

115TH CONGRESS  
1ST SESSION

# S. 1640

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

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## IN THE SENATE OF THE UNITED STATES

JULY 26, 2017

Mr. DURBIN (for himself, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. COONS, Ms. DUCKWORTH, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HIRONO, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. SANDERS, Mr. SCHATZ, Mrs. SHAHEEN, Mr. UDALL, Mr. VAN HOLLEN, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To reform the financing of Senate 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       “Fair Elections Now Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION  
CAMPAIGNS

Subtitle A—Fair Elections Financing Program

- Sec. 101. Findings and declarations.  
 Sec. 102. Eligibility requirements and benefits of Fair Elections financing of  
           Senate election campaigns.  
 Sec. 103. Prohibition on joint fundraising committees.  
 Sec. 104. Exception to limitation on coordinated expenditures by political party  
           committees with participating candidates.

TITLE II—IMPROVING VOTER INFORMATION

- Sec. 201. Broadcasts relating to all Senate candidates.  
 Sec. 202. Broadcast rates for participating candidates.  
 Sec. 203. FCC to prescribe standardized form for reporting candidate campaign  
           ads.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION  
COMMISSION

- Sec. 301. Petition for certiorari.  
 Sec. 302. Filing by Senate candidates with Commission.  
 Sec. 303. Electronic filing of FEC reports.

TITLE IV—PARTICIPATION IN FUNDING OF ELECTIONS

- Sec. 401. Refundable tax credit for Senate campaign contributions.

TITLE V—REVENUE PROVISIONS

- Sec. 501. Fair Elections Fund revenue.

TITLE VI—MISCELLANEOUS PROVISIONS

- Sec. 601. Severability.  
 Sec. 602. Effective date.

1 **TITLE I—FAIR ELECTIONS FI-**  
 2 **NANCING OF SENATE ELEC-**  
 3 **TION CAMPAIGNS**

4 **Subtitle A—Fair Elections**  
 5 **Financing Program**

6 **SEC. 101. FINDINGS AND DECLARATIONS.**

7 (a) UNDERMINING OF DEMOCRACY BY CAMPAIGN  
 8 CONTRIBUTIONS FROM PRIVATE SOURCES.—The Senate  
 9 finds and declares that the current system of privately fi-

1 nanced campaigns for election to the United States Senate  
2 has the capacity, and is often perceived by the public, to  
3 undermine democracy in the United States by—

4 (1) creating a culture that fosters actual or per-  
5 ceived conflicts of interest by encouraging Senators  
6 to accept large campaign contributions from private  
7 interests that are directly affected by Federal legis-  
8 lation;

9 (2) diminishing or appearing to diminish Sen-  
10 ators' accountability to constituents by compelling  
11 legislators to be accountable to the major contribu-  
12 tors who finance their election campaigns;

13 (3) undermining the meaning of the right to  
14 vote by allowing monied interests to have a dis-  
15 proportionate and unfair influence within the polit-  
16 ical process;

17 (4) imposing large, unwarranted costs on tax-  
18 payers through legislative and regulatory distortions  
19 caused by unequal access to lawmakers for campaign  
20 contributors;

21 (5) making it difficult for some qualified can-  
22 didates to mount competitive Senate election cam-  
23 paigns;

24 (6) disadvantaging challengers and discouraging  
25 competitive elections; and

1           (7) burdening incumbents with a preoccupation  
2       with fundraising and thus decreasing the time avail-  
3       able to carry out their public responsibilities.

4       (b) ENHANCEMENT OF DEMOCRACY BY PROVIDING  
5       ALLOCATIONS FROM THE FAIR ELECTIONS FUND.—The  
6       Senate finds and declares that providing the option of the  
7       replacement of large private campaign contributions with  
8       allocations from the Fair Elections Fund for all primary,  
9       runoff, and general elections to the Senate would enhance  
10      American democracy by—

11           (1) reducing the actual or perceived conflicts of  
12      interest created by fully private financing of the elec-  
13      tion campaigns of public officials and restoring pub-  
14      lic confidence in the integrity and fairness of the  
15      electoral and legislative processes through a program  
16      which allows participating candidates to adhere to  
17      substantially lower contribution limits for contribu-  
18      tors with an assurance that there will be sufficient  
19      funds for such candidates to run viable electoral  
20      campaigns;

21           (2) increasing the public's confidence in the ac-  
22      countability of Senators to the constituents who elect  
23      them, which derives from the program's qualifying  
24      criteria to participate in the voluntary program and  
25      the conclusions that constituents may draw regard-

1       ing candidates who qualify and participate in the  
2       program;

3           (3) helping to reduce the ability to make large  
4       campaign contributions as a determinant of a citi-  
5       zen's influence within the political process by facili-  
6       tating the expression of support by voters at every  
7       level of wealth, encouraging political participation,  
8       and incentivizing participation on the part of Sen-  
9       ators through the matching of small dollar contribu-  
10      tions;

11          (4) potentially saving taxpayers billions of dol-  
12      lars that may be (or that are perceived to be) cur-  
13      rently allocated based upon legislative and regu-  
14      latory agendas skewed by the influence of campaign  
15      contributions;

16          (5) creating genuine opportunities for all Amer-  
17      icans to run for the Senate and encouraging more  
18      competitive elections;

19          (6) encouraging participation in the electoral  
20      process by citizens of every level of wealth; and

21          (7) freeing Senators from the incessant 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 **FAIR ELECTIONS FINANCING OF SENATE**  
 3 **ELECTION CAMPAIGNS.**

4 The Federal Election Campaign Act of 1971 (52  
 5 U.S.C. 30101 et seq.) is amended by adding at the end  
 6 the following:

7 **“TITLE V—FAIR ELECTIONS FI-**  
 8 **NANCING OF SENATE ELEC-**  
 9 **TION CAMPAIGNS**

10 **“Subtitle A—General Provisions**

11 **“SEC. 501. DEFINITIONS.**

12 “In this title:

13 “(1) **ALLOCATION FROM THE FUND.**—The term  
 14 ‘allocation from the Fund’ means an allocation of  
 15 money from the Fair Elections Fund to a partici-  
 16 pating candidate pursuant to section 522.

17 “(2) **BOARD.**—The term ‘Board’ means the  
 18 Fair Elections Oversight Board established under  
 19 section 531.

20 “(3) **FAIR ELECTIONS QUALIFYING PERIOD.**—  
 21 The term ‘Fair Elections qualifying period’ means,  
 22 with respect to any candidate for Senator, the pe-  
 23 riod—

24 “(A) beginning on the date on which the  
 25 candidate files a statement of intent under sec-  
 26 tion 511(a)(1); and

1 “(B) ending on the date that is 30 days  
2 before—

3 “(i) the date of the primary election;  
4 or

5 “(ii) in the case of a State that does  
6 not hold a primary election, the date pre-  
7 scribed by State law as the last day to  
8 qualify for a position on the general elec-  
9 tion ballot.

10 “(4) FAIR ELECTIONS START DATE.—The term  
11 ‘Fair Elections start date’ means, with respect to  
12 any candidate, the date that is 180 days before—

13 “(A) the date of the primary election; or

14 “(B) in the case of a State that does not  
15 hold a primary election, the date prescribed by  
16 State law as the last day to qualify for a posi-  
17 tion on the general election ballot.

18 “(5) FUND.—The term ‘Fund’ means the Fair  
19 Elections Fund established by section 502.

20 “(6) IMMEDIATE FAMILY.—The term ‘imme-  
21 diate family’ means, with respect to any candidate—

22 “(A) the candidate’s spouse;

23 “(B) a child, stepchild, parent, grand-  
24 parent, brother, half-brother, sister, or half-sis-

1           ter of the candidate or the candidate’s spouse;  
 2           and

3                   “(C) the spouse of any person described in  
 4           subparagraph (B).

5           “(7) MATCHING CONTRIBUTION.—The term  
 6           ‘matching contribution’ means a matching payment  
 7           provided to a participating candidate for qualified  
 8           small dollar contributions, as provided under section  
 9           523.

10           “(8) NONPARTICIPATING CANDIDATE.—The  
 11           term ‘nonparticipating candidate’ means a candidate  
 12           for Senator who is not a participating candidate.

13           “(9) PARTICIPATING CANDIDATE.—The term  
 14           ‘participating candidate’ means a candidate for Sen-  
 15           ator who is certified under section 515 as being eli-  
 16           gible to receive an allocation from the Fund.

