 1040, Chapter 475, Approved 6/3/77

Provides that in any municipal election conducted by the county board of elections, absentee voting may, upon resolution of the municipal governing body, be permitted, if the resolution is adopted no later than 60 [formerly 50] days prior to the election. Also provides that such resolution shall remain effective for all future elections unless repealed no later than 60 [formerly 50] days before an election. States that copies of such resolutions shall be filed with the State Board of Elections and the county board of elections conducting the election within ten days of passage in order to be effective. States that the earliest date by which absentee ballots shall be required to be available for absentee voting in municipal elections shall be 30 days before the municipal primary or election or as quickly following the specified filing deadline as the county board of elections is able to secure the official ballots. Amends §163-302 of the North Carolina General Statutes.

#### HB 1061, Chapter 382, Ratified 5/13/77

Authorizes the calling of special referenda on the question of adopting alterations of the structure of the Board of County Commissioners in each county. Amends §153A-60(4) of the North Carolina General Statutes.

#### HB 1519, Chapter 680, Ratified 6/22/77

Provides that the chairman of the county board of elections shall not issue or accept an absentee ballot application later than 12:00 noon [formerly 10:00 A.M.] on the day preceding the primary or general election from a voter unable to go to the voting place in person because of sickness or physical disability. Amends §163-227 of the North Carolina General Statutes.

## STATE SESSION LAWS

### NORTH DAKOTA

#### SB 2046, Approved 3/12/77

Prohibits public employees from engaging in political activities while they are on duty or in uniform. Rewords §39-01-05 of the North Dakota Century Code, relating to disallowing state officers and employees from collecting expenses while engaged in political activities. Repeals §§40-44-09, 50-06.1-12, and 54-23-52 of the North Dakota Century Code, relating to prohibiting the municipal employees under a local civil service system from engaging in political activities and prohibiting the officers and employees of the department of vocational rehabilitation and the director of institutions' office from engaging in political activities.

#### SB 2421, Approved 3/31/77

Requires disclosure of conflict of interest by municipal officials in contracts in which the municipality is a party. Provides that all violators shall be subject to removal from office.

#### HB 1462, Approved 3/31/77

Amends §54-05.1-02 of the North Dakota Century Code, relating to persons subject to legislative lobbyist regulation. Adds to the list of those exempt from this regulation persons who are invited by the chairman of the legislative council or interim committee of the legislative council to appear before the council or committee for the purpose of providing information.



## STATE SESSION LAWS

### OHIO

SB 125, Approved 5/27/77 with Item Veto (Item Veto Overridden 5/31/77)

Relates generally to voter registration. Requires the board of elections in each county to keep its offices, other than branch offices, open for the performance of its duties four hours every Saturday for three weeks before the close of registration before a general or primary election and between 6 p.m. and 9 p.m. on one day each week for three weeks before the close of registration. At all other times during each week, the board is to keep its offices and rooms open for a period of time that the board considers necessary. Requires each board of elections to establish and maintain a voter registration of all qualified electors in the county who offer to register. Also requires each board to display in a prominent location in every polling place a notice that advises that State law prohibits any person from voting or attempting to vote more than once at the same election.

Deletes the requirement that an elector be a resident of the county and of the voting precinct 30 days preceding the election. Provides that a U.S. citizen who is of the age of 18 years or over, who has been a resident of the State 30 days, who is a resident of the county and precinct in which he offers to vote, and who has qualifications of an elector may vote at all elections in the precinct in which he resides.

Permits qualified persons to register or to change their registration at the office of the board of elections or at any permanent or temporary branch registration office, at any time such office is open except after 9 p.m. of the 21st [formerly 30th] day preceding a special, primary or general election.

Provides that any person qualified to register may apply, by mail, by telephone, in person, or through another person, for registration forms to the office of the board of elections of the county in which he resides. Any qualified elector who then completes the registration forms may return the forms to the board by mail. Also provides that every board of elections shall, upon request, supply registration forms to any person who resides in the county and is qualified to vote. Such person may distribute the forms to any other person who resides in the county and is qualified to register. Any qualified elector who then completes the forms may return them to the board by mail, in person, or through another person, or to the person who distributed the forms to him. States that the board of elections may designate any county office to distribute registration forms. Upon its designation, the office shall during its regular hours and upon request,

## STATE SESSION LAWS

### OHIO CONT'D

supply registration forms to any person who resides in the county and who is qualified to register. Any person who then completes the registration forms may return them to the board by mail, in person, or through another person. Registration forms received under these provisions must be received no later than the 21st day before a special, primary, or general election. States that any form completed by the elector may be brought to the appropriate polling place on the day of the election, and the elector may then complete the registration process and vote.

Permits registration on election day. States that any person who is not registered to vote on the day of a special, primary, or general election, but is otherwise eligible, may vote if he presents himself at the polling place in the precinct in which he resides, completes a registration form, and offers proof of identity by any of the following means: (a) a valid driver's license; (b) a State of Ohio identification card (issued to certain persons not licensed to drive motor vehicles); (c) the oath of an individual registered to vote in that precinct attesting that the applicant resides in the precinct, signed in the presence of the election judge; or (d) any other form of identification approved by the Secretary of State. Specifies that forms for registration shall be available at each polling place. Requires the board of elections to provide separate lines for election day registration and voting at each polling place.

States that certain persons who are eligible to vote by absent voter's ballot but who are not registered may be registered and vote by presenting themselves at the board of elections of the county in which they reside. Upon presenting specified proof of residency, such persons shall be registered and permitted to vote an absent voter's ballot.

Provides that when any person applies for a driver's license or a State of Ohio identification card, the registrar shall ask the applicant if he is eligible to register as an elector and, in addition, if he is registered. States that if the applicant replies that he is eligible but not registered, the registrar shall offer to register him. If the applicant wishes to be registered, the registrar shall register him and promptly send the completed registration forms to the board of elections of the county in which the applicant resides. Also provides for the filing of a change of address for election purposes at the time of application for a driver's license.

States that any registered elector who has changed his residence within a precinct and has not filed a notice of change of residence may do so at the polling place on the day of a special, primary, or general election in the precinct in which he resides before he votes. Also permits a registered

## STATE SESSION LAWS

### OHIO CONT'D

elector who has changed his name to complete a notice of change of name at the polling place on election day.

Specifies that registration forms used for election-day registration shall be perforated so that a portion of the forms may be retained by an applicant as evidence of his application for registration.

Requires the board of elections to send by mail to any voter who on election day registered or made a change in name or residence a form providing specified information about his registration, and requesting return of the form if there is any mistake in the elector's name and address. States that upon the return by the post office of any such notice from the board of elections to an elector, the clerk of the board shall check the name and address of such voter. If the voter is found to have removed from the address as recorded to another address, his registration shall be cancelled. If the board is not satisfied as to the correctness of the information, it shall send another notice by mail to be forwarded, advising such voter to appear before the board within a reasonable period of time to answer questions regarding the correctness of information on his registration forms. If the voter does not respond to the second notice or does not respond satisfactorily to questions during his appearance before the board, the board shall cancel the registration and, in the event of an apparent violation of law, report its findings to the appropriate prosecuting authority which shall institute appropriate proceedings.

Specifies that on election day, as qualified persons register to vote, precinct election officials shall at 11 a.m. and 4 p.m. add the names and addresses of those persons who register to vote to the official registration list posted at the polling place. Also, at 11 a.m. and 4 p.m. precinct election officials shall place a mark before the name of those registered voters who have voted.

Deletes the provision specifying that the registration of a voter could be cancelled if he had not voted at least once in the past two calendar years.

Provides that applications from certain persons for absent voter's ballots are not valid if delivered to the clerk before the 90th (formerly 30th) day before the election.

Provides that no person shall knowingly register under more than one name or knowingly induce any person to so register. Also provides that no person who helps another outside an official voter registration place shall knowingly destroy or knowingly help another person to destroy any

## STATE SESSION LAWS

### OHIO CONT'D

completed registration form, or knowingly fail to return any registration form entrusted to that person to the board of elections within 21 days of the election. Makes certain registration offenses misdemeanors of the first degree.

#### HB 86, Approved 5/26/77

Requires election boards to post a notice concerning the inspection of public records, which inspection shall be possible during normal office hours. States that any election board officer or employee who prohibits lawful inspection of election records is guilty of a minor misdemeanor, and, upon conviction, shall be dismissed from his position. Amends §§2501.13 and 3503.13 and enacts §3599.161 of the Ohio Revised Code.

## STATE SESSION LAWS

### OKLAHOMA

HB 1344, Approved 6/3/77

Provides that candidates for presidential electors seeking to appear on the ballot as uncommitted are entitled to have their names placed upon the ballot at a general election. To qualify for ballot access, they must file petitions with the Secretary of the State Election Board no later than July 15 of a presidential election year, with signatures of registered voters equal to at least 3% of the total votes cast in the last general election for president (each page must contain the names of registered voters from a single county). The State Election Board must determine the sufficiency of the petitions within 30 days after receipt.

Restricts oath provisions, requiring every presidential elector to subscribe to an oath stating that he will cast his ballot for persons nominated by his party, to party nominees.

Provides that the names of independent nominees for presidential electors shall be bracketed adjacent to the names of the presidential and vice presidential candidates for whom they have subscribed an oath to cast their ballots or adjacent to the word "uncommitted" if they are uncommitted.

Provides for a system to qualify independent presidential candidates to appear on the ballots as follows: 1. the candidate must file petitions, signed by a number of registered voters supporting his candidacy for President equal to at least 3% of the total votes cast in the last general election for President, with the Secretary of the State Election Board by July 15; 2. the State Election Board must determine the petitions' sufficiency within 30 days; and 3. if the petitions are found to be sufficient, such Independent Presidential candidate must certify to the Secretary the names of the nominees for Presidential Elector pledged to him and the name of his Vice Presidential running mate.

Amends Chapter 153, §§10-101, 10-102, and 10-105, of the Oklahoma Statutes.

## STATE SESSION LAWS

### OREGON

#### SB 444, Chapter 231, Approved 6/21/77

Permits the election officer to print only the caption of the ballot title and the measure number on the ballot card or ballot label at any election in which a vote tally system is used, in lieu of printing the complete ballot title, financial estimate and an explanatory statement, provided that they will be printed in 14-point or larger type and posted in each voting compartment, or voting shelf or table. Requires the complete text of the ballot title, financial estimate and explanatory statement to be included with any absent voter's official ballot and on sample ballots.

#### SB 551, Chapter 163, Approved 5/25/77

Permits a person applying for an Oregon driver's license or a renewal of his driver's license at any field office of the Motor Vehicles Division of the Department of Transportation to obtain, complete, and file a voter registration card at such office.

#### SB 843, Chapter 179, Approved 6/7/77

Relates generally to voting by the handicapped. States that no official in charge of a public building may refuse its use as a polling place; and if the building has an entrance free of architectural barriers that entrance shall be kept unlocked during the hours the polls are open and its location clearly indicated at the main entrance of the building.

Requires any published list of polling places for use by electors shall indicate by a uniform, nationally recognized physically handicapped symbol those polling places which are accessible to handicapped voters. Also permits curbside voting by those unable to enter the polling place, under regulations to be prescribed by the Secretary of State.

States that the application of a physically handicapped elector shall be considered valid for every election to be held during the calendar year in which the application is received. Amends §§246.420, 250.710 and 153.030 of the Oregon Revised Statutes.

#### HB 2087, Chapter 352, Approved 7/14/77

Permits the county clerk to appoint persons to issue certificates of registration at locations designated by the county clerk. Specifies that the appointments and designations are to be in writing and filed in the office of the county clerk.

## STATE SESSION LAWS

### OREGON CONT'D

States that an application for a certificate of registration may be made to the appropriate county clerk or a person designated by the clerk.

Provides that if a certificate of registration is not mailed to the applicant, the applicant must obtain the certificate in person from the appropriate county clerk or a person designated by the clerk, who shall issue the certificate only to the applicant. Certificates of registration shall be issued until 8 p. m. on the day of the election for which the certificates are issued.

Requires an elector who votes under a certificate of registration or special registration certificate to sign the certificate in view of the election board clerk. Specifies that the signed certificate shall be considered part of the poll book.

### HB 2693, Chapter 364, Approved 7/14/77

Prescribes format for voters' pamphlet, amending §§255.061 and 255.241 of the Oregon Revised Statutes. States that the material relating to measures must appear first, followed by the material of candidates for partisan offices, and the material of candidates for nonpartisan offices appearing last. Requires the Secretary of State to determine by lot which major political party's group of candidates should appear first in the 1978 pamphlet, the other party to appear first in the next pamphlet, and to alternate positions in succeeding primary elections. Prohibits material relating to candidates for different offices from appearing on the same page where the pamphlet is printed on pages of 8 1/2 inches by 11 inches; and states that when material of a candidate for the same office appears on a succeeding page, a statement must appear in the top margin indicating that material of additional candidates for the same office continues on the next page.

## STATE SESSION LAWS

### RHODE ISLAND

#### SB 1220, Approved 5/5/77

Establishes procedures to be followed when holding a special election to amend the Act creating the Rhode Island Industrial Building Authority.

#### SB 1325, Chapter 153, Approved 5/12/77

Deletes the requirement that those applying for or voting by absentee or shut-in ballot must do so before some officer duly authorized to administer oaths. Instead, requires the application or ballot envelope to be subscribed before two witnesses, who must affix their signatures and addresses under pain of perjury. In the case of ballot applications, requires each local board to maintain a separate list of names and addresses of all applicants and their subscribing witnesses, with copies of the list to be made available to any person upon request. Increases the penalties for violations to a fine of not less than \$1,000 [formerly \$50] and/or imprisonment for not less than 5 years [formerly not more than 1 year].



## STATE SESSION LAWS

### SOUTH CAROLINA

#### SB 4, Approved 3/23/77

Expands mandatory recounts in elections won by a candidate by not more than 1% of the total votes, so as to make this procedure applicable to runoff candidates.

#### SB 285, Approved 5/13/77

Provides rules for determining election results in nonpartisan elections, using the plurality method, as follows: (1) when more than one person is seeking election to a single office, the candidate receiving the highest number of votes shall be declared elected; and (2) when more persons are seeking election to 2 or more offices than there are offices to be filled, a number of those candidates receiving the highest number of votes, equal to the number of offices to be filled, shall be declared elected.

States that results in nonpartisan municipal elections in municipalities using the election and runoff election method shall be determined by a majority of the votes cast, and provides means for determining the majority. When more than one person is seeking election to a single office, the majority is determined by dividing the total votes cast for all candidates by two, and any excess of the sum shall be a majority. When more persons are seeking election to 2 or more offices than there are to be filled, the majority is determined by dividing the total vote cast for all candidates by the number of offices, and dividing the result by two -- the excess of the sum is the majority. Provides for a runoff election when no candidate receives a majority, to be conducted 2 weeks later.

Provides that in municipalities whose elections are nonpartisan and use the general and primary election method, when there are more than two candidates for a single office, a primary election shall be held to reduce the field of candidates to two.

Provides additional procedures for placing candidates' names on the ballot. Authorizes the municipal governing body to determine by ordinance that either filing a statement of candidacy or a petition with the municipal election commission will be required to place a candidate's name on the ballot in nonpartisan general elections. If the petition method will be used, the number of electors on the petitions must equal 3-5% of the qualified electors of the municipality; and petitions must be filed with the municipal clerk 45 days before the general or special election, their validity to be determined by the commission no later than 30 days before the general or special election. When ballot placement is determined by a primary

## STATE SESSION LAWS

### SOUTH CAROLINA CONT'D

election or convention, a candidate's party must certify the candidacy to the municipal election commission no later than 30 days before the election. When the filing by statement of candidacy is authorized, the candidate must file with the commission no later than 30 days before the election.

Adds §§47-94.1, 47-94.2 and 47-94.3 and amends §§47-92, 47-94, 47-95 and 47-100 of the South Carolina Code.

HB 2167, Approved 5/24/77

Amends Act 695 of 1976, which changed certain age references from 21 to 18, so as to include §62-405 of the South Carolina Code.

HB 2460, Approved 5/27/77

Revises the South Carolina political calendar in general election years, as follows:

- county political party conventions are to be held from March 1 to March 15;
- political party state conventions are to be held from April 1 to April 15;
- entries for candidates in party primaries for statewide, congressional, or district offices shall open at noon on April 16 and close at noon on April 30;
- entries for candidates in party primaries for state senator, members of the house of representatives, countywide offices or less than countywide office shall open at noon on March 16 and close at noon on March 30; and
- notices or pledges by candidates in political primaries must be filed by April 30 or March 30, as above.

HB 2510, Approved 6/8/77

Generally amends procedures relating to municipal incorporation elections.

HB 3013, Law Without Approval 6/20/77

Abolishes the governing body of the Lexington County Water and Sewer Authority, and establishes a citizens advisory committee to advise the county governing body with regard to water and sewer matters.

## STATE SESSION LAWS

### SOUTH CAROLINA CONT'D

HB 3014, Law Without Approval, 6/1/77

Establishes seven single-member districts for the election of county council members in Lee County.

#### Voting Precincts

The following 1977 statutes all establish new voting precincts in various South Carolina counties, and require the appropriate County Registration Boards to mail duplicate certificates reflecting the new precincts to persons whose registration is transferred as a result.

SB 480 -- Lancaster County.  
SB 545 -- Laurens County.  
SB 599 -- Beaufort County.  
HB 2629 -- Greenville County.  
HB 2681 -- Greenville County.  
HB 3073 -- Lee County.  
HB 3093 -- McCormick County.  
HB 3094 -- Hampton County.  
HB 3096 -- Williamsburg County.  
HB 3098 -- Calhoun County.  
HB 3101 -- Union County.  
HB 3102 -- Pickens County.  
HB 3109 -- Colleton County.  
HB 3112 -- Dillon County.  
HB 3113 -- Chester County.  
HB 3114 -- Saluda County.  
HB 3116 -- Horry County.  
HB 3142 -- Fairfield County.  
HB 3151 -- Marion County.  
HB 3165 -- Aiken County.  
HB 3170 -- Darlington County.  
HB 3171 -- York County.  
HB 3172 -- Greenwood County.  
HB 3173 -- Georgetown County.  
HB 3174 -- Dorchester County.  
HB 3175 -- Anderson County.  
HB 3188 -- Clarendon County.  
HB 3191 -- Spartanburg County.  
HB 3192 -- Allendale County.  
HB 3205 -- Greenville County.

A similar measure, HB 3097, changes the name of Daniel's Store Precinct to Martin's Store Precinct.

## STATE SESSION LAWS

### SOUTH DAKOTA

#### SB 210, Approved 4/1/77

Requires the political affiliation of independent candidates to be placed on the ballots, and if no affiliation exists, the candidate must be designated "independent." Amends §§12-7-1 and 12-16-2 of the South Dakota Laws.

#### HB 713, Approved 3/31/77

Implements the Overseas Citizens Voting Rights Act of 1975, Public Law 94-203. States that all overseas citizens shall have the right to register and vote in any federal, state, county or local election in South Dakota as long as they or their spouses were last domiciled in South Dakota prior to departure; they do not maintain a domicile or are registered to vote in any other state; and they are otherwise qualified to vote. Provides that overseas citizens shall receive an absentee ballot as long as they provide the information necessary to comply with the requirements outlined above.

#### HB 714, Approved 3/14/77

Forbids a person who has been a candidate for office in a primary election from filing a certificate of nomination as an independent candidate for that office in the same year (with the exception of candidates for the offices of U.S. Senate or Representative in Congress). Amends §12-7-1 of the South Dakota Compiled Laws.

#### HB 723, Approved 3/31/77

Establishes new procedures for the selection, allocation and choosing of delegates and alternates to political party national conventions.

Permits each party to determine in its constitution or by-laws, or by action of its state convention meeting in the even nonpresidential election years, its own method of allocating delegates and alternates to its next national convention.

States that if a party chooses to have a primary for the selection of its delegates and alternates, it shall certify the slates to the secretary of state by 5:00 p. m. on the first Tuesday in May.

States that if a party does not on its own select a method of determining its delegates and alternates, it must choose from among the following methods: (1) the slate receiving the highest number of votes shall be declared elected; or (2) the number of delegates and alternates shall be

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### SOUTH DAKOTA CONT'D

allocated proportionally between the two slates receiving the highest number of votes; or (3) the allocation shall be made proportionally among various slates receiving a specified number of votes.

States that if a party has no prescribed method of selecting slates of delegates and alternates to its national convention, such slates shall be elected at the primary. Requires such slates to designate their collective preference for president, or that they have no choice or are uncommitted. Permits only one slate to appear on the ballot in preference of any one person for president, and states that the slate receiving the most votes in the primary shall be elected in its entirety.

Permits any candidate, committee or group supporting a candidate in any of the presidential primaries, within a reasonable time after commencing to campaign or organize for the primary, to notify the secretary of state that they intend to have the name of the candidate placed on the presidential primary ballot or submit a slate of candidates, or both.

#### HB 747, Approved 3/14/77

Provides that absentee ballots may be opened, stamped and placed in the ballot box prior to the closing of the polls (but may not be counted prior to the closing of the polls). Amends §12-19-43 of the South Dakota Compiled Laws.

#### HB 753, Approved 3/14/77

Changes the dates required for filing petitions and certificates of nomination. In order for a candidate to have his or her name on the ballot, a petition must be filed no earlier than January 20th at 8 a.m. and no later than 5 p.m. on the 1st Tuesday of April prior to the primary election. Any candidate for nonjudicial public office who is not nominated by a primary election may be nominated by filing no earlier than May 1st at 8 a.m. and no later than the 1st Tuesday in August at 5 p.m. prior to the election. Nominations by party committees must be filed by the 4th Tuesday in August at 5 p.m. The secretary of state must certify those persons nominated to the county auditor by the second Tuesday in September at 5 p.m. prior to the election. No petition or certificate of nomination covered by this Act may be circulated before January 1st of the election year. Amends §§12-6-4, 12-7-1, 12-8-6 and 12-8-8 of the South Dakota Compiled Laws.

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HB 901, Passed over Governor's Veto 4/4/77

Relates generally to regulation and registration of lobbyists. Reduces the annual registration fee paid by each lobbyist from \$50 to \$10. States that upon payment of an additional \$50, a lobbyist shall be entitled to one copy of all bills, resolutions, and journals of the current year's legislative session. Substitutes the term "lobbyist" for "legislative counsel or agent" in several sections.

Provides that it shall be unlawful to threaten, to harm, to offer or make bribes of money or other inducements, or to offer or give gifts or other types of consideration, to any person for the purpose of obtaining sponsorship or introduction of legislation influencing the form of legislation; attempting to influence any member of the legislature to vote for or against any measure pending therein or for or against any candidate for any office to be elected or appointed by the legislature; attempting to influence any officer of either house of the legislature in the naming of officers and members of committees, or in the performance of any of his duties; or attempting to influence or control the action of any member in relation to any matter coming before the legislature, or any of its committees.

Requires that on or before January 10 of the following year, every registered lobbyist and every employer of a registered lobbyist whose name appears on the docket in the current year must submit to the Secretary of State a complete and detailed report of all costs incurred for the purpose of influencing legislation, except that the personal expenses of the lobbyist spent upon his own meals, travel, lodging, phone calls or other necessary personal needs while in attendance at the legislative session need not be reported.

Provides that any person employed in the executive branch of State government, who is not an elected official or who is not subject to confirmation by the senate, and who is authorized to officially represent any department of the executive branch in any capacity before the legislature or any of its several committees, shall register as a public employee lobbyist for such department, but shall not pay a fee.

States that no person shall register or act as a lobbyist, other than a public employee lobbyist, during a period of one year after the termination of service in the State government as an elected officer or as a full time appointive officer requiring confirmation by the state senate.

Requires all lobbyists to wear a badge which shall be visible at all times when engaged in lobbying within the capitol complex.

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### TENNESSEE

#### SB 46, Chapter 5, Approved 3/16/77

Provides for the inclusion of information concerning the right of assistance to blind voters on voters' permanent registration cards. Amends §2-224 of the Tennessee Code.

#### SB 176, Chapter 70, Approved 4/13/77

Amends §2-622 of the Tennessee Code concerning the form for application for absentee voting by personal appearance. Adds section to cover Election Officials, members of the Election Commission and employees thereof who are unable to appear at their polling place on election day.

#### SB 180, Chapter 218, Approved 5/12/77

Requires the monthly posting of lists of mail registrants to be separated according to voting district, ward or precinct. Also permits post card registration forms to be hand delivered to the County Election Commission, so long as they are received at least 40 days before an election. Amends §2-215 of the Tennessee Code.

#### SB 193, Chapter 47, Approved 4/7/77

Amends §2-505 of the Tennessee Code, relating to the time for filing nomination petitions, to also provide for the filing of duplicate nominating petitions required by independent and primary candidates.

#### SB 232, Chapter 365, Approved 5/28/77

Requires ballot applications to contain voters' residence addresses. Also establishes procedures whereby voter registration may be transferred within a county through use of forms available at the polling place on election day. Amends §§2-712 and 2-229 of the Tennessee Code.

#### SB 304, Chapter 155, Approved 5/9/77

States that precinct boundary maps filed by each County Election Commission with the Coordinator of Elections must include sufficient detail to delineate the boundaries. Also provides that such maps must be made available for public inspection, and that copies must be made available to members of the General Assembly upon request. Amends §2-306 of the Tennessee Code.

## STATE SESSION LAWS

### TENNESSEE

#### SB 981, Chapter 213, Approved 5/9/77

Permits absentee voting by those serving as election officials on election day, and by members and employees on election day of the Election Commission. Amends §2-623 of the Tennessee Code.

#### SB 1207, Chapter 306, Approved 5/20/77

Provides that the County Election Commission may designate emergency registrars who shall have the responsibility of supplying ballots to and receiving ballots from persons who have been hospitalized on an emergency basis after the deadline for requests for absentee ballots by mail when such persons will be unable to vote in person on election day. Specifies that a registered voter who is eligible to request the services of an emergency registrar shall make a request not more than six days before the election and not later than the opening of the polls on election day. Ballots cast that have been provided by an emergency registrar are to be witnessed by a voter registered in the county and by a notary public.

#### SB 1248, Chapter 231, Approved 5/12/77

States that permanent voter registration "duplicates," each signed by a voter, shall be considered legal documents of registration in areas where the "originals" have been placed on microfilm. Amends §2-216 of the Tennessee Code.

#### SB 1249, Chapter 410, Approved 5/28/77

Provides that the commission of any county may adopt a supplemental system(s) for maintaining registration records using microfilm as well as electronic or electromechanical equipment. Deletes requirement that the permanent registration record "original" and "duplicate" which have been signed by the registered voter shall remain the legal documents of registration and be retained in binders in the commission office. Amends §2-237 of the Tennessee Code.

#### HB 481, Chapter 185, Approved 5/9/77

Expands financial disclosure requirements to include members of the State Election Commission, members of the Public Service Commission, and delegates to Constitutional Conventions called to consider a new constitution or amendments to the State constitution.



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Requires such statements to be filed not later than January 15 of each year, except that delegates to a Constitutional Convention must file not later than 15 days after the date provided in the call for the convening of the Convention.

Amends §§8-4125 and 8-4128 of the Tennessee Code.

HB 1045, Chapter 480, Approved 5/28/77

Deletes the requirement that each petition primary candidate file certified duplicates of his nominating petitions with the chairman of his political party's county primary board in his county of residence.

States that the chairman of the party's state executive committee, rather than the party's state primary board, shall notify appropriate officials of the name of the individual selected to fill a vacancy caused by the withdrawal or death of a candidate.

States that copies of election returns shall be mailed to the chairman of the state executive committee of the party whose primary was held [formerly the state primary board].

Permits the coordinator of elections to delegate his duty to publicly calculate and compare votes to county primary boards with respect to offices filled by voters of a county, if specified conditions are met.

Transfers certain other duties from the state primary board to the coordinator of elections. States that each state primary board shall meet at a public building in Nashville at least once in every even numbered year at the call of its chairman, or on such other occasions as may be necessary in order that it may fulfill its duties.

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### TEXAS

#### SB 114, Approved 4/5/77

Permits a voter who expects to serve as a poll watcher in an election precinct other than the precinct of his residence to vote absentee. Amends §37 -1(a) of the Texas Election Code.

#### SB 341, Approved 5/27/77

Amends the Political Funds Reporting and Disclosure Act of 1975 (Chapter 14 of the Texas Election Code). Provides that any political committee whose only principal purpose is to accept contributions and to make expenditures shall not be deemed to be a corporation for purposes of Chapter 14 if the committee is incorporated for liability purposes only. Specifies that incorporation of a political committee shall not relieve any person of any liability or duty created pursuant to any provision of the Election Code.

Amends the definition of "contribution" so as to provide that funds, goods, services, and other things of value given to an office-holder for the purpose of assisting him in the performance of duties in connection with his office which are not reimbursable by the State or political subdivision, will be considered "contributions" only if knowingly accepted by the office-holder.

Provides that no designation of a campaign treasurer shall be required in order that an office-holder accept contributions given for the purpose of assisting him in the performance of his official duties which are nonreimbursable by the State or political subdivision, or make expenditures for such a purpose. Also provides that any contribution made for such a purpose and accepted prior to the designation of a campaign treasurer may be utilized as campaign contributions after such designation. [Previously, the making of such expenditures and the acceptance and use of such contributions for this specified purpose were permissible only if they had first been reported in the required manner.]

Amends requirements as to the designation of campaign treasurers by political committees. Requires both specific purpose and general purpose political committees in State elections and in elections involving district measures to designate campaign treasurers. Only specific purpose political committees need designate campaign treasurers in county, municipal, and political subdivision elections.

Provides that except as expressly permitted, no contribution (except a contribution to an office-holder for the purpose of assisting him in the

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performance of duties in connection with his office which are not reimbursable by the State or political subdivision) shall be accepted nor any expenditure (except an expenditure by an office-holder, when made in the performance of duties in connection with his office which are not reimbursable by the State or the political subdivision) made by an individual until he has filed the name of his campaign treasurer with the appropriate authority. Further provides that no contribution shall be accepted nor shall any expenditure be made by a political committee until it has filed the name of its campaign treasurer with the appropriate authority. Specifies that if it is not otherwise possible for a candidate or a specific purpose political committee to determine which authority is appropriate for the filing of campaign treasurer designation, then a filing with the Secretary of State shall be sufficient, but only until the appropriate authority may be determined.

Provides that persons who make unlawful campaign contributions are civilly liable to opposing candidates only if the contributions were made knowingly.

Amends provisions relating to separate segregated funds of corporations and labor organizations so as to exclude from the definition of "contribution or expenditure" sums expended for the establishment, administration, and solicitation of contributions from the members and their families of one or more labor organizations, or from the stockholders, employees, and their families of one or more corporations, or from the members and their families of one or more associations to a separate segregated fund or other general purpose political committee to be utilized for political purposes by one or more corporations or one or more labor organizations.

Provides that restrictions on the acceptance of contributions aggregating more than \$500 from out-of-state political committees are not applicable to political committees which have elected to comply with the provisions governing political committees within the State.

Requires a candidate who has been nominated by his party's primary or a specific purpose political committee existing for the sole purpose of supporting that candidate and having given notice of such sole purpose, in lieu of filing his third campaign finance statement, to include in his first statement prior to the general election all previously unreported contributions and expenditures.

Establishes an alternative procedure which general purpose political committees may adopt for reporting contributions and expenditures. Under

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the alternative procedure, general purpose political committees file sworn monthly statements of contributions and expenditures. (Under the existing procedure, such committees are required to file at deadlines related to specified numbers of days before and after elections.)

Provides that in the event a campaign treasurer of a political committee is terminated, either voluntarily or by action of the committee, he shall file a sworn statement no later than the 10th day after such termination, reporting all appropriate matters for the period from the end of the period reported in the preceding sworn statement through the day of his termination. States that any subsequent sworn statement which is to be filed by a successor campaign treasurer need not report those matters included in the previous campaign treasurer's termination statement.

Repeals limitations on campaign expenditures.

SB 707, Approved 6/10/77

Requires all election watchers, unless otherwise provided in a statute pertaining to the specific type of election being held, to be qualified voters of the city or other political subdivision in which the election is held if less than countywide [previously, watchers had to be only qualified voters of the county if the election were countywide].

Amends restrictions applicable to election judges and clerks so as to permit persons related within the third degree (by affinity or consanguinity) to a candidate to serve as judges and clerks. Also permits persons related within the third degree (by affinity or consanguinity) to an election judge or clerk to serve as an election watcher.

SB 850, Approved 6/15/77

Provides that in the event the registration certificate (mailed to registered voters between November 1 and November 15 of each year in which no general election is held, for use during the succeeding two voting years) is returned, the registrar shall cancel the voter's registration. Directs the registrar to maintain a list of all returned and cancelled registration certificates showing the name, address, birth date, and registration number of the person to whom the certificate was issued.

Requires the registrar to prepare for each election precinct of the county a certified list of registered voters who are registered as of the 30th day prior to the first election in each voting year.

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Specifies that the application for registration by mail is to be in the form of a business reply postcard, or other suitable form, with postage paid by the State. Provides that applications are to be available to individuals, organizations, businesses, and political subdivisions in reasonable quantities. No fee is to be charged for voter registration applications.

Provides that in elections held between April 1 and June 30 in even-numbered years, a voter who is a resident of a county in a primary election or of a county, municipality, or district which is conducting any other election, and who has not received a registration certificate for the current two-year registration period, may be permitted to vote in accordance with specified procedures if his name appears on the list of cancelled voter registration certificates for that election precinct. The voter must submit a completed voter registration application to the election officer and an affidavit that he still resides within the county for county administered and primary elections or within the municipality or other political subdivision if administered by such authority.

States that when the registrar receives an application for registration of a voter who was registered in the previous two-year certificate period in any county and has not received a current registration certificate, he shall notify the registrar of that county, if different from the registrar's county, giving him the voter's name, former residence address, birth date and Social Security number, if available. Provides that upon receipt of such notice, the registrar of the county wherein the voter was formerly registered shall remove the voter from the list of cancelled voter registration certificates of the appropriate election precinct. If the voter's name is on a list of cancelled voter registration certificates in the county wherein he is attempting to register, the registrar of the county shall cause the voter's name to be removed from the appropriate precinct list.

### SB 1091, Approved 6/15/77

Establishes the following new primary nomination filing fee schedule:

- United States Senator, \$2,000;
- All other statewide offices, \$1,500 [formerly \$1,000];
- United States Representative, \$1,500 [formerly \$1,000];
- State senator, \$750 [formerly \$600];
- State representative, \$400 [formerly \$300];
- Member, state board of education \$250 [formerly \$100];
- Chief justice or associate justice, court of civil appeals, \$750 [formerly \$500];

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- District judge or judge of any court having status of a district court, \$700 [formerly \$500];
- District attorney or criminal district attorney or county attorney performing the same functions as either, \$600 [formerly \$500];
- County offices generally (exceptions below), \$300 [formerly \$200];
- County surveyor or inspector of hides and animals, \$50 [formerly \$100];
- County Commissioner, 200,000 or more inhabitants, \$600 [formerly \$500];
- County Commissioner, under 200,000 inhabitants, \$300 [formerly \$200];
- Justice of the peace or constable, county of 200,000 or more inhabitants, \$500 [formerly \$400];
- Justice of the peace or constable, county under 200,000 inhabitants, \$200 [formerly \$150]; and
- Public weigher, \$50 [formerly \$100].

States that if any filing fee amended by this Act is declared invalid, then the fee shall be the amount prescribed by the prior law. Amends Article 13.08 of the Texas Election Code.

#### SB 1094, Approved 6/15/77

Regulates write-in candidacy for public office. Requires a person to file a declaration of write-in candidacy in order for write-in votes cast for him to be counted in the general election for state and county officers held on the 1st Tuesday after the 1st Monday in November of even-numbered years. A declaration of write-in candidacy must be filed not later than 5 p.m. of the last day preceding the period for absentee voting in the election with the same person independent candidates file with and containing the same information required by candidates applying for ballot placement. Where a candidate whose name was on the ballot dies or is declared ineligible after the filing deadline, the deadline for write-in candidates may be extended until 12 noon on the day preceding election.

Requires the officer with whom the application was filed to certify the candidate to the clerk for absentee voting before absentee voting begins, or immediately if the deadline is extended and the period for applying for absentee ballot has not expired, and with the officer distributing ballots to the presiding judges of the election. Provides that the presiding election judges must be furnished with copies of a list of the names of qualified write-in candidates, who shall post a copy in locations where instruction cards or sample ballots are posted.

Requires that a copy of the list of write-in candidates must also be furnished to the counting officers, and that only those names appearing on the

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list may be entered on the tally sheets.

Adds §§62b and 101b to the Texas Election Code.

SB 1150, Approved 5/25/77

Provides that each elector at the time of nomination as a presidential elector candidate, at the time of election, and at the time of the convening of the electors must be a registered, qualified voter of the State and must not hold the office of Senator or Representative in Congress, or any office of trust or profit under the United States.

Specifies the procedure whereby any person eligible to hold the office of President may have his name and the name of a vice-presidential running mate printed on the ballot as independent candidates in the presidential race. Requires that a person desiring to become an independent candidate for President file with the Secretary of State, not later than the second Monday in July before the general election at which his name will appear on the ballot: (1) an application to have his name printed on the ballot; (2) the written consent of the designated vice-presidential candidate to have his name printed on the ballot; (3) a list of the names and addresses of persons to represent the applicant as presidential elector candidates, together with the written consent of such persons to become candidates; and (4) a petition signed by qualified voters numbering at least 1% of the entire vote of the State cast for President and Vice-President at the last preceding presidential general election. Prohibits the circulation of petitions for signatures until after the date of the general primary election in that election year. Provides that signatures obtained on or before that date are void. States that voters who voted in the general primary of any political party that held a presidential primary that year are ineligible to sign the petition of an independent candidate for President.

Also provides a procedure whereby any person eligible to hold the office of President may become a write-in candidate. States that no write-in vote cast for President will be counted unless the person whose name is written in has complied with the provisions of this act. Requires that a person desiring to become a write-in candidate for President shall file with the Secretary of State, not later than the 45th day before the general election: (1) a declaration that he is a write-in candidate for President; (2) the name of an eligible vice-presidential candidate as his running mate and the signed written consent of that person to the candidacy; and (3) a list of the names and addresses of persons to represent the write-in presidential candidate as presidential elector candidates, together with the written consent of such persons to become candidates.

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Provides that the canvass of the votes for candidates for President and Vice-President and the returns thereof shall include a canvass and return of votes cast for independent and write-in candidates.

#### SB 1160, Approved 6/10/77

Relates to the deadline for the filing of personal financial disclosure statements by candidates. Provides that a candidate for an elective office must file his statement within 30 days after the first Monday in February [formerly, within 30 days after the filing deadline]. Specifies that when the deadline under which a candidate files falls after the first Monday in February, the candidate shall file the statement within 30 days after that deadline, except that when the deadline falls within 35 days of the election in which the candidate is running, the candidate shall file the statement by the fifth day before that election. Provides that a candidate in a special election shall file his financial disclosure statement five days prior to the election. Further provides that no extensions are to be granted to candidates filing in a primary or general election under a deadline which falls after the first Monday in February or to candidates involved in a special election.

#### SB 1248, Approved 6/16/77

Prohibits the expenditure of the funds of a political subdivision by an officer or employee of the subdivision for the purpose of political advertising. Specifies that this prohibition is not applicable to any advertising which describes the factual reasons for a measure and which does not advocate the passage or defeat of the measure. Also provides that it is the legislative intent to impose civil and criminal responsibility on persons [previously the legislative intent extended only to corporations, partnerships, and certain other entities] for violations of Art. 14.09 (relating to political advertising). Amends Art. 14.09 of the Texas Election Code.

#### HB 117, Approved 6/15/77

States that the rate of pay for judges and clerks of an election shall not exceed \$2.50 [formerly \$2.00] per hour; and the judge who delivers the returns of an election may be paid an amount not to exceed \$15 [formerly \$5] for that service.



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#### HB 244, Approved 5/13/77

Permits children under 10 years old who accompany a parent who is admitted to vote to be present in the voting booth or compartment while the parent is voting. Amends Article 8.17 of the Texas Election Code.

