

107TH CONGRESS
2D SESSION

H. R. 3680

To amend the Federal Election Campaign Act of 1971 to require persons who make disbursements for certain electioneering communications and certain mass communications to file information with the Federal Election Commission regarding the source of the funds used for the disbursements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2002

Ms. HART 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 require persons who make disbursements for certain electioneering communications and certain mass communications to file information with the Federal Election Commission regarding the source of the funds used for the disbursements, 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 “Full Disclosure Cam-
5 paign Reform Act of 2002”.

1 **SEC. 2. DISCLOSURE OF SOURCES OF ELECTIONEERING**
2 **COMMUNICATIONS AND TARGETED MASS**
3 **COMMUNICATIONS.**

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

7 “(e) DISCLOSURE OF ELECTIONEERING COMMUNICA-
8 TIONS AND TARGETED MASS COMMUNICATIONS.—

9 “(1) STATEMENT REQUIRED.—Every person
10 who makes a disbursement for the direct costs of
11 producing and airing electioneering communications
12 or targeted mass communications in an aggregate
13 amount in excess of \$10,000 during any calendar
14 year shall, within 24 hours of each disclosure date,
15 file with the Commission a statement containing the
16 information described in paragraph (2).

17 “(2) CONTENTS OF STATEMENT.—Each state-
18 ment required to be filed under this subsection shall
19 be made under penalty of perjury and shall contain
20 the following information:

21 “(A) The identification of the person mak-
22 ing the disbursement, of any person sharing or
23 exercising direction or control over the activities
24 of such person, and of the custodian of the
25 books and accounts of the person making the
26 disbursement.

1 “(B) The principal place of business of the
2 person making the disbursement, if not an indi-
3 vidual.

4 “(C) The amount of each disbursement of
5 more than \$200 during the period covered by
6 the statement and the identification of the per-
7 son to whom the disbursement was made.

8 “(D) The elections to which the election-
9 eering communications or targeted mass com-
10 munications pertain and the names (if known)
11 of the candidates identified or to be identified.

12 “(E) If the disbursements were paid out of
13 a segregated bank account which consists of
14 funds contributed solely by individuals who are
15 United States citizens or nationals or lawfully
16 admitted for permanent residence as defined in
17 section 1101(a)(2) of the Immigration and Na-
18 tionality Act (8 U.S.C. 1101(a)(2)) directly to
19 this account for electioneering communications
20 or targeted mass communications, the names
21 and addresses of all contributors who contrib-
22 uted an aggregate amount of \$1,000 or more to
23 that account during the period beginning on the
24 first day of the preceding calendar year and
25 ending on the disclosure date. Nothing in this

1 subparagraph is to be construed as a prohibi-
2 tion on the use of funds in such a segregated
3 account for a purpose other than electioneering
4 communications or targeted mass communica-
5 tions.

6 “(F) If the disbursements were paid out of
7 funds not described in subparagraph (E), the
8 names and addresses of all contributors who
9 contributed an aggregate amount of \$1,000 or
10 more to the person making the disbursement
11 during the period beginning on the first day of
12 the preceding calendar year and ending on the
13 disclosure date.

14 “(3) ELECTIONEERING COMMUNICATION.—For
15 purposes of this subsection—

16 “(A) IN GENERAL.—(i) The term ‘election-
17 eering communication’ means any broadcast,
18 cable, or satellite communication which refers to
19 a clearly identified candidate for Federal office.

20 “(ii) If clause (i) is held to be constitu-
21 tionally insufficient by final judicial decision to
22 support any regulation promulgated to carry
23 out the definition of the term ‘electioneering
24 communication’ under such clause, the term
25 ‘electioneering communication’ means any

1 broadcast, cable, or satellite communication
2 which promotes or supports a candidate for
3 that office, or attacks or opposes a candidate
4 for that office (regardless of whether the com-
5 munication expressly advocates a vote for or
6 against a candidate) and which also is sugges-
7 tive of no plausible meaning other than an ex-
8 hortation to vote for or against a specific can-
9 didate.

10 “(iii) Nothing in this subparagraph shall
11 be construed to affect the interpretation or ap-
12 plication of section 100.22(b) of title 11, Code
13 of Federal Regulations, or any other regulation
14 promulgated by the Commission to carry out
15 the definition of the term ‘expressly advocating’
16 for purposes of any other provision of this Act.

17 “(B) EXCEPTIONS.—The term ‘election-
18 eering communication’ does not include—

19 “(i) a communication appearing in a
20 news story, commentary, or editorial dis-
21 tributed through the facilities of any
22 broadcasting station, unless such facilities
23 are owned or controlled by any political
24 party, political committee, or candidate;

1 “(ii) a communication which con-
2 stitutes an expenditure or an independent
3 expenditure under this Act;

4 “(iii) a communication which con-
5 stitutes a candidate debate or forum con-
6 ducted pursuant to regulations adopted by
7 the Commission, or which solely promotes
8 such a debate or forum and is made by or
9 on behalf of the person sponsoring the de-
10 bate or forum; or

11 “(iv) any other communication ex-
12 empted under such regulations as the
13 Commission may promulgate (consistent
14 with the requirements of this paragraph)
15 to ensure the appropriate implementation
16 of this paragraph, except that under any
17 such regulation a communication may not
18 be exempted if the communication—

19 “(I) meets the requirements of
20 this paragraph; and

21 “(II) is a public communication
22 which refers to a clearly identified
23 candidate for Federal office (regard-
24 less of whether a candidate for State
25 or local office is also mentioned or

1 identified) and which promotes or
 2 supports a candidate for that office,
 3 or attacks or opposes a candidate for
 4 that office (regardless of whether the
 5 communication expressly advocates a
 6 vote for or against a candidate).

