

116TH CONGRESS }  
1st Session } HOUSE OF REPRESENTATIVES { REPORT  
116-

---

---

FOR THE PEOPLE ACT OF 2019

MARCH --, 2019.—Ordered to be printed

Ms. LOFGREN, from the Committee on House Administration,  
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 1]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 1) to expand Americans' access to the ballot box, reduce the influence of big money in politics, and strengthen ethics rules for public servants, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "For the People Act of 2019".

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) DIVISIONS.—This Act is organized into 3 divisions as follows:

- (1) Division A—Voting.
- (2) Division B—Campaign Finance.
- (3) Division C—Ethics.

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—VOTING

TITLE I—ELECTION ACCESS

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

PART 1—PROMOTING INTERNET REGISTRATION

- Sec. 1001. Requiring availability of Internet for voter registration.
- Sec. 1002. Use of Internet to update registration information.
- Sec. 1003. Provision of election information by electronic mail to individuals registered to vote.
- Sec. 1004. Clarification of requirement regarding necessary information to show eligibility to vote.
- Sec. 1005. Effective date.

PART 2—AUTOMATIC VOTER REGISTRATION

- Sec. 1011. Short title; findings and purpose.
- Sec. 1012. Automatic registration of eligible individuals.
- Sec. 1013. Contributing agency assistance in registration.
- Sec. 1014. One-time contributing agency assistance in registration of eligible voters in existing records.
- Sec. 1015. Voter protection and security in automatic registration.
- Sec. 1016. Registration portability and correction.
- Sec. 1017. Payments and grants.
- Sec. 1018. Treatment of exempt States.
- Sec. 1019. Miscellaneous provisions.
- Sec. 1020. Definitions.
- Sec. 1021. Effective date.

PART 3—SAME DAY VOTER REGISTRATION

- Sec. 1031. Same day registration.

PART 4—CONDITIONS ON REMOVAL ON BASIS OF INTERSTATE CROSS-CHECKS

- Sec. 1041. Conditions on removal of registrants from official list of eligible voters on basis of interstate cross-checks.

PART 5—OTHER INITIATIVES TO PROMOTE VOTER REGISTRATION

- Sec. 1051. Annual reports on voter registration statistics.

PART 6—AVAILABILITY OF HAVA REQUIREMENTS PAYMENTS

- Sec. 1061. Availability of requirements payments under HAVA to cover costs of compliance with new requirements.

PART 7—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

- Sec. 1071. [Reserved].
- Sec. 1072. Establishment of best practices.

Subtitle B—Access to Voting for Individuals With Disabilities

- Sec. 1101. Requirements for States to promote access to voter registration and voting for individuals with disabilities.
- Sec. 1102. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.

Subtitle C—Prohibiting Voter Caging

- Sec. 1201. [Reserved].
- Sec. 1202. Development and adoption of best practices for preventing voter caging.

Subtitle D—[Reserved]

Subtitle E—[Reserved]

Subtitle F—Promoting Accuracy, Integrity, and Security Through Voter-Verified Permanent Paper Ballot

- Sec. 1501. Short title.
- Sec. 1502. Paper ballot and manual counting requirements.
- Sec. 1503. Accessibility and ballot verification for individuals with disabilities.
- Sec. 1504. Durability and readability requirements for ballots.
- Sec. 1505. Effective date for new requirements.

Subtitle G—Provisional Ballots

- Sec. 1601. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards.

Subtitle H—Early Voting

- Sec. 1611. Early voting.

Subtitle I—Voting by Mail

- Sec. 1621. Voting by Mail.

Subtitle J—Absent Uniformed Services Voters and Overseas Voters

- Sec. 1701. Pre-election reports on availability and transmission of absentee ballots.
- Sec. 1702. Enforcement.
- Sec. 1703. Revisions to 45-day absentee ballot transmission rule.
- Sec. 1704. Use of single absentee ballot application for subsequent elections.
- Sec. 1705. Effective date.

Subtitle K—Poll Worker Recruitment and Training

- Sec. 1801. [Reserved].

- Sec. 1802. Grants to States for poll worker recruitment and training.
- Sec. 1803. State defined.

Subtitle L—Enhancement of Enforcement

- Sec. 1811. Enhancement of enforcement of Help America Vote Act of 2002.