#### HB 285, Approved 5/20/77

Permits a voter who because of sickness or physical disability originating on or after the fifth day preceding election day will be unable to attend the polling place on election day to vote absentee in county-wide elections and in elections less than county-wide where the authority holding the election has provided that absentee ballots shall be counted by a special canvassing board. The voter shall make a written request, presented to the absentee voting clerk at his office, that the clerk send him a ballot by the person who presents the request to the clerk. The voter may select any person who is at least 18 years of age and who is not employed by or related within the third degree of consanguinity or affinity to any person whose name appears on the ballot to act as his representative in presenting the request or delivering the marked ballot back to the clerk. Provides that the voter's request must state in effect that sickness or physical disability will prevent him from appearing at the polling place on election day, and that the inability to attend the polling place originated after the fifth day preceding the day of the election. Requires that such a request be accompanied by a physician's certificate, and by the voter's registration certificate. Requires the clerk, upon receiving a request that complies with these conditions at any time after the close of business on the fourth day preceding election day and before noon on election day, to deliver to the voter's representative the balloting materials used for voting absentee by mail. Specifies that the voter, after receiving the balloting materials, shall follow the procedure prescribed for voting absentee by mail, except that the marked ballot shall be hand-delivered to the clerk by the voter's representative instead of being mailed to the clerk. Such ballots must be delivered to the clerk by the deadline for receiving ballots voted by mail.

#### HB 443, Approved 6/16/77

Relates to uniform dates for holding elections and joint elections held by different political subdivisions. Provides that in elections in even-numbered years held on the first Tuesday after the first Monday in November, the only issues which may be included on the ballot are the election of state and county officers; the election of officers of a general-law city wherein the governing body of said city finds that the religious tenets of

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more than 50% of the city's registered voters prohibit the adherents from voting in an election held on Saturday; and amendments to the state constitution submitted to the voters by legislature [formerly only election of state and county officers and constitutional amendments]. Adds to those elections to which this requirement does not apply political subdivisions using the convention method of election and elections for bonds and school maintenance taxes. Allows the governing body of local political subdivisions to choose for their permanent election day one of the following election dates: the third Saturday in January, the first Saturday in April, the second Saturday in August, or the first Tuesday after the first Monday in November. Amends Article 2.01b of the Texas Election Code.

#### HB 893, Approved 5/25/77

Rewrites ballot specifications so as to eliminate the ballot stub to be signed by the voter, and adjusts voting procedures accordingly.

Also establishes procedures for compelling a voter to testify as to how he voted, after fraud or illegality has been established by competent evidence before a tribunal of competent jurisdiction. States that, in an election contest, instead of undertaking to determine how individual voters voted, the tribunal may declare the election void and order another if the number of illegal votes is sufficient to change the outcome of the election.

#### HB 1125, Approved 6/15/77

Provides that the county tax assessor-collector of each county is the registrar of voters in that county unless the county commissioners court makes a different designation. Authorizes the commissioners court of any county to designate the county clerk to be the registrar of voters for that county.

Permits the commissioners court of any county to create the separate appointive office of county elections administrator. Provides that where the office of county elections administrator is created, in addition to performing the duties of the registrar of voters, the administrator shall perform all duties and functions which are placed upon the county clerk by any provision of the State election code or any other State statute in connection with the calling or holding of elections, the preparation of ballots, the preparation and furnishing of election equipment and supplies, the conduct of voting, the canvass of election returns, the custody of voted ballots and other election records, the filing of instruments relating to primary elections, conventions, or other affairs of political parties, and

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the filing of instruments under the Political Funds Reporting and Disclosure Act of 1975. Appointments to the office of county elections administrator and transfers of duties to the administrator may not become effective until March 1, 1979, although such offices may be created before that date.

Authorizes the county officer in charge of election duties to contract with the governing body of any city, school district, water district, or other political subdivision situated wholly or partly within the county to conduct or supervise the conduct of any election or series of elections to be held by the political subdivision and to perform specified functions in connection with the holding of the election or elections. Also authorizes the county officer in charge of election duties to contract with the county executive committee of any political party holding primary elections in the county to conduct or supervise the conduct of the party's general primary election or runoff primary election, or both, to be held within the county in an election year. Provides that such a contract with the executive committee of a political party must be approved by the Secretary of State before any duties may be performed or any payments made under the terms of the contract.

Provides that the governing body of each county, city, or other political subdivision which holds elections and the county executive committee of a political party which holds primary elections may require that persons appointed to serve as judge or alternate judge in its elections be trained in election law and procedure prior to their appointment or prior to their service, and may adopt minimum standards for the amount of training that the persons must receive to be eligible for service.

HB 1660, Approved 6/15/77

Makes minor changes in the law relating to qualifications of election judges, clerks, and poll watchers, and to absentee voting by election officers who expect to serve outside the precinct of their residence on election day. For example, provides that all clerks and poll watchers in general, special, or primary elections, unless otherwise provided in a statute pertaining to the specific type of election being held, shall be qualified voters of the county if the election is countywide, and shall be qualified voters of the city or other political subdivision in which the election is held if less than countywide.

HB 1700, Approved 5/30/77

Establishes the Texas Election Code Revision Commission to revise and

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recodify the Election Code. Provides that the Commission shall be composed of the following members: the secretary of state who will be chairman, chairmans of the house committee on elections and the senate subcommittee on elections, 1 senate member, 1 member of the house of representatives, 1 member of the attorney general's legal staff, the presidents of certain organizations, the state chairman of each political party required to make nominations by primary elections in 1978, and 2 state citizens. States that the Commission must complete its proposed revision of the Code before the convening of the 66th Legislature and shall continue in existence until the end of the 66th Legislature to assist and advise the Legislature.

#### HB 1712, Approved 5/20/77

Relates to certification of voting devices. Permits any person, firm, or corporation who owns or controls a voting device or system and desires it to be adopted for use in Texas to apply to the secretary of state for its examination, the examination fee to be \$450. Requires the secretary of state to have the device examined by three examiners (a patent law expert and 2 mechanical or electronics experts), who shall each make a written report and receive \$150 for compensation, and make and keep on file a report of the examination. In order for a voting device or system to be approved, it must: provide facilities for voting for candidates legally placed on the ballot; permit a voter in a general election to vote for any person for any office and permit voting in absolute secrecy; prevent a voter from voting for a candidate or on a proposition for whom or on which he is not lawfully entitled to vote; prevent a voter from having his vote counted for more than one person for the same office, unless permitted by law, or for the same person twice; permit each voter to vote for a person whose name does not appear on the ballot where write-in votes are permitted; permit the voter to vote by means of a single mark or punch for all candidates of one party or to vote a split ticket; and provide adequate safeguards against fraudulent manipulation. Requires the secretary of state, upon certification of a system or device, to issue a directive prescribing the procedures, limitations, and conditions for implementation. Adds §82a to the Texas Election Code.

#### HB 1743, Approved 5/30/77

Requires blank ballot forms to be furnished by the Secretary of State to each county clerk at least 35 [formerly 30] days before each general election for state and county officers.

## STATE SESSION LAWS

### TEXAS CONT'D

Amends the procedures with regard to candidates who die or are declared ineligible prior to the first primary, the general primary, and the general election, so as to cover such events which take place after the 45th [formerly 30th] day preceding the primary. States that the procedures formerly applicable only to opposed candidates in the first primary shall now be applicable to unopposed candidates as well. With regard to the filing deadlines in connection with such vacancies, states that if such a deadline falls on a Saturday, Sunday, or holiday observed by the post office, the material to be filed must be postmarked not later than the next regular postal business day.

Prohibits any candidate from withdrawing after the 45th [formerly 20th] day preceding the general primary or general election.

Changes various other deadlines in keeping with the above amendments. For example, states that candidates filing to fill such a vacancy at a general primary may do so until the end of the 40th [formerly the 25th] day preceding that election.

Permits an independent candidate to withdraw his candidacy not later than 40 [formerly 21] days before the general election. States that if he dies after completing all the procedural requirements for candidacy and before the 44th [formerly 20th] day before the election, his name shall be printed on the ballot only if he was the incumbent for the office and if no other candidate's name is printed on the ballot.

Requires the names of candidates for President and Vice-President, and for presidential electors, to be certified to the Secretary of State not later than 40 [formerly 35] days prior to the election.

#### HB 1773, Approved 6/15/77

Amends the prohibition on the use by a candidate or any other person of the title of an office in political advertising when the use of the title might lead a voter to conclude that the candidate is the holder of that office, unless the candidate is in fact the holder of the office at the time the representation is made. As amended, the prohibition extends to all candidates for nomination or election to a public office [formerly the prohibition was applicable only to candidates for offices which are regularly filled at the general election for State and county offices]. Also, as amended, the prohibition extends to a representation that the candidate holds any office [formerly the prohibition was applicable only to a representation that the candidate holds the office sought by him in the election]. Amends Art. 14.10 (B), and repeals Art. 14.10A, of the Texas Election Code.

## STATE SESSION LAWS

### TEXAS CONT'D

#### HB 1788, Approved 5/20/77

States that, at the polling place, inlieu of a poll list, the signature register, together with any other forms, may be combined with the list of registered voters in the format prescribed by the secretary of state.

Permits a voter who by error is listed on the wrong precinct list to vote in the precinct of his residence, if he makes an affidavit stating that he is or has been during the previous 90 days a resident of the precinct, and is voting only one ballot in the election.

#### HB 1883, Approved 6/15/77

Generally relates to the maintenance and inspection of absentee voting records. Requires each county clerk to maintain a complete record of those to whom absentee ballots have been sent or who have voted by personal appearance, and the date of each such transaction. Permits public inspection of absentee voting applications and other absentee voting records upon valid proof of identification.

#### HB 1845, Approved 6/15/77

Amends various absentee voting procedures. Requires the secretary of state to prescribe the form(s) for ballot applications and provides for their distribution not only through election offices but also through individuals and organizations requesting them for this purpose. Requires the application to contain a space for the voter to enter his voter registration certificate number [formerly, the certificate itself had to be supplied]. Amends other provisions as needed to carry out these changes.

#### HB 1941, Approved 6/15/77

Provides for the temporary organization of county executive committees in counties where no organization exists for a political party which holds primary elections.

Amends the forms of petitions of a minor party and applications of an independent candidate so as to require an attached affidavit of the circulator, stating that he called each signer's attention to the petition statement and read it to him before the signer affixed his signature, and also stating that he witnessed the affixing of each signature and believes that each signature is genuine. States that a petition or application so verified

## STATE SESSION LAWS

### TEXAS CONT'D

is prima facie evidence that the signatures are genuine and the signers are registered voters.

Amends Articles 13.18, 13.45, and 13.51 of the Texas Election Code.

HB 2058, Approved 5/13/77

Amends procedures to be followed in runoff elections in cities and towns with a population of over 200,000, so that the runoff election, if required, must be held within 30 days after the first election. Amends Article 7.16 of the Texas Election Code.

STATE SESSION LAWS

UTAH

HB 378, Approved 3/20/77

Amends §59-14A-99 of the Utah Code relating to election campaign fund designations. Provides that designations may be made on tax returns by a check mark rather than a signature.



## STATE SESSION LAWS

### VERMONT

#### JRS 6, Approved 1/13/77

Repeals two portions of the administrative rules of the Board of Elections: 77 Chapter II §1(1) (the paragraph on reviewing names of inactive voters) and 77 Chapter II §2(1) (the paragraph on assigning counting personnel).

#### JRS 29, Res. Act 40, Approved 4/19/77

Expresses concern over problems which could arise in connection with election day registration in Vermont should the U.S. Congress adopt such a program on the national level. Instructs that copies of the Resolution be sent to the state's Congressional Delegation.

#### HB 9, Act 34, Approved 4/8/77

Repeals all regulations of the board of elections and §§212 and 2056 of Title 17 of the Vermont Statutes relating to the establishment and enforcement of the board. Provides that political committees must forward a copy of the bank statements for the previous 12 months to the secretary of state instead of to the board of elections. Amends §§2052(d) and 2053(a) of Title 17 of the Vermont Statutes.

#### HB 150, Res. Act 42, Approved 4/19/77

Amends various provisions of the Vermont Statutes relating to ballot design, distribution, counting, etc.

States that a consolidated ballot shall be used at general elections, listing all candidates and questions except justices, other local officers, and local referendum questions (which appear on separate town ballots). Gives specifications to be followed in drawing up these ballots.

Requires candidates for state or congressional office who are nominated by two or more political parties to file with the secretary of state at least 36 days before the election a designation of party affiliation, to be used in determining the placement of parties on the ballot. States that if this action is not taken, the secretary of state shall designate by lot the party to be printed on the ballot after the candidate's name.

Requires the secretary of state to furnish ballots to the town clerk 20 [formerly 5] days prior to the election. Similarly, permits ballot inspection

## STATE SESSION LAWS

### VERMONT CONT'D

by candidates and their agents at least 20 [formerly 5] days before the election.

States that the second copy of voting returns shall be delivered in person or mailed to the secretary of state within 48 hours after the closing of the polls, and shall be open to public inspection.

HB 401, Act 68, Approved 4/22/77

Amends Title 7, §§161(a), 163, and 165 of the Vermont Statutes, relating to local option (liquor) elections. Requires town clerks to have ballots printed for the election, equal in number to at least 110% of those qualified to vote at the last general election, and states that the box for the reception of such ballots shall be opened at the hour the meeting is called and closed when the general voting ceases.

## STATE SESSION LAWS

### VIRGINIA

#### SB 552, Chapter 1, Approved 2/2/77

Permits boundary changes in election districts to be made whenever it is determined that present boundaries do not meet U.S. Department of Commerce criteria, as determined by the U.S. Census Bureau.

#### SB 663, Chapter 446, Approved 3/27/77

Amends §2.1-43 of the Code of Virginia, relating to the removal from office of members of boards of State colleges, universities or other educational institutions by the Governor. Also provides for the removal from office of members of any board, commission, council or other collegial body established by the General Assembly in the executive branch of the State government for: malfeasance, incompetency, neglect of duty, conflict of interest, etc. by the Governor. States that all appointments to fill a vacancy made by the Governor are subject to confirmation by the General Assembly.

#### SB 787, Chapter 576, Approved 3/31/77

Reenacts §24.1-18 of the Code of Virginia relating to the establishment of the State Board of Elections. Provides for the appointment of the 3 members as well as their terms and salaries.

#### SB 896, Chapter 490, Approved 3/29/77

Reenacts and makes minor changes to provisions of Title 24 of the Virginia Code, relating to qualification, registration and challenge of voters; transfer of voters; filling vacancies in certain elective offices; qualification of candidates; and absentee voting.

#### SB 898, Chapter 305, Approved 3/22/77

Implements the Federal Overseas Citizens Voting Rights Act of 1975. States that any U.S. citizen is eligible to register by absentee application and vote absentee by mail in any federal election in any county or city in Virginia provided that: he will be at least 18 years of age by election day; he is residing outside the U.S.; he has a valid passport or card of identity and registration; he maintains a domicile and is registered to vote only in the county or city in Virginia in which he seeks to register; and his last domicile and place of abode before departure from the U.S. was Virginia. Permits a person to register from 6 months before the federal election until the end of the regular registration day, but he may not vote in any

## STATE SESSION LAWS

### VIRGINIA CONT'D

subsequent election without registering again. Requires absentee ballots to be received by the appropriate election official by the time of closing the polls on election day to be counted. See §§24.1-72.10 through 24.1-72.15 of the Code of Virginia.

#### SB 900, Chapter 307, Approved 3/22/77

Amends §15.1-1054 of the Code of Virginia, relating to the organization of and elections in cities which have annexed territory. States that the election of at-large council members for the unexpired portion of each member's term which extends beyond July 1 or September 1, whichever date by law applies to such council terms [formerly July 1 only], shall be held immediately following the effective date of annexation.

#### SB 906, Chapter 491, Approved 3/29/77

Makes minor changes in various Virginia lobbying laws. For example, provides that no individual need register as a lobbyist unless his normal duties include lobbying or he receives compensation or salary specifically for lobbying duties.

#### HB 307, Chapter 451, Approved 3/27/77

Amends and reenacts §8-208.10 of the Code of Virginia, relating to jury lists.

Provides that the jury commissioners must utilize random selection techniques, using a current voter registration list or other list as designated by the chief judge of the circuit [formerly judge, with initial authorization by the chief judge of the circuit required], to select the jurors to be placed on the master jury list.

#### HB 1526, Chapter 30, Approved 2/25/77

Provides that in cities with wards or boroughs, election districts or precincts may be established to coincide with, or be distinct from, such wards or boroughs. Any precinct containing a number of qualified voters [formerly votes] in excess of five thousand, shall have its boundaries altered or rearranged within six months so as to contain less than five thousand qualified voters.

#### HB 1812, Chapter 564, Approved 3/31/77

Amends and reenacts §2.1-358 of the Code of Virginia, relating to stan-

## STATE SESSION LAWS

### VIRGINIA CONT'D

dards of conduct for Statewide office and General Assembly candidates and officeholders.

Provides that the General Assembly members, the Governor, Lieutenant Governor and the Attorney General as well as candidates for these offices, must disclose all entities which they represented before any State governmental agency for compensation over \$1,000 and those entities that conduct business in Virginia to whom they provided service for compensation over \$5,000.

HB 1959, Chapter 331, Approved 3/22/77

States that no investigation of an elected official of Virginia or any of its political subdivisions concerning a criminal violation may be made except upon the request of the Governor, the Attorney General or a grand jury.

## STATE SESSION LAWS

### WASHINGTON

SB 2032, Chapter 329, Approved 6/30/77

Amends various provisions of Title 29 of the Washington Code relating to candidates' nominations other than by primary.

Redefines "convention" as an organized assemblage of registered voters [formerly of at least 100] representing an independent candidate or candidates or a new or minor political party, organization or principle [formerly independent candidate(s) not covered]. Defines "election jurisdiction" as the state or any political subdivision or jurisdiction of the state from which partisan officials are elected. Redefines "major political party" as a political party of which at least one nominee for president, vice president, U.S. senator, or a state-wide office received at least 5% [formerly 10%] of the total vote cast at the last preceding state general election in an even-numbered year.

Provides that any nomination of a candidate for partisan public office by other than a major political party may only be made either: (1) in a convention held on the last Saturday immediately preceding the first day for filing declarations of candidacy or fixed according to provisions for vacancies in the U.S. House of Representatives (§§29.68.080 or 29.68.090 of the Washington Code); or (2) as provided in §29.51.170 for write-in candidates [formerly only by convention held on the same day that state primary elections are held].

Requires that in order to be valid, a convention must: (1) be attended by a number of individuals registered to vote in the election jurisdiction for which nominations are to be made equalling the greater of: one for each 10,000 voters who voted in the last preceding presidential election in that election jurisdiction; or 25 [formerly 100 registered voters or 10 for each congressional district in Washington]; and (2) have been called by a notice published in a newspaper of general circulation published 10 days before the date of the convention [formerly primary election] stating the date, hour, and place of meeting, as well as the mailing address of the person or organization sponsoring the convention, if any [formerly date, hour, place of meeting, and statement of organization's principles required].

Amends requirements a certificate evidencing nominations made at a convention must meet to include: designating the purpose for which the convention was held or the new or minor political party organization, or principle which the convention represents; requiring a number of individuals registered to vote in the election jurisdiction for which the nominations are made and who attended the convention, equaling the number required to attend the convention for it to be valid, to sign the certificate;

## STATE SESSION LAWS

### WASHINGTON CONT'D

and requiring its submission to the secretary of state not later than the last day for filing declarations of candidacy.

Requires the secretary of state to check the certificate and canvass the signatures and notify the presiding officer or secretary of the convention of any signatures held invalid within 2 weeks after the last day of the filing period. Requires the county auditor to recheck the voter registration records upon request within one week, and notify the secretary of state of any signatures validated. Provides that the nondisputed portions of the certificate containing signatures, names and addresses of convention participants be destroyed, and that their participation not be disclosed to any person other than the election official checking the signatures' validity.

States that if a nominating certificate is valid each candidate except for the positions of president or vice president may file with the secretary of state a declaration of candidacy within one week of the filing of the nominating certificate.

Prohibits a candidate for a partisan office to appear on the general election ballot unless he receives a number of votes equalling at least 1% [~~formerly 5%~~] of the total number cast for all candidates for the position sought provided that he receives a plurality of the votes cast for the candidates of his party for that office.

Provides that for vacancies in state partisan offices in any political subdivision voted on only by electors of a single county, an individual shall be appointed by the county central committee in the case of a major political party and by the state central committee or other comparable governing body in the case of a minor political party; and for other partisan offices an individual shall be appointed by the state central committee or comparable governing body of the appropriate political party.

Prohibits the name of any candidate whose nomination at a primary is required by law from being placed upon the ballot unless it appears upon the certificate of the state canvassing board, the county canvassing board, [~~deletes a minor party convention~~], or the state or county central committee of a political party exercising its authority to fill a vacancy on its ticket. Permits only major political parties to designate candidates to appear on the state ballot as provided in §29.18.150 of the Washington Code relating to vacancies on the ticket.

Makes the act of a person's knowingly signing a nominating certificate with other than his or her true name or knowing that he or she is not a legal voter or making any false statement as to residence a gross misdemeanor.

## STATE SESSION LAWS

### WASHINGTON CONT'D

SB 2034, Approved 7/7/77

Amends numerous election procedures, including the following:

States that the county auditor of each county shall be ex officio the supervisor of all primaries [new] and elections.

Requires the notice of a general election held in an even-numbered year to indicate that the office of precinct committeeman will be on the ballot.

Authorizes appropriate court action should it be shown that an error or omission occurred or is about to occur in the issuance of a certificate of election.

Requires elector affidavits challenging the placement or omission of names on primary ballots to be filed no later than three days following the official certification of the primary election returns, with the court to hear and dispose of the matter within five days after the filing. Requires affidavits challenging the issuance of a certificate of election to be filed no later than ten days following such issuance.

States that a separate voting precinct may be established on the petition of 25 [formerly 10] voters who reside more than 10 miles from the nearest voting place.

Requires the secretary of state to design a unified voter registration form, compatible with existing records, to contain specified information on a single card. States that the original voter registration records for all precincts shall be filed alphabetically, without regard to precinct, in the office of the county auditor and these shall not be open to public inspection; however, certain information from the cards may be made public. Also requires the county auditor to maintain a computer file with specified information as to each voter's qualifications, residence, and voting record.

Establishes a voter registration assistance account to be used to compensate county auditors in counties with fewer than 12,000 registered voters for the cost of implementing such electronic systems.

Requires voter registration forms to be widely distributed through government offices, businesses, labor union offices, and other locations as needed to extend registration opportunities to all. Specifies the information to be included on the application form and permits the form to be returned to the election office either in person or by mail.



## STATE SESSION LAWS

### WASHINGTON CONT'D

Establishes procedures whereby a qualified elector who is temporarily residing outside of his county of residence, but within the State of Washington, may register in his county of permanent residence by making application to the county auditor of the county of temporary residence.

Permits otherwise qualified electors whose complete and correct applications are received by the county auditor less than 30 days prior to an election to vote by special absentee ballot in such election.

Requires each county auditor on the first Monday of each calendar month to transmit all initiative signature cards (properly verified) received in his office during the preceding month to the secretary of state, for filing in his office.

Requires each county auditor, prior to a primary or election, to prepare and deliver a precinct list of registered voters for each precinct in which the primary or election is to be conducted. Required such lists to be retained by the auditor for at least one year following the election and states that they shall be open to public inspection under such rules as the auditor may prescribe.

Requires the secretary of state to adopt rules on ballot specifications, maintenance of registration records, and registration procedures.

Requires registered voters who change their residence from one county to another to reregister in their new county of residence.

States that a registered voter shall retain such status by either having voted at any election, general or special, or at any primary within the past 24 months; or at the most recent presidential election. Requires registration records to be purged after each state general election prior to January 1 of the next calendar year.

Requires primary elections to be held on the 3rd Tuesday of September preceding the general election or on the 7th Tuesday immediately preceding the general election, whichever occurs first.

Requires declarations of candidacy for offices involving electors of only one county, or first, second, and third class cities and fourth class municipalities, to be filed with the county auditor.

Specifies new ballot format requirements for paper ballots, absentee ballots, and voting devices. Amends provisions concerning the distribution of sample and absentee ballots.

## STATE SESSION LAWS

### WASHINGTON CONT'D

States that no person who offered himself as a candidate for the nomination of one party at the primary may have his name printed on the ballot at the succeeding general election as the candidate of another political party. States that no candidate's name shall appear more than once on the ballot (twice if one of the offices is precinct committeeman). Requires a candidate nominated by more than one party to specify the one under whose title he desires to have his name placed on the ballot.

States that, if more than one voting machine or device is to be used in a precinct, as many additional judges may be appointed as the county auditor determines are required.

Amends voting machine specifications. Provides for the proper training of inspectors and judges of elections.

Authorizes each county auditor to determine the location of the counting center for each vote tallying system under his jurisdiction, and the number of ballot card precincts assigned to each. States that all proceedings at the counting center shall be under the direction of the county auditor and under the observation of at least two observers, not from the same political party, appointed by the county chairmen of the respective major political parties. States that such proceedings shall be open to the public, but no persons except those employed and authorized for the purpose may touch any ballot card or ballot container. Establishes procedures for taking the ballots to the counting center, and for counting the ballots and tallying votes on voting machines and electronic voting devices. Requires challenged or rejected ballots to be forwarded to the canvassing board along with the election results.

Requires the vote tallying system to be tested at least 3 days prior to the primary or general election, with the test to be observed by two political party observers, as above. Requires the test to be repeated before the start of the official tally.

Rewords and clarifies procedures relating to the counting of absentee ballots.

Requires precinct election officers to meet at the designated polling place at the time set by the county auditor [formerly at least 45 minutes before the polls opened]. Amends provisions relating to the materials, supplies, etc., which are required at the polling place.

Requires the State canvassing board to as soon as possible, but in any event not later than the 3rd Tuesday following a primary election, to

## STATE SESSION LAWS

### WASHINGTON CONT'D

canvass and certify the returns of the election for multi-county candidates.

Requires an application for a recount in a precinct using a vote tally system to specify whether the recount shall be done manually or by the tally system. Requires a recount done by the vote tally system to use separate and distinct programming from that used in the original count, and also to provide for a separate and distinct test of the logic and accuracy of the program. With regard to recount fees, states that if a manual recount is requested, the deposit shall be the same as for paper ballots; and if a recount by the vote tally system is requested, the deposit shall be 5 cents for each ballot. Also sets deposits, in counties not using a vote tally system, of \$10 per precinct (5 cents per ballot if precincts are combined in such a way to make it impossible to use the \$10 system); 5 cents per absentee ballot, if requested; and \$10 per voting machine used.

States that recount charges may not exceed the actual cost. Provides that if the cost of the recount is higher than the deposit, the applicant must pay the difference.

Makes minor changes with regard to election contest procedures. Adopts the term party "charged with error or omission" in place of party "whose election was contested" throughout.

Amends certain recall procedures. States that no recall election may be held between the date of the primary and the date of a general election in any calendar year. States that if a majority of all the votes cast at the recall election are for the recall of the officer charged, he shall thereupon be recalled and discharged from his office, and the office shall become vacant.

Classifies certain election offenses (giving false information on the registration form, personating another voter, etc.) as Class C felonies.

SB 2678, Approved 6/14/77

Requires the secretary of state to provide a duplicate copy of the master state-wide computer tape or data file of registered voters to the statute law committee without cost. Amends §29.04.160 of the Washington Code.

SB 2873, Chapter 218-X, Approved 6/10/77

Amends various provisions of the State's legislative ethics law, including the following changes:

## STATE SESSION LAWS

### WASHINGTON CONT'D

States that successors to members of ethics boards shall be appointed either on the day on which the next succeeding regular session of the legislature shall adjourn, etc, [no change], or within 60 days after the vacancy occurs, whichever is sooner.

States that any vacancy shall not impair the right of the remaining members of the board to exercise all of its powers, so long as a quorum is present. Sets quorum levels at five (house boards) or nine (joint boards), except a six-member quorum is required for rendering a final decision by a house board as to the unethical conduct of any member of that house.

Requires all members to sign affidavits stating that they will perform their duties as provided by law, not disclose confidential information acquired as a result of board membership, and (for lay members) that they will not engage in any legislative activity designed to defeat or enhance the passage of legislation, except as otherwise provided by law.

Requires each board to hold at least one public hearing each year at which the public will be permitted to testify only on matters relating to present or proposed legislative ethics codes, rules, and laws, as well as the functions and operations of the board.

Rewrites the powers, duties and functions of the boards. States that the joint board shall propose joint rules relating to legislative ethics and revisions and amendments thereto, which when adopted shall be referred to as the legislative code of ethics. Also requires the joint board to develop advisory opinions to systematically establish criteria on which subsequent decisions can be based. Establishes procedures for the issuance of advisory opinions by all three boards.

Amends procedures relating to the filing and investigation of complaints. Permits any person to file a signed complaint, under oath, with the chairman of the appropriate board. Requires the board to hold an investigative hearing on any complaint which appears to be legitimate and within its jurisdiction, with the person charged to be given at least 30 days' notice of the hearing. States that all hearings shall be closed to the public unless the person charged requests otherwise at least 72 hours prior to the hearing.

Permits a board to designate a subcommittee to conduct the investigative hearing, and establishes disqualification standards and procedures for cases in which a member or the person charged indicates an impartial judgment would be impossible. Permits the person charged to file only one

## STATE SESSION LAWS

### WASHINGTON CONT'D

such disqualification affidavit in the course of an investigation, and provides for the appointment pro tem of a legislator or lay member as appropriate for the duration of the case.

Requires a statement of findings to be prepared at the close of the investigative hearings, with the person charged to be given at least 10 days to offer a written rebuttal to the board. Requires a preliminary report to be prepared on the basis of all the above information, which report shall be subject to review and the rendering of a decision at the final hearing. Gives the person charged at least 2 weeks to respond to the preliminary report.

Requires the final decision to be agreed upon by at least six members of the board. Requires the board to notify the appropriate law enforcement agency directly if it makes a finding which indicates that reasonable grounds exist to believe that a criminal violation has occurred, and the appropriate house of the legislature if the finding indicates that unethical conduct has occurred.

Requires each board to select a chairman, a vice chairman, and a secretary, with the chairman to call meetings when deemed necessary to carry out the duties of the board. Also requires each board to issue an annual report, containing advisory opinions and summaries of final board decisions.

STATE SESSION LAWS

WEST VIRGINIA

H.C.R. 1, Adopted 1/12/77

Provides for a joint assembly to open and publish the returns of the election held on November 2, 1976, as provided by §3, Article 7 of the West Virginia Constitution.

## STATE SESSION LAWS

### WISCONSIN

#### SB 77, Chapter 29, Approved 6/28/77

Generally relates to state finances and appropriations, but makes minor and technical changes in certain election provisions. Requires the State Board of Elections to maintain a supply of standard election forms and materials; and requires ballot containers to be used which cannot be opened without breaking the seals or locks, or destroying the container [new].

#### SB 337, Chapter 26, Approved 6/7/77

Makes various technical and clarifying amendments. Provides that when an elector moves from one ward to another or from one municipality to another within the State after the last registration day but at least ten days before the election, the elector may vote in and be considered a resident of the new ward where residing upon transferring his registration or upon registering at the proper polling place in the new ward.

#### AB 263, Chapter 22, Approved 6/7/77

States that, following any regular election to the U.S. Senate in which the incumbent is not reelected, the governor shall, if the incumbent resigns after the election and prior to the expiration of his or her term, appoint the Senator-elect for the balance of the unexpired term. Amends §16.18(2) of the Wisconsin Statutes.

## STATE SESSION LAWS

### WYOMING

#### SB 127A, Chapter 186, Approved 3/9/77

Repeals the Wyoming campaign finance law, and enacts a new campaign finance law. Also makes other minor amendments to the election code. As to campaign finance:

Provides that if more than one committee forms to support a candidate, the candidate shall designate which committee shall be his or her principal campaign committee. Requires a political action committee and a candidate's campaign committee to file a statement of formation within ten days after formation. States that the chairman and treasurer of a committee are to be separate individuals. As the committee determines specific candidates which it will support, the committee shall file amendments to the statement of formation which shall list the name of each candidate, office sought, and party affiliation.

Prohibits any organization of any kind, including a corporation, partnership, trade union, professional association, or civic, fraternal, or religious group, except a political party, political action committee or candidate's campaign committee organized under §22.1-389.1, from directly or indirectly, through any officer, member director or employee, contributing funds, other items of value, or election assistance in order to aid, promote, or prevent the nomination or election of any candidate, or in order to aid or promote the interests, success or defeat of any political party or ballot proposition.

Specifies that only a natural person, political party, political action committee or candidate's campaign committee organized under §22.1-389.1 may contribute funds or election assistance to any candidate. Limits contributions by a natural person, other than the candidate or his immediate family, to a candidate or to the candidate's campaign committee to \$1,000 during the two year period consisting of a general election year and the preceding calendar year. Limits total contributions by a natural person during the same two year period to \$25,000. Specifies that the subsection limiting contributions by natural persons does not limit political contributions by political parties, nor expenditures by a candidate from his or her own funds nor from his or her candidate's campaign committee funds. Provides that any organization, in the aid of the election or defeat of candidates for public office or for the adoption or defeat of any ballot proposition may communicate directly with its own members on behalf of a particular candidate or political party.



## STATE SESSION LAWS

### WYOMING CONT'D

Prohibits the expenditure by a political party of party funds in the aid of the nomination of any one person as against another person of the same political party running in the primary election.

Requires every candidate to file a fully itemized statement of receipts and expenditures within ten days after any primary, general, or special election. The statement is to set forth the full and complete record of receipts including cash, goods or services, and of actual and promised expenditures, including all "identifiable expenses" (defined in §22.1-389.3). The date of each receipt, expenditure, or obligation, the name of the person from whom received or to whom paid, and the purpose of each expenditure or obligation shall be listed. Receipts, expenditures, and obligations itemized in a statement filed by a political action committee, a candidate's campaign committee or by a political party central committee need not be itemized in a candidate's statement except by total with a reference to the statement. Also provides for the filing of statements of receipts and expenditures by political action committees, candidate's campaign committees, and political party central committees. Specifies the contents of these statements, deadlines for filing them, and the officer with whom they are to be filed.

Specifies that a candidate who fails to file, within the time required, a full and complete itemized statement of receipts and expenditures or who accepts certain unlawful contributions is guilty of a misdemeanor, and shall not receive a certificate of nomination, or election, nor shall he enter upon the duties of office, as the case may be.

Prohibits an individual, political action committee, candidate's campaign committee, or any central committee of a political party from paying for campaign advertising in any communication medium without specifying his name or the committee sponsoring the campaign advertising. Within 7 days following each primary, general, and special election, each person, firm, corporation, association, or other organization selling or supplying campaign advertising materials for hire shall file under oath with the Secretary of State a complete statement of the type, cost, and quantity of advertising and the name of the person, political party, or committee paying for the advertising. Requires rates charged for political campaign advertising to be no higher than rates charged for local advertising of the same quality and quantity.

Provides that any qualified elector aggrieved by any violation of the Wyoming Election Code of 1973, as amended, shall make complaint of the violation to the Secretary of State or to the county and prosecuting attorney

## STATE SESSION LAWS

### WYOMING CONT'D

for the county in which the elector resides. If the Secretary of State or the county and prosecuting attorney fails or refuses for any reason to take action or prosecute the elector's complaint, the elector may file the complaint with the State Attorney General. If the Attorney General finds that the complaint has merit, he may prosecute the complaint in the appropriate State courts.

In regard to other changes in the election code, requires the canvassing board to notify write-in candidates who have been nominated for election within 48 hours after the canvassing board meets. Provides that the failure of the successful write-in candidate to accept the nomination, by telephone, telegram, or letter, and failure to pay requisite filing fees for the office within five days results in a vacancy. Changes the specified dates for certain meetings to be held by the State and county canvassing boards. Provides that candidates for municipal offices must pay a filing fee of \$10 and file a nomination no later than 45 [formerly 40] days preceding a municipal primary election.

## SECTION II - FEDERAL LEGISLATION - 95TH CONGRESS, FIRST SESSION

### SYNOPSIS OF MAJOR FEDERAL LEGISLATION

#### MAJOR MEASURES RECEIVING ACTION

##### Public Financing

At present, public financing is available to Presidential candidates in both primary and general election campaigns. Proposals to extend public financing to Congressional candidates were introduced at the beginning of the 95th Congress in both the House and the Senate. S. 926 (sponsored by Senator Clark and co-sponsored by Senators Kennedy, Cranston, Mathias and Schweiker) as introduced would have made Senatorial candidates eligible to receive public funds to finance their primary and/or general election campaigns. In addition, S. 926 proposed various other changes in current campaign finance laws. Hearings were held on the measure by the Senate Rules and Administration Committee, which reported the bill on June 24, 1977 (S. Rept. 95-300). However, after a filibuster during the Senate floor debate, the public financing portion of S. 926 was dropped. Thus, on August 3, 1977, S. 926 passed the Senate, but without any provision for public financing of Senatorial campaigns. Rather, the measure only proposes a number of amendments to various Federal campaign financing provisions.

In the House, H.R. 5157 was introduced by Representative Udall and co-sponsored by Representatives Anderson, Burton, Wirth and many others. H.R. 5157 would provide eligible House and Senate candidates with public financing for general election campaigns only. An alternative House proposal, H.R. 5116, introduced by Representative McHugh and co-sponsored by Representative Maguire, proposes public financing for House and Senate candidates in both primary and general election campaigns. Hearings were held on public financing in general by the House Administration Committee on May 18 and 19, June 21, 23 and 28, and July 12, 1977, but a bill has not yet been reported.

##### Government Employees - Political Activities

By virtue of the so-called Hatch Act provisions, originally enacted in 1939, most Federal executive agency employees, as well as District of Columbia employees, are prohibited from taking an active part in partisan political campaigns during both on duty and off duty hours. However, executive department heads, White House office personnel and certain

## FEDERAL LEGISLATION

### SYNOPSIS OF MAJOR FEDERAL LEGISLATION CONT'D

other Presidential appointees, as well as the District of Columbia Mayor and Council Members are exempted from this prohibition.

The Hatch Act restrictions were originally enacted to insure that Federal employment would be based on meritorious performance, rather than political service. However, the prohibitions have been criticized in recent years as an unnecessary curtailment of Government employees' political rights. During the 94th Congress, both the Senate and the House passed H.R. 8617 to amend the Hatch Act, but the measure was vetoed by President Ford. H.R. 8617 would have removed the present prohibitions against taking an active part in political campaigns.

During the 95th Congress, two measures, S. 80 and H.R. 10, were introduced by Senator Burdick and Representative Clay respectively. Both bills propose an extensive reform of the Hatch Act. Hearings were held on H.R. 10 by the Subcommittee on Civil Service and the full Committee on Post Office and Civil Service then reported the bill on April 27, 1977 (H. Rept. 95-292). After debate on the measure on May 18, and June 7, 1977, H.R. 10 passed the House. In its present form, H.R. 10 removes the prohibitions barring Federal and District of Columbia employees from taking an active part in political campaigns, except for certain employees in restricted positions. The restricted positions would include employees involved with: foreign intelligence or security, law enforcement, and contract grant administration. In the Senate, the Governmental Affairs Committee held hearings on S. 80, but a bill has not yet been reported.

### Electoral College Reform

As in past Congresses, several proposals have been introduced during the 95th Congress to change the method of electing the President and Vice President. Some of the proposals would retain the present electoral vote system, but with certain changes so that the electoral vote would be more reflective of the popular vote received by the candidate. Other proposals would totally eliminate the electoral vote system and would elect the President and Vice President by direct popular vote.

S. J. Res. 1, introduced by Senator Bayh, proposes direct election of the President and Vice President. Under S.J. Res. 8, introduced by Senator Cannon, and S.J. Res. 18, introduced by Senator Thurmond, the electoral

## FEDERAL LEGISLATION

### SYNOPSIS OF MAJOR FEDERAL LEGISLATION CONT'D

vote in each State would be apportioned among Presidential candidates according to popular votes received. Hearings were held on S.J. Res. 1, S. J. Res. 8, and S. J. Res. 18 on January 27 and February 1, 2, 7 and 10, 1977 by the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee.

