

110TH CONGRESS
2D SESSION

H. R. 7022

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2008

Mr. LARSON of Connecticut (for himself and Mr. JONES of North Carolina) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Energy and Commerce, Oversight and Government Reform, and Rules, 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 reform the financing of House 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.
- Sec. 2. Findings and declarations.

TITLE I—FAIR ELECTIONS FINANCING OF HOUSE ELECTION
CAMPAIGNS

Subtitle A—Fair Elections Financing Program

Sec. 101. Eligibility requirements and benefits of fair elections financing of house election campaigns.

“TITLE V—FAIR ELECTIONS FINANCING OF HOUSE ELECTION
CAMPAIGNS

“Sec. 501. Definitions.

“Sec. 502. House Fair Elections Fund.

“Sec. 503. Eligibility for allocations from the Fund.

“Sec. 504. Seed money contribution requirement.

“Sec. 505. Qualifying contribution requirement.

“Sec. 506. Contribution and expenditure requirements.

“Sec. 507. Debate requirement.

“Sec. 508. Certification by Commission.

“Sec. 509. Benefits for participating candidates.

“Sec. 510. Allocations from the Fund.

“Sec. 511. Payment of fair fight funds.

“Sec. 512. Administration of the House fair elections system.

“Sec. 513. Violations and penalties.

Sec. 102. Reporting requirements for nonparticipating candidates.

Sec. 103. Modification of electioneering communication reporting requirements.

Sec. 104. Limitation on coordinated expenditures by political party committees with participating candidates.

Sec. 105. Audits.

Subtitle B—House Fair Elections Fund Revenues

Sec. 111. Deposit of proceeds from recovered spectrum auctions.

Subtitle C—Fair Elections Review Commission

Sec. 121. Establishment of Commission.

Sec. 122. Structure and membership of the Commission.

Sec. 123. Powers of the Commission.

Sec. 124. Administration.

Sec. 125. Authorization of appropriations.

Sec. 126. Expedited consideration of Commission recommendations.

TITLE II—VOTER INFORMATION

Sec. 201. Broadcasts relating to candidates.

Sec. 202. Political advertisement vouchers for participating candidates.

Sec. 203. FCC to prescribe standardized form for reporting candidate campaign ads.

Sec. 204. Limit on congressional use of the franking privilege.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION
COMMISSION

Sec. 301. Petition for certiorari.

Sec. 302. Filing by all candidates with Commission.

Sec. 303. Electronic filing of FEC reports.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Review of constitutional issues.

Sec. 402. Effective date.

1 **SEC. 2. FINDINGS AND DECLARATIONS.**

2 (a) UNDERMINING OF DEMOCRACY BY CAMPAIGN
3 CONTRIBUTIONS FROM PRIVATE SOURCES.—Congress
4 finds and declares that the current system of privately fi-
5 nanced campaigns for election to the House of Represent-
6 atives has the capacity, and is often perceived by the pub-
7 lic, to undermine democracy in the United States by—

8 (1) creating a conflict of interest, perceived or
9 real, by encouraging House Members to accept large
10 campaign contributions from private interests that
11 are directly affected by Federal legislation;

12 (2) diminishing or giving the appearance of di-
13 minishing a House Member’s accountability to con-
14 stituents by compelling legislators to be accountable
15 to the major contributors who finance their election
16 campaigns;

17 (3) violating the democratic principle of “one
18 person, one vote” and diminishing the meaning of
19 the right to vote by allowing monied interests to
20 have a disproportionate and unfair influence within
21 the political process;

22 (4) imposing large, unwarranted costs on tax-
23 payers through legislative and regulatory outcomes

1 shaped by unequal access to lawmakers for cam-
2 paign contributors;

3 (5) driving up the cost of election campaigns,
4 making it difficult for qualified candidates without
5 personal wealth or access to campaign contributions
6 from monied individuals and interest groups to
7 mount competitive House election campaigns;

8 (6) disadvantaging challengers, because large
9 campaign contributors tend to donate their money to
10 incumbent House Members, thus causing House
11 elections to be less competitive; and

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

15 (b) ENHANCEMENT OF DEMOCRACY BY PROVIDING
16 ALLOCATIONS FROM THE HOUSE FAIR ELECTIONS
17 FUND.—Congress finds and declares that providing the
18 option of the replacement of private campaign contribu-
19 tions with allocations from the House Fair Elections Fund
20 for all primary, runoff, and general elections to the House
21 would enhance American democracy by—

22 (1) eliminating the potentially inherent conflict
23 of interest created by the private financing of the
24 election campaigns of public officials, thus restoring

1 public confidence in the integrity and fairness of the
2 electoral and legislative processes;

3 (2) increasing the public’s confidence in the ac-
4 countability of House Members to the constituents
5 who elect them;

6 (3) helping to eliminate access to wealth as a
7 determinant of a citizen’s influence within the polit-
8 ical process and to restore meaning to the principle
9 of “one person, one vote”;

10 (4) reversing the escalating cost of elections
11 and saving taxpayers billions of dollars that are (or
12 that are perceived to be) currently allocated based
13 upon legislative and regulatory agendas skewed by
14 the influence of campaign contributions;

15 (5) creating a more level playing field for in-
16 cumbents and challengers by creating genuine oppor-
17 tunities for all Americans to run for the House and
18 by encouraging more competitive elections; and

19 (6) freeing House Members from the incessant
20 preoccupation with raising money, and allowing
21 them more time to carry out their public responsibil-
22 ities.

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

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

6 **SEC. 101. ELIGIBILITY REQUIREMENTS AND BENEFITS OF**
 7 **FAIR ELECTIONS FINANCING OF HOUSE**
 8 **ELECTION CAMPAIGNS.**

9 The Federal Election Campaign Act of 1971 (2
 10 U.S.C. 431 et seq.) is amended by adding at the end the
 11 following:

12 **“TITLE V—FAIR ELECTIONS FI-**
 13 **NANCING OF HOUSE ELEC-**
 14 **TION CAMPAIGNS**

15 **“SEC. 501. DEFINITIONS.**

16 “In this title, the following definitions apply:

17 “(1) ALLOCATION FROM THE FUND.—The term
 18 ‘allocation from the Fund’ means an allocation of
 19 money from the House Fair Elections Fund to a
 20 participating candidate pursuant to sections 510 and
 21 511.

22 “(2) CANDIDATE FOR THE HOUSE.—The term,
 23 ‘candidate for the House’ means a candidate for
 24 election for the office of Representative in, or Dele-
 25 gate or Resident Commissioner to, the Congress.

1 “(3) FAIR ELECTIONS QUALIFYING PERIOD.—
2 The term ‘fair elections qualifying period’ means,
3 with respect to any candidate for The House of Rep-
4 resentatives, the period—

5 “(A) beginning on the date on which the
6 candidate files a statement of intent under sec-
7 tion 503(a)(1); and

8 “(B) ending on the date that is 60 days
9 before—

10 “(i) the date of the primary election;

11 or

12 “(ii) in the case of a State that does
13 not hold a primary election, the date pre-
14 scribed by State law as the last day to
15 qualify for a position on the general elec-
16 tion ballot.

17 “(4) FAIR ELECTIONS START DATE.—The term
18 ‘fair elections start date’ means, with respect to any
19 candidate, the date that is 180 days before—

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

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

1 “(5) FUND.—The term ‘Fund’ means the
2 House Fair Elections Fund established by section
3 502.

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

6 “(A) the candidate’s spouse;

7 “(B) a child, stepchild, parent, grand-
8 parent, brother, half-brother, sister, or half-sis-
9 ter of the candidate or the candidate’s spouse;
10 and

11 “(C) the spouse of any person described in
12 subparagraph (B).

13 “(7) INDEPENDENT CANDIDATE.—The term
14 ‘independent candidate’ means a candidate for the
15 House who is—

16 “(A) not affiliated with any political party;

17 or

18 “(B) affiliated with a political party that—

19 “(i) in the case of a candidate in a
20 State that holds a primary election for the
21 House, does not hold a primary election for
22 the House; or

23 “(ii) in the case of a candidate in a
24 State that does not hold primary election

1 for the House, does not have ballot status
2 in such State.

3 “(8) MAJOR PARTY CANDIDATE.—

4 “(A) IN GENERAL.—The term ‘major
5 party candidate’ means a candidate for the
6 House who is affiliated with a major political
7 party.

8 “(B) MAJOR POLITICAL PARTY.—The term
9 ‘major political party’ means, with respect to
10 any State, a political party of which a candidate
11 for the office of Representative, Senator, Presi-
12 dent, or Governor at any time in the preceding
13 5 years, received, as a candidate of that party
14 in such State, 25 percent or more of the total
15 number of popular votes cast for such office in
16 such State.

17 “(9) MINOR PARTY CANDIDATE.—The term
18 ‘minor party candidate’ means a candidate for the
19 House who is affiliated with a political party that—

20 “(A) holds a primary for House nomina-
21 tions; and

22 “(B) is not a major political party.

23 “(10) NONPARTICIPATING CANDIDATE.—The
24 term ‘nonparticipating candidate’ means a candidate
25 for the House who is not a participating candidate.

1 “(11) PARTICIPATING CANDIDATE.—The term
2 ‘participating candidate’ means a candidate for the
3 House who is certified under section 508 as being el-
4 igible to receive an allocation from the Fund.

5 “(12) QUALIFYING CONTRIBUTION.—The term
6 ‘qualifying contribution’ means, with respect to a
7 candidate, a contribution that—

8 “(A) is in the amount of \$5 exactly;

9 “(B) is made by an individual who—

10 “(i) is a resident of the State with re-
11 spect to which the candidate is seeking
12 election; and

13 “(ii) is not prohibited from making a
14 contribution under this Act;

15 “(C) is made during the fair elections
16 qualifying period; and

17 “(D) meets the requirements of section
18 505(c).