17           “(10) QUALIFYING CONTRIBUTION.—The term  
 18           ‘qualifying contribution’ means, with respect to a  
 19           candidate, a contribution that—

20                   “(A) is in an amount that is—

21                           “(i) not less than the greater of \$5 or  
 22                           the amount determined by the Commission  
 23                           under section 531; and



1 “(ii) not more than the greater of  
 2 \$150 or the amount determined by the  
 3 Commission under section 531;

4 “(B) is made by an individual—

5 “(i) who is a resident of the State in  
 6 which such candidate is seeking election;  
 7 and

8 “(ii) who is not otherwise prohibited  
 9 from making a contribution under this Act;

10 “(C) is made during the Fair Elections  
 11 qualifying period; and

12 “(D) meets the requirements of section  
 13 512(b).

14 “(11) QUALIFIED SMALL DOLLAR CONTRIBU-  
 15 TION.—The term ‘qualified small dollar contribution’  
 16 means, with respect to a candidate, any contribution  
 17 (or series of contributions)—

18 “(A) which is not a qualifying contribution  
 19 (or does not include a qualifying contribution);

20 “(B) which is made by an individual who  
 21 is not prohibited from making a contribution  
 22 under this Act; and

23 “(C) the aggregate amount of which does  
 24 not exceed the greater of—

25 “(i) \$150 per election; or

1 “(ii) the amount per election deter-  
2 mined by the Commission under section  
3 531.

4 “(12) QUALIFYING MULTICANDIDATE POLIT-  
5 ICAL COMMITTEE CONTRIBUTION.—

6 “(A) IN GENERAL.—The term ‘qualifying  
7 multicandidate political committee contribution’  
8 means any contribution to a candidate that is  
9 made from a qualified account of a multi-  
10 candidate political committee (within the mean-  
11 ing of section 315(a)(2)).

12 “(B) QUALIFIED ACCOUNT.—For purposes  
13 of subparagraph (A), the term ‘qualified ac-  
14 count’ means, with respect to a multicandidate  
15 political committee, a separate, segregated ac-  
16 count of the committee that consists solely of  
17 contributions which meet the following require-  
18 ments:

19 “(i) All contributions to such account  
20 are made by individuals who are not pro-  
21 hibited from making contributions under  
22 this Act.

23 “(ii) The aggregate amount of con-  
24 tributions from each individual to such ac-  
25 count and all other accounts of the polit-

1                    ical committee do not exceed the amount  
 2                    described in paragraph (11)(C).

3 **“SEC. 502. FAIR ELECTIONS FUND.**

4            “(a) ESTABLISHMENT.—There is established in the  
 5 Treasury a fund to be known as the ‘Fair Elections Fund’.

6            “(b) AMOUNTS HELD BY FUND.—The Fund shall  
 7 consist of the following amounts:

8                    “(1) APPROPRIATED AMOUNTS.—

9                    “(A) IN GENERAL.—Amounts appropriated  
 10 to the Fund.

11                    “(B) SENSE OF THE SENATE REGARDING  
 12 APPROPRIATIONS.—It is the sense of the Senate  
 13 that—

14                    “(i) there should be imposed on any  
 15 payment made to any person (other than a  
 16 State or local government or a foreign na-  
 17 tion) who has a contract with the Govern-  
 18 ment of the United States in excess of  
 19 \$10,000,000 a tax equal to 0.50 percent of  
 20 amount paid pursuant to each contract, ex-  
 21 cept that the aggregate tax on each con-  
 22 tract for any taxable year shall not exceed  
 23 \$500,000; and

24                    “(ii) the revenue from such tax should  
 25 be appropriated to the Fund.

1           “(2) VOLUNTARY CONTRIBUTIONS.—Voluntary  
2       contributions to the Fund.

3           “(3) OTHER DEPOSITS.—Amounts deposited  
4       into the Fund under—

5                 “(A) section 513(c) (relating to exceptions  
6       to contribution requirements);

7                 “(B) section 521(c) (relating to remittance  
8       of allocations from the Fund);

9                 “(C) section 533 (relating to violations);  
10       and

11                “(D) any other section of this Act.

12           “(4) INVESTMENT RETURNS.—Interest on, and  
13       the proceeds from, the sale or redemption of, any  
14       obligations held by the Fund under subsection (c).

15       “(c) INVESTMENT.—The Commission shall invest  
16       portions of the Fund in obligations of the United States  
17       in the same manner as provided under section 9602(b)  
18       of the Internal Revenue Code of 1986.

19       “(d) USE OF FUND.—

20                “(1) IN GENERAL.—The sums in the Fund  
21       shall be used to provide benefits to participating  
22       candidates as provided in subtitle C.

23                “(2) INSUFFICIENT AMOUNTS.—Under regula-  
24       tions established by the Commission, rules similar to

1 the rules of section 9006(c) of the Internal Revenue  
 2 Code shall apply.

3 **“Subtitle B—Eligibility and**  
 4 **Certification**

5 **“SEC. 511. ELIGIBILITY.**

6 “(a) IN GENERAL.—A candidate for Senator is eligi-  
 7 ble to receive an allocation from the Fund for any election  
 8 if the candidate meets the following requirements:

9 “(1) The candidate files with the Commission a  
 10 statement of intent to seek certification as a partici-  
 11 pating candidate under this title during the period  
 12 beginning on the Fair Elections start date and end-  
 13 ing on the last day of the Fair Elections qualifying  
 14 period.

15 “(2) The candidate meets the qualifying con-  
 16 tribution requirements of section 512.

17 “(3) Not later than the last day of the Fair  
 18 Elections qualifying period, the candidate files with  
 19 the Commission an affidavit signed by the candidate  
 20 and the treasurer of the candidate’s principal cam-  
 21 paign committee declaring that the candidate—

22 “(A) has complied and, if certified, will  
 23 comply with the contribution and expenditure  
 24 requirements of section 513;

1           “(B) if certified, will comply with the de-  
2           bate requirements of section 514;

3           “(C) if certified, will not run as a non-  
4           participating candidate during such year in any  
5           election for the office that such candidate is  
6           seeking; and

7           “(D) has either qualified or will take steps  
8           to qualify under State law to be on the ballot.

9           “(b) GENERAL ELECTION.—Notwithstanding sub-  
10          section (a), a candidate shall not be eligible to receive an  
11          allocation from the Fund for a general election or a gen-  
12          eral runoff election unless the candidate’s party nominated  
13          the candidate to be placed on the ballot for the general  
14          election or the candidate otherwise qualified to be on the  
15          ballot under State law.

16       **“SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENT.**

17           “(a) IN GENERAL.—A candidate for Senator meets  
18          the requirement of this section if, during the Fair Elec-  
19          tions qualifying period, the candidate obtains—

20               “(1) a number of qualifying contributions equal  
21          to the greater of—

22                       “(A) the sum of—

23                               “(i) 2,000; plus

1 “(ii) 500 for each congressional dis-  
2 trict in the State with respect to which the  
3 candidate is seeking election; or

4 “(B) the amount determined by the Com-  
5 mission under section 531; and

6 “(2) a total dollar amount of qualifying con-  
7 tributions equal to the greater of—

8 “(A) 10 percent of the amount of the allo-  
9 cation such candidate would be entitled to re-  
10 ceive for the primary election under section  
11 522(c)(1) (determined without regard to para-  
12 graph (5) thereof) if such candidate were a par-  
13 ticipating candidate; or

14 “(B) the amount determined by the Com-  
15 mission under section 531.

16 “(b) REQUIREMENTS RELATING TO RECEIPT OF  
17 QUALIFYING CONTRIBUTION.—Each qualifying contribu-  
18 tion—

19 “(1) may be made by means of a personal  
20 check, money order, debit card, credit card, or elec-  
21 tronic payment account;

22 “(2) shall be accompanied by a signed state-  
23 ment containing—

1           “(A) the contributor’s name and the con-  
 2           tributor’s address in the State in which the con-  
 3           tributor is registered to vote; and

4           “(B) an oath declaring that the contrib-  
 5           utor—

6                   “(i) understands that the purpose of  
 7                   the qualifying contribution is to show sup-  
 8                   port for the candidate so that the can-  
 9                   didate may qualify for Fair Elections fi-  
 10                  nancing;

11                  “(ii) is making the contribution in his  
 12                  or her own name and from his or her own  
 13                  funds;

14                  “(iii) has made the contribution will-  
 15                  ingly; and

16                  “(iv) has not received anything of  
 17                  value in return for the contribution; and

18           “(3) shall be acknowledged by a receipt that is  
 19           sent to the contributor with a copy kept by the can-  
 20           didate for the Commission and a copy kept by the  
 21           candidate for the election authorities in the State  
 22           with respect to which the candidate is seeking elec-  
 23           tion.