#### Overseas Voting

In order to improve the administration and operation of the Overseas Citizens Voting Rights Act of 1975 and the Federal Voting Assistance Act of 1975, the Senate has passed S. 703, sponsored by Senator Pell. The measure vests the authority of collecting and disseminating absentee voting information in the President's designee under the Federal Voting Assistance, i.e. the Secretary of Defense. It also provides for publicizing to overseas citizens their right to vote in Federal elections, and provides that their exercising this right will not affect the determination of their place of residence for purposes of Federal, State or local taxes. In addition, S. 703 requires the General Services Administration to print postcards for use by overseas citizens in voting and facilitates the distribution of material for such voting (postcards and voting material to be mailed free of postage). After hearings on March 8, 1977, S. 703 was reported from the Committee on Rules and Administration (S. Rept. 95-121) on May 4, 1977 and passed the Senate on May 9, 1977. In the House, this measure was referred to the House Administration Committee on May 10, 1977.

#### Same Day Voter Registration

As a result of low voter turnout during the past two general elections, several bills have been introduced to create new methods of voter registration. President Carter has proposed same day voter registration, and measures to create such a system have been introduced in both the House and Senate. Under H. R. 5400, sponsored by Representative Thompson, and S. 1072, sponsored by Senate Cannon, States and local governments would be required to permit qualified voters to register and vote on election day, although each State and local government should continue their efforts to encourage individuals' registration before election day. States would be entitled to receive Federal grants for establishing same day voter registration programs. An individual registering on election day must sign an affidavit, establishing his identity, residence and

## FEDERAL LEGISLATION

### SYNOPSIS OF MAJOR FEDERAL LEGISLATION CONT'D

qualifications and may also be required to provide other forms of identification. The program would be administered by the Federal Election Commission. S. 1072 was reported from the Senate Committee on Rules and Administration (S. 95-171) on May 16, 1977, and H.R. 5400 was reported from the Committee on House Administration (H. Rept. 95-318) on May 13, 1977. No further action is scheduled on either measure.

#### House and Senate Code of Ethics

In order to increase confidence in the integrity of public officials and to prevent potential conflict of interest, many Members of Congress have participated in sponsoring various proposals to require personal financial disclosure and to outline a code of ethics. H. Res. 287, sponsored by Representative Hamilton and adopted by the House, expands the Code of Conduct embodied in the House Rules. Under H. Res. 287, House Members, their principal assistants and officers, and professional staff members of House committees are required to disclose the source and amount of their income and gifts, as well as their assets or liabilities, their transactions in securities or commodity futures and their purchase or sale of real property. As of January 1, 1978, unofficial office accounts are prohibited. In addition, this measure prohibits a Member from accepting certain gifts and from receiving outside earned income exceeding 15% of the Member's annual salary (effective for 1979). This measure was reported from the Standards of Official Conduct Committee (H. Rept. 95-21) on February 17, 1977. It was then reported from the House Administration Committee on February 22, 1977 and from the Rules Committee on February 25, 1977. H. Res. 287 passed the House on March 2, 1977.

The Senate has adopted a code of official conduct, which expands the prior Senate Code. Under S. Res. 110, sponsored by Senator Nelson, personal financial disclosure is required by Senators and certain Senate employees. Among the items required to be disclosed are the source and amount of personal and real property and liabilities held, and transactions in securities or commodity futures. In addition, unofficial office accounts are prohibited as of December 31, 1977. This measure also limits the outside income of Senators to 15% of their annual salaries (effective for 1979), and prohibits their acceptance of certain gifts. Finally, Senators are prohibited from engaging in certain activities which might

## FEDERAL LEGISLATION

### SYNOPSIS OF MAJOR FEDERAL LEGISLATION CONT'D

create a conflict of interest. S. 110 was reported from the Special Committee on Official Conduct on March 10, 1977 (S. Rept. 95-49). This measure passed the Senate on April 1, 1977.

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
<p>S. 15 Johnston 1/10/77 Rules &amp; Admin.</p>	<p>CAMPAIGN FINANCING - CONTRIBUTION LIMITATIONS - EXEMPTIONS:</p> <ul style="list-style-type: none"> <li>- Before each primary election and before each general election, a Congressional candidate is required to file with FEC either:             <ol style="list-style-type: none"> <li>1. A declaration that the candidate intends to make personal expenditures exceeding \$35,000 in the upcoming campaign (including the amount of such intended personal expenditures); or</li> <li>2. A declaration, under penalty of perjury, that the candidate will not make personal expenditures exceeding \$35,000 in the upcoming campaign</li> </ol> </li> <li>- Where a candidate declares an intention to exceed \$35,000 in personal expenditures, the contribution limitations will be lifted for the opposing candidates in the race to the extent of the greatest amount of intended personal expenditures by any candidate in the race</li> <li>- Requires each candidate intending to exceed the \$35,000 amount to deposit in a single checking account on the day the declaration is made the entire amount stated in the declaration, and this amount may not be increased except where another candidate in the same race declares an intention to spend a higher amount</li> <li>- Contributions to a candidate intending to exceed the \$35,000 amount may not be used by the candidate for campaign expenditures until he has exhausted the entire amount of personal funds stated in the declaration, nor may the contributions be used to reimburse the candidate, a member of his family or any other person who obtained funds through a loan guaranteed by the candidate or such persons (including their spouses) for personal expenditures made in connection with the campaign</li> <li>- Where a candidate declares an intention to spend more than \$35,000 in personal funds and does not actually spend the amount declared, the amount of remaining personal funds may be forfeited to the U.S. Treasury upon appropriate court action initiated by the FEC or other candidates in the race</li> </ul>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
<p>S. 16 Weicker 1/10/77 Rules &amp; Admin.</p>	<p><b>PRIMARY ELECTIONS - PRESIDENTIAL:</b></p> <ul style="list-style-type: none"> <li>- Provides that a nationwide Presidential primary be held in each State on the 1st Tuesday in August of each Presidential election year</li> <li>- Voters may vote only for the candidates of the voters' registered party affiliation, or vote for any one candidate of any political party if not registered with any party</li> <li>- If there is no provision for registering for party affiliation in a State, voters shall follow the procedure prescribed by the Attorney General in registering their party affiliation for this primary</li> <li>- The results of the primary shall be transmitted to the President of the Senate within 5 days, and 5 days after received, the results shall be published in the Congressional Record</li> <li>- To qualify as candidate, individual must file petition by June 30 with a required number of signatures equaling at least 1% of total vote cast in previous Presidential election, but no signature will be accepted if from a person who is a member of a different political party from candidate's party</li> <li>- If winning candidate does not receive 50% of the votes cast for all candidates of his party, a second primary shall be held the 3rd Tuesday following the 1st primary, a run-off between the two party candidates receiving the greatest number of votes</li> <li>- If Presidential candidate dies or resigns before nominating Vice Presidential candidate, successor will be nominated by party convention, or if Vice Presidential candidate has been nominated he shall become Presidential candidate, or if both candidates die or resign, new candidates will be chosen by national party committee composed of a delegation of each State</li> </ul> <p><b>CAMPAIGN FINANCING - PUBLIC FINANCING:</b></p> <ul style="list-style-type: none"> <li>- Repeals public financing of Presidential primaries and general election campaigns</li> </ul> <p><b>CONTRIBUTION &amp; EXPENDITURE LIMITATIONS:</b></p> <ul style="list-style-type: none"> <li>- Limits Federal campaign contributions and expenditures to the year in which a Federal election is held</li> </ul>
	<p style="text-align: center;">185</p>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 22 Proxmire 1/10/77 Commerce	<p>BROADCASTING - POLITICAL - EQUAL TIME:</p> <ul style="list-style-type: none"> <li>- Repeals equal time requirements for broadcasting stations allowing candidates for public office to use their facilities</li> </ul> <p>POLITICAL EDITORIALS:</p> <ul style="list-style-type: none"> <li>- Repeals the prohibition against political editorials by broadcast stations</li> </ul> <p>ACCESS TO BROADCASTING:</p> <ul style="list-style-type: none"> <li>- Repeals provision permitting revocation of a station license for station's failure to allow reasonable access to facilities by legally qualified candidate</li> </ul>
S. 39 Weicker 1/10/77 Finance	<p>CAMPAIGN FINANCING - PUBLIC FINANCING - PRESIDENTIAL CAMPAIGNS:</p> <ul style="list-style-type: none"> <li>- Repeals public financing provisions for Presidential primary and general election campaigns</li> </ul>
S. 80 * Burdick 1/10/77 Govern- mental Affairs	ACTION
	<p>7/18 &amp;19; 9/22 &amp;26/77 - Hearings before full Com.</p> <p>GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT:</p> <ul style="list-style-type: none"> <li>- Removes present prohibitions barring Federal and D.C. employees from taking an active part in political campaigns, except for certain IRS, CIA and Justice employees</li> <li>- Prohibits the President, Vice President, executive branch employees, D.C. employees, and Postal Service employees from using their official authority to influence an election or to threaten or coerce anyone for the purpose of interfering with his right to vote, or to cause him to engage in any form of political activity, including making or not making a political contribution</li> <li>- Prohibits these officials from soliciting or receiving political contributions from employees with respect to whom they are superiors</li> <li>- Establishes Board on Political Activities of Federal Employees to enforce prohibitions</li> <li>- Makes extortion of political contributions from Federal personnel a crime</li> </ul>
S. 105 Brooke 1/10/77 Rules & Admin.	<p>CORRUPT PRACTICES - ENFORCEMENT:</p> <ul style="list-style-type: none"> <li>- Replaces present 3 year statute of limitations for Federal campaign law violations with 5 year statute of limitations</li> </ul>
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BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
<p>S. 113 Case 1/10/77 Govern- mental Affairs</p>	<p><b>FINANCIAL DISCLOSURE:</b></p> <ul style="list-style-type: none"> <li>- Requires Federal office candidates, Members of Congress, the President, Vice President, Federal judges, and high level Federal employees and officers or military members to disclose the following regarding the preceding year:             <ol style="list-style-type: none"> <li>1. Amount and source of each item of income, reimbursement or gift(s) from one source exceeding \$100 received by individual or individual and spouse jointly;</li> <li>2. Value of each asset and amount of each liability over \$1,000 (except for personal items) held by individual or individual and spouse jointly;</li> <li>3. Dealings of over \$1,000 in securities or commodities by individual, individual and spouse jointly, or person acting on his behalf; and</li> <li>4. Purchases or sales of real property valuing over \$1,000 by the individual, individual and spouse jointly, or person acting on his behalf</li> </ol> </li> <li>- Required reports must be filed with the Comptroller General by April 30 (a candidate must file within one month after becoming candidate for office) and shall be made available to the public</li> <li>- Criminal penalty provided for individual falsifying or failing to file report</li> </ul>
<p>S. 290 Chiles 1/18/77 Govern- mental Affairs</p>	<p><b>FINANCIAL DISCLOSURE:</b></p> <ul style="list-style-type: none"> <li>- Requires Federal office candidates, Members of Congress, the President, Vice President, Federal judges, and high level Federal employees and officers or military members to disclose the following regarding the preceding year:             <ol style="list-style-type: none"> <li>1. Amount and source of each item of income, reimbursement or gift(s) from one source exceeding \$100 received by individual, spouse, dependents or person acting on his behalf;</li> <li>2. Value and source of item(s) received in-kind (including transportation or entertainment) from one source if over \$500 by individual, spouse, dependents or person acting on his behalf;</li> <li>3. Identity and amount category of each asset and liability over \$1,000 (except for personal items) held by individual, spouse, dependents, or person acting on his behalf;</li> <li>4. Identity and amount category of dealings of</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 290 cont.	<p>over \$1,000 in securities or commodity futures by the individual, spouse, dependents, or person acting on his behalf;</p> <p>5. Identity and amount category of real property purchased or sold by individual, spouse, dependents, or person acting on his behalf if over \$1,000;</p> <p>6. Nature of any patent right held by individual, spouse, dependents, or person acting on his behalf; and</p> <p>7. Description of any agreement regarding future employment following Government position</p> <ul style="list-style-type: none"> <li>- Limits employment of Federal employees after Government service</li> <li>- Individual is not required to report any confidential information obtained by a privileged relationship nor concerning a person for whom the individual's organization provided services</li> <li>- Disclosure is not required for items of spouse or dependents which are their sole property and were not derived from covered official's past or present income or assets</li> <li>- An individual engaged in intelligence activities may be exempted from filing a report with the Commission by the President if public disclosure would reveal identity of Federal Government undercover agent</li> <li>- Required reports must be filed annually by May 15 (except Federal office candidates must file within one month after becoming candidate and Presidential nominees before Senate confirmation hearings) with the Comptroller General, and copies of the report must also be filed with additional officials depending upon who is filing the report</li> <li>- Falsifying or failing to file report will subject individual to action by appropriate official and/or criminal penalty</li> <li>- Reports will be released for public disclosure within 15 days after receipt upon written or oral request</li> <li>- Use of report for any commercial purpose, determination of individual's credit rating or solicitation is prohibited</li> <li>- Reports will be subject to audit on a random basis, except that the President and Vice President must</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 290 cont.	<p>be audited once a term and Members of Congress once during each 6-year period</p> <ul style="list-style-type: none"> <li>- Amends present federal bribery and conflict of interest laws</li> <li>- Requires Justice Department and Civil Service Commission to analyze regulations concerning financial conflicts of interest and recommend necessary legislation</li> <li>- Establishes 7-member Federal Commission on Ethics to investigate and report violations, develop and recommend procedures to carry out provisions, and to give advisory opinions to Federal employees who request information</li> </ul>
S. 383 Hathaway 1/19/77 Govern- mental Affairs & Judiciary	<p>FINANCIAL DISCLOSURE:</p> <ul style="list-style-type: none"> <li>- Requires Federal office candidates (who have qualified for nomination, received political contributions or made expenditures, or given consent to another person to receive contributions or expenditures for individual), Members of Congress, the President, Vice President, Federal judges and high level Federal employees or military members to disclose the following regarding the preceding year:             <ol style="list-style-type: none"> <li>1. Amount and source of each item of income, reimbursement or gift exceeding \$1,000 received by individual, spouse, dependents or any person acting on his behalf;</li> <li>2. Value and source of item received in-kind from one source by individual, spouse, dependents or any person acting on his behalf if over \$500;</li> <li>3. Identity and amount category of each asset and liability over \$1,000 (except for personal items) held by individual, spouse, dependents or any person acting on his behalf;</li> <li>4. Identity and amount category of dealings of over \$1,000 in securities or commodity futures by the individual, spouse, dependents or person acting on his behalf;</li> <li>5. Identity and amount category of real property purchased or sold by individual, spouse, dependents or person acting on his behalf if over \$1,000;</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 383 cont.	<p>6. Nature of any patent right held by individual, spouse, dependents or any person acting on his behalf; and</p> <p>7. Description of any agreement regarding future employment following Government position</p> <ul style="list-style-type: none"> <li>- Where disclosure is required for items of spouse or dependents, no disclosure is required for items which are the sole property of the spouse and dependents and were not in any way derived from covered official's past or present income or assets</li> <li>- Requires Presidential nominees and high level military members or Federal employees to disclose identity of non-Governmental person who paid individual more than \$5,000 in preceding 5 years and nature of service rendered, but no confidential information must be disclosed</li> <li>- Required reports must be filed with the Comptroller General by May 15, and copies of reports must also be filed with additional officials depending upon who is filing the report</li> <li>- An individual engaged in intelligence activities may be exempted from filing a report to the Comptroller General by the President if public disclosure of report would reveal identity of Federal Government undercover agent</li> <li>- Use of report for any commercial purpose, determination of individual's credit rating or solicitation is prohibited</li> <li>- Criminal penalty provided for individual falsifying or failing to file report</li> <li>- Reports will be made available to public and are subject to audit by the Comptroller General</li> <li>- Whenever a Senate Member, officer or employee is a defendant in a criminal case pending in court or is under investigation, the Comptroller General shall if subpoenaed produce copy of individual's disclosure reports</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
<p>S. 555 *</p> <p>Ribicoff 2/1/77 Govern- mental Affairs &amp; Judiciary</p>	<p style="text-align: center;">ACTION</p> <hr/> <p>5/3, 4 &amp; 5/77 - Hearings by Committee on Govern- mental Affairs</p> <p>5/16/77 - Reported from Com., S. Rept. 95-170</p> <p>6/15/77 - Reported from Judiciary, S. Rept. 95-273</p> <p>6/27/77 - Passed Senate</p> <hr/> <p>FINANCIAL DISCLOSURE:</p> <ul style="list-style-type: none"> <li>- Requires Federal office candidates, Members of Congress, the President, Vice President, Presidential nominees, Federal and D.C. judges, and high level Federal officers and employees or military members to disclose the following regarding the preceding year:             <ol style="list-style-type: none"> <li>1. Amount and identity of each source of earned income received by individual exceeding \$100 per year [Source of earned income over \$1,000 received by spouse or minor dependent must be disclosed];</li> <li>2. Amount, source, and date of each honorarium received by individual and indication of those donated to charity;</li> <li>3. Amount category and source of other income exceeding \$100 per year, including the interest of spouse or dependents;</li> <li>4. Source, description and value of gift(s) of transportation, lodging, food or entertainment equaling \$250 or more from 1 source (other than a relative or as personal hospitality); and other gift(s) over \$100 from 1 source (other than a relative) received by individual; except that:                 <ul style="list-style-type: none"> <li>- Gifts of less than \$35 need not be aggregated</li> <li>- Individual may deduct total value of gifts he gave to source</li> <li>- Amount of gifts over \$100 received by spouse or minor dependent or over \$500 received by adult dependent need not be reported</li> </ul> </li> <li>5. Identity and amount category of real property or personal property in a trade, business, or for investment or production of income held by individual, spouse or dependents if over \$1,000;</li> <li>6. Identity and amount category of each personal liability exceeding \$2,500 owed (other than to a relative) by individual, spouse or dependents;</li> <li>7. Identity, date and amount category of transactions in securities or commodities futures</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 555 cont.	<p>exceeding \$1,000 by individual, spouse or dependents;</p> <ol style="list-style-type: none"> <li>8. Identity, date and amount category of purchases or sales of real property by individual, spouse or dependents if over \$1,000;</li> <li>9. Identity and nature of any option, mineral lease, copyright or patent right held by individual;</li> <li>10. Certain positions held with business enterprises, nonprofit or educational organizations;</li> <li>11. Description of any agreement regarding future employment following Government position or during leave of absence;</li> <li>12. Description of compensation over \$5,000 (other than from U.S. Government) received by individual within 2 years prior to reporting; and</li> <li>13. Holdings and sources of income from trusts, except for qualified blind trusts and certain other trusts, but judges and justices must disclose holdings of and income for all trusts</li> </ol> <ul style="list-style-type: none"> <li>- Required reports must be filed by May 15, or within 30 days after assuming office (except for Presidential nominees --prior to confirmation, and candidates --within 30 days after becoming candidate) with the Office of Government Ethics or with designated officials</li> <li>- An individual engaged in intelligence activities may be exempted from filing a report by the President if public disclosure of report would reveal identity of Federal Government undercover agent</li> <li>- Reports will be made available to the public, but requestor must supply his name and address and that of organization on whose behalf he is requesting a copy, plus a fee; and such information will be made available to the public and the reporting individual</li> <li>- Use of report for any commercial purpose, determination of individual's credit rating or solicitation is prohibited</li> <li>- Reports will be subject to audit on a random basis, except for those individuals who must be audited once every term (e.g. President) or specified number of years (e.g. Members of Congress) [individuals may not be audited the year they are up for reelection]</li> </ul>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 555 cont.	<ul style="list-style-type: none"> <li>- Criminal penalty provided for individual falsifying or failing to file report</li> <li>- Establishes Office of Government Ethics in the U.S. Civil Service Commission to investigate and monitor compliance with public financing disclosure requirements; develop and recommend rules and regulations pertaining to conflicts of interest, ethics, filing, or review; conduct random audits; report violations; interpret rules and regulations; and issue advisory opinions upon request</li> </ul> <p><b>CONFLICTS OF INTEREST:</b></p> <ul style="list-style-type: none"> <li>- Restricts post service activities of government personnel</li> </ul> <p><b>CORRUPT PRACTICE AND ENFORCEMENT:</b></p> <ul style="list-style-type: none"> <li>- Requires Attorney General to investigate all specific allegations of criminal law violations by the President, Vice President, certain government employees, and any national campaign manager or chairman of any national campaign committee seeking election of President; and to apply to the appropriate Federal court for appointment of a special prosecutor if matter warrants prosecution</li> <li>- Enumerates authority and duties of a special prosecutor</li> <li>- Establishes the Office of Congressional Counsel to defend a Member, officer or employee of Congress, or any agency or committee of Congress, in authorized civil actions arising from performance of official duties</li> </ul>
S. 673 Haskell 2/10/77 Govern- mental Affairs	<p><b>FINANCIAL DISCLOSURE:</b></p> <ul style="list-style-type: none"> <li>- Requires Federal office candidates (who must file within one month after becoming candidate), Members of Congress, the President, Vice President, and high level Federal employees to disclose the following regarding the preceding year:             <ol style="list-style-type: none"> <li>1. Amount of individual's gross and taxable income, total deductions and tax exclusions, and tax paid and tax credit;</li> <li>2. Amount and source of each item of income, reimbursement or gift(s) from one source (including honoraria and in-kind items received but not including gifts received from spouse or immediate family) received by individual if over \$100;</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 673 cont.	<p>3. Value of each asset and amount of each liability over \$1,000 held by individual;</p> <p>4. Dealings of over \$1,000 in securities or commodities by individual or person acting on his behalf; and</p> <p>5. Purchases or sales of real property valuing over \$1,000 by individual or person acting on his behalf</p> <ul style="list-style-type: none"> <li>- Required reports must be filed as required by the Civil Service Commission, with agency heads and Presidential appointees filing with the Civil Service Commission, and other employees with the head of their assigned agency</li> <li>- Members of Congress must have a copy of their financial disclosure statement published in a generally circulated publication within their district</li> <li>- Provides that the Civil Commission must establish standards of ethical conduct with respect to financial conflicts of interest or make recommendations to amend legislation; review disclosure statements; investigate and report violations; and issue advisory opinions upon written request by any person</li> <li>- Allows any person who suspects a violation of the ethical conduct standards to file a complaint with the Commission</li> <li>- Provides for disciplinary sanction for those employees violating standards of ethical conduct</li> </ul>
S. 703 * Pell 2/10/77 Rules & Admin.	----- ACTION
	<p>3/8/77 - Hearings before full committee</p> <p>5/4/77 - S. Rept. 95-121</p> <p>5/9/77 - Passed Senate</p> <p>5/9/77 - Referred to House Administration Com.</p>
	<p><b>ABSENTEE BALLOTS - OVERSEAS CITIZENS:</b></p> <ul style="list-style-type: none"> <li>- Makes recommendations to States concerning administration and operation of Overseas Voting Rights Act and the Federal Voting Assistance Act</li> <li>- Vests authority and responsibility for collecting and disseminating absentee voting information to overseas citizens in the President's designee under the Federal Voting Assistance Act, i.e. the Secretary of Defense</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 703 cont.	<ul style="list-style-type: none"> <li>- Provides for publicizing to overseas citizens their right to vote in Federal elections</li> <li>- Provides that overseas citizens' right to vote or register would not affect the determination of their place of residence for the purpose of Federal, State or local taxes</li> <li>- Requires General Services Administration to print postcards for use by overseas citizens in voting and requires Post Office, State Department and Justice Department to facilitate distribution of material for such voting</li> <li>- Postcards and other voting material may be mailed free of postage</li> </ul>
S. 926 * Clark, Kennedy 3/7/77 Rules & Admin.	ACTION
	5/4, 5 & 6/77 - Hearings before Subcommittee on Privileges and Elections 6/24/77 - Reported from Com., S. Rept. 95-300 8/3/77 - Passed Senate
	CAMPAIGN FINANCING - CONTRIBUTIONS AND EXPENDITURES: <ul style="list-style-type: none"> <li>- Exclusion of certain residential, vendor and volunteer travel expenses from definition of contribution and expenditure when related to a candidate is extended to include such activity when undertaken on behalf of a political party committee</li> <li>- Exclusion of certain residential, vendor and volunteer travel expenses from the definition of contribution and expenditure is increased from \$500 per candidate per election to \$1,000 per candidate per election and \$1,000 per political party committee per election</li> <li>- Exclusion of certain legal and accounting services when rendered to or on behalf of the national committee of a political party from the definition of contribution and expenditure is extended to all political committees of a political party</li> <li>- Funds contributed to or costs of a candidate for delegate or for delegate for a state or national political convention or unreimbursed payments for travel and subsistence expenses made by a delegate or candidate for delegate, or payment of expenses incurred by a state or local political party in sponsoring a party meeting, caucus, or</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 926 cont.	<p>convention held for the purpose of selecting delegates to a national nominating convention excluded from the definition of contribution and expenditure</p> <ul style="list-style-type: none"> <li>- The payment by a political party committee of the costs of certain campaign materials used in connection with volunteer activities on behalf of a candidate (such as pins, bumper stickers, handbills, posters, and yard signs, but not including the use of broadcasting, newspapers, magazines, or other similar types of general public political advertising) is excluded from the definition of contribution and expenditure if such payments are made only with funds not earmarked for a particular candidate</li> <li>- The value of listing or mentioning the name of any Presidential candidate in any Federal or non-Federal candidate's campaign material is excluded from the definition of contribution and expenditure where the purpose of such listing or mentioning is to promote the candidacy of the Federal or non-Federal candidate, and is initiated by the Federal or non-Federal candidate</li> <li>- Value of transportation furnished by a person to a candidate in that person's vehicle, vessel or aircraft is excluded from the definition of contribution and expenditure except for transportation to a campaign event where the candidate will make a campaign speech or solicit or receive campaign contributions and transportation in the candidate's potential district or State during the last year of an officeholder's term or after the date an individual qualifies as a candidate</li> </ul> <p><b>POLITICAL COMMITTEES:</b></p> <ul style="list-style-type: none"> <li>- Prohibits committees from making expenditures or receiving contributions only when there is a vacancy in the office of treasurer rather than when there is a vacancy in the office of treasurer or chairman and only committee treasurers or their agents may authorize committee expenditures</li> </ul> <p><b>PRINCIPAL CAMPAIGN COMMITTEE:</b></p> <ul style="list-style-type: none"> <li>- Rather than being required to designate a principal campaign committee, candidate may either designate a committee or notify FEC that no political committee will be authorized to receive contributions or make expenditures</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 926 cont.	<ul style="list-style-type: none"> <li>- Requires name of principal campaign committee to include name of candidate</li> </ul> <p><b>REPORTING REQUIREMENTS:</b></p> <ul style="list-style-type: none"> <li>- Reduces the number of campaign disclosure reports which must be filed with FEC</li> <li>- Requires reporting of detailed information concerning expenditures and contributions of \$200 or more (present threshold is \$100)</li> <li>- Requires reporting of independent expenditures of \$250 or more (present threshold is \$100)</li> </ul> <p><b>POSTAGE:</b></p> <ul style="list-style-type: none"> <li>- Extends to State and national political party committees the same postage rates available to non-profit organizations</li> </ul> <p><b>STATEMENTS FILED WITH STATE OFFICERS:</b></p> <ul style="list-style-type: none"> <li>- Statements filed with State officers must be retained 3 years in the case of House candidates, 5 years in the case of Presidential candidates and 7 years in the case of Senate candidates</li> </ul> <p><b>EXCESS CAMPAIGN FUNDS:</b></p> <ul style="list-style-type: none"> <li>- Prohibits conversion of excess campaign funds to personal use</li> </ul> <p><b>EXPENDITURE LIMITATIONS:</b></p> <ul style="list-style-type: none"> <li>- Permits national committee of political party which has nominated a Presidential candidate to designate in each State one political committee which may accept contributions and expenditures in connection with a general election campaign of that candidate up to the greater of \$20,000 or 2 cents multiplied by the voting age population of that State</li> </ul> <p><b>DECLARATION OF INTENDED PERSONAL EXPENDITURES:</b></p> <ul style="list-style-type: none"> <li>- Requires Congressional candidates to file with FEC a declaration which states either that he intends to make or does not intend to make personal expenditures exceeding \$35,000 in upcoming campaign</li> <li>- FEC will then inform other candidates in same race of the greatest amount declared by any other candidate</li> </ul> <p><b>PUBLIC FINANCING:</b></p> <ul style="list-style-type: none"> <li>- Permits eligible Presidential candidates to receive payments to defray legal and accounting costs incurred to insure compliance with campaign laws</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 926 cont.	<p><b>SOLICITATION &amp; RECEIPT OF CONTRIBUTIONS:</b></p> <ul style="list-style-type: none"> <li>- Exempts from prohibition against soliciting or receiving contributions in a Federal building two assistants designated by each Senator under Senate Rule 49 which prohibits Senate employees from receiving soliciting, or handling Federal campaign funds (except for 2 designated assistants)</li> </ul> <p><b>STATUTE OF LIMITATIONS:</b></p> <ul style="list-style-type: none"> <li>- Changes the statute of limitations for prosecuting violations of campaign laws from 3 years to 5 years</li> </ul> <p style="text-align: center;">* * *</p> <p>The following represents an analysis of the public financing provisions in the measure as introduced and as reported. The public financing provisions were dropped when the bill passed the Senate.</p> <p><b>AS INTRODUCED:</b></p> <p><b>CAMPAIGN FINANCING - PUBLIC FINANCING - CONGRESSIONAL CAMPAIGNS:</b></p> <ul style="list-style-type: none"> <li>- Senate Campaign Account established in the Presidential Election Campaign Fund for the payment of qualified campaign expenses incurred by Senate candidates in primary and general election campaigns</li> <li>- FEC must certify all payments to candidates and decisions are subject to judicial review</li> <li>- To be eligible to receive public funding, a candidate has to make certain agreements relating to record keeping, auditing, contribution and expenditure limitations, etc., and candidate is required to certify the following:             <ol style="list-style-type: none"> <li>1. Primary: that he is seeking nomination by a political party and has received minimum contributions equaling the lesser of: (1) 5% of the maximum amount spent for his primary election campaign; or (b) \$50,000, with no portion of a contribution in excess of \$100 from one person counted</li> <li>2. General election: that he is nominee of a major political party or that he has received minimum contributions equaling the lesser of: (a) 25% of expenditure limit; or (b) \$250,000</li> </ol> </li> <li>- In determining minimum contributions, no</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 926 cont.	<p>contribution received as a subscription, loan, advance, deposit or products or services will be counted nor will a contribution from a political committee or any other organization</p> <ul style="list-style-type: none"> <li>- Entitlements:             <ol style="list-style-type: none"> <li>1. Primary: Eligible candidate entitled to matching payments equal to amount of accepted campaign contributions</li> <li>2. General Election:                 <ol style="list-style-type: none"> <li>a. Major party Senatorial candidate: amount equal to 25% of expenditure limitation plus matching payments equal to amount of accepted campaign contributions</li> <li>b. Nonparty candidate who received votes in preceding election for same office: entitled to an amount based on the votes cast for him in past election as if he were a political party nominee</li> <li>c. Nonparty candidate who was not a candidate in the preceding general election for the same office but received votes for the other Senate office seat from the same State: entitled to an amount based on votes cast for him at previous election as if they were cast for him as a political party nominee for same office</li> <li>d. Other candidates not specified above: entitled to matching payments in an amount equal to accepted campaign contributions</li> </ol> </li> </ol> </li> <li>- Candidate may not receive payment which when added to total contributions and any other payments toward his primary or general election campaign exceeds expenditure limitations, except where the expenditure limitations are waived</li> <li>- No contribution will be matched to the extent it exceeds \$100 per contribution, nor will a contribution from any political committee or a contribution received as a loan, subscription, products or services be matched</li> </ul> <p><b>EXPENDITURE LIMITATIONS :</b></p> <ul style="list-style-type: none"> <li>- Candidates receiving matching payments must agree to the following expenditure limitations:             <ol style="list-style-type: none"> <li>1. Primary - greater of: (a) 15 cents per voting age person in State; or (b) \$225,000</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 926 cont.	<p>2. General election - greater of: (a) 20 cents per voting age person in State; or (b) \$300,000</p> <ul style="list-style-type: none"> <li>- Candidate may not make expenditures from his or family's personal funds exceeding \$35,000</li> <li>- Candidate who does not receive public funds and is not subject to limitations must report to FEC within 48 hours after first making expenditures in excess of the limitations applicable to candidates receiving public funding</li> <li>- When candidate reports to FEC that he has exceeded expenditure limitations, no other candidate in race will be subject to limitations, regardless of whether or not public funds are accepted</li> <li>- Expenditures made on behalf of candidate by authorized committee or agent are considered to be made by candidate, but expenditures made by political party in connection with candidate's general election campaign under limitations in 2 U.S.C. §441a(d) are not considered expenditures by candidate</li> <li>- Excluded from the expenditure limitations are fundraising costs of up to 20% of the candidate's expenditure limitation, but this exemption is reduced proportionately for amount of public funding accepted</li> <li>- If funds in Account are insufficient to pay full entitlement of all eligible candidates, they will receive a pro-rata share</li> <li>- Candidate is subject to a \$10,000 fine or 5-year imprisonment for violating provisions</li> </ul> <p>CHANGES MADE WHEN REPORTED:</p> <p>CAMPAIGN FINANCING - PUBLIC FINANCING - SENATE CAMPAIGNS:</p> <ul style="list-style-type: none"> <li>- Public financing available for only general election campaigns</li> <li>- To be eligible to receive public funding, a candidate has to make certain agreements relating to recordkeeping, auditing, contribution and expenditure limitations, etc., and candidate is required to certify either that: <ol style="list-style-type: none"> <li>1. he is a major party nominee; or</li> <li>2. he is not a major party nominee and in the</li> </ol> </li> </ul>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 926 cont:	<p>preceding election for a Senate seat in that State, won 25% of the vote; or</p> <p>3. he has accepted minimum contributions equalling the smaller of 10% of the expenditure limitation or \$100,000</p> <p>- Entitlements:</p> <ol style="list-style-type: none"> <li>1. Major Party: amount equal to 25% of expenditure limitation plus matching payments equal to amount of accepted campaign contributions</li> <li>2. Candidates qualifying by percentage of vote won in last election: same as major party candidate</li> <li>3. Other candidates: matching payments equal to amount of accepted campaign contributions</li> </ol> <p>- No contribution will be counted toward minimum or matched: 1. to the extent it exceeds \$100 per contributor; 2. it is a subscription, loan, advance, deposit or contribution of products or services; 3. it is donated by a political committee or other organization; or 4. it is accepted before September 1 of the year preceding the general election year</p> <p>- Candidate may not receive payment which when added to total contributions and payments exceeds expenditure limitation, except where expenditure limitations are waived, in which case, amount to which candidate may be entitled shall not exceed 62.5 % of his expenditure limitation</p> <p><b>EXPENDITURE LIMITATIONS:</b></p> <ul style="list-style-type: none"> <li>- Candidates receiving matching payments must agree to an expenditure limitation of \$250,000 plus 10 cents per voting age person in State</li> <li>- Candidate may not made expenditures from his or family's personal funds exceeding \$35,000</li> <li>- Candidates must file with FEC a declaration of whether they intend to make expenditures exceeding the limitation at least 90 days before the election or a notice that they have reason to believe expenditures will exceed the limitation at least 60 days before the election</li> <li>- Expenditure limitations will be waived for candidates receiving public funds where: 1. a major party candidate in same race fails to file a declaration of intent regarding his expenditures or files a declaration or notice that his expenditures</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 926 cont.	<p>will exceed the limitation; or 2. any candidate in the same race exceeds the expenditure limitation</p> <ul style="list-style-type: none"><li>- Candidate who does not receive public funds and is not subject to limitations must report to FEC within 48 hours after first making expenditures in excess of the limitations applicable to candidates receiving public funding</li></ul> <p>NOTE: S. 926 as reported also made further changes in Federal campaign financing laws</p>
S. 962 Biden 3/9/77 Finance, Rules & Admin.	<p>CAMPAIGN FINANCING - EXCESS CAMPAIGN FUNDS:</p> <ul style="list-style-type: none"><li>- Defeated Federal candidates and retired Federal officeholders may only dispose of excess campaign funds by using them in a campaign or by giving them to the Presidential Election Campaign Fund, the Treasury of the U.S. or a State, most public charities or companies chartered by the U.S.</li></ul>
S. 966 Haskell 3/10/77 Rules & Admin.	<p>CAMPAIGN FINANCING - EXCESS CAMPAIGN FUNDS:</p> <ul style="list-style-type: none"><li>- Prohibits the use of campaign contributions for any purpose other than campaign expenses</li><li>- Prohibits office accounts</li></ul>
S. 980 Scott 3/10/77 Govern- mental Affairs	<p>GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT:</p> <ul style="list-style-type: none"><li>- Removes some of the present prohibitions barring Federal and District of Columbia employees from taking an active part in political campaigns by allowing them to campaign on the local level</li></ul>
S. 1072 * Cannon 3/22/77 Rules & Admin.	ACTION
	5/4, 5 & 6/77 - Hearings by Committee 5/16/77 - Reported from Com., S. Rept. 95-171 No further action is scheduled
	<p>SAME DAY VOTER REGISTRATION:</p> <ul style="list-style-type: none"><li>- Establishes Administrator and Associate Administrator of Voter Registration (who must not be members of the same political party) within and to be appointed by the FEC, by and with the advise and consent of the Senate</li><li>- Requires State and local governments to permit qualified voters to register and vote on election</li></ul>

