

111TH CONGRESS
1ST SESSION

H. R. 2056

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2009

Mr. TIERNEY (for himself and Mr. PLATTS) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Energy and Commerce, Ways and Means, and Oversight and Government Reform, 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 “Clean Money, Clean Elections Act of 2009”.

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

Sec. 1. Short title; table of contents.

TITLE I—CLEAN ELECTION FINANCING OF HOUSE ELECTION
CAMPAIGNS

Subtitle A—Clean Election Financing Program

- Sec. 101. Findings and declarations.
- Sec. 102. Eligibility requirements and benefits of clean elections financing of House election campaigns.

“TITLE V—CLEAN ELECTIONS FINANCING OF HOUSE ELECTION CAMPAIGNS

- “Sec. 501. Definitions.
- “Sec. 502. House Clean 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. Certification by Commission.
- “Sec. 508. Benefits for participating candidates.
- “Sec. 509. Allocations from the Fund.
- “Sec. 510. Payment of fair fight funds.
- “Sec. 511. Administration of the House clean elections system.
- “Sec. 512. Violations and penalties.
- “Sec. 513. Authorization of appropriations.
- Sec. 103. Reporting requirements for nonparticipating candidates.
- Sec. 104. Modification of electioneering communication reporting requirements.
- Sec. 105. Limitation on coordinated expenditures by political party committees with participating candidates.
- Sec. 106. Treatment of coordinated expenditures as contributions.
- Sec. 107. Audits.
- Sec. 108. Tax credit for voluntary donations to House Clean Elections Fund.

Subtitle B—Clean Elections Review Commission

- Sec. 111. Establishment of Commission.
- Sec. 112. Structure and membership of the Commission.
- Sec. 113. Powers of the Commission.
- Sec. 114. Administration.
- Sec. 115. Authorization of appropriations.

TITLE II—VOTER INFORMATION

- Sec. 201. Free broadcast time.
- Sec. 202. Broadcast rates and preemption.
- Sec. 203. Limit on Congressional use of the franking privilege.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

- Sec. 301. Petition for certiorari.
- Sec. 302. Promoting expedited availability of FEC reports.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Severability.
- Sec. 402. Review of constitutional issues.
- Sec. 403. Effective date.

1 **TITLE I—CLEAN ELECTION FI-**
2 **NANCING OF HOUSE ELEC-**
3 **TION CAMPAIGNS**

4 **Subtitle A—Clean Election**
5 **Financing Program**

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

7 (a) UNDERMINING OF DEMOCRACY BY CAMPAIGN
8 CONTRIBUTIONS FROM PRIVATE SOURCES.—The House
9 finds and declares that the current system of privately fi-
10 nanced campaigns for election to the United States House
11 has the capacity, and is often perceived by the public, to
12 undermine democracy in the United States by—

13 (1) creating a conflict of interest, perceived or
14 real, by encouraging Representatives to accept large
15 campaign contributions from private interests that
16 are directly affected by Federal legislation;

17 (2) diminishing or giving the appearance of di-
18 minishing a Representative’s accountability to con-
19 stituents by compelling legislators to be accountable
20 to the major contributors who finance their election
21 campaigns;

22 (3) violating the democratic principle of “one
23 person, one vote” and diminishing the meaning of
24 the right to vote by allowing monied interests to

1 have a disproportionate and unfair influence within
2 the political process;

3 (4) imposing large, unwarranted costs on tax-
4 payers through legislative and regulatory outcomes
5 shaped by unequal access to lawmakers for cam-
6 paign contributors;

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

12 (6) disadvantaging challengers, because large
13 campaign contributors tend to donate their money to
14 incumbent Representatives, thus causing House elec-
15 tions to be less competitive; and

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

19 (b) ENHANCEMENT OF DEMOCRACY BY PROVIDING
20 ALLOCATIONS FROM THE HOUSE CLEAN ELECTIONS
21 FUND.—The House finds and declares that providing the
22 option of the replacement of private campaign contribu-
23 tions with allocations from the House Clean Elections
24 Fund for all primary, runoff, and general elections to the
25 House would enhance American democracy by—

1 (1) eliminating the potentially inherent conflict
2 of interest created by the private financing of the
3 election campaigns of public officials, thus restoring
4 public confidence in the integrity and fairness of the
5 electoral and legislative processes;

6 (2) increasing the public's confidence in the ac-
7 countability of Representatives to the constituents
8 who elect them;

9 (3) helping to eliminate access to wealth as a
10 determinant of a citizen's influence within the polit-
11 ical process and to restore meaning to the principle
12 of "one person, one vote";

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

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

22 (6) freeing Representatives from the incessant
23 preoccupation with raising money, and allowing
24 them more time to carry out their public responsibil-
25 ities.

1 **SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF**
 2 **CLEAN ELECTIONS FINANCING OF HOUSE**
 3 **ELECTION CAMPAIGNS.**

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

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

10 **“SEC. 501. DEFINITIONS.**

11 “In this title:

12 “(1) **ALLOCATION FROM THE FUND.**—The term
 13 ‘allocation from the Fund’ means an allocation of
 14 money from the House Clean Elections Fund to a
 15 participating candidate pursuant to sections 510 and
 16 511.

17 “(2) **CLEAN ELECTIONS QUALIFYING PERIOD.**—
 18 The term ‘clean elections qualifying period’ means
 19 the period beginning on the date that is 180 days
 20 before the date of the primary election and ending
 21 on the date that is 30 days before the date of the
 22 primary election or, in the case of a State that does
 23 not hold a primary election, the date prescribed by
 24 State law as the last day to qualify for a position
 25 on the general election ballot. In the event of a spe-
 26 cial election, the clean money qualifying period shall

1 begin on the earlier date of either the date that is
 2 180 days before the date of the special election or
 3 on the date of announcement of such special election
 4 date if same as within 180 days of the date of the
 5 special election. It shall end on the date that is 30
 6 days before the date of the special election.

7 “(3) CLEAN ELECTIONS START DATE.—The
 8 term ‘clean elections start date’ means, with respect
 9 to any candidate, the date that is 180 days before—

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

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

15 “(4) FUND.—The term ‘Fund’ means the
 16 House Clean Elections Fund established by section
 17 502.

18 “(5) GENERAL ELECTION PERIOD.—The term
 19 ‘general election period’ means, with respect to a
 20 candidate, the period beginning on the day after the
 21 date of the primary or primary runoff election for
 22 the specific office that the candidate is seeking,
 23 whichever is later, and ending on the earlier of—

24 “(A) the date of the general election; or

1 “(B) the date on which the candidate with-
2 draws from the campaign or otherwise ceases
3 actively to seek election.

4 “(6) GENERAL RUNOFF ELECTION PERIOD.—
5 The term ‘general runoff election period’ means,
6 with respect to a candidate, the period beginning on
7 the day following the date of the last general election
8 for the specific office that the candidate is seeking
9 and ending on the date of the runoff election for
10 that office.