24           “(c) VERIFICATION OF QUALIFYING CONTRIBU-  
 25           TIONS.—The Commission shall establish procedures for



1 the auditing and verification of qualifying contributions to  
 2 ensure that such contributions meet the requirements of  
 3 this section.

4 **“SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIRE-**  
 5 **MENTS.**

6 “(a) GENERAL RULE.—A candidate for Senator  
 7 meets the requirements of this section if, during the elec-  
 8 tion cycle of the candidate, the candidate—

9 “(1) except as provided in subsection (b), ac-  
 10 cepts no contributions other than—

11 “(A) qualifying contributions;

12 “(B) qualified small dollar contributions;

13 “(C) qualifying multicandidate political  
 14 committee contributions;

15 “(D) allocations from the Fund under sec-  
 16 tion 522;

17 “(E) matching contributions under section  
 18 523; and

19 “(F) vouchers provided to the candidate  
 20 under section 524;

21 “(2) makes no expenditures from any amounts  
 22 other than from—

23 “(A) qualifying contributions;

24 “(B) qualified small dollar contributions;

1                   “(C) qualifying multicandidate political  
2                   committee contributions;

3                   “(D) allocations from the Fund under sec-  
4                   tion 522;

5                   “(E) matching contributions under section  
6                   523; and

7                   “(F) vouchers provided to the candidate  
8                   under section 524; and

9                   “(3) makes no expenditures from personal  
10                  funds or the funds of any immediate family member  
11                  (other than funds received through qualified small  
12                  dollar contributions and qualifying contributions).

13                  For purposes of this subsection, a payment made by a po-  
14                  litical party in coordination with a participating candidate  
15                  shall not be treated as a contribution to or as an expendi-  
16                  ture made by the participating candidate.

17                  “(b) CONTRIBUTIONS FOR LEADERSHIP PACs,  
18                  ETC.—A political committee of a participating candidate  
19                  which is not an authorized committee of such candidate  
20                  may accept contributions other than contributions de-  
21                  scribed in subsection (a)(1) from any person if—

22                         “(1) the aggregate contributions from such per-  
23                         son for any calendar year do not exceed \$150; and

1           “(2) no portion of such contributions is dis-  
 2           bursed in connection with the campaign of the par-  
 3           ticipating candidate.

4           “(c) EXCEPTION.—Notwithstanding subsection (a), a  
 5           candidate shall not be treated as having failed to meet  
 6           the requirements of this section if any contributions that  
 7           are not qualified small dollar contributions, qualifying con-  
 8           tributions, qualifying multicandidate political committee  
 9           contributions, or contributions that meet the requirements  
 10          of subsection (b) and that are accepted before the date  
 11          the candidate files a statement of intent under section  
 12          511(a)(1) are—

13                   “(1) returned to the contributor; or

14                   “(2) submitted to the Commission for deposit in  
 15          the Fund.

16   **“SEC. 514. DEBATE REQUIREMENT.**

17          “A candidate for Senator meets the requirements of  
 18          this section if the candidate participates in at least—

19                   “(1) 1 public debate before the primary election  
 20                   with other participating candidates and other willing  
 21                   candidates from the same party and seeking the  
 22                   same nomination as such candidate; and

23                   “(2) 2 public debates before the general election  
 24                   with other participating candidates and other willing

1 candidates seeking the same office as such can-  
2 didate.

3 **“SEC. 515. CERTIFICATION.**

4 “(a) IN GENERAL.—Not later than 5 days after a  
5 candidate for Senator files an affidavit under section  
6 511(a)(3), the Commission shall—

7 “(1) certify whether or not the candidate is a  
8 participating candidate; and

9 “(2) notify the candidate of the Commission’s  
10 determination.

11 **“(b) REVOCATION OF CERTIFICATION.—**

12 “(1) IN GENERAL.—The Commission may re-  
13 voke a certification under subsection (a) if—

14 “(A) a candidate fails to qualify to appear  
15 on the ballot at any time after the date of cer-  
16 tification; or

17 “(B) a candidate otherwise fails to comply  
18 with the requirements of this title, including  
19 any regulatory requirements prescribed by the  
20 Commission.

21 “(2) REPAYMENT OF BENEFITS.—If certifi-  
22 cation is revoked under paragraph (1), the candidate  
23 shall repay to the Fund an amount equal to the  
24 value of benefits received under this title plus inter-

1 est (at a rate determined by the Commission) on any  
 2 such amount received.

### 3 **“Subtitle C—Benefits**

#### 4 **“SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.**

5 “(a) IN GENERAL.—For each election with respect  
 6 to which a candidate is certified as a participating can-  
 7 didate, such candidate shall be entitled to—

8 “(1) an allocation from the Fund to make or  
 9 obligate to make expenditures with respect to such  
 10 election, as provided in section 522;

11 “(2) matching contributions, as provided in sec-  
 12 tion 523; and

13 “(3) for the general election, vouchers for  
 14 broadcasts of political advertisements, as provided in  
 15 section 524.

16 “(b) RESTRICTION ON USES OF ALLOCATIONS FROM  
 17 THE FUND.—Allocations from the Fund received by a par-  
 18 ticipating candidate under section 522 and matching con-  
 19 tributions under section 523 may only be used for cam-  
 20 paign-related costs.

21 “(c) REMITTING ALLOCATIONS FROM THE FUND.—

22 “(1) IN GENERAL.—Not later than the date  
 23 that is 45 days after an election in which the partici-  
 24 pating candidate appeared on the ballot, such par-  
 25 ticipating candidate shall remit to the Commission

1 for deposit in the Fund an amount equal to the less-  
 2 er of—

3 “(A) the amount of money in the can-  
 4 didate’s campaign account; or

5 “(B) the sum of the allocations from the  
 6 Fund received by the candidate under section  
 7 522 and the matching contributions received by  
 8 the candidate under section 523.

9 “(2) EXCEPTION.—In the case of a candidate  
 10 who qualifies to be on the ballot for a primary run-  
 11 off election, a general election, or a general runoff  
 12 election, the amounts described in paragraph (1)  
 13 may be retained by the candidate and used in such  
 14 subsequent election.

15 **“SEC. 522. ALLOCATIONS FROM THE FUND.**

16 “(a) IN GENERAL.—The Commission shall make allo-  
 17 cations from the Fund under section 521(a)(1) to a par-  
 18 ticipating candidate—

19 “(1) in the case of amounts provided under  
 20 subsection (c)(1), not later than 48 hours after the  
 21 date on which such candidate is certified as a par-  
 22 ticipating candidate under section 515;

23 “(2) in the case of a general election, not later  
 24 than 48 hours after—

1           “(A) the date of the certification of the re-  
 2           sults of the primary election or the primary  
 3           runoff election; or

4           “(B) in any case in which there is no pri-  
 5           mary election, the date the candidate qualifies  
 6           to be placed on the ballot; and

7           “(3) in the case of a primary runoff election or  
 8           a general runoff election, not later than 48 hours  
 9           after the certification of the results of the primary  
 10          election or the general election, as the case may be.

11          “(b) METHOD OF PAYMENT.—The Commission shall  
 12          distribute funds available to participating candidates  
 13          under this section through the use of an electronic funds  
 14          exchange or a debit card.

15          “(c) AMOUNTS.—

16               “(1) PRIMARY ELECTION ALLOCATION; INITIAL  
 17          ALLOCATION.—Except as provided in paragraph (5),  
 18          the Commission shall make an allocation from the  
 19          Fund for a primary election to a participating can-  
 20          didate in an amount equal to 67 percent of the base  
 21          amount with respect to such participating candidate.

22               “(2) PRIMARY RUNOFF ELECTION ALLOCA-  
 23          TION.—The Commission shall make an allocation  
 24          from the Fund for a primary runoff election to a  
 25          participating candidate in an amount equal to 25

1       percent of the amount the participating candidate  
2       was eligible to receive under this section for the pri-  
3       mary election.

4           “(3) GENERAL ELECTION ALLOCATION.—Ex-  
5       cept as provided in paragraph (5), the Commission  
6       shall make an allocation from the Fund for a gen-  
7       eral election to a participating candidate in an  
8       amount equal to the base amount with respect to  
9       such candidate.