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BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 1072 cont.	<p>day, although each State and local government should continue their efforts to encourage individuals' registration before election day</p> <ul style="list-style-type: none"> <li>- Provisions would become effective in 1978 (except where State laws involved require amendment to establish eligibility for financial assistance or where State legislature is unable to convene before 3/31/78, effective date would be 1980)</li> <li>- Individual registering on election day must establish his identity, residence and qualifications by signing an affidavit and may also be required to provide other forms of identification as approved by the Commission</li> <li>- FEC to make grants to States for establishing same day voter registration programs and States which are deemed in compliance with the provisions of the Act will receive 25 cents per 1976 voter</li> <li>- Civil and criminal penalties are specified for violations of the Act</li> </ul>
S. 1207 Packwood 4/1/77 Rules & Admin.	<p>PRIMARY ELECTIONS - PRESIDENTIAL:</p> <ul style="list-style-type: none"> <li>- Establishes 5 regional Presidential preference primary elections, the first to be held in March and the last in July of each Presidential election year</li> <li>- Individuals generally recognized in national news media as candidates, unless they sign an affidavit to the contrary, will appear on the ballot, as well as any candidate who files a nomination petition signed by 1% of the registered voters of region, or who pays a \$10,000 filing fee</li> <li>- Regional primary will be held in each State which chooses to hold a primary</li> <li>- Voters may only vote in primary of their registered party affiliation</li> <li>- Candidate receiving 5% or more of votes to appoint number of convention delegates proportionately to number of votes received, and delegates generally bound to vote for that candidate</li> <li>- FEC to administer primaries</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 1320 Stone 4/20/77 Rules & Admin.	<p>CAMPAIGN FINANCING - REPORTING REQUIREMENTS:</p> <ul style="list-style-type: none"> <li>- Amends provisions requiring copies of reports to be filed with State officers, and requires that those officers preserve reports of Senate candidates for only 7 years, rather than 10</li> </ul>
S. 1344 Cannon 4/21/77 Rules & Admin.	<p>CAMPAIGN FINANCING - CONTRIBUTIONS &amp; EXPENDITURES:</p> <ul style="list-style-type: none"> <li>- Treats as contribution to a Presidential candidate any gift to a convention delegate pledged to that candidate (except travel or subsistence expenses to attend convention not included)</li> <li>- Excludes from treatment as campaign contributions expenses incurred by a State or local political party in sponsoring any caucus or convention to select delegate to party's nominating convention</li> <li>- Excludes from treatment as campaign contributions costs incurred by local party committees for campaign materials used for volunteer activities for a Presidential candidate (e.g. pins, bumperstickers, etc.)</li> <li>- Excludes from treatment as campaign contributions the value of listing a Presidential candidate in the campaign materials of any other candidate</li> </ul> <p>POLITICAL COMMITTEES:</p> <ul style="list-style-type: none"> <li>- Requires that all expenditures of a political committee must be authorized by its treasurer or his agent</li> </ul> <p>PRINCIPAL CAMPAIGN COMMITTEE:</p> <ul style="list-style-type: none"> <li>- Name of candidate must be included in the name of his principal campaign committee</li> <li>- Candidate not required to designate principal campaign committee authorized to make contributions and expenditures on his behalf</li> </ul> <p>REPORTING REQUIREMENTS:</p> <ul style="list-style-type: none"> <li>- Expands reporting requirements to specifically apply to delegates or candidates for delegate to Presidential nominating conventions where they are pledged to a Presidential candidate and accepted contributions or made expenditures on behalf of the candidate</li> <li>- Makes changes in times for filing reports and for reporting large contributions made close</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 1344 cont.	<p>to election day</p> <ul style="list-style-type: none"> <li>- Requires full identification of contributors giving \$200 or more to a candidate (as opposed to requiring that information for contributors giving \$100 or more)</li> </ul> <p><b>INDEPENDENT EXPENDITURES:</b></p> <ul style="list-style-type: none"> <li>- Requires the reporting of independent expenditures of \$250 or more, rather than \$100 as is now required</li> </ul> <p><b>CAMPAIGN DEPOSITORIES:</b></p> <ul style="list-style-type: none"> <li>- Requires only candidates who have not designated principal campaign committees to designate a campaign depository (all candidates now required to designate depository)</li> </ul> <p><b>STATE OFFICIAL FOR FILING REPORT:</b></p> <ul style="list-style-type: none"> <li>- Governor to designate State official with whom campaign disclosure reports must be filed by Federal candidates and requires that State officials preserve reports for 5 years, except that reports of House candidates must be preserved for only 3 years</li> </ul> <p><b>EXCESS CAMPAIGN FUNDS:</b></p> <ul style="list-style-type: none"> <li>- Prohibits their conversion to personal use</li> </ul> <p><b>CORPORATE AND UNION CONTRIBUTIONS:</b></p> <ul style="list-style-type: none"> <li>- Name of separate segregated fund must include name of corporation or union which established fund</li> </ul> <p><b>PUBLIC FINANCING:</b></p> <ul style="list-style-type: none"> <li>- Public funds to be made available up to certain limitations for legal and accounting costs of candidates</li> </ul>
S. 1345 Bayh 4/21/77 Rules & Admin.	<p><b>ASSISTANCE TO VOTERS - HANDICAPPED AND ELDERLY:</b></p> <ul style="list-style-type: none"> <li>- Requires that polling and registration places for elections for Federal office be accessible to physically handicapped and elderly individuals, and that paper ballots be provided where such individuals can't operate machines</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 1435* Cannon 5/2/77 Rules & Admin.	ACTION
	5/2/77 - Reported from Com., S. Rept. 95-113 5/5/77 - Passed Senate 7/18/77 - Passed House amended 9/15/77 - Senate agreed with amendment 9/28/77 - House agreed to Senate amendment 10/12/77 - Pub. L. 95-127
	FEDERAL ELECTION COMMISSION - APPROPRIATIONS: - Authorizes appropriations for the FEC
S. 1446 Ribicoff 5/3/77 Govern- mental Affairs	FINANCIAL DISCLOSURE: - Requires Federal office candidates, the President, Vice President, Presidential nominees, and high level Federal employees and military members to disclose the following: <ol style="list-style-type: none"> <li>1. Amount and source of each item of earned income or aggregate of items from one source of \$100 or more and gift over \$25 or aggregating \$250 or more from one source received by individual, spouse or minor child living at home;</li> <li>2. Identity and amount category of each item of income from one source exceeding \$100 received by individual, spouse or minor child living at home;</li> <li>3. Identity and amount category of personal property held (other than household furnishings, works of art, jewelry, and similar items) by individual, spouse or minor child living at home if worth \$1,000 or more;</li> <li>4. Identity and amount category of each liability over \$2,500 owed by individual, spouse or minor child living at home;</li> <li>5. Identity and amount category of each liability over \$2,500 owed by individual, spouse or minor child living at home;</li> <li>6. Identity, date and amount category of any dealings of over \$1,000 in securities or commodity futures by individual (other than with spouse or minor child), spouse or minor child living at home;</li> <li>7. Identity, date and amount category of real property purchased or sold by individual (other than with spouse or minor child),</li> </ol>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 1446 cont.	<p>spouse, or minor child living at home if over \$1,000;</p> <p>8. Nature of any patent right, copyright or mineral lease held by individual, spouse or minor child living at home;</p> <p>9. Identity of position held with corporation or with business enterprise, nonprofit organization or educational institution; and</p> <p>10. Description of any agreement regarding future employment following Government position</p> <ul style="list-style-type: none"> <li>- Required reports must be filed annually with the Director of the Office of Government Ethics and copies filed with additional officials depending upon who is filing the report (except for candidates who must file with the FEC)</li> <li>- Criminal penalty provided for individual falsifying or failing to file report</li> <li>- Reports to be made available to the public; requestor must supply his name and address and that of organization on whose behalf he is requesting a copy, plus a fee; and such information will be made available to the public and the reporting individual</li> <li>- Information regarding certain holdings and sources of income of trust or other financial arrangement may be exempt from public disclosure if approved and deemed necessary to avoid potential or apparent conflicts of interest</li> <li>- Reports filed by individuals engaged in intelligence activities may be held exempt from public disclosure by the President if they might compromise the national interest of the Federal government</li> <li>- Use of report for any commercial purpose, determination of individual's credit rating or solicitation is prohibited</li> <li>- Establishes Office of Government Ethics in the U.S. Civil Service Commission to investigate and monitor compliance with public financing disclosure requirements; develop and recommend rules and regulations pertaining to conflicts of interest, ethics, filing, or review; conduct random audits; and report violations</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 1471 Packwood 5/5/77 Finance	ACTION
	NOTE: In the Senate Finance Committee, an amendment which would make similar changes in the law was attached to H.R. 3340. The measure was ordered to be reported on 6/22/77
	CAMPAIGN FINANCING - PUBLIC FINANCING - TAX CREDIT: - Increases the tax credit available for a political contribution by allowing a credit for 75% of a contribution to a Senate candidate (current 50% remains in effect for all other candidates) and the maximum credit is increased from \$25 to \$100 (\$200 for joint returns)
S. 1962 Huddleston 7/29/77 Commerce, Science & Transport.	BROADCASTING - POLITICAL - EQUAL TIME: - Exempts legally qualified candidates for the offices of President and Vice President from the equal-time requirements
S. J. Res. 65 Kennedy 6/21/77 Judiciary	DISTRICT OF COLUMBIA - REPRESENTATION IN CONGRESS: - Provides that D.C. will be entitled to elect two Senators and a number of Representatives to which it would be entitled if it were a State
S. Res. 41 Allen 1/18/77 Rules & Admin.	HONORARIA: - Forbids the acceptance of honoraria by candidates for the Senate, Senators, and employees of the Senate
S. Res. 110 * Nelson 3/10/77 Special Committee on Official Conduct	ACTION
	2/1 & 2/77 - Hearings by Committee 3/10/77 - Reported from Com., S. Rept. 95-49 4/1/77 - Passed Senate
	FINANCIAL DISCLOSURE: - Senate Members and candidates, officers or employees receiving more than \$25,000 per year, and employees handling campaign funds are required to file with the Secretary of State annual statements (beginning May 15, 1978) disclosing: 1. Source and amount of each item of earned



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. Res. 110 cont.	<p>income and honoraria of \$100 or more from a single source (including indication of which honoraria were donated to charity);</p> <ol style="list-style-type: none"> <li>2. Source and amount category of each item of other than earned income exceeding \$100;</li> <li>3. Source, amount and description of gifts of transportation, lodging, food or entertainment aggregating \$250 or more from one source other than a relative, and all other gifts aggregating \$100 or more from one source other than from a relative, except that: <ol style="list-style-type: none"> <li>a. Gifts under \$35 need not be aggregated; and</li> <li>b. Gifts to a source may be deducted from total value of gifts received from that source;</li> </ol> </li> <li>4. Identity and value category of: <ol style="list-style-type: none"> <li>a. real property held or personal property held in a trade or business or for investment or production of income which has a fair market value over \$1,000; or</li> <li>b. personal liability owed exceeding \$2,500;</li> </ol> </li> <li>5. Identity, date and value category of transactions in securities or commodity futures if transaction exceeds \$1,000 (excluding gifts to certain tax exempt organizations and transactions between reporting individual, spouse or dependents);</li> <li>6. Identity, date and value category of any purchase, sale or exchange of any interest in real property exceeding \$1,000 (excluding gifts to certain tax exempt organizations, transactions between reporting individual, spouse or dependents, and personal residences);</li> <li>7. Nature of any patent right held;</li> <li>8. Identity of certain positions held with business enterprises, nonprofit organizations or educational institutions;</li> <li>9. Description of post Government employment;</li> <li>10. Identity of person, other than the U.S. Government, who paid reporting individual (only required by Senate officers and employees) more than \$5,000 in any of 2 years prior to reporting as well as nature and term of services, excluding confidential information; and</li> <li>11. Holdings of and income from trust or other financial arrangement from which reporting</li> </ol>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. Res. 110 cont.	<p>individual, spouse or dependents receives income, unless it was not created by individual or family or if they have no knowledge of it (blind trusts must be dissolved or amended)</p> <ul style="list-style-type: none"> <li>- Reporting individual must report interests of spouse or dependents if within his constructive control for #2, 4, 5, 6, 7 &amp; 8</li> <li>- Copy of tax returns must also be filed by reporting individuals</li> <li>- Reports will be made available to the public and are subject to audit</li> </ul> <p>UNOFFICIAL OFFICE ACCOUNTS:</p> <ul style="list-style-type: none"> <li>- Prohibits unofficial office accounts: as of April 2, 1977, no contributions may be received and expenditures from unofficial office accounts shall terminate December 31, 1977</li> <li>- Member may defray expenses connected with official duties only from personal funds, from official funds, or from funds derived from a political committee</li> </ul> <p>FRANKING PRIVILEGE, RADIO AND TELEVISION STUDIES, AND COMPUTER FACILITIES:</p> <ul style="list-style-type: none"> <li>- Generally limits the rate of postage and amount of mail which may be sent under the frank</li> <li>- Prohibits mass mailings under the frank for 60 days before each primary and general election in which Member is a candidate</li> <li>- Senators must register mass mailings annually with the secretary of the Senate</li> <li>- Senate computer facilities may not be used to store names of individuals identifying them as campaign workers, contributors, political party members, or by other political party designations; or to produce mailing labels for mass mailings or tapes for use other than in service facilities maintained and operated by the Senate or under contract to the Senate</li> <li>- Senators or candidates may not use radio and television studies provided by the Senate or House less than 60 days before primary or general election in which Senator or individual is candidate</li> </ul> <p>GIFT LIMITATION:</p> <ul style="list-style-type: none"> <li>- Senate members, officers, employees, their</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. Res. 110 cont.	<p>dependents, and spouses may not accept gifts (other than personal hospitality and gifts valuing less than \$35) aggregating \$100 or more from any person (other than a relative) who has a direct interest in legislation before Congress or who is a foreign national</p> <ul style="list-style-type: none"> <li>- Any registered lobbyist, or an officer, director or person retained by a registered lobbyist and any corporation, union or other organization maintaining a separate fund for political purposes will be deemed to have a direct interest in legislation before Congress</li> </ul> <p><b>OUTSIDE EARNED INCOME:</b></p> <ul style="list-style-type: none"> <li>- Limits outside earned income of Senators, and Senate officers and employees with salaries exceeding \$35,000 and employed for more than 90 days in a year, to 15% of their annual salary (effective for 1979), but outside earned income does not include advances and royalties on books; proceeds from sale of creative or artistic work; any "buyout" arrangement from professional partnerships or businesses; income from family enterprises; nor distributive shares of partnership income</li> <li>- Prohibits Senators from receiving honoraria in excess of \$1,000 for each appearance, speech, or article; and prohibits same Senate officers and employees listed above from receiving honoraria exceeding \$300 for each appearance, speech or article and \$1,500 in aggregate for the year (they may accept additional honoraria, but not more than \$25,000, if they donate the excess amount to organizations exempt from taxation)</li> </ul> <p><b>POLITICAL FUND ACTIVITY:</b></p> <ul style="list-style-type: none"> <li>- Permits 2 designated assistants in each Senate office to receive or distribute any funds in connection with campaign of candidate for Senate or other federal office; No other Senate officer or employee may be involved in campaign fundraising</li> </ul> <p>NOTE: By later amendment to the Senate Rules (S. Res. 188), the designated assistants may also engage in solicitation activities</p> <p><b>EXCESS CAMPAIGN FUNDS:</b></p> <ul style="list-style-type: none"> <li>- Prohibits conversion of campaign contributions to personal use of Member</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. Res. 110 cont.	<p><b>FOREIGN TRAVEL: -</b></p> <ul style="list-style-type: none"> <li>- Members who will not be Members in the succeeding Congress are not permitted to travel in foreign countries at public expense</li> </ul> <p><b>EMPLOYMENT PRACTICES:</b></p> <ul style="list-style-type: none"> <li>- Prohibits employment discrimination on the basis of race, color, religion, sex, national origin, age or state of physical handicap</li> </ul> <p><b>SENATE SELECT COMMITTEE ON ETHICS:</b></p> <ul style="list-style-type: none"> <li>- Establishes procedure for complaints, investigations and hearings</li> <li>- Directs the Committee to issue regulations to implement the Code of Conduct, and to issue interpretive rulings or advisory opinions on it</li> </ul> <p><b>CONFLICT OF INTEREST:</b></p> <ul style="list-style-type: none"> <li>- Prohibits Senators, and certain Senate officers and employees from: <ol style="list-style-type: none"> <li>1. Receiving compensation due to influence improperly exerted from their positions;</li> <li>2. Engaging in outside business, professional activity or employment for compensation in conflict with official duties (employment or activity by employees and officers which is not in conflict must be reported);</li> <li>3. Using official positions to introduce or aid progress or passage of legislation to further their own or their family's pecuniary interest;</li> <li>4. Affiliating with a firm, partnership, association or corporation to provide professional services for compensation;</li> <li>5. Permitting the use of the Member's or employee's name by a firm, partnership, association or corporation which provides professional services for compensation;</li> <li>6. Practicing a profession for compensation during Senate office hours; and</li> <li>7. Serving as officer or member of board of publicly regulated or held corporation, financial institution or business entity (excluding non-compensated services for organizations exempt from taxation or for organizations principally available to Members, officers, employees and their families; or for boards individual has been member of for at least</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. Res. 110 cont.	<p>2 years which requires minimal service if the individual is not a member of the Senate committee having legislative jurisdiction over the board)</p> <ul style="list-style-type: none"> <li>- Permits a Member to decline to vote in committee or on the floor on any matter where he believes he has a conflict of interest</li> <li>- Prohibits Senators who become registered lobbyists after leaving office from lobbying Members, officers, or employees of the Senate for one year after leaving office; and prohibits employees who become registered lobbyists from lobbying Members for whom they worked or Member's staff (former committee employees may not lobby committee Members or staff) for one year after leaving position</li> <li>- Committee staff employees (paid more than \$25,000 per year) must divest themselves of any substantial holdings which may be directly affected by actions of the committee for which they work, unless a waiver is granted</li> </ul>
S. Res. 188 * Cannon 6/8/77 Rules & Admin.	<p style="text-align: center;">ACTION</p> <p>6/8/77 - H. Rept. 95-241 6/13/77 - Passed Senate</p> <p><b>CAMPAIGN FINANCING - SOLICITATION:</b></p> <ul style="list-style-type: none"> <li>- Amends Senate Rules to exempt designated Senate staffers from Rule 49 prohibition against soliciting Federal campaign funds</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
<p>H.R. 1 Kastenmeier 1/4/77 Judiciary</p>	<p>FINANCIAL DISCLOSURE:</p> <ul style="list-style-type: none"> <li>- Requires Federal office candidates, Members of Congress, the President, Vice President, Presidential nominees, Federal judges and high level Federal employees or military members to disclose the following regarding the preceding year:             <ol style="list-style-type: none"> <li>1. Amount and source of each item of income, reimbursement or gift exceeding \$100 received by individual, spouse, dependents or any person acting on his behalf;</li> <li>2. Identity and amount category of each asset and liability over \$1,000 (except for personal items) held by individual, spouse, dependents or person acting on his behalf;</li> <li>3. Identity and amount category of dealings of over \$1,000 in securities or commodity futures by the individual, spouse, dependents or person acting on his behalf;</li> <li>4. Identity and amount category of real property purchased or sold, by individual, spouse, dependents or person acting on his behalf if over \$1,000;</li> <li>5. Nature of any patent right held by individual, spouse, dependents or person acting on his behalf;</li> <li>6. Description of any agreement regarding future employment following Government position; and</li> <li>7. Identity of position held with corporation or business enterprise</li> </ol> </li> <li>- Requires Presidential nominees and high level Federal employees or military members to disclose identity of non-Governmental person who paid individual more than \$5,000 in preceding 5 years and nature of service rendered, but no confidential information must be disclosed</li> <li>- Required reports must be filed with the Comptroller General by May 15, and copies of the reports must also be filed with additional officials depending upon who is filing the reports</li> <li>- An individual engaged in intelligence activities may be exempted from filing a report to the Comptroller General by the President if public disclosure of report would reveal identity of Federal Government undercover agent</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 1 cont.	<ul style="list-style-type: none"> <li>- Use of report for any commercial purpose, determination of individual's credit rating or solicitation is prohibited</li> <li>- Criminal penalty provided for individual falsifying or failing to file report</li> <li>- Reports will be made available to public and are subject to audit by the Comptroller General</li> </ul>
H.R. 9 Rodino 1/4/77 Judiciary	<p>FINANCIAL DISCLOSURE:</p> <ul style="list-style-type: none"> <li>- Requires Federal office candidates, Members of Congress, the President, Vice President, Federal judges and high level Federal employees or military members to disclose the following regarding the preceding year: <ol style="list-style-type: none"> <li>1. Amount and source of each item of income, reimbursement or gift exceeding \$1,000 received by individual, spouse, dependents, or any person acting on his behalf;</li> <li>2. Value and source of item received in-kind from one source by individual, spouse, dependents or any person acting on his behalf if over \$500;</li> <li>3. Identity and amount category of each asset and liability over \$1,000 (except for personal items) held by individual, spouse, dependents or any person acting on his behalf;</li> <li>4. Identity and amount category of dealings of over \$1,000 in securities or commodity futures by the individual, spouse, dependents or person acting on his behalf;</li> <li>5. Identity and amount category of real property purchased or sold by individual, spouse, dependents or person acting on his behalf if over \$1,000;</li> <li>6. Nature of any patent right held by individual, spouse, dependents or any person acting on his behalf; and</li> <li>7. Description of any agreement regarding future employment following Government position</li> </ol> </li> <li>- Where disclosure is required for items of spouse or dependents, no disclosure is required for</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 9 cont.	<p>items which are the sole property of the spouse and dependents and were not in any way derived from covered official's past or present income or assets</p> <ul style="list-style-type: none"> <li>- Requires Presidential nominees and high level Federal employees or military members to disclose identity of non-Governmental person who paid individual more than \$5,000 in preceding years and nature of service rendered, but no confidential information must be disclosed</li> <li>- Required reports must be filed with the Comptroller General, and copies of report must also be filed with additional officials depending upon who is filing the report</li> <li>- An individual engaged in intelligence activities may be exempted from filing a report to the Comptroller General by the President if public disclosure of report would reveal identity of Federal Government undercover agent</li> <li>- Use of report for any commercial purpose, determination of individual's credit rating or solicitation is prohibited</li> <li>- Criminal penalty provided for individual falsifying or failing to file report</li> <li>- Reports will be made available to public and are subject to audit by the Comptroller General</li> <li>- Whenever a Senate Member, officer or employee is a defendant in a criminal case pending in court or is under investigation, the Comptroller General shall if subpoenaed produce a copy of individual's disclosure reports</li> </ul>
H. R. 10 * Clay 1/4/77 Post Office & Civil Service	ACTION
	2/23 & 24/77 - Hearings by Subcommittee on Civil Service
	5/12/77 - Reported from Committee on Post Office and Civil Service, H. Rept. 95-292
	6/7/77 - Passed House
	<p>GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT:</p> <ul style="list-style-type: none"> <li>- Removes present prohibitions barring Federal and D.C. employees from taking an active part in political campaigns, except for certain employees in restricted positions (as designated by the Civil Service Commission) including employees involved</li> </ul>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 10 cont.	<p>with: foreign intelligence or security, law enforcement, contract or grant administration</p> <ul style="list-style-type: none"> <li>- Prohibits employees from using their official authority to influence an election; to threaten or coerce anyone for the purpose of interfering with his right to vote; or to cause him to engage in any form of political activity, including making or not making a political contribution</li> <li>- Prohibits employees from using for political purposes official information obtained through their employment unless the information is available to the general public</li> <li>- Prohibits employee organizations including unions from intimidating, coercing or threatening any employee for the purpose of interfering with his right to vote, or engaging in political activity, including making or not making a political contribution</li> <li>- Prohibits employees from giving a contribution to a superior</li> <li>- Prohibits employees from soliciting, accepting or receiving political contributions from employees with respect to whom they are superiors; from persons whom they regulate, audit, or investigate; from persons who are the recipients or applicants for any contract or grant; or from persons over whom they have decisionmaking authority (including family members)</li> <li>- Prohibits political activity by employees while on duty, in official building or wearing official uniform</li> <li>- Prohibits employees in restricted positions also from soliciting, accepting, receiving, or giving a political contribution to employees, Members of Congress and candidates, military members, or their agents</li> <li>- Requires employees to notify agency regarding candidacy for public office and agency must give employee leave without pay or accrued annual leave upon request of the employee</li> <li>- Civil Service Commission has investigatory and enforcement authority for these provisions and must also issue regulations which are subject to disapproval by Congress</li> <li>- Provides for an educational program to inform all employees of their rights of political participation and of which political activities are</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 10 cont.	prohibited - Makes extortion of political contributions from Federal personnel a crime
H. R. 194 Bingham 1/4/77 House Admin.	QUALIFICATIONS TO VOTE - DISCLOSURE OF MARITAL STATUS: - Provides that requirements to qualify to vote in Federal elections concerning disclosure of marital status be the same for men and women
H. R. 341 Dellums 1/4/77 Judiciary	QUALIFICATIONS TO VOTE - CRIMINAL OFFENDERS: - Allows any U. S. citizen who has been convicted of a crime to vote in any Federal election, if otherwise qualified to vote, on and after the date he completes his imprisonment and every period of parole or probation, pays all fees levied, and satisfies any other penalties, whichever last occurs
H. R. 428 Ketchum 1/4/77 Judiciary	VOTING RIGHTS ACT - LIMIT: - Limits coverage of the Act to exclude language minority groups
H. R. 517 Lloyd 1/4/77 Judiciary	FINANCIAL DISCLOSURE: - Requires Federal office candidates, Members of Congress, the President, Vice President, and high level Federal employees or military members to disclose the following regarding the preceding year: 1. Amount of tax paid by person and spouse; 2. Amount and source of each item of income or gift exceeding \$100 received by the person, spouse or dependents; 3. Value of each asset and amount of each liability over \$1,000 held or owed by the person, spouse or his dependents; 4. Dealings of over \$1,000 in securities or commodities by the person, by spouse and person jointly, or by any person acting on his behalf; and 5. Purchases or sales of real property valuing over \$1,000 by the person, spouse and person jointly, or any person acting on his behalf

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 517 cont.	<ul style="list-style-type: none"> <li>- Required reports must be filed with the Comptroller General annually by May 15 (a candidate must file within one month after becoming candidate for office), and shall be made available to the public</li> <li>- Criminal penalty provided for individual falsifying or failing to file report</li> </ul>
H. R. 739 Archer 1/4/77 Judiciary	<p>FINANCIAL DISCLOSURE:</p> <ul style="list-style-type: none"> <li>- Requires Members of Congress, congressional employees earning \$18,000 or more per year, and candidates for Congress to disclose the following regarding the preceding year:               <ol style="list-style-type: none"> <li>1. Amount and source of each item of income or gift from one source exceeding \$100 received by the person, or person and spouse jointly;</li> <li>2. Value of each asset and amount of each liability over \$5,000 held by person, or person and spouse jointly; and</li> <li>3. Business transactions of over \$1,000 including dealings in securities, commodities or real property by person, person and spouse jointly, or person acting on his behalf</li> </ol> </li> <li>- Required reports must be filed with the Comptroller General annually by May 15 (candidate must file within 5 days after becoming a candidate for office); and reports will be made available to the public</li> <li>- Criminal penalty provided for individual falsifying or failing to file report</li> </ul>
H. R. 757 Bennett 1/4/77 House Admin.	<p>PRIMARIES - PRESIDENTIAL - NATIONAL:</p> <ul style="list-style-type: none"> <li>- Establishes six regional Presidential preference primaries beginning in March and ending in June</li> <li>- Voters may vote only for the candidates of voters' registered party affiliation or vote for any one candidate of any political party if not registered with any party</li> <li>- Ballots to select convention delegates must indicate name of party candidate</li> <li>- In order to receive matching payments of public funds for primary campaign, candidate must agree to appear on ballot of at least one State in each of six regions</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 837 Drinan 1/4/77 Interstate & Foreign Commerce	BROADCASTING - POLITICAL - EQUAL TIME: - Repeals equal time requirements for broadcast stations allowing candidates for public office to use their facilities POLITICAL EDITORIALS: - Repeals the prohibition against political editorials by broadcast stations ACCESS TO BROADCASTING: - Repeals provision permitting revocation of a station's failure to allow reasonable access to facilities by legally qualified candidate
H.R. 849 Drinan 1/4/77 Post Office & Civil Service	FRANKING PRIVILEGE: - Increases from 28 days to 90 days the period before an election during which mass mailings under the frank are prohibited
H.R. 910 Gradison 1/4/77 Post Office & Civil Service /	FRANKING PRIVILEGE: - Prohibits mass mailings under the frank for a period beginning 28 days before a primary and ending on the day of the general election or a period of 120 days before a general election, whichever is longer (the present limitation is 28 days before an election)
H.R. 946 Clay	Identical to H.R. 1
H.R. 947 Clay	Identical to H.R. 1
H.R. 948 Clay	Identical to H.R. 1
H.R. 1046 Murphy 1/4/77 Post Office & Civil Service	GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT: - Removes present prohibitions barring Federal, and D.C. employees from taking an active part in political campaigns by specifically giving them the right to do so - Defines activities which amount to taking an active part in political campaigns

