

111TH CONGRESS
1ST SESSION

H. R. 1826

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2009

Mr. LARSON of Connecticut (for himself, Mr. NADLER of New York, Ms. PINGREE of Maine, Mr. JONES, Mr. PLATTS, Mr. COOPER, Mr. HOLT, Mr. COHEN, Mr. HEINRICH, Mr. POLIS of Colorado, Ms. EDWARDS of Maryland, Mr. CAPUANO, and Mr. DOYLE) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Energy and Commerce and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reform the financing of House 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 HOUSE ELECTION
CAMPAIGNS

Sec. 101. Findings and declarations.

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

“TITLE V—FAIR ELECTIONS FINANCING OF HOUSE ELECTION
CAMPAIGNS

“Subtitle A—General Provisions

“Sec. 501. Definitions.

“Sec. 502. Fair Elections Fund.

“Subtitle B—Eligibility and Certification

“Sec. 511. Eligibility.

“Sec. 512. Qualifying contribution requirement.

“Sec. 513. Contribution and expenditure requirements.

“Sec. 514. Debate requirement.

“Sec. 515. Certification.

“Subtitle C—Benefits

“Sec. 521. Benefits for participating candidates.

“Sec. 522. Allocations from the Fund.

“Sec. 523. Matching payments for qualified small dollar contributions.

“Sec. 524. Political advertising vouchers.

“Subtitle D—Administrative Provisions

“Sec. 531. Fair Elections Oversight Board.

“Sec. 532. Administration provisions.

“Sec. 533. Violations and penalties.

Sec. 103. Prohibition on joint fundraising committees.

Sec. 104. Limitation on coordinated expenditures by political party committees
with participating candidates.

Sec. 105. Deposit of proceeds from recovered spectrum auctions.

Sec. 106. Designation of overpayments as contributions to Fair Elections Fund.

TITLE II—IMPROVING VOTER INFORMATION

Sec. 201. Broadcasts relating to all House candidates.

Sec. 202. Broadcast rates for participating candidates.

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

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION
COMMISSION

Sec. 301. Petition for certiorari.

Sec. 302. Filing by all candidates with Commission.

Sec. 303. Electronic filing of FEC reports.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Severability.
Sec. 402. Effective date.

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

4 **SEC. 101. FINDINGS AND DECLARATIONS.**

5 (a) UNDERMINING OF DEMOCRACY BY CAMPAIGN
6 CONTRIBUTIONS FROM PRIVATE SOURCES.—The House
7 of Representatives finds and declares that the current sys-
8 tem of privately financed campaigns for election to the
9 House of Representatives has the capacity, and is often
10 perceived by the public, to undermine democracy in the
11 United States by—

12 (1) creating a culture that fosters actual or per-
13 ceived conflicts of interest, by encouraging Members
14 of the House to accept large campaign contributions
15 from private interests that are directly affected by
16 Federal legislation;

17 (2) diminishing or appearing to diminish Mem-
18 bers' accountability to constituents by compelling
19 legislators to be accountable to the major contribu-
20 tors who finance their election campaigns;

21 (3) undermining the meaning of the right to
22 vote by allowing monied interests to have a dis-
23 proportionate and unfair influence within the polit-
24 ical process;

1 (4) imposing large, unwarranted costs on tax-
2 payers through legislative and regulatory distortions
3 caused by unequal access to lawmakers for campaign
4 contributors;

5 (5) making it difficult for some qualified can-
6 didates to mount competitive House election cam-
7 paigns;

8 (6) disadvantaging challengers and discouraging
9 competitive elections, because large campaign con-
10 tributors tend to donate their money to incumbent
11 Members, thus causing House elections to be less
12 competitive; and

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

16 (b) ENHANCEMENT OF DEMOCRACY BY PROVIDING
17 ALLOCATIONS FROM THE FAIR ELECTIONS FUND.—The
18 House of Representatives finds and declares that pro-
19 viding the option of the replacement of large private cam-
20 paign contributions with allocations from the Fair Elec-
21 tions Fund for all primary, runoff, and general elections
22 to the House of Representatives would enhance American
23 democracy by—

24 (1) reducing the actual or perceived conflicts of
25 interest created by fully private financing of the elec-

1 tion campaigns of public officials and restoring pub-
2 lic confidence in the integrity and fairness of the
3 electoral and legislative processes through a program
4 which allows participating candidates to adhere to
5 substantially lower contribution limits for contribu-
6 tors with an assurance that there will be sufficient
7 funds for such candidates to run viable electoral
8 campaigns;

9 (2) increasing the public's confidence in the ac-
10 countability of Members to the constituents who
11 elect them, which derives from the program's quali-
12 fying criteria to participate in the voluntary program
13 and the conclusions that constituents may draw re-
14 garding candidates who qualify and participate in
15 the program;

16 (3) helping to reduce the ability to make large
17 campaign contributions as a determinant of a citi-
18 zen's influence within the political process by facili-
19 tating the expression of support by voters at every
20 level of wealth, encouraging political participation,
21 incentivizing participation on the part of Members
22 through the matching of small dollar contributions;

23 (4) potentially saving taxpayers billions of dol-
24 lars that may be (or that are perceived to be) cur-
25 rently allocated based upon legislative and regu-

1 latory agendas skewed by the influence of campaign
2 contributions;

3 (5) creating genuine opportunities for all Amer-
4 icans to run for the House of Representatives and
5 encouraging more competitive elections;

6 (6) encouraging participation in the electoral
7 process by citizens of every level of wealth; and

8 (7) freeing Members from the incessant pre-
9 occupation with raising money, and allowing them
10 more time to carry out their public responsibilities.

11 **SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF**
12 **FAIR ELECTIONS FINANCING OF HOUSE**
13 **ELECTION CAMPAIGNS.**

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

17 **“TITLE V—FAIR ELECTIONS FI-**
18 **NANCING OF HOUSE ELEC-**
19 **TION CAMPAIGNS**

20 **“Subtitle A—General Provisions**

21 **“SEC. 501. DEFINITIONS.**

22 “In this title:

23 “(1) ALLOCATION FROM THE FUND.—The term
24 ‘allocation from the Fund’ means an allocation of

1 money from the Fair Elections Fund to a partici-
2 pating candidate pursuant to section 522.