10          “(4) GENERAL RUNOFF ELECTION ALLOCA-  
11       TION.—The Commission shall make an allocation  
12       from the Fund for a general runoff election to a par-  
13       ticipating candidate in an amount equal to 25 per-  
14       cent of the base amount with respect to such can-  
15       didate.

16          “(5) UNCONTESTED ELECTIONS.—

17           “(A) IN GENERAL.—In the case of a pri-  
18       mary or general election that is an uncontested  
19       election, the Commission shall make an alloca-  
20       tion from the Fund to a participating candidate  
21       for such election in an amount equal to 25 per-  
22       cent of the allocation which such candidate  
23       would be entitled to under this section for such  
24       election if this paragraph did not apply.



1                   “(B) UNCONTESTED ELECTION DE-  
 2                   FINED.—For purposes of this subparagraph, an  
 3                   election is uncontested if not more than 1 can-  
 4                   didate has campaign funds (including payments  
 5                   from the Fund) in an amount equal to or great-  
 6                   er than 10 percent of the allocation a partici-  
 7                   pating candidate would be entitled to receive  
 8                   under this section for such election if this para-  
 9                   graph did not apply.

10                  “(d) BASE AMOUNT.—

11                   “(1) IN GENERAL.—Except as otherwise pro-  
 12                   vided in this subsection, the base amount for any  
 13                   candidate is an amount equal to the greater of—

14                   “(A) the sum of—

15                   “(i) \$750,000; plus

16                   “(ii) \$150,000 for each congressional  
 17                   district in the State with respect to which  
 18                   the candidate is seeking election; or

19                   “(B) the amount determined by the Com-  
 20                   mission under section 531.

21                   “(2) INDEXING.—In each even-numbered year  
 22                   after 2021—

23                   “(A) each dollar amount under paragraph  
 24                   (1)(A) shall be increased by the percent dif-  
 25                   ference between the price index (as defined in

1 section 315(c)(2)(A)) for the 12 months pre-  
 2 ceding the beginning of such calendar year and  
 3 the price index for calendar year 2020;

4 “(B) each dollar amount so increased shall  
 5 remain in effect for the 2-year period beginning  
 6 on the first day following the date of the last  
 7 general election in the year preceding the year  
 8 in which the amount is increased and ending on  
 9 the date of the next general election; and

10 “(C) if any amount after adjustment under  
 11 subparagraph (A) is not a multiple of \$100,  
 12 such amount shall be rounded to the nearest  
 13 multiple of \$100.

14 **“SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL**  
 15 **DOLLAR CONTRIBUTIONS.**

16 “(a) IN GENERAL.—The Commission shall pay to  
 17 each participating candidate an amount equal to 600 per-  
 18 cent of the amount of qualified small dollar contributions  
 19 received by the candidate from individuals who are resi-  
 20 dents of the State in which such participating candidate  
 21 is seeking election after the date on which such candidate  
 22 is certified under section 515.

23 “(b) LIMITATION.—The aggregate payments under  
 24 subsection (a) with respect to any candidate shall not ex-  
 25 ceed the greater of—

1           “(1) 400 percent of the allocation such can-  
 2       didate is entitled to receive for such election under  
 3       section 522 (determined without regard to sub-  
 4       section (c)(5) thereof); or

5           “(2) the percentage of such allocation deter-  
 6       mined by the Commission under section 531.

7       “(c) TIME OF PAYMENT.—The Commission shall  
 8       make payments under this section not later than 2 busi-  
 9       ness days after the receipt of a report made under sub-  
 10      section (d).

11      “(d) REPORTS.—

12           “(1) IN GENERAL.—Each participating can-  
 13       didate shall file reports of receipts of qualified small  
 14       dollar contributions at such times and in such man-  
 15       ner as the Commission may by regulations prescribe.

16           “(2) CONTENTS OF REPORTS.—Each report  
 17       under this subsection shall disclose—

18           “(A) the amount of each qualified small  
 19       dollar contribution received by the candidate;

20           “(B) the amount of each qualified small  
 21       dollar contribution received by the candidate  
 22       from a resident of the State in which the can-  
 23       didate is seeking election; and

1           “(C) the name, address, and occupation of  
2           each individual who made a qualified small dol-  
3           lar contribution to the candidate.

4           “(3) FREQUENCY OF REPORTS.—Reports under  
5           this subsection shall be made no more frequently  
6           than—

7           “(A) once every month until the date that  
8           is 90 days before the date of the election;

9           “(B) once every week after the period de-  
10          scribed in subparagraph (A) and until the date  
11          that is 21 days before the election; and

12          “(C) once every day after the period de-  
13          scribed in subparagraph (B).

14          “(4) LIMITATION ON REGULATIONS.—The  
15          Commission may not prescribe any regulations with  
16          respect to reporting under this subsection with re-  
17          spect to any election after the date that is 180 days  
18          before the date of such election.

19          “(e) APPEALS.—The Commission shall provide a  
20          written explanation with respect to any denial of any pay-  
21          ment under this section and shall provide the opportunity  
22          for review and reconsideration within 5 business days of  
23          such denial.

1 **“SEC. 524. POLITICAL ADVERTISING VOUCHERS.**

2       “(a) IN GENERAL.—The Commission shall establish  
3 and administer a voucher program for the purchase of  
4 airtime on broadcasting stations for political advertise-  
5 ments in accordance with the provisions of this section.

6       “(b) CANDIDATES.—The Commission shall only dis-  
7 burse vouchers under the program established under sub-  
8 section (a) to participants certified pursuant to section  
9 515 who have agreed in writing to keep and furnish to  
10 the Commission such records, books, and other informa-  
11 tion as it may require.

12       “(c) AMOUNTS.—The Commission shall disburse  
13 vouchers to each candidate certified under subsection (b)  
14 in an aggregate amount equal to the greater of—

15               “(1) \$100,000 multiplied by the number of con-  
16 gressional districts in the State with respect to  
17 which such candidate is running for office; or

18               “(2) the amount determined by the Commission  
19 under section 531.

20       “(d) USE.—

21               “(1) EXCLUSIVE USE.—Vouchers disbursed by  
22 the Commission under this section may be used only  
23 for the purchase of broadcast airtime for political  
24 advertisements relating to a general election for the  
25 office of Senate by the participating candidate to  
26 which the vouchers were disbursed, except that—

1           “(A) a candidate may exchange vouchers  
2           with a political party under paragraph (2); and

3           “(B) a political party may use vouchers  
4           only to purchase broadcast airtime for political  
5           advertisements for generic party advertising (as  
6           defined by the Commission in regulations), to  
7           support candidates for State or local office in a  
8           general election, or to support participating  
9           candidates of the party in a general election for  
10          Federal office, but only if it discloses the value  
11          of the voucher used as an expenditure under  
12          section 315(d).

13          “(2) EXCHANGE WITH POLITICAL PARTY COM-  
14          MITTEE.—

15               “(A) IN GENERAL.—A participating can-  
16               didate who receives a voucher under this section  
17               may transfer the right to use all or a portion  
18               of the value of the voucher to a committee of  
19               the political party of which the individual is a  
20               candidate (or, in the case of a participating  
21               candidate who is not a member of any political  
22               party, to a committee of the political party of  
23               that candidate’s choice) in exchange for money  
24               in an amount equal to the cash value of the  
25               voucher or portion exchanged.

1           “(B) CONTINUATION OF CANDIDATE OBLI-  
 2           GATIONS.—The transfer of a voucher, in whole  
 3           or in part, to a political party committee under  
 4           this paragraph does not release the candidate  
 5           from any obligation under the agreement made  
 6           under subsection (b) or otherwise modify that  
 7           agreement or its application to that candidate.

8           “(C) PARTY COMMITTEE OBLIGATIONS.—  
 9           Any political party committee to which a vouch-  
 10          er or portion thereof is transferred under sub-  
 11          paragraph (A)—

12                 “(i) shall account fully, in accordance  
 13                 with such requirements as the Commission  
 14                 may establish, for the receipt of the vouch-  
 15                 er; and

16                 “(ii) may not use the transferred  
 17                 voucher or portion thereof for any purpose  
 18                 other than a purpose described in para-  
 19                 graph (1)(B).