11 “(7) IMMEDIATE FAMILY.—The term ‘imme-
12 diate family’ means, with respect to any candidate—

13 “(A) the candidate’s spouse;

14 “(B) a child, stepchild, parent, grand-
15 parent, brother, half-brother, sister, or half-sis-
16 ter of the candidate or the candidate’s spouse;
17 and

18 “(C) the spouse of any person described in
19 subparagraph (B).

20 “(8) INDEPENDENT CANDIDATE.—The term
21 ‘independent candidate’ means a candidate for Rep-
22 resentative who is—

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

24 or

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

1 “(i) in the case of a candidate in a
2 State that holds a primary election for
3 Representative, does not hold a primary
4 election for Representative; or

5 “(ii) in the case of a candidate in a
6 State that does not hold primary election
7 for Representative, does not have ballot
8 status in such State.

9 “(9) MAJOR PARTY CANDIDATE.—

10 “(A) IN GENERAL.—The term ‘major
11 party candidate’ means a candidate for Rep-
12 resentative who is affiliated with a major polit-
13 ical party.

14 “(B) MAJOR POLITICAL PARTY.—The term
15 ‘major political party’ means, with respect to
16 any State, a political party of which a candidate
17 for the office of Representative, President, or
18 Governor in the preceding 5 years, received, as
19 a candidate of that party in such State, 25 per-
20 cent or more of the total number of popular
21 votes cast for such office in such State.

22 “(10) MINOR PARTY CANDIDATE.—The term
23 ‘minor party candidate’ means a candidate for Rep-
24 resentative who is affiliated with a political party
25 that—

1 “(A) holds a primary for House nomina-
2 tions; and

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

4 “(11) NONPARTICIPATING CANDIDATE.—The
5 term ‘nonparticipating candidate’ means a candidate
6 for Representative or Delegate or Resident Commis-
7 sioner to the Congress who is not a participating
8 candidate.

9 “(12) PARTICIPATING CANDIDATE.—The term
10 ‘participating candidate’ means a candidate for Rep-
11 resentative who is certified under section 507 as
12 being eligible to receive an allocation from the Fund.

13 “(13) PRIMARY ELECTION PERIOD.—The term
14 ‘primary election period’ means the period beginning
15 on the date that is 90 days before the date of the
16 primary election and ending on the date of the pri-
17 mary election. In the event of a special primary elec-
18 tion, if applicable, such term means the period be-
19 ginning on the date that is the longer of 90 days be-
20 fore the date of such special primary election, or the
21 date of establishment by the appropriate election au-
22 thority of the special primary election date and end-
23 ing on the date of the special primary election.

24 “(14) PRIMARY ELECTION RUNOFF PERIOD.—
25 The term ‘primary election runoff period’ means,

1 with respect to a candidate, the period beginning on
2 the day following the date of the last primary elec-
3 tion for the specific office that the candidate is seek-
4 ing and ending on the date of the runoff election for
5 that office.

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

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

10 “(B) is made by an individual who—

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

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

16 “(C) is made during the clean elections
17 qualifying period; and

18 “(D) meets the requirements of section
19 505(c).

20 “(16) REPRESENTATIVE.—The term ‘Rep-
21 resentative’ includes a Delegate or Resident Com-
22 missioner to the Congress.

23 “(17) SEED MONEY CONTRIBUTION.—The term
24 ‘seed money contribution’ means a contribution or
25 contributions by any 1 individual—

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

2 “(B) made to a candidate after the date of
3 the most recent previous election for the office
4 which the candidate is seeking and before the
5 date the candidate has been certified as a par-
6 ticipating candidate under section 507(a).

7 “(18) STATE.—The term ‘State’ includes the
8 District of Columbia, Puerto Rico, the Virgin Is-
9 lands, American Samoa, and Guam.

10 **“SEC. 502. HOUSE CLEAN ELECTIONS FUND.**

11 “(a) ESTABLISHMENT.—There is established in the
12 Treasury a fund to be known as the ‘House Clean Elec-
13 tions Fund’.

14 “(b) DEPOSITS.—The Commission shall deposit
15 unspent seed money contributions, qualifying contribu-
16 tions, penalty amounts received under this title, and
17 amounts appropriated for clean money financing in the
18 House Clean Elections Fund.

19 “(c) INVESTMENT.—The Commission shall invest
20 portions of the Fund in obligations of the United States
21 in the same manner as provided under section 9602(b)
22 of the Internal Revenue Code of 1986.

23 “(d) USE OF FUND.—

24 “(1) IN GENERAL.—The sums in the House
25 Clean Elections Fund shall be used to make alloca-

1 tions to participating candidates in accordance with
2 sections 510 and 511.

3 “(2) INSUFFICIENT AMOUNTS.—Under regula-
4 tions established by the Commission, rules similar to
5 the rules of section 9006(c) of the Internal Revenue
6 Code shall apply.

7 **“SEC. 503. ELIGIBILITY FOR ALLOCATIONS FROM THE**
8 **FUND.**

9 “(a) IN GENERAL.—A candidate for Representative
10 is eligible to receive an allocation from the Fund for any
11 election if the candidate meets the following requirements:

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

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

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

22 “(4) Not later than the last day of the clean
23 elections qualifying period, the candidate files with
24 the Commission an affidavit signed by the candidate

1 and the treasurer of the candidate's principal cam-
2 paign committee declaring that the candidate—

3 “(A) has complied and, if certified, will
4 comply with the contribution and expenditure
5 requirements of section 506;

6 “(B) if certified, will not run as a non-
7 participating candidate during such year in any
8 election for the office that such candidate is
9 seeking; and

10 “(C) has either qualified or will take steps
11 to qualify under State law to be on the ballot.

12 “(b) GENERAL ELECTION.—Notwithstanding sub-
13 section (a), a candidate shall not be eligible to receive an
14 allocation from the Fund for a general election or a gen-
15 eral run off election unless the candidate's party nomi-
16 nated the candidate to be placed on the ballot for the gen-
17 eral election or the candidate qualified to be placed on the
18 ballot as an independent candidate, and the candidate is
19 qualified under State law to be on the ballot.

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

21 “A candidate for Representative meets the seed
22 money contribution requirements of this section if the can-
23 didate meets the following requirements:

1 “(1) SEPARATE ACCOUNTING.—The candidate
2 maintains seed money contributions in a separate
3 account.

4 “(2) LIMITATION ON AMOUNT.—The candidate
5 deposits into the House Clean Elections Fund or re-
6 turns to donors an amount equal to the amount of
7 any seed money contributions which, in the aggre-
8 gate, exceed the sum of \$50,000.

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

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

16 “(5) REPORT.—Unless a seed money contribu-
17 tion or an expenditure made with a seed money con-
18 tribution has been reported previously under section
19 304, the candidate files with the Commission a re-
20 port disclosing all seed money contributions and ex-
21 penditures not later than 48 hours after receiving
22 notification of the determination with respect to the
23 certification of the candidate under section 507.

24 “(6) TIME TO ACCEPT SEED MONEY CONTRIBU-
25 TIONS.—A clean elections candidate may accept seed

1 money contributions for an election from the day
2 after the date of the previous general election for the
3 office to which the candidate is seeking election
4 through the earliest date on which the Commission
5 makes funds available to the candidate for an elec-
6 tion period under paragraph (1) or (2) of section
7 506(b).

