

108TH CONGRESS  
1ST SESSION

# H. R. 3641

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

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2003

Mr. TIERNEY (for himself, Mr. GRIJALVA, Mr. HOFFEL, Mr. KIND, Mr. CASE, Mr. GEORGE MILLER of California, Ms. BALDWIN, Mr. McDERMOTT, Ms. WOOLSEY, Mr. BLUMENAUER, Ms. KAPTUR, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. FARR, Mr. NADLER, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. SANDERS, Mr. CONYERS, Ms. DELAULO, Mr. LANTOS, Mr. DELAHUNT, Ms. ESHOO, Mr. WAXMAN, Mr. STARK, Mr. VAN HOLLEN, Ms. LEE, Mr. JACKSON of Illinois, and Mr. McNULTY) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Energy and Commerce and Government Reform, 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

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## A BILL

To reform the financing of Federal 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 “Clean Money, Clean Elections Act”.

1       (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CLEAN MONEY FINANCING OF HOUSE ELECTION  
 CAMPAIGNS

Sec. 101. Findings and declarations.

Sec. 102. Eligibility requirements and benefits of Clean Money financing of  
 House election campaigns.

“TITLE V—CLEAN MONEY FINANCING OF HOUSE ELECTION  
 CAMPAIGNS

“Sec. 501. Definitions.

“Sec. 502. Eligibility for Clean Money.

“Sec. 503. Requirements applicable to Clean Money candidates.

“Sec. 504. Seed money.

“Sec. 505. Certification by Commission.

“Sec. 506. Benefits for Clean Money candidates.

“Sec. 507. Administration of Clean Money.

“Sec. 508. Expenditures made from funds other than Clean Money.

“Sec. 509. Authorization of appropriations.

Sec. 103. Reporting requirements for expenditures of private money candidates.

Sec. 104. Transition rule for current election cycle.

TITLE II—INDEPENDENT EXPENDITURES; COORDINATED  
 POLITICAL PARTY EXPENDITURES

Sec. 201. Reporting requirements for independent expenditures.

Sec. 202. Limit on expenditures by political party committees.

Sec. 203. Treatment of coordinated expenditures as contributions.

TITLE III—VOTER INFORMATION

Sec. 301. Free broadcast time.

Sec. 302. Broadcast rates and preemption.

Sec. 303. Limit on Congressional use of the franking privilege.

TITLE IV—RESTRUCTURING AND STRENGTHENING OF THE  
 FEDERAL ELECTION COMMISSION

Sec. 401. Appointment and terms of Commissioners.

Sec. 402. Audits.

Sec. 403. Authority to seek injunction.

Sec. 404. Standard for investigation.

Sec. 405. Petition for certiorari.

Sec. 406. Expedited procedures.

Sec. 407. Promoting expedited availability of FEC reports.

Sec. 408. Power to issue subpoena without signature of Chairperson.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Severability.

Sec. 502. Review of constitutional issues.

Sec. 503. Effective date.

1 **TITLE I—CLEAN MONEY FINANC-**  
2 **ING OF HOUSE ELECTION**  
3 **CAMPAIGNS**

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

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

12 (1) violating the democratic principle of “one  
13 person, one vote” and diminishing the meaning of  
14 the right to vote by allowing monied interests to  
15 have a disproportionate and unfair influence within  
16 the political process;

17 (2) diminishing or giving the appearance of di-  
18 minishing a Member of the House of  
19 Representatives’s accountability to constituents by  
20 compelling legislators to be accountable to the major  
21 contributors who finance their election campaigns;

22 (3) creating a conflict of interest, perceived or  
23 real, by encouraging Members to take money from  
24 private interests that are directly affected by Federal  
25 legislation;

1           (4) imposing large, unwarranted costs on tax-  
2       payers through legislative and regulatory outcomes  
3       shaped by unequal access to lawmakers for cam-  
4       paign contributors;

5           (5) driving up the cost of election campaigns,  
6       making it difficult for qualified candidates without  
7       personal fortunes or access to campaign contribu-  
8       tions from monied individuals and interest groups to  
9       mount competitive House of Representatives election  
10      campaigns;

11          (6) disadvantaging challengers, because large  
12      campaign contributors tend to give their money to  
13      incumbent Members, thus causing House of Rep-  
14      resentatives elections to be less 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      CLEAN MONEY.—Congress finds and declares that pro-  
20      viding the option of the replacement of private campaign  
21      contributions with clean money financing for all primary,  
22      runoff, and general elections to the House of Representa-  
23      tives would enhance American democracy by—

24          (1) helping to eliminate access to wealth as a  
25      determinant of a citizen's influence within the polit-

1 ical process and to restore meaning to the principle  
2 of “one person, one vote”;

3 (2) increasing the public’s confidence in the ac-  
4 countability of Members to the constituents who  
5 elect them;

6 (3) eliminating the potentially inherent conflict  
7 of interest caused by the private financing of the  
8 election campaigns of public officials, thus restoring  
9 public confidence in the fairness of the electoral and  
10 legislative processes;

11 (4) reversing the escalating cost of elections  
12 and saving taxpayers billions of dollars that are (or  
13 that are perceived to be) currently misspent due to  
14 legislative and regulatory agendas skewed by the in-  
15 fluence of contributions;

16 (5) creating a more level playing field for in-  
17 cumbents and challengers, creating genuine opportu-  
18 nities for all Americans to run for the House of Rep-  
19 resentatives, and encouraging more competitive elec-  
20 tions; and

21 (6) freeing Members from the constant pre-  
22 occupation with raising money, and allowing them  
23 more time to carry out their public responsibilities.

1 **SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF**  
 2 **CLEAN MONEY FINANCING OF HOUSE ELEC-**  
 3 **TION CAMPAIGNS.**

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

7 **“TITLE V—CLEAN MONEY FI-**  
 8 **NANCING OF HOUSE ELEC-**  
 9 **TION CAMPAIGNS**

10 **“SEC. 501. DEFINITIONS.**

11 “In this title:

12 “(1) ALLOWABLE CONTRIBUTION.—The term  
 13 ‘allowable contribution’ means a qualifying contribu-  
 14 tion or seed money contribution.

15 “(2) CLEAN MONEY.—The term ‘clean money’  
 16 means funds that are made available by the Com-  
 17 mission to a clean money candidate under this title.

18 “(3) CLEAN MONEY CANDIDATE.—The term  
 19 ‘clean money candidate’ means a candidate for Mem-  
 20 ber of or Delegate or Resident Commissioner to the  
 21 Congress who is certified under section 505 as being  
 22 eligible to receive clean money.

23 “(4) CLEAN MONEY QUALIFYING PERIOD.—The  
 24 term ‘clean money qualifying period’ means the pe-  
 25 riod beginning on the date that is 180 days before  
 26 the date of the primary election and ending on the

1 date that is 30 days before the date of the general  
2 election. In the event of a special election, the clean  
3 money qualifying period shall begin on the earlier  
4 date of either the date that is 180 days before the  
5 date of the special election or on the date of an-  
6 nouncement of such special election date if same as  
7 within 180 days of the date of the special election.  
8 It shall end on the date that is 30 days before the  
9 date of the special election.

10 “(5) GENERAL ELECTION PERIOD.—The term  
11 ‘general election period’ means, with respect to a  
12 candidate, the period beginning on the day after the  
13 date of the primary or primary runoff election for  
14 the specific office that the candidate is seeking,  
15 whichever is later, and ending on the earlier of—

16 “(A) the date of the general election; or

17 “(B) the date on which the candidate with-  
18 draws from the campaign or otherwise ceases  
19 actively to seek election.