19 “(13) SEED MONEY CONTRIBUTION.—The term
20 ‘seed money contribution’ means a contribution or
21 contributions by any 1 individual—

22 “(A) aggregating not more than \$100; and

23 “(B) made to a candidate after the date of
24 the most recent previous election for the office
25 which the candidate is seeking and before the

1 date the candidate has been certified as a par-
2 ticipating candidate under section 508(a).

3 “(14) STATE.—The term ‘State’ includes the
4 District of Columbia, Puerto Rico, the Virgin Is-
5 lands, American Samoa, and Guam.

6 **“SEC. 502. HOUSE FAIR ELECTIONS FUND.**

7 “(a) ESTABLISHMENT.—There is established in the
8 Treasury a fund to be known as the ‘House Fair Elections
9 Fund’.

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

12 “(1) PROCEEDS FROM RECOVERED SPEC-
13 TRUM.—Proceeds deposited into the Fund under
14 section 309(j)(8)(E)(ii)(II) of the Communications
15 Act of 1934.

16 “(2) EXCESS SPECTRUM USER FEES.—Amounts
17 deposited in the Fund under section
18 315A(f)(2)(B)(ii) of the Communications Act of
19 1934.

20 “(3) VOLUNTARY CONTRIBUTIONS.—Voluntary
21 contributions to the fund.

22 “(4) QUALIFYING CONTRIBUTIONS, PENALTIES,
23 AND OTHER DEPOSITS.—Amounts deposited into the
24 Fund under—

1 “(A) section 504(2) (relating to limitation
2 on amount of seed money);

3 “(B) section 505(d) (relating to deposit of
4 qualifying contributions);

5 “(C) section 506(e) (relating to exceptions
6 to contribution requirements);

7 “(D) section 509(e) (relating to remittance
8 of allocations from the Fund);

9 “(E) section 513 (relating to violations);
10 and

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

12 “(5) 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 House
21 Fair Elections Fund shall be used to make alloca-
22 tions to participating candidates in accordance with
23 sections 510 and 511.

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

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

3 **“SEC. 503. ELIGIBILITY FOR ALLOCATIONS FROM THE**
4 **FUND.**

5 “(a) IN GENERAL.—A candidate for the House is eli-
6 gible to receive an allocation from the Fund for any elec-
7 tion if the candidate meets the following requirements:

8 “(1) The candidate files with the Commission a
9 statement of intent to seek certification as a partici-
10 pating candidate under this title during the period
11 beginning on the fair elections start date and ending
12 on the last day of the fair elections qualifying pe-
13 riod.

14 “(2) The candidate has complied with the seed
15 money contribution requirements of section 504.

16 “(3) The candidate meets the qualifying con-
17 tribution requirements of section 505.

18 “(4) Not later than the last day of the fair elec-
19 tions qualifying period, the candidate files with the
20 Commission an affidavit signed by the candidate and
21 the treasurer of the candidate’s principal campaign
22 committee declaring that the candidate—

23 “(A) has complied and, if certified, will
24 comply with the contribution and expenditure
25 requirements of section 506;

1 “(B) if certified, will comply with the de-
2 bate requirements of section 507;

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 qualified to be placed on the bal-
15 lot as an independent candidate, and the candidate is
16 qualified under State law to be on the ballot.

17 **“SEC. 504. SEED MONEY CONTRIBUTION REQUIREMENT.**

18 “A candidate for the House meets the seed money
19 contribution requirements of this section if the candidate
20 meets the following requirements:

21 “(1) SEPARATE ACCOUNTING.—The candidate
22 maintains seed money contributions in a separate
23 account.

24 “(2) LIMITATION ON AMOUNT.—The candidate
25 deposits into the House Fair Elections Fund or re-

1 turns to donors an amount equal to the amount of
2 any seed money contributions which, in the aggregate,
3 exceed the sum of—

4 “(A) in the case of an independent candidate,
5 the amount which the candidate would
6 be entitled to under section 510(c)(3); and

7 “(B) in the case of any other candidate,
8 the amount which the candidate would be entitled
9 to under section 510(c)(1).

10 “(3) USE OF SEED MONEY.—The candidate
11 makes expenditures from seed money contributions
12 only for campaign-related costs.

13 “(4) RECORDS.—The candidate maintains a
14 record of the name and street address of any contributor
15 of a seed money contribution and the
16 amount of any such contribution.

17 “(5) REPORT.—Unless a seed money contribution
18 or an expenditure made with a seed money contribution
19 has been reported previously under section
20 304, the candidate files with the Commission a report
21 disclosing all seed money contributions and expenditures
22 not later than 48 hours after receiving
23 notification of the determination with respect to the
24 certification of the candidate under section 508.

1 **“SEC. 505. QUALIFYING CONTRIBUTION REQUIREMENT.**

2 “(a) IN GENERAL.—A candidate for the House meets
3 the requirement of this section if, during the fair elections
4 qualifying period, the candidate obtains at least 1,500
5 qualifying contributions.

6 “(b) SPECIAL RULE FOR CERTAIN CANDIDATES.—

7 “(1) IN GENERAL.—Notwithstanding subsection
8 (a), in the case of a candidate described in para-
9 graph (2), the requirement of this section is met if,
10 during the fair elections qualifying period, the can-
11 didate obtains a number of qualifying contributions
12 equal to 150 percent of the number of qualifying
13 contributions that such candidate would be required
14 to obtain without regard to this subsection.

15 “(2) CANDIDATE DESCRIBED.—A candidate is
16 described in this paragraph if—

17 “(A) the candidate is a minor party can-
18 didate or an independent candidate; and

19 “(B) in the most recent general election in-
20 volving the office of the House, President, or
21 Governor in the State in which the candidate is
22 seeking office, the candidate and all candidates
23 of the same political party as such candidate re-
24 ceived less than 5 percent of the total number
25 of votes cast for each such office.

1 “(c) REQUIREMENTS RELATING TO RECEIPT OF
2 QUALIFYING CONTRIBUTION.—Each qualifying contribu-
3 tion—

4 “(1) may be made by means of a personal
5 check, money order, debit card, or credit card;

6 “(2) shall be payable to the House Fair Elec-
7 tions Fund;

8 “(3) shall be accompanied by a signed state-
9 ment containing—

10 “(A) the contributor’s name and home ad-
11 dress;

12 “(B) an oath declaring that the contrib-
13 utor—

14 “(i) is a resident of the State in which
15 the candidate with respect to whom the
16 contribution is made is running for elec-
17 tion;

18 “(ii) understands that the purpose of
19 the qualifying contribution is to show sup-
20 port for the candidate so that the can-
21 didate may qualify for public financing;

22 “(iii) is making the contribution in his
23 or her own name and from his or her own
24 funds;

1 “(iv) has made the contribution will-
2 ingly; and

3 “(v) has not received any thing of
4 value in return for the contribution; and

5 “(4) shall be acknowledged by a receipt that is
6 sent to the contributor with a copy kept by the can-
7 didate for the Commission and a copy kept by the
8 candidate for the election authorities in the State
9 with respect to which the candidate is seeking elec-
10 tion.

11 “(d) DEPOSIT OF QUALIFYING CONTRIBUTIONS.—

12 “(1) IN GENERAL.—Not later than 21 days
13 after obtaining a qualifying contribution, a candidate
14 shall—

15 “(A) deposit such contribution into the
16 House Fair Elections Fund, and

17 “(B) remit to the Commission a copy of
18 the receipt for such contribution.

19 “(2) DEPOSIT OF CONTRIBUTIONS AFTER CER-
20 TIFICATION.—Notwithstanding paragraph (1), all
21 qualifying contributions obtained by a candidate
22 shall be deposited into the House Fair Elections
23 Fund and all copies of receipts for such contribu-
24 tions shall be remitted to the Commission not later
25 than—

1 “(D) vouchers provided to the candidate
2 under section 315A of the Communications Act
3 of 1934;

4 “(2) makes no expenditures from any amounts
5 other than from—

6 “(A) amounts received from seed money
7 contributions;

8 “(B) amounts received from the House
9 Fair Elections Fund; and

10 “(C) vouchers provided to the candidate
11 under section 315A of the Communications Act
12 of 1934; and

13 “(3) makes no expenditures from personal
14 funds or the funds of any immediate family member
15 (other than funds received through seed money con-
16 tributions).

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

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

1 “(1) the aggregate contributions from such per-
2 son for any for a calendar year do not exceed \$100;
3 and

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

7 “(c) EXCEPTION.—

8 “(1) IN GENERAL.—Notwithstanding subsection
9 (a), a candidate shall not be treated as having failed
10 to meet the requirements of this section if any con-
11 tributions accepted before the date the candidate
12 files a statement of intent under section 503(a)(1)
13 are not expended and are—

14 “(A) returned to the contributor; or

15 “(B) submitted to the Commission for de-
16 posit in the House Fair Elections Fund.

17 “(2) SPECIAL RULE FOR SEED MONEY CON-
18 TRIBUTIONS AND CONTRIBUTIONS FOR LEADERSHIP
19 PACS.—For purposes of paragraph (1), a candidate
20 shall not be required to return, donate, or submit
21 any portion of the aggregate amount of contribu-
22 tions from any person which is \$100 or less to the
23 extent that such contribution—

24 “(A) otherwise qualifies as a seed money
25 contribution; or

1 “(B) otherwise meets the requirements of
2 subsection (b).

