

116TH CONGRESS  
1ST SESSION

# S. 2669

To amend the Federal Election Campaign Act of 1971 to clarify the obligation to report acts of foreign election influence and require implementation of compliance and reporting systems by Federal campaigns to detect and report such acts, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2019

Ms. KLOBUCHAR (for herself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. CARDIN, Ms. HIRONO, Mrs. MURRAY, Mr. REED, Ms. SMITH, Mr. VAN HOLLEN, Mr. WARNER, Mr. WYDEN, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To amend the Federal Election Campaign Act of 1971 to clarify the obligation to report acts of foreign election influence and require implementation of compliance and reporting systems by Federal campaigns to detect and report such acts, 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 “Stopping Harmful Interference in Elections for a Lasting  
6 Democracy Act” or the “SHIELD Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—ENHANCED REPORTING REQUIREMENTS

Subtitle A—Establishing Duty To Report Foreign Election Interference

Sec. 101. Federal campaign reporting of foreign contacts.

Sec. 102. Federal campaign foreign contact reporting compliance system.

Sec. 103. Criminal penalties.

Sec. 104. Rule of construction.

Subtitle B—Strengthening Oversight of Online Political Advertising

Sec. 111. Short title.

Sec. 112. Purpose.

Sec. 113. Expansion of definition of public communication.

Sec. 114. Expansion of definition of electioneering communication.

Sec. 115. Application of disclaimer statements to online communications.

Sec. 116. Political record requirements for online platforms.

Sec. 117. Preventing contributions, expenditures, independent expenditures,  
and disbursements for electioneering communications by foreign  
nationals in the form of online advertising.

TITLE II—CLOSING LOOPHOLES ALLOWING SPENDING BY  
FOREIGN NATIONALS IN ELECTIONS

Sec. 201. Clarification of prohibition on participation by foreign nationals in  
election-related activities.

Sec. 202. Clarification of application of foreign money ban to certain disburse-  
ments and activities.

Sec. 203. Audit and report on illicit foreign money in Federal elections.

Sec. 204. Prohibition on contributions and donations by foreign nationals in  
connections with ballot initiatives and referenda.

Sec. 205. Expansion of limitations on foreign nationals participating in political  
advertising.

TITLE III—DETECTING FOREIGN INTERFERENCE IN ELECTIONS

Subtitle A—Deterrence Under Federal Election Campaign Act of 1971

Sec. 301. Restrictions on exchange of campaign information between candidates  
and foreign powers.

Sec. 302. Clarification of standard for determining existence of coordination be-  
tween campaigns and outside interests.

Subtitle B—Prohibiting Deceptive Practices and Preventing Voter  
Intimidation

Sec. 311. Short title.

Sec. 312. Prohibition on deceptive practices in Federal elections.

Sec. 313. Corrective action.

Sec. 314. Reports to Congress.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Effective dates of provisions.

Sec. 402. Severability.

1                   **TITLE I—ENHANCED**  
 2           **REPORTING REQUIREMENTS**  
 3   **Subtitle A—Establishing Duty To**  
 4       **Report Foreign Election Inter-**  
 5       **ference**

6   **SEC. 101. FEDERAL CAMPAIGN REPORTING OF FOREIGN**  
 7                   **CONTACTS.**

8           (a) INITIAL NOTICE.—

9                   (1) IN GENERAL.—Section 304 of the Federal  
 10       Election Campaign Act of 1971 (52 U.S.C. 30104)  
 11       is amended by adding at the end the following new  
 12       subsection:

13       “(j) DISCLOSURE OF REPORTABLE FOREIGN CON-  
 14       TACTS.—

15                   “(1) COMMITTEE OBLIGATION TO NOTIFY.—  
 16       Not later than 1 week after a reportable foreign con-  
 17       tact, each political committee shall notify the Fed-  
 18       eral Bureau of Investigation and the Commission of  
 19       the reportable foreign contact and provide a sum-  
 20       mary of the circumstances with respect to such re-  
 21       portable foreign contact.

22                   “(2) INDIVIDUAL OBLIGATION TO NOTIFY.—  
 23       Not later than 3 days after a reportable foreign con-  
 24       tact—

“(A) each candidate shall notify the treasurer or other designated official of the principal campaign committee of such candidate of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact; and

“(B) each official, employee, or agent of a political committee shall notify the treasurer or other designated official of the committee of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact.

“(3) REPORTABLE FOREIGN CONTACT.—In this subsection:

“(A) IN GENERAL.—The term ‘reportable foreign contact’ means any direct or indirect contact or communication that—

“(i) is between—

“(I) a candidate, a political committee, or any official, employee, or agent of such committee; and

“(II) an individual that the person described in subclause (I) knows, has reason to know, or reasonably be-

1                   believes is a covered foreign national;  
2                   and

3                   “(ii) the person described in clause  
4                   (i)(I) knows, has reason to know, or rea-  
5                   sonably believes involves—

6                   “(I) an offer or other proposal  
7                   for a contribution, donation, expendi-  
8                   ture, disbursement, or solicitation de-  
9                   scribed in section 319; or

10                  “(II) coordination or collabora-  
11                  tion with, an offer or provision of in-  
12                  formation or services to or from, or  
13                  persistent and repeated contact with,  
14                  a covered foreign national in connec-  
15                  tion with an election.

16                  “(B) EXCEPTION.—The term ‘reportable  
17                  foreign contact’ shall not include any contact or  
18                  communication with a covered foreign national  
19                  by an elected official or an employee of an elect-  
20                  ed official solely in an official capacity as such  
21                  an official or employee. For purposes of the  
22                  previous sentence, a contact or communication  
23                  by an elected official or an employee of an elect-  
24                  ed official shall not be considered to be made  
25                  solely in an official capacity if the contact or

1 communication involves a contribution, dona-  
2 tion, expenditure, disbursement, or solicitation  
3 described in section 319.

4 “(C) COVERED FOREIGN NATIONAL DE-  
5 FINED.—

6 “(i) IN GENERAL.—In this paragraph,  
7 the term ‘covered foreign national’  
8 means—

9 “(I) a foreign principal (as de-  
10 fined in section 1(b) of the Foreign  
11 Agents Registration Act of 1938 (22  
12 U.S.C. 611(b)) that is a government  
13 of a foreign country or a foreign polit-  
14 ical party;

15 “(II) any person who acts as an  
16 agent, representative, employee, or  
17 servant, or any person who acts in  
18 any other capacity at the order, re-  
19 quest, or under the direction or con-  
20 trol, of a foreign principal described in  
21 subclause (I) or of a person any of  
22 whose activities are directly or indi-  
23 rectly supervised, directed, controlled,  
24 financed, or subsidized in whole or in

1 major part by a foreign principal de-  
2 scribed in subclause (I); or

3 “(III) any person included in the  
4 list of specially designated nationals  
5 and blocked persons maintained by  
6 the Office of Foreign Assets Control  
7 of the Department of the Treasury  
8 pursuant to authorities relating to the  
9 imposition of sanctions relating to the  
10 conduct of a foreign principal de-  
11 scribed in subclause (I).

12 “(ii) CLARIFICATION REGARDING AP-  
13 PPLICATION TO CITIZENS OF THE UNITED  
14 STATES.—In the case of a citizen of the  
15 United States, subclause (II) of clause (i)  
16 applies only to the extent that the person  
17 involved acts within the scope of that per-  
18 son’s status as the agent of a foreign prin-  
19 cipal described in subclause (I) of clause  
20 (i).”.