20 “(6) GENERAL RUNOFF ELECTION PERIOD.—  
21 The term ‘general runoff election period’ means,  
22 with respect to a candidate, the period beginning on  
23 the day following the date of the last general election  
24 for the specific office that the candidate is seeking

1 and ending on the date of the runoff election for  
2 that office.

3 “(7) HOUSE OF REPRESENTATIVES ELECTION  
4 FUND.—The term ‘House of Representatives Elec-  
5 tion Fund’ means the fund established by section  
6 507(a).

7 “(8) IMMEDIATE FAMILY.—The term ‘imme-  
8 diate family’ means—

9 “(A) a candidate’s spouse;

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

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

16 “(9) MAJOR PARTY CANDIDATE.—The term  
17 ‘major party candidate’ means a candidate of a po-  
18 litical party of which a candidate for Member of or  
19 Delegate or Resident Commissioner to the Congress,  
20 for President, or for Governor in the preceding 5  
21 years received, as a candidate of that party, 25 per-  
22 cent or more of the total number of popular votes  
23 received in the State (or Congressional district, if  
24 applicable) by all candidates for the same office.

1           “(10) PERSONAL FUNDS.—The term ‘personal  
2 funds’ means an amount that is derived from—

3           “(A) the personal funds of the candidate  
4 or a member of the candidate’s immediate fam-  
5 ily; and

6           “(B) proceeds of indebtedness incurred by  
7 the candidate or a member of the candidate’s  
8 immediate family.

9           “(11) PERSONAL USE.—

10           “(A) IN GENERAL—The term ‘personal  
11 use’ means the use of funds to fulfill a commit-  
12 ment, obligation, or expense of a person that  
13 would exist irrespective of the candidate’s elec-  
14 tion campaign or individual’s duties as a holder  
15 of Federal office.

16           “(B) INCLUSIONS.—The term ‘personal  
17 use’ includes, but is not limited to—

18           “(i) a home mortgage, rent, or utility  
19 payment;

20           “(ii) a clothing purchase;

21           “(iii) a noncampaign-related auto-  
22 mobile expense;

23           “(iv) a country club membership;

24           “(v) a vacation or other noncampaign-  
25 related trip;

- 1 “(vi) a household food item;  
2 “(vii) a tuition payment;  
3 “(viii) admission to a sporting event,  
4 concert, theater, or other form of enter-  
5 tainment not associated with an election  
6 campaign; and  
7 “(ix) dues, fees, and other payments  
8 to a health club or recreational facility.

9 “(12) PRIMARY ELECTION PERIOD.—The term  
10 ‘primary election period’ means the period beginning  
11 on the date that is 90 days before the date of the  
12 primary election and ending on the date of the pri-  
13 mary election. In the event of a special primary elec-  
14 tion, if applicable, the term ‘primary election period’  
15 means the period beginning on the date that is the  
16 longer of 90 days before the date of such special pri-  
17 mary election, or the date of establishment by the  
18 appropriate election authority of the special primary  
19 election date and ending on the date of the special  
20 primary election.

21 “(13) PRIMARY RUNOFF ELECTION PERIOD.—  
22 The term ‘primary runoff election period’ means,  
23 with respect to a candidate, the period beginning on  
24 the day following the date of the last primary elec-  
25 tion for the specific office that the candidate is seek-

1 ing and ending on the date of the runoff election  
2 for that office.

3 “(14) PRIVATE MONEY CANDIDATE.—The term  
4 ‘private money candidate’ means a candidate for  
5 Member of or Delegate or Resident Commissioner to  
6 the Congress other than a clean money candidate.

7 “(15) QUALIFYING CONTRIBUTION.—The term  
8 ‘qualifying contribution’ means a contribution that—

9 “(A) is in the amount of \$5 exactly;

10 “(B) is made by an individual who is a  
11 resident of the candidate’s State and is other-  
12 wise authorized to make a contribution under  
13 this Act;

14 “(C) is made during the clean money  
15 qualifying period; and

16 “(D) meets the requirements of section  
17 502(a)(2)(D).

18 “(16) SEED MONEY CONTRIBUTION.—The term  
19 ‘seed money contribution’ means a contribution (or  
20 contributions in the aggregate made by any 1 per-  
21 son) of not more than \$100.

22 “(17) STATE.—The term ‘State’ includes the  
23 District of Columbia, Puerto Rico, the Virgin Is-  
24 lands, American Samoa, and Guam.

1 **“SEC. 502. ELIGIBILITY FOR CLEAN MONEY.**

2 “(a) PRIMARY ELECTION PERIOD AND PRIMARY  
3 RUNOFF ELECTION PERIOD.—

4 “(1) IN GENERAL.—A candidate qualifies as a  
5 clean money candidate during the primary election  
6 period and primary runoff election period if the can-  
7 didate files with the Commission a declaration,  
8 signed by the candidate and the treasurer of the  
9 candidate’s principal campaign committee, that the  
10 candidate—

11 “(A) has complied and will comply with all  
12 of the requirements of this title;

13 “(B) will not run in the general election as  
14 a private money candidate; and

15 “(C) meets the qualifying contribution re-  
16 quirement of paragraph (2).

17 “(2) QUALIFYING CONTRIBUTION REQUIRE-  
18 MENT.—

19 “(A) MAJOR PARTY CANDIDATES AND CER-  
20 TAIN INDEPENDENT CANDIDATES.—The re-  
21 quirement of this paragraph is met if, during  
22 the clean money qualifying period, a major  
23 party candidate (or an independent candidate  
24 who meets the minimum vote percentage re-  
25 quired for a major party candidate under sec-

1           tion 501(9)) receives 1,500 qualifying contribu-  
2           tions.

3           “(B) OTHER CANDIDATES.—The require-  
4           ment of this paragraph is met if, during the  
5           clean money qualifying period, a candidate who  
6           is not described in subparagraph (A) receives a  
7           number of qualifying contributions that is at  
8           least 150 percent of the number of qualifying  
9           contributions that a candidate described in sub-  
10          paragraph (A) in the same election is required  
11          to receive under subparagraph (A).

12          “(C) RECEIPT OF QUALIFYING CONTRIBU-  
13          TION.—A qualifying contribution shall—

14               “(i) be accompanied by the contribu-  
15               tor’s name and home address;

16               “(ii) be accompanied by a signed  
17               statement that the contributor understands  
18               the purpose of the qualifying contribution;

19               “(iii) be made by a personal check or  
20               money order payable to the House of Rep-  
21               resentatives Election Fund or by cash; and

22               “(iv) be acknowledged by a receipt  
23               that is sent to the contributor with a copy  
24               kept by the candidate for the Commission  
25               and a copy kept by the candidate for the

1 election authorities in the candidate's  
2 State.

3 “(D) DEPOSIT OF QUALIFYING CONTRIBU-  
4 TIONS IN HOUSE OF REPRESENTATIVES ELEC-  
5 TION FUND.—

6 “(i) IN GENERAL.—Not later than the  
7 date that is 1 day after the date on which  
8 the candidate is certified under section  
9 505, a candidate shall remit all qualifying  
10 contributions to the Commission for de-  
11 posit in the House of Representatives Elec-  
12 tion Fund.

13 “(ii) CANDIDATES THAT ARE NOT  
14 CERTIFIED.—Not later than the last day of  
15 the clean money qualifying period, a can-  
16 didate who has received qualifying con-  
17 tributions and is not certified under section  
18 505 shall remit all qualifying contributions  
19 to the Commission for deposit in the  
20 House of Representatives Election Fund.