3 “(3) SPECIAL RULE FOR CONTRIBUTIONS BE-
4 FORE THE DATE OF ENACTMENT OF THIS TITLE.—
5 Notwithstanding subsection (a), a candidate shall
6 not be treated as having failed to meet the require-
7 ments of this section if any contributions accepted
8 before the date of the enactment of this title are not
9 expended and are—

10 “(A) returned to the contributor;

11 “(B) donated to an organization described
12 in section 170(c) of the Internal Revenue Code
13 of 1986;

14 “(C) donated to a political party;

15 “(D) used to retire campaign debt; or

16 “(E) submitted to the Federal Election
17 Commission for deposit in the House Fair Elec-
18 tions Fund.

19 **“SEC. 507. DEBATE REQUIREMENT.**

20 “A candidate for the House meets the requirements
21 of this section if the candidate participates in at least—

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

1 “(2) 2 public debates before the general election
2 with other participating candidates and other willing
3 candidates seeking the same office as such can-
4 didate.

5 **“SEC. 508. CERTIFICATION BY COMMISSION.**

6 “(a) IN GENERAL.—Not later than 5 days after a
7 candidate for the House files an affidavit under section
8 503(a)(4), the Commission shall—

9 “(1) certify whether or not the candidate is a
10 participating candidate; and

11 “(2) notify the candidate of the Commission’s
12 determination.

13 “(b) REVOCATION OF CERTIFICATION.—

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

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

19 “(B) a candidate otherwise fails to comply
20 with the requirements of this title.

21 “(2) REPAYMENT OF BENEFITS.—If certifi-
22 cation is revoked under paragraph (1), the candidate
23 shall repay—

24 “(A) to the House Fair Elections Fund an
25 amount equal to the value of benefits received

1 under this title plus interest (at a rate deter-
2 mined by the Commission) on any such amount
3 received; and

4 “(B) to the Federal Communications Com-
5 mission an amount equal to the amount of the
6 dollar value of vouchers which were received
7 from the Federal Communications Commission
8 under section 315A of the Communications Act
9 of 1934 and used by the candidate.

10 **“SEC. 509. BENEFITS FOR PARTICIPATING CANDIDATES.**

11 “(a) IN GENERAL.—A participating candidate shall
12 be entitled to—

13 “(1) for each election with respect to which a
14 candidate is certified as a participating candidate—

15 “(A) an allocation from the Fund to make
16 or obligate to make expenditures with respect to
17 such election, as provided in section 510; and

18 “(B) fair fight funds, as provided in sec-
19 tion 511; and

20 “(2) for the general election, vouchers for
21 broadcasts of political advertisements, as provided in
22 section 315A of the Communications Act of 1934
23 (47 U.S.C. 315A).

24 “(b) RESTRICTION ON USES OF ALLOCATIONS FROM
25 THE FUND.—Allocations from the Fund received by a par-

1 participating candidate under sections 510 and 511 may only
2 be used for campaign-related costs.

3 “(c) REMITTING ALLOCATIONS FROM THE FUND.—
4 Not later than the date that is 45 days after the date of
5 the election, a participating candidate shall remit to the
6 Commission for deposit in the House Fair Elections Fund
7 any unspent amounts paid to such candidate under this
8 title for such election.

9 **“SEC. 510. ALLOCATIONS FROM THE FUND.**

10 “(a) IN GENERAL.—The Commission shall make allo-
11 cations from the Fund under section 509(a)(1)(A) to a
12 participating candidate—

13 “(1) in the case of amounts provided under
14 subsection (c)(1), not later than 48 hours after the
15 date on which such candidate is certified as a par-
16 ticipating candidate under section 508;

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

19 “(A) the date the certification of the re-
20 sults of the primary election or the primary
21 runoff election; or

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

1 “(3) in the case of a primary runoff election or
2 a general runoff election, not later than 48 hours
3 after the certification of the results of the primary
4 election or the general election, as the case may be.

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

9 “(c) AMOUNTS.—

10 “(1) PRIMARY ELECTION ALLOCATION; INITIAL
11 ALLOCATION.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraphs (B), the Commission shall make
14 an allocation from the Fund for a primary elec-
15 tion to a participating candidate in an amount
16 equal to 40 percent of the base amount with re-
17 spect to such participating candidate.

18 “(B) INDEPENDENT CANDIDATES.—In the
19 case of a participating candidate who is an
20 independent candidate, the Commission shall
21 make an initial allocation from the Fund in an
22 amount equal to 25 percent of the base amount
23 with respect to such candidate.

24 “(C) REDUCTION FOR EXCESS SEED
25 MONEY.—An allocation from the Fund for any

1 candidate under this paragraph shall be re-
2 duced by an amount equal to the aggregate
3 amount of seed money contributions received by
4 the candidate in excess of \$75,000.

5 “(2) PRIMARY RUNOFF ELECTION ALLOCA-
6 TION.—The Commission shall make an allocation
7 from the Fund for a primary runoff election to a
8 participating candidate in an amount equal to 25
9 percent of the amount the participating candidate
10 was eligible to receive under this section for the pri-
11 mary election.

12 “(3) GENERAL ELECTION ALLOCATION.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), the Commission shall make
15 an allocation from the Fund for a general elec-
16 tion to a participating candidate in an amount
17 equal to 60 percent of the base amount.

18 “(B) UNCONTESTED ELECTIONS.—

19 “(i) IN GENERAL.—The Commission
20 shall make an allocation from the Fund to
21 a participating candidate for a general
22 election that is uncontested in an amount
23 equal to 40 percent of the amount other-
24 wise provided.

1 “(ii) UNCONTESTED ELECTIONS.—

2 For purposes of this subparagraph, an
3 election is uncontested if not more than 1
4 candidate has received contributions (in-
5 cluding payments from the House Fair
6 Elections Fund) in an amount equal to or
7 greater than the lesser of—

8 “(I) the amount in effect for a
9 candidate in such election under para-
10 graph (1)(C); or

11 “(II) an amount equal to 50 per-
12 cent of the base amount with respect
13 to such candidate.

14 “(C) REDUCTION FOR EXCESS SEED
15 MONEY.—The allocation from the Fund for the
16 general election for any participating candidate
17 in a State that does not hold a primary election
18 shall be reduced by an amount equal to the ag-
19 gregate amount of seed money contributions re-
20 ceived by the candidate in excess of \$75,000.

21 “(4) GENERAL RUNOFF ELECTION ALLOCA-
22 TION.—The Commission shall make an allocation
23 from the Fund for a general runoff election to a par-
24 ticipating candidate in an amount equal to 25 per-

1 cent of the base amount with respect to such can-
2 didate.

3 “(d) BASE AMOUNT.—

4 “(1) IN GENERAL.—Except as otherwise pro-
5 vided in this subsection, the base amount for any
6 candidate is 80 percent of the national average
7 spending for the cycle by winning candidates in the
8 last two election cycles.

9 “(2) MINOR PARTY AND INDEPENDENT CAN-
10 DIDATES.—

11 “(A) REDUCED AMOUNT FOR CERTAIN
12 CANDIDATES.—

13 “(i) IN GENERAL.—In the case of a
14 minor party candidate or independent can-
15 didate described in clause (ii), the amount
16 provided is an amount equal to the product
17 of—

18 “(I) a fraction the numerator of
19 which is the highest percentage of the
20 vote received by the candidate or a
21 candidate of the same political party
22 as such candidate in the election de-
23 scribed in clause (ii) and the denomi-
24 nator of which is 25 percent; and

1 “(II) the amount that would (but
2 for this paragraph) be the amount
3 provided for the candidate under
4 paragraph (1).

5 “(ii) CANDIDATE DESCRIBED.—A can-
6 didate is described in this clause if, in the
7 most recent general election involving the
8 office of the House, Senate, President, or
9 Governor in the State in which the can-
10 didate is seeking office—

11 “(I) such candidate, or any can-
12 didate of the same political party as
13 such candidate, received 5 percent or
14 more of the total number of votes cast
15 for any such office; and

16 “(II) such candidate and all can-
17 didates of the same political party as
18 such candidate received less than 25
19 percent of the total number of votes
20 cast for such office.

21 “(B) EXCEPTION.—Subparagraph (A)
22 shall not apply to any candidate if such can-
23 didate receives a number of qualifying contribu-
24 tions which is greater than 150 percent of the
25 number of qualifying contributions such can-

1 didate is required to receive in order to meet
2 the requirements of section 505(a).

3 “(3) INDEXING.—In each odd-numbered year
4 after 2010—

5 “(A) each dollar amount under paragraph
6 (1) shall be increased by the percent difference
7 between the price index (as defined in section
8 315(c)(2)(A)) for the 12 months preceding the
9 beginning of such calendar year and the price
10 index for calendar year 2008;

11 “(B) each dollar amount so increased shall
12 remain in effect for the 2-year period beginning
13 on the first day following the date of the last
14 general election in the year preceding the year
15 in which the amount is increased and ending on
16 the date of the next general election; and

17 “(C) if any amount after adjustment under
18 subparagraph (A) is not a multiple of \$100,
19 such amount shall be rounded to the nearest
20 multiple of \$100.

21 “(4) ADJUSTMENT BY MEDIA MARKET.—

22 “(A) IN GENERAL.—The Commission, in
23 consultation with the Federal Communications
24 Commission, shall establish an index reflecting
25 the costs of the media markets in each State.

1 “(B) ADJUSTMENT.—At the beginning of
2 each year, the Commission shall increase the
3 amount under paragraph (1) (after application
4 of paragraph (3)) based on the index estab-
5 lished under subparagraph (A).

