

110TH CONGRESS
1ST SESSION

S. 1285

To reform the financing of Senate elections, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 3, 2007

Mr. DURBIN (for himself, Mr. SPECTER, Mr. FEINGOLD, and Mr. OBAMA) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To reform the financing of Senate elections, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Fair Elections Now Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION
CAMPAIGNS

Subtitle A—Fair Elections Financing Program

Sec. 101. Findings and declarations.

Sec. 102. Eligibility requirements and benefits of fair elections financing of Senate election campaigns.

“TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION
CAMPAIGNS

“Sec. 501. Definitions.

“Sec. 502. Senate Fair Elections Fund.

“Sec. 503. Eligibility for allocations from the Fund.

“Sec. 504. Seed money contribution requirement.

“Sec. 505. Qualifying contribution requirement.

“Sec. 506. Contribution and expenditure requirements.

“Sec. 507. Debate requirement.

“Sec. 508. Certification by Commission.

“Sec. 509. Benefits for participating candidates.

“Sec. 510. Allocations from the Fund.

“Sec. 511. Payment of fair fight funds.

“Sec. 512. Administration of the Senate fair elections system.

“Sec. 513. Violations and penalties.

Sec. 103. Reporting requirements for nonparticipating candidates.

Sec. 104. Modification of electioneering communication reporting requirements.

Sec. 105. Limitation on coordinated expenditures by political party committees with participating candidates.

Sec. 106. Audits.

Subtitle B—Senate Fair Elections Fund Revenues

Sec. 111. Deposit of proceeds from recovered spectrum auctions.

Subtitle C—Fair Elections Review Commission

Sec. 121. Establishment of Commission.

Sec. 122. Structure and membership of the commission.

Sec. 123. Powers of the Commission.

Sec. 124. Administration.

Sec. 125. Authorization of appropriations.

Sec. 126. Expedited consideration of Commission recommendations.

TITLE II—VOTER INFORMATION

Sec. 201. Broadcasts relating to candidates.

Sec. 202. Political advertisement vouchers for participating candidates.

Sec. 203. FCC to prescribe standardized form for reporting candidate campaign ads.

Sec. 204. Limit on Congressional use of the franking privilege.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION
COMMISSION

Sec. 301. Petition for certiorari.

Sec. 302. Filing by Senate candidates with Commission.

Sec. 303. Electronic filing of FEC reports.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Severability.

Sec. 402. Review of constitutional issues.

Sec. 403. Effective date.

1 **TITLE I—FAIR ELECTIONS FI-**
2 **NANCING OF SENATE ELEC-**
3 **TION CAMPAIGNS**

4 **Subtitle A—Fair Elections**
5 **Financing Program**

6 **SEC. 101. FINDINGS AND DECLARATIONS.**

7 (a) UNDERMINING OF DEMOCRACY BY CAMPAIGN
8 CONTRIBUTIONS FROM PRIVATE SOURCES.—The Senate
9 finds and declares that the current system of privately fi-
10 nanced campaigns for election to the United States Senate
11 has the capacity, and is often perceived by the public, to
12 undermine democracy in the United States by—

13 (1) creating a conflict of interest, perceived or
14 real, by encouraging Senators to accept large cam-
15 paign contributions from private interests that are
16 directly affected by Federal legislation;

17 (2) diminishing or giving the appearance of di-
18 minishing a Senator’s accountability to constituents
19 by compelling legislators to be accountable to the
20 major contributors who finance their election cam-
21 paigns;

22 (3) violating the democratic principle of “one
23 person, one vote” and diminishing the meaning of
24 the right to vote by allowing monied interests to

1 have a disproportionate and unfair influence within
2 the political process;

3 (4) imposing large, unwarranted costs on tax-
4 payers through legislative and regulatory outcomes
5 shaped by unequal access to lawmakers for cam-
6 paign contributors;

7 (5) driving up the cost of election campaigns,
8 making it difficult for qualified candidates without
9 personal wealth or access to campaign contributions
10 from monied individuals and interest groups to
11 mount competitive Senate election campaigns;

12 (6) disadvantaging challengers, because large
13 campaign contributors tend to donate their money to
14 incumbent Senators, thus causing Senate elections
15 to be less competitive; and

16 (7) burdening incumbents with a preoccupation
17 with fundraising and thus decreasing the time avail-
18 able to carry out their public responsibilities.

19 (b) ENHANCEMENT OF DEMOCRACY BY PROVIDING
20 ALLOCATIONS FROM THE SENATE FAIR ELECTIONS
21 FUND.—The Senate finds and declares that providing the
22 option of the replacement of private campaign contribu-
23 tions with allocations from the Senate Fair Elections
24 Fund for all primary, runoff, and general elections to the
25 Senate would enhance American democracy by—

1 (1) eliminating the potentially inherent conflict
2 of interest created by the private financing of the
3 election campaigns of public officials, thus restoring
4 public confidence in the integrity and fairness of the
5 electoral and legislative processes;

6 (2) increasing the public's confidence in the ac-
7 countability of Senators to the constituents who elect
8 them;

9 (3) helping to eliminate access to wealth as a
10 determinant of a citizen's influence within the polit-
11 ical process and to restore meaning to the principle
12 of "one person, one vote";

13 (4) reversing the escalating cost of elections
14 and saving taxpayers billions of dollars that are (or
15 that are perceived to be) currently allocated based
16 upon legislative and regulatory agendas skewed by
17 the influence of campaign contributions;

18 (5) creating a more level playing field for in-
19 cumbents and challengers by creating genuine oppor-
20 tunities for all Americans to run for the Senate and
21 by encouraging more competitive elections; and

22 (6) freeing Senators from the incessant pre-
23 occupation with raising money, and allowing them
24 more time to carry out their public responsibilities.

1 **SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF**
 2 **FAIR ELECTIONS FINANCING OF SENATE**
 3 **ELECTION CAMPAIGNS.**

4 The Federal Election Campaign Act of 1971 (2
 5 U.S.C. 431 et seq.) is amended by adding at the end the
 6 following:

7 **“TITLE V—FAIR ELECTIONS FI-**
 8 **NANCING OF SENATE ELEC-**
 9 **TION CAMPAIGNS**

10 **“SEC. 501. DEFINITIONS.**

11 “In this title:

12 “(1) **ALLOCATION FROM THE FUND.**—The term
 13 ‘allocation from the Fund’ means an allocation of
 14 money from the Senate Fair Elections Fund to a
 15 participating candidate pursuant to sections 510 and
 16 511.

17 “(2) **FAIR ELECTIONS QUALIFYING PERIOD.**—
 18 The term ‘fair elections qualifying period’ means,
 19 with respect to any candidate for Senator, the pe-
 20 riod—

21 “(A) beginning on the date on which the
 22 candidate files a statement of intent under sec-
 23 tion 503(a)(1); and

24 “(B) ending on the date that is 30 days
 25 before—

1 “(i) the date of the primary election;

2 or

3 “(ii) in the case of a State that does
4 not hold a primary election, the date pre-
5 scribed by State law as the last day to
6 qualify for a position on the general elec-
7 tion ballot.

8 “(3) FAIR ELECTIONS START DATE.—The term
9 ‘fair elections start date’ means, with respect to any
10 candidate, the date that is 180 days before—

11 “(A) the date of the primary election; or

12 “(B) in the case of a State that does not
13 hold a primary election, the date prescribed by
14 State law as the last day to qualify for a posi-
15 tion on the general election ballot.

16 “(4) FUND.—The term ‘Fund’ means the Sen-
17 ate Fair Elections Fund established by section 502.

18 “(5) IMMEDIATE FAMILY.—The term ‘imme-
19 diate family’ means, with respect to any candidate—

20 “(A) the candidate’s spouse;

21 “(B) a child, stepchild, parent, grand-
22 parent, brother, half-brother, sister, or half-sis-
23 ter of the candidate or the candidate’s spouse;
24 and

1 “(C) the spouse of any person described in
2 subparagraph (B).

3 “(6) INDEPENDENT CANDIDATE.—The term
4 ‘independent candidate’ means a candidate for Sen-
5 ator who is—

6 “(A) not affiliated with any political party;

7 or

8 “(B) affiliated with a political party that—

9 “(i) in the case of a candidate in a
10 State that holds a primary election for
11 Senator, does not hold a primary election
12 for Senator; or

13 “(ii) in the case of a candidate in a
14 State that does not hold primary election
15 for Senator, does not have ballot status in
16 such State.

17 “(7) MAJOR PARTY CANDIDATE.—

18 “(A) IN GENERAL.—The term ‘major
19 party candidate’ means a candidate for Senator
20 who is affiliated with a major political party.

21 “(B) MAJOR POLITICAL PARTY.—The term
22 ‘major political party’ means, with respect to
23 any State, a political party of which a candidate
24 for the office of Senator, President, or Governor
25 in the preceding 5 years, received, as a can-

1 didate of that party in such State, 25 percent
 2 or more of the total number of popular votes
 3 cast for such office in such State.

4 “(8) MINOR PARTY CANDIDATE.—The term
 5 ‘minor party candidate’ means a candidate for Sen-
 6 ator who is affiliated with a political party that—

7 “(A) holds a primary for Senate nomina-
 8 tions; and

9 “(B) is not a major political party.

10 “(9) NONPARTICIPATING CANDIDATE.—The
 11 term ‘nonparticipating candidate’ means a candidate
 12 for Senator who is not a participating candidate.

13 “(10) PARTICIPATING CANDIDATE.—The term
 14 ‘participating candidate’ means a candidate for Sen-
 15 ator who is certified under section 508 as being eli-
 16 gible to receive an allocation from the Fund.

17 “(11) QUALIFYING CONTRIBUTION.—The term
 18 ‘qualifying contribution’ means, with respect to a
 19 candidate, a contribution that—

20 “(A) is in the amount of \$5 exactly;

21 “(B) is made by an individual who—

22 “(i) is a resident of the State with re-
 23 spect to which the candidate is seeking
 24 election; and

1 “(ii) is not prohibited from making a
2 contribution under this Act;

3 “(C) is made during the fair elections
4 qualifying period; and

5 “(D) meets the requirements of section
6 505(c).

7 “(12) SEED MONEY CONTRIBUTION.—The term
8 ‘seed money contribution’ means a contribution or
9 contributions by any 1 individual—

10 “(A) aggregating not more than \$100; and

11 “(B) made to a candidate after the date of
12 the most recent previous election for the office
13 which the candidate is seeking and before the
14 date the candidate has been certified as a par-
15 ticipating candidate under section 508(a).

16 **“SEC. 502. SENATE FAIR ELECTIONS FUND.**

17 “(a) ESTABLISHMENT.—There is established in the
18 Treasury a fund to be known as the ‘Senate Fair Elections
19 Fund’.

