

111TH CONGRESS
1ST SESSION

H. R. 749

IN THE SENATE OF THE UNITED STATES

APRIL 23, 2009

Received; read twice and referred to the Committee on Rules and
Administration

AN ACT

To amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. DESIGNATION OF INDIVIDUAL AUTHORIZED TO**
2 **MAKE CAMPAIGN COMMITTEE DISBURSE-**
3 **MENTS IN EVENT OF DEATH OF CANDIDATE.**

4 (a) IN GENERAL.—Section 302 of the Federal Elec-
5 tion Campaign Act of 1971 (2 U.S.C. 432) is amended
6 by adding at the end the following new subsection:

7 “(j)(1) Each candidate may, with respect to each au-
8 thorized committee of the candidate, designate an indi-
9 vidual who shall be responsible for disbursing funds in the
10 accounts of the committee in the event of the death of
11 the candidate, and may also designate another individual
12 to carry out the responsibilities of the designated indi-
13 vidual under this subsection in the event of the death or
14 incapacity of the designated individual or the unwilling-
15 ness of the designated individual to carry out the respon-
16 sibilities.

17 “(2) In order to designate an individual under this
18 subsection, the candidate shall file with the Commission
19 a signed written statement (in a standardized form devel-
20 oped by the Commission) that contains the name and ad-
21 dress of the individual and the name of the authorized
22 committee for which the designation shall apply, and that
23 may contain the candidate’s instructions regarding the
24 disbursement of the funds involved by the individual. At
25 any time after filing the statement, the candidate may re-
26 voke the designation of an individual by filing with the

1 Commission a signed written statement of revocation (in
2 a standardized form developed by the Commission).

3 “(3) Upon the death of a candidate who has des-
4 ignated an individual for purposes of paragraph (1), funds
5 in the accounts of each authorized committee of the can-
6 didate may be disbursed only under the direction and in
7 accordance with the instructions of such individual, sub-
8 ject to the terms and conditions applicable to the disburse-
9 ment of such funds under this Act or any other applicable
10 Federal or State law (other than any provision of State
11 law which authorizes any person other than such indi-
12 vidual to direct the disbursement of such funds).

13 “(4) Nothing in paragraph (3) may be construed to
14 grant any authority to an individual who is designated
15 pursuant to this subsection other than the authority to
16 direct the disbursement of funds as provided in such para-
17 graph, or may be construed to affect the responsibility of
18 the treasurer of an authorized committee for which funds
19 are disbursed in accordance with such paragraph to file
20 reports of the disbursements of such funds under section
21 304(a).”.

22 (b) INCLUSION OF DESIGNATION IN STATEMENT OF
23 ORGANIZATION OF COMMITTEE.—Section 303(b) of the
24 Federal Election Campaign Act of 1971 (2 U.S.C. 433(b))
25 is amended—

1 (1) in paragraph (5), by striking “and” at the
2 end;

3 (2) in paragraph (6), by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(7) in the case of an authorized committee of
8 a candidate who has designated an individual under
9 section 302(j) (including a second individual des-
10 ignated to carry out the responsibilities of that indi-
11 vidual under such section in the event of that indi-
12 vidual’s death or incapacity or unwillingness to carry
13 out the responsibilities) to disburse funds from the
14 accounts of the committee in the event of the death
15 of the candidate, a copy of the statement filed by the
16 candidate with the Commission under such section
17 (as well as a copy of any subsequent statement of
18 revocation filed by the candidate with the Commis-
19 sion under such section).”.

20 **SEC. 2. EFFECTIVE DATE.**

21 The amendments made by this Act shall apply with
22 respect to authorized campaign committees which are des-
23 ignated under section 302(e)(1) of the Federal Election

1 Campaign Act of 1971 before, on, or after the date of the
2 enactment of this Act.

Passed the House of Representatives April 22, 2009.

Attest: LORRAINE C. MILLER,
Clerk.