6 **“SEC. 511. PAYMENT OF FAIR FIGHT FUNDS.**

7 “(a) DETERMINATION OF RIGHT TO PAYMENT.—

8 “(1) IN GENERAL.—The Commission shall, on
9 a regular basis, make a determination on—

10 “(A) the amount of opposing funds with
11 respect to each participating candidate, and

12 “(B) the applicable amount with respect to
13 each participating candidate.

14 “(2) BASIS OF DETERMINATIONS.—The Com-
15 mission shall make determinations under paragraph
16 (1) based on—

17 “(A) reports filed by the relevant opposing
18 candidate under section 304(a) with respect to
19 amounts described in subsection (c)(1)(A)(i)(I);

20 “(B) reports filed by political committees
21 under section 304(a) and by other persons
22 under section 304(c) with respect to—

23 “(i) opposing funds described in
24 clauses (ii)(I) and (iii)(I) of subsection
25 (c)(1)(A); and

1 “(ii) applicable amounts described in
2 subparagraphs (B)(i) and (C)(i) of sub-
3 section (b)(2); and

4 “(C) reports filed by nonparticipating can-
5 didates under section 304(j).

6 “(3) REQUESTS FOR DETERMINATION RELAT-
7 ING TO CERTAIN ELECTIONEERING COMMUNICA-
8 TIONS.—

9 “(A) IN GENERAL.—A participating can-
10 didate may request to the Commission to make
11 a determination under paragraph (1) with re-
12 spect to any relevant opposing candidate with
13 respect to—

14 “(i) opposing funds described in
15 clauses (ii)(II) and (iii)(II) of subsection
16 (c)(1)(A); and

17 “(ii) applicable amounts described in
18 subparagraphs (B)(ii) and (C)(ii) of sub-
19 section (b)(2).

20 “(B) TIME FOR MAKING DETERMINA-
21 TION.—In the case of any such request, the
22 Commission shall make such determination and
23 notify the participating candidate of such deter-
24 mination not later than—

1 “(i) 24 hours after receiving such re-
2 quest during the 3-week period ending on
3 the date of the election, and

4 “(ii) 48 hours after receiving such re-
5 quest at any other time.

6 “(b) PAYMENTS.—

7 “(1) IN GENERAL.—The Commission shall
8 make available to the participating candidate fair
9 fight funds in an amount equal to the amount of op-
10 posing funds that is in excess of the applicable
11 amount—

12 “(A) immediately after making any deter-
13 mination under subsection (a) with respect to
14 any participating candidate during the 3-week
15 period ending on the date of the election, and

16 “(B) not later than 24 hours after making
17 such determination at any other time.

18 “(2) APPLICABLE AMOUNT.—For purposes of
19 this section, the applicable amount is an amount
20 equal to the sum of—

21 “(A) the sum of—

22 “(i) the amount of seed money con-
23 tribution received by the participating can-
24 didate;

1 “(ii) in the case of a general election,
2 the value of any vouchers received by the
3 candidate under section 315A of the Com-
4 munications Act of 1934; plus

5 “(iii)(I) in the case of a participating
6 candidate who is a minor party candidate
7 running in a general election or an inde-
8 pendent candidate, the allocation from the
9 Fund which would have been provided to
10 such candidate for such election if such
11 candidate were a major party candidate; or

12 “(II) in the case of any other partici-
13 pating candidate, an amount equal to the
14 allocation from the Fund to such candidate
15 for such election under section 510(c);

16 “(B) the sum of—

17 “(i) the amount of independent ex-
18 penditures made advocating the election of
19 the participating candidate; plus

20 “(ii) the amount of disbursements for
21 electioneering communications which pro-
22 mote or support such participating can-
23 didate;

24 “(C) the sum of—

1 “(i) the amount of independent ex-
2 penditures made advocating the defeat of
3 the relevant opposing candidate; plus

4 “(ii) the amount of disbursements for
5 electioneering communications which at-
6 tack or oppose the relevant opposing can-
7 didate; plus

8 “(D) the amount of fair fight funds pre-
9 viously provided to the participating candidate
10 under this subsection for the election.

11 “(3) LIMITS ON AMOUNT OF PAYMENT.—The
12 aggregate of fair fight funds that a participating
13 candidate receives under this subsection for any elec-
14 tion shall not exceed 200 percent of the allocation
15 from the Fund that the participating candidate re-
16 ceives for such election under section 510(c).

17 “(c) DEFINITIONS.—For purposes of this section, the
18 following definitions apply:

19 “(1) OPPOSING FUNDS.—The term ‘opposing
20 funds’ means, with respect to any participating can-
21 didate for any election, the sum of—

22 “(A)(i) the greater of the total contribu-
23 tions received by the relevant opposing can-
24 didate or the total expenditures made by such
25 relevant opposing candidate; or

1 “(ii) in the case of a relevant opposing
2 candidate who is a participating candidate, an
3 amount equal to the sum of the amount of seed
4 money contributions received by the relevant
5 opposing candidate, the value of any vouchers
6 received by the relevant opposing candidate for
7 the general election under section 315A of the
8 Communications Act of 1934, and the alloca-
9 tion from the Fund under section 510(c) for
10 the relevant opposing candidate for such elec-
11 tion;

12 “(B) the sum of—

13 “(i) the amount of independent ex-
14 penditures made advocating the election of
15 such relevant opposing candidate; plus

16 “(ii) the amount of disbursements for
17 electioneering communications which pro-
18 mote or support such relevant opposing
19 candidate; plus

20 “(C) the sum of—

21 “(i) the amount of independent ex-
22 penditures made advocating the defeat of
23 such participating candidate; plus

24 “(ii) the amount of disbursements for
25 electioneering communications which at-

1 tack or oppose such participating can-
2 didate.

3 “(2) RELEVANT OPPOSING CANDIDATE.—The
4 term ‘relevant opposing candidate’ means, with re-
5 spect to any participating candidate, the opposing
6 candidate of such participating candidate with re-
7 spect to whom the amount under paragraph (1) is
8 the greatest.

9 “(3) ELECTIONEERING COMMUNICATION.—The
10 term ‘electioneering communication’ has the mean-
11 ing given such term under section 304(f)(3), except
12 that subparagraph (A)(i)(II)(aa) thereof shall be ap-
13 plied by substituting ‘30’ for ‘60’.

14 **“SEC. 512. ADMINISTRATION OF THE HOUSE FAIR ELEC-**
15 **TIONS SYSTEM.**

16 “(a) REGULATIONS.—The Commission shall pre-
17 scribe regulations to carry out the purposes of this title,
18 including regulations—

19 “(1) to establish procedures for—

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

22 “(B) effectively and efficiently monitoring
23 and enforcing the limits on the use of personal
24 funds by participating candidates;

1 “(C) the expedited payment of fair fight
2 funds during the 3-week period ending on the
3 date of the election;

4 “(D) monitoring the use of allocations
5 from the Fund under this title through audits
6 or other mechanisms; and

7 “(E) returning unspent disbursements and
8 disposing of assets purchased with allocations
9 from the Fund;

10 “(2) providing for the administration of the
11 provisions of this title with respect to special elec-
12 tions;

13 “(3) pertaining to the replacement of can-
14 didates;

15 “(4) regarding the conduct of debates in a man-
16 ner consistent with the best practices of States that
17 provide public financing for elections; and

18 “(5) for attributing expenditures to specific
19 elections for the purposes of calculating opposing
20 funds.

21 “(b) OPERATION OF COMMISSION.—The Commission
22 shall maintain normal business hours during the weekend
23 immediately before any general election for the purposes
24 of administering the provisions of this title, including the
25 distribution of fair fight funds under section 511.

1 “(c) REPORTS.—Not later than April 1, 2009, and
2 every 2 years thereafter, the Commission shall submit to
3 the Committee on House Administration of the House of
4 Representatives a report documenting, evaluating, and
5 making recommendations relating to the administrative
6 implementation and enforcement of the provisions of this
7 title.

8 **“SEC. 513. VIOLATIONS AND PENALTIES.**

9 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
10 TION AND EXPENDITURE REQUIREMENTS.—If a can-
11 didate who has been certified as a participating candidate
12 under section 508(a) accepts a contribution or makes an
13 expenditure that is prohibited under section 506, the Com-
14 mission shall assess a civil penalty against the candidate
15 in an amount that is not more than 3 times the amount
16 of the contribution or expenditure. Any amounts collected
17 under this subsection shall be deposited into the House
18 Fair Elections Fund.

19 “(b) REPAYMENT FOR IMPROPER USE OF FAIR
20 ELECTIONS FUND.—

21 “(1) IN GENERAL.—If the Commission deter-
22 mines that any benefit made available to a partici-
23 pating candidate under this title was not used as
24 provided for in this title or that a participating can-
25 didate has violated any of the dates for remission of

1 funds contained in this title, the Commission shall
2 so notify the candidate and the candidate shall pay
3 to the House Fair Elections Fund an amount equal
4 to—

5 “(A) the amount of benefits so used or not
6 remitted, as appropriate, and

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

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

16 **SEC. 102. REPORTING REQUIREMENTS FOR NONPARTICI-**
17 **PATING CANDIDATES.**

18 (a) IN GENERAL.—Section 304 of the Federal Elec-
19 tion Campaign Act of 1971 (2 U.S.C. 434), as amended
20 by section 204 of the Honest Leadership and Open Gov-
21 ernment Act of 2007, is amended by adding at the end
22 the following new subsection:

23 “(j) NONPARTICIPATING CANDIDATES.—

24 “(1) INITIAL REPORT.—

1 “(A) IN GENERAL.—Each nonparticipating
2 candidate who is opposed to a participating
3 candidate and who receives contributions or
4 makes expenditures aggregating more than the
5 threshold amount shall, within 48 hours of the
6 date such aggregate contributions or expendi-
7 tures exceed the threshold amount, file with the
8 Commission a report stating the total amount
9 of contributions received and expenditures made
10 or obligated by such candidate.

