

109TH CONGRESS
2D SESSION

H. R. 5374

To amend the Federal Election Campaign Act of 1971 to ban soft money,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2006

Mr. LINDER 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
ban soft money, 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 “Ban it All, Ban it Now
5 Act”.

1 **SEC. 2. EXPANSION OF CURRENT BAN ON USE OF SOFT**
2 **MONEY BY POLITICAL PARTIES AND CAN-**
3 **DIDATES.**

4 (a) IN GENERAL.—Section 323 of the Federal Elec-
5 tion Campaign Act of 1971 (2 U.S.C. 441i) is amended
6 to read as follows:

7 **“SEC. 323. SOFT MONEY OF POLITICAL PARTIES.**

8 “(a) NATIONAL COMMITTEES.—

9 “(1) IN GENERAL.—A national committee of a
10 political party (including a national congressional or
11 Senatorial campaign committee of a political party)
12 may not solicit, receive, or direct to another person
13 a contribution, donation, or transfer of funds or any
14 other thing of value, or spend any funds, that are
15 not subject to the limitations, prohibitions, and re-
16 porting requirements of this Act.

17 “(2) APPLICABILITY.—The prohibition estab-
18 lished by paragraph (1) applies—

19 “(A) to any such national committee, any
20 officer or agent acting on behalf of such a na-
21 tional committee, and any entity that is directly
22 or indirectly established, financed, maintained,
23 or controlled by such a national committee; and

24 “(B) to all activities of such committee and
25 the persons described in subparagraph (A), in-
26 cluding the construction or purchase of an of-

1 fice building or facility, the influencing of the
2 reapportionment decisions of a State, and the
3 financing of litigation relating to the reappor-
4 tionment decisions of a State.

5 “(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—
6 Any amount that is expended or disbursed for Federal
7 election activity by a State, district, or local committee of
8 a political party (including an entity that is directly or
9 indirectly established, financed, maintained, or controlled
10 by a State, district, or local committee of a political party
11 and an officer or agent acting on behalf of such committee
12 or entity), or by an association or similar group of can-
13 didates for State or local office or individuals holding
14 State or local office, shall be made from funds subject to
15 the limitations, prohibitions, and reporting requirements
16 of this Act.

17 “(c) FUNDRAISING COSTS.—An amount spent by a
18 person described in subsection (a) or (b) to raise funds
19 that are used, in whole or in part, for expenditures and
20 disbursements for a Federal election activity shall be made
21 from funds subject to the limitations, prohibitions, and re-
22 porting requirements of this Act.

23 “(d) TAX-EXEMPT ORGANIZATIONS.—A national,
24 State, district, or local committee of a political party (in-
25 cluding a national congressional or Senatorial campaign

1 committee of a political party), an entity that is directly
2 or indirectly established, financed, maintained, or con-
3 trolled by any such national, State, district, or local com-
4 mittee or its agent, and an officer or agent acting on be-
5 half of any such party committee or entity, shall not solicit
6 any funds for, or make or direct any donations to—

7 “(1) an organization that is described in section
8 501(c) of the Internal Revenue Code of 1986 and
9 exempt from taxation under section 501(a) of such
10 Code (or has submitted an application for deter-
11 mination of tax exempt status under such section)
12 and that makes expenditures or disbursements in
13 connection with an election for Federal office (in-
14 cluding expenditures or disbursements for Federal
15 election activity); or

16 “(2) an organization described in section 527 of
17 such Code (other than a political committee, a State,
18 district, or local committee of a political party, or
19 the authorized campaign committee of a candidate
20 for State or local office).

21 “(e) FEDERAL CANDIDATES.—

22 “(1) IN GENERAL.—A candidate, individual
23 holding Federal office, agent of a candidate or an in-
24 dividual holding Federal office, or an entity directly
25 or indirectly established, financed, maintained or

1 controlled by or acting on behalf of 1 or more can-
2 didates or individuals holding Federal office, shall
3 not—

4 “(A) solicit, receive, direct, transfer, or
5 spend funds in connection with an election for
6 Federal office, including funds for any Federal
7 election activity, unless the funds are subject to
8 the limitations, prohibitions, and reporting re-
9 quirements of this Act; or

10 “(B) solicit, receive, direct, transfer, or
11 spend funds in connection with any election
12 other than an election for Federal office or dis-
13 burse funds in connection with such an election
14 unless the funds—

15 “(i) are not in excess of the amounts
16 permitted with respect to contributions to
17 candidates and political committees under
18 paragraphs (1), (2), and (3) of section
19 315(a); and

20 “(ii) are not from sources prohibited
21 by this Act from making contributions in
22 connection with an election for Federal of-
23 fice.

24 “(2) STATE LAW.—Paragraph (1) does not
25 apply to the solicitation, receipt, or spending of

1 funds by an individual described in such paragraph
2 who is also a candidate for a State or local office
3 solely in connection with such election for State or
4 local office if the solicitation, receipt, or spending of
5 funds is permitted under State law and refers only
6 to such State or local candidate, or to any other can-
7 didate for the State or local office sought by such
8 candidate, or both.

9 “(3) FUNDRAISING EVENTS.—Notwithstanding
10 paragraph (1), a candidate or an individual holding
11 Federal office may attend, speak, or be a featured
12 guest at a fundraising event for a State, district, or
13 local committee of a political party.

