

108TH CONGRESS
2D SESSION

S. 2392

To amend the Federal Election Campaign Act of 1971 to require candidates to stand by their printed and Internet advertising, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2004

Mr. WYDEN (for himself and Mr. GRAHAM of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to require candidates to stand by their printed and Internet advertising, 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 “Political Candidate
5 Personal Responsibility Act of 2004”.

1 **SEC. 2. ADDITIONAL REQUIREMENTS FOR PUBLIC COMMU-**
2 **NICATIONS BY CANDIDATES FOR FEDERAL**
3 **OFFICE.**

4 (a) PRINTED MEDIA.—Section 318(c) of the Federal
5 Election Campaign Act of 1971 (2 U.S.C. 441d(c)) is
6 amended—

7 (1) in the matter preceding paragraph (1), by
8 inserting “, including a printed communication that
9 is transmitted through the Internet,” after “sub-
10 section (a)”;

11 (2) in paragraph (2), by striking “and” after
12 the semicolon at the end;

13 (3) in paragraph (3), by striking the period and
14 inserting “; and”; and

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

16 “(4) if the communication is described in para-
17 graph (1) or (2) of subsection (a) and makes any di-
18 rect reference to another candidate for the same of-
19 fice—

20 “(A) include a clearly identifiable photo-
21 graphic or similar image of the candidate;

22 “(B) include a clearly readable printed
23 statement identifying the candidate and stating
24 that the candidate has approved the commu-
25 nication; and

1 “(C) occupy no less than 10 percent of the
2 total area of the communication.”.

3 (b) INTERNET AND PRERECORDED TELEPHONE
4 COMMUNICATIONS.—

5 (1) AUDIO AND VIDEO INTERNET COMMUNICA-
6 TIONS.—Section 318(d)(1) of the Federal Election
7 Campaign Act of 1971 (2 U.S.C. 441d(d)(1)) is
8 amended by adding at the end the following:

9 “(C) BY INTERNET.—Any communication
10 described in paragraph (1) or (2) of subsection
11 (a) which is transmitted through the Internet
12 and which makes any direct reference to an-
13 other candidate for the same office shall—

14 “(i) in the case of an audio commu-
15 nication, meet the requirements applicable
16 to communications transmitted through
17 radio under subparagraph (A); and

18 “(ii) in the case of a video commu-
19 nication, meet the requirements applicable
20 to communications transmitted through
21 television under subparagraph (B).”.

22 (2) PRERECORDED TELEPHONE COMMUNICA-
23 TIONS.—Section 318 of the Federal Election Cam-
24 paign Act of 1971 (2 U.S.C. 441d) is amended—

1 (A) in subsection (a), by inserting “tele-
2 phone call which consists in substantial part of
3 a prerecorded audio message” after “mailing,”
4 each place it appears in the matter preceding
5 paragraph (1); and

6 (B) in subsection (d)(1), as amended by
7 paragraph (1), by adding at the end the fol-
8 lowing:

9 “(D) BY PRERECORDED TELEPHONE
10 CALL.—

11 “(i) IN GENERAL.—Any communica-
12 tion described in paragraph (1) or (2) of
13 subsection (a) which is a telephone call
14 which consists in substantial part of a
15 prerecorded audio message and which
16 makes any direct reference to another can-
17 didate for the same office shall meet the
18 requirements applicable to communications
19 transmitted through radio under subpara-
20 graph (A).

21 “(ii) EXCEPTIONS.—The requirements
22 of this subparagraph shall not apply to a
23 communication that is—

1 “(I) terminated by or at the re-
2 quest of the recipient of the commu-
3 nication after less than 30 seconds; or
4 “(II) not initiated by the party
5 making the communication.”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to communications made after the
8 date that is 180 days after the date of enactment of this
9 Act.

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