

105TH CONGRESS
1ST SESSION

H. R. 2051

To amend the Federal Election Campaign Act of 1971 to promote increased disclosure of spending on campaigns for election for Federal office, improve the ability of the Federal Election Commission to enforce the laws governing the financing of such campaigns, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1997

Mr. FORD introduced the following bill; which was referred to the Committee on House Oversight, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Election Campaign Act of 1971 to promote increased disclosure of spending on campaigns for election for Federal office, improve the ability of the Federal Election Commission to enforce the laws governing the financing of such campaigns, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Voice Campaign
5 Finance Reform Act of 1997”.

1 **SEC. 2. PROMOTING DISCLOSURE OF CAMPAIGN SPEND-**
2 **ING.**

3 (a) **REQUIRING INTERMEDIARIES AND CONDUITS TO**
4 **REPORT ON BUNDLED CONTRIBUTIONS.**—Section
5 315(a)(8) of the Federal Election Campaign Act of 1971
6 (2 U.S.C. 441a(a)(8)) is amended—

7 (1) by striking “(8)” and inserting “(8)(A)”;
8 and

9 (2) by adding at the end the following new sub-
10 paragraph:

11 “(B) Any person acting as an intermediary or conduit
12 for the collection or delivery of contributions on behalf of
13 a candidate shall file reports with the Commission (at the
14 same time and in the same manner as a political commit-
15 tee which is not an authorized committee of a candidate
16 is required to file reports under section 304(a)(4)) on the
17 contributions collected or delivered and on related activi-
18 ties conducted on the candidate’s behalf.”.

19 (b) **TREATMENT OF CERTAIN COMMUNICATIONS AS**
20 **INDEPENDENT EXPENDITURES FOR REPORTING PUR-**
21 **POSES.**—Section 301(17) of such Act (2 U.S.C. 431(17))
22 is amended by striking “identified candidate” and insert-
23 ing the following: “identified candidate, or any payment
24 for any communication made during the 90-day period
25 ending on the date of an election which includes the name
26 or likeness of a candidate,”.

1 (c) MANDATORY ELECTRONIC FILING FOR PERSONS
2 MEETING CERTAIN THRESHOLD.—Section 304(a)(11)(A)
3 of such Act (2 U.S.C. 434(a)(11)(A)) is amended by strik-
4 ing the period at the end and inserting the following: “,
5 except that in the case of any person reporting an amount
6 of contributions, expenditures, or disbursements in an
7 amount exceeding a threshold established by the Commis-
8 sion, the person shall file all reports required under this
9 Act by such electronic means, format, or method.”.

10 **SEC. 3. ENHANCING ENFORCEMENT ABILITIES OF FED-**
11 **ERAL ELECTION COMMISSION.**

12 (a) PERMITTING FEC TO IMPOSE FILING FEE FOR
13 REPORTS.—Section 307 of the Federal Election Cam-
14 paign Act of 1971 (2 U.S.C. 437d) is amended by adding
15 at the end the following new subsection:

16 “(f)(1) The Commission shall require each political
17 committee filing a report under this title to include with
18 the report a payment (in an amount established by the
19 Commission) if the amount of contributions, expenditures,
20 or disbursements covered by the report exceeds a threshold
21 established by the Commission.

22 “(2) In establishing the amount of payment required
23 to be included with a report under paragraph (1), the
24 Commission shall take into account the costs to the Com-

1 mission which are associated with the submission of re-
2 ports under this title.

3 “(3) The Commission may waive the application of
4 paragraph (1) with respect to a political committee if the
5 Commission determines that the payment required would
6 result in a financial hardship to the committee.

7 “(4) The Commission may charge a nominal fee for
8 the distribution of documents to the public.

9 “(5) The amount appropriated to the Commission for
10 a fiscal year pursuant to the authorization under section
11 314 may not be adjusted to take into account any amounts
12 anticipated to be received by the Commission during the
13 year pursuant to this subsection.”.

14 (b) REVISED STANDARD FOR REFERRAL OF CERTAIN
15 VIOLATIONS TO ATTORNEY GENERAL.—Section
16 309(a)(5)(C) of such Act (2 U.S.C. 437g(a)(5)(C)) is
17 amended by striking “by an affirmative vote of 4 of its
18 members, determined that there is probable cause to be-
19 lieve” and inserting “believes”.

20 (c) PERMITTING RANDOM AUDITS.—Section 311(b)
21 of such Act (2 U.S.C. 438(b)) is amended—

22 (1) by striking “(b)” and inserting “(b)(1)”;

23 and

24 (2) by adding at the end the following new
25 paragraph:

1 “(2) Notwithstanding paragraph (1), the Commission
2 shall conduct random audits of the reports of political
3 committees during the 1-year period which begins on the
4 date of a general election, in accordance with such criteria
5 as the Commission may establish.”.