3 “(2) BOARD.—The term ‘Board’ means the
4 Fair Elections Oversight Board established under
5 section 531.

6 “(3) FAIR ELECTIONS QUALIFYING PERIOD.—
7 The term ‘Fair Elections qualifying period’ means,
8 with respect to any candidate for the office of Rep-
9 resentative in, or Delegate or Resident Commis-
10 sioner to, the Congress, the period—

11 “(A) beginning on the date on which the
12 candidate files a statement of intent under sec-
13 tion 511(a)(1); and

14 “(B) ending on the date that is 60 days
15 before—

16 “(i) the date of the primary election;
17 or

18 “(ii) in the case of a State that does
19 not hold a primary election, the date pre-
20 scribed by State law as the last day to
21 qualify for a position on the general elec-
22 tion ballot.

23 “(4) FAIR ELECTIONS START DATE.—The term
24 ‘Fair Elections start date’ means, with respect to
25 any candidate, the date that is 180 days before—

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

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

6 “(5) FUND.—The term ‘Fund’ means the Fair
7 Elections Fund established by section 502.

8 “(6) IMMEDIATE FAMILY.—The term ‘imme-
9 diate family’ means, with respect to any candidate—

10 “(A) the candidate’s spouse;

11 “(B) a child, stepchild, parent, grand-
12 parent, brother, half-brother, sister, or half-sis-
13 ter of the candidate or the candidate’s spouse;
14 and

15 “(C) the spouse of any person described in
16 subparagraph (B).

17 “(7) MATCHING CONTRIBUTION.—The term
18 ‘matching contribution’ means a matching payment
19 provided to a participating candidate for qualified
20 small dollar contributions, as provided under section
21 523.

22 “(8) NONPARTICIPATING CANDIDATE.—The
23 term ‘nonparticipating candidate’ means a candidate
24 for the office of Representative in, or Delegate or

1 Resident Commissioner to, the Congress who is not
2 a participating candidate.

3 “(9) PARTICIPATING CANDIDATE.—The term
4 ‘participating candidate’ means a candidate for the
5 office of Representative in, or Delegate or Resident
6 Commissioner to, the Congress who is certified
7 under section 515 as being eligible to receive an allo-
8 cation from the Fund.

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

12 “(A) is in an amount that is—

13 “(i) not less than the greater of \$5 or
14 the amount determined by the Commission
15 under section 531; and

16 “(ii) not more than the greater of
17 \$100 or the amount determined by the
18 Commission under section 531.

19 “(B) is made by an individual—

20 “(i) who is a resident of the State in
21 which such Candidate is seeking election;
22 and

23 “(ii) who is not otherwise prohibited
24 from making a contribution under this Act;

1 “(C) is made during the Fair Elections
2 qualifying period; and

3 “(D) meets the requirements of section
4 512(b).

5 “(11) QUALIFIED SMALL DOLLAR CONTRIBU-
6 TION.—The term ‘qualified small dollar contribution’
7 means, with respect to a candidate, any contribution
8 (or a series of contributions)—

9 “(A) which is not a qualifying contribution
10 (or does not include a qualifying contribution);

11 “(B) which is made by an individual who
12 is not prohibited from making a contribution
13 under this Act; and

14 “(C) the aggregate amount of which does
15 not exceed the greater of—

16 “(i) \$100 per election; or

17 “(ii) the amount determined by the
18 Commission under section 531.

19 **“SEC. 502. FAIR ELECTIONS FUND.**

20 “(a) ESTABLISHMENT.—There is established in the
21 Treasury a fund to be known as the ‘Fair Elections Fund’.

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

24 “(1) APPROPRIATED AMOUNTS.—

1 “(A) IN GENERAL.—Amounts appropriated
2 to the Fund, including trust fund amounts ap-
3 propriated pursuant to applicable provisions of
4 the Internal Revenue Code of 1986.

5 “(B) PROCEEDS FROM RECOVERED SPEC-
6 TRUM AUCTIONS.—Amounts deposited pursuant
7 to section 309(j)(8)(E)(ii)(II) of the Commu-
8 nications Act of 1934.

9 “(C) DESIGNATIONS OF OVERPAYMENTS
10 AS CONTRIBUTIONS.—Amounts appropriated to
11 the Fund equivalent to the amounts of the over-
12 payments of tax to which designations under
13 section 6097 of the Internal Revenue Code of
14 1986 apply.

15 “(2) VOLUNTARY CONTRIBUTIONS.—Voluntary
16 contributions to the Fund.

17 “(3) OTHER DEPOSITS.—Amounts deposited
18 into the Fund under—

19 “(A) section 513(c) (relating to exceptions
20 to contribution requirements);

21 “(B) section 521(c) (relating to remittance
22 of allocations from the Fund);

23 “(C) section 533 (relating to violations);
24 and

25 “(D) any other section of this Act.

1 “(4) INVESTMENT RETURNS.—Interest on, and
2 the proceeds from, the sale or redemption of, any
3 obligations held by the Fund under subsection (c).

4 “(c) INVESTMENT.—The Commission shall invest
5 portions of the Fund in obligations of the United States
6 in the same manner as provided under section 9602(b)
7 of the Internal Revenue Code of 1986.

8 “(d) USE OF FUND.—

9 “(1) IN GENERAL.—The sums in the Fund
10 shall be used to provide benefits to participating
11 candidates as provided in subtitle C.

12 “(2) INSUFFICIENT AMOUNTS.—Under regula-
13 tions established by the Commission, rules similar to
14 the rules of section 9006(c) of the Internal Revenue
15 Code shall apply.

16 **“Subtitle B—Eligibility and**
17 **Certification**

18 **“SEC. 511. ELIGIBILITY.**

19 “(a) IN GENERAL.—A candidate for the office of
20 Representative in, or Delegate or Resident Commissioner
21 to, the Congress is eligible to receive an allocation from
22 the Fund for any election if the candidate meets the fol-
23 lowing requirements:

24 “(1) The candidate files with the Commission a
25 statement of intent to seek certification as a partici-

1 pating candidate under this title during the period
2 beginning on the Fair Elections start date and end-
3 ing on the last day of the Fair Elections qualifying
4 period.

5 “(2) The candidate meets the qualifying con-
6 tribution requirements of section 512.