20          “(D) VOUCHER AS A CONTRIBUTION  
 21          UNDER FECA.—If a candidate transfers a  
 22          voucher or any portion thereof to a political  
 23          party committee under subparagraph (A)—

24                 “(i) the value of the voucher or por-  
 25                 tion thereof transferred shall be treated as

1 a contribution from the candidate to the  
 2 committee, and from the committee to the  
 3 candidate, for purposes of sections 302  
 4 and 304;

5 “(ii) the committee may, in exchange,  
 6 provide to the candidate only funds subject  
 7 to the prohibitions, limitations, and report-  
 8 ing requirements of title III of this Act;  
 9 and

10 “(iii) the amount, if identified as a  
 11 ‘voucher exchange’, shall not be considered  
 12 a contribution for the purposes of sections  
 13 315 and 513.

14 “(e) VALUE; ACCEPTANCE; REDEMPTION.—

15 “(1) VOUCHER.—Each voucher disbursed by  
 16 the Commission under this section shall have a value  
 17 in dollars, redeemable upon presentation to the  
 18 Commission, together with such documentation and  
 19 other information as the Commission may require,  
 20 for the purchase of broadcast airtime for political  
 21 advertisements in accordance with this section.

22 “(2) ACCEPTANCE.—A broadcasting station  
 23 shall accept vouchers in payment for the purchase of  
 24 broadcast airtime for political advertisements in ac-  
 25 cordance with this section.



1           “(3) REDEMPTION.—The Commission shall re-  
 2       deem vouchers accepted by broadcasting stations  
 3       under paragraph (2) upon presentation, subject to  
 4       such documentation, verification, accounting, and  
 5       application requirements as the Commission may im-  
 6       pose to ensure the accuracy and integrity of the  
 7       voucher redemption system.

8           “(4) EXPIRATION.—

9               “(A) CANDIDATES.—A voucher may only  
 10       be used to pay for broadcast airtime for polit-  
 11       ical advertisements to be broadcast before mid-  
 12       night on the day before the date of the Federal  
 13       election in connection with which it was issued  
 14       and shall be null and void for any other use or  
 15       purpose.

16           “(B) EXCEPTION FOR POLITICAL PARTY  
 17       COMMITTEES.—A voucher held by a political  
 18       party committee may be used to pay for broad-  
 19       cast airtime for political advertisements to be  
 20       broadcast before midnight on December 31st of  
 21       the odd-numbered year following the year in  
 22       which the voucher was issued by the Commis-  
 23       sion.

24           “(5) VOUCHER AS EXPENDITURE UNDER  
 25       FECA.—The use of a voucher to purchase broadcast

1       airtime constitutes an expenditure as defined in sec-  
2       tion 301(9)(A).

3       “(f) DEFINITIONS.—In this section:

4               “(1) BROADCASTING STATION.—The term  
5       ‘broadcasting station’ has the meaning given that  
6       term by section 315(f)(1) of the Communications  
7       Act of 1934.

8               “(2) POLITICAL PARTY.—The term ‘political  
9       party’ means a major party or a minor party as de-  
10      fined in section 9002 (3) or (4) of the Internal Rev-  
11      enue Code of 1986 (26 U.S.C. 9002 (3) or (4)).

## 12       **“Subtitle D—Administrative** 13       **Provisions**

### 14      **“SEC. 531. FAIR ELECTIONS OVERSIGHT BOARD.**

15       “(a) ESTABLISHMENT.—There is established within  
16      the Federal Election Commission an entity to be known  
17      as the ‘Fair Elections Oversight Board’.

18       “(b) STRUCTURE AND MEMBERSHIP.—

19               “(1) IN GENERAL.—The Board shall be com-  
20      posed of 5 members appointed by the President by  
21      and with the advice and consent of the Senate, of  
22      whom—

23                       “(A) 2 shall be appointed after consulta-  
24                       tion with the majority leader of the Senate;

1           “(B) 2 shall be appointed after consulta-  
2           tion with the minority leader of the Senate; and

3           “(C) 1 shall be appointed upon the rec-  
4           ommendation of the members appointed under  
5           subparagraphs (A) and (B).

6           “(2) QUALIFICATIONS.—

7           “(A) IN GENERAL.—The members shall be  
8           individuals who are nonpartisan and, by reason  
9           of their education, experience, and attainments,  
10          exceptionally qualified to perform the duties of  
11          members of the Board.

12          “(B) PROHIBITION.—No member of the  
13          Board may be—

14                 “(i) an employee of the Federal Gov-  
15                 ernment;

16                 “(ii) a registered lobbyist; or

17                 “(iii) an officer or employee of a polit-  
18                 ical party or political campaign.

19          “(3) DATE.—Members of the Board shall be  
20          appointed not later than 60 days after the date of  
21          the enactment of this Act.

22          “(4) TERMS.—A member of the Board shall be  
23          appointed for a term of 5 years.

24          “(5) VACANCIES.—A vacancy on the Board  
25          shall be filled not later than 30 calendar days after

1 the date on which the Board is given notice of the  
 2 vacancy, in the same manner as the original ap-  
 3 pointment. The individual appointed to fill the va-  
 4 cancy shall serve only for the unexpired portion of  
 5 the term for which the individual's predecessor was  
 6 appointed.

7 “(6) CHAIRPERSON.—The Board shall des-  
 8 ignate a Chairperson from among the members of  
 9 the Board.

10 “(c) DUTIES AND POWERS.—

11 “(1) ADMINISTRATION.—

12 “(A) IN GENERAL.—The Board shall have  
 13 such duties and powers as the Commission may  
 14 prescribe, including the power to administer the  
 15 provisions of this title.

16 “(2) REVIEW OF FAIR ELECTIONS FINANC-  
 17 ING.—

18 “(A) IN GENERAL.—After each general  
 19 election for Federal office, the Board shall con-  
 20 duct a comprehensive review of the Fair Elec-  
 21 tions financing program under this title, includ-  
 22 ing—

23 “(i) the maximum dollar amount of  
 24 qualified small dollar contributions under  
 25 section 501(11);

1 “(ii) the maximum and minimum dol-  
 2 lar amounts for qualifying contributions  
 3 under section 501(10);

4 “(iii) the number and value of quali-  
 5 fying contributions a candidate is required  
 6 to obtain under section 512 to qualify for  
 7 allocations from the Fund;

8 “(iv) the amount of allocations from  
 9 the Fund that candidates may receive  
 10 under section 522;

11 “(v) the maximum amount of match-  
 12 ing contributions a candidate may receive  
 13 under section 523;

14 “(vi) the amount and usage of vouch-  
 15 ers under section 524;

16 “(vii) the overall satisfaction of par-  
 17 ticipating candidates and the American  
 18 public with the program; and

19 “(viii) such other matters relating to  
 20 financing of Senate campaigns as the  
 21 Board determines are appropriate.

22 “(B) CRITERIA FOR REVIEW.—In con-  
 23 ducting the review under subparagraph (A), the  
 24 Board shall consider the following:

1                   “(i)   QUALIFYING    CONTRIBUTIONS  
2                   AND   QUALIFIED   SMALL   DOLLAR   CON-  
3                   TRIBUTIONS.—The   Board   shall   consider  
4                   whether the number and dollar amount of  
5                   qualifying contributions required and max-  
6                   imum dollar amount for such qualifying  
7                   contributions and qualified small dollar  
8                   contributions strikes a balance regarding  
9                   the importance of voter involvement, the  
10                  need to assure adequate incentives for par-  
11                  ticipating, and fiscal responsibility, taking  
12                  into consideration the number of primary  
13                  and general election participating can-  
14                  didates, the electoral performance of those  
15                  candidates, program cost, and any other  
16                  information the Board determines is ap-  
17                  propriate.

18                 “(ii)   REVIEW   OF   PROGRAM   BENE-  
19                 FITS.—The   Board   shall   consider whether  
20                 the totality of the amount of funds allowed  
21                 to be raised by participating candidates  
22                 (including through qualifying contributions  
23                 and small dollar contributions), allocations  
24                 from the Fund under section 522, match-  
25                 ing contributions under section 523, and

1 vouchers under section 524 are sufficient  
 2 for voters in each State to learn about the  
 3 candidates to cast an informed vote, taking  
 4 into account the historic amount of spend-  
 5 ing by winning candidates, media costs,  
 6 primary election dates, and any other in-  
 7 formation the Board determines is appro-  
 8 priate.