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 1049 Murphy 1/4/77 Post Office & Civil Service	<p>INFORMATION ON ELECTIONS - POSTING:</p> <ul style="list-style-type: none"> <li>- Requires that information relating to registration and voting be posted in post offices</li> </ul>
H. R. 1097 Myers 1/4/77 Judiciary	<p>FINANCIAL DISCLOSURE:</p> <ul style="list-style-type: none"> <li>- Requires Members of Congress and high level Federal employees or military members to disclose the following regarding the preceding year: <ol style="list-style-type: none"> <li>1. Amount of tax paid by individual and spouse;</li> <li>2. Amount and source of each item of income and gift(s) from one source exceeding \$100 received by the person, spouse or dependents;</li> <li>3. Value of each asset and amount of each liability over \$1,000 held or owed by individual, spouse or dependents;</li> <li>4. Dealings of over \$1,000 in securities or commodities by the individual, by spouse and individual jointly, or by person acting in his behalf; and</li> <li>5. Purchases or sales of real property valuing over \$1,000 by the individual, by the spouse and individual jointly, or by a person acting on his behalf</li> </ol> </li> <li>- Required reports must be filed with the Comptroller General annually by April 1, and will be made available to the public</li> <li>- Criminal penalty provided for individual falsifying or failing to file report</li> </ul>
H. R. 1098 Myers 1/4/77 Post Office & Civil Service	<p>FRANKING PRIVILEGE:</p> <ul style="list-style-type: none"> <li>- Increases from 28 days to 60 days the period before an election during which mass mailings under the frank are prohibited</li> </ul>
H. R. 1342 Stratton 1/4/77 House Admin.	<p>BROADCASTING - POLITICAL - FREE BROADCAST TIME:</p> <ul style="list-style-type: none"> <li>- Provides free radio and television time to eligible candidates for election to Federal office who are of a major party, third party, or minor party and are properly certified</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 1342 cont.	<ul style="list-style-type: none"> <li>- Each eligible candidate shall receive free broadcast time as follows:               <ol style="list-style-type: none"> <li>1. Presidential or Vice Presidential candidate of major party --2 1/2 hours; of third party --1 hour; and of minor party --30 minutes, with no more than 30 minutes to be used in any 5-day period</li> <li>2. Candidate for Senate of major party --2 hours; of third party --60 min.; and of minor party --30 min., with no more than 30 min. to be used in any 5-day period</li> <li>3. Candidate for Representative or Resident Commissioner of major party --one hour, no more than 30 min. to be used in 10-day period; and of third party or minor party --15 min., total not to be used in any 10-day period</li> </ol> </li> <li>- Candidate of third or minor party who is an incumbent shall receive the amount of free broadcast time allotted to a major party candidate</li> <li>- Free broadcast time shall be used to promote rational discussion and debate of election issues, no more than 25% used to present other than candidate's own remarks</li> <li>- No less than 1 minute of free time shall be used in one program, and no more than 15 minutes of free time in any 24-hour period</li> <li>- Free broadcast time will be available from 30 days before the election until the close of the day before the election, 75% made available during prime air time</li> </ul>
H. R. 1628 Carney 1/11/77 House Admin.	<p>DAY FOR HOLDING ELECTIONS - FEDERAL PRIMARIES:</p> <ul style="list-style-type: none"> <li>- Designates the first Tuesday in June of a Presidential election year as the day on which all States must hold their Presidential primaries</li> <li>- Designates the first Tuesday in June as the day all States must hold their Congressional primary elections (for Senator, Delegate Resident Commissioner, or Representative) in a Presidential election year and the first Tuesday in August for any other general election year</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 1631 Carney 1/11/77 Post Office & Civil Service	<p>DAY FOR HOLDING ELECTIONS - HOLIDAY:</p> <ul style="list-style-type: none"> <li>- Makes Federal Election Day a legal public holiday</li> </ul>
H. R. 1757 Carney 1/12/77 House Admin.	<p>REGISTRATION - MAIL:</p> <ul style="list-style-type: none"> <li>- Voter Registration Administration established within the FEC to administer a voter registration program for Federal elections through the Postal Service</li> <li>- President to appoint, with the advice and consent of the Senate, an Administrator and two Associate Administrators</li> <li>- Administration has various duties, such as to collect, analyze, and arrange for publication and sale by the Government Printing Office of information concerning elections in the United States</li> <li>- Person who fulfills the requirements to be a qualified voter under State law and who is registered under this Act is entitled to vote in Federal elections held in that State</li> <li>- State required to provide for the registration of all of its residents who apply no later than 30 days immediately prior to a Federal election</li> <li>- Administration to prepare voter registration forms for public distribution at government offices, post offices, etc., but there is to be no mass mail distribution of forms</li> <li>- State may be permitted to use State voter registration forms instead of those forms prepared by the Administration, so long as they comply with regulations</li> <li>- Registration form to be used only for voting, not to establish identification, citizenship status or age of individual</li> <li>- Administration to reimburse State for cost of processing post card registrations for Federal elections, and may also make additional payments to States adopting the post card registration system for state election but latter payments may not exceed 30% of the cost of reimbursements to the State</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 1757 cont.	<p><b>ELECTION OFFENSES - VOTER FRAUD:</b></p> <ul style="list-style-type: none"> <li>- Administration to assist State officials when they have reason to believe that individuals who are not qualified electors are attempting to register to vote under this Act and where there is a pattern of fraudulent registration; the Attorney General, upon request of the Administration or a State Official, is authorized to bring a criminal action to enjoin such fraudulent registration</li> <li>- Crime punishable by \$10,000 fine and 5 years imprisonment for a person to knowingly give false information for the purposes of establishing his eligibility to register to vote under this Act or to encourage false registration and illegal voting by another person</li> <li>- Crime punishable by \$5,000 fine and 5 years imprisonment for a person to deprive another person of any right under this Act</li> </ul>
H.R. 1760 Carney	Identical to H.R. 1049
H.R. 1770 Krebs 1/12/77 House Admin.	<p><b>POLITICAL COMMITTEES - REPORTING REQUIREMENTS:</b></p> <ul style="list-style-type: none"> <li>- Provides that political committees are no longer required to report changes in information concerning the list of candidates supported by the committee to the FEC</li> </ul>
H.R. 1831 Kemp 1/13/77 Post Office & Civil Service	<p><b>CAMPAIGN FINANCING - EXCESS CAMPAIGN FUNDS:</b></p> <ul style="list-style-type: none"> <li>- Prohibits the use of campaign funds for personal purposes</li> </ul>
H.R. 2007 Ketchum	Identical to H.R. 428
H.R. 2063 Gaydos 1/19/77 House Admin.	<p><b>PRIMARIES - PRESIDENTIAL:</b></p> <ul style="list-style-type: none"> <li>- Presidential and Vice Presidential candidates will be chosen in a national primary to be held in each State in September of every Presidential election year</li> <li>- Candidates in primary must be of a qualified</li> </ul>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 2063 cont.	<p>political party and must meet certain qualifications</p> <ul style="list-style-type: none"> <li>- Candidate winning 45% of vote cast in primary will be his party's candidate at general election</li> <li>- Run off will be held if no candidate receives 45% of vote</li> </ul> <p>PRESIDENTIAL &amp; VICE PRESIDENTIAL - METHOD OF ELECTION:</p> <ul style="list-style-type: none"> <li>- See below</li> </ul>
H. R. 2325 Kastenmeier	Identical to H. R. 1
H. R. 2326 Kastenmeier	Identical to H. R. 1
H. R. 2347 Rangel 1/24/77 House Admin.	<p>REGISTRATION - MAIL:</p> <ul style="list-style-type: none"> <li>- Voter Registration Administration established within Bureau of Census to administer a post-card voter registration program for Federal elections through the Postal Service</li> <li>- Administration to collect, analyze, and arrange for the publication and sale by Government Printing Office of information concerning elections in the United States; to assist State officials with mail registration and election problems; etc.</li> <li>- Person who fulfills the requirements to be qualified voter under State law and who is registered under this Act is entitled to vote in Federal elections held in that State</li> <li>- States required to provide for the registration of all of its residents who apply no later than 30 days immediately prior to a Federal election</li> <li>- States required to provide for registration and voting by handicapped persons and by persons whose major language is other than English</li> <li>- Administration to prepare voter registration forms in sufficient quantities for postal delivery and for public distribution</li> <li>- Administration to reimburse States for cost of processing post card registrations for Federal elections, and may also make additional payments to States adopting the post card registration system for State elections, but latter payments may not exceed 30% of the cost of reimbursements to the State</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 2347 cont.	<p>ELECTION OFFENSES - VOTER FRAUD:</p> <ul style="list-style-type: none"> <li>- Administration to assist State officials when they have reason to believe that individuals who are not qualified electors are attempting to register to vote under this Act</li> <li>- Crime punishable by \$10,000 fine and 5 years imprisonment for a person to knowingly give false information for the purposes of establishing his eligibility to register to vote under this Act or to encourage false registration and illegal voting by another person</li> <li>- Crime punishable by \$5,000 fine and 5 years imprisonment for a person to deprive another person of any right under this Act</li> </ul>
H.R. 2361 Studds	Identical to H.R. 1098
H.R. 2395 Clay	Identical to H.R. 10
H.R. 2396 Clay	Identical to H.R. 10
H.R. 2397 Clay	Identical to H.R. 10
H.R. 2438 Kastenmeier 1/26/77 House Admin.	<p>QUALIFICATIONS TO VOTE - CRIMINAL OFFENDERS:</p> <ul style="list-style-type: none"> <li>- Citizen shall not be denied right to vote in Federal election because of previous criminal offense, unless citizen is imprisoned at time of election</li> </ul>
H.R. 2610 Patterson 1/27/77 House Admin.	<p>CAMPAIGN FINANCING - PUBLIC FINANCING - CONGRESSIONAL CAMPAIGNS:</p> <ul style="list-style-type: none"> <li>- Congressional General Election Payment Account established in the Presidential Election Campaign Fund for making matching payments to Congressional candidates to pay qualified expenses incurred by them in general election campaigns</li> <li>- In order to be eligible to receive funds, candidate must make certain agreements regarding expenditure limitations, etc., and must have collected minimum contributions after January</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 2610 cont.	<p>of the general election year in amount equal to 12% of expenditure limitation, with no portion of a contribution in excess of \$100 from one person counted</p> <ul style="list-style-type: none"> <li>- Payments of public funds will be made to match contributions received after January 1 of the general election year by eligible candidates, but aggregate payments may not exceed 50% of candidate's expenditure limitation</li> <li>- FEC must certify payments to candidates and its determinations are subject to judicial review</li> <li>- Commission is authorized to audit candidate's contributions and expenditures after the general election and may institute court action to recover public funds improperly spent</li> </ul> <p>CONTRIBUTION LIMITATION:</p> <ul style="list-style-type: none"> <li>- Contributions from a Congressional candidate's personal or family funds limited to \$10,000</li> </ul> <p>EXPENDITURE LIMITATION:</p> <ul style="list-style-type: none"> <li>- Senate candidates in primary --greater of: <ul style="list-style-type: none"> <li>a. 10 cents per voting age person, or</li> <li>b. \$125,000</li> </ul> </li> <li>- Senate candidates in general election --greater of: <ul style="list-style-type: none"> <li>a. 14.4 cents per voting age person, or</li> <li>b. \$200,000</li> </ul> </li> <li>- House candidate in a primary: \$100,000</li> <li>- House candidate in a general election: \$125,000</li> </ul>
H.R. 2619 Patterson 1/27/77 Judiciary	<p>FINANCIAL DISCLOSURE:</p> <ul style="list-style-type: none"> <li>- Requires Federal office candidates, Members of Congress, the President, Vice President, and high level Federal employees or military members to disclose the following regarding the preceding year: <ol style="list-style-type: none"> <li>1. Amount and source of each item of income or gift from one source exceeding \$100 received by the person, spouse or dependents;</li> <li>2. Value of each asset and amount of liability over \$1,000 held or owed by person, spouse or dependents;</li> <li>3. Dealings of over \$1,000 in securities or commodities by the person, by spouse and person jointly, or by any person acting on his behalf; and</li> <li>4. Purchases or sales of real property valuing</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 2619 cont.	<p>over \$1,000 by the person, spouse and person jointly, or person acting on his behalf</p> <ul style="list-style-type: none"> <li>- Required reports must be filed with the Comptroller General annually by May 15 (candidate must file within 1 month after becoming a candidate for office), and shall be made available to the public</li> <li>- Criminal penalty provided for individual falsifying or failing to file report</li> </ul>
H.R. 2716 Kastenmeier	Identical to H.R. 1
H.R. 2891 Young 2/1/77 House Admin.	<p>CANDIDATES - QUALIFICATIONS:</p> <ul style="list-style-type: none"> <li>- Requires candidates for Federal elective office to resign any elective public office the term of which ends after the beginning of the term of such Federal office before filing in the general election for such Federal office</li> </ul>
H.R. 2969 Clay	Identical to H.R. 10
H.R. 2927 St Germain 2/1/77 Post Office & Civil Service	<p>DAY FOR HOLDING ELECTIONS - HOLIDAY:</p> <ul style="list-style-type: none"> <li>- Makes Presidential Election Day a legal public holiday</li> </ul>
H.R. 2979 Cornell 2/2/77 House Admin.	<p>CAMPAIGN FINANCING - PUBLIC FINANCING - CONGRESSIONAL CAMPAIGNS:</p> <ul style="list-style-type: none"> <li>- Congressional Election Account established in the Presidential Election Campaign Fund for the payment of campaign expenses incurred by Congressional candidates in general and primary election campaigns</li> <li>- FEC must certify all payments to candidates and decisions are subject to judicial review</li> <li>- To be eligible to receive public funding, a candidate has to make certain agreements relating to record keeping, auditing, contribution and expenditure limitations, etc., and candidate is required to certify that he has received minimum contributions as follows, with no portion of a</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 2979 cont.	<p>contribution in excess of \$100 from one person counted:</p> <ol style="list-style-type: none"> <li>1. Representative --\$5,000</li> <li>2. Senate --Lesser of (a) 15% of expenditure limit or (b) \$100,000</li> </ol> <p>- Only candidates seeking nomination by a political party eligible to receive funds for a primary election campaign</p> <p>- Entitlements:</p> <ol style="list-style-type: none"> <li>1. Primary Election - Congressional candidates entitled to matching payments in an amount equal to the first \$100 received from each contributor for that campaign</li> <li>2. General Election: <ol style="list-style-type: none"> <li>a. Major party congressional candidates -- entitled to payments equaling their expenditure limitations</li> <li>b. Minor party congressional candidates -- entitled to an amount bearing the same ratio to the amount allowed a major party candidate as the number of votes won in the last election by the minor party candidate bears to the average number of votes won by the major party candidates for the same office in the last election</li> <li>c. Minor party or new party candidates who win 5% of the votes cast in the election are entitled to an amount representing the same ratio set forth for minor party candidates</li> </ol> </li> </ol> <p>EXPENDITURE LIMITATIONS:</p> <p>- Candidates receiving public funds are limited to the following expenditures in any campaign for nomination or election:</p> <ol style="list-style-type: none"> <li>1. Senator --greater of: (a) 14.4 cents per voting age person or (2) \$180,000</li> <li>2. Representative --\$180,000</li> </ol>
H.R. 2988 Frenzel 2/2/77 Post Office & Civil Service	<p>FRANKING PRIVILEGE:</p> <p>- Increases from 28 days to 90 days the period before an election during which mass mailings under the frank are prohibited</p>
	<p style="text-align: center;">229</p>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 3208 Young 2/7/77 House Admin.	CAMPAIGN FINANCING - PUBLIC FINANCING: - Prohibits candidate for Presidential nomination from receiving matching public funds for contributions received after he has withdrawn as a candidate
H.R. 3320 Bedell 2/9/77 House Admin.	CAMPAIGN FINANCING - EXCESS CONTRIBUTIONS: - Requires candidates for Federal office to return excess campaign contributions to the contributors or to deposit them in the Presidential Election Campaign Fund
H.R. 3410 Hamilton 2/9/77 House Admin.	PRIMARY ELECTIONS - PRESIDENTIAL - REGIONAL: - Establishes six regional primary elections at which voters will express preference for Presidential nominees - Primaries to be held on different dates, the first in March and the last in June of a Presidential year - Voters may vote only for candidates of the voters' registered party affiliation or if voter registered as independent only for one candidate seeking nomination - Ballots to select convention delegates must indicate name of party candidate or indicate if delegate isn't committed to any one candidate - In order to receive matching payments of public funds for primary campaign, candidate must agree to appear on ballot in at least one State in each of the six regions
H.R. 3419 Ketchum	Identical to H.R. 428
H.R. 3481 Clay	Identical to H.R. 10
H.R. 3645 Fisher 2/17/77 Post Office & Civil Service	GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT: - Removes some of the present prohibitions barring Federal and D.C. employees from taking an active part in political campaigns by allowing them to participate in politics at the State and local levels
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BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 3752 Koch 2/22/77 House Admin.	<p>CAMPAIGN FINANCING - CONTRIBUTIONS - ADVERTISING:</p> <ul style="list-style-type: none"> <li>- Excludes from treatment as contributions the cost of bumper stickers, campaign buttons and, within certain limitations, other political advertisements, so long as they advocate the election of a Federal office candidate and another candidate and the cost is paid by a Federal, State or local candidate or the organization of such a candidate</li> </ul>
H. R. 3821 Ford 2/22/77 Post Office & Civil	<p>ABSENTEE BALLOTS - POSTAGE RATES:</p> <ul style="list-style-type: none"> <li>- Authorizes mailing of absentee voting matter free of postage</li> </ul>
H. R. 3828 Schroeder 2/22/77 Judiciary	<p>FINANCIAL DISCLOSURE:</p> <ul style="list-style-type: none"> <li>- Requires Federal office candidates, Members of Congress, the President, Vice President, Presidential nominees, Federal judges, high level Federal employees, and military members of a high level as well as those determined necessary to file by administering officer, to disclose the following regarding the preceding year: <ol style="list-style-type: none"> <li>1. Amount and source of each item of income, reimbursement or gift(s) from one source exceeding \$100 received by individual, spouse, dependents or any person acting on his behalf;</li> <li>2. Identity and amount category of each asset and liability over \$1,000 (except for personal items) held by individual, spouse, dependents or any person acting on his behalf;</li> <li>3. Identity and amount category of dealings of over \$1,000 in securities or commodity futures by the person, spouse, dependents or person acting on his behalf;</li> <li>4. Identity and amount category of real property purchased or sold by individual, spouse, dependents or person acting on his behalf if over \$1,000;</li> <li>5. Nature of any patent right held by individual, spouse, dependents or any person acting on his behalf;</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 3828 cont.	<p>6. Description of any agreement regarding future employment following Government position; and</p> <p>7. Identity of position held with corporation or business enterprise</p> <ul style="list-style-type: none"> <li>- Requires high level Federal employees and military members as designated above to disclose identity of non-Governmental person who paid individual more than \$5,000 in preceding 5 years and nature of service rendered</li> <li>- Requires reports to be filed by May 15 (or if candidate, within 1 month after becomes a candidate and if Presidential nominee, within 10 days after nominated) as follows: <ol style="list-style-type: none"> <li>1. High level Federal employees (except those employees of legislative and judicial branches) file with the Civil Service Commission, copies to be filed also with the head of the appropriate agency</li> <li>2. Members, officers, and employees of the House and Senate file with the Clerk of the House and Secretary of the Senate respectively (special Government employees file with the latter)</li> <li>3. Federal judges and U.S. court employees file with the Director of the Administrative Office of the U.S. Courts</li> <li>4. Agency heads and Presidential appointees file with the Chairman of the Civil Service Commission</li> <li>5. Federal office candidates and Presidential nominees file with the FEC, and the latter also with appropriate Congressional committees</li> </ol> </li> <li>- An individual engaged in intelligence activities may be exempted from filing a report with the Civil Service Commission by the President if public disclosure of report would reveal identity of Federal Government undercover agent</li> <li>- The Comptroller General has access to all filed reports</li> <li>- Criminal penalty provided for individual falsifying or failing to file report</li> <li>- Reports will be released for public disclosure only with written request stating reason for request, purpose for which it will be used, and</li> </ul>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 3828 cont.	<p>believed basis of conflict of interest; and individual who filed report will be notified</p> <ul style="list-style-type: none"> <li>- Use of report for any commercial purpose, determination of individual's credit rating or solicitation is prohibited</li> </ul>
H. R. 3829 * Schroeder 2/22/77 Post Office & Civil Service, Armed Services, Standards of Official Conduct	----- ACTION
	<p>3/8, 22, 24 &amp; 25/77 - Hearings by Subcommittee on Ethics and Utilization</p> <p><b>FINANCIAL DISCLOSURE:</b></p> <ul style="list-style-type: none"> <li>- Requires Federal office candidates, Members of Congress, the President, Vice President, Presidential nominees, Federal judges, high level Federal employees, and military members of a high level as well as those determined necessary to file by administering officer to disclose the following regarding the preceding year:             <ol style="list-style-type: none"> <li>1. Amount and source of each item of income, reimbursement or gift(s) from one source exceeding \$100 received by individual, spouse, dependents or any person acting on his behalf;</li> <li>2. Identity and amount category of each asset and liability over \$1,000 (except for personal items) held by individual, spouse, dependents or any person acting on his behalf;</li> <li>3. Identity and amount category of dealings of over \$1,000 in securities or commodity futures by the person, spouse, dependents or person acting on his behalf;</li> <li>4. Identity and amount category of real property purchased or sold by individual, spouse, dependents or person acting on his behalf if over \$1,000;</li> <li>5. Nature of any patent right held by individual, spouse, dependents or any person acting on his behalf;</li> <li>6. Description of any agreement regarding future employment following Government position; and</li> <li>7. Identity of position held with corporation or business enterprise</li> </ol> </li> <li>- Requires high level Federal employees and military members as designated above to disclose</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 3829 cont.	<p>identity of non-Governmental person who paid individual more than \$5,000 in preceding 5 years and nature of service rendered</p> <ul style="list-style-type: none"> <li>- Required reports must be filed annually with the Commission on Ethics and Financial Disclosure by May 15, and copies of the report must also be filed with additional officials depending upon who is filing the report</li> <li>- An individual engaged in intelligence activities may be exempted from filing a report with the Commission by the President if public disclosure of report would reveal identity of Federal Government undercover agent</li> <li>- Criminal penalty provided for individual falsifying or failing to file report</li> <li>- Reports will be released for public disclosure only with written request stating reason for request, purpose for which it will be used, and believed basis of conflict of interest; and individual who filed report will be notified</li> <li>- Use of report for any commercial purpose, determination of individual's credit rating or solicitation is prohibited</li> <li>- Establishes 7-member Commission on Ethics and Financial Disclosure to investigate and report violations, develop and recommend procedures to carry out provisions, and to give advisory opinions to Federal employees who request information</li> </ul>
H. R. 4038 Luken 2/24/77 House Admin.	<p>CAMPAIGN FINANCING -- EXCESS CAMPAIGN FUNDS:</p> <ul style="list-style-type: none"> <li>- Prohibits candidates for Federal office from making personal use of excess campaign contributions</li> </ul>
H. R. 4119 Cohen 2/28/77 House Admin.	<p>ASSISTANCE TO VOTERS - HANDICAPPED AND ELDERLY:</p> <ul style="list-style-type: none"> <li>- Directs the Attorney General to establish standards for polling and registration places for Federal elections so that they are accessible to physically handicapped and elderly individuals</li> <li>- Requires States to provide alternative method of voting for such individuals, including paper ballots</li> </ul>
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BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 4183 Fisher 3/1/77 Judiciary	<p><b>FINANCIAL DISCLOSURE:</b></p> <ul style="list-style-type: none"> <li>- Requires Federal office candidates, Members of Congress, the President, Vice President, and high level Federal employees or military members to disclose the following regarding the preceding year: <ol style="list-style-type: none"> <li>1. Amount and source of each item of income or gift(s) from one source exceeding \$500 received by the person, spouse or dependents;</li> <li>2. Value of each asset and amount of liability over \$5,000 held or owed by person, spouse or dependents;</li> <li>3. Dealings of over \$1,000 in securities or commodities by the person, by spouse and person jointly, or by person acting on his behalf; and</li> <li>4. Purchases or sales of real property valuing over \$5,000 by the person, spouse and person jointly, or person acting on his behalf</li> </ol> </li> <li>- Required reports must be filed with the Comptroller General annually by May 15 (candidate must file within 1 month after becoming a candidate for office), and shall be made available to the public</li> <li>- Criminal penalty provided for individual falsifying or failing to file report</li> </ul>
H.R. 4195 Kastenmeier	<p>Identical to H.R. 1</p>
H.R. 4307 Patterson 3/2/77 House Admin.	<p><b>CAMPAIGN FINANCING - EXCESS CAMPAIGN FUNDS:</b></p> <ul style="list-style-type: none"> <li>- Excess campaign contributions must either be used by a candidate for another campaign within 2 years; be returned to the persons making such contributions; be deposited in the Presidential Election Campaign Fund; or, where the candidate is elected, be used to support his activities as an officeholder</li> </ul>
H.R. 4329 Udall 3/2/77 House Admin.	<p><b>PRIMARY ELECTIONS - PRESIDENTIAL - STATE:</b></p> <ul style="list-style-type: none"> <li>- States holding Presidential primary elections must meet requirements as to dates for holding such primaries, entitlement to placement on the ballot, elector's qualifications, and runoff elections</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 4329 cont.	<ul style="list-style-type: none"> <li>- Primaries must take place on specified dates in March, April, May or June</li> <li>- Except for residency requirements, voters must have qualifications requisite for the most numerous branch of the State Legislature and may only vote in the primary of the party of their registered affiliation</li> <li>- Candidates to appear on the ballot if they are either designated by the FEC or have gained placement on ballot by filing petitions bearing signatures of party members equal in number to at least 1% of the total number of votes cast for Presidential electors in the State in the last election</li> <li>- Candidates will be allocated a number of delegate votes for the first ballot proportionate to the number of votes cast for them</li> </ul>
H. R. 4453 Rodino	Identical to H. R. 3828
H. R. 4454 Rodino 3/3/77 Judiciary, Post Office & Civil Service, Armed Services, & Standards of Official Conduct	<p><b>FINANCIAL DISCLOSURE:</b></p> <ul style="list-style-type: none"> <li>- Requires Federal office candidates, Members of Congress, the President, Vice President, Presidential nominees, Federal judges, high level Federal employees, and military members of a high level as well as those determined necessary to file by administering officer to disclose the following regarding the preceding year:               <ol style="list-style-type: none"> <li>1. Amount and source of each item of income, reimbursement or gift(s) from one source exceeding \$100 received by individual, spouse, dependents or any person acting on his behalf;</li> <li>2. Identity and amount category of each asset and liability over \$1,000 (except for personal items) held by individual, spouse, dependents or any person acting on his behalf;</li> <li>3. Identity and amount category of dealings of over \$1,000 in securities or commodity futures by the individual, spouse, dependents or any person acting on his behalf;</li> <li>4. Identity and amount category of real property purchased or sold by individual, spouse,</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 4454 cont.	<p>dependents or any person acting on his behalf if over \$1,000;</p> <p>5. Nature of any patent right held by individual, spouse, dependents or any person acting on his behalf;</p> <p>6. Description of any agreement regarding future employment following Government position; and</p> <p>7. Identity of position held with corporation or business enterprise</p> <ul style="list-style-type: none"> <li>- Requires high level Federal employees and military members as designated above to disclose identity of non-Governmental person who paid individual more than \$5,000 in preceding 5 years and nature of service rendered</li> <li>- Required reports must be filed annually with the Commission on Ethics and Financial Disclosure by May 15, and copies of the report must also be filed with additional officials depending upon who is filing the report</li> <li>- Allows the Comptroller General to have access to filed reports for carrying out his statutory responsibilities</li> <li>- An individual engaged in intelligence activities may be exempted from filing a report with the Commission by the President if public disclosure of report would reveal identity of Federal Government undercover agent</li> <li>- Criminal penalty provided for individual falsifying or failing to file report</li> <li>- Reports will be released for public disclosure only with written request stating reason for request, purpose for which it will be used, and believed basis of conflict of interest; and individual who filed report will be notified</li> <li>- Use of report for any commercial purpose, determination of individual's credit rating or solicitation is prohibited</li> <li>- Establishes 7-member Commission on Ethics and Financial Disclosure to investigate and report violations, to develop and recommend procedures to carry out provisions, and to give advisory opinions to Federal employees who request information</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 4500 Weiss 3/4/77 House Admin.	DAY FOR HOLDING ELECTIONS - FEDERAL PRIMARY: - Establishes the third Tuesday in June of each year as the last day on which a State may hold a primary election for any Federal office
H.R. 4519 Ottinger 3/4/77 House Admin.	PRIMARY ELECTIONS - PRESIDENTIAL - REGIONAL: - Provides that regional primaries will be held during each Presidential election year on 5 different dates beginning in April - Candidates certified by the FEC to receive public financing for their primary campaigns shall be placed on the ballot; in addition candidates may have their names placed on the ballot of any State participating in the primary if they present a petition signed by at least 1% of persons regis- tered to vote in the State - Voter may vote only for candidates of the regis- tered party affiliation candidate, or until two bal- lots have been taken or if the candidate receives under 20% of the votes on a ballot - Commission to reimburse States for the cost of primaries
H.R. 4949 Kastenmeier	Identical to H.R. 1
H.R. 4950 Kastenmeier	Identical to H.R. 1
H.R. 5061 Kastenmeier	Identical to H.R. 1
H.R. 5116 McHugh, Maguire 3/16/77 House Admin.	ACTION
	5/18 & 19; 6/21, 23 & 28; 7/12/77 - Hearings before full Com. on public financing in general
	CAMPAIGN FINANCING - PUBLIC FINANCING - CONGRESSIONAL CAMPAIGNS: - Congressional Election Payment Account established in the Presidential Election Cam- paign Fund for the payment of qualified campaign expenses incurred by Congressional candidates in primary and general election campaigns - To be eligible to receive payments, candidate

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 5116 cont.	<p>must make certain agreements regarding record keeping, auditing, expenditure limitations, and candidate is required to have received the following minimum contributions:</p> <ol style="list-style-type: none"> <li>1. House: \$7,500</li> <li>2. Senate: greater of \$7,500 or 2 cents per voting age person</li> </ol> <ul style="list-style-type: none"> <li>- Entitlements - Eligible candidates entitled to matching payments equal to amount of contributions from residents of State in which election is held</li> <li>- Candidate who is not political party candidate will not be entitled to receive matching payments for primary campaign after the date of the last primary election held by a political party to nominate a candidate for the same office</li> <li>- In order to count toward threshold amount of minimum contributions or to be matched, contribution must be made during the calendar year of the election or the year immediately preceding</li> <li>- The total amount of public funds which a candidate may receive may not exceed 50% of his expenditure limitation</li> <li>- No contribution will be counted toward minimum or will be matched to the extent that it exceeds \$100 per contributor</li> <li>- FEC must certify all payments and determinations are subject to judicial review</li> <li>- If funds in Account are insufficient to pay full entitlement of all candidates, they will receive pro rata share</li> <li>- Criminal penalties prescribed for excess campaign expenditures, unlawful use of payments, false statements to FEC, kickbacks or making illegal payments</li> </ul> <p>EXPENDITURE LIMITATIONS:</p> <ul style="list-style-type: none"> <li>- Candidates receiving public funds must agree to the following expenditure limitations: <ol style="list-style-type: none"> <li>1. Senate: <ol style="list-style-type: none"> <li>a. Primary - greater of: 8 cents per voting age person or \$80,000</li> <li>b. General Election - greater of: 12 cents per voting age person or \$80,000</li> </ol> </li> <li>2. House: \$80,000 in a primary or general election</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 5116 cont.	<ul style="list-style-type: none"> <li>- Candidate who does not receive public funds and is not subject to limitations must report to FEC within 48 hours after first making expenditures in excess of the limitations applicable to candidates receiving public funding</li> <li>- When candidate reports to FEC that he has exceeded expenditure limitations, no other candidate in race will be subject to limitations, regardless of whether or not public funds are accepted</li> <li>- Excluded from the expenditure limitations are fundraising costs of up to 20% of the candidate's expenditure limitation, but this exemption is reduced proportionately for amount of public funding accepted</li> <li>- In addition to candidate's expenditure limitation, political party may expend certain amounts on general election campaign (See 2 U.S.C. § 441 a(d))</li> </ul>
H.R. 5157 Udall, Anderson 3/16/77 House Admin.	ACTION
	5/18 & 19; 6/21, 23 & 28; 7/12/77 - Hearings before full Com. on public financing in general
	<p><b>CAMPAIGN FINANCING - PUBLIC FINANCING - CONGRESSIONAL CAMPAIGNS:</b></p> <ul style="list-style-type: none"> <li>- Congressional General Election Account established in the Presidential Election Campaign Fund for the payment of qualified campaign expenses incurred by Congressional candidates in general campaigns</li> <li>- To be eligible to receive payments, candidate must make certain agreements regarding record keeping, auditing, and expenditure limitations, and also must certify that he has qualified to have his name on the ballot and that he has received the following minimum contributions:               <ol style="list-style-type: none"> <li>1. House: \$10,000</li> <li>2. Senate: 10% of expenditure limitation</li> </ol> </li> <li>- Entitlements: Eligible candidates entitled to matching payments equal to amount of contributions received during matching payment period beginning on January 1 of election year and ending on election day, but the total amount of payments to a candidate may not exceed \$50,000 for a House candidate, or \$ _____ for a Senate candidate</li> </ul>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 5157 cont.	<ul style="list-style-type: none"> <li>- The aggregate amount of payments to all candidates for a Congressional office in one election shall not exceed twice the maximum amount to which any one candidate is entitled</li> <li>- Candidate will receive public funds only if opposed</li> <li>- No contribution will be counted toward the minimum or will be matched to the extent that it exceeds \$100 per contributor</li> <li>- FEC must certify all payments and determinations are subject to judicial review</li> <li>- If funds in Account are insufficient to pay full entitlement of all candidates, they will receive pro rata share</li> <li>- Criminal penalties prescribed for excess campaign expenditures, unlawful use of payments, false statements to FEC, kickbacks or making illegal payments</li> </ul> <p>PRESIDENTIAL CAMPAIGNS:</p> <ul style="list-style-type: none"> <li>- Changes the amounts to which Presidential candidates are entitled in general election campaigns by allowing them to choose between the following alternate systems:             <ol style="list-style-type: none"> <li>1. Major party candidates would receive \$25 million, which would be \$5 million less than their expenditure limitation, but they could accept \$5 million in private contributions (at present, they may receive the full amount of their expenditure limitation, which is \$20 million and no private contributions); and minor party candidates would continue to receive an amount based on ratio to the major party candidate entitlement; or</li> <li>2. Both major and minor party candidates could elect to receive matching payments to equal contributions received during matching payment period (but contribution will not be matched to the extent it exceeds \$250 per contribution), and total payment of public funds cannot exceed \$15 million, which is one half the expenditure limitation for candidates</li> </ol> </li> </ul> <p>EXPENDITURE LIMITATIONS:</p> <ul style="list-style-type: none"> <li>- Candidates receiving public funds must agree to the following expenditure limitations:             <ol style="list-style-type: none"> <li>1. House general election campaign: \$150,000</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 5157 cont.	<p>2. Senate general election campaign: \$ _____</p> <p>3. From personal or family funds - House: \$25,000; Senate: \$35,000</p> <ul style="list-style-type: none"> <li>- Expenditure limitation for Presidential candidates receiving public funds is raised from \$20 million to \$30 million for general election campaigns</li> <li>- Where Presidential candidate accepts \$25 million in public funds for general election campaign, present prohibition on private contributions is removed by permitting him to accept an aggregate amount of \$5 million in private contributions or to accept contributions of \$50 or less from organizations or groups, but such contributions may be accepted only to defray qualified campaign expenses</li> <li>- Candidate who does not receive public funds and is not subject to limitations must notify FEC when his expenditures exceed limitations applicable to candidates receiving public funding and at that time no other candidate in race will be subject to limitations, regardless of whether or not public funds are accepted</li> <li>- In addition to candidate's expenditure limitation, political party may expend certain amounts on general election campaign (See 2 U.S.C. §441a(d)) and present expenditure limitations would be increased by permitting political party State committees to spend the greater of 2 cents per voting age person in State or \$20,000 on general election campaign of party Presidential candidate</li> <li>- Excluded from the expenditure limitations are fundraising costs of up to 20% of the candidate's expenditure limitations, but this exemption is reduced in proportion to the amount of public funding accepted</li> </ul>
H.R. 5158 Burton	Identical to H.R. 5157
H.R. 5159 Anderson	Identical to H.R. 5157
H.R. 5160 Udall	Identical to H.R. 5157
	<p style="text-align: center;">242</p>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 5161 Burton	Identical to H.R. 5157
H.R. 5177 Cornell 3/17/77 Post Office & Civil Service	DAY FOR HOLDING ELECTIONS - HOLIDAY: - Designates election day a national holiday
H.R. 5193 Kastenmeier	Identical to H.R. 1
H.R. 5338 Kemp	Identical to H.R. 1831
H.R. 5400 * Thompson 3/22/77 House Admin.	<p style="text-align: center;">ACTION</p> <p>4/6, 21, 26, 27, &amp; 28/77 - Hearings by House Administration Committee 5/13/77 - Reported from Com., H. Rept. 95-318 No further action is scheduled</p> <p><b>SAME DAY VOTER REGISTRATION:</b></p> <ul style="list-style-type: none"> <li>- Establishes Administrator of Voter Registration within and to be appointed by the FEC</li> <li>- Requires State and local governments to permit qualified voters to register and vote on election day, although each State and local government should continue their efforts to encourage individuals' registration before election day</li> <li>- Provisions would become effective in 1978 unless State requests a waiver until 1980</li> <li>- Individual registering on election day must establish his identity, residence and qualifications by signing an affidavit and may also be required to provide other forms of identification as approved by the Commission</li> <li>- Commission to make grants to States for establishing same day voter registration programs, and States which are deemed in compliance with the provisions of the Act will receive 35 cents per 1976 voter</li> <li>- Civil and criminal penalties are specified for violations of the Act</li> </ul>
H.R. 5583 Kastenmeier	Identical to H.R. 1

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 6120 Cohen	Identical to S. 1345
H.R. 6121 Cohen	Identical to S. 1345
H.R. 6122 Cohen	Identical to S. 1345
H.R. 6131 Erlenborn 4/6/77 House Admin.	CAMPAIGN FINANCING - PUBLIC FINANCING: - Repeals the Presidential Primary Matching Payment Act EXPENDITURE LIMITATION: - Removes limitation for Presidential primary candidates
H.R. 6132 Erlenborn 4/6/77 House Admin.	CAMPAIGN FINANCING - CAMPAIGN LIMITATIONS: - Prohibits political committees other than national, State or local political party committees from making contributions to any candidate
H.R. 6142 Kastenmeier	Identical to H.R. 1
H.R. 6171 Udall	Identical to H.R. 5157
H.R. 6174 Wirth	Identical to H.R. 5400
H.R. 6175 Wirth	Identical to H.R. 5400
H.R. 6209 McHugh	Identical to H.R. 5116
H.R. 6294 Clay	Identical to H.R. 10
H.R. 6295 Cohen	Identical to S. 1345

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 6426 Risenhoover	Identical to H.R. 428
H.R. 6448 Udall	Identical to H.R. 5157
H.R. 6595 Erlenborn	Identical to H.R. 6131
H.R. 6650 Crane 4/26/77 Education and Labor	CAMPAIGN FINANCING: - Prohibits use for political purposes any part of the dues, assessments, or other moneys collected by labor organizations from their members
H.R. 6819 Leggett 5/2/77 House Admin.	DAY FOR HOLDING ELECTIONS - DESIGNATE: - Requires that Federal primaries be held on the last weekend in June and Federal general elections on the first weekend in November TIME TO VOTE: - Requires that polling places be open for at least eight hours during each election day
H.R. 6830 Pease 5/2/77 Ways and Means	CAMPAIGN FINANCING - PUBLIC FINANCING - TAX CREDIT: - Lowers tax credit for political contributions to Congressional candidates from \$25 (\$50 joint) to \$10 (\$20 joint)
H.R. 6858 Mikva 5/3/77 Judiciary	VOTING RIGHT ACT: - Amends the Voting Rights Act of 1965 so that the provisions with respect to residence requirements for voting and the casting of absentee ballots will apply in elections of all Federal officers
H.R. 6859 Mikva 5/3/77 House Admin.	BALLOTS - FEDERAL CANDIDATES: - Requires that any listing of candidates for Federal office shall appear on election ballots before any other listing

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 6865 Quie 5/3/77 House Admin.	<b>PRIMARIES - PRESIDENTIAL:</b> <ul style="list-style-type: none"> <li>- Presidential and Vice Presidential candidates will be chosen in a national primary to be held in each State in August of every Presidential election year</li> <li>- Candidates in primary must be of a qualified political party and must meet certain petition requirements</li> <li>- Candidate winning majority of vote cast in primary will be his party's candidate at general election</li> <li>- Run off will be held if no candidate receives majority of vote</li> </ul>
H.R. 6902 Pattison	Identical to H.R. 5400
H.R. 6930 Vento	Identical to H.R. 5400
H.R. 6936 * Thompson 5/5/77 House Admin.	ACTION
	5/13/77 - Reported from Com., H. Rept. 95-309 7/18/77 - Passed House and tabled; S. 1435 as passed in lieu thereof
	<b>FEDERAL ELECTION COMMISSION - APPROPRIATIONS:</b> <ul style="list-style-type: none"> <li>- Authorizes appropriations for the FEC</li> </ul>
H.R. 6954 Rodino 5/5/77 Post Office & Civil Service	ACTION
	6/16 & 23/77 - Hearings before Com. 9/28/77 - Reported from Com., H. Rept. 95-642
	<b>FINANCIAL DISCLOSURE:</b> <ul style="list-style-type: none"> <li>- Requires Federal office candidates, Members of Congress, the President, Vice President, Federal officials and employees, and certain nominees for Presidential appointment to disclose the following regarding the preceding year: <ol style="list-style-type: none"> <li>1. Amount and source of each item of income, reimbursement or gift(s) (except for personal hospitality) from one source exceeding \$100;</li> <li>2. Description of and amount category of property over \$1,000 held in trade, business or investment</li> <li>3. Description and amount category of liabilities over \$2,500</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 6954 cont.	<p>4. Identity of positions held as an officer, partner, consultant, etc.;</p> <p>5. Information concerning agreements or understandings with respect to employment after government service; and</p> <p>6. Income, property and liabilities attributable to any partnership, corporation or trust, other than a blind trust in which substantial interest held, but only identities of parties need be reported unless individual's official duties involved</p> <ul style="list-style-type: none"> <li>- Director of Office of Government Ethics which is established in Civil Service Commission may be regulation exclude certain information from reporting requirements</li> <li>- Disclosure of above information also required for spouses, minor children and other relatives residing with individuals, except for earned income</li> <li>- Reports to be filed May 15 of each year and must cover preceding year (for candidates, 30 days after becoming candidate)</li> <li>- Reports to be filed with Director of Government Ethics Office, which is responsible for advising reporting individuals as to compliance with conflicts and ethics standards</li> <li>- President may provide exemptions from reporting requirements for personnel in intelligence activities</li> <li>- Reports generally to be made available to public offer reviewed for compliance</li> <li>- Strengthens post employment restrictions for government personnel</li> </ul>
H.R. 7001 Baldus	Identical to S. 1320
H.R. 7005 Erlenborn	Identical to H.R. 6132
H.R. 7039 Beard 5/10/77 Judiciary	<p>QUALIFICATIONS TO VOTE - CRIMINAL OFFENDERS:</p> <ul style="list-style-type: none"> <li>- A U.S. citizen shall not be denied the right to vote in Federal elections because of previous criminal</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 7039 cont.	offense as long as he has completed his imprisonment, paid all levied fees, and satisfied any other penalties
H. R. 7052 Kastenmeier	Identical to H. R. 2438
H. R. 7190 Patterson 5/13/77 House Admin.	<p>CAMPAIGN FINANCING - PUBLIC FINANCING - CONGRESSIONAL CAMPAIGNS:</p> <ul style="list-style-type: none"> <li>- Congressional General Election Payment Account established in the Presidential Election Campaign Fund for making matching payments to Congressional candidates to pay qualified expenses incurred by them in general election campaigns</li> <li>- In order to be eligible to receive funds, candidate must make certain agreements regarding expenditure limitations, etc., and must have collected minimum contributions after January of the general election year in amount equal to 12% of expenditure limitation, with no portion of a contribution in excess of \$100 from one person counted</li> <li>- Payments of public funds will be made to match contributions received after January 1 of the general election year by eligible candidates, but aggregate payments may not exceed 50% of candidate's expenditure limitation</li> <li>- FEC must certify payments to candidates and its determinations are subject to judicial review</li> <li>- Commission is authorized to audit candidate's contributions and expenditures after the general election and may institute court action to recover public funds improperly spent</li> </ul> <p>CONTRIBUTION LIMITATION:</p> <ul style="list-style-type: none"> <li>- Contributions from a Congressional candidate's personal or family funds limited to \$10,000</li> </ul> <p>EXPENDITURE LIMITATION:</p> <ul style="list-style-type: none"> <li>- Senate candidates in general election --greater of: <ul style="list-style-type: none"> <li>a. 14.4 cents per voting age person, or</li> <li>b. \$200,000</li> </ul> </li> <li>- House candidate in a primary: \$100,000</li> <li>- House candidate in a general election: \$125,000</li> </ul>
H. R. 7260 Baldus	Identical to S. 1320
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BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 7293 Udall	Identical to H. R. 5157
H. R. 7401 * Preyer 5/24/77 Select Committee on Ethics	ACTION
	6/7/77 - Hearings before Com. 8/5/77 - Reported from Com., H. Rept. 95-574
	<p>FINANCIAL DISCLOSURE:</p> <ul style="list-style-type: none"> <li>- Requires Members of Congress and candidates, officers of either House of Congress, and certain individuals employed by Members of Congress or committees of Congress to disclose the following regarding the preceding year:             <ol style="list-style-type: none"> <li>1. Amount and source of each item of income (including honoraria) exceeding \$100 received by individual or spouse; earned income over \$1,000 must be disclosed;</li> <li>2. Identity of source, description and value of gift(s) of transportation, lodging and food from one source exceeding \$250 and other gift(s) from one source exceeding \$100 (gifts of up to \$35 need not be reported) received by individual (Congressional candidates are not required to disclose this information nor are spouses except where gift is not independently made to individual);</li> <li>3. Amount and identity of reimbursements from one source exceeding \$250 received by individual or spouse (with the exception of Congressional candidates and spouses who must only disclose where reimbursement is not independent of them);</li> <li>4. Identity and amount category of each personal liability owed exceeding \$2,500 by individual or spouse (excluding any mortgage of individual's or spouse's residence);</li> <li>5. Identity and amount category of dealings of over \$1,000 in securities or commodity futures by individual or spouse;</li> <li>6. Identity and amount category of property held for trade, business, investment or production of income held by individual or spouse if over \$1,000;</li> <li>7. Identity and amount category of real property purchased or sold by individual or spouse if</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 7401 cont.	<p>over \$1,000 (spouse's and individual's residence excluded); and</p> <p>8. Holdings of and income from trust or other financial arrangement received by individual, spouse or dependents, except for blind trusts where category of net cash value of interest and amount of income must be disclosed</p> <ul style="list-style-type: none"> <li>- In case of liabilities, securities, commodities, business investments and real property which are the spouse's sole financial interest and from which individual receives no financial benefit, no disclosure is required</li> <li>- Requires reports to be filed by May 15 (or if candidate, within 15 days after becoming candidate) with specified officials, depending upon who is filing</li> <li>- Reports will be made available for public inspection, and individual copies may be attained upon request</li> <li>- Procedures for review will be established by the Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives, and such committees shall refer to the Attorney General names of individuals who failed to file or who falsified information</li> <li>- Criminal penalty provided for individual falsifying or failing to file report</li> </ul>
H.R. 7499 Brinkley	Identical to H.R. 5157
H.R. 7585 Schulze	Identical to H.R. 6132
H.R. 7792 * Udall 6/14/77 Select Committee on Ethics	ACTION
	6/24/77 - Reported from Com., H. Rept. 95-465
	7/12/77 - Passed House
	<p><b>FRANKING PRIVILEGE:</b></p> <ul style="list-style-type: none"> <li>- Prohibits mass mailings under the frank less than 60 days before primary or general election in which Member is a candidate</li> <li>- Prohibits House Member who is candidate for another office from making a mass mailing under the frank: (1) to an area outside his own district</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 7792 cont.	<p>if the area is within his future constituency; or (2) less than 60 days before election in which Member is candidate</p> <ul style="list-style-type: none"> <li>- Restrictions on mass mailings by candidate do not apply to chairmen of congressional committees, subcommittees, Democratic Caucus or Republican Conference if mailing relates to the normal business of the organization</li> <li>- Generally limits rate of postage and amount of certain types of mailings under frank</li> <li>- Mass mailings are not frankable unless the cost of their preparation and printing is defrayed from appropriated funds</li> </ul>
H. R. 7863 Jacobs 6/17/77 House Admin.	<p>CAMPAIGN FINANCING - PUBLIC FINANCING - ADVERTISING:</p> <ul style="list-style-type: none"> <li>- Provides for public financing of advertising expenses of House candidates</li> </ul> <p>CONTRIBUTION LIMITATIONS:</p> <ul style="list-style-type: none"> <li>- Limits contributions to House candidates to \$100 per election</li> </ul>
H. R. 7966 Leach 6/22/77 House Admin.	<p>CAMPAIGN FINANCING - PUBLIC FINANCING - CONGRESSIONAL CAMPAIGNS:</p> <ul style="list-style-type: none"> <li>- Congressional Elections Campaign Fund established for the payment of campaign expenses incurred by Congressional candidates in primary and general election campaigns</li> <li>- Permits individuals whose tax liability is \$2 or more to designate \$2 to be paid for financing of campaigns for Federal office (\$1 to the Presidential Election Campaign Fund and \$1 to the Congressional Election Campaign Fund)</li> <li>- To be eligible to receive public funding, candidate must make certain agreements relating to record keeping, auditing, contribution and expenditure limitations, etc. and candidate must certify that he has received minimum contributions as follows: <ol style="list-style-type: none"> <li>1. Senate --the greater of: \$20,000 or an amount equal to the voting age population times 1.6 cents</li> <li>2. House: \$10,000</li> </ol> </li> <li>- Any contributions exceeding total amount of \$250</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 7966 cont.	<p>contributed by one person to a candidate during the election cycle will be disregarded</p> <ul style="list-style-type: none"> <li>- Eligible candidates entitled to payments equal to contributions to candidate and his authorized committee, disregarding amount of any contribution exceeding a total amount of \$250 from one person, and contributions used to meet qualifying requirement or received after the date of the general election (contributions not to include subscriptions, loans, advances, or deposits of money, or anything of value)</li> <li>- Total amount of payments candidate entitled to may not exceed:               <ol style="list-style-type: none"> <li>1. Senate candidates in primary or general election campaigns --the greater of: \$10,000 or amount equal to the voting age population times 8 cents</li> <li>2. House candidates in primary or general election campaigns: \$50,000</li> </ol> </li> <li>- FEC must certify all payments to candidates and decisions are subject to judicial review</li> <li>- If funds in Account are insufficient to pay full entitlement to all candidates, they will receive a pro rata share; and any money remaining in the Fund after all eligible candidates have received their entitlement will be transferred to the general fund of the Treasury</li> </ul> <p>CONTRIBUTIONS - PROHIBITED:</p> <ul style="list-style-type: none"> <li>- Prohibits candidate from accepting contribution from individual who does not live in area election is held</li> <li>- Prohibits contributions by groups or organizations except for political party committees</li> </ul>
H.R. 7958 Heckler 6/22/77 Post Office & Civil Service	<p>GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT:</p> <ul style="list-style-type: none"> <li>- Removes some of the present prohibitions barring Federal and D.C. employees from taking an active part in political campaigns by allowing them to participate in politics at the State and local levels</li> </ul>
H.R. 8084 Cohen	Identical to S. 1345