20 “(b) AMOUNTS HELD BY FUND.—The Fund shall
21 consist of the following amounts:

22 “(1) PROCEEDS FROM RECOVERED SPEC-
23 TRUM.—Proceeds deposited into the Fund under
24 section 309(j)(8)(E)(ii)(II) of the Communications
25 Act of 1934.

1 “(2) EXCESS SPECTRUM USER FEES.—Amounts
2 deposited in the Fund under section
3 315A(f)(2)(B)(ii) of the Communications Act of
4 1934.

5 “(3) VOLUNTARY CONTRIBUTIONS.—Voluntary
6 contributions to the fund.

7 “(4) QUALIFYING CONTRIBUTIONS, PENALTIES,
8 AND OTHER DEPOSITS.—Amounts deposited into the
9 Fund under—

10 “(A) section 504(2) (relating to limitation
11 on amount of seed money);

12 “(B) section 505(d) (relating to deposit of
13 qualifying contributions);

14 “(C) section 506(e) (relating to exceptions
15 to contribution requirements);

16 “(D) section 509(e) (relating to remittance
17 of allocations from the Fund);

18 “(E) section 513 (relating to violations);

19 and

20 “(F) any other section of this Act.

21 “(5) INVESTMENT RETURNS.—Interest on, and
22 the proceeds from, the sale or redemption of, any
23 obligations held by the Fund under subsection (c).

24 “(c) INVESTMENT.—The Commission shall invest
25 portions of the Fund in obligations of the United States

1 in the same manner as provided under section 9602(b)
2 of the Internal Revenue Code of 1986.

3 “(d) USE OF FUND.—

4 “(1) IN GENERAL.—The sums in the Senate
5 Fair Elections Fund shall be used to make alloca-
6 tions to participating candidates in accordance with
7 sections 510 and 511.

8 “(2) INSUFFICIENT AMOUNTS.—Under regula-
9 tions established by the Commission, rules similar to
10 the rules of section 9006(c) of the Internal Revenue
11 Code shall apply.

12 **“SEC. 503. ELIGIBILITY FOR ALLOCATIONS FROM THE**
13 **FUND.**

14 “(a) IN GENERAL.—A candidate for Senator is eligi-
15 ble to receive an allocation from the Fund for any election
16 if the candidate meets the following requirements:

17 “(1) The candidate files with the Commission a
18 statement of intent to seek certification as a partici-
19 pating candidate under this title during the period
20 beginning on the fair elections start date and ending
21 on the last day of the fair elections qualifying pe-
22 riod.

23 “(2) The candidate has complied with the seed
24 money contribution requirements of section 504.

1 “(3) The candidate meets the qualifying con-
2 tribution requirements of section 505.

3 “(4) Not later than the last day of the fair elec-
4 tions qualifying period, the candidate files with the
5 Commission an affidavit signed by the candidate and
6 the treasurer of the candidate’s principal campaign
7 committee declaring that the candidate—

8 “(A) has complied and, if certified, will
9 comply with the contribution and expenditure
10 requirements of section 506;

11 “(B) if certified, will comply with the de-
12 bate requirements of section 507;

13 “(C) if certified, will not run as a non-
14 participating candidate during such year in any
15 election for the office that such candidate is
16 seeking; and

17 “(D) has either qualified or will take steps
18 to qualify under State law to be on the ballot.

19 “(b) GENERAL ELECTION.—Notwithstanding sub-
20 section (a), a candidate shall not be eligible to receive an
21 allocation from the Fund for a general election or a gen-
22 eral run off election unless the candidate’s party nomi-
23 nated the candidate to be placed on the ballot for the gen-
24 eral election or the candidate qualified to be placed on the

1 ballot as an independent candidate, and the candidate is
2 qualified under State law to be on the ballot.

3 **“SEC. 504. SEED MONEY CONTRIBUTION REQUIREMENT.**

4 “A candidate for Senator meets the seed money con-
5 tribution requirements of this section if the candidate
6 meets the following requirements:

7 “(1) SEPARATE ACCOUNTING.—The candidate
8 maintains seed money contributions in a separate
9 account.

10 “(2) LIMITATION ON AMOUNT.—The candidate
11 deposits into the Senate Fair Elections Fund or re-
12 turns to donors an amount equal to the amount of
13 any seed money contributions which, in the aggre-
14 gate, exceed the sum of—

15 “(A) in the case of an independent can-
16 didate, the amount which the candidate would
17 be entitled to under section 510(c)(3); and

18 “(B) in the case of any other candidate,
19 the amount which the candidate would be enti-
20 tled to under section 510(c)(1).

21 “(3) USE OF SEED MONEY.—The candidate
22 makes expenditures from seed money contributions
23 only for campaign-related costs.

24 “(4) RECORDS.—The candidate maintains a
25 record of the name and street address of any con-

1 tributor of a seed money contribution and the
2 amount of any such contribution.

3 “(5) REPORT.—Unless a seed money contribu-
4 tion or an expenditure made with a seed money con-
5 tribution has been reported previously under section
6 304, the candidate files with the Commission a re-
7 port disclosing all seed money contributions and ex-
8 penditures not later than 48 hours after receiving
9 notification of the determination with respect to the
10 certification of the candidate under section 508.

11 **“SEC. 505. QUALIFYING CONTRIBUTION REQUIREMENT.**

12 “(a) IN GENERAL.—A candidate for Senator meets
13 the requirement of this section if, during the fair elections
14 qualifying period, the candidate obtains a number of quali-
15 fying contributions equal to the sum of—

16 “(1) 2,000; plus

17 “(2) 500 for each congressional district in ex-
18 cess of 1 in the State with respect to which the can-
19 didate is seeking election.

20 “(b) SPECIAL RULE FOR CERTAIN CANDIDATES.—

21 “(1) IN GENERAL.—Notwithstanding subsection
22 (a), in the case of a candidate described in para-
23 graph (2), the requirement of this section is met if,
24 during the fair elections qualifying period, the can-
25 didate obtains a number of qualifying contributions

1 equal to 150 percent of the number of qualifying
2 contributions that such candidate would be required
3 to obtain without regard to this subsection.

4 “(2) CANDIDATE DESCRIBED.—A candidate is
5 described in this paragraph if—

6 “(A) the candidate is a minor party can-
7 didate or an independent candidate; and

8 “(B) in the most recent general election in-
9 volving the office of Senator, President, or Gov-
10 ernor in the State in which the candidate is
11 seeking office, the candidate and all candidates
12 of the same political party as such candidate re-
13 ceived less than 5 percent of the total number
14 of votes cast for each such office.

15 “(c) REQUIREMENTS RELATING TO RECEIPT OF
16 QUALIFYING CONTRIBUTION.—Each qualifying contribu-
17 tion—

18 “(1) may be made by means of a personal
19 check, money order, debit card, or credit card;

20 “(2) shall be payable to the Senate Fair Elec-
21 tions Fund;

22 “(3) shall be accompanied by a signed state-
23 ment containing—

24 “(A) the contributor’s name and home ad-
25 dress;

1 “(B) an oath declaring that the contrib-
2 utor—

3 “(i) is a resident of the State in which
4 the candidate with respect to whom the
5 contribution is made is running for elec-
6 tion;

7 “(ii) understands that the purpose of
8 the qualifying contribution is to show sup-
9 port for the candidate so that the can-
10 didate may qualify for public financing;

11 “(iii) is making the contribution in his
12 or her own name and from his or her own
13 funds;

14 “(iv) has made the contribution will-
15 ingly; and

16 “(v) has not received any thing of
17 value in return for the contribution; and

18 “(4) shall be acknowledged by a receipt that is
19 sent to the contributor with a copy kept by the can-
20 didate for the Commission and a copy kept by the
21 candidate for the election authorities in the State
22 with respect to which the candidate is seeking elec-
23 tion.

24 “(d) DEPOSIT OF QUALIFYING CONTRIBUTIONS.—

1 “(1) IN GENERAL.—Not later than 21 days
2 after obtaining a qualifying contribution, a candidate
3 shall—

4 “(A) deposit such contribution into the
5 Senate Fair Elections Fund, and

6 “(B) remit to the Commission a copy of
7 the receipt for such contribution.

8 “(2) DEPOSIT OF CONTRIBUTIONS AFTER CER-
9 TIFICATION.—Notwithstanding paragraph (1), all
10 qualifying contributions obtained by a candidate
11 shall be deposited into the Senate Fair Elections
12 Fund and all copies of receipts for such contribu-
13 tions shall be remitted to the Commission not later
14 than—

15 “(A) in the case of a candidate who is de-
16 nied certification under section 508, 3 days
17 after receiving a notice of denial of certification
18 under section 508(a)(2); and

19 “(B) in any other case, not later than the
20 last day of the fair elections qualifying period.

21 “(e) VERIFICATION OF QUALIFYING CONTRIBU-
22 TIONS.—The Commission shall establish procedures for
23 the auditing and verification of qualifying contributions to
24 ensure that such contributions meet the requirements of
25 this section. Such procedures may provide for verification

1 through the means of a postcard or other method, as de-
2 termined by the Commission.

3 **“SEC. 506. CONTRIBUTION AND EXPENDITURE REQUIRE-**
4 **MENTS.**

5 “(a) GENERAL RULE.—A candidate for Senator
6 meets the requirements of this section if, during the elec-
7 tion cycle of the candidate, the candidate—

8 “(1) except as provided in subsection (b), ac-
9 cepts no contributions other than—

10 “(A) seed money contributions;

11 “(B) qualifying contributions made payable
12 to the Senate Fair Elections Fund;

13 “(C) allocations from the Senate Fair
14 Elections Fund under sections 510 and 511;
15 and

16 “(D) vouchers provided to the candidate
17 under section 315A of the Communications Act
18 of 1934;

19 “(2) makes no expenditures from any amounts
20 other than from—

21 “(A) amounts received from seed money
22 contributions;

23 “(B) amounts received from the Senate
24 Fair Elections Fund; and

1 “(C) vouchers provided to the candidate
2 under section 315A of the Communications Act
3 of 1934; and

4 “(3) makes no expenditures from personal
5 funds or the funds of any immediate family member
6 (other than funds received through seed money con-
7 tributions).

8 For purposes of this subsection, a payment made by a po-
9 litical party in coordination with a participating candidate
10 shall not be treated as a contribution to or as an expendi-
11 ture made by the participating candidate.

12 “(b) CONTRIBUTIONS FOR LEADERSHIP PACS,
13 ETC.—A political committee of a participating candidate
14 which is not an authorized committee of such candidate
15 may accept contributions other than contributions de-
16 scribed in subsection (a)(1) from any person if—

17 “(1) the aggregate contributions from such per-
18 son for any for a calendar year do not exceed \$100;
19 and

20 “(2) no portion of such contributions is dis-
21 bursed in connection with the campaign of the par-
22 ticipating candidate.