21 “(3) TIME TO FILE DECLARATION.—A declara-  
22 tion under paragraph (1) shall be filed by a can-  
23 didate not later than the date that is 30 days before  
24 the date of the primary election. With respect to any  
25 special primary election, a declaration under para-

graph (1) shall be filed by a candidate not later than the date that is 30 days before the special primary election.

“(b) GENERAL ELECTION PERIOD.—

“(1) IN GENERAL.—A candidate qualifies as a clean money candidate during the general election period if—

“(A)(i) the candidate qualified as a clean money candidate during the primary election period (and primary runoff election period, if applicable); or

“(ii) the candidate files with the Commission a declaration, signed by the candidate and the treasurer of the candidate’s principal committee, that the candidate—

“(I) has complied and will comply with all the requirements of this title; and

“(II) meets the qualifying contribution requirement of subsection (a)(2);

“(B) the candidate files with the Commission a written agreement between the candidate and the candidate’s political party in which the political party agrees not to make any expenditures in connection with the general election of

1 the candidate in excess of the limit in section  
2 315(d)(3)(C); and

3 “(C) the candidate’s party nominated the  
4 candidate to be placed on the ballot for the gen-  
5 eral election or the candidate qualified to be  
6 placed on the ballot as an independent can-  
7 didate, and the candidate is qualified under  
8 State law to be on the ballot.

9 “(2) TIME TO FILE DECLARATION OR STATE-  
10 MENT.—A declaration or statement required to be  
11 filed under paragraph (1) shall be filed by a can-  
12 didate not later than the date that is 30 days before  
13 the date of the general election. With respect to any  
14 special general election, a declaration or statement  
15 required to be filed under paragraph (1) shall be  
16 filed by a candidate not later than the date that is  
17 30 days before the date of the special general elec-  
18 tion.

19 “(c) GENERAL RUNOFF ELECTION PERIOD.—A can-  
20 didate qualifies as a clean money candidate during the  
21 general runoff election period if the candidate qualified as  
22 a clean money candidate during the general election pe-  
23 riod.

1 **“SEC. 503. REQUIREMENTS APPLICABLE TO CLEAN MONEY**  
2 **CANDIDATES.**

3 “(a) CONTRIBUTIONS AND EXPENDITURES.—

4 “(1) PROHIBITION OF PRIVATE CONTRIBU-  
5 TIONS.—Except as otherwise provided in this title,  
6 during the election cycle of a clean money candidate,  
7 the candidate shall not accept contributions other  
8 than clean money from any source.

9 “(2) PROHIBITION OF EXPENDITURES FROM  
10 PRIVATE SOURCES.—Except as otherwise provided in  
11 this title, during the election cycle of a clean money  
12 candidate, the candidate shall not make expenditures  
13 from any amounts other than clean money amounts.

14 “(b) USE OF PERSONAL FUNDS.—

15 “(1) IN GENERAL.—A clean money candidate  
16 shall not use personal funds to make an expenditure  
17 except as provided in paragraph (2).

18 “(2) EXCEPTIONS.—A seed money contribution  
19 or qualifying contribution from the candidate or a  
20 member of the candidate’s immediate family shall  
21 not be considered to be use of personal funds.

22 **“SEC. 504. SEED MONEY.**

23 “(a) SEED MONEY LIMIT.—A clean money candidate  
24 may accept seed money contributions in an aggregate  
25 amount not exceeding \$35,000.

1       “(b) CONTRIBUTION LIMIT.—Except as provided in  
 2 section 502(a)(2), a clean money candidate shall not ac-  
 3 cept a contribution from any person except a seed money  
 4 contribution (as defined in section 501).

5       “(c) RECORDS.—A clean money candidate shall  
 6 maintain a record of the contributor’s name, street ad-  
 7 dress, and amount of the contribution.

8       “(d) USE OF SEED MONEY.—

9               “(1) IN GENERAL.—A clean money candidate  
 10 may expend seed money for any election campaign-  
 11 related costs, including costs to open an office, fund  
 12 a grassroots campaign, or hold community meetings.

13              “(2) PROHIBITED USES.—A clean money can-  
 14 didate shall not expend seed money for—

15                       “(A) a television or radio broadcast; or

16                       “(B) personal use.

17       “(e) REPORT.—Unless a seed money contribution or  
 18 expenditure made with a seed money contribution has  
 19 been reported previously under section 304, a clean money  
 20 candidate shall file with the Commission a report dis-  
 21 closing all seed money contributions and expenditures not  
 22 later than 48 hours after—

23               “(1) the earliest date on which the Commission  
 24 makes funds available to the candidate for an elec-

1       tion period under paragraph (1) or (2) of section  
2       506(b); or

3               “(2) the end of the clean money qualifying pe-  
4       riod,  
5       whichever occurs first.

6       “(f) TIME TO ACCEPT SEED MONEY CONTRIBU-  
7       TIONS.—A clean money candidate may accept seed money  
8       contributions for an election from the day after the date  
9       of the previous general election for the office to which the  
10      candidate is seeking election through the earliest date on  
11      which the Commission makes funds available to the can-  
12      didate for an election period under paragraph (1) or (2)  
13      of section 506(b).

14      “(g) DEPOSIT OF UNSPENT SEED MONEY CON-  
15      TRIBUTIONS.—A clean money candidate shall remit any  
16      unspent seed money to the Commission, for deposit in the  
17      House of Representatives Election Fund, not later than  
18      the earliest date on which the Commission makes funds  
19      available to the candidate for an election period under  
20      paragraph (1) or (2) of section 506(b).

21      “(h) NOT CONSIDERED AN EXPENDITURE.—An ex-  
22      penditure made with seed money shall not be treated as  
23      an expenditure for purposes of section 506(f)(2).

1 **“SEC. 505. CERTIFICATION BY COMMISSION.**

2 “(a) IN GENERAL.—Not later than 5 days after a  
3 candidate files a declaration under section 502, the Com-  
4 mission shall—

5 “(1) determine whether the candidate meets the  
6 eligibility requirements of section 502; and

7 “(2) certify whether or not the candidate is a  
8 clean money candidate.

9 “(b) REVOCATION OF CERTIFICATION.—The Com-  
10 mission may revoke a certification under subsection (a)  
11 if a candidate fails to comply with this title.

12 “(c) REPAYMENT OF BENEFITS.—If certification is  
13 revoked under subsection (b), the candidate shall repay  
14 to the House of Representatives Election Fund an amount  
15 equal to the value of benefits received under this title.

16 **“SEC. 506. BENEFITS FOR CLEAN MONEY CANDIDATES.**

17 “(a) IN GENERAL.—A clean money candidate shall  
18 be entitled to—

19 “(1) a clean money amount for each election  
20 period to make or obligate to make expenditures  
21 during the election period for which the clean money  
22 is provided, as provided in subsection (c);

23 “(2) media benefits under section 315 of the  
24 Communications Act of 1934 (47 U.S.C. 315); and

25 “(3) an aggregate amount of increase in the  
26 clean money amount in response to certain inde-

pendent expenditures and expenditures of a private money candidate under subsection (d) that, in the aggregate, are in excess of 125 percent of the clean money amount of the clean money candidate.

“(b) PAYMENT OF CLEAN MONEY AMOUNT.—

“(1) PRIMARY ELECTION.—The Commission shall make funds available to a clean money candidate on the later of—

“(A) the date on which the candidate is certified as a clean money candidate under section 505; or

“(B) the date on which the primary election period begins.