7 “(3) Not later than the last day of the Fair
8 Elections qualifying period, the candidate files with
9 the Commission an affidavit signed by the candidate
10 and the treasurer of the candidate’s principal cam-
11 paign committee declaring that the candidate—

12 “(A) has complied and, if certified, will
13 comply with the contribution and expenditure
14 requirements of section 513;

15 “(B) if certified, will comply with the de-
16 bate requirements of section 514;

17 “(C) if certified, will not run as a non-
18 participating candidate during such year in any
19 election for the office that such candidate is
20 seeking; and

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

23 “(b) GENERAL ELECTION.—Notwithstanding sub-
24 section (a), a candidate shall not be eligible to receive an
25 allocation from the Fund for a general election or a gen-

1 eral runoff election unless the candidate’s party nominated
2 the candidate to be placed on the ballot for the general
3 election or the candidate otherwise qualified to be on the
4 ballot under State law.

5 **“SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENT.**

6 “(a) IN GENERAL.—A candidate for the office of
7 Representative in, or Delegate or Resident Commissioner
8 to, the Congress meets the requirement of this section if,
9 during the Fair Elections qualifying period, the candidate
10 obtains—

11 “(1) a number of qualifying contributions equal
12 to or greater than 1,500; and

13 “(2) a total dollar amount of qualifying con-
14 tributions equal to or greater than \$50,000.

15 “(b) 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, credit card, or elec-
20 tronic payment account;

21 “(2) shall be accompanied by a signed state-
22 ment containing—

23 “(A) the contributor’s name and the con-
24 tributor’s address in the State in which the con-
25 tributor is registered to vote;

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

3 “(i) understands that the purpose of
4 the qualifying contribution is to show sup-
5 port for the candidate so that the can-
6 didate may qualify for Fair Elections fi-
7 nancing;

8 “(ii) is making the contribution in his
9 or her own name and from his or her own
10 funds;

11 “(iii) has made the contribution will-
12 ingly; and

13 “(iv) has not received anything of
14 value in return for the contribution; and

15 “(3) shall be acknowledged by a receipt that is
16 sent to the contributor with a copy kept by the can-
17 didate for the Commission and a copy kept by the
18 candidate for the election authorities in the State
19 with respect to which the candidate is seeking elec-
20 tion; and

21 “(c) 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.

1 **“SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIRE-**
2 **MENTS.**

3 “(a) GENERAL RULE.—A candidate for the office of
4 Representative in, or Delegate or Resident Commissioner
5 to, the Congress meets the requirements of this section
6 if, during the election cycle of the candidate, the can-
7 didate—

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

10 “(A) qualifying contributions;

11 “(B) qualified small dollar contributions;

12 “(C) allocations from the Fund under sec-
13 tion 522;

14 “(D) matching contributions under section
15 523; and

16 “(E) vouchers provided to the candidate
17 under section 524;

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

20 “(A) qualifying contributions;

21 “(B) qualified small dollar contributions;

22 “(C) allocations from the Fund under sec-
23 tion 522;

24 “(D) matching contributions under section
25 523; and

1 “(E) vouchers provided to the candidate
2 under section 524; and

3 “(3) makes no expenditures from personal
4 funds or the funds of any immediate family member
5 (other than funds received through qualified small
6 dollar contributions and qualifying contributions).

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

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

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

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

21 “(c) EXCEPTION.—Notwithstanding subsection (a), a
22 candidate shall not be treated as having failed to meet
23 the requirements of this section if any contributions that
24 are not qualified small dollar contributions, qualifying con-
25 tributions, or contributions that meet the requirements of

1 subsection (b) and that are accepted before the date the
2 candidate files a statement of intent under section
3 511(a)(1) are—

4 “(1) returned to the contributor; or

5 “(2) submitted to the Commission for deposit in
6 the Fund.

7 **“SEC. 514. DEBATE REQUIREMENT.**

8 “A candidate for the office of Representative in, or
9 Delegate or Resident Commissioner to, the Congress
10 meets the requirements of this section if the candidate
11 participates in at least—

12 “(1) 1 public debate before the primary election
13 with other participating candidates and other willing
14 candidates from the same party and seeking the
15 same nomination as such candidate; and

16 “(2) 2 public debates before the general election
17 with other participating candidates and other willing
18 candidates seeking the same office as such can-
19 didate.

20 **“SEC. 515. CERTIFICATION.**

21 “(a) IN GENERAL.—Not later than 5 days after a
22 candidate files an affidavit under section 511(a)(3), the
23 Commission shall—

24 “(1) certify whether or not the candidate is a
25 participating candidate; and

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

3 “(b) REVOCATION OF CERTIFICATION.—

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

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

9 “(B) a candidate otherwise fails to comply
10 with the requirements of this title, including
11 any regulatory requirements prescribed by the
12 Commission.

13 “(2) REPAYMENT OF BENEFITS.—If certifi-
14 cation is revoked under paragraph (1), the candidate
15 shall repay to the Fund an amount equal to the
16 value of benefits received under this title plus inter-
17 est (at a rate determined by the Commission) on any
18 such amount received.

19 **“Subtitle C—Benefits**

20 **“SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.**

21 “(a) IN GENERAL.—For each election with respect
22 to which a candidate is certified as a participating can-
23 didate, such candidate shall be entitled to—

1 “(1) an allocation from the Fund to make or
2 obligate to make expenditures with respect to such
3 election, as provided in section 522;

4 “(2) matching contributions, as provided in sec-
5 tion 523; and

6 “(3) for the general election, vouchers for
7 broadcasts of political advertisements, as provided in
8 section 524.

9 “(b) RESTRICTION ON USES OF ALLOCATIONS FROM
10 THE FUND.—Allocations from the Fund received by a par-
11 ticipating candidate under sections 522 and matching con-
12 tributions under section 523 may only be used for cam-
13 paign-related costs.

14 “(c) REMITTING ALLOCATIONS FROM THE FUND.—

15 “(1) IN GENERAL.—Not later than the date
16 that is 45 days after an election in which the partici-
17 pating candidate appeared on the ballot, such parti-
18 cipating candidate shall remit to the Commission
19 for deposit in the Fund an amount equal to the less-
20 er of—

21 “(A) the amount of money in the can-
22 didate’s campaign account; or

23 “(B) the sum of the allocations from the
24 Fund received by the candidate under section

1 522 and the matching contributions received by
2 the candidate under section 523.