14 “(4) LIMITATION APPLICABLE FOR PURPOSES
15 OF SOLICITATION OF DONATIONS BY INDIVIDUALS
16 TO CERTAIN ORGANIZATIONS.—In the case of the so-
17 licitation of funds by any person described in para-
18 graph (1) on behalf of any entity described in sub-
19 section (d) which is made specifically for funds to be
20 used for activities described in clauses (i) and (ii) of
21 section 301(20)(A), or made for any such entity
22 which engages primarily in activities described in
23 such clauses, the limitation applicable for purposes
24 of a donation of funds by an individual shall be the
25 limitation set forth in section 315(a)(1)(D).

1 “(f) STATE CANDIDATES.—

2 “(1) IN GENERAL.—A candidate for State or
3 local office, individual holding State or local office,
4 or an agent of such a candidate or individual may
5 not spend any funds for a communication described
6 in section 301(20)(A)(iii) unless the funds are sub-
7 ject to the limitations, prohibitions, and reporting
8 requirements of this Act.

9 “(2) EXCEPTION FOR CERTAIN COMMUNICA-
10 TIONS.—Paragraph (1) shall not apply to an indi-
11 vidual described in such paragraph if the commu-
12 nication involved is in connection with an election for
13 such State or local office and refers only to such in-
14 dividual or to any other candidate for the State or
15 local office held or sought by such individual, or
16 both.”.

17 (b) CONFORMING CERTAIN DEFINITIONS.—

18 (1) FEDERAL ELECTION ACTIVITY.—Section
19 301(20) of such Act (2 U.S.C. 431) is amended to
20 read as follows:

21 “(20) FEDERAL ELECTION ACTIVITY.—

22 “(A) IN GENERAL.—The term ‘Federal
23 election activity’ means—

24 “(i) voter registration activity;

1 “(ii) voter identification, get-out-the-
2 vote activity, or generic campaign activity
3 conducted in connection with an election in
4 which a candidate for Federal office ap-
5 pears on the ballot (regardless of whether
6 a candidate for State or local office also
7 appears on the ballot); or

8 “(iii) a public communication that re-
9 fers to a clearly identified candidate for
10 Federal office (regardless of whether a
11 candidate for State or local office is also
12 mentioned or identified) and that promotes
13 or supports a candidate for that office, or
14 attacks or opposes a candidate for that of-
15 fice (regardless of whether the communica-
16 tion expressly advocates a vote for or
17 against a candidate).

18 “(B) EXCLUDED ACTIVITY.—The term
19 ‘Federal election activity’ does not include an
20 amount expended or disbursed by a State, dis-
21 trict, or local committee of a political party
22 for—

23 “(i) a public communication that re-
24 fers solely to a clearly identified candidate
25 for State or local office, if the communica-

tion is not a Federal election activity described in subparagraph (A)(i) or (ii);

“(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A); or

“(iii) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office.”.

(2) MASS MAILING.—Section 301(23) of such Act (2 U.S.C. 431(23)) is amended by striking “30-day period” and inserting “1-year period”.

(3) TELEPHONE BANK.—Section 301(24) of such Act (2 U.S.C. 431(24)) is amended by striking “30-day period” and inserting “1-year period”.

**SEC. 3. BAN ON USE OF SOFT MONEY BY CORPORATIONS
AND LABOR ORGANIZATIONS FOR NON-
PARTISAN VOTER REGISTRATION AND GET-
OUT-THE-VOTE ACTIVITIES.**

Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by striking “(B) nonpartisan registration and get-out-the-vote cam-

1 paigns” and all that follows through “and (C)” and insert-
 2 ing “and (B)”.

3 **SEC. 4. BAN ON USE OF SOFT MONEY FOR GET-OUT-THE-**
 4 **VOTE ACTIVITIES BY CERTAIN ORGANIZA-**
 5 **TIONS.**

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

9 “BAN ON USE OF NONFEDERAL FUNDS FOR GET-OUT-
 10 THE-VOTE ACTIVITIES BY CERTAIN ORGANIZATIONS

11 “SEC. 325. (a) IN GENERAL.—Any amount expended
 12 or disbursed for get-out-the-vote activities by any organi-
 13 zation described in subsection (b) shall be made from
 14 amounts subject to the limitations, prohibitions, and re-
 15 porting requirements of this Act.

16 “(b) ORGANIZATIONS DESCRIBED.—An organization
 17 described in this subsection is—

18 “(1) an organization that is described in section
 19 501(c)(3) or 501(c)(4) of the Internal Revenue Code
 20 of 1986 and exempt from taxation under section
 21 501(a) of such Code (or has submitted an applica-
 22 tion for determination of tax exempt status under
 23 such section); or

24 “(2) an organization described in section 527 of
 25 such Code (other than a State, district, or local com-
 26 mittee of a political party, a candidate for State or

1 local office, or the authorized campaign committee of
2 a candidate for State or local office).”.

3 **SEC. 5. BAN ON USE OF SOFT MONEY FOR ANY PARTISAN**
4 **VOTER REGISTRATION ACTIVITIES.**

5 Title III of the Federal Election Campaign Act of
6 1971 (2 U.S.C. 431 et seq.), as amended by section 4,
7 is further amended by adding at the end the following new
8 section:

9 “BAN ON USE OF NONFEDERAL FUNDS FOR PARTISAN
10 VOTER REGISTRATION ACTIVITIES

11 “SEC. 326. No person may expend or disburse any
12 funds for partisan voter registration activity which are not
13 subject to the limitations, prohibitions, and reporting re-
14 quirements of this Act.”.

15 **SEC. 6. EFFECTIVE DATE.**

16 The amendments made by this Act shall apply with
17 respect to elections occurring after December 2006.

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