9 “(C) ADJUSTMENT OF AMOUNTS.—

10 “(i) IN GENERAL.—Based on the re-  
 11 view conducted under subparagraph (A),  
 12 the Board shall provide for the adjust-  
 13 ments of the following amounts:

14 “(I) The maximum dollar  
 15 amount of qualified small dollar con-  
 16 tributions under section 501(11)(C).

17 “(II) The maximum and min-  
 18 imum dollar amounts for qualifying  
 19 contributions under section  
 20 501(10)(A).

21 “(III) The number and value of  
 22 qualifying contributions a candidate is  
 23 required to obtain under section  
 24 512(a)(1).

1                   “(IV) The base amount for can-  
2                   didates under section 522(d).

3                   “(V) The maximum amount of  
4                   matching contributions a candidate  
5                   may receive under section 523(b).

6                   “(VI) The dollar amount for  
7                   vouchers under section 524(c).

8                   “(ii) REGULATIONS.—The Commis-  
9                   sion shall promulgate regulations providing  
10                  for the adjustments made by the Board  
11                  under clause (i).

12                  “(D) REPORT.—Not later than March 30  
13                  following any general election for Federal office,  
14                  the Board shall submit a report to Congress on  
15                  the review conducted under paragraph (1).  
16                  Such report shall contain a detailed statement  
17                  of the findings, conclusions, and recommenda-  
18                  tions of the Board based on such review.

19                  “(d) MEETINGS AND HEARINGS.—

20                  “(1) MEETINGS.—The Board may hold such  
21                  hearings, sit and act at such times and places, take  
22                  such testimony, and receive such evidence as the  
23                  Board considers advisable to carry out the purposes  
24                  of this Act.



1           “(2) QUORUM.—Three members of the Board  
 2           shall constitute a quorum for purposes of voting, but  
 3           a quorum is not required for members to meet and  
 4           hold hearings.

5           “(e) REPORTS.—Not later than March 30, 2019, and  
 6           every 2 years thereafter, the Board shall submit to the  
 7           Senate Committee on Rules and Administration a report  
 8           documenting, evaluating, and making recommendations  
 9           relating to the administrative implementation and enforce-  
 10          ment of the provisions of this title.

11          “(f) ADMINISTRATION.—

12           “(1) COMPENSATION OF MEMBERS.—

13           “(A) IN GENERAL.—Each member, other  
 14           than the Chairperson, shall be paid at a rate  
 15           equal to the daily equivalent of the minimum  
 16           annual rate of basic pay prescribed for level IV  
 17           of the Executive Schedule under section 5315  
 18           of title 5, United States Code.

19           “(B) CHAIRPERSON.—The Chairperson  
 20           shall be paid at a rate equal to the daily equiva-  
 21           lent of the minimum annual rate of basic pay  
 22           prescribed for level III of the Executive Sched-  
 23           ule under section 5314 of title 5, United States  
 24           Code.

25           “(2) PERSONNEL.—

1           “(A) DIRECTOR.—The Board shall have a  
2           staff headed by an Executive Director. The Ex-  
3           ecutive Director shall be paid at a rate equiva-  
4           lent to a rate established for the Senior Execu-  
5           tive Service under section 5382 of title 5,  
6           United States Code.

7           “(B) STAFF APPOINTMENT.—With the ap-  
8           proval of the Chairperson, the Executive Direc-  
9           tor may appoint such personnel as the Execu-  
10          tive Director and the Board determines to be  
11          appropriate.

12          “(C) ACTUARIAL EXPERTS AND CONSULT-  
13          ANTS.—With the approval of the Chairperson,  
14          the Executive Director may procure temporary  
15          and intermittent services under section 3109(b)  
16          of title 5, United States Code.

17          “(D) DETAIL OF GOVERNMENT EMPLOY-  
18          EES.—Upon the request of the Chairperson, the  
19          head of any Federal agency may detail, without  
20          reimbursement, any of the personnel of such  
21          agency to the Board to assist in carrying out  
22          the duties of the Board. Any such detail shall  
23          not interrupt or otherwise affect the civil service  
24          status or privileges of the Federal employee.

1           “(E) OTHER RESOURCES.—The Board  
 2           shall have reasonable access to materials, re-  
 3           sources, statistical data, and other information  
 4           from the Library of Congress and other agen-  
 5           cies of the executive and legislative branches of  
 6           the Federal Government. The Chairperson of  
 7           the Board shall make requests for such access  
 8           in writing when necessary.

9           “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
 10          are authorized to be appropriated such sums as are nec-  
 11          essary to carry out the purposes of this subtitle.

12       **“SEC. 532. ADMINISTRATION PROVISIONS.**

13           “The Commission shall prescribe regulations to carry  
 14          out the purposes of this title, including regulations—

15           “(1) to establish procedures for—

16           “(A) verifying the amount of valid quali-  
 17          fying contributions with respect to a candidate;

18           “(B) effectively and efficiently monitoring  
 19          and enforcing the limits on the raising of quali-  
 20          fied small dollar contributions;

21           “(C) monitoring the raising of qualifying  
 22          multicandidate political committee contributions  
 23          through effectively and efficiently monitoring  
 24          and enforcing the limits on individual contribu-

1           tions to qualified accounts of multicandidate po-  
2           litical committees;

3           “(D) effectively and efficiently monitoring  
4           and enforcing the limits on the use of personal  
5           funds by participating candidates;

6           “(E) monitoring the use of allocations  
7           from the Fund and matching contributions  
8           under this title through audits or other mecha-  
9           nisms; and

10          “(F) the administration of the voucher  
11          program under section 524; and

12          “(2) regarding the conduct of debates in a man-  
13          ner consistent with the best practices of States that  
14          provide public financing for elections.

15   **“SEC. 533. VIOLATIONS AND PENALTIES.**

16          “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-  
17   TION AND EXPENDITURE REQUIREMENTS.—If a can-  
18   didate who has been certified as a participating candidate  
19   under section 515(a) accepts a contribution or makes an  
20   expenditure that is prohibited under section 513, the Com-  
21   mission shall assess a civil penalty against the candidate  
22   in an amount that is not more than 3 times the amount  
23   of the contribution or expenditure. Any amounts collected  
24   under this subsection shall be deposited into the Fund.

1       “(b) REPAYMENT FOR IMPROPER USE OF FAIR  
2 ELECTIONS FUND.—

3           “(1) IN GENERAL.—If the Commission deter-  
4 mines that any benefit made available to a partici-  
5 pating candidate under this title was not used as  
6 provided for in this title or that a participating can-  
7 didate has violated any of the dates for remission of  
8 funds contained in this title, the Commission shall  
9 so notify the candidate and the candidate shall pay  
10 to the Fund an amount equal to—

11           “(A) the amount of benefits so used or not  
12 remitted, as appropriate; and

13           “(B) interest on any such amounts (at a  
14 rate determined by the Commission).

15           “(2) OTHER ACTION NOT PRECLUDED.—Any  
16 action by the Commission in accordance with this  
17 subsection shall not preclude enforcement pro-  
18 ceedings by the Commission in accordance with sec-  
19 tion 309(a), including a referral by the Commission  
20 to the Attorney General in the case of an apparent  
21 knowing and willful violation of this title.”.

1 **SEC. 103. PROHIBITION ON JOINT FUNDRAISING COMMIT-**  
 2 **TEES.**

3 Section 302(e) of the Federal Election Campaign Act  
 4 of 1971 (52 U.S.C. 30102(e)) is amended by adding at  
 5 the end the following new paragraph:

6 “(6) No authorized committee of a participating  
 7 candidate (as defined in section 501) may establish  
 8 a joint fundraising committee with a political com-  
 9 mittee other than an authorized committee of a can-  
 10 didate.”.

11 **SEC. 104. EXCEPTION TO LIMITATION ON COORDINATED**  
 12 **EXPENDITURES BY POLITICAL PARTY COM-**  
 13 **MITTEES WITH PARTICIPATING CANDIDATES.**

14 Section 315(d) of the Federal Election Campaign Act  
 15 of 1971 (52 U.S.C. 30116(d)) is amended—

16 (1) in paragraph (3)(A), by striking “in the  
 17 case of” and inserting “except as provided in para-  
 18 graph (5), in the case of”; and

19 (2) by adding at the end the following new  
 20 paragraph:

21 “(6)(A) The limitation under paragraph (3)(A) shall  
 22 not apply with respect to any expenditure from a qualified  
 23 political party-participating candidate coordinated expend-  
 24 iture fund.