3 “(2) EXCEPTION.—In the case of a candidate
4 who qualifies to be on the ballot for a primary run-
5 off election, a general election, or a general runoff
6 election, the amounts described in paragraph (1)
7 may be retained by the candidate and used in such
8 subsequent election, and paragraph (1) shall apply
9 to the last applicable election in the election cycle.

10 **“SEC. 522. ALLOCATIONS FROM THE FUND.**

11 “(a) IN GENERAL.—The Commission shall make allo-
12 cations from the Fund under section 521(a)(1) to a par-
13 ticipating candidate—

14 “(1) in the case of amounts provided under
15 subsection (c)(1), not later than 48 hours after the
16 date on which such candidate is certified as a par-
17 ticipating candidate under section 515;

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

20 “(A) the date of the certification of the re-
21 sults of the primary election or the primary
22 runoff election; or

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

1 “(3) in the case of a primary runoff election or
2 a general runoff election, not later than 48 hours
3 after the certification of the results of the primary
4 election or the general election, as the case may be.

5 “(b) METHOD OF PAYMENT.—The Commission shall
6 distribute funds available to participating candidates
7 under this section through the use of an electronic funds
8 exchange or a debit card.

9 “(c) AMOUNTS.—

10 “(1) PRIMARY ELECTION ALLOCATION; INITIAL
11 ALLOCATION.—Except as provided in paragraph (5),
12 the Commission shall make an allocation from the
13 Fund for a primary election to a participating can-
14 didate in an amount equal to 40 percent of the base
15 amount with respect to such participating candidate.

16 “(2) PRIMARY RUNOFF ELECTION ALLOCA-
17 TION.—The Commission shall make an allocation
18 from the Fund for a primary runoff election to a
19 participating candidate in an amount equal to 25
20 percent of the amount the participating candidate
21 was eligible to receive under this section for the pri-
22 mary election.

23 “(3) GENERAL ELECTION ALLOCATION.—Ex-
24 cept as provided in paragraph (5), the Commission
25 shall make an allocation from the Fund for a gen-

1 eral election to a participating candidate in an
2 amount equal to 60 percent of the base amount with
3 respect to such participating candidate.

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

10 “(5) UNCONTESTED ELECTIONS.—

11 “(A) IN GENERAL.—In the case of a pri-
12 mary or general election that is an uncontested
13 election, the Commission shall make an alloca-
14 tion from the Fund to a participating candidate
15 for such election in an amount equal to 25 per-
16 cent of the allocation for that election with re-
17 spect to such candidate.

18 “(B) UNCONTESTED ELECTION DE-
19 FINED.—For purposes of this subparagraph, an
20 election is uncontested if not more than 1 can-
21 didate has campaign funds (including payments
22 from the Fund) in an amount equal to or great-
23 er than 10 percent of the allocation a candidate
24 would be entitled to receive under this section

1 for that election (determined without regard to
2 this paragraph).

3 “(d) **BASE AMOUNT.**—The base amount for any can-
4 didate is an amount equal to 80 percent of the national
5 average spending of the cycle by winning candidates in the
6 last two election cycles.

7 **“SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL**
8 **DOLLAR CONTRIBUTIONS.**

9 “(a) **IN GENERAL.**—The Commission shall pay to
10 each participating candidate an amount equal to 400 per-
11 cent of the amount of qualified small dollar contributions
12 received by the candidate from individuals who are resi-
13 dents of the State in which such participating candidate
14 is seeking election.

15 “(b) **LIMITATION.**—The maximum payment under
16 this section shall be the greater of—

17 “(1) 200 percent of the allocation under para-
18 graphs (1) through (4) of subsection (c) for that
19 election with respect to such candidate; or

20 “(2) the percentage of the allocation determined
21 by the Commission under section 531.

22 “(c) **TIME OF PAYMENT.**—The Commission shall
23 make payments under this section not later than 2 busi-
24 ness days after the receipt of a report made under sub-
25 section (d).

1 “(d) REPORTS.—

2 “(1) IN GENERAL.—Each participating can-
3 didate shall file reports of receipts of qualified small
4 dollar contributions at such times and in such man-
5 ner as the Commission may by regulations prescribe.

6 “(2) CONTENTS OF REPORTS.—Each report
7 under this subsection shall disclose—

8 “(A) the amount of each qualified small
9 dollar contribution received by the candidate;

10 “(B) the amount of each qualified small
11 dollar contribution received by the candidate
12 from a resident of the State in which the can-
13 didate is seeking election; and

14 “(C) the name, address, and occupation of
15 each individual who made a qualified small dol-
16 lar contribution to the candidate.

17 “(3) FREQUENCY OF REPORTS.—Reports under
18 this subsection shall be made no more frequently
19 than—

20 “(A) once every month until the date that
21 is 90 days before the date of the election;

22 “(B) once every week after the period de-
23 scribed in subparagraph (A) and until the date
24 that is 21 days before the election; and

1 “(C) once every day after the period de-
2 scribed in subparagraph (B).

3 “(4) LIMITATION ON REGULATIONS.—The
4 Commission may not prescribe any regulations with
5 respect to reporting under this subsection with re-
6 spect to any election after the date that is 180 days
7 before the date of such election.

8 “(e) APPEALS.—The Commission shall provide a
9 written explanation with respect to any denial of any pay-
10 ment under this section and shall provide for the oppor-
11 tunity for review and reconsideration within 5 business
12 days of such denial.

13 **“SEC. 524. POLITICAL ADVERTISING VOUCHERS.**

14 “(a) IN GENERAL.—The Commission shall establish
15 and administer a voucher program for the purchase of
16 airtime on broadcasting stations for political advertise-
17 ments in accordance with the provisions of this section.

18 “(b) CANDIDATES.—The Commission shall only dis-
19 burse vouchers under the program established under sub-
20 section (a) to participants certified pursuant to section
21 515 who have agreed in writing to keep and furnish to
22 the Commission such records, books, and other informa-
23 tion as it may require.