Subtitle M—Federal Election Integrity

- Sec. 1821. Prohibition on campaign activities by chief State election administration officials.

Subtitle N—Promoting Voter Access Through Election Administration Improvements

PART 1—PROMOTING VOTER ACCESS

- Sec. 1901. Treatment of institutions of higher education.
- Sec. 1902. Minimum notification requirements for voters affected by polling place changes.
- Sec. 1903. [Reserved].
- Sec. 1904. Permitting use of sworn written statement to meet identification requirements for voting.
- Sec. 1905. [Reserved].
- Sec. 1906. Reimbursement for costs incurred by States in establishing program to track and confirm receipt of absentee ballots.
- Sec. 1907. Voter information response systems and hotline.

PART 2—IMPROVEMENTS IN OPERATION OF ELECTION ASSISTANCE COMMISSION

- Sec. 1911. Reauthorization of Election Assistance Commission.
- Sec. 1913. Requiring states to participate in post-general election surveys.
- Sec. 1914. Reports by National Institute of Standards and Technology on use of funds transferred from Election Assistance Commission.
- Sec. 1915. Recommendations to improve operations of Election Assistance Commission.
- Sec. 1916. Repeal of exemption of Election Assistance Commission from certain government contracting requirements.

PART 3—MISCELLANEOUS PROVISIONS

- Sec. 1921. Application of laws to Commonwealth of Northern Mariana Islands.
- Sec. 1922. No effect on other laws.

Subtitle O—Severability

- Sec. 1931. Severability.

TITLE II—ELECTION INTEGRITY

Subtitle A—[Reserved]

Subtitle B—[Reserved]

Subtitle C—[Reserved]

Subtitle D—[Reserved]

Subtitle E—[Reserved]

Subtitle F—Saving Eligible Voters From Voter Purging

- Sec. 2501. Short title.
- Sec. 2502. Conditions for removal of voters from list of registered voters.

Subtitle G—No Effect on Authority of States to Provide Greater Opportunities for Voting

- Sec. 2601. No effect on authority of States to provide greater opportunities for voting.

Subtitle H—Severability

- Sec. 2701. Severability.

TITLE III—ELECTION SECURITY

- Sec. 3000. Short title; sense of Congress.

Subtitle A—Financial Support for Election Infrastructure

PART 1—VOTING SYSTEM SECURITY IMPROVEMENT GRANTS

- Sec. 3001. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.
- Sec. 3002. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.
- Sec. 3003. Incorporation of definitions.

PART 2—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

- Sec. 3011. Grants to States for conducting risk-limiting audits of results of elections.
- Sec. 3012. GAO analysis of effects of audits.

PART 3—[RESERVED]

Subtitle B—Security Measures

- Sec. 3101. Election infrastructure designation.

- Sec. 3102. Timely threat information.
- Sec. 3103. Security clearance assistance for election officials.
- Sec. 3104. Security risk and vulnerability assessments.
- Sec. 3105. Annual reports.

Subtitle C—Enhancing Protections for United States Democratic Institutions

- Sec. 3201. National strategy to protect United States democratic institutions.
- Sec. 3202. National Commission to Protect United States Democratic Institutions.

Subtitle D—Promoting Cybersecurity Through Improvements in Election Administration

- Sec. 3301. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.
- Sec. 3302. Treatment of electronic poll books as part of voting systems.
- Sec. 3303. Pre-election reports on voting system usage.
- Sec. 3304. Streamlining collection of election information.

Subtitle E—Preventing Election Hacking

- Sec. 3401. Short title.
- Sec. 3402. Election Security Bug Bounty Program.
- Sec. 3403. Definitions.

Subtitle F—Miscellaneous Provisions

- Sec. 3501. Definitions.
- Sec. 3502. Initial report on adequacy of resources available for implementation.

Subtitle G—Severability

- Sec. 3601. Severability.

DIVISION B—CAMPAIGN FINANCE

TITLE IV—CAMPAIGN FINANCE TRANSPARENCY

Subtitle A—Findings Relating to Illicit Money Undermining Our Democracy

- Sec. 4001. Findings relating to illicit money undermining our democracy.

Subtitle B—DISCLOSE Act

- Sec. 4100. Short title.