21 (2) EFFECTIVE DATE.—The amendment made  
22 by paragraph (1) shall apply with respect to report-  
23 able foreign contacts which occur on or after the  
24 date of the enactment of this Act.

25 (b) INFORMATION INCLUDED ON REPORT.—

1           (1) IN GENERAL.—Section 304(b) of such Act  
2       (52 U.S.C. 30104(b)) is amended—

3           (A) by striking “and” at the end of para-  
4       graph (7);

5           (B) by striking the period at the end of  
6       paragraph (8) and inserting “; and”; and

7           (C) by adding at the end the following new  
8       paragraph:

9           “(9) for any reportable foreign contact (as de-  
10      fined in subsection (j)(3))—

11          “(A) the date, time, and location of the  
12      contact;

13          “(B) the date and time of when a des-  
14      ignated official of the committee was notified of  
15      the contact;

16          “(C) the identity of individuals involved;  
17      and

18          “(D) a description of the contact, including  
19      the nature of any contribution, donation, ex-  
20      penditure, disbursement, or solicitation involved  
21      and the nature of any activity described in sub-  
22      section (j)(3)(A)(ii)(II) involved.”.

23       (2) EFFECTIVE DATE.—The amendment made  
24      by paragraph (1) shall apply with respect to reports  
25      filed on or after the expiration of the 60-day period



1       which begins on the date of the enactment of this  
2       Act.

3   **SEC. 102. FEDERAL CAMPAIGN FOREIGN CONTACT RE-**  
4       **PORTING COMPLIANCE SYSTEM.**

5       (a) IN GENERAL.—Section 302 of the Federal Elec-  
6   tion Campaign Act of 1971 (52 U.S.C. 30102) is amended  
7   by adding at the end the following new subsection:

8       “(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE  
9   POLICY.—

10       “(1) REPORTING.—Each political committee  
11   shall establish a policy that requires all officials, em-  
12   ployees, and agents of such committee to notify the  
13   treasurer or other appropriate designated official of  
14   the committee of any reportable foreign contact (as  
15   defined in section 304(j)) not later than 3 days after  
16   such contact was made.

17       “(2) RETENTION AND PRESERVATION OF  
18   RECORDS.—Each political committee shall establish  
19   a policy that provides for the retention and preserva-  
20   tion of records and information related to reportable  
21   foreign contacts (as so defined) for a period of not  
22   less than 3 years.

23       “(3) CERTIFICATION.—

24       “(A) IN GENERAL.—Upon filing its state-  
25   ment of organization under section 303(a), and

1 with each report filed under section 304(a), the  
2 treasurer of each political committee (other  
3 than an authorized committee) shall certify  
4 that—

5 “(i) the committee has in place poli-  
6 cies that meet the requirements of para-  
7 graphs (1) and (2);

8 “(ii) the committee has designated an  
9 official to monitor compliance with such  
10 policies; and

11 “(iii) not later than 1 week after the  
12 beginning of any formal or informal affili-  
13 ation with the committee, all officials, em-  
14 ployees, and agents of such committee  
15 will—

16 “(I) receive notice of such poli-  
17 cies;

18 “(II) be informed of the prohibi-  
19 tions under section 319; and

20 “(III) sign a certification affirm-  
21 ing their understanding of such poli-  
22 cies and prohibitions.

23 “(B) AUTHORIZED COMMITTEES.—With  
24 respect to an authorized committee, the can-

1           didate shall make the certification required  
2           under subparagraph (A).”.

3       (b) EFFECTIVE DATE.—

4           (1) IN GENERAL.—The amendment made by  
5       subsection (a) shall apply with respect to political  
6       committees which file a statement of organization  
7       under section 303(a) of the Federal Election Cam-  
8       paign Act of 1971 (52 U.S.C. 30103(a)) on or after  
9       the date of the enactment of this Act.

10          (2) TRANSITION RULE FOR EXISTING COMMIT-  
11       TEES.—Not later than 30 days after the date of the  
12       enactment of this Act, each political committee  
13       under the Federal Election Campaign Act of 1971  
14       shall file a certification with the Federal Election  
15       Commission that the committee is in compliance  
16       with the requirements of section 302(j) of such Act  
17       (as added by subsection (a)).

18   **SEC. 103. CRIMINAL PENALTIES.**

19       Section 309(d)(1) of the Federal Election Campaign  
20       Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by add-  
21       ing at the end the following new subparagraphs:

22       “(E) Any person who knowingly and willfully com-  
23       mits a violation of subsection (j) or (b)(9) of section 304  
24       or section 302(j) shall be fined not more than \$500,000,  
25       imprisoned not more than 5 years, or both.

1       “(F) Any person who knowingly and willfully conceals  
2 or destroys any materials relating to a reportable foreign  
3 contact (as defined in section 304(j)) shall be fined not  
4 more than \$1,000,000, imprisoned not more than 5 years,  
5 or both.”.

6 **SEC. 104. RULE OF CONSTRUCTION.**

7       Nothing in this subtitle or the amendments made by  
8 this subtitle shall be construed—

9           (1) to impede legitimate journalistic activities;

10       or

11           (2) to impose any additional limitation on the  
12 right to express political views or to participate in  
13 public discourse of any individual who—

14           (A) resides in the United States;

15           (B) is not a citizen of the United States or  
16 a national of the United States, as defined in  
17 section 101(a)(22) of the Immigration and Na-  
18 tionality Act (8 U.S.C. 1101(a)(22)); and

19           (C) is not lawfully admitted for permanent  
20 residence, as defined by section 101(a)(20) of  
21 the Immigration and Nationality Act (8 U.S.C.  
22 1101(a)(20)).

1 **Subtitle B—Strengthening Over-**  
 2 **sight of Online Political Adver-**  
 3 **tising**

4 **SEC. 111. SHORT TITLE.**

5 This subtitle may be cited as the “Honest Ads Act”.

6 **SEC. 112. PURPOSE.**

7 The purpose of this subtitle is to enhance the integ-  
 8 rity of American democracy and national security by im-  
 9 proving disclosure requirements for online political adver-  
 10 tisements in order to uphold the Supreme Court’s well-  
 11 established standard that the electorate bears the right to  
 12 be fully informed.

13 **SEC. 113. EXPANSION OF DEFINITION OF PUBLIC COMMU-**  
 14 **NICATION.**

15 (a) IN GENERAL.—Paragraph (22) of section 301 of  
 16 the Federal Election Campaign Act of 1971 (52 U.S.C.  
 17 30101(22)) is amended by striking “or satellite commu-  
 18 nication” and inserting “satellite, paid internet, or paid  
 19 digital communication”.