24 “(c) AMOUNTS.—The Commission shall disburse
25 vouchers to each candidate certified under subsection (b)

1 in the amount of \$100,000 or the amount determined by
2 the Commission under section 531.

3 “(d) USE.—

4 “(1) EXCLUSIVE USE.—Vouchers disbursed by
5 the Commission under this section may be used only
6 for the purchase of broadcast airtime for political
7 advertisements relating to a general election for the
8 office of Member of the House of Representatives
9 (including a Delegate or Resident Commissioner to
10 the Congress) by the participating candidate to
11 which the vouchers were disbursed, except that—

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

14 “(B) a political party may use vouchers
15 only to purchase broadcast airtime for political
16 advertisements for generic party advertising (as
17 defined by the Commission in regulations), to
18 support candidates for State or local office in a
19 general election, or to support participating
20 candidates of the party in a general election for
21 Federal office, but only if it discloses the value
22 of the voucher used as an expenditure under
23 section 315(d).

24 “(2) EXCHANGE WITH POLITICAL PARTY COM-
25 MITTEE.—

1 “(A) IN GENERAL.—A participating can-
2 didate who receives a voucher under this section
3 may transfer the right to use all or a portion
4 of the value of the voucher to a committee of
5 the political party of which the individual is a
6 candidate in exchange for money in an amount
7 equal to the cash value of the voucher or por-
8 tion exchanged.

9 “(B) CONTINUATION OF CANDIDATE OBLI-
10 GATIONS.—The transfer of a voucher, in whole
11 or in part, to a political party committee under
12 this paragraph does not release the candidate
13 from any obligation under the agreement made
14 under subsection (b) or otherwise modify that
15 agreement or its application to that candidate.

16 “(C) PARTY COMMITTEE OBLIGATIONS.—
17 Any political party committee to which a vouch-
18 er or portion thereof is transferred under sub-
19 paragraph (A)—

20 “(i) shall account fully, in accordance
21 with such requirements as the Commission
22 may establish, for the receipt of the vouch-
23 er; and

24 “(ii) may not use the transferred
25 voucher or portion thereof for any purpose

1 other than a purpose described in para-
2 graph (1)(B).

3 “(D) VOUCHER AS A CONTRIBUTION.—If a
4 candidate transfers a voucher or any portion
5 thereof to a political party committee under
6 subparagraph (A)—

7 “(i) the value of the voucher or por-
8 tion thereof transferred shall be treated as
9 a contribution from the candidate to the
10 committee, and from the committee to the
11 candidate, for purposes of sections 302
12 and 304;

13 “(ii) the committee may, in exchange,
14 provide to the candidate only funds subject
15 to the prohibitions, limitations, and report-
16 ing requirements of title III of this Act;
17 and

18 “(iii) the amount, if identified as a
19 ‘voucher exchange’ shall not be considered
20 a contribution for the purposes of sections
21 315 and 513.

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

23 “(1) VOUCHER.—Each voucher disbursed by
24 the Commission under this section shall have a value
25 in dollars, redeemable upon presentation to the

1 Commission, together with such documentation and
2 other information as the Commission may require,
3 for the purchase of broadcast airtime for political
4 advertisements in accordance with this section.

5 “(2) ACCEPTANCE.—A broadcasting station
6 shall accept vouchers in payment for the purchase of
7 broadcast airtime for political advertisements in ac-
8 cordance with this section.

9 “(3) REDEMPTION.—The Commission shall re-
10 deem vouchers accepted by broadcasting stations
11 under paragraph (2) upon presentation, subject to
12 such documentation, verification, accounting, and
13 application requirements as the Commission may im-
14 pose to ensure the accuracy and integrity of the
15 voucher redemption system.

16 “(4) EXPIRATION.—

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

24 “(B) EXCEPTION FOR POLITICAL PARTY
25 COMMITTEES.—A voucher held by a political

1 party committee may be used to pay for broad-
2 cast airtime for political advertisements to be
3 broadcast before midnight on December 31st of
4 the odd-numbered year following the year in
5 which the voucher was issued by the Commis-
6 sion.

7 “(5) VOUCHER AS EXPENDITURE.—The use of
8 a voucher to purchase broadcast airtime constitutes
9 an expenditure as defined in section 301(9)(A).

10 “(f) DEFINITIONS.—In this section:

11 “(1) BROADCASTING STATION.—The term
12 ‘broadcasting station’ has the meaning given that
13 term by section 315(f)(1) of the Communications
14 Act of 1934.

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

19 **“Subtitle D—Administrative**
20 **Provisions**

21 **“SEC. 531. FAIR ELECTIONS OVERSIGHT BOARD.**

22 “(a) ESTABLISHMENT.—There is established within
23 the Federal Election Commission an entity to be known
24 as the ‘Fair Elections Oversight Board’.

25 “(b) STRUCTURE AND MEMBERSHIP.—

1 “(1) IN GENERAL.—The Board shall be com-
2 posed of 5 members appointed by the President, of
3 whom—

4 “(A) 2 shall be appointed after consulta-
5 tion with the majority leader of the House of
6 Representatives;

7 “(B) 2 shall be appointed after consulta-
8 tion with the minority leader of the House of
9 Representatives; and

10 “(C) 1 shall be appointed upon the rec-
11 ommendation of the members appointed under
12 subparagraphs (A) and (B).

13 “(2) QUALIFICATIONS.—

14 “(A) IN GENERAL.—The members shall be
15 individuals who are nonpartisan and, by reason
16 of their education, experience, and attainments,
17 exceptionally qualified to perform the duties of
18 members of the Board.

19 “(B) PROHIBITION.—No member of the
20 Board may be—

21 “(i) an employee of the Federal Gov-
22 ernment;

23 “(ii) a registered lobbyist; or

24 “(iii) an officer or employee of a polit-
25 ical party or political campaign.

1 “(3) DATE.—Members of the Board shall be
2 appointed not later than 60 days after the date of
3 the enactment of this Act.

4 “(4) TERMS.—A member of the Board shall be
5 appointed for a term of 5 years.

6 “(5) VACANCIES.—A vacancy on the Board
7 shall be filled not later than 30 calendar days after
8 the date on which the Board is given notice of the
9 vacancy, in the same manner as the original ap-
10 pointment. The individual appointed to fill the va-
11 cancy shall serve only for the unexpired portion of
12 the term for which the individual’s predecessor was
13 appointed.