7 “(4) TARGETED MASS COMMUNICATION DE-
 8 FINED.—

9 “(A) IN GENERAL.—In this subsection, the
 10 term ‘targeted mass communication’ means any
 11 communication—

12 “(i) which refers to or depicts a clear-
 13 ly identified candidate for such election (by
 14 name, image, or likeness); and

15 “(ii) which is targeted to the relevant
 16 electorate.

17 “(B) TARGETING TO RELEVANT ELEC-
 18 TORATE.—

19 “(i) BROADCAST COMMUNICATIONS.—
 20 For purposes of this paragraph, a commu-
 21 nication disseminated to the public by
 22 means of any broadcast, cable, or satellite
 23 communication which refers to or depicts a
 24 clearly identified candidate for Federal of-
 25 fice is ‘targeted to the relevant electorate’

1 if the communication is disseminated by a
2 broadcaster whose audience includes—

3 “(I) a substantial number of resi-
4 dents of the district the candidate
5 seeks to represent (as determined in
6 accordance with regulations of the
7 Commission), in the case of a can-
8 didate for Representative in, or Dele-
9 gate or Resident Commissioner to, the
10 Congress; or

11 “(II) a substantial number of
12 residents of the State the candidate
13 seeks to represent (as determined in
14 accordance with regulations of the
15 Commission), in the case of a can-
16 didate for Senator.

17 “(ii) OTHER COMMUNICATIONS.—For
18 purposes of this paragraph, a communica-
19 tion which is not described in clause (i)
20 which refers to or depicts a clearly identi-
21 fied candidate for Federal office is ‘tar-
22 geted to the relevant electorate’ if—

23 “(I) more than 10 percent of the
24 total number of intended recipients of
25 the communication are members of

1 the electorate involved with respect to
2 such Federal office; or

3 “(II) more than 10 percent of
4 the total number of members of the
5 electorate involved with respect to
6 such Federal office receive the com-
7 munication.

8 “(C) EXCEPTIONS.—The term ‘targeted
9 mass communication’ does not include—

10 “(i) a communication appearing in a
11 news story, commentary, or editorial dis-
12 tributed through the facilities of any
13 broadcasting station, newspaper, magazine,
14 or other periodical publication, unless such
15 facilities are owned or controlled by any
16 political party, political committee, or can-
17 didate;

18 “(ii) a communication made by any
19 membership organization (including a
20 labor organization) or corporation solely to
21 its members, stockholders, or executive or
22 administrative personnel, if such member-
23 ship organization or corporation is not or-
24 ganized primarily for the purpose of influ-

1 encing the nomination for election, or elec-
2 tion, of any individual to Federal office; or

3 “(iii) a communication which con-
4 stitutes an expenditure under this Act.

5 “(5) DISCLOSURE DATE.—For purposes of this
6 subsection, the term ‘disclosure date’ means—

7 “(A) the first date during any calendar
8 year by which a person has made disbursements
9 for the direct costs of producing or airing elec-
10 tioneering communications aggregating in ex-
11 cess of \$10,000; and

12 “(B) any other date during such calendar
13 year by which a person has made disbursements
14 for the direct costs of producing or airing elec-
15 tioneering communications aggregating in ex-
16 cess of \$10,000 since the most recent disclosure
17 date for such calendar year.

18 “(6) CONTRACTS TO DISBURSE.—For purposes
19 of this subsection, a person shall be treated as hav-
20 ing made a disbursement if the person has executed
21 a contract to make the disbursement.

22 “(7) COORDINATION WITH OTHER REQUIRE-
23 MENTS.—Any requirement to report under this sub-
24 section shall be in addition to any other reporting
25 requirement under this Act.

1 “(8) COORDINATION WITH INTERNAL REV-
2 ENUE CODE.—Nothing in this subsection may be
3 construed to establish, modify, or otherwise affect
4 the definition of political activities or electioneering
5 activities (including the definition of participating in,
6 intervening in, or influencing or attempting to influ-
7 ence a political campaign on behalf of or in opposi-
8 tion to any candidate for public office) for purposes
9 of the Internal Revenue Code of 1986.”.

10 (b) RESPONSIBILITIES OF FEDERAL COMMUNICA-
11 TIONS COMMISSION.—The Federal Communications Com-
12 mission shall compile and maintain any information the
13 Federal Election Commission may require to carry out
14 section 304(e) of the Federal Election Campaign Act of
15 1971 (as added by subsection (a)), and shall make such
16 information available to the public on the Federal Commu-
17 nication Commission’s website.

18 **SEC. 3. EFFECTIVE DATE.**

19 The amendments made by section 2 shall take effect
20 30 days after the date of the enactment of this Act.

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