PART 1—REGULATION OF CERTAIN POLITICAL SPENDING

- Sec. 4101. Application of ban on contributions and expenditures by foreign nationals to domestic corporations, limited liability corporations, and partnerships that are foreign-controlled, foreign-influenced, and foreign-owned.
- Sec. 4102. Clarification of application of foreign money ban to certain disbursements and activities.

PART 2—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

- Sec. 4111. Reporting of campaign-related disbursements.
- Sec. 4112. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.
- Sec. 4113. Effective date.

PART 3—OTHER ADMINISTRATIVE REFORMS

- Sec. 4121. Petition for certiorari.
- Sec. 4122. Judicial review of actions related to campaign finance laws.

Subtitle C—Honest Ads

- Sec. 4201. Short title.
- Sec. 4202. Purpose.
- Sec. 4203. Findings.
- Sec. 4204. Sense of Congress.
- Sec. 4205. Expansion of definition of public communication.
- Sec. 4206. Expansion of definition of electioneering communication.
- Sec. 4207. Application of disclaimer statements to online communications.
- Sec. 4208. Political record requirements for online platforms.
- Sec. 4209. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.

Subtitle D—Stand By Every Ad

- Sec. 4301. Short title.
- Sec. 4302. Stand By Every Ad.
- Sec. 4303. Disclaimer requirements for communications made through prerecorded telephone calls.
- Sec. 4304. No expansion of persons subject to disclaimer requirements on Internet communications.
- Sec. 4305. Effective date.

Subtitle E—[Reserved]

Subtitle F—[Reserved]

Subtitle G—[Reserved]

Subtitle H—Limitation and Disclosure Requirements for Presidential Inaugural Committees

- Sec. 4701. Short title.
- Sec. 4702. Limitations and disclosure of certain donations to, and disbursements by, Inaugural Committees.

Subtitle I—Severability

Sec. 4801. Severability.

TITLE V—CAMPAIGN FINANCE EMPOWERMENT

Subtitle A—Findings Relating to *Citizens United* Decision

Sec. 5001. Findings relating to *Citizens United* decision.

Subtitle B—Congressional Elections

Sec. 5100. Short title.

PART 1—MY VOICE VOUCHER PILOT PROGRAM

Sec. 5101. Establishment of pilot program.

Sec. 5102. Voucher program described.

Sec. 5103. Reports.

Sec. 5104. Definitions.

PART 2—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

Sec. 5111. Benefits and eligibility requirements for candidates.

“TITLE V—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

“Subtitle A—Benefits

“Sec. 501. Benefits for participating candidates.

“Sec. 502. Procedures for making payments.

“Sec. 503. Use of funds.

“Sec. 504. Qualified small dollar contributions described.

“Subtitle B—Eligibility and Certification

“Sec. 511. Eligibility.

“Sec. 512. Qualifying requirements.

“Sec. 513. Certification.

““Subtitle C—Requirements for Candidates Certified as Participating Candidates

“Sec. 521. Contribution and expenditure requirements.

“Sec. 522. Administration of campaign.

“Sec. 523. Preventing unnecessary spending of public funds.

“Sec. 524. Remitting unspent funds after election.

““Subtitle D—Enhanced Match Support

“Sec. 531. Enhanced support for general election.

“Sec. 532. Eligibility.

“Sec. 533. Amount.

“Sec. 534. Waiver of authority to retain portion of unspent funds after election.

““Subtitle E—Administrative Provisions

“Sec. 541. Freedom From Influence Fund.

“Sec. 542. Reviews and reports by Government Accountability Office.

“Sec. 543. Administration by Commission.

“Sec. 544. Violations and penalties.

“Sec. 545. Appeals process.

“Sec. 546. Indexing of amounts.”

“Sec. 547. Election cycle defined.”

Sec. 5112. Contributions and expenditures by multicandidate and political party committees on behalf of participating candidates.

Sec. 5113. Prohibiting use of contributions by participating candidates for purposes other than campaign for election.

Sec. 5114. Effective date.

Subtitle C—Presidential Elections

Sec. 5200. Short title.

PART 1—PRIMARY ELECTIONS

Sec. 5201. Increase in and modifications to matching payments.

Sec. 5202. Eligibility requirements for matching payments.

Sec. 5203. Repeal of expenditure limitations.