23 “(c) EXCEPTION.—

24 “(1) IN GENERAL.—Notwithstanding subsection
25 (a), a candidate shall not be treated as having failed

1 to meet the requirements of this section if any con-
2 tributions accepted before the date the candidate
3 files a statement of intent under section 503(a)(1)
4 are not expended and are—

5 “(A) returned to the contributor; or

6 “(B) submitted to the Federal Election
7 Commission for deposit in the Senate Fair
8 Elections Fund.

9 “(2) SPECIAL RULE FOR SEED MONEY CON-
10 TRIBUTIONS AND CONTRIBUTIONS FOR LEADERSHIP
11 PACS.—For purposes of paragraph (1), a candidate
12 shall not be required to return, donate, or submit
13 any portion of the aggregate amount of contribu-
14 tions from any person which is \$100 or less to the
15 extent that such contribution—

16 “(A) otherwise qualifies as a seed money
17 contribution; or

18 “(B) otherwise meets the requirements of
19 subsection (b).

20 “(3) SPECIAL RULE FOR CONTRIBUTIONS BE-
21 FORE THE DATE OF ENACTMENT OF THIS TITLE.—
22 Notwithstanding subsection (a), a candidate shall
23 not be treated as having failed to meet the require-
24 ments of this section if any contributions accepted

1 before the date of the enactment of this title are not
2 expended and are—

3 “(A) returned to the contributor;

4 “(B) donated to an organization described
5 in section 170(c) of the Internal Revenue Code
6 of 1986;

7 “(C) donated to a political party;

8 “(D) used to retire campaign debt; or

9 “(E) submitted to the Federal Election
10 Commission for deposit in the Senate Fair
11 Elections Fund.

12 **“SEC. 507. DEBATE REQUIREMENT.**

13 “A candidate for Senator meets the requirements of
14 this section if the candidate participates in at least—

15 “(1) 1 public debate before the primary election
16 with other participating candidates and other willing
17 candidates from the same party and seeking the
18 same nomination as such candidate; and

19 “(2) 2 public debates before the general election
20 with other participating candidates and other willing
21 candidates seeking the same office as such can-
22 didate.

1 **“SEC. 508. CERTIFICATION BY COMMISSION.**

2 “(a) IN GENERAL.—Not later than 5 days after a
3 candidate for Senator files an affidavit under section
4 503(a)(4), the Commission shall—

5 “(1) certify whether or not the candidate is a
6 participating candidate; and

7 “(2) notify the candidate of the Commission’s
8 determination.

9 “(b) REVOCATION OF CERTIFICATION.—

10 “(1) IN GENERAL.—The Commission may re-
11 voke a certification under subsection (a) if—

12 “(A) a candidate fails to qualify to appear
13 on the ballot at any time after the date of cer-
14 tification; or

15 “(B) a candidate otherwise fails to comply
16 with the requirements of this title.

17 “(2) REPAYMENT OF BENEFITS.—If certifi-
18 cation is revoked under paragraph (1), the candidate
19 shall repay—

20 “(A) to the Senate Fair Elections Fund an
21 amount equal to the value of benefits received
22 under this title plus interest (at a rate deter-
23 mined by the Commission) on any such amount
24 received; and

25 “(B) to Federal Communications Commis-
26 sion an amount equal to the amount of the dol-

1 lar value of vouchers which were received from
2 the Federal Communications Commission under
3 section 315A of the Communications Act of
4 1934 and used by the candidate.

5 **“SEC. 509. BENEFITS FOR PARTICIPATING CANDIDATES.**

6 “(a) IN GENERAL.—A participating candidate shall
7 be entitled to—

8 “(1) for each election with respect to which a
9 candidate is certified as a participating candidate—

10 “(A) an allocation from the Fund to make
11 or obligate to make expenditures with respect to
12 such election, as provided in section 510;

13 “(B) fair fight funds, as provided in sec-
14 tion 511; and

15 “(2) for the general election, vouchers for
16 broadcasts of political advertisements, as provided in
17 section 315A of the Communications Act of 1934
18 (47 U.S.C. 315A).

19 “(b) RESTRICTION ON USES OF ALLOCATIONS FROM
20 THE FUND.—Allocations from the Fund received by a par-
21 ticipating candidate under sections 510 and 511 may only
22 be used for campaign-related costs.

23 “(c) REMITTING ALLOCATIONS FROM THE FUND.—
24 Not later than the date that is 45 days after the date of
25 the election, a participating candidate shall remit to the

1 Commission for deposit in the Senate Fair Elections Fund
2 any unspent amounts paid to such candidate under this
3 title for such election.

4 **“SEC. 510. ALLOCATIONS FROM THE FUND.**

5 “(a) IN GENERAL.—The Commission shall make allo-
6 cations from the Fund under section 509(a)(1)(A) to a
7 participating candidate—

8 “(1) in the case of amounts provided under
9 subsection (c)(1), not later than 48 hours after the
10 date on which such candidate is certified as a par-
11 ticipating candidate under section 508;

12 “(2) in the case of a general election, not later
13 than 48 hours after—

14 “(A) the date the certification of the re-
15 sults of the primary election or the primary
16 runoff election; or

17 “(B) in any case in which there is no pri-
18 mary election, the date the candidate qualifies
19 to be placed on the ballot; and

20 “(3) in the case of a primary runoff election or
21 a general runoff election, not later than 48 hours
22 after the certification of the results of the primary
23 election or the general election, as the case may be.

24 “(b) METHOD OF PAYMENT.—The Commission shall
25 distribute funds available to participating candidates

1 under this section through the use of an electronic funds
2 exchange or a debit card.

3 “(c) AMOUNTS.—

4 “(1) PRIMARY ELECTION ALLOCATION; INITIAL
5 ALLOCATION.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraphs (B), the Commission shall make
8 an allocation from the Fund for a primary elec-
9 tion to a participating candidate in an amount
10 equal to 67 percent of the base amount with re-
11 spect to such participating candidate.

12 “(B) INDEPENDENT CANDIDATES.—In the
13 case of a participating candidate who is an
14 independent candidate, the Commission shall
15 make an initial allocation from the Fund in an
16 amount equal to 25 percent of the base amount
17 with respect to such candidate.

18 “(C) REDUCTION FOR EXCESS SEED
19 MONEY.—An allocation from the Fund for any
20 candidate under this paragraph shall be re-
21 duced by an amount equal to the aggregate
22 amount of seed money contributions received by
23 the candidate in excess of the sum of—

24 “(i) \$75,000; plus

1 “(ii) \$7,500 for each congressional
2 district in excess of 1 in the State with re-
3 spect to which the candidate is seeking
4 election.

5 “(2) PRIMARY RUNOFF ELECTION ALLOCA-
6 TION.—The Commission shall make an allocation
7 from the Fund for a primary runoff election to a
8 participating candidate in an amount equal to 25
9 percent of the amount the participating candidate
10 was eligible to receive under this section for the pri-
11 mary election.

12 “(3) GENERAL ELECTION ALLOCATION.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), the Commission shall make
15 an allocation from the Fund for a general elec-
16 tion to a participating candidate in an amount
17 equal to the base amount with respect to such
18 candidate.

19 “(B) UNCONTESTED ELECTIONS.—

20 “(i) IN GENERAL.—The Commission
21 shall make an allocation from the Fund to
22 a participating candidate for a general
23 election that is uncontested in an amount
24 equal to 25 percent of the base amount
25 with respect to such candidate.

1 “(ii) UNCONTESTED ELECTIONS.—

2 For purposes of this subparagraph, an
3 election is uncontested if not more than 1
4 candidate has received contributions (in-
5 cluding payments from the Senate Fair
6 Elections Fund) in an amount equal to or
7 greater than the lesser of—

8 “(I) the amount in effect for a
9 candidate in such election under para-
10 graph (1)(C), or

11 “(II) an amount equal to 50 per-
12 cent of the base amount with respect
13 to such candidate.

14 “(C) REDUCTION FOR EXCESS SEED
15 MONEY.—The allocation from the Fund for the
16 general election for any participating candidate
17 in a State that does not hold a primary election
18 shall be reduced by an amount equal to the ag-
19 gregate amount of seed money contributions re-
20 ceived by the candidate in excess of the sum
21 of—

22 “(i) \$75,000; plus

23 “(ii) \$7,500 for each congressional
24 district in excess of 1 in the State with re-

1 spect to which the candidate is seeking
2 election.

3 “(4) GENERAL RUNOFF ELECTION ALLOCA-
4 TION.—The Commission shall make an allocation
5 from the Fund for a general runoff election to a par-
6 ticipating candidate in an amount equal to 25 per-
7 cent of the base amount with respect to such can-
8 didate.

9 “(d) BASE AMOUNT.—

10 “(1) IN GENERAL.—Except as otherwise pro-
11 vided in this subsection, the base amount for any
12 candidate is an amount equal to the sum of—

13 “(A) \$750,000; plus

14 “(B) \$150,000 for each congressional dis-
15 trict in excess of 1 in the State with respect to
16 which the candidate is seeking election.

17 “(2) MINOR PARTY AND INDEPENDENT CAN-
18 DIDATES.—

19 “(A) REDUCED AMOUNT FOR CERTAIN
20 CANDIDATES.—

21 “(i) IN GENERAL.—In the case of a
22 minor party candidate or independent can-
23 didate described clause (ii), the base
24 amount is an amount equal to the product
25 of—

1 “(I) a fraction the numerator of
2 which is the highest percentage of the
3 vote received by the candidate or a
4 candidate of the same political party
5 as such candidate in the election de-
6 scribed in clause (ii) and the denomi-
7 nator of which is 25 percent; and

8 “(II) the amount that would (but
9 for this paragraph) be the base
10 amount for the candidate under para-
11 graph (1).

12 “(ii) CANDIDATE DESCRIBED.—A can-
13 didate is described in this clause if, in the
14 most recent general election involving the
15 office of Senator, President, or Governor in
16 the State in which the candidate is seeking
17 office—

18 “(I) such candidate, or any can-
19 didate of the same political party as
20 such candidate, received 5 percent or
21 more of the total number of votes cast
22 for any such office; and

23 “(II) such candidate and all can-
24 didates of the same political party as
25 such candidate received less than 25

1 percent of the total number of votes
2 cast for each such office.

3 “(B) EXCEPTION.—Subparagraph (A)
4 shall not apply to any candidate if such can-
5 didate receives a number of qualifying contribu-
6 tions which is greater than 150 percent of the
7 number of qualifying contributions such can-
8 didate is required to receive in order to meet
9 the requirements of section 505(a).