“(2) GENERAL ELECTION.—The Commission shall make funds available to a clean money candidate not later than 48 hours after—

“(A) certification of the primary election or primary runoff election result; or

“(B) the date on which the candidate is certified as a clean money candidate under section 505 for the general election,

whichever occurs first.

“(3) RUNOFF ELECTION.—The Commission shall make funds available to a clean money candidate not later than 48 hours after the certification

1 of the primary or general election result (as applica-  
2 ble).

3 “(c) MONEY AMOUNTS.—

4 “(1) IN GENERAL.—Except as provided in para-  
5 graph (2), the clean money amount paid to a clean  
6 money candidate with respect to an election shall be  
7 equal to the applicable percentage of 80 percent of  
8 the base amount for the election cycle involved, ex-  
9 cept that in no event may the amount determined  
10 under this subsection for a clean money candidate  
11 for an election cycle be less than the amount deter-  
12 mined under this subsection for the candidate for  
13 the previous election cycle.

14 “(2) REDUCTION FOR UNCONTESTED ELEC-  
15 TIONS.—If a clean money candidate has no opposi-  
16 tion in an election for which a payment is made  
17 under this section, the clean money amount paid  
18 shall be 40 percent of the amount otherwise deter-  
19 mined under paragraph (1).

20 “(3) DEFINITIONS.—

21 “(A) APPLICABLE PERCENTAGE.—In this  
22 subsection, the ‘applicable percentage’ is as fol-  
23 lows:

1 “(i) 25 percent, in the case of a can-  
2 didate in a primary election who is not a  
3 major party candidate.

4 “(ii) 40 percent, in the case of a  
5 major party candidate in a primary elec-  
6 tion.

7 “(iii) 60 percent, in the case of any  
8 candidate in a general election.

9 “(B) BASE AMOUNT.—In this subsection,  
10 the term ‘base amount’ means (with respect to  
11 an election cycle) the national average of all  
12 amounts expended by winning candidates dur-  
13 ing the 3 most recent general elections for  
14 Member of, or Delegate or Resident Commis-  
15 sioner to, the Congress preceding the election  
16 cycle involved.

17 “(d) MATCHING FUNDS IN RESPONSE TO INDE-  
18 PENDENT EXPENDITURES AND EXPENDITURES OF PRI-  
19 VATE MONEY CANDIDATES.—

20 “(1) IN GENERAL.—If the Commission—

21 “(A) receives notification under—

22 “(i) subparagraphs (A) or (B) of sec-  
23 tion 304(c)(2) that a person has made or  
24 obligated to make an independent expendi-  
25 ture in an aggregate amount of \$1,000 or

1 more in an election period or that a person  
2 has made or obligated to make an inde-  
3 pendent expenditure in an aggregate  
4 amount of \$500 or more during the 20  
5 days preceding the date of an election in  
6 support of another candidate or against a  
7 clean money candidate; or

8 “(ii) section 304(i)(1) that a private  
9 money candidate has made or obligated to  
10 make expenditures in an aggregate amount  
11 in excess of 100 percent of the amount of  
12 clean money provided to a clean money  
13 candidate who is an opponent of the pri-  
14 vate money candidate in the same election;  
15 and

16 “(B) determines that the aggregate  
17 amount of expenditures reported under sub-  
18 paragraph (A) in an election period is in excess  
19 of 125 percent of the amount of clean money  
20 provided to a clean money candidate who is an  
21 opponent of the private money candidate in the  
22 same election or against whom the independent  
23 expenditure is made,

24 the Commission shall make available to the clean  
25 money candidate, not later than 24 hours after re-

1       ceiving a notification under subparagraph (A), an  
2       aggregate amount of increase in clean money in an  
3       amount equal to the aggregate amount of expendi-  
4       tures that is in excess of 125 percent of the amount  
5       of clean money provided to the clean money can-  
6       didate as determined under subparagraph (B).

7               “(2) CLEAN MONEY CANDIDATES OPPOSED BY  
8       MORE THAN 1 PRIVATE MONEY CANDIDATE.—For  
9       purposes of paragraph (1), if a clean money can-  
10      didate is opposed by more than 1 private money can-  
11      didate in the same election, the Commission shall  
12      take into account only the amount of expenditures of  
13      the private money candidate that expends, in the ag-  
14      gregate, the greatest amount (as determined each  
15      time notification is received under section 304(i)(1)).

16              “(3) CLEAN MONEY CANDIDATES OPPOSED BY  
17      CLEAN MONEY CANDIDATES.—If a clean money can-  
18      didate is opposed by a clean money candidate, the  
19      increase in clean money amounts under paragraph  
20      (1) shall be made available to the clean money can-  
21      didate if independent expenditures are made against  
22      the clean money candidate or in behalf of the oppos-  
23      ing clean money candidate in the same manner as  
24      the increase would be made available for a clean

1 money candidate who is opposed by a private money  
2 candidate.

3 “(e) LIMITS ON MATCHING FUNDS.—The aggregate  
4 amount of clean money that a clean money candidate re-  
5 ceives to match independent expenditures and the expendi-  
6 tures of private money candidates under subsection (d)  
7 shall not exceed 200 percent of the clean money amount  
8 that the clean money candidate receives under subsection  
9 (c).

10 “(f) EXPENDITURES MADE WITH CLEAN MONEY  
11 AMOUNTS.—

12 “(1) IN GENERAL.—The clean money amount  
13 received by a clean money candidate shall be used  
14 only for the purpose of making or obligating to make  
15 expenditures during the election period for which the  
16 clean money is provided.

17 “(2) EXPENDITURES IN EXCESS OF CLEAN  
18 MONEY AMOUNT.—A clean money candidate shall  
19 not make expenditures or incur obligations in excess  
20 of the clean money amount.

21 “(3) PROHIBITED USES.—The clean money  
22 amount received by a clean money candidate shall  
23 not be—

24 “(A) converted to a personal use; or

25 “(B) used in violation of law.

1 “(4) REPAYMENT; CIVIL PENALTIES.—

2 “(A) If the Commission determines that  
3 any benefit made available to a clean money  
4 candidate under this title was not used as pro-  
5 vided for in this title, or that a clean money  
6 candidate has violated any of the spending lim-  
7 its or dates for remission of funds contained in  
8 this Act, the Commission shall so notify the  
9 candidate and the candidate shall pay to the  
10 House of Representatives’ Election Fund an  
11 amount equal to the amount of benefits so  
12 used, or the amount spent in excess of the lim-  
13 its or the amount not timely remitted, as appro-  
14 priate.

15 “(B) Any action by the Commission in ac-  
16 cordance with this section shall not preclude en-  
17 forcement proceedings by the Commission in ac-  
18 cordance with section 309(a), including a refer-  
19 ral by the Commission to the Attorney General  
20 in the case of an apparent knowing and willful  
21 violation of this title.

22 “(g) REMITTING OF CLEAN MONEY AMOUNTS.—Not  
23 later than the date that is 14 days after the last day of  
24 the applicable election period, a clean money candidate  
25 shall remit any unspent clean money amount to the Com-

1 mission for deposit in the House of Representatives Elec-  
2 tion Fund.

3 **“SEC. 507. ADMINISTRATION OF CLEAN MONEY.**

4 “(a) HOUSE OF REPRESENTATIVES ELECTION  
5 FUND.—

6 “(1) ESTABLISHMENT.—There is established in  
7 the Treasury a fund to be known as the ‘House of  
8 Representatives Election Fund’.

9 “(2) DEPOSITS.—The Commission shall deposit  
10 unspent seed money contributions, qualifying con-  
11 tributions, penalty amounts received under this title,  
12 and amounts appropriated for clean money financing  
13 in the House of Representatives Election Fund.