20 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-  
 21 TURES.—Section 301 of such Act (52 U.S.C. 30101) is  
 22 amended—

23 (1) in paragraph (8)(B)—

24 (A) by striking “on broadcasting stations,  
 25 or in newspapers, magazines, or similar types of

1 general public political advertising” in clause  
2 (v) and inserting “in any public communica-  
3 tion”;

4 (B) by striking “broadcasting, newspaper,  
5 magazine, billboard, direct mail, or similar type  
6 of general public communication or political ad-  
7 vertising” in clause (ix)(1) and inserting “pub-  
8 lic communication”; and

9 (C) by striking “but not including the use  
10 of broadcasting, newspapers, magazines, bill-  
11 boards, direct mail, or similar types of general  
12 public communication or political advertising”  
13 in clause (x) and inserting “but not including  
14 use in any public communication”; and  
15 (2) in paragraph (9)(B)—

16 (A) by amending clause (i) to read as fol-  
17 lows:

18 “(i) any news story, commentary, or  
19 editorial distributed through the facilities  
20 of any broadcasting station or any print,  
21 online, or digital newspaper, magazine,  
22 blog, publication, or periodical, unless such  
23 broadcasting, print, online, or digital facili-  
24 ties are owned or controlled by any polit-

1            ical party, political committee, or can-  
 2            didate;” and

3            (B) in clause (iv), by striking “on broad-  
 4            casting stations, or in newspapers, magazines,  
 5            or similar types of general public political ad-  
 6            vertising” and inserting “in any public commu-  
 7            nication”.

8            (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—  
 9            Subsection (a) of section 318 of such Act (52 U.S.C.  
 10          30120) is amended—

11            (1) by striking “financing any communication  
 12            through any broadcasting station, newspaper, maga-  
 13            zine, outdoor advertising facility, mailing, or any  
 14            other type of general public political advertising”  
 15            and inserting “financing any public communication”;  
 16            and

17            (2) by striking “solicits any contribution  
 18            through any broadcasting station, newspaper, maga-  
 19            zine, outdoor advertising facility, mailing, or any  
 20            other type of general public political advertising”  
 21            and inserting “solicits any contribution through any  
 22            public communication”.

23    **SEC. 114. EXPANSION OF DEFINITION OF ELECTIONEERING**  
 24            **COMMUNICATION.**

25            (a) EXPANSION TO ONLINE COMMUNICATIONS.—

(1) APPLICATION TO QUALIFIED INTERNET AND  
DIGITAL COMMUNICATIONS.—

(A) IN GENERAL.—Subparagraph (A) of  
section 304(f)(3) of the Federal Election Cam-  
paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))  
is amended by striking “or satellite communica-  
tion” each place it appears in clauses (i) and  
(ii) and inserting “satellite, or qualified internet  
or digital communication”.

(B) QUALIFIED INTERNET OR DIGITAL  
COMMUNICATION.—Paragraph (3) of section  
304(f) of such Act (52 U.S.C. 30104(f)) is  
amended by adding at the end the following  
new subparagraph:

“(D) QUALIFIED INTERNET OR DIGITAL  
COMMUNICATION.—The term ‘qualified internet  
or digital communication’ means any commu-  
nication which is placed or promoted for a fee  
on an online platform (as defined in subsection  
(k)(3)).”.

(2) NONAPPLICATION OF RELEVANT ELEC-  
TORATE TO ONLINE COMMUNICATIONS.—Section  
304(f)(3)(A)(i)(III) of such Act (52 U.S.C.  
30104(f)(3)(A)(i)(III)) is amended by inserting “any



1 broadcast, cable, or satellite” before “communica-  
2 tion”.

3 (3) NEWS EXEMPTION.—Section  
4 304(f)(3)(B)(i) of such Act (52 U.S.C.  
5 30104(f)(3)(B)(i)) is amended to read as follows:

6 “(i) a communication appearing in a  
7 news story, commentary, or editorial dis-  
8 tributed through the facilities of any  
9 broadcasting station or any online or dig-  
10 ital newspaper, magazine, blog, publica-  
11 tion, or periodical, unless such broad-  
12 casting, online, or digital facilities are  
13 owned or controlled by any political party,  
14 political committee, or candidate;”.

15 (b) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply with respect to communications  
17 made on or after January 1, 2020.

18 **SEC. 115. APPLICATION OF DISCLAIMER STATEMENTS TO**  
19 **ONLINE COMMUNICATIONS.**

20 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-  
21 MENT.—Subsection (a) of section 318 of the Federal Elec-  
22 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is  
23 amended—

24 (1) by striking “shall clearly state” each place  
25 it appears in paragraphs (1), (2), and (3) and in-

1       serting “shall state in a clear and conspicuous man-  
2       ner”; and

3               (2) by adding at the end the following flush  
4       sentence: “For purposes of this section, a commu-  
5       nication does not make a statement in a clear and  
6       conspicuous manner if it is difficult to read or hear  
7       or if the placement is easily overlooked.”.

8       (b) SPECIAL RULES FOR QUALIFIED INTERNET OR  
9       DIGITAL COMMUNICATIONS.—

10           (1) IN GENERAL.—Section 318 of such Act (52  
11       U.S.C. 30120) is amended by adding at the end the  
12       following new subsection:

13       “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR  
14       DIGITAL COMMUNICATIONS.—

15           “(1) SPECIAL RULES WITH RESPECT TO STATE-  
16       MENTS.—In the case of any communication to which  
17       this section applies which is a qualified internet or  
18       digital communication (as defined in section  
19       304(f)(3)(D)) which is disseminated through a me-  
20       dium in which the provision of all of the information  
21       specified in this section is not possible, the commu-  
22       nication shall, in a clear and conspicuous manner—

23           “(A) state the name of the person who  
24       paid for the communication; and

1           “(B) provide a means for the recipient of  
 2           the communication to obtain the remainder of  
 3           the information required under this section with  
 4           minimal effort and without receiving or viewing  
 5           any additional material other than such re-  
 6           quired information.

7           “(2) SAFE HARBOR FOR DETERMINING CLEAR  
 8           AND CONSPICUOUS MANNER.—A statement in a  
 9           qualified internet or digital communication (as de-  
 10          fined in section 304(f)(3)(D)) shall be considered to  
 11          be made in a clear and conspicuous manner as pro-  
 12          vided in subsection (a) if the communication meets  
 13          the following requirements:

14           “(A) TEXT OR GRAPHIC COMMUNICA-  
 15          TIONS.—In the case of a text or graphic com-  
 16          munication, the statement—

17                   “(i) appears in letters at least as large  
 18                   as the majority of the text in the commu-  
 19                   nication; and

20                   “(ii) meets the requirements of para-  
 21                   graphs (2) and (3) of subsection (c).

22           “(B) AUDIO COMMUNICATIONS.—In the  
 23          case of an audio communication, the statement  
 24          is spoken in a clearly audible and intelligible

manner at the beginning or end of the communication and lasts at least 3 seconds.

“(C) VIDEO COMMUNICATIONS.—In the case of a video communication which also includes audio, the statement—

“(i) is included at either the beginning or the end of the communication; and

“(ii) is made both in—

“(I) a written format that meets the requirements of subparagraph (A) and appears for at least 4 seconds; and

“(II) an audible format that meets the requirements of subparagraph (B).

“(D) OTHER COMMUNICATIONS.—In the case of any other type of communication, the statement is at least as clear and conspicuous as the statement specified in subparagraph (A), (B), or (C).”.

(2) NONAPPLICATION OF CERTAIN EXCEPTIONS.—The exceptions provided in section 110.11(f)(1)(i) and (ii) of title 11, Code of Federal Regulations, or any successor to such rules, shall have no application to qualified internet or digital

1       communications (as defined in section 304(f)(3)(D)  
2       of the Federal Election Campaign Act of 1971, as  
3       added by this Act).