10 “(3) INDEXING.—In each odd-numbered year
11 after 2010—

12 “(A) each dollar amount under paragraph
13 (1) shall be increased by the percent difference
14 between the price index (as defined in section
15 315(c)(2)(A)) for the 12 months preceding the
16 beginning of such calendar year and the price
17 index for calendar year 2008;

18 “(B) each dollar amount so increased shall
19 remain in effect for the 2-year period beginning
20 on the first day following the date of the last
21 general election in the year preceding the year
22 in which the amount is increased and ending on
23 the date of the next general election; and

24 “(C) if any amount after adjustment under
25 subparagraph (A) is not a multiple of \$100,

1 such amount shall be rounded to the nearest
2 multiple of \$100.

3 “(4) ADJUSTMENT BY MEDIA MARKET.—

4 “(A) IN GENERAL.—The Commission, in
5 consultation with the Federal Communications
6 Commission, shall establish an index reflecting
7 the costs of the media markets in each State.

8 “(B) ADJUSTMENT.—At the beginning of
9 each year, the Commission shall increase the
10 amount under paragraph (1) (after application
11 of paragraph (3)) based on the index estab-
12 lished under subparagraph (A).

13 **“SEC. 511. PAYMENT OF FAIR FIGHT FUNDS.**

14 “(a) DETERMINATION OF RIGHT TO PAYMENT.—

15 “(1) IN GENERAL.—The Commission shall, on
16 a regular basis, make a determination on—

17 “(A) the amount of opposing funds with
18 respect to each participating candidate, and

19 “(B) the applicable amount with respect to
20 each participating candidate.

21 “(2) BASIS OF DETERMINATIONS.—The Com-
22 mission shall make determinations under paragraph
23 (1) based on—

24 “(A) reports filed by the relevant opposing
25 candidate under section 304(a) with respect to

1 amounts described in subsection (c)(1)(A)(i)(I);
2 and

3 “(B) reports filed by political committees
4 under section 304(a) and by other persons
5 under section 304(c) with respect to—

6 “(i) opposing funds described in
7 clauses (ii)(I) and (iii)(I) of subsection
8 (c)(1)(A); and

9 “(ii) applicable amounts described in
10 subparagraphs (B)(i) and (C)(i) of sub-
11 section (b)(2).

12 “(3) REQUESTS FOR DETERMINATION RELAT-
13 ING TO CERTAIN ELECTIONEERING COMMUNICA-
14 TIONS.—

15 “(A) IN GENERAL.—A participating can-
16 didate may request to the Commission to make
17 a determination under paragraph (1) with re-
18 spect to any relevant opposing candidate with
19 respect to—

20 “(i) opposing funds described in
21 clauses (ii)(II) and (iii)(II) of subsection
22 (c)(1)(A); and

23 “(ii) applicable amounts described in
24 subparagraphs (B)(ii) and (C)(ii) of sub-
25 section (b)(2).

1 “(B) TIME FOR MAKING DETERMINA-
2 TION.—In the case of any such request, the
3 Commission shall make such determination and
4 notify the participating candidate of such deter-
5 mination not later than—

6 “(i) 24 hours after receiving such re-
7 quest during the 3-week period ending on
8 the date of the election, and

9 “(ii) 48 hours after receiving such re-
10 quest at any other time.

11 “(b) PAYMENTS.—

12 “(1) IN GENERAL.—The Commission shall
13 make available to the participating candidate fair
14 fight funds in an amount equal to the amount of op-
15 posing funds that is in excess of the applicable
16 amount—

17 “(A) immediately after making any deter-
18 mination under subsection (a) with respect to
19 any participating candidate during the 3-week
20 period ending on the date of the election, and

21 “(B) not later than 24 hours after making
22 such determination at any other time.

23 “(2) APPLICABLE AMOUNT.—For purposes of
24 this section, the applicable amount is an amount
25 equal to the sum of—

1 “(A) the sum of—

2 “(i) the amount of seed money con-
3 tribution received by the participating can-
4 didate;

5 “(ii) in the case of a general election,
6 the value of any vouchers received by the
7 candidate under section 315A of the Com-
8 munications Act of 1934; plus

9 “(iii)(I) in the case of a participating
10 candidate who is a minor party candidate
11 running in a general election or an inde-
12 pendent candidate, the allocation from the
13 Fund which would have been provided to
14 such candidate for such election if such
15 candidate were a major party candidate; or

16 “(II) in the case of any other partici-
17 pating candidate, an amount equal to the
18 allocation from the Fund to such candidate
19 for such election under section 510(c);

20 “(B) the sum of—

21 “(i) the amount of independent ex-
22 penditures made advocating the election of
23 the participating candidate; plus

24 “(ii) the amount of disbursements for
25 electioneering communications which pro-

1 mote or support such participating can-
2 didate;

3 “(C) the sum of—

4 “(i) the amount of independent ex-
5 penditures made advocating the defeat of
6 the relevant opposing candidate; plus

7 “(ii) the amount of disbursements for
8 electioneering communications which at-
9 tack or oppose the relevant opposing can-
10 didate; plus

11 “(D) the amount of fair fight funds pre-
12 viously provided to the participating candidate
13 under this subsection for the election.

14 “(3) LIMITS ON AMOUNT OF PAYMENT.—The
15 aggregate of fair fight funds that a participating
16 candidate receives under this subsection for any elec-
17 tion shall not exceed 200 percent of the allocation
18 from the Fund that the participating candidate re-
19 ceives for such election under section 510(c).

20 “(c) DEFINITIONS.—For purposes of this section—

21 “(1) OPPOSING FUNDS.—

22 “(A) IN GENERAL.—The term ‘opposing
23 funds’ means, with respect to any participating
24 candidate for any election, the sum of—

1 “(i)(I) the greater of the total con-
2 tributions received by the relevant oppos-
3 ing candidate or the total expenditures
4 made by such relevant opposing candidate;
5 or

6 “(II) in the case of a relevant oppos-
7 ing candidate who is a participating can-
8 didate, an amount equal to the sum of the
9 amount of seed money contributions re-
10 ceived by the relevant opposing candidate,
11 the value of any vouchers received by the
12 relevant opposing candidate for the general
13 election under section 315A of the Commu-
14 nications Act of 1934, and the allocation
15 from the Fund under section 510(c) for
16 the relevant opposing candidate for such
17 election;

18 “(ii) the sum of—

19 “(I) the amount of independent
20 expenditures made advocating the
21 election of such relevant opposing can-
22 didate; plus

23 “(II) the amount of disburse-
24 ments for electioneering communica-

1 tions which promote or support such
2 relevant opposing candidate; plus

3 “(iii) the sum of—

4 “(I) the amount of independent
5 expenditures made advocating the de-
6 feat of such participating candidate;
7 plus

8 “(II) the amount of disburse-
9 ments for electioneering communica-
10 tions which attack or oppose such par-
11 ticipating candidate.

12 “(2) RELEVANT OPPOSING CANDIDATE.—The
13 term ‘relevant opposing candidate’ means, with re-
14 spect to any participating candidate, the opposing
15 candidate of such participating candidate with re-
16 spect to whom the amount under paragraph (1) is
17 the greatest.

18 “(3) ELECTIONEERING COMMUNICATION.—The
19 term ‘electioneering communication’ has the mean-
20 ing given such term under section 304(f)(3), except
21 that subparagraph (A)(i)(II)(aa) thereof shall be ap-
22 plied by substituting ‘30’ for ‘60’.

1 **“SEC. 512. ADMINISTRATION OF THE SENATE FAIR ELEC-**
2 **TIONS SYSTEM.**

3 “(a) REGULATIONS.—The Commission shall pre-
4 scribe regulations to carry out the purposes of this title,
5 including regulations—

6 “(1) to establish procedures for—

7 “(A) verifying the amount of valid quali-
8 fying contributions with respect to a candidate;

9 “(B) effectively and efficiently monitoring
10 and enforcing the limits on the use of personal
11 funds by participating candidates;

12 “(C) the expedited payment of fair fight
13 funds during the 3-week period ending on the
14 date of the election;

15 “(D) monitoring the use of allocations
16 from the Fund under this title through audits
17 or other mechanisms; and

18 “(E) returning unspent disbursements and
19 disposing of assets purchased with allocations
20 from the Fund;

21 “(2) providing for the administration of the
22 provisions of this title with respect to special elec-
23 tions;

24 “(3) pertaining to the replacement of can-
25 didates;

1 “(4) regarding the conduct of debates in a man-
2 ner consistent with the best practices of States that
3 provide public financing for elections; and

4 “(5) for attributing expenditures to specific
5 elections for the purposes of calculating opposing
6 funds.

7 “(b) OPERATION OF COMMISSION.—The Commission
8 shall maintain normal business hours during the weekend
9 immediately before any general election for the purposes
10 of administering the provisions of this title, including the
11 distribution of fair fight funds under section 511.

12 “(c) REPORTS.—Not later than April 1, 2009, and
13 every 2 years thereafter, the Commission shall submit to
14 the Senate Committee on Rules and Administration a re-
15 port documenting, evaluating, and making recommenda-
16 tions relating to the administrative implementation and
17 enforcement of the provisions of this title.

18 **“SEC. 513. VIOLATIONS AND PENALTIES.**

19 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
20 TION AND EXPENDITURE REQUIREMENTS.—If a can-
21 didate who has been certified as a participating candidate
22 under section 508(a) accepts a contribution or makes an
23 expenditure that is prohibited under section 506, the Com-
24 mission shall assess a civil penalty against the candidate
25 in an amount that is not more than 3 times the amount

1 of the contribution or expenditure. Any amounts collected
2 under this subsection shall be deposited into the Senate
3 Fair Elections Fund.

4 “(b) REPAYMENT FOR IMPROPER USE OF FAIR
5 ELECTIONS FUND.—

6 “(1) IN GENERAL.—If the Commission deter-
7 mines that any benefit made available to a partici-
8 pating candidate under this title was not used as
9 provided for in this title or that a participating can-
10 didate has violated any of the dates for remission of
11 funds contained in this title, the Commission shall
12 so notify the candidate and the candidate shall pay
13 to the Senate Fair Elections Fund an amount equal
14 to—

15 “(A) the amount of benefits so used or not
16 remitted, as appropriate, and

17 “(B) interest on any such amounts (at a
18 rate determined by the Commission).

19 “(2) OTHER ACTION NOT PRECLUDED.—Any
20 action by the Commission in accordance with this
21 subsection shall not preclude enforcement pro-
22 ceedings by the Commission in accordance with sec-
23 tion 309(a), including a referral by the Commission
24 to the Attorney General in the case of an apparent
25 knowing and willful violation of this title.”.