Sec. 5204. Period of availability of matching payments.

Sec. 5205. Examination and audits of matchable contributions.

Sec. 5206. Modification to limitation on contributions for Presidential primary candidates.

Sec. 5207. Use of Freedom From Influence Fund as source of payments.

PART 2—GENERAL ELECTIONS

Sec. 5211. Modification of eligibility requirements for public financing.

Sec. 5212. Repeal of expenditure limitations and use of qualified campaign contributions.

Sec. 5213. Matching payments and other modifications to payment amounts.

Sec. 5214. Increase in limit on coordinated party expenditures.

Sec. 5215. Establishment of uniform date for release of payments.

Sec. 5216. Amounts in Presidential Election Campaign Fund.

Sec. 5217. Use of general election payments for general election legal and accounting compliance.

Sec. 5218. Use of Freedom From Influence Fund as source of payments.

PART 3—EFFECTIVE DATE

Sec. 5221. Effective date.

Subtitle D—Personal Use Services as Authorized Campaign Expenditures

Sec. 5301. Short title; findings; purpose.

Sec. 5302. Treatment of payments for child care and other personal use services as authorized campaign expenditure.

Subtitle E—Severability

Sec. 5401. Severability.

TITLE VI—CAMPAIGN FINANCE OVERSIGHT

Subtitle A—Restoring Integrity to America's Elections

Sec. 6001. Short title.

Sec. 6002. Membership of Federal Election Commission.

Sec. 6003. Assignment of powers to Chair of Federal Election Commission.

Sec. 6004. Revision to enforcement process.

Sec. 6005. Permitting appearance at hearings on requests for advisory opinions by persons opposing the requests.

Sec. 6006. Permanent extension of administrative penalty authority.

Sec. 6007. Restrictions on ex parte communications.

Sec. 6008. Effective date; transition.

Subtitle B—Stopping Super PAC-Candidate Coordination

Sec. 6101. Short title.

Sec. 6102. Clarification of treatment of coordinated expenditures as contributions to candidates.

Sec. 6103. Clarification of ban on fundraising for super PACs by Federal candidates and officeholders.

Subtitle C—Severability

Sec. 6201. Severability.

DIVISION C—ETHICS

TITLE VII—[RESERVED]

TITLE VIII—[RESERVED]

TITLE IX—CONGRESSIONAL ETHICS REFORM

Subtitle A—Requiring Members of Congress to Reimburse Treasury for Amounts Paid as Settlements and Awards Under Congressional Accountability Act of 1995

Sec. 9001. Requiring Members of Congress to reimburse Treasury for amounts paid as settlements and awards under Congressional Accountability Act of 1995 in all cases of employment discrimination acts by Members.

Subtitle B—Conflicts of Interests

Sec. 9101. [Reserved].

Sec. 9102. Conflict of interest rules for Members of Congress and congressional staff.

Sec. 9103. Exercise of rulemaking powers.

Subtitle C—Campaign Finance and Lobbying Disclosure

Sec. 9201. Short title.

Sec. 9202. Requiring disclosure in certain reports filed with Federal Election Commission of persons who are registered lobbyists.

Sec. 9203. Effective date.

Subtitle D—Access to Congressionally Mandated Reports

Sec. 9301. Short title.

Sec. 9302. Definitions.

Sec. 9303. Establishment of online portal for congressionally mandated reports.

Sec. 9304. Federal agency responsibilities.

Sec. 9305. Removing and altering reports.

Sec. 9306. Relationship to the Freedom of Information Act.

Sec. 9307. Implementation.

Subtitle E—Severability

Sec. 9401. Severability.

TITLE X—[RESERVED]

**DIVISION A—VOTING**

**TITLE I—ELECTION ACCESS**

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

PART 1—PROMOTING INTERNET REGISTRATION

Sec. 1001. Requiring availability of Internet for voter registration.  
Sec. 1002. Use of Internet to update registration information.  
Sec. 1003. Provision of election information by electronic mail to individuals registered to vote.  
Sec. 1004. Clarification of requirement regarding necessary information to show eligibility to vote.  
Sec. 1005. Effective date.