11 “(B) THRESHOLD AMOUNT.—For purposes
12 of this paragraph, the term ‘threshold amount’
13 means 75 percent of the allocation from the
14 Fund that a participating candidate would be
15 entitled to receive in such election under section
16 510 if the participating candidate were a major
17 party candidate.

18 “(2) PERIODIC REPORTS.—

19 “(A) IN GENERAL.—In addition to any re-
20 ports required under subsection (a), each non-
21 participating candidate who is required to make
22 a report under paragraph (1) shall make the
23 following reports:

24 “(i) A report which shall be filed not
25 later than 5 p.m. on the forty-second day

1 before the date on which the election in-
2 volving such candidate is held and which
3 shall be complete through the forty-fourth
4 day before such date.

5 “(ii) A report which shall be filed not
6 later than 5 p.m. on the twenty-first day
7 before the date on which the election in-
8 volving such candidate is held and which
9 shall be complete through the twenty-third
10 day before such date.

11 “(iii) A report which shall be filed not
12 later than 5 p.m. on the twelfth day before
13 the date on which the election involving
14 such candidate is held and which shall be
15 complete through the fourteenth day before
16 such date.

17 “(B) ADDITIONAL REPORTING WITHIN 2
18 WEEKS OF ELECTION.—Each nonparticipating
19 candidate who is required to make a report
20 under paragraph (1) and who receives contribu-
21 tions or makes expenditures aggregating more
22 than \$1,000 at any time after the fourteenth
23 day before the date of the election involving
24 such candidate shall make a report to the Com-
25 mission not later than 24 hours after such con-

1 tributions are received or such expenditures are
2 made.

3 “(C) CONTENTS OF REPORT.—Each report
4 required under this paragraph shall state the
5 total amount of contributions received and ex-
6 penditures made or obligated to be made during
7 the period covered by the report.

8 “(3) DEFINITIONS.—For purposes of this sub-
9 section and section 309(a)(13), the terms ‘non-
10 participating candidate’, ‘participating candidate’,
11 and ‘allocation from the Fund’ have the respective
12 meanings given to such terms under section 501.”.

13 (b) INCREASED PENALTY FOR FAILURE TO FILE.—
14 Section 309(a) of the Federal Election Campaign Act of
15 1971 (2 U.S.C. 437(g)) is amended by adding at the end
16 the following new paragraph:

17 “(13) INCREASED CIVIL PENALTIES WITH RE-
18 SPECT TO REPORTING BY NONPARTICIPATING CAN-
19 DIDATES.—For purposes of paragraphs (5) and (6),
20 any civil penalty with respect to a violation of sec-
21 tion 304(j) shall not exceed the greater of—

22 “(A) the amount otherwise applicable with-
23 out regard to this paragraph; or

24 “(B) for each day of the violation, 3 times
25 the amount of the fair fight funds under section

1 (4) by adding at the end the following new sub-
2 paragraph:

3 “(C) in the case of a candidate who is a
4 participating candidate under title V, the lesser
5 of—

6 “(i) 10 percent of the allocation from
7 the House Elections Fund that the partici-
8 pating candidate is eligible to receive for
9 the general election under section
10 510(c)(3); or

11 “(ii) the amount which would (but for
12 this subparagraph) apply with respect to
13 such candidate under subparagraph (B);”.

14 **SEC. 105. AUDITS.**

15 Section 311(b) of the Federal Election Campaign Act
16 of 1971 (2 U.S.C. 438(b)) is amended—

17 (1) by inserting “(1)” before “The Commis-
18 sion”; and

19 (2) by adding at the end the following:

20 “(2) AUDITS OF PARTICIPATING CAN-
21 DIDATES.—

22 “(A) IN GENERAL.—Notwithstanding para-
23 graph (1), after every primary, general, and
24 runoff election, the Commission shall conduct
25 random audits and investigations of not less

1 than 30 percent of the authorized committees of
2 candidates who are participating candidates
3 under title V.

4 “(B) SELECTION OF SUBJECTS.—The sub-
5 jects of audits and investigations under this
6 paragraph shall be selected on the basis of im-
7 partial criteria established by a vote of at least
8 4 members of the Commission.”.

9 **Subtitle B—House Fair Elections**
10 **Fund Revenues**

11 **SEC. 111. DEPOSIT OF PROCEEDS FROM RECOVERED SPEC-**
12 **TRUM AUCTIONS.**

13 Section 309(j)(8)(E)(ii) of the Communications Act
14 of 1934 (47 U.S.C. 309(j)(8)(E)(ii)) is amended—

15 (1) by striking “deposited in” and inserting the
16 following: “deposited as follows:

17 “(I) 90 percent of such proceeds
18 deposited in”; and

19 (2) by adding at the end the following:

20 “(II) 10 percent of such proceeds
21 deposited in the House Fair Elections
22 Fund established under section 502 of
23 the Federal Election Campaign Act of
24 1971.”.

1 **Subtitle C—Fair Elections Review**
2 **Commission**

3 **SEC. 121. ESTABLISHMENT OF COMMISSION.**

4 (a) ESTABLISHMENT.—There is established a com-
5 mission to be known as the “Fair Elections Review Com-
6 mission” (hereafter in this subtitle referred to as the
7 “Commission”).

8 (b) DUTIES.—

9 (1) REVIEW OF FAIR ELECTIONS FINANCING.—

10 (A) IN GENERAL.—After each general elec-
11 tion for Federal office, the Commission shall
12 conduct a comprehensive review of the House
13 fair elections financing program under title V of
14 the Federal Election Campaign Act of 1971, in-
15 cluding—

16 (i) the number and value of qualifying
17 contributions a candidate is required to ob-
18 tain under section 505 of such Act to qual-
19 ify for allocations from the Fund;

20 (ii) the amount of allocations from the
21 House Fair Elections Fund that can-
22 didates may receive under sections 510
23 and 511 of such Act;

24 (iii) the overall satisfaction of partici-
25 pating candidates with the program; and

1 (iv) such other matters relating to fi-
2 nancing of House campaigns as the Com-
3 mission determines are appropriate.

4 (B) CRITERIA FOR REVIEW.—In con-
5 ducting the review under subparagraph (A), the
6 Commission shall consider the following:

7 (i) REVIEW OF QUALIFYING CON-
8 TRIBUTION REQUIREMENTS.—The Com-
9 mission shall consider whether the number
10 and value of qualifying contributions re-
11 quired strikes a balance between the im-
12 portance of voter choice and fiscal respon-
13 sibility, taking into consideration the num-
14 ber of primary and general election partici-
15 pating candidates, the electoral perform-
16 ance of those candidates, program cost,
17 and any other information the Commission
18 determines is appropriate.

19 (ii) REVIEW OF PROGRAM ALLOCA-
20 TIONS.—The Commission shall consider
21 whether allocations from the House Elec-
22 tions Fund under sections 510 and 511 of
23 the Federal Election Campaign Act of
24 1971 are sufficient for voters in each State
25 to learn about the candidates to cast an in-

1 formed vote, taking into account the his-
2 toric amount of spending by winning can-
3 didates, media costs, primary election
4 dates, and any other information the Com-
5 mission determines is appropriate.

6 (2) REPORT, RECOMMENDATIONS, AND PRO-
7 POSED LEGISLATIVE LANGUAGE.—

8 (A) REPORT.—Not later than March 30
9 following each regularly scheduled general elec-
10 tion for Federal office, the Commission shall
11 submit a report to Congress on the review con-
12 ducted under paragraph (1). Such report shall
13 contain a detailed statement of the findings,
14 conclusions, and recommendations of the Com-
15 mission based on such review, and shall contain
16 any proposed legislative language (as required
17 under subparagraph (C)) of the Commission.

18 (B) FINDINGS, CONCLUSIONS, AND REC-
19 COMMENDATIONS.—A finding, conclusion, or rec-
20 ommendation of the Commission shall be in-
21 cluded in the report under subparagraph (A)
22 only if not less than 3 members of the Commis-
23 sion voted for such finding, conclusion, or rec-
24 ommendation.

25 (C) LEGISLATIVE LANGUAGE.—

1 (i) IN GENERAL.—The report under
2 subparagraph (A) shall include legislative
3 language with respect to any recommenda-
4 tion involving—

5 (I) an increase in the number or
6 value of qualifying contributions; or

7 (II) an increase in the amount of
8 allocations from the House Elections
9 Fund.

10 (ii) FORM.—The legislative language
11 shall be in the form of a proposed bill for
12 introduction in Congress and shall not in-
13 clude any recommendation not related to
14 matter described subclause (I) or (II) of
15 clause (i).

16 **SEC. 122. STRUCTURE AND MEMBERSHIP OF THE COMMIS-**
17 **SION.**

18 (a) APPOINTMENT.—

19 (1) IN GENERAL.—The Commission shall be
20 composed of 5 members, of whom—

21 (A) 1 shall be appointed by the Majority
22 Leader of the House of Representatives;

23 (B) 1 shall be appointed by the Minority
24 Leader of the House of Representatives; and

1 (C) 3 shall be appointed jointly by the
2 members appointed under subparagraphs (A)
3 and (B).

4 (2) QUALIFICATIONS.—

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

10 (B) PROHIBITION.—No member of the
11 Commission may be—

12 (i) a member of Congress;

13 (ii) an employee of the Federal Gov-
14 ernment;

15 (iii) a registered lobbyist; or

16 (iv) an officer or employee of a polit-
17 ical party or political campaign.