8 “(7) DEPOSIT OF UNSPENT SEED MONEY CON-
9 TRIBUTIONS.—A clean elections candidate shall
10 remit any unspent seed money to the Commission,
11 for deposit in the House Clean Elections Fund, not
12 later than the earliest date on which the Commission
13 makes funds available to the candidate for an elec-
14 tion period.

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

16 “(a) MAJOR PARTY CANDIDATES AND CERTAIN
17 INDEPENDENT CANDIDATES.—The requirement of this
18 section is met if, during the clean money qualifying period,
19 a major party candidate (or an independent candidate who
20 meets the minimum vote percentage required for a major
21 party candidate under section 501(9)) receives 1,500
22 qualifying contributions.

23 “(b) OTHER CANDIDATES.—The requirement of this
24 section is met if, during the clean money qualifying period,
25 a candidate who is not described in subsection (a) receives

1 a number of qualifying contributions that is at least 150
2 percent of the number of qualifying contributions that a
3 candidate described in subsection (a) in the same election
4 is required to receive under subsection (a).

5 “(c) RECEIPT OF QUALIFYING CONTRIBUTION.—A
6 qualifying contribution shall—

7 “(1) be accompanied by the contributor’s name
8 and home address;

9 “(2) be accompanied by a signed statement that
10 the contributor understands the purpose of the
11 qualifying contribution;

12 “(3) be made by a personal check, debit card,
13 credit card, or money order payable to the House
14 Clean Elections Fund or by cash; and

15 “(4) be acknowledged by a receipt that is sent
16 to the contributor with a copy kept by the candidate
17 for the Commission and a copy kept by the can-
18 didate for the election authorities in the candidate’s
19 State.

20 “(d) DEPOSIT OF QUALIFYING CONTRIBUTIONS IN
21 HOUSE CLEAN ELECTIONS FUND.—

22 “(1) IN GENERAL.—Not later than the date
23 that is 1 day after the date on which the candidate
24 is certified under section 507, a candidate shall

1 remit all qualifying contributions to the Commission
2 for deposit in the House Clean Elections Fund.

3 “(2) CANDIDATES THAT ARE NOT CER-
4 TIFIED.—Not later than the last day of the clean
5 money qualifying period, a candidate who has re-
6 ceived qualifying contributions and is not certified
7 under section 507 shall remit all qualifying contribu-
8 tions to the Commission for deposit in the House
9 Clean Elections Fund.

10 “(e) VERIFICATION OF QUALIFYING CONTRIBU-
11 TIONS.—The Commission shall establish procedures for
12 the auditing and verification of qualifying contributions to
13 ensure that such contributions meet the requirements of
14 this section. Such procedures may provide for verification
15 through the means of a postcard or other method, as de-
16 termined by the Commission.

17 **“SEC. 506. CONTRIBUTION AND EXPENDITURE REQUIRE-**
18 **MENTS.**

19 “A candidate for Representative meets the require-
20 ments of this section if, during the election cycle of the
21 candidate, the candidate—

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

24 “(A) seed money contributions;

1 “(B) qualifying contributions made payable
2 to the House Clean Elections Fund; and

3 “(C) allocations from the House Clean
4 Elections Fund under sections 510 and 511;

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

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

9 “(B) amounts received from the House
10 Clean Elections Fund; and

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

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

19 **“SEC. 507. CERTIFICATION BY COMMISSION.**

20 “(a) IN GENERAL.—Not later than 5 days after a
21 candidate for Representative files an affidavit under sec-
22 tion 503(a)(4), the Commission shall—

23 “(1) determine whether the candidate meets the
24 eligibility requirements of section 503;

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

3 “(3) notify the candidate of the Commission’s
4 determination.

5 “(b) REVOCATION OF CERTIFICATION.—

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

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

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

13 “(2) REPAYMENT OF BENEFITS.—If certifi-
14 cation is revoked under paragraph (1), the candidate
15 shall repay to the House Clean Elections Fund an
16 amount equal to the value of benefits received under
17 this title plus interest (at a rate determined by the
18 Commission) on any such amount received.

19 **“SEC. 508. BENEFITS FOR PARTICIPATING CANDIDATES.**

20 “(a) IN GENERAL.—A participating candidate shall
21 be entitled to—

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

1 “(A) an allocation from the Fund to make
2 or obligate to make expenditures with respect to
3 such election, as provided in section 510;

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

6 “(2) media benefits under section 315 of the
7 Communications Act of 1934 (47 U.S.C. 315).

8 “(b) RESTRICTION ON USES OF ALLOCATIONS FROM
9 THE FUND.—Allocations from the Fund received by a par-
10 ticipating candidate under sections 510 and 511 may only
11 be used for campaign-related costs.

12 “(c) REMITTING ALLOCATIONS FROM THE FUND.—
13 Not later than the date that is 45 days after the date of
14 the election, a participating candidate shall remit to the
15 Commission for deposit in the House Clean Elections
16 Fund any unspent amounts paid to such candidate under
17 this title for such election.

18 **“SEC. 509. ALLOCATIONS FROM THE FUND.**

19 “(a) IN GENERAL.—The Commission shall make allo-
20 cations from the Fund under section 508(a)(1)(A) to a
21 participating candidate—

22 “(1) in the case of amounts provided under
23 subsection (c)(1), not later than 48 hours after the
24 date on which such candidate is certified as a par-
25 ticipating candidate under section 507;

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

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

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

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

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

17 “(c) MONEY AMOUNTS.—

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), the clean money amount paid to a clean
20 money candidate with respect to an election shall be
21 equal to the applicable percentage of 80 percent of
22 the base amount for the election cycle involved, ex-
23 cept that in no event may the amount determined
24 under this subsection for a clean money candidate
25 for an election cycle be less than the amount deter-

1 mined under this subsection for the candidate for
2 the previous election cycle.

3 “(2) REDUCTION FOR UNCONTESTED ELEC-
4 TIONS.—If a clean money candidate has no opposi-
5 tion in an election for which a payment is made
6 under this section, the clean money amount paid
7 shall be 40 percent of the amount otherwise deter-
8 mined under paragraph (1).

9 “(3) DEFINITIONS.—

10 “(A) APPLICABLE PERCENTAGE.—In this
11 subsection, the ‘applicable percentage’ is as fol-
12 lows:

13 “(i) 25 percent, in the case of a minor
14 party or independent candidate in a pri-
15 mary election.

16 “(ii) 40 percent, in the case of a
17 major party candidate in a primary elec-
18 tion.

19 “(iii) 60 percent, in the case of any
20 candidate in a general election.

21 “(B) BASE AMOUNT.—In this subsection,
22 the term ‘base amount’ means (with respect to
23 an election cycle) the national average of all
24 amounts expended by winning candidates dur-

1 ing the 2 most recent general elections for Rep-
 2 resentative preceding the election cycle involved.

3 “(4) ADJUSTMENT BY MEDIA MARKET.—

4 “(A) IN GENERAL.—The Commission, in
 5 consultation with the Federal Communications
 6 Commission, shall establish an index reflecting
 7 the costs of the media markets in each State.