1 **SEC. 103. REPORTING REQUIREMENTS FOR NONPARTICI-**
2 **PATING CANDIDATES.**

3 (a) IN GENERAL.—Section 304 of the Federal Elec-
4 tion Campaign Act of 1971 (2 U.S.C. 434) is amended
5 by adding at the end the following:

6 “(i) NONPARTICIPATING CANDIDATES.—

7 “(1) INITIAL REPORT.—

8 “(A) IN GENERAL.—Each nonparticipating
9 candidate who is opposed to a participating
10 candidate and who receives contributions or
11 makes expenditures aggregating more than the
12 threshold amount shall, within 48 hours of the
13 date such aggregate contributions or expendi-
14 tures exceed the threshold amount, file with the
15 Commission a report stating the total amount
16 of contributions received and expenditures made
17 or obligated by such candidate.

18 “(B) THRESHOLD AMOUNT.—For purposes
19 of this paragraph, the term ‘threshold amount’
20 means 75 percent of the allocation from the
21 Fund that a participating candidate would be
22 entitled to receive in such election under section
23 510 if the participating candidate were a major
24 party candidate.

25 “(2) PERIODIC REPORTS.—

1 “(A) IN GENERAL.—In addition to any re-
2 ports required under subsection (a), each non-
3 participating candidate who is required to make
4 a report under paragraph (1) shall make the
5 following reports:

6 “(i) A report which shall be filed not
7 later than 5 p.m. on the forty-second day
8 before the date on which the election in-
9 volving such candidate is held and which
10 shall be complete through the forty-fourth
11 day before such date.

12 “(ii) A report which shall be filed not
13 later than 5 p.m. on the twenty-first day
14 before the date on which the election in-
15 volving such candidate is held and which
16 shall be complete through the twenty-third
17 day before such date.

18 “(iii) A report which shall be filed not
19 later than 5 p.m. on the twelfth day before
20 the date on which the election involving
21 such candidate is held and which shall be
22 complete through the fourteenth day before
23 such date.

24 “(B) ADDITIONAL REPORTING WITHIN 2
25 WEEKS OF ELECTION.—Each nonparticipating

1 candidate who is required to make a report
2 under paragraph (1) and who receives contribu-
3 tions or makes expenditures aggregating more
4 than \$1,000 at any time after the fourteenth
5 day before the date of the election involving
6 such candidate shall make a report to the Com-
7 mission not later than 24 hours after such con-
8 tributions are received or such expenditures are
9 made.

10 “(C) CONTENTS OF REPORT.—Each report
11 required under this paragraph shall state the
12 total amount of contributions received and ex-
13 penditures made or obligated to be made during
14 the period covered by the report.

15 “(3) DEFINITIONS.—For purposes of this sub-
16 section and section 309(a)(13), the terms ‘non-
17 participating candidate’, ‘participating candidate’,
18 and ‘allocation from the Fund’ have the respective
19 meanings given to such terms under section 501.”.

20 (b) INCREASED PENALTY FOR FAILURE TO FILE.—

21 Section 309(a) of the Federal Election Campaign Act of
22 1971 (2 U.S.C. 437(g)) is amended by adding at the end
23 the following new paragraph:

24 “(13) INCREASED CIVIL PENALTIES WITH RE-
25 SPECT TO REPORTING BY NONPARTICIPATING CAN-

1 DIDATES.—For purposes of paragraphs (5) and (6),
2 any civil penalty with respect to a violation of sec-
3 tion 304(i) shall not exceed the greater of—

4 “(A) the amount otherwise applicable with-
5 out regard to this paragraph; or

6 “(B) for each day of the violation, 3 times
7 the amount of the fair fight funds under section
8 511 that otherwise would have been allocated to
9 the participating candidate but for such viola-
10 tion.”.

11 **SEC. 104. MODIFICATION OF ELECTIONEERING COMMU-
12 NICATION REPORTING REQUIREMENTS.**

13 Paragraph (2) of section 304(f) of the Federal Elec-
14 tion Campaign Act of 1971 (2 U.S.C. 434(f)(2)) is amend-
15 ed by redesignating subparagraphs (E) and (F) as sub-
16 paragraphs (F) and (G), respectively, and by inserting
17 after subparagraph (D) the following new subparagraph:

18 “(E) in the case of a communication refer-
19 ring to any candidate in an election involving a
20 participating candidate (as defined under sec-
21 tion 501(9)), a transcript of the electioneering
22 communication.”.

1 **SEC. 105. LIMITATION ON COORDINATED EXPENDITURES**
2 **BY POLITICAL PARTY COMMITTEES WITH**
3 **PARTICIPATING CANDIDATES.**

4 (a) IN GENERAL.—Section 315(d)(3) of the Federal
5 Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is
6 amended—

7 (1) by redesignating subparagraphs (A) and
8 (B) as subparagraphs (B) and (C), respectively; and

9 (2) by inserting before subparagraph (B), as re-
10 designated by paragraph (1), the following new sub-
11 paragraph:

12 “(A) in the case of a candidate for election
13 to the office of Senator who is a participating
14 candidate (as defined in section 501), the lesser
15 of—

16 “(i) 10 percent of the allocation from
17 the Senate Elections Fund that the partici-
18 pating candidate is eligible to receive for
19 the general election under section
20 510(e)(3); or

21 “(ii) the amount which would (but for
22 this subparagraph) apply with respect to
23 such candidate under subparagraph (B);”.

24 (b) CONFORMING AMENDMENT.—Subparagraph (B)
25 of section 315(d)(3) of such Act, as redesignated by sub-
26 section (a), is amended by inserting “who is not a partici-

1 pating candidate (as so defined)” after “office of Sen-
2 ator”.

3 **SEC. 106. AUDITS.**

4 Section 311(b) of the Federal Election Campaign Act
5 of 1971 (2 U.S.C. 438(b)) is amended—

6 (1) by inserting “(1)” before “The Commis-
7 sion”; and

8 (2) by adding at the end the following:

9 “(2) AUDITS OF PARTICIPATING CAN-
10 DIDATES.—

11 “(A) IN GENERAL.—Notwithstanding para-
12 graph (1), after every primary, general, and
13 runoff election, the Commission shall conduct
14 random audits and investigations of not less
15 than 30 percent of the authorized committees of
16 candidates who are participating candidates (as
17 defined in section 501).

18 “(B) SELECTION OF SUBJECTS.—The sub-
19 jects of audits and investigations under this
20 paragraph shall be selected on the basis of im-
21 partial criteria established by a vote of at least
22 4 members of the Commission.”.

1 **Subtitle B—Senate Fair Elections**
 2 **Fund Revenues**

3 **SEC. 111. DEPOSIT OF PROCEEDS FROM RECOVERED SPEC-**
 4 **TRUM AUCTIONS.**

5 Section 309(j)(8)(E)(ii) of the Communications Act
 6 of 1934 (47 U.S.C. 309(j)(8)(E)(ii)) is amended—

7 (1) by striking “deposited in” and inserting the
 8 following: “deposited as follows:

9 “(I) 90 percent of such proceeds
 10 deposited in”; and

11 (2) by adding at the end the following:

12 “(II) 10 percent of such proceeds
 13 deposited in the Senate Fair Elections
 14 Fund established under section 502 of
 15 the Federal Election Campaign Act of
 16 1972.”.

17 **Subtitle C—Fair Elections Review**
 18 **Commission**

19 **SEC. 121. ESTABLISHMENT OF COMMISSION.**

20 (a) ESTABLISHMENT.—There is established a com-
 21 mission to be known as the “Fair Elections Review Com-
 22 mission” (hereafter in this subtitle referred to as the
 23 “Commission”).

24 (b) DUTIES.—

25 (1) REVIEW OF FAIR ELECTIONS FINANCING.—

1 (A) IN GENERAL.—After each general elec-
2 tion for Federal office, the Commission shall
3 conduct a comprehensive review of the Senate
4 fair elections financing program under title V of
5 the Federal Election Campaign Act of 1974, in-
6 cluding—

7 (i) the number and value of qualifying
8 contributions a candidate is required to ob-
9 tain under section 505 of such Act to qual-
10 ify for allocations from the Fund;

11 (ii) the amount of allocations from the
12 Senate Fair Elections Fund that can-
13 didates may receive under sections 510
14 and 511 of such Act;

15 (iii) the overall satisfaction of partici-
16 pating candidates with the program; and

17 (iv) such other matters relating to fi-
18 nancing of Senate campaigns as the Com-
19 mission determines are appropriate.

20 (B) CRITERIA FOR REVIEW.—In con-
21 ducting the review under subparagraph (A), the
22 Commission shall consider the following:

23 (i) REVIEW OF QUALIFYING CON-
24 TRIBUTION REQUIREMENTS.—The Com-
25 mission shall consider whether the number

1 and value of qualifying contributions re-
2 quired strikes a balance between the im-
3 portance of voter choice and fiscal respon-
4 sibility, taking into consideration the num-
5 ber of primary and general election partici-
6 pating candidates, the electoral perform-
7 ance of those candidates, program cost,
8 and any other information the Commission
9 determines is appropriate.

10 (ii) REVIEW OF PROGRAM ALLOCA-
11 TIONS.—The Commission shall consider
12 whether allocations from the Senate Elec-
13 tions Fund under sections 510 ad 511 of
14 the Federal Election Campaign Act of
15 1974 are sufficient for voters in each State
16 to learn about the candidates to cast an in-
17 formed vote, taking into account the his-
18 toric amount of spending by winning can-
19 didates, media costs, primary election
20 dates, and any other information the Com-
21 mission determines is appropriate.

22 (2) REPORT, RECOMMENDATIONS, AND PRO-
23 POSED LEGISLATIVE LANGUAGE.—

24 (A) REPORT.—Not later than March 30
25 following any general election for Federal office,

1 the Commission shall submit a report to Con-
2 gress on the review conducted under paragraph
3 (1). Such report shall contain a detailed state-
4 ment of the findings, conclusions, and rec-
5 ommendations of the Commission based on
6 such review, and shall contain any proposed leg-
7 islative language (as required under subpara-
8 graph (C)) of the Commission.

9 (B) FINDINGS, CONCLUSIONS, AND REC-
10 OMMENDATIONS.—A finding, conclusion, or rec-
11 ommendation of the Commission shall be in-
12 cluded in the report under subparagraph (A)
13 only if not less than 3 members of the Commis-
14 sion voted for such finding, conclusion, or rec-
15 ommendation.

16 (C) LEGISLATIVE LANGUAGE.—

17 (i) IN GENERAL.—The report under
18 subparagraph (A) shall include legislative
19 language with respect to any recommenda-
20 tion involving—

21 (I) an increase in the number or
22 value of qualifying contributions; or

23 (II) an increase in the amount of
24 allocations from the Senate Elections
25 Fund.

1 (ii) FORM.—The legislative language
2 shall be in the form of a proposed bill for
3 introduction in Congress and shall not in-
4 clude any recommendation not related to
5 matter described subclause (I) or (II) of
6 clause (i)

7 **SEC. 122. STRUCTURE AND MEMBERSHIP OF THE COMMIS-**
8 **SION.**

9 (a) APPOINTMENT.—

10 (1) IN GENERAL.—The Commission shall be
11 composed of 5 members, of whom—

12 (A) 1 shall be appointed by the Majority
13 Leader of the Senate;

14 (B) 1 shall be appointed by the Minority
15 Leader of the Senate; and

16 (C) 3 shall be appointed jointly by the
17 members appointed under subparagraphs (A)
18 and (B).