4       (c) MODIFICATION OF ADDITIONAL REQUIREMENTS  
5       FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such  
6       Act (52 U.S.C. 30120(d)) is amended—

7               (1) in paragraph (1)(A)—

8                       (A) by striking “which is transmitted  
9                       through radio” and inserting “which is in an  
10                      audio format”; and

11                     (B) by striking “BY RADIO” in the heading  
12                     and inserting “AUDIO FORMAT”;

13               (2) in paragraph (1)(B)—

14                     (A) by striking “which is transmitted  
15                     through television” and inserting “which is in  
16                     video format”; and

17                     (B) by striking “BY TELEVISION” in the  
18                     heading and inserting “VIDEO FORMAT”; and

19               (3) in paragraph (2)—

20                     (A) by striking “transmitted through radio  
21                     or television” and inserting “made in audio or  
22                     video format”; and

23                     (B) by striking “through television” in the  
24                     second sentence and inserting “in video for-  
25                     mat”.

1 **SEC. 116. POLITICAL RECORD REQUIREMENTS FOR ONLINE**  
2 **PLATFORMS.**

3 (a) IN GENERAL.—Section 304 of the Federal Elec-  
4 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-  
5 ed by section 101(a), is further amended by adding at the  
6 end the following new subsection:

7 “(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-  
8 MENTS.—

9 “(1) IN GENERAL.—

10 “(A) REQUIREMENTS FOR ONLINE PLAT-  
11 FORMS.—An online platform shall maintain,  
12 and make available for online public inspection  
13 in machine readable format, a complete record  
14 of any request to purchase on such online plat-  
15 form a qualified political advertisement which is  
16 made by a person whose aggregate requests to  
17 purchase qualified political advertisements on  
18 such online platform during the calendar year  
19 exceeds \$500.

20 “(B) REQUIREMENTS FOR ADVER-  
21 TISERS.—Any person who requests to purchase  
22 a qualified political advertisement on an online  
23 platform shall provide the online platform with  
24 such information as is necessary for the online  
25 platform to comply with the requirements of  
26 subparagraph (A).

1           “(2) CONTENTS OF RECORD.—A record main-  
2           tained under paragraph (1)(A) shall contain—

3                   “(A) a digital copy of the qualified political  
4           advertisement;

5                   “(B) a description of the audience targeted  
6           by the advertisement, the number of views gen-  
7           erated from the advertisement, and the date  
8           and time that the advertisement is first dis-  
9           played and last displayed; and

10                  “(C) information regarding—

11                          “(i) the average rate charged for the  
12           advertisement;

13                          “(ii) the name of the candidate to  
14           which the advertisement refers and the of-  
15           fice to which the candidate is seeking elec-  
16           tion, the election to which the advertise-  
17           ment refers, or the national legislative  
18           issue to which the advertisement refers (as  
19           applicable);

20                          “(iii) in the case of a request made  
21           by, or on behalf of, a candidate, the name  
22           of the candidate, the authorized committee  
23           of the candidate, and the treasurer of such  
24           committee; and

1 “(iv) in the case of any request not  
 2 described in clause (iii), the name of the  
 3 person purchasing the advertisement, the  
 4 name, address, and phone number of a  
 5 contact person for such person, and a list  
 6 of the chief executive officers or members  
 7 of the executive committee or of the board  
 8 of directors of such person.

9 “(3) ONLINE PLATFORM.—For purposes of this  
 10 subsection, the term ‘online platform’ means any  
 11 public-facing website, web application, or digital ap-  
 12 plication (including a social network, ad network, or  
 13 search engine) which—

14 “(A) sells qualified political advertise-  
 15 ments; and

16 “(B) has 50,000,000 or more unique  
 17 monthly United States visitors or users for a  
 18 majority of months during the preceding 12  
 19 months.

20 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—  
 21 For purposes of this subsection, the term ‘qualified  
 22 political advertisement’ means any advertisement  
 23 (including search engine marketing, display adver-  
 24 tisements, video advertisements, native advertise-  
 25 ments, and sponsorships) that—



1           “(A) is made by or on behalf of a can-  
2           didate; or

3           “(B) communicates a message relating to  
4           any political matter of national importance, in-  
5           cluding—

6                     “(i) a candidate;

7                     “(ii) any election to Federal office; or

8                     “(iii) a national legislative issue of  
9           public importance.

10           “(5) TIME TO MAINTAIN FILE.—The informa-  
11           tion required under this subsection shall be made  
12           available as soon as possible and shall be retained by  
13           the online platform for a period of not less than 4  
14           years.

15           “(6) PENALTIES.—For penalties for failure by  
16           online platforms, and persons requesting to purchase  
17           a qualified political advertisement on online plat-  
18           forms, to comply with the requirements of this sub-  
19           section, see section 309.”.

20           (b) RULEMAKING.—Not later than 90 days after the  
21           date of the enactment of this Act, the Federal Election  
22           Commission shall establish rules—

23                     (1) requiring common data formats for the  
24           record required to be maintained under section  
25           304(k) of the Federal Election Campaign Act of

1       1971 (as added by subsection (a)) so that all online  
2       platforms submit and maintain data online in a com-  
3       mon, machine-readable and publicly accessible for-  
4       mat; and

5           (2) establishing search interface requirements  
6       relating to such record, including searches by can-  
7       didate name, issue, purchaser, and date.

8       (c) REPORTING.—Not later than 2 years after the  
9       date of the enactment of this Act, and biannually there-  
10      after, the Chairman of the Federal Election Commission  
11      shall submit a report to Congress on—

12           (1) matters relating to compliance with and the  
13      enforcement of the requirements of section 304(k) of  
14      the Federal Election Campaign Act of 1971, as  
15      added by subsection (a);

16           (2) recommendations for any modifications to  
17      such section to assist in carrying out its purposes;  
18      and

19           (3) identifying ways to bring transparency and  
20      accountability to political advertisements distributed  
21      online for free.

1 **SEC. 117. PREVENTING CONTRIBUTIONS, EXPENDITURES,**  
 2 **INDEPENDENT EXPENDITURES, AND DIS-**  
 3 **BURSEMENTS FOR ELECTIONEERING COM-**  
 4 **MUNICATIONS BY FOREIGN NATIONALS IN**  
 5 **THE FORM OF ONLINE ADVERTISING.**

6 Section 319 of the Federal Election Campaign Act  
 7 of 1971 (52 U.S.C. 30121) is amended by adding at the  
 8 end the following new subsection:

9 “(c) Each television or radio broadcast station, pro-  
 10 vider of cable or satellite television, or online platform (as  
 11 defined in section 304(j)(3)) shall make reasonable efforts  
 12 to ensure that communications described in section 318(a)  
 13 and made available by such station, provider, or platform  
 14 are not purchased by a foreign national, directly or indi-  
 15 rectly.”.

16 **TITLE II—CLOSING LOOPHOLES**  
 17 **ALLOWING SPENDING BY**  
 18 **FOREIGN NATIONALS IN**  
 19 **ELECTIONS**

20 **SEC. 201. CLARIFICATION OF PROHIBITION ON PARTICIPA-**  
 21 **TION BY FOREIGN NATIONALS IN ELECTION-**  
 22 **RELATED ACTIVITIES.**

23 (a) CLARIFICATION OF PROHIBITION.—Section  
 24 319(a) of the Federal Election Campaign Act of 1971 (52  
 25 U.S.C. 30121(a)) is amended—

1 (1) by striking “or” at the end of paragraph  
2 (1);

3 (2) by striking the period at the end of para-  
4 graph (2) and inserting “; or”; and

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

7 “(3) a foreign national to direct, dictate, con-  
8 trol, or directly or indirectly participate in the deci-  
9 sion-making process of any person (including a cor-  
10 poration, labor organization, political committee, or  
11 political organization) with regard to such person’s  
12 Federal or non-Federal election-related activity, in-  
13 cluding any decision concerning the making of con-  
14 tributions, donations, expenditures, or disbursements  
15 in connection with an election for any Federal,  
16 State, or local office or any decision concerning the  
17 administration of a political committee.”.