6 **SEC. 4. REDUCED BROADCAST RATES FOR CANDIDATES.**

7 (a) IN GENERAL.—Section 315(b)(1) of the Commu-
8 nications Act of 1934 (47 U.S.C. 315(b)(1)) is amended
9 by striking “the lowest unit charge” and inserting “the
10 applicable percentage of the lowest unit charge”.

11 (b) APPLICABLE PERCENTAGE DEFINED.—Section
12 315(e) of such Act (47 U.S.C. 315(e)) is amended—

13 (1) by striking “and” at the end of paragraph

14 (1);

15 (2) by striking the period at the end of para-
16 graph (2) and inserting “; and”; and

17 (3) by adding at the end the following new
18 paragraph:

19 “(3) the term ‘applicable percentage’ means—

20 “(A) 70 percent, in the case of a small
21 broadcast station (as determined by the Com-
22 mission in accordance with ratings, market area
23 analysis, and such other criteria as the Com-
24 mission may establish), or

1 “(B) 50 percent, in the case of any other
2 candidate and any other broadcast station.”.

3 **SEC. 5. RESTRICTIONS ON USE OF NON-FEDERAL FUNDS.**

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

7 “RESTRICTIONS ON USE OF NON-FEDERAL FUNDS

8 “SEC. 323. (a) IN GENERAL.—Except as provided in
9 subsection (b), no funds which are not subject to the limi-
10 tations and prohibitions of this Act may be expended or
11 disbursed by any person for any activity which signifi-
12 cantly affects an election for Federal office or which pro-
13 motes or identifies (in whole or in part) any candidate for
14 election for Federal office, including any get-out-the-vote
15 drive which identifies or targets supporters of a candidate
16 for election for Federal office, or any voter registration
17 drive or development or maintenance of voter files which
18 occurs during an even-numbered year.

19 “(b) EXCEPTIONS.—Subsection (a) shall not apply
20 with respect to any of the following activities:

21 “(1) The construction, maintenance, or oper-
22 ation of buildings or broadcast facilities for political
23 parties.

24 “(2) State or local political party conventions.

25 “(3) State or local political party administra-
26 tion.

1 “(4) Generic campaign activity to promote a po-
2 litical party.

3 “(5) Any activity which would be described in
4 clause (i), (iii), or (v) of section 301(9)(B) if pay-
5 ment for the activity were an expenditure under
6 such section.”.

7 **SEC. 6. APPOINTMENT AND SERVICE OF MEMBERS OF FED-**
8 **ERAL ELECTION COMMISSION.**

9 (a) APPOINTMENT OF ADDITIONAL, INDEPENDENT
10 COMMISSIONER.—

11 (1) IN GENERAL.—Section 306(a)(1) of the
12 Federal Election Campaign Act of 1971 (2 U.S.C.
13 437c(a)(1)) is amended—

14 (A) by striking “(a)(1)” and inserting
15 “(a)(1)(A)”;

16 (B) in the first sentence, by striking “6
17 members appointed by the President,” and in-
18 serting the following: “7 members appointed by
19 the President, of whom one shall be a political
20 independent nominated for appointment by the
21 other members serving on the Commission,”;
22 and

23 (C) by adding at the end the following new
24 subparagraph:

1 “(B) In subparagraph (A), the term ‘political inde-
2 pendent’ means an individual who at no time after Janu-
3 ary 1992—

4 “(i) has held elective office as a member of the
5 Democratic or Republican party;

6 “(ii) has received any wages or salary from the
7 Democratic or Republican party or from a Demo-
8 cratic or Republican party office-holder or candidate;
9 or

10 “(iii) has provided substantial volunteer services
11 or made any substantial contribution to the Demo-
12 cratic or Republican party or to a Democratic or Re-
13 publican party office-holder or candidate.”.

14 (2) DEADLINE FOR INITIAL APPOINTMENT.—
15 The members of the Federal Election Commission
16 shall provide the President with a nominee for ap-
17 pointment to the Commission under section
18 306(a)(1)(A) of the Federal Election Campaign Act
19 of 1971 (as amended by paragraph (1)) not later
20 than 90 days after the date of the enactment of this
21 Act.

22 (b) LIMITING COMMISSIONERS TO SINGLE TERM.—
23 Section 306(a)(2)(A) of such Act (2 U.S.C.
24 437c(a)(2)(A)) is amended by striking “terms” and insert-
25 ing “a single term”.

1 **SEC. 7. EFFECTIVE DATE.**

2 The amendments made by this Act shall apply with
3 respect to elections occurring after January 1999.

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