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

21 (4) TERMS.—A member of the Commission
22 shall be appointed for a term of 5 years.

23 (b) VACANCIES.—A vacancy on the Commission shall
24 be filled not later than 30 calendar days after the date
25 on which the Commission is given notice of the vacancy,

1 in the same manner as the original appointment. The indi-
2 vidual appointed to fill the vacancy shall serve only for
3 the unexpired portion of the term for which the individ-
4 ual's predecessor was appointed.

5 (c) CHAIRPERSON.—The Commission shall designate
6 a Chairperson from among the members of the Commis-
7 sion.

8 **SEC. 123. POWERS OF THE COMMISSION.**

9 (a) MEETINGS AND HEARINGS.—

10 (1) MEETINGS.—The Commission may hold
11 such hearings, sit and act at such times and places,
12 take such testimony, and receive such evidence as
13 the Commission considers advisable to carry out the
14 purposes of this Act.

15 (2) QUORUM.—Four members of the Commis-
16 sion shall constitute a quorum for purposes of vot-
17 ing, but a quorum is not required for members to
18 meet and hold hearings.

19 (b) INFORMATION FROM FEDERAL AGENCIES.—The
20 Commission may secure directly from any Federal depart-
21 ment or agency such information as the Commission con-
22 siders necessary to carry out the provisions of this Act.
23 Upon request of the Chairperson of the Commission, the
24 head of such department or agency shall furnish such in-
25 formation to the Commission.

1 (c) **POSTAL SERVICES.**—The Commission may use
2 the United States mails in the same manner and under
3 the same conditions as other departments and agencies of
4 the Federal Government.

5 (d) **GIFTS.**—The Commission may accept, use, and
6 dispose of gifts or donations of services or property.

7 **SEC. 124. ADMINISTRATION.**

8 (a) **COMPENSATION OF MEMBERS.**—

9 (1) **IN GENERAL.**—

10 (A) **IN GENERAL.**—Each member, other
11 than the Chairperson, shall be paid at a rate
12 equal to the daily equivalent of the minimum
13 annual rate of basic pay prescribed for level IV
14 of the Executive Schedule under section 5315
15 of title 5, United States Code, for each day (in-
16 cluding travel time) during which such member
17 is engaged in the performance of the duties of
18 the Commission.

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, for each day (including travel time) dur-

1 ing which such member is engaged in the per-
2 formance of the duties of the Commission.

3 (2) TRAVEL EXPENSES.—Members shall receive
4 travel expenses, including per diem in lieu of subsist-
5 ence, in accordance with sections 5702 and 5703 of
6 title 5, United States Code, while away from their
7 homes or regular places of business in performance
8 of services for the Commission.

9 (b) PERSONNEL.—

10 (1) DIRECTOR.—The Commission shall have a
11 staff headed by an Executive Director. The Execu-
12 tive Director shall be paid at a rate equivalent to a
13 rate established for the Senior Executive Service
14 under section 5382 of title 5, United States Code.

15 (2) STAFF APPOINTMENT.—With the approval
16 of the Chairperson, the Executive Director may ap-
17 point such personnel as the Executive Director and
18 the Commission determines to be appropriate.

19 (3) EXPERTS AND CONSULTANTS.—With the
20 approval of the Chairperson, the Executive Director
21 may procure temporary and intermittent services
22 under section 3109(b) of title 5, United States Code.

23 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
24 Upon the request of the Chairperson, the head of
25 any Federal agency may detail, without reimburse-

1 ment, any of the personnel of such agency to the
2 Commission to assist in carrying out the duties of
3 the Commission. Any such detail shall not interrupt
4 or otherwise affect the civil service status or privi-
5 leges of the Federal employee.

6 (5) OTHER RESOURCES.—The Commission
7 shall have reasonable access to materials, resources,
8 statistical data, and other information from the Li-
9 brary of Congress and other agencies and elected
10 representatives of the executive and legislative
11 branches of the Federal Government. The Chair-
12 person of the Commission shall make requests for
13 such access in writing when necessary.

14 **SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated such sums
16 as are necessary to carry out the purposes of this subtitle.

17 **SEC. 126. EXPEDITED CONSIDERATION OF COMMISSION**
18 **RECOMMENDATIONS.**

19 (a) INTRODUCTION AND COMMITTEE CONSIDER-
20 ATION IN THE HOUSE OF REPRESENTATIVES.—

21 (1) INTRODUCTION AND REFERRAL.—Any bill
22 introduced in the House of Representatives which
23 consists entirely of the proposed legislative language
24 submitted by the Commission under section
25 121(b)(2)(C) (hereafter in this section referred to as

1 a “Commission bill”) shall be referred to the Com-
2 mittee on House Administration.

3 (2) AUTOMATIC DISCHARGE AFTER 60 DAYS.—

4 If the Committee on House Administration does not
5 report a Commission bill without amendment during
6 the 60-calendar day period which begins on the date
7 of its introduction, the Committee shall be automati-
8 cally discharged from further consideration of the
9 Commission bill and the Commission bill shall be
10 placed on the appropriate calendar.

11 (b) EXPEDITED PROCEDURE.—

12 (1) FLOOR CONSIDERATION IN THE HOUSE.—

13 (A) IN GENERAL.—If the House of Rep-
14 resentatives does not agree to a motion to pro-
15 ceed to the consideration of a Commission bill
16 during the 60-day period which begins on the
17 date the Committee on House Administration
18 reports the bill or is discharged from further
19 consideration of the bill, it shall be in order for
20 any member of the House to move to proceed
21 to the consideration of the bill.

22 (B) MOTION TO PROCEED.—A motion to
23 proceed to the consideration of a Commission
24 bill is privileged in the House of Representa-
25 tives. The motion is not debatable and is not

1 subject to a motion to postpone consideration of
2 the Commission bill or to proceed to the consid-
3 eration of other business. A motion to recon-
4 sider the vote by which the motion to proceed
5 is agreed to or not agreed to shall not be in
6 order. If the motion to proceed is agreed to, the
7 House of Representatives shall immediately pro-
8 ceed to consideration of the Commission bill
9 without intervening motion, order, action, or
10 other business, and the Commission bill shall
11 remain the unfinished business of the House of
12 Representatives until disposed of.

13 (C) AMENDMENTS, MOTIONS, AND AP-
14 PEALS.—No amendment to the Commission bill
15 shall be in order in the House of Representa-
16 tives, and debate on any debatable motion or
17 appeal shall not exceed 5 hours to be divided
18 equally between those favoring and those oppos-
19 ing the motion or appeal.

20 (D) LIMITED DEBATE.—Consideration in
21 the House of Representatives of the Commis-
22 sion bill and on all debatable motions and ap-
23 peals in connection therewith, shall be limited
24 to not more than 40 hours, which shall be
25 equally divided between, and controlled by, the

1 Majority Leader and the Minority Leader of the
2 House of Representatives or their designees. A
3 motion further to limit debate on the Commis-
4 sion bill is in order and is not debatable. All
5 time used for consideration of the Commission
6 bill, including time used for quorum calls (ex-
7 cept quorum calls immediately preceding a
8 vote), shall come from the 40 hours of consider-
9 ation.

10 (E) VOTE ON PASSAGE.—

11 (i) IN GENERAL.—The vote on pas-
12 sage in the House of Representatives of
13 the Commission bill shall occur imme-
14 diately following the conclusion of the 40-
15 hour period for consideration of the Com-
16 mission bill under subparagraph (D) and a
17 request to establish the presence of a
18 quorum.

19 (ii) OTHER MOTIONS NOT IN
20 ORDER.—A motion in the House of Rep-
21 resentatives to postpone consideration of
22 the Commission bill, a motion to proceed
23 to the consideration of other business, or a
24 motion to recommit the Commission bill is
25 not in order. A motion in the House of

1 Representatives to reconsider the vote by
2 which the Commission bill is agreed to or
3 not agreed to is not in order.

4 (2) FLOOR CONSIDERATION IN THE SENATE.—

5 (A) IN GENERAL.—If a Commission bill is
6 agreed to in the House, the Majority Leader of
7 the Senate, or the Majority Leader’s designee
8 shall move to proceed to the consideration of
9 the Commission bill not later than 30 days
10 after the date the Senate receives notice of such
11 agreement. It shall also be in order for any
12 member of the Senate to move to proceed to the
13 consideration of the bill at any time after the
14 conclusion of such 30-day period.

15 (B) MOTION TO PROCEED.—A motion to
16 proceed to the consideration of a Commission
17 bill is privileged in the Senate. The motion is
18 not debatable and is not subject to a motion to
19 postpone consideration of the Commission bill
20 or to proceed to the consideration of other busi-
21 ness. A motion to reconsider the vote by which
22 the motion to proceed is agreed to or not
23 agreed to shall not be in order. If the motion
24 to proceed is agreed to, the Senate shall imme-
25 diately proceed to consideration of the Commis-

1 sion bill without intervening motion, order, ac-
2 tion, or other business, and the Commission bill
3 shall remain the unfinished business of the Sen-
4 ate until disposed of.

5 (C) AMENDMENTS, MOTIONS, AND AP-
6 PEALS.—No amendment shall be in order in the
7 senate, and debate on any debatable motion or
8 appeal shall not exceed 5 hours to be divided
9 equally between those favoring and those oppos-
10 ing the motion or appeal.