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

13 **“SEC. 510. PAYMENT OF FAIR FIGHT FUNDS.**

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

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

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

19 “(B) the applicable amount with respect to
 20 each participating candidate.

21 “(2) BASIS OF DETERMINATIONS.—The Com-
 22 mission shall make determinations under paragraph
 23 (1) based on—

24 “(A) reports filed by the relevant opposing
 25 candidate under section 304(a) with respect to

amounts described in subsection (c)(1)(A)(i)(I);
and

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

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

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

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

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

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

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

1 “(B) TIME FOR MAKING DETERMINA-
2 TION.—In the case of any such request, the
3 Commission shall make such determination and
4 notify the participating candidate of such deter-
5 mination not later than—

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

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

11 “(b) PAYMENTS.—

12 “(1) IN GENERAL.—The Commission shall
13 make available to the participating candidate fair
14 fight funds in an amount equal to the amount of op-
15 posing funds that is in excess of the applicable
16 amount—

17 “(A) immediately after making any deter-
18 mination under subsection (a) with respect to
19 any participating candidate during the 3-week
20 period ending on the date of the election, and

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

23 “(2) APPLICABLE AMOUNT.—For purposes of
24 this section, the applicable amount is an amount
25 equal to the sum of—

1 “(A) the sum of—

2 “(i) the amount of seed money con-
3 tribution received by the participating can-
4 didate; plus

5 “(ii)(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); and

16 “(B) the amount of fair fight funds pre-
17 viously provided to the participating candidate
18 under this subsection for the election.

19 “(3) LIMITS ON AMOUNT OF PAYMENT.—The
20 aggregate of fair fight funds that a participating
21 candidate receives under this subsection for any elec-
22 tion shall not exceed 200 percent of the allocation
23 from the Fund that the participating candidate re-
24 ceives for such election under section 510(c).

25 “(c) DEFINITIONS.—For purposes of this section—

1 “(1) OPPOSING FUNDS.—

2 “(A) IN GENERAL.—The term ‘opposing
3 funds’ means, with respect to any participating
4 candidate for any election, the sum of—

5 “(i)(I) the greater of the total con-
6 tributions received by the relevant oppos-
7 ing candidate or the total expenditures
8 made by such relevant opposing candidate;
9 or

10 “(II) in the case of a relevant oppos-
11 ing candidate who is a participating can-
12 didate, an amount equal to the sum of the
13 amount of seed money contributions re-
14 ceived by the relevant opposing candidate,
15 the value of any vouchers received by the
16 relevant opposing candidate for the general
17 election under section 315A of the Commu-
18 nications Act of 1934, and the allocation
19 from the Fund under section 510(c) for
20 the relevant opposing candidate for such
21 election;

22 “(ii) the sum of—

23 “(I) the amount of independent
24 expenditures made advocating the

1 election of such relevant opposing can-
 2 didate; plus

3 “(II) the amount of disburse-
 4 ments for electioneering communica-
 5 tions which promote or support such
 6 relevant opposing candidate; plus

7 “(iii) the sum of—

8 “(I) the amount of independent
 9 expenditures made advocating the de-
 10 feat of such participating candidate;
 11 plus

12 “(II) the amount of disburse-
 13 ments for electioneering communica-
 14 tions which attack or oppose such par-
 15 ticipating candidate.

16 “(2) RELEVANT OPPOSING CANDIDATE.—The
 17 term ‘relevant opposing candidate’ means, with re-
 18 spect to any participating candidate, the opposing
 19 candidate of such participating candidate with re-
 20 spect to whom the amount under paragraph (1) is
 21 the greatest.

22 “(3) ELECTIONEERING COMMUNICATION.—The
 23 term ‘electioneering communication’ has the mean-
 24 ing given such term under section 304(f)(3), except

1 that subparagraph (A)(i)(II)(aa) thereof shall be ap-
2 plied by substituting ‘30’ for ‘60’.

3 **“SEC. 511. ADMINISTRATION OF THE HOUSE CLEAN ELEC-**
4 **TIONS SYSTEM.**

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

8 “(1) to establish procedures for—

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

11 “(B) effectively and efficiently monitoring
12 and enforcing the limits on the use of personal
13 funds by participating candidates;

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

17 “(D) monitoring the use of allocations
18 from the Fund under this title through audits
19 or other mechanisms; and

20 “(E) returning unspent disbursements and
21 disposing of assets purchased with allocations
22 from the Fund;

23 “(2) providing for the administration of the
24 provisions of this title with respect to special elec-
25 tions;

1 “(3) pertaining to the replacement of can-
2 didates; and

3 “(4) for attributing expenditures to specific
4 elections for the purposes of calculating opposing
5 funds.

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

11 “(c) REPORTS.—Not later than April 1, 2011, and
12 every 2 years thereafter, the Commission shall submit to
13 the Committee on House Administration of the House of
14 Representatives a report documenting, evaluating, and
15 making recommendations relating to the administrative
16 implementation and enforcement of the provisions of this
17 title.

18 **“SEC. 512. VIOLATIONS AND PENALTIES.**

19 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
20 TION AND EXPENDITURE REQUIREMENTS.—If a can-
21 didate who has been certified as a participating candidate
22 under section 507(a) accepts a contribution or makes an
23 expenditure that is prohibited under section 506, the Com-
24 mission shall assess a civil penalty against the candidate
25 in an amount that is not more than 10 times the amount

1 of the contribution or expenditure. Any amounts collected
2 under this subsection shall be deposited into the House
3 Clean Elections Fund.

4 “(b) REPAYMENT FOR IMPROPER USE OF CLEAN
5 ELECTIONS FUND.—

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

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

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

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

1 **“SEC. 513. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to the
3 House Clean Elections Fund such sums as are necessary
4 to carry out this title.”.

5 **SEC. 103. REPORTING REQUIREMENTS FOR NONPARTICI-**
6 **PATING CANDIDATES.**

7 (a) IN GENERAL.—Section 304 of the Federal Elec-
8 tion Campaign Act of 1971 (2 U.S.C. 434) is amended
9 by adding at the end the following:

10 “(j) NONPARTICIPATING CANDIDATES.—

11 “(1) INITIAL REPORT.—

12 “(A) IN GENERAL.—Each nonparticipating
13 candidate who is opposed to a participating
14 candidate and who receives contributions or
15 makes expenditures aggregating more than the
16 threshold amount shall, within 48 hours of the
17 date such aggregate contributions or expendi-
18 tures exceed the threshold amount, file with the
19 Commission a report stating the total amount
20 of contributions received and expenditures made
21 or obligated by such candidate.

22 “(B) THRESHOLD AMOUNT.—For purposes
23 of this paragraph, the term ‘threshold amount’
24 means 75 percent of the allocation from the
25 Fund that a participating candidate would be
26 entitled to receive in such election under section

1 510 if the participating candidate were a major
2 party candidate.