14 “(3) FUNDS.—The Commission shall withdraw  
15 the clean money amount for a clean money can-  
16 didate from the House of Representatives Election  
17 Fund.

18 “(b) REGULATIONS.—The Commission shall promul-  
19 gate regulations to—

20 “(1) effectively and efficiently monitor and en-  
21 force the limits on use of private money by clean  
22 money candidates;

23 “(2) effectively and efficiently monitor use of  
24 publicly financed amounts under this title; and

1           “(3) enable clean money candidates to monitor  
 2           expenditures and comply with the requirements of  
 3           this title.

4   **“SEC. 508. EXPENDITURES MADE FROM FUNDS OTHER**  
 5           **THAN CLEAN MONEY.**

6           “If a clean money candidate makes an expenditure  
 7           using funds other than funds provided under this title, the  
 8           Commission shall assess a civil penalty against the can-  
 9           didate in an amount that is not more than 10 times the  
 10          amount of the expenditure.

11   **“SEC. 509. AUTHORIZATION OF APPROPRIATIONS.**

12          “There are authorized to be appropriated to the  
 13          House of Representatives Election Fund such sums as are  
 14          necessary to carry out this title.”.

15   **SEC. 103. REPORTING REQUIREMENTS FOR EXPENDITURES**  
 16           **OF PRIVATE MONEY CANDIDATES.**

17          Section 304 of the Federal Election Campaign Act  
 18          of 1971 (2 U.S.C. 434), as amended by section 308(b)  
 19          of the Bipartisan Campaign Reform Act of 2003, is  
 20          amended by adding at the end the following:

21          “(i) PRIVATE MONEY CANDIDATES.—

22               “(1) EXPENDITURES IN EXCESS OF CLEAN  
 23               MONEY AMOUNTS.—Not later than 48 hours after  
 24               making or obligating to make an expenditure, a pri-  
 25               vate money candidate (as defined in section 501)

1 that makes or obligates to make expenditures, in an  
2 aggregate amount in excess of 100 percent of the  
3 amount of clean money provided to a clean money  
4 candidate (as defined in section 501), during an  
5 election period (as defined by section 501) who is an  
6 opponent of the clean money candidate shall file  
7 with the Commission a report stating the amount of  
8 each expenditure (in increments of an aggregate  
9 amount of \$100) made or obligated to be made.

10 “(2) PLACE OF FILING; NOTIFICATION.—

11 “(A) PLACE OF FILING.—A report under  
12 this subsection shall be filed with the Commis-  
13 sion.

14 “(B) NOTIFICATION OF CLEAN MONEY  
15 CANDIDATES.—Not later than 24 hours after  
16 receipt of a report under this subsection, the  
17 Commission shall notify each clean money can-  
18 didate seeking nomination for election to, or  
19 election to, the office in question, of the receipt  
20 of the report.

21 “(3) DETERMINATIONS BY THE COMMISSION.—

22 “(A) IN GENERAL.—The Commission may,  
23 on a request of a candidate or on its own initia-  
24 tive, make a determination that a private  
25 money candidate has made, or has obligated to

1 make, expenditures in excess of the applicable  
2 amount in paragraph (1).

3 “(B) NOTIFICATION.—In the case of such  
4 a determination, the Commission shall notify  
5 each clean money candidate seeking nomination  
6 for election to, or election to, the office in ques-  
7 tion, of the making of the determination not  
8 later than 24 hours after making the deter-  
9 mination.

10 “(C) TIME TO COMPLY WITH REQUEST  
11 FOR DETERMINATION.—A determination made  
12 at the request of a candidate shall be made not  
13 later than 48 hours after the date of the re-  
14 quest.”.

15 **SEC. 104. TRANSITION RULE FOR CURRENT ELECTION**  
16 **CYCLE.**

17 (a) IN GENERAL.—During the election cycle in effect  
18 on the date of enactment of this Act, a candidate may  
19 be certified as a clean money candidate (as defined in sec-  
20 tion 501 of the Federal Election Campaign Act of 1971,  
21 as added by section 102), notwithstanding the acceptance  
22 of contributions or making of expenditures from private  
23 funds before the date of enactment that would, absent this  
24 section, disqualify the candidate as a clean money can-  
25 didate.

1 (b) PRIVATE FUNDS.—A candidate may be certified  
 2 as a clean money candidate only if any private funds ac-  
 3 cepted and not expended before the date of enactment of  
 4 this Act are—

5 (1) returned to the contributor; or

6 (2) submitted to the Federal Election Commis-  
 7 sion for deposit in the House of Representatives  
 8 Election Fund (as defined in section 501 of the Fed-  
 9 eral Election Campaign Act of 1971, as added by  
 10 section 102).

11 **TITLE II—INDEPENDENT EX-**  
 12 **PENDITURES; COORDINATED**  
 13 **POLITICAL PARTY EXPENDI-**  
 14 **TURES**

15 **SEC. 201. REPORTING REQUIREMENTS FOR INDEPENDENT**  
 16 **EXPENDITURES.**

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

19 (1) by striking “(c)(1) Every person” and in-  
 20 serting the following:

21 “(c) INDEPENDENT EXPENDITURES.—

22 “(1) IN GENERAL.—

23 “(A) REQUIRED FILING.—Except as pro-  
 24 vided in paragraph (2), every person”;

(2) in paragraph (2), by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and adjusting the margins accordingly;

(3) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively, and adjusting the margins accordingly; and

(4) by adding at the end the following:

“(2) HOUSE OF REPRESENTATIVES ELECTIONS  
WITH A CLEAN MONEY CANDIDATE.—

“(A) INDEPENDENT EXPENDITURES MORE  
THAN 20 DAYS BEFORE AN ELECTION.—

“(i) IN GENERAL.—Not later than 48  
hours after making an independent expenditure, more than 20 days before the date of an election, in support of an opponent of or in opposition to a clean money candidate (as defined in section 501), a person that makes independent expenditures in an aggregate amount in excess of \$1,000 during an election period (as defined in section 501) shall file with the Commission a statement containing the information described in clause (ii).

1           “(ii) CONTENTS OF STATEMENT.—A  
2           statement under subparagraph (A) shall  
3           include a certification, under penalty of  
4           perjury, that contains the information re-  
5           quired by subsection (b)(6)(B)(iii).

6           “(iii) ADDITIONAL STATEMENTS.—An  
7           additional statement shall be filed for each  
8           aggregate of independent expenditures that  
9           exceeds \$1,000.

10          “(B) INDEPENDENT EXPENDITURES DUR-  
11          ING THE 20 DAYS PRECEDING AN ELECTION.—  
12          Not later than 24 hours after making or obli-  
13          gating to make an independent expenditure in  
14          support of an opponent of or in opposition to a  
15          clean money candidate in an aggregate amount  
16          in excess of \$500, during the 20 days preceding  
17          the date of an election, a person that makes or  
18          obligates to make the independent expenditure  
19          shall file with the Commission a statement stat-  
20          ing the amount of each independent expenditure  
21          made or obligated to be made.

22          “(C) PLACE OF FILING; NOTIFICATION.—

23                 “(i) PLACE OF FILING.—A report or  
24                 statement under this paragraph shall be  
25                 filed with the Commission.

1                   “(ii) NOTIFICATION OF CLEAN MONEY  
2                   CANDIDATES.—Not later than 24 hours,  
3                   but excluding the time from 5:00 p.m. Fri-  
4                   day through and until 9:00 a.m. the fol-  
5                   lowing Monday, and legal holidays after re-  
6                   ceipt of a statement under this paragraph,  
7                   the Commission shall notify each clean  
8                   money candidate seeking nomination for  
9                   election to, or election to, the office in  
10                  question of the receipt of a statement.

