

# Union Calendar No. 410

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6116

**[Report No. 111–691, Part I]**

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2010

Mr. LARSON of Connecticut (for himself, Mr. JONES, Mr. CAPUANO, Ms. PINGREE of Maine, Mr. HOLT, Mr. PLATTS, Mr. NADLER of New York, Mr. COOPER, Mr. HEINRICH, Mr. POLIS of Colorado, Ms. EDWARDS of Maryland, and Mr. DOYLE) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Energy and Commerce, 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

DECEMBER 21, 2010

Reported from the Committee on House Administration

DECEMBER 21, 2010

Referral to the Committee on Energy and Commerce extended for a period ending not later than December 22, 2010

DECEMBER 22, 2010

Additional sponsors: Ms. ZOE LOFGREN of California, Mr. GONZALEZ, Ms. HIRONO, Mr. YARMUTH, Ms. WOOLSEY, Mr. COSTELLO, and Mr. HONDA

DECEMBER 22, 2010

The Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **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.

Sec. 2. Findings and declarations.

TITLE I—FAIR ELECTIONS FINANCING OF HOUSE ELECTION  
CAMPAIGNS

Sec. 101. Benefits and eligibility requirements for House candidates.

“TITLE V—FAIR ELECTIONS FINANCING OF HOUSE ELECTION  
CAMPAIGNS

“Subtitle A—Benefits

“Sec. 501. Benefits for participating candidates.

“Sec. 502. Allocations from the Fund.

“Sec. 503. Matching payments for certain small dollar contributions.

“Subtitle B—Eligibility and Certification

“Sec. 511. Eligibility.

“Sec. 512. Qualifying requirements.

“Sec. 513. Certification.

“Subtitle C—Requirements for Candidates Certified as Participating  
Candidates

“Sec. 521. Contribution, expenditure, and fundraising requirements.

“Sec. 522. Debate requirement.

“Sec. 523. Remitting unspent funds after election.

“Subtitle D—Administrative Provisions

“Sec. 531. Fair Elections Fund.

“Sec. 532. Fair Elections Oversight Board.

“Sec. 533. Administration by Commission.

“Sec. 534. Violations and penalties.

“Sec. 535. Election cycle defined.

Sec. 102. Transfer of portion of civil money penalties into Fair Elections Fund.

Sec. 103. Prohibiting use of contributions by participating candidates for pur-  
poses other than campaign for election.

Sec. 104. Prohibition on joint fundraising committees.

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

Sec. 106. Deposit of proceeds from recovered spectrum auctions.

## TITLE II—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

Sec. 201. Petition for certiorari.

Sec. 202. Filing by all candidates with Commission.

Sec. 203. Electronic filing of FEC reports.

## TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Severability.

Sec. 302. Effective date.

### 1 **SEC. 2. FINDINGS AND DECLARATIONS.**

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

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

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

18 (3) undermining the meaning of the right to  
19 vote by allowing monied interests to have a dis-

1       proportionate and unfair influence within the polit-  
2       ical process;

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

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

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

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

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

1           (1) reducing the actual or perceived conflicts of  
2           interest created by fully private financing of the elec-  
3           tion campaigns of public officials and restoring pub-  
4           lic confidence in the integrity and fairness of the  
5           electoral and legislative processes through a program  
6           which allows participating candidates to adhere to  
7           substantially lower contribution limits for contribu-  
8           tors with an assurance that there will be sufficient  
9           funds for such candidates to run viable electoral  
10          campaigns;

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

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

1           (4) potentially saving taxpayers billions of dol-  
2       lars that may be (or that are perceived to be) cur-  
3       rently allocated based upon legislative and regu-  
4       latory agendas skewed by the influence of campaign  
5       contributions;

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

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

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

14   **TITLE I—FAIR ELECTIONS FI-**  
15   **NANCING OF HOUSE ELEC-**  
16   **TION CAMPAIGNS**

17   **SEC. 101. BENEFITS AND ELIGIBILITY REQUIREMENTS FOR**  
18                   **HOUSE CANDIDATES.**

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

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

4 **“Subtitle A—Benefits**

5 **“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

6 “(a) IN GENERAL.—If a candidate for election to the  
7 office of Representative in, or Delegate or Resident Com-  
8 missioner to, the Congress is a participating candidate  
9 under this title with respect to an election for such office,  
10 the candidate shall be entitled to payments under this  
11 title, to be used only for authorized expenditures in con-  
12 nection with the election.

13 “(b) TYPES OF PAYMENTS.—The payments to which  
14 a participating candidate is entitled under this section  
15 consist of—

16 “(1) allocations from the Fair Elections Fund,  
17 as provided in section 502; and

18 “(2) payments from the Fair Elections Fund to  
19 match certain small dollar contributions, as provided  
20 in section 503.