14 “(6) CHAIRPERSON.—The Board shall des-
15 ignate a Chairperson from among the members of
16 the Board.

17 “(c) DUTIES AND POWERS.—

18 “(1) ADMINISTRATION.—The Board shall have
19 such duties and powers as the Commission may pre-
20 scribe, including the power to administer the provi-
21 sions of this title.

22 “(2) REVIEW OF FAIR ELECTIONS FINANC-
23 ING.—

24 “(A) IN GENERAL.—After each general
25 election for Federal office, the Board shall con-

1 duct a comprehensive review of the Fair Elec-
2 tions financing program under this title, includ-
3 ing—

4 “(i) the maximum dollar amount of
5 qualified small dollar contributions under
6 section 501(11);

7 “(ii) the maximum and minimum dol-
8 lar amounts for qualifying contributions
9 under section 501(10);

10 “(iii) the number and value of quali-
11 fying contributions a candidate is required
12 to obtain under section 512 to qualify for
13 allocations from the Fund;

14 “(iv) the amount of allocations from
15 the Fund that candidates may receive
16 under section 522;

17 “(v) the maximum amount of match-
18 ing contributions a candidate may receive
19 under section 523;

20 “(vi) the amount and usage of vouch-
21 ers under section 524;

22 “(vii) the overall satisfaction of par-
23 ticipating candidates and the American
24 public with the program; and

1 “(viii) such other matters relating to
2 financing of House of Representatives
3 campaigns as the Board determines are
4 appropriate.

5 “(B) CRITERIA FOR REVIEW.—In con-
6 ducting the review under subparagraph (A), the
7 Board shall consider the following:

8 “(i) QUALIFYING CONTRIBUTIONS
9 AND QUALIFIED SMALL DOLLAR CON-
10 TRIBUTIONS.—The Board shall consider
11 whether the number and dollar amount of
12 qualifying contributions required and max-
13 imum dollar amount for such qualifying
14 contributions and qualified small dollar
15 contributions strikes a balance regarding
16 the importance of voter involvement, the
17 need to assure adequate incentives for par-
18 ticipating, and fiscal responsibility, taking
19 into consideration the number of primary
20 and general election participating can-
21 didates, the electoral performance of those
22 candidates, program cost, and any other
23 information the Board determines is ap-
24 propriate.

1 “(ii) REVIEW OF PROGRAM BENE-
2 FITS.—The Board shall consider whether
3 the totality of the amount of funds allowed
4 to be raised by participating candidates
5 (including through qualifying contributions
6 and small dollar contributions), allocations
7 from the Fund under sections 522, match-
8 ing contributions under section 523, and
9 vouchers under section 524 are sufficient
10 for voters in each State to learn about the
11 candidates to cast an informed vote, taking
12 into account the historic amount of spend-
13 ing by winning candidates, media costs,
14 primary election dates, and any other in-
15 formation the Board determines is appro-
16 priate.

17 “(C) ADJUSTMENT OF AMOUNTS.—

18 “(i) IN GENERAL.—Based on the re-
19 view conducted under subparagraph (A),
20 the Board shall provide for the adjust-
21 ments of the following amounts:

22 “(I) the maximum dollar amount
23 of qualified small dollar contributions
24 under section 501(11)(C);

1 “(II) the maximum and min-
2 imum dollar amounts for qualifying
3 contributions under section
4 501(10)(A);

5 “(III) the number and value of
6 qualifying contributions a candidate is
7 required to obtain under section
8 512(a)(1);

9 “(IV) the base amount for can-
10 didates under section 522(d);

11 “(V) the maximum amount of
12 matching contributions a candidate
13 may receive under section 523(b); and

14 “(VI) the dollar amount for
15 vouchers under section 524(c).

16 “(ii) REGULATIONS.—The Commis-
17 sion shall promulgate regulations providing
18 for the adjustments made by the Board
19 under clause (i).

20 “(D) REPORT.—Not later than March 30
21 following any general election for Federal office,
22 the Board shall submit a report to Congress on
23 the review conducted under paragraph (1).
24 Such report shall contain a detailed statement

1 of the findings, conclusions, and recommenda-
2 tions of the Board based on such review.

3 “(d) MEETINGS AND HEARINGS.—

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

9 “(2) QUORUM.—Three members of the Board
10 shall constitute a quorum for purposes of voting, but
11 a quorum is not required for members to meet and
12 hold hearings.

13 “(e) REPORTS.—Not later than March 30, 2011, and
14 every 2 years thereafter, the Board shall submit to the
15 Committee on House Administration of the House of Rep-
16 resentatives a report documenting, evaluating, and making
17 recommendations relating to the administrative implemen-
18 tation and enforcement of the provisions of this title.

19 “(f) ADMINISTRATION.—

20 “(1) COMPENSATION OF MEMBERS.—

21 “(A) IN GENERAL.—Each member, other
22 than the Chairperson, shall be paid at a rate
23 equal to the daily equivalent of the minimum
24 annual rate of basic pay prescribed for level IV

1 of the Executive Schedule under section 5315
2 of title 5, United States Code.

3 “(B) CHAIRPERSON.—The Chairperson
4 shall be paid at a rate equal to the daily equiva-
5 lent of the minimum annual rate of basic pay
6 prescribed for level III of the Executive Sched-
7 ule under section 5314 of title 5, United States
8 Code.

9 “(2) PERSONNEL.—

10 “(A) DIRECTOR.—The Board shall have a
11 staff headed by an Executive Director. The Ex-
12 ecutive Director shall be paid at a rate equiva-
13 lent to a rate established for the Senior Execu-
14 tive Service under section 5382 of title 5,
15 United States Code.

16 “(B) STAFF APPOINTMENT.—With the ap-
17 proval of the Chairperson, the Executive Direc-
18 tor may appoint such personnel as the Execu-
19 tive Director and the Board determines to be
20 appropriate.

21 “(C) ACTUARIAL EXPERTS AND CONSULT-
22 ANTS.—With the approval of the Chairperson,
23 the Executive Director may procure temporary
24 and intermittent services under section 3109(b)
25 of title 5, United States Code.