18 (b) CERTIFICATION OF COMPLIANCE.—Section 319  
19 of such Act (52 U.S.C. 30121), as amended by section  
20 117, is further amended by adding at the end the following  
21 new subsection:

22 “(d) CERTIFICATION OF COMPLIANCE REQUIRED  
23 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-  
24 ing in connection with an election for Federal office of any  
25 contribution, donation, expenditure, independent expendi-

1 ture, or disbursement for an electioneering communication  
 2 by a corporation, limited liability corporation, or partner-  
 3 ship during a year, the chief executive officer of the cor-  
 4 poration, limited liability corporation, or partnership (or,  
 5 if the corporation, limited liability corporation, or partner-  
 6 ship does not have a chief executive officer, the highest  
 7 ranking official of the corporation, limited liability cor-  
 8 poration, or partnership), shall file a certification with the  
 9 Commission, under penalty of perjury, that a foreign na-  
 10 tional did not direct, dictate, control, or directly or indi-  
 11 rectly participate in the decision-making process relating  
 12 to such activity in violation of subsection (a)(3), unless  
 13 the chief executive officer has previously filed such a cer-  
 14 tification during that calendar year.”.

15 (c) EFFECTIVE DATE.—The amendments made by  
 16 this section shall take effect upon the expiration of the  
 17 180-day period which begins on the date of the enactment  
 18 of this Act.

19 **SEC. 202. CLARIFICATION OF APPLICATION OF FOREIGN**  
 20 **MONEY BAN TO CERTAIN DISBURSEMENTS**  
 21 **AND ACTIVITIES.**

22 (a) APPLICATION TO DISBURSEMENTS TO SUPER  
 23 PACS.—Section 319(a)(1)(A) of the Federal Election  
 24 Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is  
 25 amended by striking the semicolon and inserting the fol-

1 lowing: “, including any disbursement to a political com-  
 2 mittee which accepts donations or contributions that do  
 3 not comply with the limitations, prohibitions, and report-  
 4 ing requirements of this Act (or any disbursement to or  
 5 on behalf of any account of a political committee which  
 6 is established for the purpose of accepting such donations  
 7 or contributions);”.

8 (b) CONDITIONS UNDER WHICH CORPORATE PACS  
 9 MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Sec-  
 10 tion 316(b) of such Act (52 U.S.C. 30118(b)) is amended  
 11 by adding at the end the following new paragraph:

12 “(8) A separate segregated fund established by a cor-  
 13 poration may not make a contribution or expenditure dur-  
 14 ing a year unless the fund has certified to the Commission  
 15 the following during the year:

16 “(A) Each individual who manages the fund,  
 17 and who is responsible for exercising decision-mak-  
 18 ing authority for the fund, is a citizen of the United  
 19 States or is lawfully admitted for permanent resi-  
 20 dence in the United States.

21 “(B) No foreign national under section 319  
 22 participates in any way in the decision-making proc-  
 23 esses of the fund with regard to contributions or ex-  
 24 penditures under this Act.

1           “(C) The fund does not solicit or accept rec-  
 2           ommendations from any foreign national under sec-  
 3           tion 319 with respect to the contributions or expend-  
 4           itures made by the fund.

5           “(D) Any member of the board of directors of  
 6           the corporation who is a foreign national under sec-  
 7           tion 319 abstains from voting on matters concerning  
 8           the fund or its activities.”.

9   **SEC. 203. AUDIT AND REPORT ON ILLICIT FOREIGN MONEY**  
 10           **IN FEDERAL ELECTIONS.**

11       (a) IN GENERAL.—Title III of the Federal Election  
 12   Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is  
 13   amended by inserting after section 319 the following new  
 14   section:

15   **“SEC. 319A. AUDIT AND REPORT ON DISBURSEMENTS BY**  
 16           **FOREIGN NATIONALS.**

17       “(a) AUDIT.—

18           “(1) IN GENERAL.—The Commission shall con-  
 19       duct an audit after each Federal election cycle to de-  
 20       termine the incidence of illicit foreign money in such  
 21       Federal election cycle.

22           “(2) PROCEDURES.—In carrying out paragraph  
 23       (1), the Commission shall conduct random audits of  
 24       any disbursements required to be reported under

1       this Act, in accordance with procedures established  
2       by the Commission.

3       “(b) REPORT.—Not later than 180 days after the end  
4 of each Federal election cycle, the Commission shall sub-  
5 mit to Congress a report containing—

6               “(1) results of the audit required by subsection  
7       (a)(1); and

8               “(2) recommendations to address the presence  
9 of illicit foreign money in elections, as appropriate.

10       “(c) DEFINITIONS.—As used in this section:

11               “(1) The term ‘Federal election cycle’ means  
12 the period which begins on the day after the date of  
13 a regularly scheduled general election for Federal of-  
14 fice and which ends on the date of the first regularly  
15 scheduled general election for Federal office held  
16 after such date.

17               “(2) The term ‘illicit foreign money’ means any  
18 disbursement by a foreign national (as defined in  
19 section 319(b)) prohibited under such section.”.

20       “(b) EFFECTIVE DATE.—The amendment made by  
21 subsection (a) shall apply with respect to the Federal elec-  
22 tion cycle that began during November 2018, and each  
23 succeeding Federal election cycle.



1 **SEC. 204. PROHIBITION ON CONTRIBUTIONS AND DONA-**  
 2 **TIONS BY FOREIGN NATIONALS IN CONNEC-**  
 3 **TIONS WITH BALLOT INITIATIVES AND**  
 4 **REFERENDA.**

5 (a) IN GENERAL.—Section 319(a)(1)(A) of the Fed-  
 6 eral Election Campaign Act of 1971 (52 U.S.C.  
 7 30121(a)(1)(A)) is amended by striking “election” and in-  
 8 serting the following: “election, including a State or local  
 9 ballot initiative or referendum”.

10 (b) EFFECTIVE DATE.—The amendment made by  
 11 this section shall apply with respect to elections held in  
 12 2020 or any succeeding year.

