

112TH CONGRESS
1ST SESSION

H. R. 2788

To amend the Federal Election Campaign Act of 1971 to prohibit a candidate for election to the office of Senator or Member of the House of Representatives from making campaign expenditures for the election from amounts that were not raised during the election cycle for that office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2011

Mr. WOODALL (for himself and Mr. BARTLETT) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to prohibit a candidate for election to the office of Senator or Member of the House of Representatives from making campaign expenditures for the election from amounts that were not raised during the election cycle for that office, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Competitive Elections
5 Act of 2011”.

1 **SEC. 2. PROHIBITING CANDIDATES FROM MAKING EXPEND-**
2 **ITURES OF CAMPAIGN FUNDS NOT RAISED**
3 **DURING ELECTION CYCLE.**

4 (a) PROHIBITION.—Title III of the Federal Election
5 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended
6 by inserting after section 315A the following new section:

7 **“SEC. 315B. PROHIBITING CANDIDATES FROM MAKING EX-**
8 **PENDITURES OF FUNDS NOT RAISED DURING**
9 **ELECTION CYCLE.**

10 “(a) RESTRICTION ON EXPENDITURES.—An author-
11 ized committee of a candidate for election for the office
12 of Senator or the office of Representative in, or Delegate
13 or Resident Commissioner to, the Congress may not make
14 any expenditure of funds in support of the candidate’s
15 campaign for election that were not deposited in the ac-
16 count of the committee during the election cycle for the
17 office involved.

18 “(b) EXCEPTION FOR CANDIDATES FACING CERTAIN
19 OPPONENTS.—

20 “(1) STATEMENTS OF EXPENDITURES FROM
21 PERSONAL FUNDS.—

22 “(A) INITIAL NOTIFICATION.—Not later
23 than 24 hours after a candidate for election for
24 the office of Senator or the office of Represent-
25 ative in, or Delegate or Resident Commissioner
26 to, the Congress makes expenditures from per-

1 sonal funds during the election cycle in an ag-
2 gregate amount that exceeds \$100,000, the can-
3 didate shall file a statement with the Commis-
4 sion and each other candidate in the same elec-
5 tion that sets forth the amount by which ex-
6 penditures from personal funds made by the
7 candidate during the cycle exceeds \$100,000.

8 “(B) ADDITIONAL NOTIFICATIONS.—After
9 a candidate files an initial statement under sub-
10 paragraph (A), the candidate shall file an addi-
11 tional statement each time the candidate makes
12 or obligates to make expenditures from personal
13 funds during the election cycle in an aggregate
14 amount that exceeds \$50,000. Such additional
15 statement shall be filed not later than 24 hours
16 after the expenditure is made, and shall set
17 forth the amount of expenditures from personal
18 funds made by the candidate since the most re-
19 cent statement filed under this paragraph.

20 “(2) PERMITTING USE OF PREVIOUSLY RAISED
21 FUNDS BASED ON STATEMENTS FROM OPPO-
22 NENTS.—Notwithstanding subsection (a), an author-
23 ized committee of a candidate who receives a state-
24 ment under paragraph (1) from another candidate
25 in the election may make expenditures of funds that

1 were deposited in the account of the committee prior
 2 to the election cycle for the office involved in an
 3 amount equal to the sum of—

4 “(A) \$100,000; plus

5 “(B) an amount equal to the product of—

6 “(i) the number of statements the
 7 candidate receives under paragraph (1)
 8 during the election cycle; and

9 “(ii) \$50,000.

10 “(3) EXPENDITURE FROM PERSONAL FUNDS
 11 DEFINED.—In this subsection, the term ‘expenditure
 12 from personal funds’ means—

13 “(A) an expenditure made by a candidate
 14 using personal funds; and

15 “(B) a contribution or loan made by a can-
 16 didate using personal funds or a loan secured
 17 using such funds to an authorized committee of
 18 the candidate.

19 “(c) ELECTION CYCLE DEFINED.—In this section,
 20 the term ‘election cycle’ means—

21 “(1) with respect to a candidate for election for
 22 the office of Senator, the period beginning on the
 23 day after the date of the most recent regularly
 24 scheduled general election for that office and ending

1 on the date of the next regularly scheduled general
2 election for that office; and

3 “(2) with respect to a candidate for election for
4 the office of Representative in, or Delegate or Resi-
5 dent Commissioner to, the Congress, the period be-
6 ginning on the day after the most recent regularly
7 scheduled general election for Federal office and
8 ending on the date of the next regularly scheduled
9 general election for Federal office.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall apply with respect to each election
12 cycle that begins after the date of the enactment of this
13 Act. For purposes of this subsection, the term “election
14 cycle” has the meaning given such term in section 315B(c)
15 of the Federal Election Campaign Act of 1971 (as added
16 by subsection (a)).

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