

113TH CONGRESS
1ST SESSION

H. R. 1636

To amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2013

Mrs. DAVIS of California (for herself, Mr. HASTINGS of Florida, Mr. MORAN, Mr. LARSON of Connecticut, and Mr. BRADY of Pennsylvania) 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 prohibit certain State election administration officials from actively participating in electoral campaigns.

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 “Federal Election Integ-

5 rity Act of 2013”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) chief State election administration officials
2 have served on political campaigns for Federal can-
3 didates whose elections those officials will supervise;

4 (2) such partisan activity by the chief State
5 election administration official, an individual
6 charged with certifying the validity of an election,
7 represents a fundamental conflict of interest that
8 may prevent the official from ensuring a fair and ac-
9 curate election;

10 (3) this conflict impedes the legal duty of chief
11 State election administration officials to supervise
12 Federal elections, undermines the integrity of Fed-
13 eral elections, and diminishes the people's confidence
14 in our electoral system by casting doubt on the re-
15 sults of Federal elections;

16 (4) the Supreme Court has long recognized that
17 Congress's power to regulate Congressional elections
18 under Article I, Section 4, Clause 1 of the Constitu-
19 tion is both plenary and powerful; and

20 (5) the Supreme Court and numerous appellate
21 courts have recognized that the broad power given to
22 Congress over Congressional elections extends to
23 Presidential elections.

1 **SEC. 3. PROHIBITION ON CAMPAIGN ACTIVITIES BY CHIEF**
 2 **STATE ELECTION ADMINISTRATION OFFI-**
 3 **CIALS.**

4 (a) IN GENERAL.—Title III of the Federal Election
 5 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended
 6 by inserting after section 319 the following new section:

7 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION
 8 ADMINISTRATION OFFICIALS

9 “SEC. 319A. (a) PROHIBITION.—It shall be unlawful
 10 for a chief State election administration official to take
 11 an active part in political management or in a political
 12 campaign with respect to any election for Federal office
 13 over which such official has supervisory authority.

14 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-
 15 FICIAL.—The term ‘chief State election administration of-
 16 ficial’ means the highest State official with responsibility
 17 for the administration of Federal elections under State
 18 law.

19 “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR
 20 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-
 21 litical management or in a political campaign’ means—

22 “(1) serving as a member of an authorized com-
 23 mittee of a candidate for Federal office;

24 “(2) the use of official authority or influence
 25 for the purpose of interfering with or affecting the
 26 result of an election for Federal office;

1 “(3) the solicitation, acceptance, or receipt of a
 2 contribution from any person on behalf of a can-
 3 didate for Federal office; and

4 “(4) any other act which would be prohibited
 5 under paragraph (2) or (3) of section 7323(b) of
 6 title 5, United States Code, if taken by an individual
 7 to whom such paragraph applies (other than any
 8 prohibition on running for public office).

9 “(d) EXCEPTION FOR CAMPAIGNS OF OFFICIAL OR
 10 IMMEDIATE FAMILY MEMBERS.—

11 “(1) IN GENERAL.—This section does not apply
 12 to a chief State election administration official with
 13 respect to an election for Federal office in which the
 14 official or an immediate family member of the offi-
 15 cial is a candidate.

16 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
 17 In paragraph (1), the term ‘immediate family mem-
 18 ber’ means, with respect to a candidate, a father,
 19 mother, son, daughter, brother, sister, husband,
 20 wife, father-in-law, or mother-in-law.”.

21 (b) EFFECTIVE DATE.—The amendments made by
 22 subsection (a) shall apply with respect to elections for
 23 Federal office held after December 2013.

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