

105TH CONGRESS  
2D SESSION

# S. 1681

To shorten the campaign period for congressional elections.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 1998

Mr. CONRAD introduced the following bill; which was read twice and referred  
to the Committee on Rules and Administration

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## A BILL

To shorten the campaign period for congressional elections.

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. VOLUNTARY LIMITS ON CAMPAIGN ADVERTIS-**  
4 **ING.**

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

8 **“SEC. 324. VOLUNTARY ADVERTISING LIMITS AND BENE-**  
9 **FITS FOR ELIGIBLE CONGRESSIONAL CAN-**  
10 **DIDATES.**

11 **“(a) DEFINITIONS.—**In this section—

1           “(1) CAMPAIGN ADVERTISING.—The term ‘cam-  
2       paign advertising’ means a disbursement for any  
3       communication through any broadcasting station.

4           “(2) ELIGIBLE CONGRESSIONAL CANDIDATE.—  
5       The term ‘eligible congressional candidate’ means a  
6       candidate for nomination to, or election to, the Sen-  
7       ate or the House of Representatives that the Com-  
8       mission has certified under subsection (d) as an eli-  
9       gible candidate for a primary or general election.

10          “(3) GENERAL ELECTION PERIOD.—The term  
11       ‘general election period’ means the time period be-  
12       ginning on the date that is 60 days before the date  
13       of the general election for the office to which the  
14       candidate is seeking election and ending on the date  
15       of the general election.

16          “(4) PRIMARY ELECTION PERIOD.—The term  
17       ‘primary election period’ means the time period be-  
18       ginning on the date that is 30 days before the date  
19       of the primary election for the office to which the  
20       candidate is seeking election and ending on the date  
21       of the primary election.

22       “(b) REQUIREMENTS.—

23           “(1) IN GENERAL.—A candidate for election, or  
24       nomination for election, to the Senate or House of  
25       Representatives is an eligible candidate—

1           “(A) for purposes of a primary election, if  
 2           the Commission certifies that the candidate has  
 3           met the primary election filing requirement of  
 4           paragraph (2); and

5           “(B) for purposes of a general election, if  
 6           the Commission certifies that the candidate has  
 7           met the general election filing requirement of  
 8           paragraph (3).

9           “(2) PRIMARY ELECTION FILING REQUIRE-  
 10          MENT.—

11           “(A) IN GENERAL.—The requirement of  
 12           this paragraph is met if the candidate files with  
 13           the Commission a declaration that—

14           “(i) the candidate and the candidate’s  
 15           authorized committees will not participate  
 16           in campaign advertising except during the  
 17           primary election period; and

18           “(ii) at least 1 other candidate has  
 19           qualified for the same primary election bal-  
 20           lot under the law of the candidate’s State.

21           “(B) DEADLINE FOR FILING PRIMARY  
 22           ELECTION DECLARATION.—The declaration  
 23           under subparagraph (A) shall be filed not later  
 24           than the date on which the candidate files, with

1 the appropriate State officer, as a candidate for  
2 the primary election.

3 “(3) GENERAL ELECTION FILING REQUIRE-  
4 MENT.—

5 “(A) IN GENERAL.—The requirement of  
6 this paragraph is met if the candidate files with  
7 the Commission a declaration that the can-  
8 didate and the candidate’s authorized commit-  
9 tees will not participate in campaign advertising  
10 except during the general election period.

11 “(B) DEADLINE FOR FILING GENERAL  
12 ELECTION DECLARATION.—The declaration  
13 under subparagraph (A) shall be filed not later  
14 than 7 days after the earlier of—

15 “(i) the date on which the candidate  
16 qualifies for the general election ballot  
17 under State law; or

18 “(ii) if under State law, a primary or  
19 runoff election to qualify for the general  
20 election ballot occurs after September 1,  
21 the date on which the candidate wins the  
22 primary or runoff election.

23 “(c) BENEFITS FOR ELIGIBLE CONGRESSIONAL CAN-  
24 DIDATES.—

1           “(1) IN GENERAL.—If an eligible congressional  
2 candidate has an opponent who has qualified for the  
3 ballot, the candidate shall be entitled to the broad-  
4 cast media rates provided under section 315(b)(2) of  
5 the Communications Act of 1934.

6           “(2) USE OF BENEFIT.—An eligible congres-  
7 sional candidate that uses the broadcast media rates  
8 under paragraph (1) for broadcast time shall use the  
9 time for a communication that is not less than 60  
10 seconds in length.

11          “(d) CERTIFICATION.—

12           “(1) IN GENERAL.—The Commission shall de-  
13 termine whether a candidate has met the require-  
14 ments of this section and, based on the determina-  
15 tion, issue a certification stating whether the can-  
16 didate is an eligible candidate for the applicable elec-  
17 tion entitled to receive benefits under this section.

18           “(2) CERTIFICATION.—

19           “(A) PRIMARY ELECTION.—Not later than  
20 7 business days after a candidate files a dec-  
21 laration under subsection (b)(2), the Commis-  
22 sion shall determine whether the candidate  
23 meets the eligibility requirements of such sub-  
24 section and, if so, certify that the candidate is

1 an eligible candidate for the primary election  
 2 entitled to receive benefits under this section.