11                  “(D) DETERMINATION BY THE COMMIS-  
12                  SION.—

13                   “(i) IN GENERAL.—The Commission  
14                   may, on request of a candidate or on its  
15                   own initiative, make a determination that a  
16                   person has made or obligated to make  
17                   independent expenditures with respect to a  
18                   candidate that in the aggregate exceed the  
19                   applicable amount under subparagraph  
20                   (A).

21                   “(ii) NOTIFICATION.—Not later than  
22                   24 hours after making a determination  
23                   under clause (i), the Commission shall no-  
24                   tify each clean money candidate in the

1 election of the making of the determina-  
 2 tion.

3 “(iii) TIME TO COMPLY WITH RE-  
 4 QUEST FOR DETERMINATION.—A deter-  
 5 mination made at the request of a can-  
 6 didate shall be made not later than 48  
 7 hours after the date of the request.”.

8 **SEC. 202. LIMIT ON EXPENDITURES BY POLITICAL PARTY**  
 9 **COMMITTEES.**

10 Section 315(d)(3) of the Federal Election Campaign  
 11 Act of 1971 (2 U.S.C. 441a(d)(3)) is amended—

12 (1) in subparagraph (A)—

13 (A) in the matter preceding clause (i), by  
 14 striking “in the case” and inserting “except as  
 15 provided in subparagraph (C), in the case”, and

16 (B) by striking “and” at the end;

17 (2) in subparagraph (B)—

18 (A) by striking “in the case” and inserting  
 19 “except as provided in subparagraph (C), in the  
 20 case”, and

21 (B) by striking the period at the end and  
 22 inserting “; and”; and

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

24 “(C) in the case of an election to the office of  
 25 Representative in or Delegate or Resident Commis-

1 sioner to the Congress in which 1 or more can-  
 2 didates is a clean money candidate (as defined in  
 3 section 501), 10 percent of the amount of clean  
 4 money that a clean money candidate is eligible to re-  
 5 ceive for the general election period.”.

6 **SEC. 203. TREATMENT OF COORDINATED EXPENDITURES**  
 7 **AS CONTRIBUTIONS.**

8 (a) IN GENERAL.—Section 301(8) of the Federal  
 9 Election Campaign Act of 1971 (2 U.S.C. 431(8)) is  
 10 amended—

11 (1) in subparagraph (A)—

12 (A) by striking “or” at the end of clause

13 (i);

14 (B) by striking the period at the end of  
 15 clause (ii) and inserting “; or”; and

16 (C) by adding at the end the following:

17 “(iii) a payment made for a commu-  
 18 nication or anything of value that is for  
 19 the purpose of influencing an election for  
 20 Federal office and that is made in coordi-  
 21 nation with a candidate (as defined in sub-  
 22 paragraph (C)).”; and

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

1           “(C) For the purposes of subparagraph  
2           (A)(iii), the term ‘payment made in coordina-  
3           tion with a candidate’ includes—

4                   “(i) a payment made by a person in  
5                   cooperation, consultation, or concert with,  
6                   at the request or suggestion of, or pursu-  
7                   ant to any general or particular under-  
8                   standing with a candidate, the candidate’s  
9                   authorized committee, or an agent acting  
10                  on behalf of a candidate or authorized  
11                  committee;

12                  “(ii) a payment made by a person for  
13                  the dissemination, distribution, or republi-  
14                  cation, in whole or in part, of any broad-  
15                  cast or any written, graphic, or other form  
16                  of campaign material prepared by a can-  
17                  didate, a candidate’s authorized committee,  
18                  or an agent of a candidate or authorized  
19                  committee (not including a communication  
20                  described in paragraph (9)(B)(i) or a com-  
21                  munication that expressly advocates the  
22                  candidate’s defeat);

23                  “(iii) a payment made based on infor-  
24                  mation about a candidate’s plans, projects,  
25                  or needs provided to the person making the

1 payment by the candidate or the can-  
2 didate's agent who provides the informa-  
3 tion with a view toward having the pay-  
4 ment made;

5 “(iv) a payment made by a person if,  
6 in the same election cycle in which the pay-  
7 ment is made, the person making the pay-  
8 ment is serving or has served as a member,  
9 employee, fundraiser, or agent of the can-  
10 didate's authorized committee in an execu-  
11 tive or policymaking position;

12 “(v) a payment made by a person if  
13 the person making the payment has served  
14 in any formal policy or advisory position  
15 with the candidate's campaign or has par-  
16 ticipated in strategic or policymaking dis-  
17 cussions with the candidate's campaign re-  
18 lating to the candidate's pursuit of nomi-  
19 nation for election, or election, to Federal  
20 office, in the same election cycle as the  
21 election cycle in which the payment is  
22 made; and

23 “(vi) a payment made by a person if  
24 the person making the payment retains the  
25 professional services of an individual or

1 person who has provided or is providing  
2 campaign-related services in the same elec-  
3 tion cycle to a candidate in connection with  
4 the candidate's pursuit of nomination for  
5 election, or election, to Federal office, in-  
6 cluding services relating to the candidate's  
7 decision to seek Federal office, and the  
8 payment is for services of which the pur-  
9 pose is to influence that candidate's elec-  
10 tion.

11 “(D) For purposes of subparagraph  
12 (C)(vi), the term ‘professional services’ includes  
13 services in support of a candidate's pursuit of  
14 nomination for election, or election, to Federal  
15 office such as polling, media advice, direct mail,  
16 fundraising, or campaign research.”.

17 (b) EXCEPTION FOR CLEAN MONEY CANDIDATES.—  
18 Section 315(a)(7) of such Act (2 U.S.C. 441a(a)(7)) is  
19 amended by striking paragraph (B) and inserting the fol-  
20 lowing:

21 “(B)(i) Except as provided in clause (ii), a pay-  
22 ment made in coordination with a candidate (as de-  
23 scribed in section 301(8)(A)(iii)) shall be considered  
24 to be a contribution to the candidate, and, for the  
25 purposes of any provision of this Act that imposes

1 a limitation on the making of expenditures by a can-  
 2 didate, shall be treated as an expenditure by the  
 3 candidate for purposes of this paragraph.

4 “(ii) In the case of a clean money candidate (as  
 5 defined in section 501), a payment made in coordi-  
 6 nation with a candidate by a committee of a political  
 7 party shall not be treated as a contribution to the  
 8 candidate for purposes of section 503(b)(1) or an ex-  
 9 penditure made by the candidate for purposes of sec-  
 10 tion 503(b)(2).”.

## 11 **TITLE III—VOTER INFORMATION**

### 12 **SEC. 301. FREE BROADCAST TIME.**

13 Section 315 of the Communications Act of 1934 (47  
 14 U.S.C. 315), as amended by section 504 of the Bipartisan  
 15 Campaign Reform Act of 2002, is amended—

16 (1) in subsection (a), in the third sentence, by  
 17 striking “within the meaning of this subsection” and  
 18 inserting “within the meaning of this subsection or  
 19 subsection (c)”;

20 (2) by redesignating subsections (f) and (g) as  
 21 subsections (g) and (h), respectively;

22 (3) by inserting after subsection (e) the fol-  
 23 lowing:

24 “(f) FREE BROADCAST TIME.—

1           “(1) AMOUNT OF TIME.—A clean money can-  
2       didate shall be entitled to receive—

3           “(A) 30 minutes of free broadcast time  
4       during each of the primary election period and  
5       the primary runoff election period; and

6           “(B) 75 minutes of free broadcast time  
7       during the general election period and general  
8       runoff election period.