25 “(B) In this paragraph, the term ‘qualified political  
 26 party-participating candidate coordinated expenditure

1 fund' means a fund established by the national committee  
2 of a political party, or a State committee of a political  
3 party, including any subordinate committee of a State  
4 committee, for purposes of making expenditures in connec-  
5 tion with the general election campaign of a candidate for  
6 election to the office of Senator who is a participating can-  
7 didate (as defined in section 501), that only accepts quali-  
8 fied coordinated expenditure contributions.

9       “(C) In this paragraph, the term ‘qualified coordi-  
10 nated expenditure contribution’ means, with respect to the  
11 general election campaign of a candidate for election to  
12 the office of Senator who is a participating candidate (as  
13 defined in section 501), any contribution (or series of con-  
14 tributions)—

15               “(i) which is made by an individual who is not  
16 prohibited from making a contribution under this  
17 Act; and

18               “(ii) the aggregate amount of which does not  
19 exceed \$500 per election.”.

1       **TITLE II—IMPROVING VOTER**  
 2                   **INFORMATION**

3   **SEC. 201. BROADCASTS RELATING TO ALL SENATE CAN-**  
 4                   **DIDATES.**

5       (a) LOWEST UNIT CHARGE; NATIONAL COMMIT-  
 6   TEES.—Section 315(b)(1) of the Communications Act of  
 7   1934 (47 U.S.C. 315(b)(1)) is amended—

8           (1) in the matter preceding subparagraph (A),  
 9       by striking “to such office” and inserting the fol-  
 10      lowing: “to such office, or by a national committee  
 11      of a political party on behalf of such candidate in  
 12      connection with such campaign,”; and

13           (2) in subparagraph (A), by inserting “for  
 14      preemptible use thereof” after “station”.

15      (b) PREEMPTION; AUDITS.—Section 315 of the Com-  
 16   munications Act of 1934 (47 U.S.C. 315) is amended—

17           (1) by redesignating subsections (c) and (d) as  
 18      subsections (f) and (g), respectively and moving  
 19      them to follow the existing subsection (e);

20           (2) by redesignating the existing subsection (e)  
 21      as subsection (c); and

22           (3) by inserting after subsection (c) (as redesign-  
 23      ated by paragraph (2)) the following:

24      “(d) PREEMPTION.—



1           “(1) IN GENERAL.—Except as provided in para-  
 2           graph (2), and notwithstanding the requirements of  
 3           subsection (b)(1)(A), a licensee shall not preempt  
 4           the use of a broadcasting station by a legally quali-  
 5           fied candidate for Senate who has purchased and  
 6           paid for such use.

7           “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-  
 8           CENSEE.—If a program to be broadcast by a broad-  
 9           casting station is preempted because of cir-  
 10          cumstances beyond the control of the station, any  
 11          candidate or party advertising spot scheduled to be  
 12          broadcast during that program shall be treated in  
 13          the same fashion as a comparable commercial adver-  
 14          tising spot.

15          “(e) AUDITS.—During the 30-day period preceding  
 16          a primary or primary runoff election and the 60-day pe-  
 17          riod preceding a general or special election, the Commis-  
 18          sion shall conduct such audits as it deems necessary to  
 19          ensure that each licensee to which this section applies is  
 20          allocating television broadcast advertising time in accord-  
 21          ance with this section and section 312.”.

22          (c) REVOCATION OF LICENSE FOR FAILURE TO PER-  
 23          MIT ACCESS.—Section 312(a)(7) of the Communications  
 24          Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

25                 (1) by striking “or repeated”;

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

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

7       (d) TECHNICAL AND CONFORMING AMENDMENTS.—  
8       Section 315 of the Communications Act of 1934 (47  
9       U.S.C. 315) is amended—

10           (1) in subsection (f), as redesignated by sub-  
11       section (b)(1)—

12           (A) in the matter preceding paragraph (1),  
13       by striking “For purposes of this section—”  
14       and inserting the following: “DEFINITIONS.—  
15       For purposes of this section:”;

16           (B) in paragraph (1)—

17           (i) by striking “the term” and insert-  
18       ing     “BROADCASTING     STATION.—The  
19       term”; and

20           (ii) by striking “; and” and inserting  
21       a period; and

22           (C) in paragraph (2), by striking “the  
23       terms” and inserting “LICENSEE; STATION LI-  
24       CENSEE.—The terms”; and

1           (2) in subsection (g), as redesignated by sub-  
 2           section (b)(1), by striking “The Commission” and  
 3           inserting “REGULATIONS.—The Commission”.

4 **SEC. 202. BROADCAST RATES FOR PARTICIPATING CAN-**  
 5 **DIDATES.**

6           Section 315(b) of the Communications Act of 1934  
 7           (47 U.S.C. 315(b)), as amended by section 201, is amend-  
 8           ed—

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) PARTICIPATING CANDIDATES.—In the case  
 13          of a participating candidate (as defined in section  
 14          501(9) of the Federal Election Campaign Act of  
 15          1971), the charges made for the use of any broad-  
 16          casting station for a television broadcast shall not  
 17          exceed 80 percent of the lowest charge described in  
 18          paragraph (1)(A) during—

19                 “(A) the 45 days preceding the date of a  
 20                 primary or primary runoff election in which the  
 21                 candidate is opposed; and

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

1           “(4) RATE CARDS.—A licensee shall provide to  
 2           a candidate for Senate a rate card that discloses—  
 3                   “(A) the rate charged under this sub-  
 4           section; and  
 5                   “(B) the method that the licensee uses to  
 6           determine the rate charged under this sub-  
 7           section.”.

8   **SEC. 203. FCC TO PRESCRIBE STANDARDIZED FORM FOR**  
 9                   **REPORTING CANDIDATE CAMPAIGN ADS.**

10          (a) IN GENERAL.—Not later than 90 days after the  
 11          date of enactment of this Act, the Federal Communica-  
 12          tions Commission shall initiate a rulemaking proceeding  
 13          to establish a standardized form to be used by each broad-  
 14          casting station, as defined in section 315(f) of the Com-  
 15          munications Act of 1934 (47 U.S.C. 315(f)) (as redesign-  
 16          nated by section 201(b)(1)), to record and report the pur-  
 17          chase of advertising time by or on behalf of a candidate  
 18          for nomination for election, or for election, to Federal elec-  
 19          tive office.

20          (b) CONTENTS.—The form prescribed by the Federal  
 21          Communications Commission under subsection (a) shall  
 22          require a broadcasting station to report to the Federal  
 23          Communications Commission and to the Federal Election  
 24          Commission, at a minimum—

25                  (1) the station call letters and mailing address;

1           (2) the name and telephone number of the sta-  
 2           tion's sales manager (or individual with responsi-  
 3           bility for advertising sales);

4           (3) the name of the candidate who purchased  
 5           the advertising time, or on whose behalf the adver-  
 6           tising time was purchased, and the Federal elective  
 7           office for which he or she is a candidate;

8           (4) the name, mailing address, and telephone  
 9           number of the person responsible for purchasing  
 10          broadcast political advertising for the candidate;

11          (5) notation as to whether the purchase agree-  
 12          ment for which the information is being reported is  
 13          a draft or final version; and

14          (6) with respect to the advertisement—

15               (A) the date and time of the broadcast;

16               (B) the program in which the advertise-  
 17               ment was broadcast; and

18               (C) the length of the broadcast airtime.

19          (c) INTERNET ACCESS.—In its rulemaking under  
 20          subsection (a), the Federal Communications Commission  
 21          shall require any broadcasting station required to file a  
 22          report under this section that maintains an Internet  
 23          website to make available a link to each such report on  
 24          that website.

1 **TITLE III—RESPONSIBILITIES**  
 2 **OF THE FEDERAL ELECTION**  
 3 **COMMISSION**

4 **SEC. 301. PETITION FOR CERTIORARI.**

5 Section 307(a)(6) of the Federal Election Campaign  
 6 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-  
 7 serting “(including a proceeding before the Supreme  
 8 Court on certiorari)” after “appeal”.

9 **SEC. 302. FILING BY SENATE CANDIDATES WITH COMMIS-**  
 10 **SION.**

11 Section 302(g) of the Federal Election Campaign Act  
 12 of 1971 (52 U.S.C. 30102(g)) is amended to read as fol-  
 13 lows:

14 “(g) FILING WITH THE COMMISSION.—All des-  
 15 ignations, statements, and reports required to be  
 16 filed under this Act shall be filed with the Commis-  
 17 sion.”.