13 **SEC. 205. EXPANSION OF LIMITATIONS ON FOREIGN NA-**  
 14 **TIONALS PARTICIPATING IN POLITICAL AD-**  
 15 **VERTISING.**

16 (a) DISBURSEMENTS DESCRIBED.—Section  
 17 319(a)(1) of the Federal Election Campaign Act of 1971  
 18 (52 U.S.C. 30121(a)(1)) is amended—

19 (1) by striking “or” at the end of subparagraph  
 20 (B); and

21 (2) by striking subparagraph (C) and inserting  
 22 the following:

23 “(C) an expenditure;

24 “(D) an independent expenditure;

1           “(E) a disbursement for an electioneering  
2           communication (within the meaning of section  
3           304(f)(3));

4           “(F) a disbursement for a communication  
5           which is placed or promoted for a fee on a  
6           website, web application, or digital application  
7           that refers to a clearly identified candidate for  
8           election for Federal office and is disseminated  
9           within 60 days before a general, special, or run-  
10          off election for the office sought by the can-  
11          didate or 30 days before a primary or pref-  
12          erence election, or a convention or caucus of a  
13          political party that has authority to nominate a  
14          candidate for the office sought by the can-  
15          didate;

16          “(G) a disbursement for a broadcast, cable  
17          or satellite communication, or for a communica-  
18          tion which is placed or promoted for a fee on  
19          a website, web application, or digital applica-  
20          tion, that promotes, supports, attacks, or op-  
21          poses the election of a clearly identified can-  
22          didate for Federal, State, or local office (re-  
23          gardless of whether the communication contains  
24          express advocacy or the functional equivalent of  
25          express advocacy);

1           “(H) a disbursement for a broadcast,  
2           cable, or satellite communication, or for any  
3           communication which is placed or promoted for  
4           a fee on an online platform (as defined in sec-  
5           tion 304(k)(3)), that discusses a national legis-  
6           lative issue of public importance in a year in  
7           which a regularly scheduled general election for  
8           Federal office is held, but only if the disburse-  
9           ment is made by a covered foreign national de-  
10          scribed in section 304(j)(3)(C); or

11          “(I) a disbursement by a covered foreign  
12          national described in section 304(j)(3)(C) to  
13          compensate any person for internet activity that  
14          promotes, supports, attacks, or opposes the  
15          election of a clearly identified candidate for  
16          Federal, State, or local office (regardless of  
17          whether the activity communication contains ex-  
18          press advocacy or the functional equivalent of  
19          express advocacy);”.

20          (b) EFFECTIVE DATE.—The amendments made by  
21          this section shall apply with respect to disbursements  
22          made on or after the date of the enactment of this Act.

1 **TITLE III—DETECTING FOREIGN**  
 2 **INTERFERENCE IN ELECTIONS**  
 3 **Subtitle A—Deterrence Under Fed-**  
 4 **eral Election Campaign Act of**  
 5 **1971**

6 **SEC. 301. RESTRICTIONS ON EXCHANGE OF CAMPAIGN IN-**  
 7 **FORMATION BETWEEN CANDIDATES AND**  
 8 **FOREIGN POWERS.**

9 Section 319 of the Federal Election Campaign Act  
 10 of 1971 (52 U.S.C. 30121), as amended by section 117  
 11 and section 201(b), is further amended by adding at the  
 12 end the following new subsection:

13 “(e) RESTRICTIONS ON EXCHANGE OF INFORMATION  
 14 BETWEEN CANDIDATES AND FOREIGN POWERS.—

15 “(1) TREATMENT OF OFFER TO SHARE NON-  
 16 PUBLIC CAMPAIGN MATERIAL AS SOLICITATION OF  
 17 CONTRIBUTION FROM FOREIGN NATIONAL.—If a  
 18 candidate or an individual affiliated with the cam-  
 19 paign of a candidate, or if a political committee or  
 20 an individual affiliated with a political committee,  
 21 provides or offers to provide nonpublic campaign  
 22 material to a covered foreign national or to another  
 23 person whom the candidate, committee, or individual  
 24 knows or has reason to know will provide the mate-  
 25 rial to a covered foreign national, the candidate,

1 committee, or individual (as the case may be) shall  
2 be considered for purposes of this section to have so-  
3 licited a contribution or donation described in sub-  
4 section (a)(1)(A) from a foreign national.

5 “(2) DEFINITIONS.—In this subsection, the fol-  
6 lowing definitions apply:

7 “(A) The term ‘candidate’ means an indi-  
8 vidual who seeks nomination for, or election to,  
9 any Federal, State, or local public office.

10 “(B) The term ‘covered foreign national’  
11 has the meaning given such term in section  
12 304(j)(3)(C).

13 “(C) The term ‘individual affiliated with a  
14 campaign’ means, with respect to a candidate,  
15 an employee of any organization legally author-  
16 ized under Federal, State, or local law to sup-  
17 port the candidate’s campaign for nomination  
18 for, or election to, any Federal, State, or local  
19 public office, as well as any independent con-  
20 tractor of such an organization and any indi-  
21 vidual who performs services on behalf of the  
22 organization, whether paid or unpaid.

23 “(D) The term ‘individual affiliated with a  
24 political committee’ means, with respect to a  
25 political committee, an employee of the com-

mittee as well as any independent contractor of the committee and any individual who performs services on behalf of the committee, whether paid or unpaid.

“(E) The term ‘nonpublic campaign material’ means, with respect to a candidate or a political committee, campaign material that is produced by the candidate or the committee or produced at the candidate or committee’s expense or request which is not distributed or made available to the general public or otherwise in the public domain, including polling and focus group data and opposition research, except that such term does not include material produced for purposes of consultations relating solely to the candidate’s or committee’s position on a legislative or policy matter.”.

**SEC. 302. CLARIFICATION OF STANDARD FOR DETERMINING EXISTENCE OF COORDINATION BETWEEN CAMPAIGNS AND OUTSIDE INTERESTS.**

Section 315(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is amended by adding at the end the following new paragraph:

1 “(10) For purposes of paragraph (7), an expenditure  
 2 or disbursement may be considered to have been made in  
 3 cooperation, consultation, or concert with, or coordinated  
 4 with, a person without regard to whether or not the co-  
 5 operation, consultation, or coordination is carried out pur-  
 6 suant to agreement or formal collaboration.”.

7 **Subtitle B—Prohibiting Deceptive**  
 8 **Practices and Preventing Voter**  
 9 **Intimidation**

10 **SEC. 311. SHORT TITLE.**

11 This subtitle may be cited as the “Deceptive Prac-  
 12 tices and Voter Intimidation Prevention Act of 2019”.

13 **SEC. 312. PROHIBITION ON DECEPTIVE PRACTICES IN FED-**  
 14 **ERAL ELECTIONS.**

15 (a) PROHIBITION.—Subsection (b) of section 2004 of  
 16 the Revised Statutes (52 U.S.C. 10101(b)) is amended—

17 (1) by striking “No person” and inserting the  
 18 following:

19 “(1) IN GENERAL.—No person”; and

20 (2) by inserting at the end the following new  
 21 paragraphs:

22 “(2) FALSE STATEMENTS REGARDING FEDERAL  
 23 ELECTIONS.—

24 “(A) PROHIBITION.—No person, whether  
 25 acting under color of law or otherwise, shall,

1 within 60 days before an election described in  
2 paragraph (5), by any means, including by  
3 means of written, electronic, or telephonic com-  
4 munications, communicate or cause to be com-  
5 municated information described in subpara-  
6 graph (B), or produce information described in  
7 subparagraph (B) with the intent that such in-  
8 formation be communicated, if such person—

9 “(i) knows such information to be ma-  
10 terially false; and

11 “(ii) has the intent to impede or pre-  
12 vent another person from exercising the  
13 right to vote in an election described in  
14 paragraph (5).

15 “(B) INFORMATION DESCRIBED.—Infor-  
16 mation is described in this subparagraph if such  
17 information is regarding—

18 “(i) the time, place, or manner of  
19 holding any election described in para-  
20 graph (5); or

21 “(ii) the qualifications for or restric-  
22 tions on voter eligibility for any such elec-  
23 tion, including—



1                   “(I) any criminal penalties asso-  
 2                   ciated with voting in any such elec-  
 3                   tion; or

4                   “(II) information regarding a  
 5                   voter’s registration status or eligi-  
 6                   bility.