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
<p>H.R. 8092 Leach 4/29/77 House Admin.</p>	<p>CAMPAIGN FINANCING - PUBLIC FINANCING - CONGRESSIONAL CAMPAIGNS:</p> <ul style="list-style-type: none"> <li>- Congressional Elections Campaign Fund established for the payment of campaign expenses incurred by Congressional candidates in primary and general election campaigns</li> <li>- Permits individuals whose tax liability is \$2 or more to designate \$2 to be paid for financing of campaigns for Federal office (\$1 for the Presidential Election Campaign Fund and \$1 to the Congressional Election Campaign Fund)</li> <li>- To be eligible to receive public funding, candidate must make certain agreements relating to record keeping, auditing, contribution and expenditure limitations, etc. and candidate must certify that he has received minimum contributions as follows: <ol style="list-style-type: none"> <li>1. Senate --the greater of: \$20,000 or an amount equal to the voting age population times 1.6 cents</li> <li>2. House: \$10,000</li> </ol> </li> <li>- Any contributions exceeding total amount of \$250 contributed by one person to a candidate during the election cycle will be disregarded</li> <li>- Eligible candidates entitled to payments equal to contributions to candidate and his authorized committee, disregarding amount of any contributions exceeding a total amount of \$250 from one person, and contributions used to meet qualifying requirement or received after the date of the general election (contributions not to include subscriptions, loans, advances, or deposits of money, or anything of value)</li> <li>- Total amount of payments candidate entitled to may not exceed: <ol style="list-style-type: none"> <li>1. Senate candidates for primary and general election campaigns --the greater of: \$10,000 or an amount equal to the voting age population times 8 cents</li> <li>2. Senate challengers to incumbents --the greater of: \$150,000 or an amount equal to the voting age population times 12 cents</li> <li>3. House candidates for primary and general election campaigns: \$50,000</li> <li>4. House challengers to incumbents: \$75,000</li> </ol> </li> <li>- FEC must certify all payments to candidates and decisions are subject to judicial review</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 8092 cont.	<ul style="list-style-type: none"> <li>- If funds in Account are insufficient to pay full entitlement to all candidates, they will receive a pro rata share; and any money remaining in the fund after all eligible candidates have received their entitlement will be transferred to the general fund of the Treasury</li> </ul> <p>CONTRIBUTIONS - PROHIBITED:</p> <ul style="list-style-type: none"> <li>- Prohibits candidates from accepting contribution from an individual who does not live in area election is held</li> <li>- Prohibits contributions by groups or organizations except for political party committees</li> </ul>
H. R. 8151 Kasten 6/30/77 House Admin.	<p>ASSISTANCE TO VOTERS - HANDICAPPED AND ELDERLY:</p> <ul style="list-style-type: none"> <li>- Directs the Attorney General to establish standards for polling and registration places for Federal elections so that they are accessible to physically handicapped and elderly individuals</li> <li>- Requires States to provide alternative method of voting for such individuals, including paper ballots</li> </ul>
H. R. 8201 Hansen 8/11/77 Government Operations, Ways and Means	<p>REGISTRATION:</p> <ul style="list-style-type: none"> <li>- Establishes National Dividend Payment Trust Fund in U.S. Treasury</li> <li>- Allocates amount equal to corporate income tax revenues to be placed in Fund for payment to each qualified registered voter of a State through a selected incorporated bank</li> <li>- Exempts dividends received by individuals from Federal taxation</li> </ul>
H. R. 8202 Harrington 7/11/77 House Admin.	<p>CONTRIBUTION FINANCING - EXPENDITURE LIMITATIONS:</p> <ul style="list-style-type: none"> <li>- Only political committee designated in each State by Presidential candidate may expend greater of: 2 cents per voting age person or \$10,000 in that State</li> </ul> <p>CONTRIBUTION:</p> <ul style="list-style-type: none"> <li>- Defines campaign advertising which advocates election of Federal candidate along with any other candidate</li> </ul> <p>PUBLIC FINANCING:</p> <ul style="list-style-type: none"> <li>- Entitles eligible Presidential candidates to payments for accounting costs</li> </ul>
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BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 8322 Ottinger 7/14/77 House Admin.	<b>PRIMARY ELECTIONS - PRESIDENTIAL - REGIONAL:</b> <ul style="list-style-type: none"> <li>- Provides that regional primaries will be held during each Presidential election year on five different dates beginning in April; the region in which each primary will be held is to be determined by lot 60 days prior to the primary by the Commission</li> <li>- Candidates certified by the FEC to receive public financing for their primary campaigns shall be placed on the ballot; in addition candidates may have their names placed on the ballot of any State participating in the primary if they present a petition signed by at least 1% of persons registered to vote in the State</li> <li>- Voter may vote only for candidates of the registered party affiliation candidate, or until two ballots have been taken or if the candidate receives under 20% of the votes on a ballot</li> <li>- Commission to reimburse States for the cost of primaries</li> </ul>
H.R. 8717 Leggett 8/3/77 House Admin.	<b>DAY FOR HOLDING ELECTIONS - DESIGNATE:</b> <ul style="list-style-type: none"> <li>- Requires that Federal primaries be held on the last weekend in June and Federal general elections on the first weekend in November</li> </ul> <b>TIME TO VOTE:</b> <ul style="list-style-type: none"> <li>- Requires that polling places be open for at least eight hours during each election day</li> </ul>
H.J. Res. 15 Brinkley 1/4/77 Judiciary	<b>VICE PRESIDENT - SPECIAL ELECTION - VACANCY:</b> <ul style="list-style-type: none"> <li>- When a vacancy occurs in the office of Vice President, the President will nominate a Vice President, who will take office upon being approved in a special referendum</li> </ul>
H.J. Res. 20 Smith 1/4/77 Judiciary	<b>PRIMARIES - PRESIDENTIAL:</b> <ul style="list-style-type: none"> <li>- Presidential candidates will be chosen by direct popular vote at a primary election to be held in July</li> <li>- Candidates must be seeking the nomination of the party of their registered affiliation, and in addition satisfy certain petition requirements; further, the political party must meet certain qualifications</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.J. Res. 20 cont.	<ul style="list-style-type: none"> <li>- Candidate winning 40% of the votes cast by voters of his own party shall win that party's nomination, but if no candidate wins 40%; a run off will be held</li> <li>- After the Presidential candidates are elected, each party will choose a Vice Presidential candidate</li> </ul> <p>PRESIDENTIAL AND VICE PRESIDENTIAL - METHOD OF ELECTION: - See below</p>
H.J. Res. 128 Eilberg 1/11/77 Judiciary	<p>VICE PRESIDENT - SPECIAL ELECTION - VACANCY:</p> <ul style="list-style-type: none"> <li>- Provides for the prompt election of a Vice President in cases of a vacancy in the office of Vice President by reason of the succession to the office of President by a Vice President selected under the twenty-fifth amendment</li> </ul>
H.J. Res. 139 Fauntroy 1/13/77 Judiciary	<p>DISTRICT OF COLUMBIA - REPRESENTATION IN CONGRESS:</p> <ul style="list-style-type: none"> <li>- Provides that D.C. will be entitled to elect two Senators and a number of Representatives to which it would be entitled if it were a State</li> </ul>
H.J. Res. 142 McKinney	Identical to H.J. Res. 139
H.J. Res. 392 Hamilton 4/19/77 Judiciary	<p>DISTRICT OF COLUMBIA - REPRESENTATION IN CONGRESS:</p> <ul style="list-style-type: none"> <li>- Provides that D.C. will be entitled to elect two Senators and a number of Representatives to which it would be entitled if it were a State</li> </ul>
H.J. Res. 554 Edwards 7/25/77 Judiciary	<p>DISTRICT OF COLUMBIA - REPRESENTATION IN CONGRESS:</p> <ul style="list-style-type: none"> <li>- Provides that D.C. will be treated as though it were a State for purposes or representation in Congress, election of the President and Vice-President, and Article V of the Constitution</li> <li>- Repeals the twenty-third amendment</li> </ul>
H.J. Res. 565 Fauntroy	Identical to H.J. Res. 554



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. Res. 287 * Hamilton 2/16/77 Rules, Standards of Official Conduct, House Admin.	ACTION
	2/17/77 - Reported from Standards of Official Con- duct Com., H. Rept. 95-21 2/22/77 - Reported from House Admin. Com. 2/25/77 - Reported from Rules Com. 3/2/77 - Passed House
	<p>The following has not been enacted into law, but is part of the House Rules:</p> <p><b>FINANCIAL DISCLOSURE:</b></p> <ul style="list-style-type: none"> <li>- House Members, their principal assistants and officers, as well as professional staff members of House committees are required to file with the Clerk of the House annual statements (beginning April 30, 1978) disclosing: <ol style="list-style-type: none"> <li>1. Source and amount of: <ol style="list-style-type: none"> <li>a. each item of income of \$100 or more from single source, including honorariums;</li> <li>b. gifts of over \$35 (other than personal hospitality from an individual, or transportation, lodging, food and entertainment) from single source other than a relative;</li> <li>c. gifts (except under \$35 or personal hospitality from an individual) of transportation, lodging, food or entertainment if over \$250 from a single source other than a relative; and</li> <li>d. reimbursements of expenditures over \$250 from a single source (other than U.S. Government);</li> </ol> </li> <li>2. Identity and value category of property held in a trade, business, for investment or for income production, and has a fair market value of \$1,000 or more;</li> <li>3. Identity and value category of each liability over \$2,500 (not mortgage for residences);</li> <li>4. Identity, date and value category of transactions in securities or commodity futures if over \$1,000 (excluding gifts to certain tax exempt organizations); and</li> <li>5. Identity, date and value category of any purchase or sale of real property exceeding \$1,000, excluding personal residences</li> </ol> </li> <li>- Reports will be made available to the public</li> </ul> <p><b>UNOFFICIAL OFFICE ACCOUNTS:</b></p> <ul style="list-style-type: none"> <li>- Prohibits unofficial office accounts (effective 1/1/78) when each Member will be entitled to \$7,000 annually from contingent fund (as of 3/2/77)</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. Res. 287 cont.	<p>funds may not be accepted into such account)</p> <p><b>FRANKING PRIVILEGE:</b></p> <ul style="list-style-type: none"> <li>- Generally limits the rate of postage and mass mailing under the frank</li> <li>- Mass mailings not frankable unless preparation and printing cost defrayed from public funds</li> <li>- For House Members who become candidates for statewide office, mass mailings not frankable when to an address not in the Member's district</li> <li>- Prohibits mass mailings under the frank for 60 days before each primary or general election in which the Member is a candidate</li> </ul> <p><b>GIFT LIMITATION:</b></p> <ul style="list-style-type: none"> <li>- House Members, officers, and employees may not accept gifts (other than personal hospitality from an individual or gifts valuing less than \$35) aggregating \$100 or more from any person (other than a relative) who has a direct interest in legislation before Congress or who is a foreign national</li> <li>- Any registered lobbyist, or an officer, director, or person retained by a registered lobbyist will be deemed to have a direct interest in legislation before Congress</li> </ul> <p><b>CAMPAIGN FINANCING - POLITICAL DINNERS:</b></p> <ul style="list-style-type: none"> <li>- House Members must treat as campaign contributions all proceeds from testimonial dinners or other fundraising events</li> </ul> <p><b>FOREIGN TRAVEL:</b></p> <ul style="list-style-type: none"> <li>- Members who will not be Members in the succeeding Congress are not permitted to travel in foreign countries at public expense</li> </ul> <p><b>OUTSIDE INCOME OF MEMBERS:</b></p> <ul style="list-style-type: none"> <li>- House Members prohibited from having outside earned income which exceeds 15% of the Member's annual salary (effective for 1979), but this does not include pensions, profit sharing or stock bonus plans, amounts received from a family trade or business, or copyright royalties</li> </ul> <p><b>EXCESS CAMPAIGN FUNDS:</b></p> <ul style="list-style-type: none"> <li>- Prohibits conversion of campaign funds to personal use of Member</li> </ul> <p><b>HOUSE SELECT COMMITTEE ON ETHICS:</b></p> <ul style="list-style-type: none"> <li>- House Select Committee on Ethics established to consider and report any measure re H. Res. 287 and to issue regulations under certain House Rules</li> </ul>
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## FEDERAL LEGISLATION

### SENATE AND HOUSE JOINT RESOLUTIONS INTRODUCED DURING THE 95TH CONGRESS DEALING WITH THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT

#### PRESENT METHOD OF ELECTION - ELECTORAL COLLEGE PLAN

The Constitution provides that the President and Vice President of the United States shall be elected by electors who are appointed in each State in a manner directed by the Legislature of the State. Each State must appoint a number of electors equal to the number of Senators and Representatives to which the State is entitled in Congress (Art. II, Sec. 1). In all States and the District of Columbia, the Presidential electors are elected directly by the people of the State. These electors then convene in their own States as "colleges," known collectively as the "Electoral College" to elect the President and the Vice President. Thus, under present constitutional provisions, the President and the Vice President are not elected by means of a direct popular election, but instead are elected by the Electoral College.

Under the practice followed in all States but one, the people of the State vote for a slate of Presidential electors drawn up by the political parties in that State. The slate of electors winning the majority or plurality of the popular vote in the State would then cast all of the electoral votes of the State in favor of one Presidential candidate. Thus, the winner of the greatest number of popular votes in a State in a Presidential race would be credited with all of that State's electoral votes, rather than only that portion of the electoral votes which reflects the percentage of the popular vote won. The one exception to this general practice is Maine, where an elector is chosen from each Congressional district on the basis of winning the popular vote in that district and two at large electors are chosen on a statewide basis (Maine Revised Code Annotated, Title 21, §1184 (1-A); This is the district plan, discussed below).

Under the Constitution, Congress has the responsibility for setting the date on which Presidential electors are elected, which date must be uniform throughout the United States, and the date on which they will meet to cast their votes for the President and Vice President. If, when the votes are cast for President and Vice President, no person receives a majority of the entire number of electoral votes, the House of Representatives shall choose the President from the three persons having the highest number of electoral votes (Art. II, Sec. 1).

#### PROPOSED METHODS OF ELECTION

Most measures considered by Congress have proposed a constitutional

## FEDERAL LEGISLATION

amendment which would effect a basic reform in the method by which the President and Vice President are elected. These proposals fall into four categories set forth below.

### DISTRICT PLAN

Under the district plan, the electoral college would be preserved, with each State choosing a number of electors equal to the number of Senators and Representatives to which the State is entitled in Congress. However, in all States, the electors would be chosen by the voters from districts created within the State, and in addition two at-large electors would be chosen on a Statewide basis. The winner-take-all aspects of the present system would thus be eliminated because a candidate would be credited with only those district electoral votes that he actually won. Further, in contrast to the present method, the candidates for the office of Presidential elector would be required to declare for whom they will cast their votes for President and Vice President and such declaration will be binding.

Three identical proposals - H.J. Res. 125 (Conable, 1/11/77), H.J. Res. 195 and H. J. Res. 267 (Derwinsky, 1/26/77, 2/22/77) in the 95th Congress call for the creation of such a system for the election of the President, and would make the following additional changes:

1. Percentage of electoral vote required to win: Majority
2. Tie vote in electoral college: Person with the greatest number of electoral district votes, rather than at-large electoral votes would win.
3. Required percentage not attained: Senate and House of Representatives chooses President and Vice President from persons with three highest number of votes.
4. Voter Qualifications: Same qualifications requisite for the electors of the most numerous branch of the State Legislature.
5. Manner of holding elections in States: Congress will determine.

Note: H.J. Res. 328 (Fuqua, 3/15/77) proposes a system similar to the district plan, except that the electoral college would be abolished and the electoral votes would be won by district.

### PROPORTIONAL PLAN

Under the proportional plan, the electoral college would be abolished, but

## FEDERAL LEGISLATION

the electoral vote would be retained. The electoral vote in each State would be apportioned among Presidential candidates according to the number of popular votes received, thereby eliminating the present winner-take-all system. \* S.J. Res. 8 (Cannon, 1/14/77), \* S.J. Res. 18 (Thurmond, 1/26/77), H.J. Res. 190 (Vander Jagt 1/20/77), and H.J. Res. 226 (Whitehurst, 2/1/77) in the 95th Congress propose such a system with the following requirements:

1. Percentage of vote required to win: 40%, except H. J. Res. 190 requires only a plurality
2. Required percentage not attained: Senate and House of Representatives choose President (H. J. Res. 190 provides that where there is a tie, the House chooses the President).
3. Voter Qualifications: Same qualifications requisite for the electors of the most numerous branch of the State Legislature
4. Place, time, manner of holding election in States: Congress will determine the day of the election, which must be uniform throughout the United States, but State legislatures determine the place and manner.

\* Hearings held on January 27, February 1, 2, 7 and 10, 1977 by the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee

### AUTOMATIC ELECTORAL VOTE PLAN

Under this plan, the office of Presidential elector and the Electoral College would be abolished but the electoral votes of each State would be retained. According to this method, the electoral vote of each State would automatically be awarded to the candidate receiving the greatest number of popular votes for President in that State. Thus, as in the present system, the winner of the greatest portion of the popular vote would be credited with all of the electoral votes of the State. H.J. Res. 312 (Weaver, 3/9/77) proposes such a plan.

### DIRECT ELECTION PLAN

Under the direct election plan, the Electoral College and the electoral vote system would be abolished. Instead, the President and Vice President would be elected by direct popular vote cast throughout the United States. Several proposals now pending in Congress would create a system

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whereby the President and the Vice President would be elected directly.  
These proposals are:

* S. J. Res. 1	Bayh	1/10/77
H. R. 2063	Gaydos	1/19/77
H. J. Res. 33	Bennett	1/4/77
H. J. Res. 39	Burlison	1/4/77
H. J. Res. 40	Carney	1/4/77
H. J. Res. 45	Conte	1/4/77
H. J. Res. 70	Kastenmeier	1/4/77
H. J. Res. 114	Hughes	1/6/77
H. J. Res. 118	McClory	1/6/77
H. J. Res. 127	Eilberg	1/11/77
H. J. Res. 138	Edwards	1/13/77
H. J. Res. 144	Rodino	1/13/77
H. J. Res. 149	Danielson	1/17/77
H. J. Res. 168	McClory	1/19/77
H. J. Res. 170	Moss	1/19/77
H. J. Res. 197	McClory	1/26/77
H. J. Res. 207	Hamilton	1/27/77
H. J. Res. 217	Won Pat	1/31/77
H. J. Res. 228	Burlison	2/2/77
H. J. Res. 229	Burlison	2/2/77
H. J. Res. 230	Conte	2/2/77
H. J. Res. 231	Conte	2/2/77
H. J. Res. 238	Whalen	2/3/77
H. J. Res. 253	Frenzel	2/9/77
H. J. Res. 281	Burlison	2/24/77
H. J. Res. 300	Rangel	3/2/77
H. J. Res. 350	Fithian	3/23/77
H. J. Res. 352	Bingham	3/24/77
H. J. Res. 384	Burlison	4/6/77
H. J. Res. 397	Burlison	4/20/77
H. J. Res. 434	Quie	5/3/77

\* Hearings held on January 27, February 1, 2, 7 and 10, 1977 by the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee

These proposals calling for direct election of the President and Vice President vary in their approaches to the following matters:

### 1. Method of casting vote:

a. Cast joint vote for team consisting of candidate for President

## FEDERAL LEGISLATION

and candidate for Vice President, both consenting to the join-  
der of their names -

All proposals except for H. J. Res. 40

- b. No specification as to whether vote must be cast for team -  
H. J. Res. 40

### 2. Percentage of vote required to win:

- a. Plurality -  
H. J. Res. 40
- b. 35% -  
H.J. Res. 118, 168, 197, 217
- c. 40% -  
\* S. J. Res. 1; H. J. Res. 33, 39, 45, 70, 114, 127, 138,  
144, 149, 170, 207, 228, 229, 230, 231, 238, 253, 281, 300,  
350, 352, 384, 397
- d. 45% -  
H. R. 2063
- e. Majority - H. J. Res. 434

### 3. Required percentage not attained:

- a. Runoff election must be held -  
\* S. J. Res. 1; H. J. Res. 39, 45, 70, 118, 127, 138, 144,  
149, 168, 170, 197, 207, 217, 228, 229, 230, 231, 238, 253,  
281, 300, 352, 384, 397; H.R. 2063
- b. Congress decides at a special session -  
H. J. Res. 33, 114, 350
- c. Electoral vote system (district) used, but if no candidate re-  
ceives majority, runoff held -  
H. J. Res. 434

### 4. Place, time, and manner of holding elections and entitlement to in- clusion on ballot:

- a. Prescribed by the State Legislatures, but Congress may alter  
the State laws or the State laws become inapplicable if in  
conflict with an Act of Congress; however, Congress sets the

## FEDERAL LEGISLATION

day for holding elections, which day must be uniform throughout the United States and Congress governs the method for ascertaining election results -

\*S. J. Res. 1; H. J. Res. 39, 70, 114, 118, 127, 138, 144, 149, 168, 170, 197, 207, 217, 228, 229, 253, 281, 300, 350, 352, 384, 397, 434

- b. Prescribed by Congress -  
H. J. Res. 33, 40, 45, 230, 231, 238
- c. Prescribed in amendment - H. R. 2063

### 5. Voter Qualifications:

- a. Same as for most numerous branch of State Legislature except that State may prescribe less restrictive qualifications and Congress may prescribe uniform residence qualifications - \*S. J. Res. 1; H. J. Res. 39, 70, 114, 118, 127, 138, 144, 149, 168, 170, 197, 207, 217, 228, 229, 253, 281, 300, 350, 352, 384, 397
- b. Same as for Senators; but State may prescribe less restrictive residence qualifications, and Congress adopt uniform age and residency requirements -  
H. J. Res. 33
- c. Congress may prescribe - H. J. Res. 40
- d. State may prescribe - H. R. 2063
- e. Same as for Members of Congress, but State may prescribe less restrictive residence qualifications and Congress may adopt uniform age and residency requirements -  
H. J. Res. 45, 230, 231, 238, 434

### 6. Congress may provide for case of death, resignation, inability or withdrawal of a candidate:

\*S. J. Res. 1; H. J. Res. 33, 39, 45, 70, 114, 118, 127, 138, 144, 149, 168, 170, 207, 217, 228, 229, 230, 231, 238, 253, 281, 300, 350, 352, 384, 397  
(except H. J. Res. - national committee of political party chooses)

Note: H. R. 2063 also proposes a constitutional amendment regarding the nomination of the President or Vice President



### SECTION III - JUDICIAL DECISIONS

#### A. SUPREME COURT DOCKET 1976 - 1977 TERM - ELECTION CASES

1. Albaugh v. U.S. Government, docket number 76-1245, ruling below C.A. 4. Certiorari denied 5/23/77.

States - Boundaries - Constitutionality of removal of District of Columbia from State of Maryland.

2. Allen v. Austin, docket number 76-1038, ruling below U.S.D.C. E. Mich. (419 F.Supp. 1002). Judgment affirmed 3/21/77.

Political parties - Qualification of "new" parties for ballot - First Amendment - Invidious discrimination.

3. The American Party of Idaho v. Andrus, docket number 76-699, ruling below U.S. D.C. Idaho. Appeal dismissed 3/7/77.

Campaign finances - Constitutionality of state campaign financing law.

4. Apache County v. United States, docket number 75-1572, ruling below U.S.D.C. Ariz. Judgment affirmed 10/12/76.

County elections - Participation of reservation Indians.

5. Briscoe v. Bell (Levi), docket number 76-60, ruling below C.A.D.C. Certiorari granted 12/6/76. Judgment vacated and case remanded 6/20/77.

Voting Rights Act - Applicability to Texas.

6. California Fair Political Practice Comm. v. Hardie, docket number 76-1180, ruling below Calif. Sup. Ct. Certiorari denied 4/18/77.

Initiatives - State limitation on spending for paid petition circulators - First Amendment.

7. Carey v. Echevarria, docket number 75-1677, ruling below C.A. 2, New York. Judgment vacated and case remanded 10/4/76.

Durational residency requirements - Primary elections.

## JUDICIAL DECISIONS

### SUPREME COURT DOCKET CONT'D

8. Chestnut v. U.S., docket number 75-1779, ruling below C.A. 2. Certiorari denied 10/4/76.

Ex post facto laws - Campaign contribution offenses - Venue.

9. Chisholm v. FCC, docket number 76-205, ruling below C.A.D.C., New York. Certiorari denied 10/12/76.

Equal time - Exemption from equal opportunities provision of Communications Act.

10. Clark v. Kimmitt (Valeo), docket number 76-1105, ruling below C.A. D.C. Judgment affirmed 6/6/77.

Campaign financing - Federal Election Campaign Act - Legislative review provision - Constitutionality - Justiciability.

11. Colon v. Ortiz, docket number 74-1522, ruling below 385 F. Supp. III (U.S.D.C. PR 6/3/75). Judgment vacated 1/10/77.

Municipal Assembly Members - Appointment by Governor - Discrimination.

12. Connor v. Finch, docket number 76-777, ruling below U.S. D.C. S. Miss. Certiorari granted 1/17/77. Reversed and remanded 5/31/77.

Voting Rights Act - Reapportionment of state legislature.

The Supreme Court held that the Mississippi legislative reapportionment plan, devised by the District Court for the State's Senate and House of Representatives in accord with the State's tradition of maintaining county boundaries in allotting legislative seats, failed to meet the requirement that legislative districts be "as nearly of equal population as is practicable" and violated the one-person one-vote standard required by the Equal Protection Clause.

13. Connor v. Finch, docket number 76-935, ruling below U.S. D.C. S. Miss. Certiorari granted 1/17/77. Reversed and remanded 5/31/77 (see above).

Apportionment - State legislative reapportionment - Dilution of black voting strength - Special elections.

## JUDICIAL DECISIONS

### SUPREME COURT DOCKET CONT'D

14. County Commission, Hale County, Ala. v. U. S., docket number 76-772, ruling below U.S. D.C. S. Ala. Judgment affirmed 3/21/77.

Voting Rights Act - Adequacy of designating state to effect application of Act to county within state.

15. Creel v. Freeman, docket number 76-655, ruling below C.A. 5. Certiorari denied 1/17/76.

Special districts - Voting in elections of one school district by residents of another - Equal protection.

16. Davis v. Hecht, docket number 76-137, ruling below N.Y. Sup. Ct. App. Div. 2nd Dept. Certiorari denied 10/18/76.

Discrimination - Printing minor party's designation on ballot in print.

17. Delaware Republican State Committee v. Redfearn, docket number 75-1462, ruling below C.A. 3. Certiorari granted 6/7/76. Judgment vacated and case remanded 10/4/76.

Political parties - Appointment of delegate strength to major party's state convention.

18. Democratic National Committee v. FCC, docket number 76-101, ruling below C.A.D.C. Certiorari denied 10/12/76.

Equal time - Exemption of candidates' press conferences from equal time provisions of Communications Act.

19. Exon v. McCarthy, docket number 76-492, ruling below U.S.D.C. Neb. Judgment affirmed 11/29/76.

States - Immunity - Independent presidential candidate's action to win place on ballot.

20. Finch v. Connor, docket number 76-933, ruling below U.S. D.C. S. Miss. Certiorari granted 1/17/77. Reversed and remanded 5/31/77 (see Connor v. Finch).

Apportionment - State legislative districting based entirely on single-member districts - Racial discrimination.

## JUDICIAL DECISIONS

### SUPREME COURT DOCKET CONT'D

21. Fishman v. Schaffer, docket number 76-599, ruling below C.A.2. Certiorari denied 1/10/77.

Candidates - Constitutional challenge to filing requirement - Timeliness - Laches.

22. Fitch v. Silva, docket number 76-818, ruling below U.S.D.C. W.Tex. Judgment affirmed 2/22/77.

Apportionment - Reinstatement of consent order of reapportionment after having vacated same for lack of consent by defendants.

23. Hechinger v. Martin, docket number 75-1532, ruling below U.S.D.C. D. C. Judgment affirmed 1/10/77.

City council at-large seats - Minority representation.

24. House v. Wallace, docket number 76-969, ruling below C.A. 5 (538 F.2d 1138). Certiorari denied 6/13/77.

Apportionment - Mixed plan of apportionment for election of aldermen.

25. Howell v. DeBusk (formerly Kessler), docket number 76-287, ruling below U.S.D.C. N.Tex. Judgment affirmed 11/1/76.

Candidates - Constitutionality of various Texas ballot access requirements.

27. Hynes v. Mayor and Council of Borough of Oradell, docket number 74-1329, ruling below 66 N.J. 376, 331 A. 2d 277. Reversed and remanded 5/19/76.

Solicitation and Canvassing for Political Campaign - Municipal Ordinance Requiring Identification - Constitutionality.

The Supreme Court held that a municipal ordinance requiring advance notice to be given to the local police department by "any person desiring to canvass, solicit or call from house to house for a recognized charitable or political campaign or cause...in writing, for identification only" was invalid because of vagueness.

## JUDICIAL DECISIONS

### SUPREME COURT DOCKET CONT'D

28. Jernigan v. Lendall, docket number 76-680, ruling below U.S.D.C. E. Ark. Judgment affirmed 6/27/77.

Candidates - Filing deadline and petition requirements for independent candidate - Constitutionality.

29. Levy v. U.S., docket number 76-129, ruling below U.S. Ct. Cls. Certiorari denied 10/12/76.

Income tax deductions - Deduction of judge's re-election campaign expenses.

30. Lockport v. Citizens for Community Action, docket number 75-1157, ruling below U.S. D.C. W.D.N.Y. (386 F. Supp. 1). Judgment reversed 3/7/77.

Referendum - Dual majority requirement.

The Supreme Court held that a state law governing the restructuring of county governments --under which a new county charter could be adopted only if it was approved in a referendum election by both a majority of the county's voting city dwellers and noncity dwellers -- did not violate the Equal Protection Clause of the 14th Amendment.

31. McCarthy v. FCC, docket number 76-1001, ruling below C.A. D.C. Certiorari denied 4/4/77.

Equal time - Presidential debates - 47 U.S.C. §315(a).

32. McClendon v. Slater, docket number 76-848, ruling below Okla. Sup. Ct. Certiorari denied 2/22/77.

Political Parties - Statutory withdrawal of recognition of certain minor parties.

33. Mandel v. Bradley, docket number 76-128, ruling below U.S.D.C. Md. Certiorari granted 10/4/76. Judgment vacated and case remanded 6/16/77.

Candidates - Filing deadline for independent U.S. Senate candidate.

## JUDICIAL DECISIONS

### SUPREME COURT DOCKET CONT'D

34. Meyers v. Roberts, docket number 76-830, ruling below Minn. Sup. Ct. Appeal dismissed 2/22/77.

Candidates - Minimum age requirements.

35. Meyers v. U.S., docket number 75-1833, ruling below C.A. 7, (529 F. 2d. 1033). Certiorari denied 10/18/76.

Hobbs Act - Application to candidate for public office conspiring to commit extortion.

36. Moreau v. Tonry, docket number 76-1034, ruling below La. Sup. Ct. Appeal dismissed 3/21/77.

Primaries - Constitutional challenge to recount statute raised for first time on appeal.

37. Morris v. Gressette, docket number 75-1583, ruling below U.S.D.C. S.C. Certiorari granted 12/6/76. Judgment affirmed 6/20/77.

Appointment - Failure to obtain preclearance under section 5 of the Voting Rights Act of 1965 as amended.

39. Nader v. Schaffer, docket number 76-504, ruling below U.S.D.C. Conn. Judgment affirmed 12/6/76.

Primaries - Constitutionality of state ban on registered independents voting in primaries.

40. Paul v. Gammage, docket number 76-1408, ruling below Tex. Sup. Ct. Certiorari denied 6/6/77.

Congress - Application of State election contest statute to congressional elections.

41. Republican Party of Shelby County, Tenn. v. Dixon, docket number 76-65, ruling below U.S.D.C. W. Tenn. Judgment affirmed 11/8/76.

Apportionment - Applicability of U.S. Census Bureau's mid-decade estimate of population.

## JUDICIAL DECISIONS

### SUPREME COURT DOCKET CONT'D

42. Skaft v. Rorex, docket number 76-951, ruling below Colo. Sup. Ct. Appeal dismissed 4/18/77.

Discrimination - Exclusion of permanent resident aliens from voting in local school elections - Fourteenth Amendment.

43. Socialist Workers Party v. Eu, docket number 76-1020, ruling below U.S.D.C. N. Calif. Judgment affirmed 6/27/77.

Political Parties - Qualifications for ballot status - Minor parties.

44. Socialist Workers Party v. U.S., docket number 76-470, ruling below C.A.D.C. Certiorari denied 10/12/76.

Equal time - Exemption - Broadcast of non-studio debates between Presidential candidates.

45. Stryker v. Village of Oak Park, docket number 75-1845, ruling below Ill. Sup. Ct. Certiorari denied 10/4/76.

Political patronage system - Appointing, promoting, and discharging police officers.

46. United Jewish Organization of Williamsburgh, Inc. v. Carey, La., docket number 75-104, ruling below C.A. 2 (510 F. 2d 512). Certiorari granted 11/11/75. Judgment affirmed 3/1/77.

Apportionment - Discrimination - State legislative districting plan.

The Supreme Court held that the use of racial criteria by New York State in its 1974 reapportionment plan in attempting to comply with §5 of the Voting Rights Act and to secure approval of the Attorney General did not violate the Fourteenth or Fifteenth Amendment.

47. U.S. v. Board of Supervisors of Warren County, Mississippi, docket number 76-489, ruling below U.S.D.C. S. Miss. Judgment reversed 2/22/77.

Apportionment - Preclearance under Voting Rights Act - Federal District Court jurisdiction to order new plan.

## JUDICIAL DECISIONS

### SUPREME COURT DOCKET CONT'D

48. U.S. v. Finch, docket number 76-934, ruling below U.S. D.C. S. Miss. Certiorari granted 1/17/77. Reversed and remanded 5/31/77 (see Connor v. Finch).

Apportionment - Dilution of black voting strength - Special elections.

49. U.S. v. Security National Bank, docket number 76-1077, ruling below C.A. 2. Certiorari denied 3/28/77.

Political contributions - Corporations - Fifth Amendment's Double Jeopardy Clause.

50. Urda v. Pennsylvania, docket number 76-765, ruling below Pa. Sup. Ct. Certiorari denied 2/22/77.

Government personnel - Political activity - Discharge for violation of State "Hatch Act" - Constitutionality.



## JUDICIAL DECISIONS

### B. SUPREME COURT DOCKET 1977 - 1978 TERM - ELECTION CASES

1. Berry v. Doles, docket number 76-1690, ruling below U.S.D.C. M.Ga.

Voting Rights Act - Staggering terms of office for county board of commissioners - Failure to seek prior judicial or administrative approval.

2. Commissioners of Election of Union County v. Lytle, docket number 75-1797, ruling below C.A. 4.

Voting Rights Act - Award of attorneys' fees against county and county commissioners in reapportionment case.

3. Donahue v. New York Board of Elections, docket number 77-191, C.A. 2.

Right to vote - Election irregularities - Civil Rights Act - Standard of proof.

4. Dougherty County, Ga. Board of Education v. White, docket number 77-120, ruling below U.S.D.C. M.Ga.

Voting Rights Act - Applicability to school board requirement that employee who becomes candidate must take leave without pay.

5. East Baton Rouge Parish School Board v. Moch, docket number 77-141, ruling below C.A. 5 (548 F.2d 594).

Apportionment - Multi-member districts for local school board - Res judicata.

6. First National Bank of Boston v. Bellotti, docket number 76-1172, ruling below Mass. Sup. Jud. Ct. Certiorari granted 4/18/77.

Political contributions - Ban on corporate expenditures for referendum - First Amendment - Equal protection.

7. McCarthy v. Carter, docket number 76-484, ruling below C.A.D.C.

Communications - Equal time - Presidential debates (47 U.S.C. §315 (a)).

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### SUPREME COURT DOCKET CONT'D

8. McDaniel v. Paty, docket number 76-1427, ruling below Tenn. Sup. Ct. Certiorari granted 6/20/77.

Delegates - Ban on clergymen serving as state constitutional convention delegates.

9. Shelby County v. Tennessee (Peel) docket number 76-1847, ruling below Tenn. Sup. Ct.

Apportionment - State court invalidation of apportionment previously approved by federal district court in companion case.

10. U.S. v. Board of Commissioners of Sheffield, Ala., docket number 76-1622, ruling below U.S. D.C. N. Ala. Certiorari granted 6/27/77.

Voting Rights Act - Voting changes enacted by city - Preclearance - Failure of Attorney General to object.

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### SUPREME COURT CASES

#### Apportionment - Discrimination - State Legislative Districting Plan

United Jewish Organization of Williamsburgh, Inc. v. Carey, La., 430 U.S. 144, docket number 75-104, decided 3/1/77

This case concerned a 1974 revision of the 1972 reapportionment plan of New York State, which had not been approved by the Attorney General since, "as to certain districts, the State had not met the burden placed on it by §5 of the Voting Rights Act: of demonstrating "that the redistricting had neither the purpose nor the effect of abridging the right to vote by reason of race or color." The 1974 revision changed the size of the non-white majorities in most of those districts, but the number of districts with nonwhite majorities remained constant. The State felt that a non-white majority of 65% [versus 61% in the 1972 plan] would be acceptable to the Attorney General in the assembly district in which a Hasidic Jewish community was entirely located, which meant a portion of the white community, including part of the Hasidic community, was reassigned to an adjoining district. Petitioners on behalf of the Hasidic Jewish community brought suit for injunctive and declaratory relief, claiming that the 1974 plan violated their constitutional rights. They alleged that the 1974 plan "would dilute the value of each plaintiff's franchise by halving its effectiveness," solely for the purpose of achieving a racial quota and therefore in violation of the Fourteenth Amendment"; and that they were assigned to electoral districts solely on the basis of race, thereby diluting their voting power in violation of the Fifteenth Amendment.

The District Court, after being informed that the Attorney General did not object to the 1974 plan, dismissed the complaint, stating that the petitioners had no constitutional right in reapportionment of separate community recognition as Hasidic Jews, that the redistricting did not disenfranchise petitioners, and that racial considerations were permissible to correct past discrimination. 377 F. Supp., at 1165-1166. The Court of Appeals affirmed, stating that the petitioners had no constitutional right to separate community recognition in reapportionment, and that since the 1974 plan left approximately 70% of the senate and assembly districts in Kings County with white majorities, given that only 65% of the county's population was white, the 1974 plan would not underrepresent the white population (assuming that voting followed racial lines). 510 F.2d at 524. Relying on Allen v. State Board of Elections, 393 U.S. 544, 569 (1969), the Court ruled that a State could use racial considerations in drawing lines in an effort to secure the Attorney General's approval, because since the Act "necessarily deals with race or color, corrective action under it must do the same."

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The Supreme Court affirmed the lower court's decision, stating that neither the Fourteenth nor Fifteenth Amendment was infringed, citing cases sustaining the constitutionality of the Voting Rights Act to support its ruling. Although the Court had recognized that the "stringent new remedies" of the Act, including §5, were an "an uncommon exercise of congressional power," the Act was sustained as a "permissibly decisive" response to "the extraordinary stratagem of contriving new rules of various kinds for the sole purpose of perpetrating voting discrimination in the face of adverse federal court decrees." South Carolina v. Katzenbach, 383 U.S. 301, 334-335 (1966). In Beer v. United States, 425 U.S. 130, 141 (1976), the Court established that the Voting Rights Act does not permit the implementation of a reapportionment that "would lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." The Supreme Court asserted that in Beer, supra, and City of Richmond v. United States, 422 U.S. 358, the Court implicitly accepted the proposition that "the Constitution does not prevent a State subject to the Voting Rights Act from deliberately creating or preserving black majorities in particular districts in order to ensure that its reapportionment plan complies with §5"; and that this proposition must be rejected and the Voting Rights Act held unconstitutional if the petitioners' view that racial criteria may never be used in redistricting were to be accepted. The Supreme Court further stated that "neither the Fourteenth nor the Fifteenth Amendment mandates any per se rule against using racial factors in districting and apportionment" nor is the permissible use of racial criteria confined "to eliminating the effects of past discriminatory districting or apportionment." Moreover, "a reapportionment cannot violate the Fourteenth or Fifteenth Amendment merely because a State uses specific numerical quotas in establishing a certain number of black majority districts."

The Supreme Court rejected the petitioners' claim that the racial criteria New York used in this case --the creation of 65% nonwhite majorities in two additional senate and two additional assembly districts --were unconstitutional. The Supreme Court stated that because an inquiry under §5 focuses on "the position of racial minorities with respect to their effective exercise of the electoral franchise (Beer, supra, at 141), "the percentage of eligible voters by district is of great importance to that inquiry"; and that the Attorney General's determination of 65% as a substantial nonwhite population was a reasonable required figure to achieve a nonwhite majority of eligible voters. Although New York deliberately increased the nonwhite majorities in certain districts in order to enhance the opportunity for election of nonwhite representatives from those districts, the plan did not minimize or unfairly cancel out white voting strength. The Court asserted:

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"...[A]s long as whites in Kings County, as a group, were provided with fair representation, we cannot conclude that there was a cognizable discrimination against whites or an abridgement of their right to vote on the grounds of race"; and that it was "permissible for a State, employing sound districting principles..., to attempt to prevent racial minorities from being ...outvoted by creating districts that will afford fair representation to those racial groups who are sufficiently numerous and whose residential patterns afford the opportunity of creating districts in which they will be in the majority. As the Court said in Gaffney v. Cummings, 412 U.S. 735], "[C]ourts have [no] constitutional warrant to invalidate a state plan, otherwise within tolerable population limits, because it undertakes, not to minimize or eliminate the political strength of any group or party, but to recognize it and, through districting, provide a rough sort of proportional representation in the legislative halls of the State."

#### Apportionment and Redistricting - State Legislature

Connor v. Finch, 431 U.S. \_\_\_\_\_, docket nos. 76-777, 76-933, 76-934, and 76-935, decided 5/31/77 \_\_\_\_\_

The Supreme Court considered the constitutional validity of a Mississippi legislative reapportionment plan devised by a three-judge Federal District Court for the State's Senate and House of Representatives. The Supreme Court, relying on the holdings of Reynolds v. Sims, 377 U.S. 533 (1964) and Chapman v. Meier, 420 U.S. 1 (1975), held that both the Senate and House reapportionments ordered by the District Court failed to meet the equal protection requirement --that legislative districts be "as nearly of equal population as is practicable."