21 **“SEC. 502. ALLOCATIONS FROM THE FUND.**

22 “(a) AMOUNT OF ALLOCATIONS.—

23 “(1) PRIMARY ELECTION ALLOCATION; INITIAL  
24 ALLOCATION.—Except as provided in paragraph (6),  
25 the Commission shall make an allocation from the



1 Fair Elections Fund established under section 531  
2 to a candidate who is certified as a participating  
3 candidate with respect to a primary election in an  
4 amount equal to 40 percent of the base amount.

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

12 “(3) GENERAL ELECTION ALLOCATION.—Ex-  
13 cept as provided in paragraph (6), the Commission  
14 shall make an allocation from the Fund to a can-  
15 didate who is certified as a participating candidate  
16 with respect to a general election in an amount  
17 equal to 60 percent of the base amount.

18 “(4) GENERAL RUNOFF ELECTION ALLOCA-  
19 TION.—The Commission shall make an allocation  
20 from the Fund to a candidate who is certified as a  
21 participating candidate with respect to a general  
22 runoff election in an amount equal to 25 percent of  
23 the base amount.

24 “(5) RECOUNT ALLOCATION.—If the appro-  
25 priate State or local election official conducts a re-

1 count of an election, the Commission shall make an  
2 allocation from the Fund to a participating can-  
3 didate for expenses relating to the recount in an  
4 amount equal to 25 percent of the amount the par-  
5 ticipating candidate was eligible to receive under this  
6 section for the election involved.

7 “(6) UNCONTESTED ELECTIONS.—

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

15 “(B) UNCONTESTED ELECTION DE-  
16 FINED.—For purposes of this subparagraph, an  
17 election is uncontested if not more than 1 can-  
18 didate has campaign funds (including payments  
19 from the Fund) in an amount equal to or great-  
20 er than 10 percent of the allocation a candidate  
21 would be entitled to receive under this section  
22 for that election (determined without regard to  
23 this paragraph).

24 “(b) BASE AMOUNT.—The base amount is an amount  
25 equal to 80 percent of the national average disbursements

1 of the cycle by winning candidates for the office of Rep-  
2 resentative in, or Delegate or Resident Commissioner to,  
3 the Congress in the last 2 election cycles.

4 “(c) TIMING; METHOD OF PAYMENT.—

5 “(1) TIMING.—The Commission shall make the  
6 allocations required under subsection (a) to a par-  
7 ticipating candidate—

8 “(A) in the case of amounts provided  
9 under subsection (a)(1), not later than 48 hours  
10 after the date on which such candidate is cer-  
11 tified as a participating candidate under section  
12 513;

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

15 “(i) the date of the certification of the  
16 results of the primary election or the pri-  
17 mary runoff election; or

18 “(ii) in any case in which there is no  
19 primary election, the date the candidate  
20 qualifies to be placed on the ballot;

21 “(C) in the case of a primary runoff elec-  
22 tion or a general runoff election, not later than  
23 48 hours after the certification of the results of  
24 the primary election or the general election, as  
25 the case may be; and

1           “(D) in the case of a recount allocation,  
 2           not later than 48 hours after the appropriate  
 3           State or local election official orders the holding  
 4           of the recount.

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

9   **“SEC. 503. MATCHING PAYMENTS FOR CERTAIN SMALL**  
 10           **DOLLAR CONTRIBUTIONS.**

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

17          “(b) LIMITATION.—The maximum payment under  
 18          this section shall be the greater of—

19               “(1) 200 percent of the allocation under para-  
 20               graphs (1) through (4) of section 502(a) for that  
 21               election with respect to such candidate; or

22               “(2) the percentage of the allocation determined  
 23               by the Commission under section 532(c)(2).

24          “(c) TIME OF PAYMENT.—The Commission shall  
 25          make payments under this section not later than 2 busi-

1   ness days after the receipt of a report made under sub-  
2   section (d).

3       “(d) REPORTS.—

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

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

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

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

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

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

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

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

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

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

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

16          “(f) QUALIFIED SMALL DOLLAR CONTRIBUTION DE-  
17          FINED.—The term ‘qualified small dollar contribution’  
18          means, with respect to a participating candidate, any con-  
19          tribution (or a series of contributions)—

20                 “(1) which is not a qualifying contribution (or  
21                 does not include a qualifying contribution);

22                 “(2) which is made by an individual who is not  
23                 prohibited from making a contribution under this  
24                 Act; and

1 “(3) the aggregate amount of which does not  
2 exceed the greater of—

3 “(A) \$100 per election; or

4 “(B) the amount determined by the Fair  
5 Elections Oversight Board under section  
6 532(c)(2).