9           “(2) TIME DURING WHICH THE BROADCAST IS  
10      SHOWN.—The broadcast time under paragraph (1)  
11      shall be—

12           “(A) with respect to a television broadcast,  
13      the time between 6:00 p.m. and 10:00 p.m. on  
14      any day that falls on Monday through Friday;

15           “(B) with respect to a radio broadcast, the  
16      time between 7:00 a.m. and 9:30 a.m. or be-  
17      tween 4:30 p.m. and 7:00 p.m. on any day that  
18      falls on Monday through Friday; or

19           “(C) with respect to any broadcast, such  
20      other time to which the candidate and broad-  
21      caster may agree.

22           “(3) MAXIMUM REQUIRED OF ANY STATION.—  
23      The amount of free broadcast time that any 1 sta-  
24      tion is required to make available to any 1 clean  
25      money candidate during each of the primary election

1 period, primary runoff election period, and general  
2 election period shall not exceed 15 minutes.”; and

3 (4) in subsection (c)—

4 (A) by striking “and” at the end of para-  
5 graph (1);

6 (B) by striking the period at the end of  
7 paragraph (2) and inserting a semicolon, and  
8 by redesignating that paragraph as paragraph  
9 (4);

10 (C) by inserting after paragraph (1) the  
11 following:

12 “(2) the term ‘clean money candidate’ has the  
13 meaning given in section 501 of the Federal Election  
14 Campaign Act of 1971;

15 “(3) the terms ‘general election period’ and  
16 ‘general runoff election period’ have the meaning  
17 given in section 501 of the Federal Election Cam-  
18 paign Act of 1971;”;

19 (D) by adding at the end the following:

20 “(5) the term ‘primary election period’ has the  
21 meaning given in section 501 of the Federal Election  
22 Campaign Act of 1971;

23 “(6) the term ‘private money candidate’ has the  
24 meaning given in section 501 of the Federal Election  
25 Campaign Act of 1971; and

1 “(7) the term ‘primary runoff election period’  
 2 has the meaning given in section 501 of the Federal  
 3 Election Campaign Act of 1971.”.

4 **SEC. 302. BROADCAST RATES AND PREEMPTION.**

5 (a) BROADCAST RATES.—Section 315(b) of the Com-  
 6 munications Act of 1934 (47 U.S.C. 315(b)), as amended  
 7 by section 305(a) of the Bipartisan Campaign Reform Act  
 8 of 2002, is 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) CLEAN MONEY CANDIDATES.—In the case  
 13 of a clean money candidate, the charges for the use  
 14 of a television broadcasting station shall not exceed  
 15 50 percent of the lowest charge described in para-  
 16 graph (1)(A) during—

17 “(A) the 30 days preceding the date of a  
 18 primary or primary runoff election in which the  
 19 candidate is opposed; and

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

23 “(4) OTHER HOUSE CANDIDATES.—In the case  
 24 of a candidate for election for Member of, or Dele-  
 25 gate or Resident Commissioner to, the Congress who

1 is not a clean money candidate, paragraph (1)(A)  
2 shall not apply.

3 “(5) RATE CARDS.—A licensee shall provide to  
4 a candidate for Member of or Delegate or Resident  
5 Commissioner to the Congress a rate card that dis-  
6 closes—

7 “(A) the rate charged under this sub-  
8 section; and

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

12 (b) PREEMPTION.—Section 315 of such Act (47  
13 U.S.C. 315), as amended by section 301, is amended by  
14 adding at the end the following:

15 “(g) PREEMPTION.—

16 “(1) IN GENERAL.—Except as provided in para-  
17 graph (2), a licensee shall not preempt the use of a  
18 broadcasting station by a legally qualified candidate  
19 for Member of or Delegate or Resident Commis-  
20 sioner to the Congress who has purchased and paid  
21 for such use.

22 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-  
23 CENSEE.—If a program to be broadcast by a broad-  
24 casting station is preempted because of cir-  
25 cumstances beyond the control of the broadcasting

1 station, any candidate advertising spot scheduled to  
 2 be broadcast during that program may also be pre-  
 3 empted.”.

4 (c) REVOCATION OF LICENSE FOR FAILURE TO PER-  
 5 MIT ACCESS.—Section 312(a)(7) of such Act (47 U.S.C.  
 6 312(a)(7)) is amended—

7 (1) by striking “or repeated”;

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

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

14 **SEC. 303. LIMIT ON CONGRESSIONAL USE OF THE FRANK-**  
 15 **ING PRIVILEGE.**

16 Section 3210(a)(6) of title 39, United States Code,  
 17 is amended by striking subparagraph (A) and inserting  
 18 the following:

19 “(A)(i) Except as provided in clause (ii), a Member  
 20 of Congress shall not mail any mass mailing as franked  
 21 mail during the period which begins on the first day of  
 22 the primary election period (as described in section  
 23 501(12) of the Federal Election Campaign Act of 1971)  
 24 and ends on the date of the general election for that office  
 25 (other than any portion of such period between the date

1 of the primary election and the first day of the general  
 2 election period), unless the Member has made a public an-  
 3 nouncement that the Member will not be a candidate for  
 4 reelection in that year or for election to any other Federal  
 5 office.

6 “(ii) A Member of Congress may mail a mass mailing  
 7 as franked mail if—

8 “(I) the purpose of the mailing is to commu-  
 9 nicate information about a public meeting; and

10 “(II) the content of the mailed matter includes  
 11 only the Representative’s name, and the date, time,  
 12 and place of the public meeting.”.

## 13 **TITLE IV—RESTRUCTURING AND** 14 **STRENGTHENING OF THE** 15 **FEDERAL ELECTION COMMIS-** 16 **SION**

### 17 **SEC. 401. APPOINTMENT AND TERMS OF COMMISSIONERS.**

18 (a) IN GENERAL.—Section 306(a) of the Federal  
 19 Election Campaign Act of 1971 (2 U.S.C. 437c(a)) is  
 20 amended—

21 (1) in paragraph (1)—

22 (A) by striking “(1) There is established”  
 23 and inserting “(1)(A) There is established”;

24 (B) by striking the second sentence and in-  
 25 serting the following:

1       “(B) COMPOSITION OF COMMISSION.—The Commis-  
 2 sion is composed of 6 members appointed by the Presi-  
 3 dent, by and with the advice and consent of the United  
 4 States Senate, and 1 member appointed by the President  
 5 from among persons recommended by the Commission as  
 6 provided in subparagraph (D).”;

7               (C) by striking “No more than” and in-  
 8 serting the following:

9       “(C) PARTY AFFILIATION.—Not more than”; and

10              (D) by adding at the end the following:

11       “(D) NOMINATION BY COMMISSION OF ADDITIONAL  
 12 MEMBER.—

13              “(i) IN GENERAL.—The members of the Com-  
 14 mission shall recommend to the President, by a vote  
 15 of 4 members, 3 persons for the appointment to the  
 16 Commission.

17              “(ii) VACANCY.—On vacancy of the position of  
 18 the member appointed under this subparagraph, a  
 19 member shall be appointed to fill the vacancy in the  
 20 same manner as provided in clause (i).”; and

21              (2) in paragraphs (3) and (4), by striking  
 22 “(other than the Secretary of the Senate and the  
 23 Clerk of the House of Representatives)”.