3 “(2) PERIODIC REPORTS.—

4 “(A) IN GENERAL.—In addition to any re-
5 ports required under subsection (a), each non-
6 participating candidate who is required to make
7 a report under paragraph (1) shall make the
8 following reports:

9 “(i) A report which shall be filed not
10 later than 5 p.m. on the forty-second day
11 before the date on which the election in-
12 volving such candidate is held and which
13 shall be complete through the forty-fourth
14 day before such date.

15 “(ii) A report which shall be filed not
16 later than 5 p.m. on the twenty-first day
17 before the date on which the election in-
18 volving such candidate is held and which
19 shall be complete through the twenty-third
20 day before such date.

21 “(iii) A report which shall be filed not
22 later than 5 p.m. on the twelfth day before
23 the date on which the election involving
24 such candidate is held and which shall be

1 complete through the fourteenth day before
2 such date.

3 “(B) ADDITIONAL REPORTING WITHIN 2
4 WEEKS OF ELECTION.—Each nonparticipating
5 candidate who is required to make a report
6 under paragraph (1) and who receives contribu-
7 tions or makes expenditures aggregating more
8 than \$1,000 at any time after the fourteenth
9 day before the date of the election involving
10 such candidate shall make a report to the Com-
11 mission not later than 24 hours after such con-
12 tributions are received or such expenditures are
13 made.

14 “(C) CONTENTS OF REPORT.—Each report
15 required under this paragraph shall state the
16 total amount of contributions received and ex-
17 penditures made or obligated to be made during
18 the period covered by the report.

19 “(3) DEFINITIONS.—For purposes of this sub-
20 section and section 309(a)(13), the terms ‘non-
21 participating candidate’, ‘participating candidate’,
22 and ‘allocation from the Fund’ have the respective
23 meanings given to such terms under section 501.”.

24 (b) INCREASED PENALTY FOR FAILURE TO FILE.—
25 Section 309(a) of the Federal Election Campaign Act of

1 1971 (2 U.S.C. 437(g)) is amended by adding at the end
 2 the following new paragraph:

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

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

10 “(B) for each day of the violation, 3 times
 11 the amount of the fair fight funds under section
 12 511 that otherwise would have been allocated to
 13 the participating candidate but for such viola-
 14 tion.”.

15 **SEC. 104. MODIFICATION OF ELECTIONEERING COMMU-**
 16 **NICATION REPORTING REQUIREMENTS.**

17 Paragraph (2) of section 304(f) of the Federal Elec-
 18 tion Campaign Act of 1971 (2 U.S.C. 434(f)(2)) is amend-
 19 ed by redesignating subparagraphs (E) and (F) as sub-
 20 paragraphs (F) and (G), respectively, and by inserting
 21 after subparagraph (D) the following new subparagraph:

22 “(E) in the case of a communication refer-
 23 ring to any candidate in an election involving a
 24 participating candidate (as defined under sec-

1 tion 501(9)), a transcript of the electioneering
2 communication.”.

3 **SEC. 105. LIMITATION ON COORDINATED EXPENDITURES**
4 **BY POLITICAL PARTY COMMITTEES WITH**
5 **PARTICIPATING CANDIDATES.**

6 (a) IN GENERAL.—Section 315(d)(3) of the Federal
7 Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is
8 amended—

9 (1) by redesignating subparagraphs (A) and
10 (B) as subparagraphs (B) and (C), respectively; and

11 (2) by inserting before subparagraph (B), as re-
12 designated by paragraph (1), the following new sub-
13 paragraph:

14 “(A) in the case of a candidate for election
15 to the office of Representative who is a partici-
16 pating candidate (as defined in section 501),
17 the lesser of—

18 “(i) 10 percent of the allocation from
19 the House Clean Elections Fund that the
20 participating candidate is eligible to receive
21 for the general election under section
22 510(c)(3); or

23 “(ii) the amount which would (but for
24 this subparagraph) apply with respect to
25 such candidate under subparagraph (B);”.

1 (b) CONFORMING AMENDMENT.—Subparagraph (B)
 2 of section 315(d)(3) of such Act, as redesignated by sub-
 3 section (a), is amended by inserting “who is not a partici-
 4 pating candidate (as so defined)” after “office of Rep-
 5 resentative”.

6 **SEC. 106. TREATMENT OF COORDINATED EXPENDITURES**
 7 **AS CONTRIBUTIONS.**

8 (a) IN GENERAL.—Section 301(8) of the Federal
 9 Election Campaign Act of 1971 (2 U.S.C. 431(8)) is
 10 amended—

11 (1) in subparagraph (A)—

12 (A) by striking “or” at the end of clause

13 (i);

14 (B) by striking the period at the end of
 15 clause (ii) and inserting “; or”; and

16 (C) by adding at the end the following:

17 “(iii) a payment made for a commu-
 18 nication or anything of value that is for
 19 the purpose of influencing an election for
 20 Federal office and that is made in coordi-
 21 nation with a candidate (as defined in sub-
 22 paragraph (C)).”; and

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

1 “(C) For the purposes of subparagraph
2 (A)(iii), the term ‘payment made in coordina-
3 tion with a candidate’ includes—

4 “(i) a payment made by a person in
5 cooperation, consultation, or concert with,
6 at the request or suggestion of, or pursu-
7 ant to any general or particular under-
8 standing with a candidate, the candidate’s
9 authorized committee, or an agent acting
10 on behalf of a candidate or authorized
11 committee;

12 “(ii) a payment made by a person for
13 the dissemination, distribution, or republi-
14 cation, in whole or in part, of any broad-
15 cast or any written, graphic, or other form
16 of campaign material prepared by a can-
17 didate, a candidate’s authorized committee,
18 or an agent of a candidate or authorized
19 committee (not including a communication
20 described in paragraph (9)(B)(i) or a com-
21 munication that expressly advocates the
22 candidate’s defeat);

23 “(iii) a payment made based on infor-
24 mation about a candidate’s plans, projects,
25 or needs provided to the person making the

1 payment by the candidate or the can-
2 didate's agent who provides the informa-
3 tion with a view toward having the pay-
4 ment made;

5 “(iv) a payment made by a person if,
6 in the same election cycle in which the pay-
7 ment is made, the person making the pay-
8 ment is serving or has served as a member,
9 employee, fundraiser, or agent of the can-
10 didate's authorized committee in an execu-
11 tive or policymaking position;

12 “(v) a payment made by a person if
13 the person making the payment has served
14 in any formal policy or advisory position
15 with the candidate's campaign or has par-
16 ticipated in strategic or policymaking dis-
17 cussions with the candidate's campaign re-
18 lating to the candidate's pursuit of nomi-
19 nation for election, or election, to Federal
20 office, in the same election cycle as the
21 election cycle in which the payment is
22 made; and

23 “(vi) a payment made by a person if
24 the person making the payment retains the
25 professional services of an individual or

1 person who has provided or is providing
2 campaign-related services in the same elec-
3 tion cycle to a candidate in connection with
4 the candidate's pursuit of nomination for
5 election, or election, to Federal office, in-
6 cluding services relating to the candidate's
7 decision to seek Federal office, and the
8 payment is for services of which the pur-
9 pose is to influence that candidate's elec-
10 tion.