7 **“Subtitle B—Eligibility and**  
8 **Certification**

9 **“SEC. 511. ELIGIBILITY.**

10 “(a) IN GENERAL.—A candidate for the office of  
11 Representative in, or Delegate or Resident Commissioner  
12 to, the Congress is eligible to be certified as a participating  
13 candidate under this title with respect to an election if  
14 the candidate meets the following requirements:

15 “(1) During the election cycle for the office in-  
16 volved, the candidate files with the Commission a  
17 statement of intent to seek certification as a partici-  
18 pating candidate.

19 “(2) The candidate meets the qualifying re-  
20 quirements of section 512.

21 “(3) Not later than the last day of the Fair  
22 Elections qualifying period, the candidate files with  
23 the Commission an affidavit signed by the candidate  
24 and the treasurer of the candidate’s principal cam-  
25 paign committee declaring that the candidate—

1           “(A) has complied and, if certified, will  
2           comply with the contribution and expenditure  
3           requirements of section 521;

4           “(B) if certified, will comply with the de-  
5           bate requirements of section 522;

6           “(C) if certified, will run only as a partici-  
7           pating candidate for all elections for the office  
8           that such candidate is seeking during the elec-  
9           tion cycle; and

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

12          “(b) GENERAL ELECTION.—Notwithstanding sub-  
13          section (a), a candidate shall not be eligible to receive an  
14          allocation from the Fund for a general election or a gen-  
15          eral runoff election unless the candidate’s party nominated  
16          the candidate to be placed on the ballot for the general  
17          election or the candidate is otherwise qualified to be on  
18          the ballot under State law.

19          “(c) FAIR ELECTIONS QUALIFYING PERIOD DE-  
20          FINED.—The term ‘Fair Elections qualifying period’  
21          means, with respect to any candidate for the office of Rep-  
22          resentative in, or Delegate or Resident Commissioner to,  
23          the Congress, the 120-day period (during the election cycle  
24          for such office) which begins on the date on which the  
25          candidate files a statement of intent under section



1 511(a)(1), except that such period may not continue after  
2 the date that is 60 days before—

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

4 “(2) in the case of a State that does not hold  
5 a primary election, the date prescribed by State law  
6 as the last day to qualify for a position on the gen-  
7 eral election ballot.

8 **“SEC. 512. QUALIFYING REQUIREMENTS.**

9 “(a) RECEIPT OF QUALIFYING CONTRIBUTIONS.—A  
10 candidate for the office of Representative in, or Delegate  
11 or Resident Commissioner to, the Congress meets the re-  
12 quirement of this section if, during the Fair Elections  
13 qualifying period described in section 511(c), the can-  
14 didate obtains—

15 “(1) a single qualifying contribution from a  
16 number of individuals equal to or greater than the  
17 lesser of—

18 “(A) .25% of the voting age population of  
19 the State involved (as reported in the most re-  
20 cent decennial census), or

21 “(B) 1,500; and

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

1       “(b) REQUIREMENTS RELATING TO RECEIPT OF  
2 QUALIFYING CONTRIBUTION.—Each qualifying contribu-  
3 tion—

4               “(1) may be made by means of a personal  
5 check, money order, debit card, credit card, or elec-  
6 tronic payment account;

7               “(2) shall be accompanied by a signed state-  
8 ment containing—

9                       “(A) the contributor’s name and the con-  
10 tributor’s address in the State in which the pri-  
11 mary residence of the contributor is located;

12                      “(B) an oath declaring that the contrib-  
13 utor—

14                               “(i) understands that the purpose of  
15 the qualifying contribution is to show sup-  
16 port for the candidate so that the can-  
17 didate may qualify for Fair Elections fi-  
18 nancing;

19                               “(ii) is making the contribution in his  
20 or her own name and from his or her own  
21 funds;

22                               “(iii) has made the contribution will-  
23 ingly; and

24                               “(iv) has not received any thing of  
25 value in return for the contribution; and

1           “(3) shall be acknowledged by a receipt that is  
2           sent to the contributor with a copy kept by the can-  
3           didate for the Commission and a copy kept by the  
4           candidate for the election authorities in the State  
5           with respect to which the candidate is seeking elec-  
6           tion.

7           “(c) VERIFICATION OF QUALIFYING CONTRIBU-  
8           TIONS.—The Commission shall establish procedures for  
9           the auditing and verification of qualifying contributions to  
10          ensure that such contributions meet the requirements of  
11          this section.

12          “(d) PROHIBITING PAYMENT ON COMMISSION BASIS  
13          OF INDIVIDUALS COLLECTING QUALIFYING CONTRIBU-  
14          TIONS.—No person may be paid a commission on a per  
15          qualifying contribution basis for collecting qualifying con-  
16          tributions.