1 “(D) DETAIL OF GOVERNMENT EMPLOY-
2 EES.—Upon the request of the Chairperson, the
3 head of any Federal agency may detail, without
4 reimbursement, any of the personnel of such
5 agency to the Board to assist in carrying out
6 the duties of the Board. Any such detail shall
7 not interrupt or otherwise affect the civil service
8 status or privileges of the Federal employee.

9 “(E) OTHER RESOURCES.—The Board
10 shall have reasonable access to materials, re-
11 sources, statistical data, and other information
12 from the Library of Congress and other agen-
13 cies of the executive and legislative branches of
14 the Federal Government. The Chairperson of
15 the Board shall make requests for such access
16 in writing when necessary.

17 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as are nec-
19 essary to carry out the purposes of this subtitle.

20 **“SEC. 532. ADMINISTRATION PROVISIONS.**

21 “The Commission shall prescribe regulations to carry
22 out the purposes of this title, including regulations—

23 “(1) to establish procedures for—

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

1 “(B) effectively and efficiently monitoring
2 and enforcing the limits on the raising of quali-
3 fied small dollar contributions;

4 “(C) effectively and efficiently monitoring
5 and enforcing the limits on the use of personal
6 funds by participating candidates;

7 “(D) monitoring the use of allocations
8 from the Fund and matching contributions
9 under this title through audits or other mecha-
10 nisms; and

11 “(E) the administration of the voucher
12 program under section 524; and

13 “(2) regarding the conduct of debates in a man-
14 ner consistent with the best practices of States that
15 provide public financing for elections.

16 **“SEC. 533. VIOLATIONS AND PENALTIES.**

17 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
18 TION AND EXPENDITURE REQUIREMENTS.—If a can-
19 didate who has been certified as a participating candidate
20 under section 515(a) accepts a contribution or makes an
21 expenditure that is prohibited under section 513, the Com-
22 mission shall assess a civil penalty against the candidate
23 in an amount that is not more than 3 times the amount
24 of the contribution or expenditure. Any amounts collected
25 under this subsection shall be deposited into the Fund.

1 “(b) REPAYMENT FOR IMPROPER USE OF FAIR
2 ELECTIONS FUND.—

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

11 “(A) the amount of benefits so used or not
12 remitted, as appropriate; and

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

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

1 **SEC. 103. PROHIBITION ON JOINT FUNDRAISING COMMIT-**
2 **TEES.**

3 Section 302(e) of the Federal Election Campaign Act
4 of 1971 (2 U.S.C. 432(e)) is amended by adding at the
5 end the following new paragraph:

6 “(6) No authorized committee of a candidate
7 may establish a joint fundraising committee with a
8 political committee other than an authorized com-
9 mittee of a candidate.”.

10 **SEC. 104. LIMITATION ON COORDINATED EXPENDITURES**
11 **BY POLITICAL PARTY COMMITTEES WITH**
12 **PARTICIPATING CANDIDATES.**

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

16 (1) by redesignating subparagraphs (A) and
17 (B) as subparagraphs (B) and (C), respectively; and

18 (2) by inserting before subparagraph (B), as re-
19 designated by paragraph (1), the following new sub-
20 paragraph:

21 “(A) in the case of a candidate for election
22 to the office of Representative in, or Delegate
23 or Resident Commissioner to, the Congress who
24 is a participating candidate (as defined in sec-
25 tion 501), the lesser of—

1 “(i) 10 percent of the allocation from
2 the Fair Elections Fund that the partici-
3 pating candidate is eligible to receive for
4 the general election under section 522(c);
5 or

6 “(ii) the amount which would (but for
7 this subparagraph) apply with respect to
8 such candidate under subparagraph (B);”.

9 (b) CONFORMING AMENDMENT.—Section 315(d)(3)
10 of such Act (2 U.S.C. 441a(d)(3)) is amended—

11 (1) in subparagraph (B) (as redesignated by
12 subsection (a)), by inserting “who is not a partici-
13 pating candidate (as so defined)” after “only one
14 Representative”; and

15 (2) in subparagraph (C) (as redesignated by
16 subsection (a)), by inserting “who is not a partici-
17 pating candidate (as so defined)” after “any other
18 State”.

19 **SEC. 105. DEPOSIT OF PROCEEDS FROM RECOVERED SPEC-**
20 **TRUM AUCTIONS.**

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

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

1 “(I) 90 percent of such proceeds
2 deposited in”; and

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

4 “(II) 10 percent of such proceeds
5 deposited in the Fair Elections Fund
6 established under section 502 of the
7 Federal Election Campaign Act of
8 1971.”.

9 **SEC. 106. DESIGNATION OF OVERPAYMENTS AS CONTRIBU-**
10 **TIONS TO FAIR ELECTIONS FUND.**

11 (a) IN GENERAL.—Subchapter A of chapter 61 of the
12 Internal Revenue Code of 1986 is amended by adding at
13 the end the following new part:

14 **“PART IX—DESIGNATION OF OVERPAYMENTS AS**
15 **CONTRIBUTIONS TO FAIR ELECTIONS FUND**

“Sec. 6097. Designation.

16 **“SEC. 6097. DESIGNATION.**

17 “(a) IN GENERAL.—Every individual (other than a
18 nonresident alien) whose income tax liability for the tax-
19 able year is \$10 or more may designate that \$10 shall
20 be paid over to the Fair Elections Fund in accordance
21 with the provisions of section 502 of the Federal Election
22 Campaign Act of 1971. In the case of a joint return of
23 husband and wife having an income tax liability of \$20

1 or more, each spouse may designate that \$10 shall be paid
2 to the fund.

3 “(b) DEFINITIONS.—For purposes of this section—

4 “(1) FAIR ELECTIONS FUND.—The term ‘Fair
5 Elections Fund’ means the fund established by sec-
6 tion 502 of the Federal Election Campaign Act of
7 1971.

8 “(2) INCOME TAX LIABILITY.—The term ‘in-
9 come tax liability’ has the meaning given such term
10 by section 6096(b).

11 “(c) MANNER AND TIME OF DESIGNATION.—A des-
12 ignation under subsection (a) may be made with respect
13 to any taxable year—

14 “(1) at the time of filing the return of the tax
15 imposed by chapter 1 for such taxable year, or

16 “(2) at any other time (after the time of filing
17 the return of the tax imposed by chapter 1 for such
18 taxable year) specified in regulations prescribed by
19 the Secretary.