24       (b) TRANSITION RULE.—Not later than 90 days after  
 25 the date of enactment of this Act, the Federal Election

1 Commission shall recommend persons for appointment  
2 under section 306(a)(1)(D) of the Federal Election Cam-  
3 paign Act of 1971, as added by subsection (a)(1)(D).

4 **SEC. 402. AUDITS.**

5 Section 311(b) of the Federal Election Campaign Act  
6 of 1971 (2 U.S.C. 438(b)) is amended—

7 (1) by inserting “(1)” before “The Commis-  
8 sion”; and

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

10 “(2) RANDOM AUDITS.—

11 “(A) IN GENERAL.—Notwithstanding para-  
12 graph (1), after every primary, general, and  
13 runoff election, the Commission may conduct  
14 random audits and investigations to ensure vol-  
15 untary compliance with this Act.

16 “(B) SELECTION OF SUBJECTS.—The sub-  
17 jects of audits and investigations under this  
18 paragraph shall be selected on the basis of im-  
19 partial criteria established by a vote of at least  
20 4 members of the Commission.

21 “(C) EXCLUSION.—This paragraph does  
22 not apply to an authorized committee of a can-  
23 didate for President or Vice President subject  
24 to audit under chapter 95 or 96 of the Internal  
25 Revenue Code of 1986.”.

1 **SEC. 403. AUTHORITY TO SEEK INJUNCTION.**

2 Section 309(a) of the Federal Election Campaign Act  
3 of 1971 (2 U.S.C. 437g(a)) is amended—

4 (1) by adding at the end the following:

5 “(13) AUTHORITY TO SEEK INJUNCTION.—

6 “(A) IN GENERAL.—If, at any time in a pro-  
7 ceeding described in paragraph (1), (2), (3), or (4),  
8 the Commission believes that—

9 “(i) there is a substantial likelihood that a  
10 violation of this Act is occurring or is about to  
11 occur;

12 “(ii) the failure to act expeditiously will re-  
13 sult in irreparable harm to a party affected by  
14 the potential violation;

15 “(iii) expeditious action will not cause  
16 undue harm or prejudice to the interests of oth-  
17 ers; and

18 “(iv) the public interest would be best  
19 served by the issuance of an injunction;

20 the Commission may initiate a civil action for a tem-  
21 porary restraining order or preliminary injunction  
22 pending the outcome of proceedings under para-  
23 graphs (1), (2), (3), and (4).

24 “(B) VENUE.—An action under subparagraph  
25 (A) shall be brought in the United States district  
26 court for the district in which the defendant resides,

1 transacts business, or may be found, or in which the  
 2 violation is occurring, has occurred, or is about to  
 3 occur.”;

4 (2) in paragraph (7), by striking “(5) or (6)”  
 5 and inserting “(5), (6), or (13)”; and

6 (3) in paragraph (11), by striking “(6)” and in-  
 7 serting “(6) or (13)”.

8 **SEC. 404. STANDARD FOR INVESTIGATION.**

9 Section 309(a)(2) of the Federal Election Campaign  
 10 Act of 1971 (2 U.S.C. 437f(a)(2)) is amended by striking  
 11 “reason to believe that” and inserting “reason to open an  
 12 investigation on whether”.

13 **SEC. 405. PETITION FOR CERTIORARI.**

14 Section 307(a)(6) of the Federal Election Campaign  
 15 Act of 1971 (2 U.S.C. 437d(a)) is amended by inserting  
 16 “(including a proceeding before the Supreme Court on cer-  
 17 tiorari)” after “appeal”.

18 **SEC. 406. EXPEDITED PROCEDURES.**

19 Section 309(a) of the Federal Election Campaign Act  
 20 of 1971 (2 U.S.C. 437g(a)), as amended by section 403,  
 21 is amended by adding at the end the following:

22 “(14) EXPEDITED PROCEDURE.—

23 “(A) 60 DAYS BEFORE A GENERAL ELEC-  
 24 TION.—If the complaint in a proceeding was  
 25 filed within 60 days before the date of a general

1 election, the Commission may take action de-  
2 scribed in this subparagraph.

3 “(B) RESOLUTION BEFORE AN ELEC-  
4 TION.—If the Commission determines, on the  
5 basis of facts alleged in the complaint and other  
6 facts available to the Commission, that there is  
7 clear and convincing evidence that a violation of  
8 this Act has occurred, is occurring, or is about  
9 to occur and it appears that the requirements  
10 for relief stated in clauses (ii), (iii), and (iv) of  
11 paragraph (13)(A) are met, the Commission  
12 may—

13 “(i) order expedited proceedings,  
14 shortening the time periods for proceedings  
15 under paragraphs (1), (2), (3), and (4) as  
16 necessary to allow the matter to be re-  
17 solved in sufficient time before the election  
18 to avoid harm or prejudice to the interests  
19 of the parties; or

20 “(ii) if the Commission determines  
21 that there is insufficient time to conduct  
22 proceedings before the election, imme-  
23 diately seek relief under paragraph  
24 (13)(A).

“(C) MERITLESS COMPLAINTS.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

“(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

“(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.”.

**SEC. 407. PROMOTING EXPEDITED AVAILABILITY OF FEC REPORTS.**

(a) MANDATORY ELECTRONIC FILING.—Section 304(a)(11) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)), as amended by section 501 of the Bipartisan Campaign Reform Act of 2002, is amended—

(1) in subparagraph (A), by striking “under this Act—” and all that follows and inserting “under this Act shall be required to maintain and

1 file such designation, statement, or report in elec-  
2 tronic form accessible by computers.”;

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

6 (3) by striking subparagraph (D).

7 (b) REQUIRING REPORTS FOR ALL CONTRIBUTIONS  
8 MADE TO ANY POLITICAL COMMITTEE WITHIN 90 DAYS  
9 OF ELECTION; REQUIRING REPORTS TO BE MADE WITH-  
10 IN 24 HOURS.—Section 304(a)(6) of such Act (2 U.S.C.  
11 434(a)(6)) is amended to read as follows:

12 “(6)(A) Each political committee shall notify the Sec-  
13 retary or the Commission, and the Secretary of State, as  
14 appropriate, in writing, of any contribution received by the  
15 committee during the period which begins on the 90th day  
16 before an election and ends at the time the polls close for  
17 such election. This notification shall be made within 24  
18 hours (or, if earlier, by midnight of the day on which the  
19 contribution is deposited) after the receipt of such con-  
20 tribution and shall include the name of the candidate in-  
21 volved (as appropriate) and the office sought by the can-  
22 didate, the identification of the contributor, and the date  
23 of receipt and amount of the contribution.

1 “(B) The notification required under this paragraph  
 2 shall be in addition to all other reporting requirements  
 3 under this Act.”.

4 **SEC. 408. POWER TO ISSUE SUBPOENA WITHOUT SIGNA-**  
 5 **TURE OF CHAIRPERSON.**

6 Section 307(a)(3) of the Federal Election Campaign  
 7 Act of 1971 (2 U.S.C. 437d(a)(3)) is amended by striking  
 8 “, signed by the chairman or the vice chairman,”.

9 **TITLE V—MISCELLANEOUS**  
 10 **PROVISIONS**

11 **SEC. 501. SEVERABILITY.**

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

19 **SEC. 502. REVIEW OF CONSTITUTIONAL ISSUES.**

20 An appeal may be taken directly to the Supreme  
 21 Court of the United States from any final judgment, de-  
 22 cree, or order issued by any court ruling on the constitu-  
 23 tionality of any provision of this Act or amendment made  
 24 by this Act.

1 **SEC. 503. EFFECTIVE DATE.**

2       This Act and the amendments made by this Act shall  
3 take effect on January 1, 2004.

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