PART 2—AUTOMATIC VOTER REGISTRATION

Sec. 1011. Short title; findings and purpose.  
Sec. 1012. Automatic registration of eligible individuals.  
Sec. 1013. Contributing agency assistance in registration.  
Sec. 1014. One-time contributing agency assistance in registration of eligible voters in existing records.  
Sec. 1015. Voter protection and security in automatic registration.  
Sec. 1016. Registration portability and correction.  
Sec. 1017. Payments and grants.  
Sec. 1018. Treatment of exempt States.  
Sec. 1019. Miscellaneous provisions.  
Sec. 1020. Definitions.  
Sec. 1021. Effective date.

PART 3—SAME DAY VOTER REGISTRATION

Sec. 1031. Same day registration.

PART 4—CONDITIONS ON REMOVAL ON BASIS OF INTERSTATE CROSS-CHECKS

Sec. 1041. Conditions on removal of registrants from official list of eligible voters on basis of interstate cross-checks.

PART 5—OTHER INITIATIVES TO PROMOTE VOTER REGISTRATION

Sec. 1051. Annual reports on voter registration statistics.

PART 6—AVAILABILITY OF HAVA REQUIREMENTS PAYMENTS

Sec. 1061. Availability of requirements payments under HAVA to cover costs of compliance with new requirements.

PART 7—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

Sec. 1071. [Reserved].  
Sec. 1072. Establishment of best practices.

Subtitle B—Access to Voting for Individuals With Disabilities

Sec. 1101. Requirements for States to promote access to voter registration and voting for individuals with disabilities.  
Sec. 1102. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.

Subtitle C—Prohibiting Voter Caging

Sec. 1201. [Reserved].  
Sec. 1202. Development and adoption of best practices for preventing voter caging.

Subtitle D—[Reserved]

Subtitle E—[Reserved]

Subtitle F—Promoting Accuracy, Integrity, and Security Through Voter-Verified Permanent Paper Ballot

Sec. 1501. Short title.  
Sec. 1502. Paper ballot and manual counting requirements.  
Sec. 1503. Accessibility and ballot verification for individuals with disabilities.  
Sec. 1504. Durability and readability requirements for ballots.  
Sec. 1505. Effective date for new requirements.

Subtitle G—Provisional Ballots

Sec. 1601. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards.

Subtitle H—Early Voting

Sec. 1611. Early voting.

Subtitle I—Voting by Mail

Sec. 1621. Voting by Mail.

Subtitle J—Absent Uniformed Services Voters and Overseas Voters

Sec. 1701. Pre-election reports on availability and transmission of absentee ballots.  
Sec. 1702. Enforcement.  
Sec. 1703. Revisions to 45-day absentee ballot transmission rule.  
Sec. 1704. Use of single absentee ballot application for subsequent elections.  
Sec. 1705. Effective date.

Subtitle K—Poll Worker Recruitment and Training

- Sec. 1801. [Reserved].
- Sec. 1802. Grants to States for poll worker recruitment and training.
- Sec. 1803. State defined.

Subtitle L—Enhancement of Enforcement

- Sec. 1811. Enhancement of enforcement of Help America Vote Act of 2002.

Subtitle M—Federal Election Integrity

- Sec. 1821. Prohibition on campaign activities by chief State election administration officials.

Subtitle N—Promoting Voter Access Through Election Administration Improvements

PART 1—PROMOTING VOTER ACCESS

- Sec. 1901. Treatment of institutions of higher education.
- Sec. 1902. Minimum notification requirements for voters affected by polling place changes.
- Sec. 1903. [Reserved].
- Sec. 1904. Permitting use of sworn written statement to meet identification requirements for voting.
- Sec. 1905. [Reserved].
- Sec. 1906. Reimbursement for costs incurred by States in establishing program to track and confirm receipt of absentee ballots.
- Sec. 1907. Voter information response systems and hotline.

PART 2—IMPROVEMENTS IN OPERATION OF ELECTION ASSISTANCE COMMISSION

- Sec. 1911. Reauthorization of Election Assistance Commission.
- Sec. 1913. Requiring states to participate in post-general election surveys.
- Sec. 1914. Reports by National Institute of Standards and Technology on use of funds transferred from Election Assistance Commission.
- Sec. 1915. Recommendations to improve operations of Election Assistance Commission.
- Sec. 1916. Repeal of exemption of Election Assistance Commission from certain government contracting requirements.