11 (D) LIMITED DEBATE.—Consideration in
12 the Senate of the Commission bill and on all de-
13 batable motions and appeals in connection
14 therewith, shall be limited to not more than 40
15 hours, which shall be equally divided between,
16 and controlled by, the Majority Leader and the
17 Minority Leader of the Senate or their des-
18 ignees. A motion further to limit debate on the
19 Commission bill is in order and is not debat-
20 able. All time used for consideration of the
21 Commission bill, including time used for
22 quorum calls (except quorum calls immediately
23 preceding a vote), shall come from the 40 hours
24 of consideration.

25 (E) VOTE ON PASSAGE.—

1 (i) IN GENERAL.—The vote on pas-
2 sage in the Senate of the Commission bill
3 shall occur immediately following the con-
4 clusion of the 40-hour period for consider-
5 ation of the Commission bill under sub-
6 paragraph (D) and a request to establish
7 the presence of a quorum.

8 (ii) OTHER MOTIONS NOT IN
9 ORDER.—A motion in the Senate to post-
10 pone consideration of the Commission bill,
11 a motion to proceed to the consideration of
12 other business, or a motion to recommit
13 the Commission bill is not in order. A mo-
14 tion in the Senate to reconsider the vote by
15 which the Commission bill is agreed to or
16 not agreed to is not in order.

17 (c) RULES OF HOUSE OF REPRESENTATIVES AND
18 SENATE.—This section is enacted by Congress—

19 (1) as an exercise of the rulemaking power of
20 the House of Representatives and Senate, respec-
21 tively, and as such it is deemed a part of the rules
22 of each House, respectively, but applicable only with
23 respect to the procedure to be followed in that
24 House in the case of a Commission bill, and it su-

1 persedes other rules only to the extent that it is in-
2 consistent with such rules, and

3 (2) with full recognition of the constitutional
4 right of either House to change the rules (so far as
5 relating to the procedure of that House) at any time,
6 in the same manner, and to the same extent as in
7 the case of any other rule of that House.

8 **TITLE II—VOTER INFORMATION**

9 **SEC. 201. BROADCASTS RELATING TO CANDIDATES.**

10 (a) **LOWEST UNIT CHARGE; NATIONAL COMMIT-**
11 **TEES.**—Section 315(b) of the Communications Act of
12 1934 (47 U.S.C. 315(b)) is amended—

13 (1) by striking “to such office” in paragraph
14 (1) and inserting “to such office, or by a national
15 committee of a political party on behalf of such can-
16 didate in connection with such campaign,”; and

17 (2) by inserting “for pre-emptible use thereof”
18 after “station” in subparagraph (A) of paragraph
19 (1).

20 (b) **BROADCAST RATES.**—Section 315(b) of the Com-
21 munications Act of 1934 (47 U.S.C. 315(b)), as amended
22 by subsection (a), is amended—

23 (1) in paragraph (1)(A), by striking “paragraph
24 (2)” and inserting “paragraphs (2) and (3)”; and

25 (2) by adding at the end the following:

1 “(3) PARTICIPATING CANDIDATES.—In the case
2 of a participating candidate (as defined under sec-
3 tion 501(10) of the Federal Election Campaign Act
4 of 1971), the charges made for the use any broad-
5 casting station for a television broadcast shall not
6 exceed 80 percent of the lowest charge described in
7 paragraph (1)(A) during—

8 “(A) the 45 days preceding the date of a
9 primary or primary runoff election in which the
10 candidate is opposed; and

11 “(B) the 60 days preceding the date of a
12 general or special election in which the can-
13 didate is opposed.

14 “(4) RATE CARDS.—A licensee shall provide to
15 a candidate for House a rate card that discloses—

16 “(A) the rate charged under this sub-
17 section; and

18 “(B) the method that the licensee uses to
19 determine the rate charged under this sub-
20 section.”.

21 (c) PREEMPTION; AUDITS.—Section 315 of such Act
22 (47 U.S.C. 315) is amended—

23 (1) by redesignating subsections (f) and (g) as
24 subsections (e) and (f), respectively and moving
25 them to follow the existing subsection (e);

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

3 (3) by inserting after subsection (c) (as redesign-
4 nated by paragraph (2)) the following:

5 “(d) PREEMPTION.—

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

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

20 “(e) AUDITS.—During the 45-day period preceding
21 a primary election and the 60-day period preceding a gen-
22 eral election, the Commission shall conduct such audits
23 as it deems necessary to ensure that each broadcaster to
24 which this section applies is allocating television broadcast

1 advertising time in accordance with this section and sec-
2 tion 312.”.

3 (d) REVOCATION OF LICENSE FOR FAILURE TO PER-
4 MIT ACCESS.—Section 312(a)(7) of the Communications
5 Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

6 (1) by striking “or repeated”;

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

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

13 (e) STYLISTIC AMENDMENTS.—Section 315 of such
14 Act (47 U.S.C. 315) is amended—

15 (1) by striking “the” in subsection (f)(1), as re-
16 designated by subsection (b)(1), and inserting
17 “BROADCASTING STATION”;

18 (2) by striking “the” in subsection (f)(2), as re-
19 designated by subsection (b)(1), and inserting “LI-
20 CENSEE; STATION LICENSEE.—”; and

21 (3) by inserting “REGULATIONS.—” in sub-
22 section (g), as redesignated by subsection (b)(1), be-
23 fore “The Commission”.

1 **SEC. 202. POLITICAL ADVERTISEMENT VOUCHERS FOR**
2 **PARTICIPATING CANDIDATES.**

3 (a) IN GENERAL.—Title III of the Communications
4 Act of 1934 (47 U.S.C. 301 et seq.) is amended by insert-
5 ing after section 315 the following:

6 **“SEC. 315A POLITICAL ADVERTISEMENT VOUCHER PRO-**
7 **GRAM.**

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

12 “(b) CANDIDATES.—The Commission shall only dis-
13 burse vouchers under the program established under sub-
14 section (a) to individuals who meet the following require-
15 ments:

16 “(1) QUALIFICATION.—The individual is cer-
17 tified by the Federal Election Commission as a par-
18 ticipating candidate (as defined under section
19 501(10) of the Federal Election Campaign Act of
20 1971) with respect to a general election for Federal
21 office under section 508 of the Federal Election
22 Campaign Act of 1971.

23 “(2) AGREEMENT.—The individual has agreed
24 in writing—

1 “(A) to keep and furnish to the Federal
2 Election Commission such records, books, and
3 other information as it may require; and

4 “(B) to repay to the Federal Communica-
5 tions Commission, if the Federal Election Com-
6 mission revokes the certification of the indi-
7 vidual as a participating candidate (as so de-
8 fined), an amount equal to the dollar value of
9 vouchers which were received from the Commis-
10 sion and used by the candidate.

11 “(c) AMOUNTS.—The Commission shall disburse
12 vouchers to each candidate certified under subsection (b)
13 in the amount of \$100,000.

14 “(d) USE.—

15 “(1) EXCLUSIVE USE.—Vouchers disbursed by
16 the Commission under this section may be used only
17 for the purchase of broadcast airtime for political
18 advertisements relating to a general election for the
19 office of House of Representatives by the partici-
20 pating candidate to which the vouchers were dis-
21 bursed, except that—

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

24 “(B) a political party may use vouchers
25 only to purchase broadcast airtime for political

1 advertisements for generic party advertising, to
2 support candidates for State or local office in a
3 general election, or to support participating
4 candidates of the party in a general election for
5 Federal office, but only if it discloses the value
6 of the voucher used as an expenditure under
7 section 315(d) of the Federal Election Cam-
8 paign Act of 1971 (2 U.S.C. 441(d)).

9 “(2) EXCHANGE WITH POLITICAL PARTY COM-
10 MITTEE.—

11 “(A) IN GENERAL.—An individual who re-
12 ceives a voucher under this section may transfer
13 the right to use all or a portion of the value of
14 the voucher to a committee of the political
15 party of which the individual is a candidate in
16 exchange for money in an amount equal to the
17 cash value of the voucher or portion exchanged.

18 “(B) CONTINUATION OF CANDIDATE OBLI-
19 GATIONS.—The transfer of a voucher, in whole
20 or in part, to a political party committee under
21 this paragraph does not release the candidate
22 from any obligation under the agreement made
23 under subsection (b)(2) or otherwise modify
24 that agreement or its application to that can-
25 didate.

1 “(C) PARTY COMMITTEE OBLIGATIONS.—

2 Any political party committee to which a vouch-
3 er or portion thereof is transferred under sub-
4 paragraph (A)—

5 “(i) shall account fully, in accordance
6 with such requirements as the Commission
7 may establish, for the receipt of the vouch-
8 er; and

9 “(ii) may not use the transferred
10 voucher or portion thereof for any purpose
11 other than a purpose described in para-
12 graph (1)(B).

13 “(D) VOUCHER AS A CONTRIBUTION
14 UNDER FECA.—If a candidate transfers a
15 voucher or any portion thereof to a political
16 party committee under subparagraph (A)—

17 “(i) the value of the voucher or por-
18 tion thereof transferred shall be treated as
19 a contribution from the candidate to the
20 committee, and from the committee to the
21 candidate, for purposes of sections 302
22 and 304 of the Federal Election Campaign
23 Act of 1971 (2 U.S.C. 432 and 434);

24 “(ii) the committee may, in exchange,
25 provide to the candidate only funds subject

1 to the prohibitions, limitations, and report-
2 ing requirements of the Federal Election
3 Campaign Act of 1971 (2 U.S.C. 431 et
4 seq.); and

5 “(iii) the amount, if identified as a
6 voucher exchange, shall not be considered
7 a contribution for the purposes of sections
8 315 or 506 of that Act.

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

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

17 “(2) ACCEPTANCE.—A broadcasting station
18 shall accept vouchers in payment for the purchase of
19 broadcast airtime for political advertisements in ac-
20 cordance with this section.