17          “(e) QUALIFYING CONTRIBUTION DEFINED.—In this  
18          section, the term ‘qualifying contribution’ means, with re-  
19          spect to a candidate, a contribution that—

20                 “(1) is in an amount that is—

21                         “(A) not less than the greater of \$5 or the  
22                         amount determined by the Commission under  
23                         section 532(c)(2), and

1 “(B) not more than the greater of \$100 or  
 2 the amount determined by the Commission  
 3 under section 532(c)(2);

4 “(2) is made by an individual—

5 “(A) who has a primary residence in the  
 6 State in which such Candidate is seeking elec-  
 7 tion, and

8 “(B) who is not otherwise prohibited from  
 9 making a contribution under this Act;

10 “(3) is made during the Fair Elections quali-  
 11 fying period described in section 511(c); and

12 “(4) meets the requirements of subsection (b).

13 **“SEC. 513. CERTIFICATION.**

14 “(a) DEADLINE AND NOTIFICATION.—

15 “(1) IN GENERAL.—Not later than 5 days after  
 16 a candidate files an affidavit under section  
 17 511(a)(3), the Commission shall—

18 “(A) determine whether or not the can-  
 19 didate meets the requirements for certification  
 20 as a participating candidate;

21 “(B) if the Commission determines that  
 22 the candidate meets such requirements, certify  
 23 the candidate as a participating candidate; and

24 “(C) notify the candidate of the Commis-  
 25 sion’s determination.

1           “(2) DEEMED CERTIFICATION FOR ALL ELEC-  
2           TIONS IN ELECTION CYCLE.—If the Commission cer-  
3           tifies a candidate as a participating candidate with  
4           respect to the first election of the election cycle in-  
5           volved, the Commissioner shall be deemed to have  
6           certified the candidate as a participating candidate  
7           with respect to all subsequent elections of the elec-  
8           tion cycle.

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 (other than a candidate certified as a  
15                   participating candidate with respect to a pri-  
16                   mary election who fails to qualify to appear on  
17                   the ballot for a subsequent election in that elec-  
18                   tion cycle); or

19                   “(B) a candidate otherwise fails to comply  
20                   with the requirements of this title, including  
21                   any regulatory requirements prescribed by the  
22                   Commission.

23           “(2) REPAYMENT OF BENEFITS.—If certifi-  
24           cation is revoked under paragraph (1), the candidate  
25           shall repay to the Fair Elections Fund established

1 under section 531 an amount equal to the value of  
 2 benefits received under this title with respect to the  
 3 election cycle involved plus interest (at a rate deter-  
 4 mined by the Commission) on any such amount re-  
 5 ceived.

6 “(c) PARTICIPATING CANDIDATE DEFINED.—In this  
 7 title, a ‘participating candidate’ means a candidate for the  
 8 office of Representative in, or Delegate or Resident Com-  
 9 missioner to, the Congress who is certified under this sec-  
 10 tion as eligible to receive benefits under this title.

11 **“Subtitle C—Requirements for Can-**  
 12 **didates Certified as Partici-**  
 13 **pating Candidates**

14 **“SEC. 521. CONTRIBUTION, EXPENDITURE, AND FUND-**  
 15 **RAISING REQUIREMENTS.**

16 “(a) CONTRIBUTIONS.—

17 “(1) PERMITTED SOURCES OF CONTRIBU-  
 18 TIONS.—Except as provided in subsection (c), a can-  
 19 didate who is certified as a participating candidate  
 20 with respect to an election shall, with respect to all  
 21 elections occurring during the election cycle for the  
 22 office involved, accept no contributions from any  
 23 source (including an unexpended contribution re-  
 24 ceived by the candidate with respect to a previous

1 election or a contribution made by any political com-  
 2 mittee or multicandidate committee) other than—

3 “(A) qualifying contributions described in  
 4 section 512;

5 “(B) qualified small dollar contributions  
 6 described in section 503;

7 “(C) allocations under section 502; and

8 “(D) payments under section 503.

9 “(2) CONTRIBUTIONS FOR LEADERSHIP AND  
 10 RELATED PACS.—A political committee of a partici-  
 11 pating candidate which is not an authorized com-  
 12 mittee of such candidate may accept contributions  
 13 other than contributions described in paragraph (1)  
 14 from any person if—

15 “(A) the aggregate amount of the con-  
 16 tributions from such person for any election  
 17 during the election cycle does not exceed \$100;  
 18 and

19 “(B) no portion of such contributions is  
 20 disbursed in connection with the campaign of  
 21 the participating candidate.