20 Such designation shall be made in such manner as the
21 Secretary prescribes by regulations except that such des-
22 ignation shall be made either on the first page of the re-
23 turn or on the page bearing the taxpayer’s signature.

24 “(d) OVERPAYMENTS TREATED AS REFUNDED.—

25 For purposes of this title, any portion of an overpayment

1 of tax designated under subsection (a) shall be treated as
 2 being refunded to the taxpayer as of the last date pre-
 3 scribed for filing the return of tax imposed by chapter 1
 4 (determined without regard to extensions).”.

5 (b) CLERICAL AMENDMENT.—The table of parts for
 6 subchapter A of chapter 61 of such Code is amended by
 7 adding at the end the following new item:

“PART IX. DESIGNATION OF OVERPAYMENTS AS CONTRIBUTIONS TO FAIR
 ELECTIONS FUND”.

8 (c) EFFECTIVE DATE.—The amendments made by
 9 this section shall apply to taxable years ending after the
 10 date of the enactment of this Act.

11 **TITLE II—IMPROVING VOTER** 12 **INFORMATION**

13 **SEC. 201. BROADCASTS RELATING TO ALL HOUSE CAN-** 14 **DIDATES.**

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

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

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

1 (b) PREEMPTION; AUDITS.—Section 315 of such Act
2 (47 U.S.C. 315) is amended—

3 (1) by redesignating subsections (f) and (g) as
4 subsections (e) and (f), respectively and moving
5 them to follow the existing subsection (e);

6 (2) by redesignating the existing subsection (e)
7 as subsection (c); and

8 (3) by inserting after subsection (c) (as redesignig-
9 nated by paragraph (2)) the following:

10 “(d) PREEMPTION.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), and notwithstanding the requirements of
13 subsection (b)(1)(A), a licensee shall not preempt
14 the use of a broadcasting station by a legally quali-
15 fied candidate for the office of Representative in, or
16 Delegate or Resident Commissioner to, the Congress
17 who has purchased and paid for such use.

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

1 “(e) AUDITS.—During the 30-day period preceding
2 a primary election and the 60-day period preceding a gen-
3 eral election, the Commission shall conduct such audits
4 as it deems necessary to ensure that each broadcaster to
5 which this section applies is allocating television broadcast
6 advertising time in accordance with this section and sec-
7 tion 312.”.

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

11 (1) by striking “or repeated”;

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

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

18 (d) STYLISTIC AMENDMENTS.—Section 315 of such
19 Act (47 U.S.C. 315) is amended—

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

23 (2) by striking “the” in subsection (f)(2), as re-
24 designated by subsection (b)(1), and inserting “LI-
25 CENSEE; STATION LICENSEE.—”; and

1 (3) by inserting “REGULATIONS.—” in sub-
2 section (g), as redesignated by subsection (b)(1), be-
3 fore “The Commission”.

4 **SEC. 202. BROADCAST RATES FOR PARTICIPATING CAN-**
5 **DIDATES.**

6 Section 315(b) of the Communications Act of 1934
7 (47 U.S.C. 315(b)), as amended by section 201(a), is
8 amended—

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

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

12 “(3) PARTICIPATING CANDIDATES.—In the case
13 of a participating candidate (as defined under sec-
14 tion 501(9) of the Federal Election Campaign Act of
15 1971), the charges made for the use of any broad-
16 casting station for a television broadcast shall not
17 exceed 80 percent of the lowest charge described in
18 paragraph (1)(A) during—

19 “(A) the 45 days preceding the date of a
20 primary or primary runoff election in which the
21 candidate is opposed; and

22 “(B) the 60 days preceding the date of a
23 general or special election in which the can-
24 didate is opposed.

1 “(4) RATE CARDS.—A licensee shall provide to
2 a candidate for Representative in, or Delegate or
3 Resident Commissioner to, the Congress a rate card
4 that discloses—

5 “(A) the rate charged under this sub-
6 section; and

7 “(B) the method that the licensee uses to
8 determine the rate charged under this sub-
9 section.”.

10 **SEC. 203. FCC TO PRESCRIBE STANDARDIZED FORM FOR**
11 **REPORTING CANDIDATE CAMPAIGN ADS.**

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

21 (b) CONTENTS.—The form prescribed by the Com-
22 mission under subsection (a) shall require, broadcasting
23 stations to report to the Commission and to the Federal
24 Election Commission, at a minimum—

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

1 (2) the name and telephone number of the sta-
2 tion's sales manager (or individual with responsi-
3 bility for advertising sales);

4 (3) the name of the candidate who purchased
5 the advertising time, or on whose behalf the adver-
6 tising time was purchased, and the Federal elective
7 office for which he or she is a candidate;

8 (4) the name, mailing address, and telephone
9 number of the person responsible for purchasing
10 broadcast political advertising for the candidate;

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

14 (6) the following information about the adver-
15 tisement:

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

17 (B) The program in which the advertise-
18 ment was broadcast.

19 (C) The length of the broadcast airtime.

20 (e) INTERNET ACCESS.—In its rulemaking under
21 subsection (a), the Commission shall require any broad-
22 casting station required to file a report under this section
23 that maintains an Internet website to make available a
24 link to such reports on that website.

1 **TITLE III—RESPONSIBILITIES**
2 **OF THE FEDERAL ELECTION**
3 **COMMISSION**

4 **SEC. 301. PETITION FOR CERTIORARI.**

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

9 **SEC. 302. FILING BY ALL CANDIDATES WITH COMMISSION.**

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

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

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

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

19 (1) in subparagraph (A), by striking “under
20 this Act—” and all that follows and inserting
21 “under this Act shall be required to maintain and
22 file such designation, statement, or report in elec-
23 tronic form accessible by computers.”;

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

4 (3) by striking subparagraph (D).

5 **TITLE IV—MISCELLANEOUS**
6 **PROVISIONS**

7 **SEC. 401. SEVERABILITY.**

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

15 **SEC. 402. EFFECTIVE DATE.**

16 Except as otherwise provided for in this Act, this Act
17 and the amendments made by this Act shall take effect
18 on January 1, 2011.

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