18 **SEC. 303. ELECTRONIC FILING OF FEC REPORTS.**

19 Section 304(a)(11) of the Federal Election Campaign  
 20 Act of 1971 (52 U.S.C. 30104(a)(11)) is amended—

21 (1) in subparagraph (A), by striking “under  
 22 this Act—” and all that follows and inserting  
 23 “under this Act shall be required to maintain and  
 24 file such designation, statement, or report in elec-  
 25 tronic form accessible by computers.”;

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

4           (3) by striking subparagraph (D).

## 5       **TITLE IV—PARTICIPATION IN** 6       **FUNDING OF ELECTIONS**

### 7       **SEC. 401. REFUNDABLE TAX CREDIT FOR SENATE CAM-** 8       **PAIGN CONTRIBUTIONS.**

9       (a) IN GENERAL.—Subpart C of part IV of sub-  
10      chapter A of chapter 1 of the Internal Revenue Code of  
11      1986 (relating to refundable credits) is amended by insert-  
12      ing after section 36B the following new section:

### 13      **“SEC. 36C. CREDIT FOR SENATE CAMPAIGN CONTRIBU-** 14      **TIONS.**

15      “(a) IN GENERAL.—In the case of an individual,  
16      there shall be allowed as a credit against the tax imposed  
17      by this subtitle an amount equal to 50 percent of the  
18      qualified My Voice Federal Senate campaign contributions  
19      paid or incurred by the taxpayer during the taxable year.

20      “(b) LIMITATIONS.—

21          “(1) DOLLAR LIMITATION.—The amount of  
22      qualified My Voice Federal Senate campaign con-  
23      tributions taken into account under subsection (a)  
24      for the taxable year shall not exceed \$50 (twice such  
25      amount in the case of a joint return).

1           “(2) LIMITATION ON CONTRIBUTIONS TO FED-  
 2       ERAL SENATE CANDIDATES.—No credit shall be al-  
 3       lowed under this section to any taxpayer for any tax-  
 4       able year if such taxpayer made aggregate contribu-  
 5       tions in excess of \$300 during the taxable year to—

6                   “(A) any single Federal Senate candidate,  
 7                   or

8                   “(B) any political committee established  
 9                   and maintained by a national political party.

10           “(3) PROVISION OF INFORMATION.—No credit  
 11       shall be allowed under this section to any taxpayer  
 12       unless the taxpayer provides the Secretary with such  
 13       information as the Secretary may require to verify  
 14       the taxpayer’s eligibility for the credit and the  
 15       amount of the credit for the taxpayer.

16           “(c) QUALIFIED MY VOICE FEDERAL SENATE CON-  
 17       TRIBUTIONS.—For purposes of this section, the term ‘My  
 18       Voice Federal Senate campaign contribution’ means any  
 19       contribution of cash by an individual to a Federal Senate  
 20       candidate or to a political committee established and  
 21       maintained by a national political party if such contribu-  
 22       tion is not prohibited under the Federal Election Cam-  
 23       paign Act of 1971.

24           “(d) FEDERAL SENATE CANDIDATE.—For purposes  
 25       of this section—



1 “(1) IN GENERAL.—The term ‘Federal Senate  
2 candidate’ means any candidate for election to the  
3 office of Senator.

4 “(2) TREATMENT OF AUTHORIZED COMMIT-  
5 TEES.—Any contribution made to an authorized  
6 committee of a Federal Senate candidate shall be  
7 treated as made to such candidate.

8 “(e) INFLATION ADJUSTMENT.—

9 “(1) IN GENERAL.—In the case of a taxable  
10 year beginning after 2019, the \$50 amount under  
11 subsection (b)(1) shall be increased by an amount  
12 equal to—

13 “(A) such dollar amount, multiplied by

14 “(B) the cost-of-living adjustment deter-  
15 mined under section 1(f)(3) for the calendar  
16 year in which the taxable year begins, deter-  
17 mined by substituting ‘calendar year 2018’ for  
18 ‘calendar year 1992’ in subparagraph (B)  
19 thereof.

20 “(2) ROUNDING.—If any amount as adjusted  
21 under subparagraph (A) is not a multiple of \$5,  
22 such amount shall be rounded to the nearest mul-  
23 tiple of \$5.”.

24 (b) CONFORMING AMENDMENTS.—

1           (1) Section 6211(b)(4)(A) of such Code is  
2           amended by inserting “36C,” after “36B,”.

3           (2) Section 1324(b)(2) of title 31, United  
4           States Code, is amended by inserting “36C,” after  
5           “36B,”.

6           (3) The table of sections for subpart C of part  
7           IV of subchapter A of chapter 1 of the Internal Rev-  
8           enue Code of 1986 is amended by inserting after the  
9           item relating to section 36B the following new item:

“Sec. 36C. Credit for Senate campaign contributions.”.

10          (c) FORMS.—The Secretary of the Treasury, or his  
11          designee, shall ensure that the credit for contributions to  
12          Federal Senate candidates allowed under section 36C of  
13          the Internal Revenue Code of 1986, as added by this sec-  
14          tion, may be claimed on Forms 1040EZ and 1040A.

15          (d) ADMINISTRATION.—At the request of the Sec-  
16          retary of the Treasury, the Federal Election Commission  
17          shall provide the Secretary of the Treasury with such in-  
18          formation and other assistance as the Secretary may rea-  
19          sonably require to administer the credit allowed under sec-  
20          tion 36C of the Internal Revenue Code of 1986, as added  
21          by this section.

22          (e) EFFECTIVE DATE.—The amendments made by  
23          this section shall apply to taxable years beginning after  
24          December 31, 2018.

# 1 **TITLE V—REVENUE PROVISIONS**

## 2 **SEC. 501. FAIR ELECTIONS FUND REVENUE.**

3 (a) IN GENERAL.—The Internal Revenue Code of  
4 1986 is amended by inserting after chapter 36 the fol-  
5 lowing new chapter:

### 6 **“CHAPTER 37—TAX ON PAYMENTS PURSU-** 7 **ANT TO CERTAIN GOVERNMENT CON-** 8 **TRACTS**

“Sec. 4501. Imposition of tax.

#### 9 **“SEC. 4501. IMPOSITION OF TAX.**

10 “(a) TAX IMPOSED.—There is hereby imposed on any  
11 payment made to a qualified person pursuant to a contract  
12 with the Government of the United States a tax equal to  
13 0.50 percent of the amount paid.

14 “(b) LIMITATION.—The aggregate amount of tax im-  
15 posed per contract under subsection (a) for any calendar  
16 year shall not exceed \$500,000.

17 “(c) QUALIFIED PERSON.—For purposes of this sec-  
18 tion, the term ‘qualified person’ means any person  
19 which—

20 “(1) is not a State or local government, a for-  
21 eign nation, or an organization described in section  
22 501(c)(3) which is exempt from taxation under sec-  
23 tion 501(a), and

1           “(2) has a contract with the Government of the  
2           United States with a value in excess of \$10,000,000.

3           “(d) PAYMENT OF TAX.—The tax imposed by this  
4           section shall be paid by the person receiving such payment.

5           “(e) USE OF REVENUE GENERATED BY TAX.—It is  
6           the sense of the Senate that amounts equivalent to the  
7           revenue generated by the tax imposed under this chapter  
8           should be appropriated for the financing of a Fair Elec-  
9           tions Fund and used for the public financing of Senate  
10          elections.”.

11          (b) CONFORMING AMENDMENT.—The table of chap-  
12          ters of the Internal Revenue Code of 1986 is amended by  
13          inserting after the item relating to chapter 36 the fol-  
14          lowing:

“CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT  
CONTRACTS”.

15          (c) EFFECTIVE DATE.—The amendments made by  
16          this section shall apply to contracts entered into after the  
17          date of the enactment of this Act.

## 18           **TITLE VI—MISCELLANEOUS** 19           **PROVISIONS**

### 20   **SEC. 601. SEVERABILITY.**

21          If any provision of this Act or amendment made by  
22          this Act, or the application of a provision or amendment  
23          to any person or circumstance, is held to be unconstitu-  
24          tional, the remainder of this Act and amendments made

1 by this Act, and the application of the provisions and  
2 amendment to any person or circumstance, shall not be  
3 affected by the holding.

4 **SEC. 602. EFFECTIVE DATE.**

5 Except as otherwise provided for in this Act, this Act  
6 and the amendments made by this Act shall take effect  
7 on January 1, 2019.

○