The Supreme Court found that the District Court's plan departed from the "population equality" norm in deference to Mississippi's historic respect for the integrity of county boundaries in conjunction with legislative districts which resulted in maximum population deviations of 16.5% in the Senate districts and 19.3% in the house districts. Such deviations, the Supreme Court found, could not be characterized as de minimis.

The District Court is held to stricter standards than a State legislature in devising a legislative reapportionment plan, and, unless there are persuasive justifications, a court-ordered reapportionment plan must avoid the use of multimember districts and achieve the goal of population equality with little more than de minimis variation. Also, any deviation from approximate population equality must be supported by enunciation of historically significant state policy or unique features.

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The Supreme Court asserted that the District Court on remand should either draw legislative districts that are reasonably contiguous and compact so as to put to rest suspicions that Negro voting strength is being purposefully diluted or explain precisely why in a particular instance that goal cannot be accomplished.

#### Contributions - Union - Political Activities of Public Employees

Abood v. Detroit Board of Education, 431 U.S. 209, docket number 75-1153, decided 5/23/77

Appellant teachers filed a class action against the Detroit Board of Education, the Union and several Union officials challenging the constitutionality of the agency shop clause (a system authorized by Michigan statute for union representation of local governmental employees, whereby every employee is required to pay to the union, as a condition of employment, a service fee equal in amount to union dues) in a collective bargaining agreement as invalid, depriving their freedom of association protected by the First and Fourteenth Amendments. Plaintiffs alleged that they were unwilling or had refused to pay dues; that they opposed collective bargaining in the public sector; and that the Union was engaged in a number of political and other ideological activities in which they did not approve and that were not collective bargaining activities. The trial court dismissed the action for failure to state a claim upon which relief could be granted. The Michigan Court of Appeals, while reversing and remanding the case, upheld the constitutionality of the "agency shop" arrangement. Although recognizing that the use of compulsory service charges to further "political purposes" "could violate plaintiffs' First and Fourteenth Amendment rights," the Court held that since the plaintiffs had failed to notify the Union of those causes and candidates to which they objected, they were not entitled to restitution of any portion of the service charges.

Relying on Railway Employees' Department v. Hanson, 351 U.S. 225, and International Association of Machinists v. Street, 367 U.S. 740, the Supreme Court reiterated that "the requirement for financial support of the collective-bargaining agency by all who receive the benefits of its work... does not violate... the First Amendmen[t]" (Hanson, supra at 238), and that the union-shop arrangement has been thought to distribute fairly the cost of those activities among those who benefit, and to discourage the practice of obtaining benefits of union representation while refusing to contribute to the union. (Street, supra at 761). The Court further stated

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that this requirement's possible interference with an employee's freedom to associate is "constitutionally justified by the legislative assessment of the important contribution of the union shop to the system of labor relations established by Congress... [and] as long as the group's leadership acts to promote the cause which justified bringing the group together, the individual cannot withdraw his financial support merely because he disagrees with the group's strategy."

The Court ruled that although public employee unions' are political to the extent they attempt to influence governmental policymaking, the plaintiffs' argument that a public employee has a weightier First Amendment interest than a private employee in not being compelled to contribute to the costs of exclusive union representation was invalid. Public employees who believe that the union representing them is following unwise policies are free to express their views and in fact, with some exceptions, to participate in the full range of political activities. However, the Court asserted that the plaintiffs may constitutionally prevent the Union's spending a part of their required service fees to contribute to political candidates and to express political views unrelated to its duties as exclusive bargaining representative. Relying on Buckley v. Valeo, 424 U.S. 1, the Court stated that "the fact that the appellants are compelled to make, rather than prohibited from making, contributions for political purposes works no less an infringement of their constitutional rights...the Constitution requires that [a union's] expenditures be financed from charges, dues or assessments paid by employees who do not object to advancing those ideas and who are not coerced into doing so against their will by the threat of loss of governmental employment."

The Court vacated the judgment and remanded the case, holding that the Michigan Court of Appeals erred in holding that the appellants are entitled to relief if they can prove the allegations contained in their complaints, and in depriving them of an opportunity to establish their right to appropriate relief; and that since the Union has adopted an internal remedy for dissenters, it may be appropriate to defer judicial proceedings to allow voluntary utilization of internal remedy for possible settlement of the dispute.

### Elections - Referendum - Dual Majority Requirement

Lockport v. Citizens for Community Action, 430 U.S. 259, docket number 75-1157, decided 3/7/77

This case concerned a New York State law governing the restructuring of county governments under which a new county charter could be adopted

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only if it was approved in a referendum election by both a majority of the county's voting city dwellers and noncity dwellers. After a proposed charter for Niagara County, N.Y. was defeated in 1972 when the city voters approved it but the noncity voters disapproved it [a majority of those voting in the county overall approved it], a group of voters brought suit challenging the constitutionality of the proceedings.

The district court held that the concurrent majority requirements violated the Equal Protection Clause of the 14th Amendment -- "the one man, one vote principle" -- and ordered the implementation of the 1972 Charter. 386 F.Supp. 1. Before the decision was announced, a new charter was put to referendum in 1974, with the same voting results as the 1972 Charter. On appeal, this Court vacated the lower court's judgment and remanded the case "for reconsideration in light of the provisions" of the new 1974 Charter. 423 U.S. 808 (1975). On remand, the District Court found that there was "no substantial difference between the two Charters" and that since the 1974 County Charter had superseded the 1972 Charter, the Court ordered the 1974 Charter to be in full effect for the local government.

The Supreme Court unanimously overturned the lower court's decision and held that the challenged provisions do not violate the Equal Protection Clause. The Court stated that "the one man, one vote principle" was of limited relevance when there is a single vote on a single distinct issue under consideration, such as a referendum on a charter as in this case, as opposed to a vote on a representative in a Legislature. A central question is if a State determines that the adoption or rejection of an issue does have a disproportionate impact on a group of voters, may a State then limit the franchise to those affected voters or give their votes a special weight. Two cases which focus on this issue are: Salier Land Co. v. Tulare Lake Basin Water Storage District (410 U.S. 719), which held that the electorate of a special purpose governmental unit may be apportioned to give more influence to the constituent groups found to be most affected by the governmental unit's functions, and Cipriana v. City of Houma (395 U.S. 701), where the local government was permitted to weight property owners' votes more heavily than those of nonproperty owners by using a "dual box" separate majority approval system. In addition, in annexation proceedings, it is obvious that residents of the annexing city and the residents of the area to be annexed have sufficiently different interests which may be perceived -- their votes would not be aggregated in any referendum to approve annexation (See Hunter v. City of Pittsburgh, 207 U.S. 161).



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Similarly, in this case, the Court found that city residents and noncity residents in a county do have different types of local government and distinctive and potentially opposing interests, and therefore that changes in the system of county government would affect each in different ways. The Court concluded: "The provisions of N.Y. law here in question no more than recognize the realities of these substantially differing electoral interests. Granting to these provisions the presumption of constitutionality to which every duly enacted state and federal law is entitled, we are unable to conclude that they violate the Equal Protection Clause of the Fourteenth Amendment."

#### Voting Rights Act of 1965 - Section 4(b) - Coverage of State of Texas

Briscoe v. Bell, 432 U.S. \_\_\_\_\_ (1977), docket number 76-60, decided 6/20/77.

The Supreme Court held that the provision of Section 4(b) of the Voting Rights Act of 1965, that a determination of the Attorney General or Director of the Census, that a State is covered by the Act "shall not be receivable in any Court," absolutely precluded judicial review of such a determination. The Supreme Court, in vacating and remanding the decision, found that the District Court and the Court of Appeals erred in holding that they had jurisdiction to review petitioners' claims that the Attorney General and the Director of the Census had erroneously applied Section 4(b) in determining that Texas is covered by the 1975 amendments to the Act extending its protections to language minorities. According to the Court, a "bailout" suit under Section 4(b) to terminate coverage under the Act was Texas' sole remedy.

Such interpretation of Section 4(b) is supported by its language and legislative history as well as the Supreme Court's interpretation of the Act in South Carolina v. Katzenbach, 383 U.S. 301 (1966) and Gaston County v. United States, 395 U.S. 285 (1969). While recognizing Section 4(b) as "an uncommon exercise of Congressional power," (South Carolina v. Katzenbach, *supra* at 335), the Supreme Court concluded that Congress acted within its power to enforce the Fourteenth and Fifteenth Amendments by appropriate legislation in order to effectively combat racial discrimination in voting.

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#### Voting Rights Act of 1965 - Section 5 - State Legislative Reapportionment Plan - Attorney General Objection

Morris v. Gressette, 432 U.S. \_\_\_\_ (1977), docket number 75-1183, decided 6/20/77

The Supreme Court affirmed a three-judge Court's holding that the collateral estoppel doctrine did not preclude it from considering the state's contention that the requirements of Section 5 were satisfied when the Attorney General failed to interpose an objection within 60 days after submission of the new state legislative reapportionment plan to him. The Supreme Court held that the objection interposed by the Attorney General to the new plan was invalid and that South Carolina is free to implement such plan.

The Court found that the statutory language and the legislative history of Section 5 of the Act show that Congress intended to provide the covered jurisdiction with an expeditious alternative to declaratory judgment actions by providing submission to the Attorney General as an alternative. Since, in this case, judicial review of the Attorney General's action would unavoidably extend the period specified in the Act, it is necessarily precluded. And,

where the discriminatory character of an enactment is not detected upon review by the Attorney General, it can be challenged in traditional constitutional litigation, but it cannot be questioned in a suit seeking judicial review of the Attorney General's exercise of discretion under Section 5, or his failure to object within the statutory period.

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#### Advertising - Political Campaign Signs - Discrimination

Orazio v. Town of North Hempstead, 426 F. Supp. 1144 (E.D. N.Y., 2/16/77)

The District Court held that a municipal ordinance banning erection of political wall signs until 6 weeks before an election "discriminates against political speech in violation of the First and Fourteenth Amendments" of the U.S. Constitution. The Court relied on the Supreme Court's ruling in Police Department of Chicago v. Mosley, 408 U.S. 92, 96 (1972) which held that: "Selective exclusions from a public forum may not be based on content alone, and may not be justified by reference to content alone." In this case, the town placed no time limits on non-political wall signs which 'advertise the nature of the business being conducted on those premises' but political wall signs attached to a candidate's headquarters may only be erected 6 weeks before election, thereby "discriminating against this particular class of signs because of their political content."

The Court dismissed the town's contention that the ordinance is properly founded on its concern for aesthetic values, for "political wall signs are not inherently more obnoxious or ugly than non-political wall signs." In addition, the Court declared that the town's relying on Lehman v. City of Shaker Heights, 418 U.S. 298 (1974), which held that a city could exclude political advertisements from a "captive audience," was invalid for this case. The Court concluded that the political wall signs do not confront a captive audience since any passerby may avert his glance. Finally, the Court dismissed the town's assertion that time limitations on political wall signs are necessary because politics is a temporary business, asserting that: "Whether temporary or not, politics is important business, and it is difficult to perceive what governmental interest is served by placing time limits on the public's opposition to be informed about candidates who are seeking public office or organizations that support them."

#### Ballots - Placement of Candidate's Name - Discrimination

Culliton v. Board of Election Commissioners of the County of DuPage, 419 F. Supp. 126 (N.D. Ill., E.D., 9/20/76)

A candidate for state's attorney brought suit against the county board of election commissioners to challenge the constitutionality of the board's practice of consistently placing the candidates of the Republican party on the first line of the ballot. The plaintiff must prove that "top placement on

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the ballot is an advantage in an election, that it favored the [candidates in top ballot position] and that intentional denial of this spot worked a discrimination on him" in order to sustain his case. Bohus v. Board of Election Commissioners, 447 F.2d 821, 822 (1971). In addition, the plaintiff must present satisfactory evidence that the ballot position would be significant in the election to be entitled to equitable relief.

The District Court held that evidence did establish that top placement on the ballot would be an advantage to the plaintiff and that this position cannot be "arbitrarily and capriciously allocated on partisan grounds." The Court ruled that the plaintiff and the class he represented had been unconstitutionally denied equal protection and ordered injunctive relief, stating that the order of the competing parties must be determined by an impartial and unweighted drawing for the next election, and a rotational ballot placing instituted for future general elections.

### Campaign Financing - Corporate Contributions

United States v. Russell, 415 F. Supp. 9 ( W. D. Tex. 6/18/75)

On a motion to dismiss indictment, the District Court held that the statute concerning political contributions or expenditures by national banks, corporations or labor organizations is constitutional on its face, and was constitutionally utilized by the indictment in regard to the general conspiracy statute and the statute concerning aiding and abetting. The Court ruled that "in considering the constitutionality of a statute, there is a long standing presumption that a statute enacted by Congress is constitutional and, therefore, such statute should be construed whenever possible to uphold constitutionality," particularly when the statute pertains to the process by which the self-governing electorate chooses its representatives. The Court held that in order for an officer or director of a corporation to be convicted for violating the statute, there would have to be a showing of knowing and wilful consent to a knowing and wilful violation. Furthermore, it is essential to determine whether the person condoning the illegal corporate contribution with whom the defendant allegedly conspired is an "officer" of the corporation.

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#### Campaign Financing - Governmental Inspectors at Fund-raising Activities - Constitutionality

Partido Nuevo Progresista v. Hernandez Colon, 415 F. Supp. 475 (D. Puerto Rico, 3/26/76)

Political party and individual members of the party brought suit challenging the constitutionality of a statute amending the provisions of the Commonwealth of Puerto Rico's Electoral Code dealing with the disclosure and reporting of private monetary contributions to political parties. They claim that the presence of governmental inspectors at massive fundraising activities as provided by the statute constitutes an impermissible restraint on the right of free speech and association and that the statute violates due process because of vagueness.

The District Court held that the political contribution and disclosure statute was unconstitutional on both counts. Relying on Buckley v. Valeo, 424 U.S. 1, the Court stated that "the promotion of a 'substantial societal interest' by the presence of governmental inspectors at a political activity is tenuous"--their presence would hardly substantially contribute to keeping political contributions, and their corresponding disclosures, within the limits of the law. "There is no indication that the substantial criminal penalties for violating the contribution ceilings [and the disclosure provisions] combined with the political repercussion of such violations will be insufficient to police the contribution provisions." Buckley, supra, at 68-69. Rather, the intrusion of these inspectors would bring a "chilling" effect on the exercise of First Amendment rights; the presence of these inspectors would "impose significantly more severe restrictions on protected freedoms of political expression and association" than are required to achieve the goal sought. " Buckley, supra, at 23.

In addition, the Court ruled that the statute was unconstitutionally vague because of the imprecision of the term "massive political activity." (The number of persons constituting a "massive political activity" is of essence to determine whether a criminal violation has been committed.) The Court asserted that such vague laws which impose criminal penalties in areas related to First Amendment interests may "trap the innocent by not providing fair warning" or foster "arbitrary and discriminatory application" but also operate to inhibit protected expression by inducing citizens to "steer far wider of the unlawful zone"...than if the boundaries of the forbidden areas were clearly marked. "

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#### Candidates - Ballot Access - Demonstration of Popular Support

Udall v. Bowen, 419 F. Supp. 746 (S.D. Ind., 4/1/76)

A candidate for presidential primary brought action against state election officials, challenging the statute requiring candidates to obtain signatures of 500 registered voters from each of 11 congressional districts as a pre-requisite to being placed on the ballot. Plaintiffs claim that this provision violates the Due Process and Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.

The three-judge District Court held that the statute was constitutional, asserting that the Supreme Court has upheld that there is "an important state interest in requiring some preliminary showing of a significant modicum of support before printing the name of the political organization's candidate on the ballot." Jenness v. Fortson, 403 U.S. 431 (1970). This requirement also serves the important public interest against providing artificial incentives to "splintered parties and unrestrained factionalism." Storer v. Brown, 415 U.S. 724 (1974). Since in Jenness, *supra*, the Court held that the required number of signatures on the nomination petition (5% of Georgia's registered voters) for ballot placement was constitutional, the number of required signatures in Indiana (slightly under 2/10 of 1% of the registered voters) can hardly be unconstitutional. The Court also dismissed the claim that a minimum number of signatures from eleven congressional districts was unduly burdensome, again relying on Jenness, *supra*. Finally, since in Indiana, delegates to the national convention are selected by the state convention of the party and not the primary, they have a duty to support the candidate receiving the highest statewide primary vote for one ballot only in the national convention (See Indiana Code, §3-1-9-19). Therefore, since splinter candidates have no chance of winning delegate votes by running in the primary, the Court ruled that "the minimal regulation imposed by the statute is reasonable in degree, protects valid state interests, and is constitutional."

#### Candidates - Filing Deadline for Nomination Papers - Constitutionality

LaRouche v. Guzzi, 417 F. Supp. 444 (D. Mass., 8/5/76)

Candidates for the offices of President, U.S. Senator, and Congressman brought action challenging the Massachusetts statutory scheme for filing nomination papers, stating that the deadline is unreasonably remote from

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the election and is therefore an unconstitutional burden upon the rights of voters and candidates.

The Court dismissed the plaintiffs' complaints, holding that the Massachusetts filing deadline --requiring candidates to file their nominating petitions 119 days prior to the election after a 12-week period in which nomination papers could be circulated --does not unreasonably burden the right of independent candidates to achieve a place on the ballot nor the rights of independent voters; and that it was not unreasonable to require both independent and party candidates to circulate and file their petitions at the same time.

The Court asserted that although the Supreme Court has indicated that candidacy restrictions must further a state's "compelling interests," Storer v. Brown, 415 U.S. 724, 729 (1973), "it has not interpreted this language as depriving the states of considerable latitude to set times, dates and other standards" (417 F.Supp. at 448). The states may choose their own means to determine voters' qualifications, to require some preliminary showing of support for a candidate, and to regulate the number of candidates to avoid voter confusion and crowded ballots (See Jenness v. Fortson, 403 U.S. at 442 and Bullock v. Carter 134, 145 (1972)); and "the particulars of such systems are not per se unconstitutional merely because the state might have adopted an alternative which would have made it easier for an independent candidate to get on the ballot" (417 F. Supp. at 448).

### Candidates - Filing fees - Constitutionality

Gallagher v. Evans, 536 F. 2d 899 (C.A. 10, 6/3/76)

Candidates for various offices in the 1972 New Mexico primary election who paid filing fees under protest brought action to recover the amounts paid, stating that their rights secured by the Equal Protection clause of the Fourteenth Amendment to the U.S. Constitution had been violated by an unconstitutional state statute. The District Court for the District of New Mexico denied relief and the candidates appealed.

The Court of Appeals reversed the judgment, holding that denial by state court of a recovery of fees paid under the compulsion of an unconstitutional state statute is a violation of the Fourteenth Amendment. The claim was not barred by the Eleventh Amendment since in this case, the filing fees

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went to the county and not to the state, the county not being within the prescription of the Eleventh Amendment. Relying on Dillon v. Fiorina (D.N. Mex., 340 F. Supp. 729), the Court ruled that since the filing fee had been declared unconstitutional as applied to candidates for the U.S. Senate in Dillon, supra, enforcement of this statute as to candidates for other offices would deny these candidates equal protection in violation of the Fourteenth Amendment--the plaintiffs were entitled to recover the fees. In addition, the Court ruled that a constitutional provision must be uniform; thus a valid statute may become invalid by change in conditions to which it is applied. In light of this opinion, the Court remanded the case for further proceedings.

#### Candidates - Independent - Place on Ballot

McCarthy v. Askew, 540 F. 2d 1254 (C.A. 5, 10/7/76)

The governor of Florida and other defendants appealed the order of the U.S. District Court for the Southern district of Florida requiring the name of Eugene J. McCarthy to be placed on the Florida ballot as an independent candidate for presidency.

The Court of Appeals affirmed the district court order, relying on McCarthy v. Briscoe, 429 U.S. 1317 (1976). The Court ruled that where a state forecloses independent candidacy in a presidential election by providing no means for a candidate to demonstrate community support, other evidence should be considered to determine whether it might be assumed the candidate has necessary community support. In this case, it is accepted that Senator McCarthy is a nationally known figure, having served two terms in the U.S. Senate, five in the House of Representatives, having actively sought the Democratic nomination for President in 1968, and having qualified this year for placement on the general election ballot in many states. Since the defendants have not shown that support for McCarthy is less substantial in Florida than elsewhere, his name must be placed on the Florida ballot as an independent candidate for presidency.

#### Candidates - Independent Presidential - Placement on Ballot

McCarthy v. Exon, 424 F. Supp. 1143 (D. Neb. 9/1/76), affirmed by the U.S. Supreme Court 11/29/76.

A three-judge District Court found that an independent candidate for president was unconstitutionally barred from being placed on the ballot for the



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general election in November in Nebraska. The Court declared unconstitutional Nebraska's law requiring independent presidential candidates to join a political party before being eligible for a place on the ballot. The Court found that Nebraska's statutory scheme provided no method by which an independent candidate for the office of President of the United States may appear on the ballot other than through certification by a political party. Consequently, such statutes are unconstitutional and in violation of the First and Fourteenth Amendments of the Constitution.

The United States Supreme Court affirmed this decision without issuing an opinion on November 29, 1976.

#### Candidates - Party and Independent - Place on Ballot

MacBride v. Askew, 541 F. 2d 465 (C.A. 5, 10/13/76)

Candidates for President and Vice President of the United States, after failing to qualify as minor party candidates, sought an injunction, pending appeal from denial of relief by the U.S. District Court for the Northern District of Florida, to place their names on the Florida general election ballot as independent candidates. While the district court held unconstitutional the failure of the Florida statutes to provide a method by which independent candidates may qualify for the ballot as required by the First Amendment, it refused to order the candidates' names on the ballot because they had not demonstrated sufficient community support in Florida. Storer v. Brown, 415 U.S. 724, 726 (1974).

The Court of Appeals determined that party candidates differ from independents and denied the candidates' request for an injunction appeal. Relying on Storer, *supra*, the Court ruled that because the state has an important interest in preventing voter confusion, it is required by the First Amendment to place on the ballot as independents only those candidates without substantial party affiliations. The aforementioned candidates are party candidates, not independents, having received the nominations of the Libertarian Party, a party which qualified as a minor political party in Florida, and having campaigned as Libertarian nominees in at least 22 states. Therefore it cannot be said that "they are 'truly independent' candidates whose names must be forced onto the Florida ballots as a matter of constitutional law."

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#### Councilmanic Elections - Limiting Number of At-large Seats of a Political Party - Constitutionality

Hechinger v. Martin, 411 F.Supp. 650 (U.S.D.C. Dist. Col., Civ. Action No. 74-1666, 3/24/76), (affirmed by the U.S. Supreme Court in a summary order on January 10, 1977, docket number 75-1532)

An action was brought before a three-judge district court for the District of Columbia challenging Sections of the District of Columbia Self-Government and Governmental Reorganization Act which limited the number of members serving at large on the Council who are affiliated with the same political party, its purpose to ensure minority representation on the Council. It was argued that the statute deprived the plaintiffs of their First Amendment rights by preventing them as registered Democrats from exercising their vote in accordance with their political beliefs and by preventing them from "free and effective association with other Democrats in political activity aimed at electing Democrats to the at-large seats on the Council." In addition, it was argued that the law unconstitutionally discriminates against all political parties by restricting candidates of any party to holding two of the four seats while allowing independent candidates to be elected to all four at-large seats, thereby violating their Fifth Amendment rights.

The District Court held that the election law limiting the number of council members of one political party was not in violation of the U.S. Constitution. Relying on Buckley v. Valeo, 424 U.S. 1 (1976), the Court stated that the concept of minority representation is entirely consistent with the First Amendment principles of freedom of expression and association, and that the means chosen to further that purpose are well within constitutional limits. The Court asserted: "[T]he Congress' interest in facilitating some representation of political minorities on the City Council of the nation's capitol is a valid one, sufficiently important to warrant the challenged interference with the rights of political association, and that the means adopted to promote that interest are reasonable and do not amount to an unnecessary abridgement of those rights." It is not apparent to the court that there exists any discrimination or Fifth Amendment problem by these statute limitations. It is the Court's opinion that the plaintiffs failed to understand that an independent candidate is not a party or organizational label; an independent candidate is exempted from the law's restrictions because that person is not supported by an organization which is also supporting other candidates. The plaintiffs' motion to enjoin the enforcement of this statute was denied.

The United States Supreme Court affirmed this decision on January 10, 1977 without issuing an opinion.

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### FEDERAL COURT CASES CONT'D

#### Political Parties - Challenging Intent of Minor Party Candidate and Voters Supporting Same Minor Party

Hooks v. Eure, 423 F. Supp. 55 (W.D. N.C., 11/9/76)

American Labor Party leaders and spokesmen brought suit against county election authorities and others accusing individual defendants not connected with the Board of Elections of conspiring to take over or interfere with the Labor Party locally by both registering for mayor and voting in the primary election. They alleged also that the Board of Elections acted unlawfully in violation of civil rights statutes and the plaintiffs' constitutional rights by their prejudice against the plaintiffs in allowing people to register who "took a less than serious view of the fortunes and position of the Labor Party."

The District Court dismissed the complaint and held that the election board defendants in carrying out their duties are not "guarantors of the 'good faith'" of those who register to vote. As for the individual defendants, the Court found their conduct to be no more than "a robust, though sometimes clownish, assertion of political rights," certainly not a conspiracy to deprive anyone of their constitutional rights. The Court asserted, in fact: "If the court should deny to the defendants their right to register and vote as they please, it would be drastically and unconstitutionally and without authority interfering with the protected rights of the defendants themselves, to participate in the electoral process."

#### Primary Elections - Participation of Independent Voters

Nader v. Schaffer, 417 F. Supp. 837 (D. Conn., Civ. Action No. H-76-20, 7/20/76), (affirmed by the U.S. Supreme Court in a summary order on December 6, 1976, docket number 76-504)

An action was brought before a three-judge district court for the District of Connecticut challenging the statute that limited primary participation to members of political parties. It was argued that the denial of the right to vote in primary elections, while it was extended to enrolled party members, deprives plaintiffs of their Fourteenth Amendment right to equal protection of the laws. Moreover, it was argued that such a statute compelled plaintiffs either to enroll in a political party or to forego a right to vote in a primary election and thus impermissibly forced plaintiffs to choose between a right to vote and the right to freely associate for the advancement of political ideas.

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The District Court held that the election laws governing primaries are not in violation of the United States Constitution since they provide for legitimate goals through constitutionally permissible means. The Court found that the law which limited primary participation to members of political parties was an appropriate means for the legislature to preserve the integrity of the electoral process, which included preserving parties as viable and identifiable interest groups and insuring that the results of primary elections accurately reflect the voting of party members. In support of its decision, the District Court cited Rosario v. Rockefeller, 410 U.S. 724 (1974); and American Party of Texas v. White, 415 U.S. 767 (1976).

The Court asserted:

It is clear from these cases that in order to protect party members from 'intrusion by those with adverse political principles,' and to preserve the integrity of the electoral process, a state legitimately may condition one's participation in a party's nominating process on some showing of loyalty to that party, and that is precisely what Connecticut does in §9-431. The enrollment process of §9-56 is not particularly burdensome, and it is a minimal demonstration by the voter that he has some 'commitment' to the party in whose primary he wishes to participate. It does not constitute anything in the nature of an absolute barrier to voting in a primary election because it is beyond the capabilities or powers of an elector to perform as was the case in Dunn v. Blumstein, 405 U.S. 330 (1972) (one-year residency requirement), and Smith v. Allwright, 321 U.S. 649 (1944) (blacks barred from participation in primary elections). Compare Rosario v. Rockefeller, 410 U.S. 752 (1973). And if plaintiffs choose not to associate, by not enrolling in a party, their right to vote in the general election is unaffected.

On December 6, 1976, the United States Supreme Court affirmed this decision without issuing an opinion.

### Qualifications to Vote - Durational Residence Requirements

Jackson v. Bowen, 420 F. Supp. 315 (S.D. Ind., 9/21/76)

A class action was brought by Indiana voters seeking declaration that an Indiana requirement of 60 days residence in a township as a qualification

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to vote in the primary, general and city elections was unconstitutional. The District Court held that the 60-day residency requirement was unconstitutional as a violation of the equal protection clause of the U.S. Constitution. The court based its decision on the Supreme Court ruling that since residency requirements involve the fundamental right to vote, the State must show a "compelling state interest" for its residence requirements...the State cannot choose means that unnecessarily burden or restrict constitutionally protected activity..." Dunn v. Blumstein, 405 U.S. 330, 343. The district court rejected the claim that the residency requirement would result in a voter's exercising his right to vote more intelligently. The Court asserted:

"As long as the State relies on the oath-swearing system to establish qualifications [as Indiana does], a durational residence requirement adds nothing to a simple residence requirement to stop fraud...As long as the State permits registration up to 30 days before an election, a lengthy durational residence does not increase the amount of time the State has in which to carry out an investigation into the sworn claim by the would-be voter that he is in fact a resident." Blumstein, 405 U.S. at 347.

In addition, relying on preceding district court decisions (See Meyers v. Jackson, 390 F. Supp. 37 (1975)) which held that waiting periods beyond the cutoff date for registration were unconstitutional, the Court ruled that since the time allowed for Indiana's voter registration was 45 days preceding a primary or general election on a "door-to-door" basis and 29 days before an election at the principal voter registration office, Indiana's 60-day durational residency requirement was impermissible.

### Redistricting - County Commissioners - At-Large System

Pitts v. Cates, 536 F. 2d 56 (C.A. 5, 7/28/76)

An action was brought challenging the 1973 and 1974 Georgia local acts which amended the election plan for the Fulton County Board of Commissioners by creating four new single-member districts but maintaining the three at-large commission posts as established in 1952, the appellees declaring these at-large posts unconstitutional.

A three-judge district court, 380 F. Supp. 4, enjoined enforcement of the 1973-1974 acts, and the remaining issues, the validity of the 1952 Act and

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the establishment of an interim plan, were remanded to the District Court. A single-judge district court, 380 F. Supp. 8, concluded that the 1952 Act should not be revived and established an interim plan, which deleted the objectionable majority vote requirement for at-large seats but otherwise adhered to the rejected 1973-1974 acts, and the defendants appealed. The Court of Appeals reviewed the District Court interim plan and remanded it to determine whether the 1952 Act was constitutional. On remand, the U.S. District Court for the Northern District of Georgia, 395 F. Supp. 35, held the 1952 Act unconstitutional and also set 2-year terms for the interim commissioners which was appealed.

The Court of Appeals vacated the lower court's judgment, holding that changes could not be rejected merely because they failed to eliminate pre-existing at-large aldermanic seats. The Court stated that the purpose of §5 of the Voting Rights Act is to insure that changes in voting procedures do not cause minority voters to lose ground in relation to other voters. Since the District Court's interim plan was only slightly different from the 1973-74 legislation, and in elections held under this plan, two black commissioners out of four single-member districts were elected, no black having ever been elected to the Board before, such a gain precluded a §5 violation of the Voting Rights of 1965, unless the 1973-74 legislation otherwise violated the Constitution. Since neither the District Court nor the Court of Appeals had the jurisdiction to decide whether the 1973-74 acts violate §5 of the Voting Rights Act, the Court remanded the case to allow the Fulton County Commissioners to resubmit the 1973-74 acts to the Attorney General.

### Voter Registration - Students - Discriminatory Procedures

United States v. State of Texas, 422 F. Supp. 917 (S. D. Tex., 11/3/76)

The United States brought action against the State of Texas for declaratory relief, alleging that discriminatory voter registration procedures and standards were applied by a tax assessor to students attending a county college --the required completion of a detailed questionnaire before qualifying for voter registration, which was not mandatory for non-students, thereby violating their civil rights and constitutional rights.

A three-judge court dismissed the case and declared that any claim for injunctive relief in regard to the 1976 general election was moot because of the Government's unconscionable delay in filing suit. Since the suit was filed 10 days after voter registration for that election was closed, the

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number of ballots had already been printed and a list of the registered voters completed. In addition it was 1 day after absentee balloting had commenced, which according to Texas law meant that the election was considered to be in progress already 1 day. Relying on Sterling v. Yates, 131 Tex. 509 (1938) and Williams v. Rhodes, 393 U.S. 23 (1968), the Court stated that the federal and state courts have been reluctant to grant any relief that might disrupt the orderly conduct of an impending election, and that it would be impossible to grant plaintiff relief "without disregarding Texas registration procedures designed to protect the purity of the ballot." Finally, the Court stated that the Texas voter registration records indicated that approximately 1/2 of the resident students were already registered to vote in Texas, which was comparable with the 50% of all Texas citizens of voting age who were registered to vote.

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#### Absentee Ballots - Endorsements - Validity

Kuhn v. Beede, 249 N.W.2d 230 (Sup. Ct. N.D. 1976)

A candidate petitioned the Court for a review of the lower court's decision which rejected certain absent voters' ballots which were cast in a state legislative contest because the ballots were not endorsed with the official stamp and initialed pursuant to the statutes. The Supreme Court held that the endorsement requirement is mandatory and that the ballots not endorsed would not be counted despite no allegation of fraud. Also, the Court found that the voiding of absent voters' ballots did not violate voters' constitutional rights.

#### Absentee Ballots - Overseas Ballots Received After Election Day

United States of America v. New York State Board of Elections, No. 76-CV-440, Northern District Ct. of N.Y., 1976

The state agreed, in the first lawsuit brought under the Overseas Voting Rights Act, to accept and count all ballots --including overseas absentee ballots-- postmarked by 9 p.m. New York time on election day and received by the local county election boards by November 12.

#### Campaign Financing - Disclosure Requirements - Constitutionality

Arvey v. Sheriff, Clark County, Nevada, No. 9925, Sup. Ct. of Nev., 7/17/77

The Supreme Court of Nevada upheld the constitutionality of §294A.020 of the Nevada Revised Statutes which requires the reporting of campaign expenditures. The Court dismissed the argument that the state laws which require disclosure after the election do not inform the voters in any meaningful way and that their purpose is solely to police the unconstitutional attempt to limit spending. The Court asserted that the law serves important informative and deterrent functions and the issue of whether a pre-election disclosure requirement would be more effective is not within the proper judicial review in this proceeding.



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#### Campaign Financing - Disclosure Requirements - First Amendment Rights

Wisconsin Socialist Workers 1976 Campaign Committee v. McCann, No. 76-C-73, Eastern District of Wisconsin, 6/13/77

The District Court ruled that sections of the Wisconsin Campaign Financing Act were unconstitutional in their application to persons and organizations associated with the Wisconsin Socialist Workers Party. The Court concluded that the Wisconsin Socialists Workers Party's record of harassment and widespread surveillance on a local and national level directed at the members of the organization and the organization itself, and the evidence indicating that individuals refused to contribute because of fear of public disclosure satisfied the burden of proof set forth in Buckley v. Valeo, 424 U.S. 1, 74 (1976). To be exempt from the disclosure requirements, minor parties "need show only a reasonable probability that the compelled disclosure of the party's contributors' names will subject them to threats, harassment or reprisals from either government officials or private parties." The Court asserted that "the minimal interest of the state in regulating this minor party must give way to the rights of those few individuals who seek to freely express their political beliefs."

#### Campaign Financing - Disclosure Requirements - Penalty for Late Filing of Financial Statement

Los Angeles County Democratic Central Committee v. County of Los Angeles, App., 132 Cal. Rptr. 43 (Cal. Ct. of Appeal, 8/19/76)

The Los Angeles County Central Committee and various members of that committee and of comparable committees of other political parties brought a class action against the County of Los Angeles and the County Registrar of Voters for declaratory and injunctive relief from enforcement of the penalty provision of the Waxman-Dymally Campaign Disclosure Act for late filing of required financial disclosure statement. The Superior Court of Los Angeles County dismissed the complaint and the plaintiffs appealed.

The Court of Appeal reversed the lower court's judgment, stating that "if an actual controversy appears from the complaint (as it does here), the plaintiff is entitled to the declaration of rights that he seeks, whether that declaration is in his favor or is adverse to his position." The Court

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held that the penalty provision for late filing of campaign statement applies to an in lieu exemption statement required by candidates of public office who have collected and spent less than \$500, as well as the standard campaign statement. In addition, the Court concluded that the 1974 amendment to this act requires the Registrar to exercise discretion as to any enforcement of the collection of penalties, the imposition of a penalty for late filing being discretionary rather than mandatory. Finally, the Court concluded that the legislative intent of this Act permits a discretionary release of the candidates, so long as they ultimately file an in lieu statement.

#### Campaign Financing - Expenditure Limitations - Constitutionality

State Ethics Commission v. McDowell, Sup. Ct. of Georgia, decided 1/4/77

The Supreme Court of Georgia reversed the lower court's decision which upheld the provision of the Georgia Campaign and Financial Disclosure Act which limited the total amount a candidate could "expend from his personal funds and from contributions made in furtherance of his political campaign, personally and through his campaign committee." Relying on Buckley v. Valeo, 424 U.S. 1, the court asserted that the Georgia Act is no different from the Federal Act in the First Amendment area --such limitations restrict the ability of candidates, citizens, and associations to engage in protected political expression --and that the Georgia over-all expenditure limitations are unconstitutional.

#### Campaign Financing - Reporting Requirements for Political Committee - Post-election Contributions

In re General Election Expenses of Shapp, Cmwlth. Ct. of Pa., Number 1124 C.D. 1976, decided 1/14/77

Pennsylvania electors brought action to compel individual citizens and a political committee organized to further candidates for the 1974 gubernatorial general election to file a supplemental expense account detailing contributions made on election day and afterwards, and also sought an audit of the expense account filed by the committee.

The Court dismissed the electors' objections, stating that the Pennsylvania Election Code, §1607, does require the filing of a single expense

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account within a 30-day period after the election which the committee did, but does not provide a continuing obligation on a candidate or political committee to file additional supplemental expense accounts for contributions received after an election. In addition, the court interpreted the limitation of 30 days in which to file petitions for audit as mandatory rather than directory, and dismissed the petition since the petitioners (electors) failed to meet this time limitation. Relying on Lurie v. Republican Alliance, 412 Pa. 61, 192 A.2d 367 (1963), the Court asserted:

the Election Code must be liberally interpreted to carry out the evident legislative intent that expense accounts of candidates for public office must be subject to the closest scrutiny, but the interpretation of any section of the Election Code must be based on, and necessarily limited by, the words used to express that intent, ... [and although] the respondents ... may be the beneficiaries of a significant gap in the campaign finance reporting requirements of the Election Code...the expansion of these requirements to include post-election contributions is a legislative rather than judicial function.

#### Candidates - Disclosure of Property Interests - Constitutionality

Klaus v. Minnesota State Ethics Commission, 244 N.W. 2d 672 (Sup. Ct. of Minnesota, 7/30/76)

A candidate for state legislature brought action challenging the constitutionality of the disclosure provisions of the "Ethics in Government" statute which required him to file a statement of economic interest. The District Court of Ramsey County maintained the statute was constitutional, ordering the candidate to comply, and the candidate appealed.

The Supreme Court of Minnesota affirmed the lower court's judgment, holding that provisions requiring a candidate for public office to disclose information regarding property interests which he or she holds and which, if elected, he or she might be expected to protect, are reasonable and proper, and whatever invasion of privacy may result does not deprive such candidate of any protected constitutional right. The Court asserted: "Not only does such information permit the electorate to obtain some insight into a candidate's potential conflicts of interest, but inevitably the disclosure itself tends to inhibit the candidate, if elected, from resolving in his own favor conflicts which otherwise would remain undisclosed."

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#### Candidates - Independent - Ballot Access

McCarthy v. Secretary of the Commonwealth, Mass. Adv. Sh. (1977) 1.

Independent candidates for the offices of President and Vice President who had been denied ballot access for the Massachusetts general election sought injunctive relief ordering the Secretary to place their names on the ballot and a declaratory judgment that they had met the ballot access requirements, that the statute was unconstitutional or that it failed to provide for meaningful review of the actions of local registrars.

