

107TH CONGRESS  
1ST SESSION

# S. 93

To amend the Federal Election Campaign Act of 1971 to require disclosure of certain disbursements made for electioneering communications, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Ms. SNOWE (for herself and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To amend the Federal Election Campaign Act of 1971 to require disclosure of certain disbursements made for electioneering communications, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Advancing Truth and  
5 Accountability in Campaign Communications Act of  
6 2001”.

1 **SEC. 2. DISCLOSURE OF ELECTIONEERING COMMUNICA-**  
2 **TIONS.**

3 Section 304 of the Federal Election Campaign Act  
4 of 1971 (2 U.S.C. 434) is amended by adding at the end  
5 the following:

6 “(e) ADDITIONAL STATEMENTS ON ELECTION-  
7 EERING COMMUNICATIONS.—

8 “(1) STATEMENT REQUIRED.—Every person  
9 who makes a disbursement for electioneering com-  
10 munications in an aggregate amount in excess of  
11 \$10,000 during any calendar year shall, within 24  
12 hours of each disclosure date, file with the Commis-  
13 sion a statement containing the information de-  
14 scribed in paragraph (2).

15 “(2) CONTENTS OF STATEMENT.—Each state-  
16 ment required to be filed under this subsection shall  
17 be made under penalty of perjury and shall contain  
18 the following information:

19 “(A) The identification of—

20 “(i) the person making the disburse-  
21 ment;

22 “(ii) any entity sharing or exercising  
23 direction or control over the activities of  
24 such person; and

1 “(iii) the custodian of the books and  
2 accounts of the person making the dis-  
3 bursement.

4 “(B) The State of incorporation and the  
5 principal place of business of the person making  
6 the disbursement.

7 “(C) The amount of each disbursement  
8 during the period covered by the statement and  
9 the identification of the person to whom the  
10 disbursement was made.

11 “(D) The elections to which the election-  
12 eering communications pertain and the names  
13 (if known) of the candidates identified or to be  
14 identified.

15 “(E) If the disbursements were paid out of  
16 a segregated account to which only individuals  
17 could contribute, the names and addresses of all  
18 contributors who contributed an aggregate  
19 amount of \$500 or more to that account during  
20 the period beginning on the first day of the pre-  
21 ceding calendar year and ending on the disclo-  
22 sure date.

23 “(F) If the disbursements were paid out of  
24 funds not described in subparagraph (E), the  
25 names and addresses of all contributors who

1 contributed an aggregate amount of \$500 or  
 2 more to the organization or any related entity  
 3 during the period beginning on the first day of  
 4 the preceding calendar year and ending on the  
 5 disclosure date.

6 “(G) Whether or not any electioneering  
 7 communication is made in coordination, co-  
 8 operation, consultation, or concert with, or at  
 9 the request or suggestion of, any candidate or  
 10 any authorized committee, any political party or  
 11 committee, or any agent of the candidate, polit-  
 12 ical party, or committee and if so, the identi-  
 13 fication of any candidate, party, committee, or  
 14 agent involved.

15 “(3) ELECTIONEERING COMMUNICATION DE-  
 16 FINED.—For purposes of this subsection—

17 “(A) IN GENERAL.—The term ‘election-  
 18 eering communication’ means any broadcast  
 19 from a television or radio broadcast station  
 20 that—

21 “(i) refers to a clearly identified can-  
 22 didate for Federal office;

23 “(ii) is made (or scheduled to be  
 24 made) within—

1 “(I) 60 days before a general,  
2 special, or runoff election for such  
3 Federal office; or

4 “(II) 30 days before a primary or  
5 preference election, or a convention or  
6 caucus of a political party that has  
7 authority to nominate a candidate, for  
8 such Federal office; and

9 “(iii) is broadcast from a television or  
10 radio broadcast station whose audience in-  
11 cludes the electorate for such election, con-  
12 vention, or caucus.

13 “(B) EXCEPTIONS.—Such term shall not  
14 include—

15 “(i) communications appearing in a  
16 news story, commentary, or editorial dis-  
17 tributed through the facilities of any  
18 broadcasting station, unless such facilities  
19 are owned or controlled by any political  
20 party, political committee, or candidate; or

21 “(ii) communications which constitute  
22 expenditures or independent expenditures  
23 under this Act.

1           “(4) DISCLOSURE DATE DEFINED.—For pur-  
 2           poses of this subsection, the term ‘disclosure date’  
 3           means—

4                   “(A) the first date during any calendar  
 5                   year by which a person has made disbursements  
 6                   for electioneering communications aggregating  
 7                   in excess of \$10,000; and

8                   “(B) any other date during such calendar  
 9                   year by which a person has made disbursements  
 10                  for electioneering communications aggregating  
 11                  in excess of \$10,000 since the most recent dis-  
 12                  closure date for such calendar year.