3 “(B) GENERAL ELECTION.—Not later than  
 4 7 business days after a candidate files a dec-  
 5 laration under subsection (b)(3), the Commis-  
 6 sion shall determine whether the candidate  
 7 meets the eligibility requirement of such sub-  
 8 section and, if so, certify that the candidate is  
 9 an eligible candidate for the general election en-  
 10 titled to receive benefits under this title.

11 “(e) REVOCATION OF CERTIFICATION.—

12 “(1) IN GENERAL.—The Commission shall re-  
 13 voke a certification under subsection (d), based on  
 14 information submitted in such form and manner as  
 15 the Commission may require or on information that  
 16 comes to the Commission by other means, if the  
 17 Commission determines that a candidate—

18 “(A) violates any requirement of this sec-  
 19 tion; or

20 “(B) fails to continue to meet the require-  
 21 ments of this section.

22 “(2) NO FURTHER BENEFITS.—A candidate  
 23 whose certification has been revoked shall be ineli-  
 24 gible for any further benefits made available under  
 25 this section for the duration of the election cycle.

1       “(f) DETERMINATIONS BY COMMISSION.—A deter-  
 2 mination (including a certification under subsection (d))  
 3 made by the Commission under this title shall be final,  
 4 except to the extent that the determination is subject to  
 5 judicial review.

6       “(g) PENALTY FOR MISUSE OF BENEFITS.—If the  
 7 Commission revokes the certification of an eligible con-  
 8 gressional candidate, the Commission shall so notify the  
 9 candidate, and the candidate shall pay to the provider of  
 10 any benefit received by the candidate under this section  
 11 an amount equal to the difference between the amount the  
 12 candidate paid for such benefit and the amount the can-  
 13 didate would have paid for the benefit if the candidate  
 14 were not an eligible congressional candidate.”.

15 **SEC. 2. BROADCAST RATES AND PREEMPTION.**

16       (a) BROADCAST RATES.—Section 315(b) of the Com-  
 17 munications Act of 1934 (47 U.S.C. 315(b)) is amended—

18               (1) by striking “(b) The charges” and inserting  
 19       the following:

20       “(b) BROADCAST MEDIA RATES.—

21               “(1) IN GENERAL.—The charges”;

22               (2) by redesignating paragraphs (1) and (2) as  
 23       subparagraphs (A) and (B), respectively, and adjust-  
 24       ing the margins accordingly;

(3) in paragraph (1)(A) (as redesignated by paragraph (2))—

(A) by striking “forty-five” and inserting “30”; and

(B) by striking “lowest unit charge of the station for the same class and amount of time for the same period” and inserting “lowest charge of the station for the same amount of time for the same period on the same date”; and

(4) by adding at the end the following:

“(2) ELIGIBLE CONGRESSIONAL CANDIDATES.—

“(A) ELIGIBLE CONGRESSIONAL CANDIDATES.—In the case of an eligible congressional candidate (as defined in section 324 of the Federal Election Campaign Act of 1971) the charges for the use of a television broadcasting station during the 30-day period and 60-day period referred to in paragraph (1)(A) shall not exceed 50 percent of the lowest charge described in paragraph (1)(A).

“(B) NONELIGIBLE CONGRESSIONAL CANDIDATES.—In the case of a candidate for Federal office who is not an eligible congressional



1 candidate (as so defined), paragraph (1)(A)  
 2 shall not apply.”.

3 (b) PREEMPTION; ACCESS.—Section 315 of the Com-  
 4 munications Act of 1934 (47 U.S.C. 315) is amended—

5 (1) by redesignating subsections (c) and (d), as  
 6 subsections (d) and (e), respectively; and

7 (2) by inserting after subsection (b) the follow-  
 8 ing:

9 “(c) PREEMPTION.—

10 “(1) IN GENERAL.—Except as provided in para-  
 11 graph (2), a licensee shall not preempt the use, dur-  
 12 ing any period specified in subsection (b)(1)(A), of  
 13 a broadcasting station by an eligible congressional  
 14 candidate (as defined in section 324 of the Federal  
 15 Election Campaign Act of 1971) that has purchased  
 16 and paid for such use pursuant to subsection (b)(2).

17 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-  
 18 CENSEE.—If a program to be broadcast by a broad-  
 19 casting station is preempted because of cir-  
 20 cumstances beyond the control of the broadcasting  
 21 station, any candidate advertising spot scheduled to  
 22 be broadcast during that program may also be pre-  
 23 empted.”.

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

4           (1) by striking “or repeated”;

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

7           (3) by striking “his candidacy” and inserting  
8 “the candidacy of the candidate, under the same  
9 terms, conditions, and business practices as apply to  
10 the most favored advertiser of the licensee”.

11       (d) EFFECTIVE DATE.—The amendments made by  
12 this section shall take effect on the date that is 60 days  
13 after the date of enactment of this Act.

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