11 “(D) For purposes of subparagraph
12 (C)(vi), the term ‘professional services’ includes
13 services in support of a candidate's pursuit of
14 nomination for election, or election, to Federal
15 office such as polling, media advice, direct mail,
16 fundraising, or campaign research.”.

17 (b) EXCEPTION FOR CLEAN MONEY CANDIDATES.—
18 Section 315(a)(7) of such Act (2 U.S.C. 441a(a)(7)) is
19 amended by striking paragraph (B) and inserting the fol-
20 lowing:

21 “(B)(i) except as provided in clause (ii), a pay-
22 ment made in coordination with a candidate (as de-
23 scribed in section 301(8)(A)(iii)) shall be considered
24 to be a contribution to the candidate, and, for the
25 purposes of any provision of this Act that imposes

1 a limitation on the making of expenditures by a can-
 2 didate, shall be treated as an expenditure by the
 3 candidate for purposes of this paragraph, and

4 “(ii) in the case of a clean money candidate (as
 5 defined in section 501), a payment made in coordi-
 6 nation with a candidate by a committee of a political
 7 party shall not be treated as a contribution to the
 8 candidate for purposes of section 503(b)(1) or an ex-
 9 penditure made by the candidate for purposes of sec-
 10 tion 503(b)(2);”.

11 **SEC. 107. AUDITS.**

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

14 (1) by inserting “(1)” before “The Commis-
 15 sion”; and

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

17 “(2) AUDITS OF PARTICIPATING CAN-
 18 DIDATES.—

19 “(A) IN GENERAL.—Notwithstanding para-
 20 graph (1), after every primary, general, and
 21 runoff election, the Commission shall conduct
 22 random audits and investigations of not less
 23 than 30 percent of the authorized committees of
 24 candidates who are participating candidates (as
 25 defined in section 501).

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

6 **SEC. 108. TAX CREDIT FOR VOLUNTARY DONATIONS TO**
 7 **HOUSE CLEAN ELECTIONS FUND.**

8 (a) IN GENERAL.—Subpart B of part IV of sub-
 9 chapter A of chapter 1 of the Internal Revenue Code of
 10 1986 is amended by adding at the end the following new
 11 section:

12 **“SEC. 30E. CREDIT FOR CONTRIBUTIONS TO HOUSE CLEAN**
 13 **ELECTIONS FUND.**

14 “(a) CREDIT ALLOWED.—There shall be allowed as
 15 a credit against the tax imposed by this chapter for the
 16 taxable year an amount equal to the lesser of—

17 “(1) the amount contributed to the House
 18 Clean Elections Fund by the taxpayer during such
 19 taxable year, or

20 “(2) \$500.

21 “(b) LIMITATIONS.—

22 “(1) NO CREDIT FOR QUALIFYING CONTRIBU-
 23 TIONS.—No credit shall be allowed under subsection
 24 (a) for any contribution which is a qualifying con-

1 tribution (as defined under section 501(11) of the
2 Federal Election Campaign Act of 1971).

3 “(2) NO CREDIT FOR DESIGNATIONS UNDER
4 SECTION 6097.—No credit shall be allowed with re-
5 spect to any amount designated under section 6097.

6 “(3) APPLICATION WITH OTHER CREDITS.—
7 The credit allowed by subsection (a) for any taxable
8 year shall not exceed the excess (if any) of—

9 “(A) the regular tax liability (as defined in
10 section 26(b)) reduced by the sum of the credits
11 allowable under subpart A and sections 27, 30,
12 30B, 30C, and 30D, over

13 “(B) the tentative minimum tax for the
14 taxable year.

15 “(c) HOUSE CLEAN ELECTIONS FUND.—For pur-
16 poses of this section, the term ‘House Clean Elections
17 Fund’ means the fund established under section 502 of
18 the Federal Election Campaign Act of 1971.

19 “(d) DENIAL OF DOUBLE BENEFIT.—No deduction
20 shall be allowed under this chapter for any amount for
21 which a credit is allowed under subsection (a).”.

22 (b) CLERICAL AMENDMENT.—The table of section
23 for subpart B of part IV of subchapter A of chapter 1
24 of the Internal Revenue Code of 1986 is amended by in-

1 serting after the item relating to section 30D the following
 2 new item:

“Sec. 30E. Credit for contributions to House Clean Elections Fund.”.

3 (c) EFFECTIVE DATE.—The amendments made by
 4 this section shall apply to taxable years beginning after
 5 December 31, 2009.

6 **Subtitle B—Clean Elections Review** 7 **Commission**

8 **SEC. 111. ESTABLISHMENT OF COMMISSION.**

9 (a) ESTABLISHMENT.—There is established a com-
 10 mission to be known as the “Clean Elections Review Com-
 11 mission” (hereafter in this subtitle referred to as the
 12 “Commission”).

13 (b) DUTIES.—

14 (1) REVIEW OF CLEAN ELECTIONS FINANC-
 15 ING.—

16 (A) IN GENERAL.—After each general elec-
 17 tion for Federal office, the Commission shall
 18 conduct a comprehensive review of the House
 19 clean elections financing program under title V
 20 of the Federal Election Campaign Act of 1971,
 21 including—

22 (i) the number and value of qualifying
 23 contributions a candidate is required to ob-
 24 tain under section 505 of such Act to qual-
 25 ify for allocations from the Fund;

1 (ii) the amount of allocations from the
2 House Clean Elections Fund that can-
3 didates may receive under sections 510
4 and 511 of such Act;

5 (iii) the overall satisfaction of partici-
6 pating candidates with the program; and

7 (iv) such other matters relating to fi-
8 nancing of House campaigns as the Com-
9 mission determines are appropriate.

10 (B) CRITERIA FOR REVIEW.—In con-
11 ducting the review under subparagraph (A), the
12 Commission shall consider the following:

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

1 (ii) REVIEW OF PROGRAM ALLOCA-
2 TIONS.—The Commission shall consider
3 whether allocations from the House Clean
4 Elections Fund under sections 509 and
5 510 of the Federal Election Campaign Act
6 of 1974 are sufficient for voters in each
7 State to learn about the candidates to cast
8 an informed vote, taking into account the
9 historic amount of spending by winning
10 candidates, media costs, primary election
11 dates, and any other information the Com-
12 mission determines is appropriate.

13 (2) REPORT, RECOMMENDATIONS, AND PRO-
14 POSED LEGISLATIVE LANGUAGE.—

15 (A) REPORT.—Not later than March 30
16 following any general election for Federal office,
17 the Commission shall submit a report to Con-
18 gress on the review conducted under paragraph
19 (1). Such report shall contain a detailed state-
20 ment of the findings, conclusions, and rec-
21 ommendations of the Commission based on
22 such review, and shall contain any proposed leg-
23 islative language (as required under subpara-
24 graph (C)) of the Commission.

1 (B) FINDINGS, CONCLUSIONS, AND REC-
2 OMMENDATIONS.—A finding, conclusion, or rec-
3 ommendation of the Commission shall be in-
4 cluded in the report under subparagraph (A)
5 only if not less than 3 members of the Commis-
6 sion voted for such finding, conclusion, or rec-
7 ommendation.