7                   “(3) FALSE STATEMENTS REGARDING PUBLIC  
 8                   ENDORSEMENTS.—

9                   “(A) PROHIBITION.—No person, whether  
 10                  acting under color of law or otherwise, shall,  
 11                  within 60 days before an election described in  
 12                  paragraph (5), by any means, including by  
 13                  means of written, electronic, or telephonic com-  
 14                  munications, communicate, or cause to be com-  
 15                  municated, a materially false statement about  
 16                  an endorsement, if such person—

17                  “(i) knows such statement to be false;  
 18                  and

19                  “(ii) has the intent to impede or pre-  
 20                  vent another person from exercising the  
 21                  right to vote in an election described in  
 22                  paragraph (5).

23                  “(B) DEFINITION OF ‘MATERIALLY  
 24                  FALSE’.—For purposes of subparagraph (A), a  
 25                  statement about an endorsement is ‘materially

1 false' if, with respect to an upcoming election  
2 described in paragraph (5)—

3 “(i) the statement states that a spe-  
4 cifically named person, political party, or  
5 organization has endorsed the election of a  
6 specific candidate for a Federal office de-  
7 scribed in such paragraph; and

8 “(ii) such person, political party, or  
9 organization has not endorsed the election  
10 of such candidate.

11 “(4) HINDERING, INTERFERING WITH, OR PRE-  
12 VENTING VOTING OR REGISTERING TO VOTE.—No  
13 person, whether acting under color of law or other-  
14 wise, shall intentionally hinder, interfere with, or  
15 prevent another person from voting, registering to  
16 vote, or aiding another person to vote or register to  
17 vote in an election described in paragraph (5).

18 “(5) ELECTION DESCRIBED.—An election de-  
19 scribed in this paragraph is any general, primary,  
20 run-off, or special election held solely or in part for  
21 the purpose of nominating or electing a candidate  
22 for the office of President, Vice President, presi-  
23 dential elector, Member of the Senate, Member of  
24 the House of Representatives, or Delegate or Com-  
25 missioner from a Territory or possession.”.

1 (b) PRIVATE RIGHT OF ACTION.—

2 (1) IN GENERAL.—Subsection (c) of section  
3 2004 of the Revised Statutes (52 U.S.C. 10101(c))  
4 is amended—

5 (A) by striking “Whenever any person”  
6 and inserting the following:

7 “(1) Whenever any person”; and

8 (B) by adding at the end the following new  
9 paragraph:

10 “(2) Any person aggrieved by a violation of  
11 subsection (b)(2), (b)(3), or (b)(4) may institute a  
12 civil action for preventive relief, including an appli-  
13 cation in a United States district court for a perma-  
14 nent or temporary injunction, restraining order, or  
15 other order. In any such action, the court, in its dis-  
16 cretion, may allow the prevailing party a reasonable  
17 attorney’s fee as part of the costs.”.

18 (2) CONFORMING AMENDMENTS.—

19 (A) Subsection (e) of section 2004 of the  
20 Revised Statutes (52 U.S.C. 10101(e)) is  
21 amended by striking “subsection (c)” and in-  
22 serting “subsection (c)(1)”.

23 (B) Subsection (g) of section 2004 of the  
24 Revised Statutes (52 U.S.C. 10101(g)) is

1 amended by striking “subsection (c)” and in-  
 2 serting “subsection (c)(1)”.

3 (c) CRIMINAL PENALTIES.—

4 (1) DECEPTIVE ACTS.—Section 594 of title 18,  
 5 United States Code, is amended—

6 (A) by striking “Whoever” and inserting  
 7 the following:

8 “(a) INTIMIDATION.—Whoever”;

9 (B) in subsection (a), as inserted by sub-  
 10 paragraph (A), by striking “at any election”  
 11 and inserting “at any general, primary, run-off,  
 12 or special election”; and

13 (C) by adding at the end the following new  
 14 subsections:

15 “(b) DECEPTIVE ACTS.—

16 “(1) FALSE STATEMENTS REGARDING FEDERAL  
 17 ELECTIONS.—

18 “(A) PROHIBITION.—It shall be unlawful  
 19 for any person, whether acting under color of  
 20 law or otherwise, within 60 days before an elec-  
 21 tion described in subsection (e), by any means,  
 22 including by means of written, electronic, or tel-  
 23 ephonic communications, to communicate or  
 24 cause to be communicated information de-  
 25 scribed in subparagraph (B), or produce infor-

1           mation described in subparagraph (B) with the  
2           intent that such information be communicated,  
3           if such person—

4                   “(i) knows such information to be ma-  
5                   terially false; and

6                   “(ii) has the intent to mislead voters,  
7                   or the intent to impede or prevent another  
8                   person from exercising the right to vote in  
9                   an election described in subsection (e).

10           “(B) INFORMATION DESCRIBED.—Infor-  
11           mation is described in this subparagraph if such  
12           information is regarding—

13                   “(i) the time or place of holding any  
14                   election described in subsection (e); or

15                   “(ii) the qualifications for or restric-  
16                   tions on voter eligibility for any such elec-  
17                   tion, including—

18                           “(I) any criminal penalties asso-  
19                           ciated with voting in any such elec-  
20                           tion; or

21                           “(II) information regarding a  
22                           voter’s registration status or eligi-  
23                           bility.

1           “(2) PENALTY.—Any person who violates para-  
 2           graph (1) shall be fined not more than \$100,000,  
 3           imprisoned for not more than 5 years, or both.

4           “(c) HINDERING, INTERFERING WITH, OR PRE-  
 5           VENTING VOTING OR REGISTERING TO VOTE.—

6           “(1) PROHIBITION.—It shall be unlawful for  
 7           any person, whether acting under color of law or  
 8           otherwise, to intentionally hinder, interfere with, or  
 9           prevent another person from voting, registering to  
 10          vote, or aiding another person to vote or register to  
 11          vote in an election described in subsection (e).

12          “(2) PENALTY.—Any person who violates para-  
 13          graph (1) shall be fined not more than \$100,000,  
 14          imprisoned for not more than 5 years, or both.

15          “(d) ATTEMPT.—Any person who attempts to commit  
 16          any offense described in subsection (a), (b)(1), or (c)(1)  
 17          shall be subject to the same penalties as those prescribed  
 18          for the offense that the person attempted to commit.

19          “(e) ELECTION DESCRIBED.—An election described  
 20          in this subsection is any general, primary, run-off, or spe-  
 21          cial election held solely or in part for the purpose of nomi-  
 22          nating or electing a candidate for the office of President,  
 23          Vice President, presidential elector, Member of the Senate,  
 24          Member of the House of Representatives, or Delegate or  
 25          Commissioner from a Territory or possession.”.

1           (2) MODIFICATION OF PENALTY FOR VOTER IN-  
2           TIMIDATION.—Section 594(a) of title 18, United  
3           States Code, as amended by paragraph (1), is  
4           amended by striking “fined under this title or im-  
5           prisoned not more than one year” and inserting  
6           “fined not more than \$100,000, imprisoned for not  
7           more than 5 years”.

8           (3) SENTENCING GUIDELINES.—

9                   (A) REVIEW AND AMENDMENT.—Not later  
10           than 180 days after the date of enactment of  
11           this Act, the United States Sentencing Commis-  
12           sion, pursuant to its authority under section  
13           994 of title 28, United States Code, and in ac-  
14           cordance with this section, shall review and, if  
15           appropriate, amend the Federal sentencing  
16           guidelines and policy statements applicable to  
17           persons convicted of any offense under section  
18           594 of title 18, United States Code, as amend-  
19           ed by this section.