22 “(b) EXPENDITURES.—

23 “(1) PERMITTED SOURCES FOR EXPENDI-  
 24 TURES.—Except as provided in subsection (c), a  
 25 candidate who is certified as a participating can-

1 didate with respect to an election shall, with respect  
 2 to all elections occurring during the election cycle for  
 3 the office involved—

4 “(A) make no expenditures from any  
 5 amounts other than—

6 “(i) qualifying contributions described  
 7 in section 512;

8 “(ii) qualified small dollar contribu-  
 9 tions described in section 503;

10 “(iii) allocations under section 502;

11 and

12 “(iv) payments under section 503; and

13 “(B) make no expenditures from personal  
 14 funds or the funds of any immediate family  
 15 member of the candidate (other than funds re-  
 16 ceived through qualified small dollar contribu-  
 17 tions and qualifying contributions).

18 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—

19 In paragraph (1)(B), the term ‘immediate family’  
 20 means, with respect to a candidate—

21 “(A) the candidate’s spouse;

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



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

3                   “(c) EXCEPTIONS.—

4                   “(1) EXCEPTION FOR CONTRIBUTIONS RE-  
5                   CEIVED PRIOR TO FILING OF STATEMENT OF IN-  
6                   TENT.—A candidate who has accepted contributions  
7                   that are not qualified small dollar contributions,  
8                   qualifying contributions, or contributions described  
9                   in paragraph (a)(2) prior to the date the candidate  
10                  files a statement of intent under section 511(a)(1)  
11                  is not in violation of subsection (a), but only if all  
12                  such contributions are—

13                  “(A) returned to the contributor;

14                  “(B) submitted to the Commission for de-  
15                  posit in the Fair Elections Fund established  
16                  under section 531; or

17                  “(C) spent in accordance with paragraph  
18                  (2).

19                  “(2) EXCEPTION FOR EXPENDITURES MADE  
20                  PRIOR TO FILING OF STATEMENT OF INTENT.—If a  
21                  candidate has made expenditures prior to the date  
22                  the candidate files a statement of intent under sec-  
23                  tion 511(a)(1) that the candidate is prohibited from  
24                  making under subsection (b), the candidate is not in  
25                  violation of such subsection if the aggregate amount

1 of the prohibited expenditures is less than 20 per-  
2 cent of the amount of an initial allocation to a can-  
3 didate under section 502(a)(1).

4 “(3) EXCEPTION FOR CAMPAIGN SURPLUSES  
5 FROM A PREVIOUS ELECTION.—Notwithstanding  
6 paragraph (1), unexpended contributions received by  
7 the candidate or the an authorized committee of the  
8 candidate with respect to a previous election may be  
9 retained, but only if the candidate places the funds  
10 in escrow and refrains from raising additional funds  
11 for or spending funds from that account during the  
12 election cycle in which a candidate is a participating  
13 candidate.

14 “(4) EXCEPTION FOR CONTRIBUTIONS RE-  
15 CEIVED BEFORE THE EFFECTIVE DATE OF THIS  
16 TITLE.—Contributions received and expenditures  
17 made by the candidate or an authorized committee  
18 of the candidate prior to the effective date of this  
19 title shall not constitute a violation of subsection (a)  
20 or (b). Unexpended contributions shall be treated  
21 the same as campaign surpluses under paragraph  
22 (3), and expenditures made shall count against the  
23 limit in paragraph (2).

24 “(d) SPECIAL RULE FOR COORDINATED PARTY EX-  
25 PENDITURES.—For purposes of this section, a payment

1 made by a political party in coordination with a partici-  
2 pating candidate shall not be treated as a contribution to  
3 or as an expenditure made by the participating candidate.

4 **“SEC. 522. DEBATE REQUIREMENT.**

5 “A candidate who is certified as a participating can-  
6 didate with respect to an election shall, during the election  
7 cycle for the office involved, participate in at least—

8 “(1) 1 public debate before the primary election  
9 with other participating candidates and other willing  
10 candidates from the same party and seeking the  
11 same nomination as such candidate; and

12 “(2) 2 public debates before the general election  
13 with other participating candidates and other willing  
14 candidates seeking the same office as such can-  
15 didate.

16 **“SEC. 523. REMITTING UNSPENT FUNDS AFTER ELECTION.**

17 “(a) IN GENERAL.—Not later than the date that is  
18 60 days after the last election for which a candidate cer-  
19 tified as a participating candidate qualifies to be on the  
20 ballot during the election cycle involved, such participating  
21 candidate shall remit to the Commission for deposit in the  
22 Fair Elections Fund established under section 531 an  
23 amount equal to the lesser of—

24 “(1) the amount of money in the candidate’s  
25 campaign account; or

1           “(2) the sum of the allocations received by the  
2           candidate under section 502 and the payments re-  
3           ceived by the candidate under section 503.