19 (2) QUALIFICATIONS.—

20 (A) IN GENERAL.—The members shall be
21 individuals who are nonpartisan and, by reason
22 of their education, experience, and attainments,
23 exceptionally qualified to perform the duties of
24 members of the Commission.

1 (B) PROHIBITION.—No member of the
2 Commission may be—

3 (i) a member of Congress;

4 (ii) an employee of the Federal gov-
5 ernment;

6 (iii) a registered lobbyist; or

7 (iv) an officer or employee of a polit-
8 ical party or political campaign.

9 (3) DATE.—Members of the Commission shall
10 be appointed not later than 60 days after the date
11 of the enactment of this Act.

12 (4) TERMS.—A member of the Commission
13 shall be appointed for a term of 5 years.

14 (b) VACANCIES.—A vacancy on the Commission shall
15 be filled not later than 30 calendar days after the date
16 on which the Commission is given notice of the vacancy,
17 in the same manner as the original appointment. The indi-
18 vidual appointed to fill the vacancy shall serve only for
19 the unexpired portion of the term for which the individ-
20 ual's predecessor was appointed.

21 (c) CHAIRPERSON.—The Commission shall designate
22 a Chairperson from among the members of the Commis-
23 sion.

24 **SEC. 123. POWERS OF THE COMMISSION.**

25 (a) MEETINGS AND HEARINGS.—

1 (1) MEETINGS.—The Commission may hold
2 such hearings, sit and act at such times and places,
3 take such testimony, and receive such evidence as
4 the Commission considers advisable to carry out the
5 purposes of this Act.

6 (2) QUORUM.—Four members of the Commis-
7 sion shall constitute a quorum for purposes of vot-
8 ing, but a quorum is not required for members to
9 meet and hold hearings.

10 (b) INFORMATION FROM FEDERAL AGENCIES.—The
11 Commission may secure directly from any Federal depart-
12 ment or agency such information as the Commission con-
13 siders necessary to carry out the provisions of this Act.
14 Upon request of the Chairperson of the Commission, the
15 head of such department or agency shall furnish such in-
16 formation to the Commission.

17 (c) POSTAL SERVICES.—The Commission may use
18 the United States mails in the same manner and under
19 the same conditions as other departments and agencies of
20 the Federal Government.

21 (d) GIFTS.—The Commission may accept, use, and
22 dispose of gifts or donations of services or property.

23 **SEC. 124. ADMINISTRATION.**

24 (a) COMPENSATION OF MEMBERS.—

25 (1) IN GENERAL.—

1 (A) IN GENERAL.—Each member, other
2 than the Chairperson, shall be paid at a rate
3 equal to the daily equivalent of the minimum
4 annual rate of basic pay prescribed for level IV
5 of the Executive Schedule under section 5315
6 of title 5, United States Code, for each day (in-
7 cluding travel time) during which such member
8 is engaged in the performance of the duties of
9 the Commission.

10 (B) CHAIRPERSON.—The Chairperson
11 shall be paid at a rate equal to the daily equiva-
12 lent of the minimum annual rate of basic pay
13 prescribed for level III of the Executive Sched-
14 ule under section 5314 of title 5, United States
15 Code, for each day (including travel time) dur-
16 ing which such member is engaged in the per-
17 formance of the duties of the Commission.

18 (2) TRAVEL EXPENSES.—Members shall receive
19 travel expenses, including per diem in lieu of subsist-
20 ence, in accordance with sections 5702 and 5703 of
21 title 5, United States Code, while away from their
22 homes or regular places of business in performance
23 of services for the Commission.

24 (b) PERSONNEL.—

1 (1) DIRECTOR.—The Commission shall have a
2 staff headed by an Executive Director. The Execu-
3 tive Director shall be paid at a rate equivalent to a
4 rate established for the Senior Executive Service
5 under section 5382 of title 5, United States Code.

6 (2) STAFF APPOINTMENT.—With the approval
7 of the Chairperson, the Executive Director may ap-
8 point such personnel as the Executive Director and
9 the Commission determines to be appropriate.

10 (3) ACTUARIAL EXPERTS AND CONSULTANTS.—
11 With the approval of the Chairperson, the Executive
12 Director may procure temporary and intermittent
13 services under section 3109(b) of title 5, United
14 States Code.

15 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
16 Upon the request of the Chairperson, the head of
17 any Federal agency may detail, without reimburse-
18 ment, any of the personnel of such agency to the
19 Commission to assist in carrying out the duties of
20 the Commission. Any such detail shall not interrupt
21 or otherwise affect the civil service status or privi-
22 leges of the Federal employee.

23 (5) OTHER RESOURCES.—The Commission
24 shall have reasonable access to materials, resources,
25 statistical data, and other information from the Li-

1 brary of Congress and other agencies and elected
 2 representatives of the executive and legislative
 3 branches of the Federal Government. The Chair-
 4 person of the Commission shall make requests for
 5 such access in writing when necessary.

6 **SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated such sums
 8 as are necessary to carry out the purposes of this subtitle.

9 **SEC. 126. EXPEDITED CONSIDERATION OF COMMISSION**
 10 **RECOMMENDATIONS.**

11 (a) INTRODUCTION AND COMMITTEE CONSIDER-
 12 ATION.—

13 (1) INTRODUCTION.—Not later than 60 days
 14 after the Commission files a report under section
 15 121(b), the Majority Leader of the Senate, or the
 16 Majority Leader’s designee, shall introduce any pro-
 17 posed legislative language submitted by the Commis-
 18 sion under section 121(b)(2)(C) in the Senate (here-
 19 after in this section referred to as a “Commission
 20 bill”).

21 (2) COMMITTEE CONSIDERATION.—

22 (A) REFERRAL.—A Commission bill intro-
 23 duced in the Senate shall be referred to the
 24 Committee on Rules and Administration of the
 25 Senate.

1 (B) REPORTING.—Not later than 60 cal-
2 endar days after the introduction of the Com-
3 mission bill, the Committee on Rules and Ad-
4 ministration shall hold a hearing on the bill and
5 report the bill to the Senate. No amendment
6 shall be in order to the bill in the Committee.

7 (C) DISCHARGE OF COMMITTEE.—If the
8 Committee on Rules and Administration has
9 not reported a Commission bill at the end of 60
10 calendar days after its introduction, such com-
11 mittee shall be automatically discharged from
12 further consideration of the Commission bill
13 and it shall be placed on the appropriate cal-
14 endar.

15 (b) EXPEDITED PROCEDURE.—

16 (1) FLOOR CONSIDERATION IN THE SENATE.—

17 (A) IN GENERAL.—Not later than 60 cal-
18 endar days after the date on which a committee
19 has reported or has been discharged from con-
20 sideration of a Commission bill, the Majority
21 Leader of the Senate, or the Majority Leader's
22 designee shall move to proceed to the consider-
23 ation of the Commission bill. It shall also be in
24 order for any member of the Senate to move to

1 proceed to the consideration of the bill at any
2 time after the conclusion of such 60-day period.

3 (B) MOTION TO PROCEED.—A motion to
4 proceed to the consideration of a Commission
5 bill is privileged in the Senate. The motion is
6 not debatable and is not subject to a motion to
7 postpone consideration of the Commission bill
8 or to proceed to the consideration of other busi-
9 ness. A motion to reconsider the vote by which
10 the motion to proceed is agreed to or not
11 agreed to shall not be in order. If the motion
12 to proceed is agreed to, the Senate shall imme-
13 diately proceed to consideration of the Commis-
14 sion bill without intervening motion, order, ac-
15 tion, or other business, and the Commission bill
16 shall remain the unfinished business of the Sen-
17 ate until disposed of.

18 (C) AMENDMENTS, MOTIONS, AND AP-
19 PEALS.—No amendment shall be in order in the
20 Senate, and any debatable motion or appeal is
21 debatable for not to exceed 5 hours to be di-
22 vided equally between those favoring and those
23 opposing the motion or appeal.

24 (D) LIMITED DEBATE.—Consideration in
25 the Senate of the Commission bill and on all de-

1 batable motions and appeals in connection
2 therewith, shall be limited to not more than 40
3 hours, which shall be equally divided between,
4 and controlled by, the Majority Leader and the
5 Minority Leader of the Senate or their des-
6 ignees. A motion further to limit debate on the
7 Commission bill is in order and is not debat-
8 able. All time used for consideration of the
9 Commission bill, including time used for
10 quorum calls (except quorum calls immediately
11 preceding a vote), shall come from the 40 hours
12 of consideration.

13 (E) VOTE ON PASSAGE.—

14 (i) IN GENERAL.—The vote on pas-
15 sage in the Senate of the Commission bill
16 shall occur immediately following the con-
17 clusion of the 40-hour period for consider-
18 ation of the Commission bill under sub-
19 paragraph (D) and a request to establish
20 the presence of a quorum.

21 (ii) OTHER MOTIONS NOT IN
22 ORDER.—A motion in the Senate to post-
23 pone consideration of the Commission bill,
24 a motion to proceed to the consideration of
25 other business, or a motion to recommit

1 the Commission bill is not in order. A mo-
2 tion in the Senate to reconsider the vote by
3 which the Commission bill is agreed to or
4 not agreed to is not in order.

5 (2) FLOOR CONSIDERATION IN THE HOUSE.—

6 (A) IN GENERAL.—If a Commission bill is
7 agreed to in the Senate, the Majority Leader of
8 the House of Representatives, or the Majority
9 Leader’s designee shall move to proceed to the
10 consideration of the Commission bill not later
11 than 30 days after the date the House or Rep-
12 resentatives receives notice of such agreement.
13 It shall also be in order for any member of the
14 House of Representatives to move to proceed to
15 the consideration of the bill at any time after
16 the conclusion of such 30-day period.

17 (B) MOTION TO PROCEED.—A motion to
18 proceed to the consideration of a Commission
19 bill is privileged in the House of Representa-
20 tives. The motion is not debatable and is not
21 subject to a motion to postpone consideration of
22 the Commission bill or to proceed to the consid-
23 eration of other business. A motion to recon-
24 sider the vote by which the motion to proceed
25 is agreed to or not agreed to shall not be in

1 order. If the motion to proceed is agreed to, the
2 House of Representatives shall immediately pro-
3 ceed to consideration of the Commission bill
4 without intervening motion, order, action, or
5 other business, and the Commission bill shall
6 remain the unfinished business of the House of
7 Representatives until disposed of.