13           “(5) CONTRACTS TO DISBURSE.—For purposes  
 14           of this subsection, a person shall be treated as hav-  
 15           ing made a disbursement if the person has con-  
 16           tracted to make the disbursement.

17           “(6) COORDINATION WITH OTHER REQUIRE-  
 18           MENTS.—Any requirement to report under this sub-  
 19           section shall be in addition to any other reporting  
 20           requirement under this Act.”.

21 **SEC. 3. COORDINATED COMMUNICATIONS AS CONTRIBU-**  
 22 **TIONS.**

23           Section 315(a)(7)(B) of the Federal Election Cam-  
 24           paign Act of 1971 (2 U.S.C. 441a(a)(7)(B)) is amended  
 25           by inserting after clause (ii) the following:

1 “(iii) if—

2 “(I) any person makes, or con-  
3 tracts to make, any payment for any  
4 electioneering communication (as de-  
5 fined in section 304(e)(3)); and

6 “(II) such payment is coordi-  
7 nated with a candidate for Federal of-  
8 fice or an authorized committee of  
9 such candidate, a Federal, State, or  
10 local political party or committee  
11 thereof, or an agent or official of any  
12 such candidate, party, or committee,  
13 such payment or contracting shall be treat-  
14 ed as a contribution to such candidate and  
15 as an expenditure by such candidate; and”.

16 **SEC. 4. PROHIBITION OF CORPORATE AND LABOR DIS-**  
17 **BURSEMENTS FOR ELECTIONEERING COM-**  
18 **MUNICATIONS.**

19 (a) IN GENERAL.—Section 316(b)(2) of the Federal  
20 Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is  
21 amended by inserting “or for any applicable electioneering  
22 communication” before “, but shall not include”.

23 (b) APPLICABLE ELECTIONEERING COMMUNICA-  
24 TION.—Section 316 of such Act is amended by adding at  
25 the end the following:

1       “(c) RULES RELATING TO ELECTIONEERING COM-  
2       MUNICATIONS.—

3               “(1) APPLICABLE ELECTIONEERING COMMU-  
4       NICATION.—For purposes of this section, the term  
5       ‘applicable electioneering communication’ means an  
6       electioneering communication (as defined in section  
7       304(e)(3)) that is made by—

8               “(A) any entity to which subsection (a) ap-  
9       plies other than a section 501(c)(4) organiza-  
10      tion; or

11              “(B) a section 501(c)(4) organization if  
12      such communication is paid for using amounts  
13      derived from the conduct of a trade or business  
14      or from an entity described in subparagraph  
15      (A).

16              “(2) SPECIAL OPERATING RULES.—For pur-  
17      poses of paragraph (1), the following rules shall  
18      apply:

19              “(A) An electioneering communication  
20      shall be treated as made by an entity described  
21      in paragraph (1)(A) if—

22              “(i) the entity described in paragraph  
23      (1)(A) directly or indirectly disburses any  
24      amount for any of the costs of the commu-  
25      nication; or



1                   “(ii) any amount is disbursed for the  
 2                   communication by a corporation or organi-  
 3                   zation or a State or local political party or  
 4                   committee thereof that receives anything of  
 5                   value from the entity described in para-  
 6                   graph (1)(A), except that this clause shall  
 7                   not apply to any communication the costs  
 8                   of which are defrayed entirely out of a seg-  
 9                   regated account to which only individuals  
 10                  can contribute.

11                  “(B) A section 501(c)(4) organization that  
 12                  derives amounts from business activities or  
 13                  from any entity described in paragraph (1)(A)  
 14                  shall be considered to have paid for any com-  
 15                  munication out of such amounts unless such or-  
 16                  ganization paid for the communication out of a  
 17                  segregated account to which only individuals  
 18                  can contribute.

19                  “(3) DEFINITIONS AND RULES.—For purposes  
 20                  of this subsection—

21                         “(A) the term ‘section 501(c)(4) organiza-  
 22                         tion’ means—

23                                 “(i) an organization described in sec-  
 24                                 tion 501(c)(4) of the Internal Revenue

1 Code of 1986 and exempt from taxation  
2 under section 501(a) of such Code; or

3 “(ii) an organization which has sub-  
4 mitted an application to the Internal Rev-  
5 enue Service for determination of its status  
6 as an organization described in clause (i);  
7 and

8 “(B) a person shall be treated as having  
9 made a disbursement if the person has con-  
10 tracted to make the disbursement.

11 “(4) COORDINATION WITH INTERNAL REVENUE  
12 CODE.—Nothing in this subsection shall be con-  
13 strued to authorize an organization exempt from  
14 taxation under section 501(a) of the Internal Rev-  
15 enue Code of 1986 from carrying out any activity  
16 which is prohibited under such Code.”.

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