The Superior Court ordered the names of such candidates to be placed on the ballot, ruling that they had met the Massachusetts statutory requirements by obtaining more than the required number of signatures for obtaining a place on the general ballot, and that the statutes were unconstitutional as applied in this case because they denied the candidates meaningful review of the certification process --the candidates' indefensible burden of proving the validity of a sufficient number of the signatures was hardly intended by the Legislature. The court asserted that judicial review of the signature certification process is necessary to safeguard the integrity of the electoral process and afford a fair and reasonable means of ballot access to independent candidates, but that in the future the burden to demonstrate the validity of noncertification of signatures must be placed on the Secretary of the Commonwealth.

#### Candidates - Nomination Petitions - Validity

In re Nomination of Elliott, 362 A.2d 438 (Cmwlth. Ct. of Pa., 3/15/76), (affirmed by the Sup. Ct. of Pa. 3/24/76, 353 A.2d 446)

A candidate for the 1976 primary election for the Democratic nomination for the office of U.S. Senator brought proceeding under the Election Code to set aside the nomination petition of a candidate for the same office.

The Commonwealth Court of Pennsylvania concluded that the petition was invalid under the Election Code since it contained less than one hundred signatures of registered and enrolled members of the Democratic Party in each of at least 10 counties of Pennsylvania, and set aside the petition. See §§912, 976 and 977 of the Election Code and §§2872, 2936 and 2937 of Title 25 of the Pennsylvania Statutes. This decision was affirmed by the Supreme Court of Pennsylvania on March 24, 1976.

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#### Candidates - Qualifications

State Ex Rel. Burke v. Campbell, 542 S.W. 2d 355 (Mo. Ct. of Appeals, 9/28/76)

The Missouri Court of Appeals held that the Missouri provisions (Article 3, §4 of the Missouri Constitution and §21.080 of the Revised Statutes of Missouri) which state that a candidate for Representative shall have been a "qualified voter" for two years requires that he must have been registered to vote in any regular or special election for two years to qualify as a candidate. The phrase "qualified voter" has been interpreted to mean that if a citizen possessed every other qualification but was not registered, he was not a qualified voter. The Court asserted that certainly the framers of Article III, Section 4 of the Missouri Constitution, did not intend for any citizen not qualified to vote in his own election to serve as State Representative. Relying on State ex rel. Gralike v. Walsh, 483 S.W. 2d 70, 74 (1972), the Court held that a state may establish and enforce reasonable requirements for officeholders and that the two year "qualified voter" requirement did not violate the Equal Protection Clause of the Fourteenth Amendment.

#### Election Irregularities - Malfunctioning of Voting Machine

Application of Moffat (Township of Princeton v. Bleiman and Hutter and Hall) 361 A. 2d 74 (N.J. Sup. Ct., A.D., 6/8/76)

Three appeals were taken from judgments of the Superior Court, Law Division, setting aside the election of a township committee member because of malfunctioning of the voting machine and declaring that the municipal governing body was empowered under law to fill the vacancy resulting from vacation of the election, the appointee to be a member of the Democratic Party.

The Superior Court, Appellate Division, affirmed the judgments under review. The Court held that the malfunction of the machine did result in the rejection of legal votes, and it was "highly probable" that the number of votes rejected was sufficient to change the result of the election. It is the Court's view that the contestant's burden of showing that "illegal votes were cast in number sufficient to change the result if they had in fact been cast for the contestee" (Application of Murphy, 101 N.J. Super. 163, 167, 243 A. 2d 302 (1968)) does not apply to this case where the issue is the rejection of legal votes rather than illegality; instead the contestant must

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demonstrate that had the votes been cast for him, the result would have been different, which was demonstrated. Finally, the Court asserted: "Where irregularities are such 'that the court cannot with reasonable certainty determine who received a majority of the legal votes, the election should be set aside.'" 3 McQuillin, Municipal Corporation, §12.24 at 152. The Court interpreted the Municipal Governing Body Vacancy Law as providing that the vacancy be filled temporarily by a vote of the majority of the whole membership of the governing body, the appointee to be of the same party of the previous incumbent, i.e., of the Democratic Party.

#### Election Offenses - Bribery

People v. Cunningham, 390 N.Y.S. 2d 547 (1976)

The Supreme Court, Bronx County, dismissed indictments against a candidate for judgeship and the leader of the county political party, finding that the alleged agreement for an early resignation by the candidate did not constitute a "payment or contribution of any valuable consideration" within the meaning of the statute providing that it is a felony to make any gift or promise in consideration of receiving an appointment or election to public office (New York Election Law, §448). The Court asserted that the statute was designed to apply to events following a nomination and in an election campaign. Moreover, such statute was inapplicable to the alleged promise by the city councilman to resign from his council seat early in order to confer a benefit on the political party in naming his successor despite the fact that the councilman would have received in turn support of the leader of the county political party.

#### Elections - Method of Selecting Illinois State Board of Elections Members - Constitutionality

Walker v. State Board of Elections, Sup. Ct. of Illinois, docket number 47981, decided 11/15/76

Plaintiffs, after receiving complaint from the Illinois Better Government Association concerning failure to comply with requirements of the Campaign Disclosure Act which was scheduled to be heard before the State Board of Elections, brought action against the State Board of Elections, claiming that Public Act 78-918, which established the State Board of Elections, was unconstitutional and sought a declaratory judgment to that effect.

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The circuit court of Sangamon County determined that both the method of selecting members of the State Board of Elections and the method used by the Board to resolve tie votes were unconstitutional, and issued a declaratory judgment limiting the Board to ministerial functions and enjoined the Board from hearing the complaint filed by the Better Government Association. A notice of appeal was filed and the trial court granted a stay order pending the appeal.

The Supreme Court of Illinois affirmed the holding of the lower court that the statutory method used to select members of the State Board of Elections and the tie-breaker provisions of said statute were unconstitutional, but reversed the lower court's order to retain the Board members in office since the means of selection were unconstitutional.

Indetermining the legitimacy of the plaintiffs' suit, the Court ruled that the plaintiffs did have standing to challenge the ruling of this statute since they were subject to criminal prosecution if the Board judged their violation to be "willful." Since the plaintiffs did not merely attack the statute as it was applied to them, but rather challenged the statute in its terms, they were not required to exhaust administrative remedies before seeking judicial relief nor do questions of fact have to be resolved before reaching the constitutional questions.

The Court found the method of selecting the members of the State Board of Elections to be violative of Article V, Section 9(a) of the Illinois Constitution of 1970, ruling that the members' duties are primarily executive in nature and that they are "officers of the Executive Branch"; and that the legislative leaders of the General Assembly do participate in the de facto exercise of the appointing of these executive officers, going against the statute's strict prohibition against legislative appointment of executive officers. In addition, the Court ruled that since the ultimate outcome of the tie-breaker scheme is dependent upon the member whose name is selected by lot and who is thereby disqualified from voting upon the proposition of an issue, the tie-breaker scheme does cause decisions to rest upon an arbitrary basis, thus violating due process of law.

### Municipal Elections - Corporate Communications on Political Issue - Constitutional Protection

The First National Bank of Boston v. Attorney General, Mass. Adv. Sh. (1977) 134

National Banking associations and business corporations sought a decla-

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ration that Chapter 55, §8, of the Massachusetts General Laws --which states that "[n]o question submitted to the voters solely concerning the taxation of the income, property or transactions of individuals shall be deemed materially to affect the property, business or assets of the corporation" --was unconstitutional, after being informed they would be prosecuted if they expended moneys to publicize their views regarding a proposed constitutional amendment to be submitted to the voters as a referendum, which would permit the Legislature to modify Massachusetts' income tax laws by imposing a graduated tax on individuals' income.

The County Supreme Judicial Court concluded that the statute was not unconstitutional as applied to the plaintiffs, holding that only when a general political issue materially affects a corporation's business, property or assets may that corporation claim First Amendment protection for its speech or other activities entitling it to communicate its position on that issue to the general public; and that the plaintiffs had not shown that the taxation proposed by the amendment would have that effect.

The Court dismissed the plaintiffs' claim that the statute was overbroad in its appearance to prohibit activities, such as "in-house" newspapers or communications to stockholders, finding that the statute "does not bar such activities which are in the normal course of the plaintiffs' corporate affairs and do not involve corporate expenditures specifically designed to influence the electoral process." Mass. Adv. Sh. (1977) at 154. The Court also claimed that the statute was not void for vagueness, stating: "if the general class of offenses to which the statute is directed is plainly within its terms, the statute will not be struck down as vague, even though marginal cases could be put where doubts might arise" (United States v. Harriss, 347 U.S. 612, 618 (1954)), and that the statute's "prohibition against corporate expenditures on a referendum question solely concerning a personal GIT --is both precise and definite" (Mass. Adv. Sh. (1977) at 156). The Court dismissed the plaintiffs' claim that the statute invidiously discriminated against them in its failure to similarly restrict labor unions, etc., asserting that "[w]hen legislative authority is exerted within a proper area, it need not embrace every conceivable problem within that field" (Mobil Oil Cor. v. Attorney Gen., 361 Mass. 401, 417 (1972)), and that the legislative classification "rests upon some ground of difference having a fair and substantial relation to the object of the legislation." Finally, the Court found that the statute, §8, does not create "an irrebuttable evidentiary presumption which deprives the plaintiffs of their right to due process of law (Mass. Adv. Sh. (1977) at 161).



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#### Qualifications of Voters and Candidates

State ex rel. Bickford v. Jacobson, 448 P. 2d 292 (Ct. of Appeals of Wash. Division 2, 12/6/76)

Actions were brought by a registered voter who contested the eligibility of a candidate who was elected to the office of prosecuting attorney for the county; these actions were dismissed by the lower court. On appeal, the Court of Appeals affirmed the lower court's decision and held that the officeholder's eligibility must be determined not only as of the date he was declared elected, but also at the time that he filed his declaration of candidacy.

The Court of Appeals of Washington noted that:

the court would not impose separate standards for deciding such person's status as an elector for voting purposes; that evidence supported the finding that the candidate had continued to reside in the county after June 28, 1974, prior to the primary election; that the candidate was a registered voter of the county at all material times; and that the trial court did not err in concluding that the candidate met all eligibility requirements for the office of prosecuting attorney.

#### State Ballot Eligibility - Circulation of Petitions

Hardie v. March Fong Eu, Sup. Ct. of Cal., docket number S.F. 23450, decided 11/29/76

The California Supreme Court ruled that sections 85200-85202 of the Government Code which impose limitations on the amount that can be spent toward the circulation of petitions by which initiative measures may qualify for the statewide ballot are unconstitutional, infringing upon the First Amendment's guarantees of freedom of speech and association. The petition circulators, whether paid or volunteer, necessarily become a principal means of advocacy for a proposed initiative. Although a lower court had previously narrowed the scope of the limitation to include only money spent on paid petition circulators, this court ruled that the limitation still "directly and inevitably restricts 'the amount of money a person or group can spend on political communication during a campaign.'" Buckley v. Valeo, 424 U.S. 1 at 45 (1976). It cannot be assumed that any proposal

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### STATE COURT CASES CONT'D

capable of generating sufficient voter support will initially attract a sufficient number of volunteer circulators. Thus, such a limitation on expenditures for the use of petition circulators could substantially hinder a proposal's initial access to the electoral process. While the state may require a prior demonstration of voter support for ballot eligibility, "it may not...impose expenditure limitations on the process by which that support is solicited." Neither the prevention of fraud nor corruption constitutes a substantial interest to warrant the direct infringement of political communication represented by such expenditure limitations, and should instead be dealt with effectively by laws narrowly aimed at specific abuses.

In addition, the Court ruled that section 3507 of the Government Code which imposed a 150-day limitation on the circulation of petitions is not invalid under the State Constitution, Article IV.

## SECTION IV - OTHER ELECTION MATERIAL

### STATE ATTORNEY GENERAL OPINIONS

FLORIDA - Attorney General Robert L. Shevin

Elections Commission - Hearings for Alleged Violations of Campaign Financing Law - Number 077-46, issued 5/19/77

The Elections Commission is required to give notice of and prepare an agenda for hearings on alleged violations of the Campaign Financing Law, (disclosure of the parties' identity or the nature and details of the proceeding is not required), unless exempted from the requirements of the Administrative Procedure Act by the Administration Commission. All complaints received by the Commission as well as relevant reports and recommendations are made confidential until the Department of State concludes that disposition of such complaint has occurred, at which time the complaints and all other relevant material will become public record.

Electors - Qualifications and Registration - Number 077-42, issued 5/4/77

The conviction of a felony does not disqualify a defendant as an elector until the time for appeal from judgment or sentence has expired or the conviction has been finally affirmed by the appellate courts; nor is the supervisor of elections authorized to remove the names of such persons from the registration books until the judgment and sentence has been finally affirmed or the time for appeal has expired.

Municipal Officers - Resign-to-Run-Law - Number 077-5, issued 1/19/77

The resignation of an elective municipal officer to run for office of county commissioner becomes effective on the date upon which he or she would assume office as county commissioner, if elected. The resigned municipal officer may continue to serve until the vacancy for the unexpired term of his or her office is filled in accordance with procedures outlined in the municipal charter. See §§99.012 (2), 99.012 (3) and 100.041 (2) of the Florida Statutes.

Public Officeholder - Citizenship Requirements - Number 076-238, issued 12/22/76

Although a municipality may not exclude lawfully admitted resident aliens from all public employment opportunities, the Supreme Court has indicated that the states may impose citizenship requirements to certain pub-

## OTHER ELECTION MATERIAL

### STATE ATTORNEY GENERAL OPINIONS

#### FLORIDA CONT'D

lic officeholders including elective or important nonelective executive, legislative and judicial positions, for officers who participate directly in the formulation, execution or review of broad public policy or perform functions relating to representative government. See §455.012 of the Florida Statutes and Chapter 76-277 of the Laws of Florida.

Public Officeholders - Dual Office Holding - Resign-to-Run Law - Number 077-63, issued 6/29/77

A part-time auxiliary or reserve police officer, certified by the Police Standards and Training Commission, is an "officer" within the purview of the constitutional prohibition against dual office holding and so may not simultaneously serve as a city council member. The prohibition against dual office holding in the City of Edgewood charter is applicable only when two elective offices are involved. The city charter provision prohibiting a candidate for the office of council member or Mayor from serving as a salaried or nonsalaried official of the city may result in a vacancy in the office of reserve police officer when such officer qualifies as a candidate for council member. Since the charter provision is not self-executing, a reserve police officer should resign his office upon qualifying as a candidate for the city council or Mayor.

Recall Elections - Number 076-232, issued 12/8/76

Provisions of municipal charters and special laws concerning recall elections which were in existence when Chapter 74-130 of the Laws of Florida took effect, and which conflicted with Chapter 74-130, were repealed to the extent of such conflict by §100.361(10) of the Florida Statutes. The repealer clause would not apply to special laws enacted after the effective date of Chapter 74-130. It is the Attorney General's opinion that Section 100.361 is limited in scope to recall only of members of the governing body of a municipality or charter county.

Voters - Eligibility - Person Adjudicated Physically Incompetent - Number 077-1, issued 1/11/77

A person who has been adjudicated physically incompetent continues to be eligible to vote, provided he or she is duly registered as an elector. The clerk of the circuit court is under no duty to report such a person to the supervisor of elections. See Article VI, §§2 and 4 of Florida's State Constitution and §97.041(3)(b) of the Florida Statutes.

## OTHER ELECTION MATERIAL

### STATE ATTORNEY GENERAL OPINIONS

LOUISIANA - Attorney General William J. Guste, Jr.

Ballots - Proper Listing of Presidential Electors on Ballot - Number 76-1284, issued 9/10/76

A request was made for an opinion regarding the form of the ballot for the presidential electors to be voted upon on 11/2/76. The opinion stated that the ballots should list alphabetically the presidential and vice presidential electors of the recognized political parties (in this case the presidential and vice presidential electors of the Democratic Party listed first followed by those of the Republican Party, the only political parties recognized in Louisiana) followed by the alphabetical listing of the presidential and vice presidential electors selected through nominating petitions according to "party" name. See §§18:671 (A) and 18:283 of the Revised Statutes of Louisiana.

Ballots - Legality of Placing Several Issues on the Same Ballot - Number 76-1900, issued 1/11/77

States that a proposition levying tax millages, a proposition for the use of excess sales tax revenues and the election of municipal officers may all appear on the same ballot as long as both §18:389 and §39:501 of the Revised Statutes of Louisiana are adhered to. (These statutes specify the dates the elections for municipal officials must be held and set forth the procedures which are to be followed for public finance elections by municipalities.)

Ballots - Cards of Instruction for General and Primary Elections - Number 77-102, issued 1/25/77

States that the provision explaining the appropriate procedure to be used when one is incapable of signing his name should be included on the card of instruction. The voter must affix his mark on the space provided and the commissioner must affix his signature alongside to certify the voter's identity if satisfied that the voter has identified himself and is qualified to vote. See §18:270.902C of Louisiana's Revised Statutes.

Candidates - Eligibility of Local or State Employee to Run for Public Office - Number 76-998, issued 10/13/76

An opinion was requested concerning the legality of running for public

## OTHER ELECTION MATERIAL

### STATE ATTORNEY GENERAL OPINIONS

#### LOUISIANA CONT'D

office while being employed by a federally funded program or while working for the welfare department. The applicable federal law, 5 U.S.C. §1501 and §1502, prohibits a person from running for public office who is employed by a state or local agency and whose principal employment is in connection with an activity which is entirely or partially financed by loans or grants made by the federal government, unless he fits within either of the following exemptions: the individual is holding elective office (Section 1502 (c)(4), its purpose to exempt elected state officers and employees whose official duties in their elective positions involved the administration of federally assisted projects, or if "none of the candidates is to be nominated or elected at such election as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which presidential electors were selected" (Section 1503). Secondly, basing his opinion on the Revised Statutes, Title 46, Section 67 of Chapter 2, the Attorney General stated that an employee of the state or parish welfare department may not be a candidate for public office.

Candidates - When Elected Official Must Take Office - Number 76-1830, issued 1/3/77

An elected public official must take his or her oath of office and assume the duties of the office within 30 days after his or her commission is issued by the governor.

Elections - Board of Supervisors of Elections - Municipal Elections - Number 76-756, issued 12/28/76

A request was made for an opinion regarding payment of expenses incurred by the Board of Supervisors in an election held in a municipality in which the only candidate on the ballot is for a municipal office (mayor). This opinion states that the cost of the election of mayor of the municipality must be paid by the municipality, except that the compensation to members of the Board of Supervisors must be paid by the parish governing authority. See §§18:1195 and 18:554 of Louisiana's Revised Statutes.

## OTHER ELECTION MATERIAL

### STATE ATTORNEY GENERAL OPINIONS

#### LOUISIANA CONT'D

##### Elections - Board of Supervisors of Elections - Role in Municipal Elections - Number 76-1649, issued 1/28/77

States that the role of the Board of Supervisors of Elections in elections called by a political subdivision of the State such as an election for municipal officers is the same as for those elections called by the State, its duties including preparation, supervision and promulgation of the election. See §§18:385 and 18:544 of Louisiana's Revised Statutes.

##### Elections - Challenging the Validity of a Voter's Registration - Number 76-699, issued 10/28/76

A request was made for an opinion concerning the proper time for the Registrar of Voters to challenge a voter's registration. According to Section 18:270.602 of the Revised Statutes of Louisiana, the registrar must mail notice and citation to the registrant being questioned and must also publish notice in the newspaper, the publication to take place within five days of the mailing of the citation. The registrant is required to appear to determine the validity of his or her registration within 10 days of the mailing of the notice or within 3 days of the publication, whichever is later. Since the statute does not specifically refer to a period of time prior to an election, it is the Attorney General's opinion that as long as the procedure is adhered to and fair notice for a hearing is given, a person improperly registered may be removed from the voter rolls at any time prior to the election.

##### Elections - Establishment of Parish Executive Committee of Political Party - Number 77-4, issued 1/13/77

This opinion outlines the proper procedure to establish an executive committee for a political party in a parish where no committee has been elected since 1940, as provided by §18:285(9)(d) of the Revised Statutes of Louisiana. After receiving a petition signed by at least 15 qualified electors of the party residing in the parish where the committee is to be established, the chairman of that party's state central committee shall, within 30 days, call for a public meeting of all qualified parish electors to elect and constitute a parish committee and also designate and appoint a temporary chairman and secretary from the signers of the petition. These appointments must be published 3 times in the official parish journal,

## OTHER ELECTION MATERIAL

### STATE ATTORNEY GENERAL OPINIONS

#### LOUISIANA CONT'D

or in a newspaper which circulates within the parish, the first publication to appear within 21 days before the date of the meeting. If the public meeting is not called by the chairman within 30 days as required, a majority of the signers of the petition may then issue the call themselves.

#### Elections - Municipal - Residence Requirements for Voters and Local Officers - Number 77-81, issued 1/20/77

States that all voters must be residents of the area within which the person being elected is to serve. There is no time residency requirement so long as the prospective elector is a resident of the municipality in time to register prior to the closing of the registration books thirty days before the election. See Article VI, Section 11 of the Louisiana Constitution of 1974.

As for local officers, the mayor must be a resident of the municipality in which he seeks election, and he must have been a resident of the parish in which the municipality is located for two years. The qualifications for an alderman are the same as for a mayor, and if he is to be elected from a ward he must be a resident of that ward. See §§33:384 and 33:385 of the Revised Statutes of Louisiana.

#### Elections - Recall Elections of Municipal Officers - Number 77-101, issued 2/15/77

An opinion was requested concerning a petition for the recall of municipal officers signed by 40% of the eligible voters of the town. The Attorney General stated it was in compliance with §42:342 of the Revised Statutes of Louisiana which sets forth the proper procedures for the recall of public officers. The recall petition must be sent to the Governor who shall issue a proclamation calling the recall election.

#### Elections - Recall Elections of Public Officials - Number 76-1309, issued 9/20/76

An opinion was requested regarding a recall election of a public official: whether an official may be recalled within the first weeks of his administration, whether specific reasons for a recall election are necessary,



## OTHER ELECTION MATERIAL

### STATE ATTORNEY GENERAL OPINIONS

#### LOUISIANA CONT'D

and whether a specific legislative act of a town supercedes the general recall statute. This opinion stated that recall elections are valid today, as authorized by Section 42:341 of the Revised Statutes of Louisiana, which is not in conflict with Article X, Section 26 of the 1974 Constitution. Since the law does not establish a period of time an official may be recalled (See §42:341), a public official is subject to facing a recall election any time subsequent to his election or assumption of office. A recall petition may be circulated against any public official without stating the specific reasons therefor, as the law does not set forth the specific reasons for which a recall petition may be circulated. Finally, a general law on recall elections overrules conflicting special legislative charter on same.

#### Elections - Special Elections to Fill Vacancy for Unexpired Term of State Legislator - Number 77-83, issued 1/11/77

A request was made for an opinion concerning the calling of a special election to fill the unexpired portion of the term of a state legislator. According to §§18:546, 18:390 and 18:423 of the Revised Statutes of Louisiana, it is the responsibility of the governor to issue a writ of election to the appropriate board of supervisors of election and also issue a proclamation ordering the primary and general election and the dates such elections are to be held.

#### Elections - Special Elections - Home Rule Charter Commission - Number 77-186, issued 2/8/77

An opinion was requested concerning the procedures for calling and holding a special election of a Home Rule Charter Commission. Any local governmental subdivision may draft, adopt or amend a home rule charter, as provided by Article VI, Section 5(A)(B) of the Louisiana Constitution of 1974. The governing authority may appoint a commission to prepare and propose a charter, or it may call an election to elect such a commission. (It must call an election when presented with a petition signed by at least 10,000 or 10% of the electors who live within the boundaries of the subdivision.)

The procedures for calling such a special election are set forth in the

## OTHER ELECTION MATERIAL

### STATE ATTORNEY GENERAL OPINIONS

#### LOUISIANA CONT'D

Revised Statutes of Louisiana §§33:1386-1389, as follows. The municipality's governing authority may submit a home rule charter to the electors or the proposal may be made in a petition filed with the governing authority and signed by at least 25% of the qualified municipal electors. The governing authority must then appoint a Charter Commission composed of five members, who shall prepare and submit the charter within one year after appointment. The proposed charter must be published once in a newspaper of general circulation within the municipality. An election will then be held where all qualified voters of the municipality are eligible to vote for or against the charter.

#### Polling Places - Prohibition of Campaign Literature within 300 Feet - Number 76-1124, issued 8/9/76

This opinion states that campaign literature explaining a proposition on the ballot is within the prohibition against "campaign literature of any kind or description whatsoever" within 300 feet of polling place. See §18:1534 of the Louisiana Revised Statutes.

#### Registration of Inmates of Penitentiary - Number 76-1381, issued 9/30/76

Persons who have been convicted of a crime punishable by imprisonment in the penitentiary and persons actually confined in any public prison will not be permitted to register or vote. See §§18:42 and 18:270.210 of the Revised Statutes of Louisiana.

#### Voting Commissioners - Legality of Insignia which would Identify Commissioner with Political Candidate on the Ballot - Number 76-1046, issued 10/18/76

This opinion asserted that a duly qualified commissioner may not wear any insignia, badge or ribbon that would identify the commissioner with any political candidate on the ballot. See Act No. 741 of 1972 as amended and reenacted by Section 18:1534 of the Revised Statutes of Louisiana.

## OTHER ELECTION MATERIAL

### STATE ATTORNEY GENERAL OPINIONS

#### LOUISIANA CONT'D

##### Voting Commissioners - Representing Each Candidate on the Ballot - Number 76-1365, issued 10/29/76

This opinion asserted that as provided by Section 18:400-D of the Revised Statutes of Louisiana, each political party having one or more candidates for public office has the right to be represented by at least one commissioner of the same political party in each voting precinct the candidate's name appears on the ballot, to insure against election irregularity; and if each party is not represented by at least one commissioner where there are 2 or more political parties which have a candidate whose name appears on the ballot, a commissioner shall be selected to represent each political party by the procedure prescribed by this statute.

##### Voting Machines - Parish Custodian of Voting Machines - Number 76-1633, issued 12/27/76

A request was made for an opinion concerning the following questions:

1. Assuming there are no problems with the voting machines, is the Parish Custodian of Voting Machines allowed to remain in a precinct or enter a precinct during the canvassing of returns?
2. Is the Custodian of Voting Machines something akin to an "ex-officio commissioner"?
3. What is the authority of the Parish Custodian of Voting Machines on election day when state or local elections are being held?

The opinion given for the above questions is as follows:

1. As stated in §18:1164 of the Louisiana Revised Statutes, the parish custodian has supervision and custody of the voting machines until the machines are turned over to the election commissioners, and from the time the commissioners surrender the machines to the custodian until the time they are returned to the State Custodian. The parish custodian may provide for guards for the machines in transit and at the polling place when necessary. Thus, the parish custodian may remain in the polling place area after turning the machines over to the election commissioners, only when specifically authorized by statute or when there is some problem with the machines. He must be present upon opening the machines to transcribe the totals for each candidate.

## OTHER ELECTION MATERIAL

### STATE ATTORNEY GENERAL OPINIONS

#### LOUISIANA CONT'D

2. No authority was found making a parish custodian "something akin to an 'ex-officio commissioner'."
3. The authority of the parish custodian of voting machines on election day is provided for in §18:1164 of the Louisiana Revised Statutes. The parish custodian assists the state custodian in the parish of the parish custodian and specifically carries out the following duties: provides for the instruction of commissioners of elections; informs candidates the date voting machines may be examined by them and certifies that all counters are set at zero; supervises and takes custody of the machines at times specified above and during their delivery to the polling places; supervises the breaking of the seals on the machines as well as informing the candidates when and where the breaking of the seals takes place; and and transcribes the totals for each candidate and records the numbers of absentees and military votes cast.

#### Voting Machines - Election to Authorize Levying of Tax - Number 77-57, 1/21/77

A request was made for an opinion as to whether voting machines must be used in any election called to authorize the levying of a tax as provided in Act No. 689 of the 1976 Regular Session of the Legislature. Act No. 689, which generally provides for the creation of special law enforcement districts in each parish, does provide for referendums to increase taxes beyond initial authorization, but does not mention the use of voting machines. However, Louisiana's Revised Statutes, §39:051 et seq., which provide for uniform procedures for the conduct of elections to impose taxes by political subdivisions, do mention voting machines in §39:510. In interpreting this statute, this opinion states that voting machines must be used when imposing a tax higher than that authorized to be imposed without an election pursuant to Act No. 689.

## OTHER ELECTION MATERIAL

### STATE ATTORNEY GENERAL OPINIONS

MASSACHUSETTS - Attorney General Francis X. Bellotti

Ballot - Submission of Public Policy Questions to Voters - Number 76/77-7, issued 7/1/76-10/31/76

This opinion asserted that proposed questions relating to nuclear power plant construction, abortion, cigarette tax, solid waste facilities, Boston City Council election reform, and the abolition of county level government are within the meaning of "public policy" issues and thus could be submitted to the voters by placement on the election ballots as provided by the General Laws of Massachusetts, Chapter 53, §19. The opinion did however propose changes of language and form on the proposed questions.

Campaign Financing - Violations - Authority to Investigate - Number 76/77-38, issued 6/29/77

States that the Director of the Office of Campaign and Political Finance does not have the authority to investigate alleged violations of Chapter 55, §§13-17, of the Massachusetts General Laws (which proscribe certain practices in the solicitation and receipt of campaign funds) by virtue of his power under Chapter 55, §3, to:

...verify the legality, validity, completeness and accuracy of all reports and actions required to be filed and taken by candidates, treasurers, political committees and any other persons pursuant to [chapter 55] and any other laws of the commonwealth pertaining to campaign contributions and expenditures.

The Attorney General stated that this statute literally applies only where reports must be filed or actions taken as a result of requirements imposed by campaign financing statutes, and that the Director's Section 3 powers do not appear broad enough to reach violations of those statutes. The Director should function primarily as a record keeper and not as an enforcement officer nor investigating official.

Candidates - Legality of State Employees Seeking Elective Political Office - Issued 10/21/76

A request was made for an opinion concerning the following questions:

1. Does state or federal law prohibit a full-time state employee from seeking: (a) local, (b) state or (c) federal elective office?

## OTHER ELECTION MATERIAL

### STATE ATTORNEY GENERAL OPINIONS

#### MASSACHUSETTS CONT'D

2. Does state or federal law prohibit a full-time state employee from holding: (a) local, (b) state or (c) federal elective office?
3. Does the Department of Youth Services have the authority to promulgate a rule governing the ability of a full-time employee to seek or hold elective office?

The opinion given for the above questions is as follows:

1. There is no state law which prohibits state employees from seeking elective office, yet there is a federal law, the Federal Hatch Act (5 U.S.C. §1502 (a)(3)), which prohibits state employees from seeking elective office if the election is a partisan election and the employee's principal job activity "is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency..." 5 U.S.C. §1502 (4).
2. Neither the Hatch Act nor any federal law forbids a state employee from holding elective office per se, yet one should take note of the following two federal cases which cover types of political activities elective state office holders covered by the Hatch Act may not engage in: Northern Virginia Regional Park Authority v. United States Civil Service Commission, 437 F.2d 1346 (D.C. Cir.) and In re Higginbotham, 340 F. 2d 165 (3d Cir.). The state law, as provided by Massachusetts General Laws, Chapter 30 §21, states that "a person shall not at the same time receive more than one salary from the treasury of the Commonwealth," which enables state employees to hold elective office only if they receive one salary from the Commonwealth and do not violate the specific prohibitions of Article Two of Chapter Six of Part the Second of the Massachusetts Constitution.
3. The Commissioner of the Department of Youth Services does have the authority to promulgate a rule governing the ability of a full-time employee to seek or hold elective office, as provided by General Laws of Massachusetts, Chapter 18A, §1, which includes the authority to set personnel policies by rule, including a policy to govern Department employees' activities in seeking and holding political office.

OTHER ELECTION MATERIAL

STATE ATTORNEY GENERAL OPINIONS

MASSACHUSETTS CONT'D

Candidates - Qualifications for Nomination in State Primary - Party Enrollment - Number 76/77-1, issued 7/1/76-10/31/76

In response to an inquiry concerning whether the Elections Division should reverse the requirement that candidates for nomination in a state primary be enrolled as members of the party whose nomination they seek at least 28 days before the deadline for filing nomination papers, this opinion asserted that the requirement can only be reversed by the General Court. The administrative practice and the long-standing and consistent administrative interpretation of the laws (even for ambiguous statutes) is entitled to great weight.

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# **NEW DOCUMENT**





FEDERAL ELECTION COMMISSION, WASHINGTON, D.C. 20463

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Dear Election Official, Legislator or Election Observer:

As you may have heard, we will be co-sponsoring a series of five regional conferences on election law and administration beginning in September and ending in December of 1983.

The purpose of this communication is threefold: To provide you more details on the Conference, program and workshops; to encourage your participation; and to get you to request a Conference Registration Packet using the enclosed, self-addressed return post card.

#### **DESCRIPTION OF CONFERENCES AND PROGRAM**

Each of our five regional conferences are designed with one thought in mind: To provide you with information and data that can be put to direct use in your election office or election committee and that will result in **cost-savings** for your election budget. Although we appreciate that everyone's travel budget is very tight, we feel that the information, data and ideas you will get at the Conference will more than justify your travel expenses. In addition, we have done everything we can to hold down your expenses at each conference site.

Each Conference program will include a series of "how-to" workshops organized into a series of career "tracks" and aimed directly at those involved in writing election law or administering elections at the state and local level. Here is a small sample of specific workshops we will be conducting at **each** regional conference:

- **Money-Saving Ideas.** Monitored by Professor Richard Smolka (Editor of Election Administration Reports), this workshop will feature a discussion of practical ways to reduce election expenses. Attendees will also be invited to share their ideas on how to reduce election costs.

- **Current Issues and Developments in Election Administration.** Workshop will feature a discussion of current issues affecting election officials such as mail ballot elections, election laws, new technological innovations and so forth. Again, attendees will be encouraged to share their ideas and insights.

- **Recruiting and Training Election Day Workers.** Workshop will acquaint attendees with a variety of proven recruiting and training techniques and programs (such as developing job aids and simulation training). Attendees will get "hands on" help by participating in simulation training sessions.

- **Getting Your Election Budget.** Workshop will offer ideas on how election officials can obtain adequate financial resources with an emphasis on knowledge of the election cycle, budget preparation, effective use of technology and creative money-saving ideas. Attendees will also be encouraged to lend their expertise and discuss their ideas.

● Election Case Law: Significant Judicial Decisions. Workshop will feature a discussion of key recent Federal and state case decisions and their potential impact on election law and administration. Included here will be discussion of cases relating to the legality of mail ballot elections, counting of absentee ballots received after poll closing, ballot access, voter residency and voting rights.

● Using Computers in Elections. Workshop will examine the effective and efficient application of computer technology to all aspects of elections with a particular emphasis on mini-computers. We will also explore various aspects of the design and development of computer software with special attention to computer security and hardware constraints. Finally, attendees will also be getting "hands on" experience, as we will be including live demonstrations of computing equipment.

● Drafting Effective Election Law. Workshop will assist legislators and staff in drafting timely, appropriate and administratively feasible election legislation. We will be discussing various "model election law" efforts as well as ongoing state efforts to update and revise their election laws. Finally, we will be exploring a number of recent developments in election administration (such as the emergence of new technology in the election process) as well as the impact of Federal election law and case decisions on state election law.

● Working with the Postal Service. Workshop will discuss a full range of postal services available to election officials. In addition, attendees will have an opportunity to discuss their mail problems with postal officials from national, regional and state postal headquarters.

So, as you can see in the above sample, we are offering workshops aimed at providing practical, no-nonsense information you can put to immediate use. But of equal importance, you will have an opportunity to meet and share ideas with election officials not only from your state but from around the country as well. In fact, most of our workshop instructors are, like you, election officials with election administration responsibilities.

Please also note we will be conducting, at each regional conference, a series of workshops on Federal campaign financing. Included here will be separate workshops on Political Action Committees (PACs), Political Party Activities and information for Candidates for Federal office.

Now for some administrative details:

#### Conference Locations, Dates, Hotels and General Information

##### **1. Mid-West Regional. Itaska, Illinois (Chicago area).**

September 6-8, 1983. Hamilton Hotel (Room Cost - \$54.00).

Regional Sponsors - Illinois State Board of Elections.

Stanley T. Kusper, Cook County Clerk.

Michael Lavelle, Chairman,

Chicago Board of Elections Commissioners.

Host Jurisdiction, DuPage County Board  
of Election Commissioners

Clifford M. Carney, Chairman.

Invitations have been extended to officials and others in the following states:

Illinois	Minnesota
Indiana	Missouri
Iowa	Ohio
Kentucky	West Virginia
Michigan	Wisconsin.

**2. Northeast Regional. Albany, New York.**

September 25-27, 1983. Albany Hilton (Room Cost - \$50.00).  
Regional Sponsor - State Board of Elections of New York.

Invitations have been extended to officials and others in the following states:

Connecticut	New Hampshire
Delaware	New Jersey
District of Columbia	Pennsylvania
Maine	Rhode Island
Maryland	Vermont
Massachusetts	New York.

**3. Southern Regional. Charleston, South Carolina.**

October 23-25, 1983. Sheraton Charleston (Room Cost - \$60.00).  
Regional Sponsor - State Election Commission of South Carolina.

Invitations have been extended to officials and others in the following states:

Alabama	Mississippi
Arkansas	North Carolina
Florida	South Carolina
Georgia	Tennessee
Louisiana	Virginia.

**4. Southwest Regional. Tulsa, Oklahoma.**

November 13-15, 1983. Excelsior Hotel (Room Cost - \$42.00).  
Regional Sponsors - State Board of Elections of Oklahoma.  
Tulsa County Board of Elections.

Invitations have been extended to officials and others in the following states:

Arizona	Puerto Rico
Colorado	South Dakota
Kansas	Texas
Nebraska	Utah
New Mexico	Wyoming
Oklahoma	Virgin Islands.

**5. Far West Regional. Los Angeles, California.**

December 4-6, 1983. Sheraton Inn, Industry Hills (Room Cost - \$65.00).  
Regional Sponsors - Secretary of State of California.  
Registrar of Voters, Los Angeles County.

Invitations have been extended to officials and others in the following states:

Alaska	Nevada
California	North Dakota

Hawaii  
Idaho  
Montana

Oregon  
Pacific Territories  
Washington.

In designing our regional program, we have attempted to divide the country into five geographic regions. However, if your schedule does not permit you to attend the region your state is listed under, or if you happen to be closer to another regional site, or for whatever reason, please feel free to attend the conference you would like.

In addition, each conference will offer about the same program. Each conference will extend over a full two-day period beginning at 9:00 a.m. on the first day and ending at 5:00 p.m. on the second. Each conference will offer up to 12 hours of workshops so you can be assured your travel money will be well spent.

Finally, there will be a prepaid registration fee of approximately \$75.00 which will **include** two lunches, a banquet, coffee breaks and the cost of materials at the workshops. Attendees will, of course, be responsible for their own travel and accommodation expenses (see hotel room rates above). We have also invited the various equipment vendors to join us in these conferences and they will, I am sure, be demonstrating their equipment and services as well as sponsoring hospitality suites.

#### CONFERENCE REGISTRATION PROCEDURES

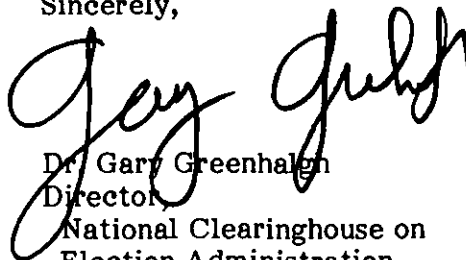
About 3 months prior to each regional conference, we will begin sending registration packets to requesting election officials. This packet will contain general information on each conference, a hotel reservation card, a description of the conferences and workshops we will be offering, a workshop sign-up sheet, a registration fee form and other information.

If you are interested in receiving a registration packet (or packets), we urge you to so indicate on the enclosed self-addressed return post card and return it to us as soon as possible. But **please** also include your name, mailing address and phone number! If you know of anybody else who might be interested in attending the conference and receiving a registration packet, please contact us here at the Commission.

Finally, if you have any questions or comments, please do not hesitate to contact me or Mrs. Gwenn Hofmann of my staff on our toll free number: 800/424-9530 or, locally, at 202/523-4183.

Looking forward to seeing you at one of our conferences!

Sincerely,



Dr. Gary Greenhalgh  
Director

National Clearinghouse on  
Election Administration  
Assistant Staff Director, Information Services

Enclosure