8 (C) AMENDMENTS, MOTIONS, AND AP-
9 PEALS.—No amendment shall be in order in the
10 House of Representatives, and any debatable
11 motion or appeal is debatable for not to exceed
12 5 hours to be divided equally between those fa-
13 voring and those opposing the motion or appeal.

14 (D) LIMITED DEBATE.—Consideration in
15 the House of Representatives of the Commis-
16 sion bill and on all debatable motions and ap-
17 peals in connection therewith, shall be limited
18 to not more than 40 hours, which shall be
19 equally divided between, and controlled by, the
20 Majority Leader and the Minority Leader of the
21 House of Representatives or their designees. A
22 motion further to limit debate on the Commis-
23 sion bill is in order and is not debatable. All
24 time used for consideration of the Commission
25 bill, including time used for quorum calls (ex-

1 cept quorum calls immediately preceding a
2 vote), shall come from the 40 hours of consider-
3 ation.

4 (E) VOTE ON PASSAGE.—

5 (i) IN GENERAL.—The vote on pas-
6 sage in the House of Representatives of
7 the Commission bill shall occur imme-
8 diately following the conclusion of the 40-
9 hour period for consideration of the Com-
10 mission bill under subparagraph (D) and a
11 request to establish the presence of a
12 quorum.

13 (ii) OTHER MOTIONS NOT IN
14 ORDER.—A motion in the House of Rep-
15 resentatives to postpone consideration of
16 the Commission bill, a motion to proceed
17 to the consideration of other business, or a
18 motion to recommit the Commission bill is
19 not in order. A motion in the House of
20 Representatives to reconsider the vote by
21 which the Commission bill is agreed to or
22 not agreed to is not in order.

23 (c) RULES OF SENATE AND HOUSE OF REPRESENTA-
24 TIVES.—This section is enacted by Congress—

1 (1) as an exercise of the rulemaking power of
2 the Senate and House of Representatives, respec-
3 tively, and as such it is deemed a part of the rules
4 of each House, respectively, but applicable only with
5 respect to the procedure to be followed in that
6 House in the case of a Commission bill, and it su-
7 persedes other rules only to the extent that it is in-
8 consistent with such rules, and

9 (2) with full recognition of the constitutional
10 right of either House to change the rules (so far as
11 relating to the procedure of that House) at any time,
12 in the same manner, and to the same extent as in
13 the case of any other rule of that House.

14 **TITLE II—VOTER INFORMATION**

15 **SEC. 201. BROADCASTS RELATING TO CANDIDATES.**

16 (a) **LOWEST UNIT CHARGE; NATIONAL COMMIT-**
17 **TEES.**—Section 315(b) of the Communications Act of
18 1934 (47 U.S.C. 315(b)) is amended—

19 (1) by striking “to such office” in paragraph
20 (1) and inserting “to such office, or by a national
21 committee of a political party on behalf of such can-
22 didate in connection with such campaign,”; and

23 (2) by inserting “for pre-emptible use thereof”
24 after “station” in subparagraph (A) of paragraph
25 (1).

1 (b) BROADCAST RATES.—Section 315(b) of the Com-
2 munications Act of 1934 (47 U.S.C. 315(b)), as amended
3 by subsection (a), is amended—

4 (1) in paragraph (1)(A), by striking “paragraph
5 (2)” and inserting “paragraphs (2) and (3)”; and

6 (2) by adding at the end the following:

7 “(3) PARTICIPATING CANDIDATES.—In the case
8 of a participating candidate (as defined under sec-
9 tion 501(10) of the Federal Election Campaign Act
10 of 1971), the charges made for the use any broad-
11 casting station for a television broadcast shall not
12 exceed 80 percent of the lowest charge described in
13 paragraph (1)(A) during—

14 “(A) the 45 days preceding the date of a
15 primary or primary runoff election in which the
16 candidate is opposed; and

17 “(B) the 60 days preceding the date of a
18 general or special election in which the can-
19 didate is opposed.

20 “(4) RATE CARDS.—A licensee shall provide to
21 a candidate for Senate a rate card that discloses—

22 “(A) the rate charged under this sub-
23 section; and

1 “(B) the method that the licensee uses to
2 determine the rate charged under this sub-
3 section.”.

4 (c) PREEMPTION; AUDITS.—Section 315 of such Act
5 (47 U.S.C. 315) is amended—

6 (1) by redesignating subsections (f) and (g) as
7 subsection (e) and (f), respectively and moving
8 them to follow the existing subsection (e);

9 (2) by redesignating the existing subsection (e)
10 as subsection (c); and

11 (3) by inserting after subsection (c) (as redesign-
12 ated by paragraph (2)) the following:

13 “(d) PREEMPTION.—

14 “(1) IN GENERAL.—Except as provided in para-
15 graph (2), and notwithstanding the requirements of
16 subsection (b)(1)(A), a licensee shall not preempt
17 the use of a broadcasting station by a legally quali-
18 fied candidate for Senate who has purchased and
19 paid for such use.

20 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-
21 CENSEE.—If a program to be broadcast by a broad-
22 casting station is preempted because of cir-
23 cumstances beyond the control of the station, any
24 candidate or party advertising spot scheduled to be
25 broadcast during that program shall be treated in

1 the same fashion as a comparable commercial adver-
2 tising spot.

3 “(e) AUDITS.—During the 45-day period preceding
4 a primary election and the 60-day period preceding a gen-
5 eral election, the Commission shall conduct such audits
6 as it deems necessary to ensure that each broadcaster to
7 which this section applies is allocating television broadcast
8 advertising time in accordance with this section and sec-
9 tion 312.”.

10 (d) REVOCATION OF LICENSE FOR FAILURE TO PER-
11 MIT ACCESS.—Section 312(a)(7) of the Communications
12 Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

13 (1) by striking “or repeated”;

14 (2) by inserting “or cable system” after “broad-
15 casting station”; and

16 (3) by striking “his candidacy” and inserting
17 “the candidacy of the candidate, under the same
18 terms, conditions, and business practices as apply to
19 the most favored advertiser of the licensee”.

20 (e) STYLISTIC AMENDMENTS.—Section 315 of such
21 Act (47 U.S.C. 315) is amended—

22 (1) by striking “the” in subsection (f)(1), as re-
23 designated by subsection (b)(1), and inserting
24 “BROADCASTING STATION.—”;

1 1971) with respect to a general election for Federal
2 office under section 508 of the Federal Election
3 Campaign Act of 1971.

4 “(2) AGREEMENT.—The individual has agreed
5 in writing—

6 “(A) to keep and furnish to the Federal
7 Election Commission such records, books, and
8 other information as it may require; and

9 “(B) to repay to the Federal Communica-
10 tions Commission, if the Federal Election Com-
11 mission revokes the certification of the indi-
12 vidual as a participating candidate (as so de-
13 fined), an amount equal to the dollar value of
14 vouchers which were received from the Commis-
15 sion and used by the candidate.

16 “(c) AMOUNTS.—The Commission shall disburse
17 vouchers to each candidate certified under subsection (b)
18 in an aggregate amount equal to \$100,000 multiplied by
19 the number of congressional districts in the State with re-
20 spect to which such candidate is running for office.

21 “(d) USE.—

22 “(1) EXCLUSIVE USE.—Vouchers disbursed by
23 the Commission under this section may be used only
24 for the purchase of broadcast airtime for political
25 advertisements relating to a general election for the

1 office of Senate by the participating candidate to
2 which the vouchers were disbursed, except that—

3 “(A) a candidate may exchange vouchers
4 with a political party under paragraph (2); and

5 “(B) a political party may use vouchers
6 only to purchase broadcast airtime for political
7 advertisements for generic party advertising, to
8 support candidates for State or local office in a
9 general election, or to support participating
10 candidates of the party in a general election for
11 Federal office, but only if it discloses the value
12 of the voucher used as an expenditure under
13 section 315(d) of the Federal Election Cam-
14 paign Act of 1971 (2 U.S.C. 441(d)).

15 “(2) EXCHANGE WITH POLITICAL PARTY COM-
16 MITTEE.—

17 “(A) IN GENERAL.—An individual who re-
18 ceives a voucher under this section may transfer
19 the right to use all or a portion of the value of
20 the voucher to a committee of the political
21 party of which the individual is a candidate in
22 exchange for money in an amount equal to the
23 cash value of the voucher or portion exchanged.

24 “(B) CONTINUATION OF CANDIDATE OBLI-
25 GATIONS.—The transfer of a voucher, in whole

1 or in part, to a political party committee under
2 this paragraph does not release the candidate
3 from any obligation under the agreement made
4 under subsection (b)(2) or otherwise modify
5 that agreement or its application to that can-
6 didate.

7 “(C) PARTY COMMITTEE OBLIGATIONS.—
8 Any political party committee to which a vouch-
9 er or portion thereof is transferred under sub-
10 paragraph (A)—

11 “(i) shall account fully, in accordance
12 with such requirements as the Commission
13 may establish, for the receipt of the vouch-
14 er; and

15 “(ii) may not use the transferred
16 voucher or portion thereof for any purpose
17 other than a purpose described in para-
18 graph (1)(B).

19 “(D) VOUCHER AS A CONTRIBUTION
20 UNDER FECA.—If a candidate transfers a
21 voucher or any portion thereof to a political
22 party committee under subparagraph (A)—

23 “(i) the value of the voucher or por-
24 tion thereof transferred shall be treated as
25 a contribution from the candidate to the

1 committee, and from the committee to the
2 candidate, for purposes of sections 302
3 and 304 of the Federal Election Campaign
4 Act of 1971 (2 U.S.C. 432 and 434);

5 “(ii) the committee may, in exchange,
6 provide to the candidate only funds subject
7 to the prohibitions, limitations, and report-
8 ing requirements of the Federal Election
9 Campaign Act of 1971 (2 U.S.C. 431 et
10 seq.); and

11 “(iii) the amount, if identified as a
12 ‘voucher exchange’ shall not be considered
13 a contribution for the purposes of sections
14 315 or 506 of that Act.

15 “(e) VALUE; ACCEPTANCE; REDEMPTION.—

16 “(1) VOUCHER.—Each voucher disbursed by
17 the Commission under this section shall have a value
18 in dollars, redeemable upon presentation to the
19 Commission, together with such documentation and
20 other information as the Commission may require,
21 for the purchase of broadcast airtime for political
22 advertisements in accordance with this section.

23 “(2) ACCEPTANCE.—A broadcasting station
24 shall accept vouchers in payment for the purchase of

1 broadcast airtime for political advertisements in ac-
2 cordance with this section.

3 “(3) REDEMPTION.—The Commission shall re-
4 deem vouchers accepted by broadcasting stations
5 under paragraph (2) upon presentation, subject to
6 such documentation, verification, accounting, and
7 application requirements as the Commission may im-
8 pose to ensure the accuracy and integrity of the
9 voucher redemption system. The Commission shall
10 use amounts in the Political Advertising Voucher
11 Account established under subsection (f) to redeem
12 vouchers presented under this subsection.