8 (C) LEGISLATIVE LANGUAGE.—

9 (i) IN GENERAL.—The report under
10 subparagraph (A) shall include legislative
11 language with respect to any recommenda-
12 tion involving—

13 (I) an increase in the number or
14 value of qualifying contributions; or

15 (II) an increase in the amount of
16 allocations from the House Clean
17 Elections Fund.

18 (ii) FORM.—The legislative language
19 shall be in the form of a proposed bill for
20 introduction in Congress and shall not in-
21 clude any recommendation not related to
22 matter described subclause (I) or (II) of
23 clause (i).

1 **SEC. 112. STRUCTURE AND MEMBERSHIP OF THE COMMIS-**
2 **SION.**

3 (a) APPOINTMENT.—

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

6 (A) 1 shall be appointed by the Speaker of
7 the House of Representatives;

8 (B) 1 shall be appointed by the minority
9 leader of the House; and

10 (C) 3 shall be appointed jointly by the
11 members appointed under subparagraphs (A)
12 and (B).

13 (2) QUALIFICATIONS.—

14 (A) IN GENERAL.—The members shall be
15 individuals who are nonpartisan and, by reason
16 of their education, experience, and attainments,
17 exceptionally qualified to perform the duties of
18 members of the Commission.

19 (B) PROHIBITION.—No member of the
20 Commission may be—

21 (i) a member of Congress;

22 (ii) an employee of the Federal Gov-
23 ernment;

24 (iii) a registered lobbyist; or

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

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

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

6 (b) VACANCIES.—A vacancy on the Commission shall
7 be filled not later than 30 calendar days after the date
8 on which the Commission is given notice of the vacancy,
9 in the same manner as the original appointment. The indi-
10 vidual appointed to fill the vacancy shall serve only for
11 the unexpired portion of the term for which the individ-
12 ual's predecessor was appointed.

13 (c) CHAIRPERSON.—The Commission shall designate
14 a Chairperson from among the members of the Commis-
15 sion.

16 **SEC. 113. POWERS OF THE COMMISSION.**

17 (a) MEETINGS AND HEARINGS.—

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

23 (2) QUORUM.—Four members of the Commis-
24 sion shall constitute a quorum for purposes of vot-

1 ing, but a quorum is not required for members to
2 meet and hold hearings.

3 (b) INFORMATION FROM FEDERAL AGENCIES.—The
4 Commission may secure directly from any Federal depart-
5 ment or agency such information as the Commission con-
6 siders necessary to carry out the provisions of this Act.
7 Upon request of the Chairperson of the Commission, the
8 head of such department or agency shall furnish such in-
9 formation to the Commission.

10 (c) POSTAL SERVICES.—The Commission may use
11 the United States mails in the same manner and under
12 the same conditions as other departments and agencies of
13 the Federal Government.

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

16 **SEC. 114. ADMINISTRATION.**

17 (a) COMPENSATION OF MEMBERS.—

18 (1) IN GENERAL.—

19 (A) IN GENERAL.—Each member, other
20 than the Chairperson, shall be paid at a rate
21 equal to the daily equivalent of the minimum
22 annual rate of basic pay prescribed for level IV
23 of the Executive Schedule under section 5315
24 of title 5, United States Code, for each day (in-
25 cluding travel time) during which such member

1 is engaged in the performance of the duties of
2 the Commission.

3 (B) CHAIRPERSON.—The Chairperson
4 shall be paid at a rate equal to the daily equiva-
5 lent of the minimum annual rate of basic pay
6 prescribed for level III of the Executive Sched-
7 ule under section 5314 of title 5, United States
8 Code, for each day (including travel time) dur-
9 ing which such member is engaged in the per-
10 formance of the duties of the Commission.

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

17 (b) PERSONNEL.—

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

23 (2) STAFF APPOINTMENT.—With the approval
24 of the Chairperson, the Executive Director may ap-

1 point such personnel as the Executive Director and
2 the Commission determines to be appropriate.

3 (3) ACTUARIAL EXPERTS AND CONSULTANTS.—

4 With the approval of the Chairperson, the Executive
5 Director may procure temporary and intermittent
6 services under section 3109(b) of title 5, United
7 States Code.

8 (4) DETAIL OF GOVERNMENT EMPLOYEES.—

9 Upon the request of the Chairperson, the head of
10 any Federal agency may detail, without reimburse-
11 ment, any of the personnel of such agency to the
12 Commission to assist in carrying out the duties of
13 the Commission. Any such detail shall not interrupt
14 or otherwise affect the civil service status or privi-
15 leges of the Federal employee.

16 (5) OTHER RESOURCES.—The Commission
17 shall have reasonable access to materials, resources,
18 statistical data, and other information from the Li-
19 brary of Congress and other agencies and elected
20 representatives of the executive and legislative
21 branches of the Federal Government. The Chair-
22 person of the Commission shall make requests for
23 such access in writing when necessary.

1 **SEC. 115. AUTHORIZATION OF APPROPRIATIONS.**

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

4 **TITLE II—VOTER INFORMATION**

5 **SEC. 201. FREE BROADCAST TIME.**

6 Section 315 of the Communications Act of 1934 (47
7 U.S.C. 315) is amended—

8 (1) in subsection (a), in the third sentence, by
9 striking “within the meaning of this subsection” and
10 inserting “within the meaning of this subsection or
11 subsection (c)”;

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

13 “(f) FREE BROADCAST TIME.—

14 “(1) AMOUNT OF TIME.—A clean money can-
15 didate shall be entitled to receive—

16 “(A) 30 minutes of free broadcast time
17 during each of the primary election period and
18 the primary runoff election period; and

19 “(B) 75 minutes of free broadcast time
20 during the general election period and general
21 runoff election period.

22 “(2) TIME DURING WHICH THE BROADCAST IS
23 SHOWN.—The broadcast time under paragraph (1)
24 shall be—

1 “(A) with respect to a television broadcast,
2 the time between 6:00 p.m. and 10:00 p.m. on
3 any day that falls on Monday through Friday;

4 “(B) with respect to a radio broadcast, the
5 time between 7:00 a.m. and 9:30 a.m. or be-
6 tween 4:30 p.m. and 7:00 p.m. on any day that
7 falls on Monday through Friday; or

8 “(C) with respect to any broadcast, such
9 other time to which the candidate and broad-
10 caster may agree.

11 “(3) MAXIMUM REQUIRED OF ANY STATION.—
12 The amount of free broadcast time that any 1 sta-
13 tion is required to make available to any 1 clean
14 money candidate during each of the primary election
15 period, primary runoff election period, and general
16 election period shall not exceed 15 minutes.”; and

17 (3) in subsection (c)—

18 (A) by striking “and” at the end of para-
19 graph (1);

20 (B) by striking the period at the end of
21 paragraph (2) and inserting a semicolon, and
22 by redesignating that paragraph as paragraph
23 (4);

24 (C) by inserting after paragraph (1) the
25 following:

1 “(2) the term ‘clean money candidate’ has the
2 meaning given in section 501 of the Federal Election
3 Campaign Act of 1971;

4 “(3) the terms ‘general election period’ and
5 ‘general runoff election period’ have the meaning
6 given in section 501 of the Federal Election Cam-
7 paign Act of 1971;”; and

8 (D) by adding at the end the following:

9 “(5) the term ‘primary election period’ has the
10 meaning given in section 501 of the Federal Election
11 Campaign Act of 1971;

12 “(6) the term ‘private money candidate’ has the
13 meaning given in section 501 of the Federal Election
14 Campaign Act of 1971; and

15 “(7) the term ‘primary runoff election period’
16 has the meaning given in section 501 of the Federal
17 Election Campaign Act of 1971.”.