4           “(b) EXCEPTION FOR EXPENDITURES INCURRED  
5 BUT NOT PAID AS OF DATE OF REMITTANCE.—

6           “(1) IN GENERAL.—Subject to subsection (a), a  
7           candidate may withhold from the amount required to  
8           be remitted under paragraph (1) of such subsection  
9           the amount of any authorized expenditures which  
10          were incurred in connection with the candidate’s  
11          campaign but which remain unpaid as of the dead-  
12          line applicable to the candidate under such sub-  
13          section, except that any amount withheld pursuant  
14          to this paragraph shall be remitted to the Commis-  
15          sion not later than 120 days after the date of the  
16          election to which such subsection applies.

17          “(2) DOCUMENTATION REQUIRED.—A can-  
18          didate may withhold an amount of an expenditure  
19          pursuant to paragraph (1) only if the candidate sub-  
20          mits documentation of the expenditure and the  
21          amount to the Commission not later than the dead-  
22          line applicable to the candidate under subsection (a).

1           **“Subtitle D—Administrative**  
2                           **Provisions**

3   **“SEC. 531. FAIR ELECTIONS FUND.**

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

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

8                   “(1) APPROPRIATED AMOUNTS.—Amounts ap-  
9 propriated to the Fund, including trust fund  
10 amounts appropriated pursuant to applicable provi-  
11 sions of the Internal Revenue Code of 1986.

12                   “(2) VOLUNTARY CONTRIBUTIONS.—Voluntary  
13 contributions to the Fund.

14                   “(3) TRANSFERS RESULTING FROM PAYMENT  
15 OF CIVIL PENALTIES.—Amounts transferred into the  
16 Fund pursuant to section 309(a)(13).

17                   “(4) PROCEEDS FROM RECOVERED SPECTRUM  
18 AUCTIONS.—Amounts deposited pursuant to section  
19 309(j)(8)(E)(ii)(II) of the Communications Act of  
20 1934.

21                   “(5) OTHER DEPOSITS.—Amounts deposited  
22 into the Fund under—

23                           “(A) section 521(a)(3) (relating to excep-  
24 tions to contribution requirements);

1 “(B) section 523 (relating to remittance of  
2 allocations from the Fund);

3 “(C) section 534 (relating to violations);  
4 and

5 “(D) any other section of this Act.

6 “(6) INVESTMENT RETURNS.—Interest on, and  
7 the proceeds from, the sale or redemption of, any  
8 obligations held by the Fund under subsection (c).

9 “(c) INVESTMENT.—The Commission shall invest  
10 portions of the Fund in obligations of the United States  
11 in the same manner as provided under section 9602(b)  
12 of the Internal Revenue Code of 1986.

13 “(d) USE OF FUND.—

14 “(1) IN GENERAL.—The sums in the Fund  
15 shall be used to provide benefits to participating  
16 candidates as provided in subtitle A.

17 “(2) INSUFFICIENT AMOUNTS.—Under regula-  
18 tions established by the Commission, rules similar to  
19 the rules of section 9006(c) of the Internal Revenue  
20 Code of 1986 shall apply.

21 **“SEC. 532. 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 an indi-  
24               vidual who was a registered lobbyist at any

1                   time during the 2-year period preceding  
2                   appointment to the Board; or

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

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

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

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

18                  “(6) CHAIRPERSON.—The Board shall des-  
19                  ignate a Chairperson from among the members of  
20                  the Board.

21                  “(c) DUTIES AND POWERS.—

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



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

3           “(A) IN GENERAL.—After each regularly  
4       scheduled general election for Federal office,  
5       the Board shall conduct a comprehensive review  
6       of the Fair Elections financing program under  
7       this title, including—

8           “(i) the maximum dollar amount of  
9       qualified small dollar contributions under  
10      section 503(f);

11          “(ii) the maximum and minimum dol-  
12      lar amounts for qualifying contributions  
13      under section 512(d);

14          “(iii) the number and value of quali-  
15      fying contributions a candidate is required  
16      to obtain under section 512(a) to be eligi-  
17      ble for certification as a participating can-  
18      didate;

19          “(iv) the amount of allocations that  
20      candidates may receive under section 502;

21          “(v) the maximum amount of pay-  
22      ments a candidate may receive under sec-  
23      tion 503;

1 “(vi) the overall satisfaction of partici-  
2 pating candidates and the American public  
3 with the program; and

4 “(vii) such other matters relating to  
5 financing of House of Representatives  
6 campaigns as the Board determines are  
7 appropriate.

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

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

1 information the Board determines is ap-  
2 propriate.

3 “(ii) REVIEW OF PROGRAM BENE-  
4 FITS.—The Board shall consider whether  
5 the totality of the amount of funds allowed  
6 to be raised by participating candidates  
7 (including through qualifying contributions  
8 and small dollar contributions), allocations  
9 under section 502, and payments under  
10 section 503 are sufficient for voters in each  
11 State to learn about the candidates to cast  
12 an informed vote, taking into account the  
13 historic amount of spending by winning  
14 candidates, media costs, primary election  
15 dates, and any other information the  
16 Board determines is appropriate.