21 “(3) REDEMPTION.—The Commission shall re-
22 deem vouchers accepted by broadcasting stations
23 under paragraph (2) upon presentation, subject to
24 such documentation, verification, accounting, and
25 application requirements as the Commission may im-

1 pose to ensure the accuracy and integrity of the
2 voucher redemption system. The Commission shall
3 use amounts in the Political Advertising Voucher
4 Account established under subsection (f) to redeem
5 vouchers presented under this subsection.

6 “(4) EXPIRATION.—

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

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

22 “(5) VOUCHER AS EXPENDITURE UNDER
23 FECA.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), for purposes of the Federal

1 Election Campaign Act of 1971 (2 U.S.C. 431
2 et seq.), the use of a voucher to purchase
3 broadcast airtime constitutes an expenditure as
4 defined in section 301(9)(A) of that Act (2
5 U.S.C. 431(9)(A)).

6 “(B) PARTICIPATING CANDIDATES.—The
7 use of a voucher to purchase broadcast airtime
8 by a participating candidate shall not constitute
9 an expenditure for purposes of section 506 of
10 such Act.

11 “(f) POLITICAL ADVERTISING VOUCHER AC-
12 COUNT.—

13 “(1) IN GENERAL.—The Commission shall es-
14 tablish an account to be known as the Political Ad-
15 vertising Voucher Account, which shall be credited
16 with commercial television and radio spectrum use
17 fees assessed under this subsection, together with
18 any amounts repaid or otherwise reimbursed under
19 this section or section 508(b)(2)(B) of the Federal
20 Election Campaign Act of 1971.

21 “(2) SPECTRUM USE FEE.—

22 “(A) IN GENERAL.—The Commission shall
23 assess, and collect annually, from each broad-
24 cast station, a spectrum use fee in an amount

1 equal to 2 percent of each broadcasting sta-
2 tion's gross advertising revenues for such year.

3 “(B) AVAILABILITY.—

4 “(i) IN GENERAL.—Any amount as-
5 sessed and collected under this paragraph
6 shall be used by the Commission as an off-
7 setting collection for the purposes of mak-
8 ing disbursements under this section, ex-
9 cept that—

10 “(I) the salaries and expenses ac-
11 count of the Commission shall be
12 credited with such sums as are nec-
13 essary from those amounts for the
14 costs of developing and implementing
15 the program established by this sec-
16 tion; and

17 “(II) the Commission may reim-
18 burse the Federal Election Commis-
19 sion for any expenses incurred by the
20 Commission under this section.

21 “(ii) DEPOSIT OF EXCESS FEES INTO
22 HOUSE FAIR ELECTIONS FUND.—If the
23 amount assessed and collected under this
24 paragraph for years in any election period
25 exceeds the amount necessary for making

1 disbursements under this section for such
2 election period, the Commission shall de-
3 posit such excess in the House Fair Elec-
4 tions Fund.

5 “(C) FEE DOES NOT APPLY TO PUBLIC
6 BROADCASTING STATIONS.—Subparagraph (A)
7 does not apply to a public telecommunications
8 entity (as defined in section 397(12) of this
9 Act).

10 “(3) ADMINISTRATIVE PROVISIONS.—Except as
11 otherwise provided in this subsection, section 9 of
12 this Act applies to the assessment and collection of
13 fees under this subsection to the same extent as if
14 those fees were regulatory fees imposed under sec-
15 tion 9.

16 “(g) DEFINITIONS.—In this section:

17 “(1) BROADCASTING STATION.—The term
18 ‘broadcasting station’ has the meaning given that
19 term by section 315(f)(1) of this Act.

20 “(2) FEDERAL ELECTION.—The term ‘Federal
21 election’ means any regularly scheduled, primary,
22 runoff, or special election held to nominate or elect
23 a candidate to Federal office.

24 “(3) FEDERAL OFFICE.—The term ‘Federal of-
25 fice’ has the meaning given that term by section

1 301(3) of the Federal Election Campaign Act of
2 1971 (2 U.S.C. 431(3)).

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

7 “(5) OTHER TERMS.—Except as otherwise pro-
8 vided in this section, any term used in this section
9 that is defined in section 301 or 501 of the Federal
10 Election Campaign of 1971 (2 U.S.C. 431) has the
11 meaning given that term by either such section of
12 that Act.

13 “(h) REGULATIONS.—The Commission shall pre-
14 scribe such regulations as may be necessary to carry out
15 the provisions of this section. In developing the regula-
16 tions, the Commission shall consult with the Federal Elec-
17 tion Commission.”.

18 **SEC. 203. FCC TO PRESCRIBE STANDARDIZED FORM FOR**
19 **REPORTING CANDIDATE CAMPAIGN ADS.**

20 (a) IN GENERAL.—Within 90 days after the date of
21 enactment of this Act, the Federal Communications Com-
22 mission shall initiate a rulemaking proceeding to establish
23 a standardized form to be used by broadcasting stations,
24 as defined in section 315(f)(1) of the Communications Act
25 of 1934 (47 U.S.C. 315(f)(1)), to record and report the

1 purchase of advertising time by or on behalf of a candidate
2 for nomination for election, or for election, to Federal elec-
3 tive office.

4 (b) CONTENTS.—The form prescribed by the Com-
5 mission under subsection (a) shall require, broadcasting
6 stations to report, at a minimum—

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

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

11 (3) the name of the candidate who purchased
12 the advertising time, or on whose behalf the adver-
13 tising time was purchased, and the Federal elective
14 office for which he or she is a candidate;

15 (4) the name, mailing address, and telephone
16 number of the person responsible for purchasing
17 broadcast political advertising for the candidate;

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

21 (6) the following information about the adver-
22 tisement:

23 (A) The date and time of the broadcast.

24 (B) The program in which the advertise-
25 ment was broadcast.

1 (C) The length of the broadcast airtime.

2 (c) INTERNET ACCESS.—In its rulemaking under
3 subsection (a), the Commission shall require any broad-
4 casting station required to file a report under this section
5 that maintains an Internet Web site to make available a
6 link to such reports on that website.

7 **SEC. 204. LIMIT ON CONGRESSIONAL USE OF THE FRANK-**
8 **ING PRIVILEGE.**

9 (a) IN GENERAL.—Section 3210(a)(6) of title 39,
10 United States Code, is amended by striking subparagraph
11 (A) and inserting the following:

12 “(A)(i) Except as provided in clause (ii), Member of
13 Congress or a committee or subcommittee of the House
14 of Representatives or Senate of which such Member is
15 chairman or ranking minority member shall not mail any
16 mass mailing as franked mail during the period which be-
17 gins 90 days before date of the primary election and ends
18 on the date of the general election with respect to any Fed-
19 eral office which such Member holds, unless the Member
20 has made a public announcement that the Member will
21 not be a candidate for reelection to such office in that
22 year.

23 “(ii) A Member of Congress or a Congressional Com-
24 mittee or Subcommittee of which such Member is Chair-

1 man or Ranking Member may mail a mass mailing as
2 franked mail during the period described in clause (i) if—

3 “(I) the purpose of the mailing is to commu-
4 nicate information about a public meeting; and

5 “(II) the content of the mailed matter includes
6 only the name of the Member, Committee, or Sub-
7 committee, as appropriate, and the date, time, and
8 place of the public meeting.”.

9 (b) CONFORMING AMENDMENTS.—(1) Section
10 3210(a)(6) of title 39, United States Code, is amended
11 by striking subparagraph (C) and by redesignating sub-
12 paragraphs (D) through (F) as subparagraphs (C)
13 through (E).

14 (2) Section 3210(a)(6)(E) of title 39, United States
15 Code, as redesignated by paragraph (1), is amended by
16 striking “subparagraphs (A) and (C)” and inserting “sub-
17 paragraph (A)”.

18 **TITLE III—RESPONSIBILITIES**
19 **OF THE FEDERAL ELECTION**
20 **COMMISSION**

21 **SEC. 301. PETITION FOR CERTIORARI.**

22 Section 307(a)(6) of the Federal Election Campaign
23 Act of 1971 (2 U.S.C. 437d(a)(6)) is amended by insert-
24 ing “(including a proceeding before the Supreme Court on
25 certiorari)” after “appeal”.

1 **SEC. 302. FILING BY ALL CANDIDATES WITH COMMISSION.**

2 Section 302(g) of the Federal Election Campaign Act
3 of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

4 “(g) FILING WITH THE COMMISSION.—All designa-
5 tions, statements, and reports required to be filed under
6 this Act shall be filed with the Commission.”.

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

8 Section 304(a)(11) of the Federal Election Campaign
9 Act of 1971 (2 U.S.C. 434(a)(11)) is amended—

10 (1) in subparagraph (A), by striking “under
11 this Act—” and all that follows and inserting
12 “under this Act shall be required to maintain and
13 file such designation, statement, or report in elec-
14 tronic form accessible by computers.”;

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

18 (3) by striking subparagraph (D).

19 **TITLE IV—MISCELLANEOUS**
20 **PROVISIONS**

21 **SEC. 401. REVIEW OF CONSTITUTIONAL ISSUES.**

22 An appeal may be taken directly to the Supreme
23 Court of the United States from any final judgment, de-
24 cree, or order issued by any court ruling on the constitu-
25 tionality of any provision of this Act or amendment made
26 by this Act.

1 **SEC. 402. EFFECTIVE DATE.**

2 Except as otherwise provided for in this Act, this Act
3 and the amendments made by this Act shall apply with
4 respect to elections occurring in 2010 or any succeeding
5 year.

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