20                   (B) AUTHORIZATION.—The United States  
21           Sentencing Commission may amend the Federal  
22           Sentencing Guidelines in accordance with the  
23           procedures set forth in section 21(a) of the Sen-  
24           tencing Act of 1987 (28 U.S.C. 994 note) as

1           though the authority under that section had not  
2           expired.

3           (4) PAYMENTS FOR REFRAINING FROM VOT-  
4           ING.—Subsection (c) of section 11 of the Voting  
5           Rights Act of 1965 (52 U.S.C. 10307) is amended  
6           by striking “either for registration to vote or for vot-  
7           ing” and inserting “for registration to vote, for vot-  
8           ing, or for not voting”.

9   **SEC. 313. CORRECTIVE ACTION.**

10          (a) CORRECTIVE ACTION.—

11           (1) IN GENERAL.—If the Attorney General re-  
12           ceives a credible report that materially false informa-  
13           tion has been or is being communicated in violation  
14           of paragraphs (2) and (3) of section 2004(b) of the  
15           Revised Statutes (52 U.S.C. 10101(b)), as added by  
16           section 312(a), and if the Attorney General deter-  
17           mines that State and local election officials have not  
18           taken adequate steps to promptly communicate accu-  
19           rate information to correct the materially false infor-  
20           mation, the Attorney General shall, pursuant to the  
21           written procedures and standards under subsection  
22           (b), communicate to the public, by any means, in-  
23           cluding by means of written, electronic, or telephonic  
24           communications, accurate information designed to  
25           correct the materially false information.



1           (2) COMMUNICATION OF CORRECTIVE INFORMA-  
 2           TION.—Any information communicated by the Attor-  
 3           ney General under paragraph (1)—

4                   (A) shall—

5                           (i) be accurate and objective;

6                           (ii) consist of only the information  
 7                           necessary to correct the materially false in-  
 8                           formation that has been or is being com-  
 9                           municated; and

10                          (iii) to the extent practicable, be by a  
 11                          means that the Attorney General deter-  
 12                          mines will reach the persons to whom the  
 13                          materially false information has been or is  
 14                          being communicated; and

15                          (B) shall not be designed to favor or dis-  
 16                          favor any particular candidate, organization, or  
 17                          political party.

18           (b) WRITTEN PROCEDURES AND STANDARDS FOR  
 19           TAKING CORRECTIVE ACTION.—

20                   (1) IN GENERAL.—Not later than 180 days  
 21                   after the date of enactment of this Act, the Attorney  
 22                   General shall publish written procedures and stand-  
 23                   ards for determining when and how corrective action  
 24                   will be taken under this section.

1           (2) INCLUSION OF APPROPRIATE DEADLINES.—

2           The procedures and standards under paragraph (1)  
3           shall include appropriate deadlines, based in part on  
4           the number of days remaining before the upcoming  
5           election.

6           (3) CONSULTATION.—In developing the proce-  
7           dures and standards under paragraph (1), the Attor-  
8           ney General shall consult with the Election Assist-  
9           ance Commission, State and local election officials,  
10          civil rights organizations, voting rights groups, voter  
11          protection groups, and other interested community  
12          organizations.

13          (c) AUTHORIZATION OF APPROPRIATIONS.—There  
14          are authorized to be appropriated to the Attorney General  
15          such sums as may be necessary to carry out this subtitle.

16   **SEC. 314. REPORTS TO CONGRESS.**

17          (a) IN GENERAL.—Not later than 180 days after  
18          each general election for Federal office, the Attorney Gen-  
19          eral shall submit to Congress a report compiling all allega-  
20          tions received by the Attorney General of deceptive prac-  
21          tices described in paragraphs (2), (3), and (4) of section  
22          2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as  
23          added by section 312(a), relating to the general election  
24          for Federal office and any primary, run-off, or a special

1 election for Federal office held in the 2 years preceding  
2 the general election.

3 (b) CONTENTS.—

4 (1) IN GENERAL.—Each report submitted  
5 under subsection (a) shall include—

6 (A) a description of each allegation of a  
7 deceptive practice described in subsection (a),  
8 including the geographic location, racial and  
9 ethnic composition, and language minority-  
10 group membership of the persons toward whom  
11 the alleged deceptive practice was directed;

12 (B) the status of the investigation of each  
13 allegation described in subparagraph (A);

14 (C) a description of each corrective action  
15 taken by the Attorney General under section  
16 4(a) in response to an allegation described in  
17 subparagraph (A);

18 (D) a description of each referral of an al-  
19 legation described in subparagraph (A) to other  
20 Federal, State, or local agencies;

21 (E) to the extent information is available,  
22 a description of any civil action instituted under  
23 section 2004(c)(2) of the Revised Statutes (52  
24 U.S.C. 10101(c)(2)), as added by section

1           312(b), in connection with an allegation de-  
2           scribed in subparagraph (A); and

3           (F) a description of any criminal prosecu-  
4           tion instituted under section 594 of title 18,  
5           United States Code, as amended by section  
6           3(c), in connection with the receipt of an allega-  
7           tion described in subparagraph (A) by the At-  
8           torney General.

9           (2) EXCLUSION OF CERTAIN INFORMATION.—

10          (A) IN GENERAL.—The Attorney General  
11          shall not include in a report submitted under  
12          subsection (a) any information protected from  
13          disclosure by rule 6(e) of the Federal Rules of  
14          Criminal Procedure or any Federal criminal  
15          statute.

16          (B) EXCLUSION OF CERTAIN OTHER IN-  
17          FORMATION.—The Attorney General may deter-  
18          mine that the following information shall not be  
19          included in a report submitted under subsection  
20          (a):

- 21                   (i) Any information that is privileged.  
22                   (ii) Any information concerning an  
23                   ongoing investigation.

1 (iii) Any information concerning a  
2 criminal or civil proceeding conducted  
3 under seal.

4 (iv) Any other nonpublic information  
5 that the Attorney General determines the  
6 disclosure of which could reasonably be ex-  
7 pected to infringe on the rights of any in-  
8 dividual or adversely affect the integrity of  
9 a pending or future criminal investigation.

10 (c) REPORT MADE PUBLIC.—On the date that the  
11 Attorney General submits the report under subsection (a),  
12 the Attorney General shall also make the report publicly  
13 available through the internet and other appropriate  
14 means.

## 15 **TITLE IV—MISCELLANEOUS** 16 **PROVISIONS**

### 17 **SEC. 401. EFFECTIVE DATES OF PROVISIONS.**

18 Each provision of this Act and each amendment made  
19 by a provision of this Act shall take effect on the effective  
20 date provided under this Act for such provision or such  
21 amendment without regard to whether or not the Federal  
22 Election Commission, the Attorney General, or any other  
23 person has promulgated regulations to carry out such pro-  
24 vision or such amendment.

1 **SEC. 402. SEVERABILITY.**

2       If any provision of this Act or any amendment made  
3 by this Act, or the application of a provision of this Act  
4 or an amendment made by this Act to any person or cir-  
5 cumstance, is held to be unconstitutional, the remainder  
6 of this Act, and the application of the provisions to any  
7 person or circumstance, shall not be affected by the hold-  
8 ing.

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