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 503(f);

1 “(II) the maximum and min-  
2 imum dollar amounts for qualifying  
3 contributions under section 512(d);

4 “(III) the number and value of  
5 qualifying contributions a candidate is  
6 required to obtain under section  
7 512(a) to be eligible for certification  
8 as a participating candidate;

9 “(IV) the base amount for can-  
10 didates under section 502(b); and

11 “(V) the maximum amount of  
12 matching contributions a candidate  
13 may receive under section 503(b).

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

18 “(D) REPORT.—Not later than March 30  
19 following any general election for Federal office,  
20 the Board shall submit a report to Congress on  
21 the review conducted under paragraph (1).  
22 Such report shall contain a detailed statement  
23 of the findings, conclusions, and recommenda-  
24 tions of the Board based on such review.

25 “(d) MEETINGS AND HEARINGS.—

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

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

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

16          “(f) ADMINISTRATION.—

17               “(1) COMPENSATION OF MEMBERS.—

18                       “(A) IN GENERAL.—Each member, other  
19                       than the Chairperson, shall be paid at a rate  
20                       equal to the daily equivalent of the minimum  
21                       annual rate of basic pay prescribed for level IV  
22                       of the Executive Schedule under section 5315  
23                       of title 5, United States Code.

24                       “(B) CHAIRPERSON.—The Chairperson  
25                       shall be paid at a rate equal to the daily equiva-

1           lent of the minimum annual rate of basic pay  
2           prescribed for level III of the Executive Sched-  
3           ule under section 5314 of title 5, United States  
4           Code.

5           “(2) PERSONNEL.—

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

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

17                   “(C) EXPERTS AND CONSULTANTS.—With  
18          the approval of the Chairperson, the Executive  
19          Director may procure temporary and intermit-  
20          tent services under section 3109(b) of title 5,  
21          United States Code.

22                   “(D) DETAIL OF GOVERNMENT EMPLOY-  
23          EES.—Upon the request of the Chairperson, the  
24          head of any Federal agency may detail, without  
25          reimbursement, any of the personnel of such

1 agency to the Board to assist in carrying out  
2 the duties of the Board. Any such detail shall  
3 not interrupt or otherwise affect the civil service  
4 status or privileges of the Federal employee.

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

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

16 **“SEC. 533. ADMINISTRATION BY COMMISSION.**

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

19 “(1) to establish procedures for—

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

22 “(B) effectively and efficiently monitoring  
23 and enforcing the limits on the raising of quali-  
24 fied small dollar contributions;

1                   “(C) effectively and efficiently monitoring  
2                   and enforcing the limits on the use of personal  
3                   funds by participating candidates; and

4                   “(D) monitoring the use of allocations  
5                   from the Fair Elections Fund established under  
6                   section 531 and matching contributions under  
7                   this title through audits of not fewer than  $\frac{1}{3}$  of  
8                   all participating candidates or other mecha-  
9                   nisms; and

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

13   **“SEC. 534. VIOLATIONS AND PENALTIES.**

14                  “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-  
15   TION AND EXPENDITURE REQUIREMENTS.—If a can-  
16   didate who has been certified as a participating candidate  
17   accepts a contribution or makes an expenditure that is  
18   prohibited under section 521, the Commission shall assess  
19   a civil penalty against the candidate in an amount that  
20   is not more than 3 times the amount of the contribution  
21   or expenditure. Any amounts collected under this sub-  
22   section shall be deposited into the Fair Elections Fund  
23   established under section 531.

24                  “(b) REPAYMENT FOR IMPROPER USE OF FAIR  
25   ELECTIONS FUND.—



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

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

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

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

20       **“SEC. 535. ELECTION CYCLE DEFINED.**

21           “‘In this title, the term ‘election cycle’ means, with  
22       respect to an election for the office of Representative in,  
23       or Delegate or Resident Commissioner to, the Congress,  
24       the period beginning on the day after the date of the most  
25       recent general election for that office (or, if the general

1 election resulted in a runoff election, the date of the runoff  
 2 election) and ending on the date of the next general elec-  
 3 tion for that office (or, if the general election resulted in  
 4 a runoff election, the date of the runoff election).”.

5 **SEC. 102. TRANSFER OF PORTION OF CIVIL MONEY PEN-**  
 6 **ALTIES INTO FAIR ELECTIONS FUND.**

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

10 “(13) Upon receipt in the General Fund of the Treas-  
 11 ury of any payment attributable to a civil money penalty  
 12 imposed under this subsection, there shall be transferred  
 13 to the Fair Elections Fund established under section 531  
 14 an amount equal to 50 percent of the amount of such pay-  
 15 ment.”.