13 “(4) EXPIRATION.—

14 “(A) CANDIDATES.—A voucher may only
15 be used to pay for broadcast airtime for polit-
16 ical advertisements to be broadcast before mid-
17 night on the day before the date of the Federal
18 election in connection with which it was issued
19 and shall be null and void for any other use or
20 purpose.

21 “(B) EXCEPTION FOR POLITICAL PARTY
22 COMMITTEES.—A voucher held by a political
23 party committee may be used to pay for broad-
24 cast airtime for political advertisements to be
25 broadcast before midnight on December 31st of

1 the odd-numbered year following the year in
2 which the voucher was issued by the Commis-
3 sion.

4 “(5) VOUCHER AS EXPENDITURE UNDER
5 FECA.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), for purposes of the Federal
8 Election Campaign Act of 1971 (2 U.S.C. 431
9 et seq.), the use of a voucher to purchase
10 broadcast airtime constitutes an expenditure as
11 defined in section 301(9)(A) of that Act (2
12 U.S.C. 431(9)(A)).

13 “(B) PARTICIPATING CANDIDATES.—The
14 use of a voucher to purchase broadcast airtime
15 by a participating candidate shall not constitute
16 an expenditure for purposes of section 506 of
17 such Act.

18 “(f) POLITICAL ADVERTISING VOUCHER AC-
19 COUNT.—

20 “(1) IN GENERAL.—The Commission shall es-
21 tablish an account to be known as the Political Ad-
22 vertising Voucher Account, which shall be credited
23 with commercial television and radio spectrum use
24 fees assessed under this subsection, together with
25 any amounts repaid or otherwise reimbursed under

1 this section or section 508(b)(2)(B) of the Federal
2 Election Campaign Act of 1971.

3 “(2) SPECTRUM USE FEE.—

4 “(A) IN GENERAL.—The Commission shall
5 assess, and collect annually, from each broad-
6 cast station, a spectrum use fee in an amount
7 equal to 2 percent of each broadcasting sta-
8 tion’s gross advertising revenues for such year.

9 “(B) AVAILABILITY.—

10 “(i) IN GENERAL.—Any amount as-
11 sessed and collected under this paragraph
12 shall be used by the Commission as an off-
13 setting collection for the purposes of mak-
14 ing disbursements under this section, ex-
15 cept that—

16 “(I) the salaries and expenses ac-
17 count of the Commission shall be
18 credited with such sums as are nec-
19 essary from those amounts for the
20 costs of developing and implementing
21 the program established by this sec-
22 tion; and

23 “(II) the Commission may reim-
24 burse the Federal Election Commis-

1 sion for any expenses incurred by the
2 Commission under this section.

3 “(ii) DEPOSIT OF EXCESS FEES INTO
4 SENATE FAIR ELECTIONS FUND.—If the
5 amount assessed and collected under this
6 paragraph for years in any election period
7 exceeds the amount necessary for making
8 disbursements under this section for such
9 election period, the Commission shall de-
10 posit such excess in the Senate Fair Elec-
11 tions Fund.

12 “(C) FEE DOES NOT APPLY TO PUBLIC
13 BROADCASTING STATIONS.—Subparagraph (A)
14 does not apply to a public telecommunications
15 entity (as defined in section 397(12) of this
16 Act).

17 “(3) ADMINISTRATIVE PROVISIONS.—Except as
18 otherwise provided in this subsection, section 9 of
19 this Act applies to the assessment and collection of
20 fees under this subsection to the same extent as if
21 those fees were regulatory fees imposed under sec-
22 tion 9.

23 “(g) DEFINITIONS.—In this section:

1 “(1) BROADCASTING STATION.—The term
2 ‘broadcasting station’ has the meaning given that
3 term by section 315(f)(1) of this Act.

4 “(2) FEDERAL ELECTION.—The term ‘Federal
5 election’ means any regularly-scheduled, primary,
6 runoff, or special election held to nominate or elect
7 a candidate to Federal office.

8 “(3) FEDERAL OFFICE.—The term ‘Federal of-
9 fice’ has the meaning given that term by section
10 301(3) of the Federal Election Campaign Act of
11 1971 (2 U.S.C. 431(3)).

12 “(4) POLITICAL PARTY.—The term ‘political
13 party’ means a major party or a minor party as de-
14 fined in section 9002(3) or (4) of the Internal Rev-
15 enue Code of 1986 (26 U.S.C. 9002(3) or (4)).

16 “(5) OTHER TERMS.—Except as otherwise pro-
17 vided in this section, any term used in this section
18 that is defined in section 301 or 501 of the Federal
19 Election Campaign of 1971 (2 U.S.C. 431) has the
20 meaning given that term by either such section of
21 that Act.

22 “(h) REGULATIONS.—The Commission shall pre-
23 scribe such regulations as may be necessary to carry out
24 the provisions of this section. In developing the regula-

1 tions, the Commission shall consult with the Federal Elec-
2 tion Commission.”.

3 **SEC. 203. FCC TO PRESCRIBE STANDARDIZED FORM FOR**
4 **REPORTING CANDIDATE CAMPAIGN ADS.**

5 (a) IN GENERAL.—Within 90 days after the date of
6 enactment of this Act, the Federal Communications Com-
7 mission shall initiate a rulemaking proceeding to establish
8 a standardized form to be used by broadcasting stations,
9 as defined in section 315(f)(1) of the Communications Act
10 of 1934 (47 U.S.C. 315(f)(1)), to record and report the
11 purchase of advertising time by or on behalf of a candidate
12 for nomination for election, or for election, to Federal elec-
13 tive office.

14 (b) CONTENTS.—The form prescribed by the Com-
15 mission under subsection (a) shall require, broadcasting
16 stations to report, at a minimum—

17 (1) the station call letters and mailing address;

18 (2) the name and telephone number of the sta-
19 tion’s sales manager (or individual with responsi-
20 bility for advertising sales);

21 (3) the name of the candidate who purchased
22 the advertising time, or on whose behalf the adver-
23 tising time was purchased, and the Federal elective
24 office for which he or she is a candidate;

1 (4) the name, mailing address, and telephone
2 number of the person responsible for purchasing
3 broadcast political advertising for the candidate;

4 (5) notation as to whether the purchase agree-
5 ment for which the information is being reported is
6 a draft or final version; and

7 (6) the following information about the adver-
8 tisement:

9 (A) The date and time of the broadcast.

10 (B) The program in which the advertise-
11 ment was broadcast.

12 (C) The length of the broadcast airtime.

13 (c) INTERNET ACCESS.—In its rulemaking under
14 subsection (a), the Commission shall require any broad-
15 casting station required to file a report under this section
16 that maintains an Internet website to make available a
17 link to such reports on that website.

18 **SEC. 204. LIMIT ON CONGRESSIONAL USE OF THE FRANK-**
19 **ING PRIVILEGE.**

20 (a) IN GENERAL.—Section 3210(a)(6) of title 39,
21 United States Code, is amended by striking subparagraph
22 (A) and inserting the following:

23 “(A)(i) Except as provided in clause (ii), Member of
24 Congress or a Congressional Committee or Subcommittee
25 of which such Member is Chairman or Ranking Member

1 shall not mail any mass mailing as franked mail during
2 the period which begins 90 days before date of the primary
3 election and ends on the date of the general election with
4 respect to any Federal office which such Member holds,
5 unless the Member has made a public announcement that
6 the Member will not be a candidate for reelection to such
7 office in that year.

8 “(ii) A Member of Congress or a Congressional Com-
9 mittee or Subcommittee of which such Member is Chair-
10 man or Ranking Member may mail a mass mailing as
11 franked mail if—

12 “(I) the purpose of the mailing is to commu-
13 nicate information about a public meeting; and

14 “(II) the content of the mailed matter includes
15 only the name of the Member, Committee, or Sub-
16 committee, as appropriate, and the date, time, and
17 place of the public meeting.”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) Section 3210(a)(6) of title 39, United
20 States Code, is amended by striking subparagraph
21 (B) and by redesignating subparagraphs (C)
22 through (F) as subparagraphs (B) through (E), re-
23 spectively.

24 (2) Section 3210(a)(6)(E) of title 39, United
25 States Code, as redesignated by paragraph (1), is

1 amended by striking “subparagraphs (A) and (C)”
2 and inserting “subparagraphs (A) and (B)”.

3 **TITLE III—RESPONSIBILITIES**
4 **OF THE FEDERAL ELECTION**
5 **COMMISSION**

6 **SEC. 301. PETITION FOR CERTIORARI.**

7 Section 307(a)(6) of the Federal Election Campaign
8 Act of 1971 (2 U.S.C. 437d(a)(6)) is amended by insert-
9 ing “(including a proceeding before the Supreme Court on
10 certiorari)” after “appeal”.

11 **SEC. 302. FILING BY SENATE CANDIDATES WITH COMMIS-**
12 **SION.**

13 Section 302(g) of the Federal Election Campaign Act
14 of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

15 “(g) FILING WITH THE COMMISSION.—All des-
16 ignations, statements, and reports required to be
17 filed under this Act shall be filed with the Commis-
18 sion.”.

19 **SEC. 303. ELECTRONIC FILING OF FEC REPORTS.**

20 Section 304(a)(11) of the Federal Election Campaign
21 Act of 1971 (2 U.S.C. 434(a)(11)) is amended—

22 (1) in subparagraph (A), by striking “under
23 this Act—” and all that follows and inserting
24 “under this Act shall be required to maintain and

1 file such designation, statement, or report in elec-
2 tronic form accessible by computers.”;

3 (2) in subparagraph (B), by striking “48
4 hours” and all that follows through “filed electroni-
5 cally)” and inserting “24 hours”; and

6 (3) by striking subparagraph (D).

7 **TITLE IV—MISCELLANEOUS** 8 **PROVISIONS**

9 **SEC. 401. SEVERABILITY.**

10 If any provision of this Act or amendment made by
11 this Act, or the application of a provision or amendment
12 to any person or circumstance, is held to be unconstitu-
13 tional, the remainder of this Act and amendments made
14 by this Act, and the application of the provisions and
15 amendment to any person or circumstance, shall not be
16 affected by the holding.

17 **SEC. 402. REVIEW OF CONSTITUTIONAL ISSUES.**

18 An appeal may be taken directly to the Supreme
19 Court of the United States from any final judgment, de-
20 cree, or order issued by any court ruling on the constitu-
21 tionality of any provision of this Act or amendment made
22 by this Act.

1 **SEC. 403. EFFECTIVE DATE.**

2 Except as otherwise provided for in this Act, this Act
3 and the amendments made by this Act shall take effect
4 on January 1, 2008.

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