18 **SEC. 202. BROADCAST RATES AND PREEMPTION.**

19 (a) BROADCAST RATES.—Section 315(b) of the Com-
20 munications Act of 1934 (47 U.S.C. 315(b)) is amended—

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

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

24 “(3) CLEAN MONEY CANDIDATES.—In the case
25 of a clean money candidate, the charges for the use

1 of a television broadcasting station shall not exceed
2 50 percent of the lowest charge described in para-
3 graph (1)(A) during—

4 “(A) the 30 days preceding the date of a
5 primary or primary runoff election in which the
6 candidate is opposed; and

7 “(B) the 60 days preceding the date of a
8 general or special election in which the can-
9 didate is opposed.

10 “(4) OTHER HOUSE CANDIDATES.—In the case
11 of a candidate for election for Member of or Dele-
12 gate or Resident Commissioner to the Congress who
13 is not a clean money candidate, paragraph (1)(A)
14 shall not apply.

15 “(5) RATE CARDS.—A licensee shall provide to
16 a candidate for Member of or Delegate or Resident
17 Commissioner to the Congress a rate card that dis-
18 closes—

19 “(A) the rate charged under this sub-
20 section; and

21 “(B) the method that the licensee uses to
22 determine the rate charged under this sub-
23 section.”.

1 (b) PREEMPTION.—Section 315 of such Act (47
 2 U.S.C. 315), as amended by section 201, is amended by
 3 adding at the end the following:

4 “(g) PREEMPTION.—

5 “(1) IN GENERAL.—Except as provided in para-
 6 graph (2), a licensee shall not preempt the use of a
 7 broadcasting station by a legally qualified candidate
 8 for Member of or Delegate or Resident Commis-
 9 sioner to the Congress who has purchased and paid
 10 for such use.

11 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-
 12 CENSEE.—If a program to be broadcast by a broad-
 13 casting station is preempted because of cir-
 14 cumstances beyond the control of the broadcasting
 15 station, any candidate advertising spot scheduled to
 16 be broadcast during that program may also be pre-
 17 empted.”.

18 (c) REVOCATION OF LICENSE FOR FAILURE TO PER-
 19 MIT ACCESS.—Section 312(a)(7) of such Act (47 U.S.C.
 20 312(a)(7)) is amended—

21 (1) by striking “or repeated”;

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

24 (3) by striking “his candidacy” and inserting
 25 “the candidacy of the candidate, under the same

1 terms, conditions, and business practices as apply to
2 the most favored advertiser of the licensee”.

3 **SEC. 203. LIMIT ON CONGRESSIONAL USE OF THE FRANK-**
4 **ING PRIVILEGE.**

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

8 “(A)(i) Except as provided in clause (ii), a Member
9 of Congress or a Congressional Committee or Sub-
10 committee of which such Member is Chairman or Ranking
11 Member shall not mail any mass mailing as franked mail
12 during the period which begins 90 days before date of the
13 primary election and ends on the date of the general elec-
14 tion with respect to any Federal office which such Member
15 holds, unless the Member has made a public announce-
16 ment that the Member will not be a candidate for reelec-
17 tion to any Federal office in that year.

18 “(ii) A Member of Congress or a Congressional Com-
19 mittee or Subcommittee of which such Member is Chair-
20 man or Ranking Member may mail a mass mailing as
21 franked mail if—

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

24 “(II) the content of the mailed matter includes
25 only the name of the Member, Committee, or Sub-

1 committee, as appropriate, and the date, time, and
 2 place of the public meeting.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 3210(a)(6) of title 39, United
 5 States Code, is amended by striking subparagraph
 6 (B) and by redesignating subparagraphs (C)
 7 through (F) as subparagraphs (B) through (E), re-
 8 spectively.

9 (2) Section 3210(a)(6)(E) of title 39, United
 10 States Code, as redesignated by paragraph (1), is
 11 amended by striking “subparagraphs (A) and (C)”
 12 and inserting “subparagraphs (A) and (B)”.

13 **TITLE III—RESPONSIBILITIES** 14 **OF THE FEDERAL ELECTION** 15 **COMMISSION**

16 **SEC. 301. PETITION FOR CERTIORARI.**

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

21 **SEC. 302. PROMOTING EXPEDITED AVAILABILITY OF FEC** 22 **REPORTS.**

23 (a) MANDATORY ELECTRONIC FILING.—Section
 24 304(a)(11) of the Federal Election Campaign Act of 1971
 25 (2 U.S.C. 434(a)(11)) is amended—

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

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

9 (3) by striking subparagraph (D).

10 (b) REQUIRING REPORTS FOR ALL CONTRIBUTIONS
11 MADE TO ANY POLITICAL COMMITTEE WITHIN 90 DAYS
12 OF ELECTION; REQUIRING REPORTS TO BE MADE WITH-
13 IN 24 HOURS.—Section 304(a)(6)(A) of such Act (2
14 U.S.C. 434(a)(6)(A)) is amended to read as follows:

15 “(6)(A) Each political committee shall notify the
16 Commission and the Secretary of State, as appropriate,
17 in writing, of any contribution received by the committee
18 during the period which begins on the 90th day before an
19 election and ends at the time the polls close for such elec-
20 tion. This notification shall be made within 24 hours (or,
21 if earlier, by midnight of the day on which the contribution
22 is deposited) after the receipt of such contribution and
23 shall include the name of the candidate involved (as appro-
24 priate) and the office sought by the candidate, the identi-

1 fication of the contributor, and the date of receipt and
2 amount of the contribution.”.

3 **TITLE IV—MISCELLANEOUS** 4 **PROVISIONS**

5 **SEC. 401. SEVERABILITY.**

6 If any provision of this Act or amendment made by
7 this Act, or the application of a provision or amendment
8 to any person or circumstance, is held to be unconstitu-
9 tional, the remainder of this Act and amendments made
10 by this Act, and the application of the provisions and
11 amendment to any person or circumstance, shall not be
12 affected by the holding.

13 **SEC. 402. REVIEW OF CONSTITUTIONAL ISSUES.**

14 An appeal may be taken directly to the Supreme
15 Court of the United States from any final judgment, de-
16 cree, or order issued by any court ruling on the constitu-
17 tionality of any provision of this Act or amendment made
18 by this Act.

19 **SEC. 403. EFFECTIVE DATE.**

20 Except as otherwise provided for in this Act, this Act
21 and the amendments made by this Act shall take effect
22 on January 1, 2010.

○