16 **SEC. 103. PROHIBITING USE OF CONTRIBUTIONS BY PAR-**  
 17 **TICIPATING CANDIDATES FOR PURPOSES**  
 18 **OTHER THAN CAMPAIGN FOR ELECTION.**

19 Section 313 of the Federal Election Campaign Act  
 20 of 1971 (2 U.S.C. 439a) is amended by adding at the end  
 21 the following new subsection:

22 “(d) RESTRICTIONS ON PERMITTED USES OF FUNDS  
 23 BY CANDIDATES RECEIVING FAIR ELECTIONS FINANC-  
 24 ING.—Notwithstanding paragraphs (2), (3), or (4) of sub-  
 25 section (a), if a candidate for election for the office of Rep-

1   representative in, or Delegate or Resident Commissioner to,  
 2   the Congress is certified as a participating candidate  
 3   under title V with respect to the election, any contribution  
 4   which the candidate is permitted to accept under such title  
 5   may be used only for authorized expenditures in connec-  
 6   tion with the candidate's campaign for such office.”.

7   **SEC. 104. PROHIBITION ON JOINT FUNDRAISING COMMIT-**  
 8                                   **TEES.**

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

12                   “(6) No authorized committee of a candidate  
 13           may establish a joint fundraising committee with a  
 14           political committee other than an authorized com-  
 15           mittee of a candidate.”.

16   **SEC. 105. LIMITATION ON COORDINATED EXPENDITURES**  
 17                                   **BY POLITICAL PARTY COMMITTEES WITH**  
 18                                   **PARTICIPATING CANDIDATES.**

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

22                   (1) by redesignating subparagraphs (A) and  
 23           (B) as subparagraphs (B) and (C), respectively; and

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

4                   “(A) in the case of a candidate for election  
5           to the office of Representative in, or Delegate  
6           or Resident Commissioner to, the Congress who  
7           is certified as a participating candidate under  
8           title V, the lesser of—

9                   “(i) 10 percent of the allocation that  
10           the participating candidate is eligible to re-  
11           ceive for the general election under section  
12           502(a); or

13                   “(ii) the amount which would (but for  
14           this subparagraph) apply with respect to  
15           such candidate under subparagraph (B);”.

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

18           (1) in subparagraph (B) (as redesignated by  
19           subsection (a)), by inserting “who is not certified as  
20           a participating candidate under title V” after “only  
21           one Representative”; and

22           (2) in subparagraph (C) (as redesignated by  
23           subsection (a)), by inserting “who is not certified as  
24           a participating candidate under title V” after “any  
25           other State”.

1 **SEC. 106. DEPOSIT OF PROCEEDS FROM RECOVERED SPEC-**  
2 **TRUM AUCTIONS.**

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

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

7 “(I) 90 percent of such proceeds  
8 deposited in”; and

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

10 “(II) 10 percent of such proceeds  
11 deposited in the Fair Elections Fund  
12 established under section 531 of the  
13 Federal Election Campaign Act of  
14 1971.”.

15 **TITLE II—RESPONSIBILITIES OF**  
16 **THE FEDERAL ELECTION**  
17 **COMMISSION**

18 **SEC. 201. PETITION FOR CERTIORARI.**

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

23 **SEC. 202. FILING BY ALL CANDIDATES WITH COMMISSION.**

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

1 “(g) FILING WITH THE COMMISSION.—All des-  
 2 ignations, statements, and reports required to be  
 3 filed under this Act shall be filed with the Commis-  
 4 sion.”.

5 **SEC. 203. ELECTRONIC FILING OF FEC REPORTS.**

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

8 (1) in subparagraph (A), by striking “under  
 9 this Act—” and all that follows and inserting  
 10 “under this Act shall be required to maintain and  
 11 file such designation, statement, or report in elec-  
 12 tronic form accessible by computers.”;

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

16 (3) by striking subparagraph (D).

17 **TITLE III—MISCELLANEOUS**  
 18 **PROVISIONS**

19 **SEC. 301. SEVERABILITY.**

20 If any provision of this Act or amendment made by  
 21 this Act, or the application of a provision or amendment  
 22 to any person or circumstance, is held to be unconstitu-  
 23 tional, the remainder of this Act and amendments made  
 24 by this Act, and the application of the provisions and

1 amendment to any person or circumstance, shall not be  
2 affected by the holding.

3 **SEC. 302. EFFECTIVE DATE.**

4 Except as otherwise provided for in this Act, this Act  
5 and the amendments made by this Act shall take effect  
6 on January 1, 2011.

Union Calendar No. 410

11<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 6116**

[Report No. 111-691, Part I]

**A BILL**

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

DECEMBER 22, 2010

The Committee on Energy and Commerce discharged;  
committed to the Committee of the Whole House on  
the State of the Union and ordered to be printed