PART 3—MISCELLANEOUS PROVISIONS

- Sec. 1921. Application of laws to Commonwealth of Northern Mariana Islands.
- Sec. 1922. No effect on other laws.

Subtitle O—Severability

- Sec. 1931. Severability.

**SEC. 1000. SHORT TITLE; STATEMENT OF POLICY.**

(a) **SHORT TITLE.**—This title may be cited as the “Voter Empowerment Act of 2019”.

(b) **STATEMENT OF POLICY.**—It is the policy of the United States that—

(1) all eligible citizens of the United States should access and exercise their constitutional right to vote in a free, fair, and timely manner; and

(2) the integrity, security, and accountability of the voting process must be vigilantly protected, maintained, and enhanced in order to protect and preserve electoral and participatory democracy in the United States.

## **Subtitle A—Voter Registration Modernization**

**SEC. 1000A. SHORT TITLE.**

This subtitle may be cited as the “Voter Registration Modernization Act of 2019”.

### **PART 1—PROMOTING INTERNET REGISTRATION**

**SEC. 1001. REQUIRING AVAILABILITY OF INTERNET FOR VOTER REGISTRATION.**

(a) **REQUIRING AVAILABILITY OF INTERNET FOR REGISTRATION.**—The National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) is amended by inserting after section 6 the following new section:

**“SEC. 6A. INTERNET REGISTRATION.**

“(a) **REQUIRING AVAILABILITY OF INTERNET FOR ONLINE REGISTRATION.**—

“(1) **AVAILABILITY OF ONLINE REGISTRATION AND CORRECTION OF EXISTING REGISTRATION INFORMATION.**—Each State, acting through the chief State election official, shall ensure that the following services are available to the public at any time on the official public websites of the appropriate State and local election officials in the State, in the same manner and subject to the same terms and conditions as the services provided by voter registration agencies under section 7(a):



- “(A) Online application for voter registration.
  - “(B) Online assistance to applicants in applying to register to vote.
  - “(C) Online completion and submission by applicants of the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2), including assistance with providing a signature as required under subsection (c).
  - “(D) Online receipt of completed voter registration applications.
- “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—A State shall accept an online voter registration application provided by an individual under this section, and ensure that the individual is registered to vote in the State, if—
- “(1) the individual meets the same voter registration requirements applicable to individuals who register to vote by mail in accordance with section 6(a)(1) using the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2); and
  - “(2) the individual meets the requirements of subsection (c) to provide a signature in electronic form (but only in the case of applications submitted during or after the second year in which this section is in effect in the State).
- “(c) SIGNATURE REQUIREMENTS.—
- “(1) IN GENERAL.—For purposes of this section, an individual meets the requirements of this subsection as follows:
    - “(A) In the case of an individual who has a signature on file with a State agency, including the State motor vehicle authority, that is required to provide voter registration services under this Act or any other law, the individual consents to the transfer of that electronic signature.
    - “(B) If subparagraph (A) does not apply, the individual submits with the application an electronic copy of the individual’s handwritten signature through electronic means.
    - “(C) If subparagraph (A) and subparagraph (B) do not apply, the individual executes a computerized mark in the signature field on an online voter registration application, in accordance with reasonable security measures established by the State, but only if the State accepts such mark from the individual.
  - “(2) TREATMENT OF INDIVIDUALS UNABLE TO MEET REQUIREMENT.—If an individual is unable to meet the requirements of paragraph (1), the State shall—
    - “(A) permit the individual to complete all other elements of the online voter registration application;
    - “(B) permit the individual to provide a signature at the time the individual requests a ballot in an election (whether the individual requests the ballot at a polling place or requests the ballot by mail); and
    - “(C) if the individual carries out the steps described in subparagraph (A) and subparagraph (B), ensure that the individual is registered to vote in the State.
  - “(3) NOTICE.—The State shall ensure that individuals applying to register to vote online are notified of the requirements of paragraph (1) and of the treatment of individuals unable to meet such requirements, as described in paragraph (2).
- “(d) CONFIRMATION AND DISPOSITION.—
- “(1) CONFIRMATION OF RECEIPT.—Upon the online submission of a completed voter registration application by an individual under this section, the appropriate State or local election official shall send the individual a notice confirming the State’s receipt of the application and providing instructions on how the individual may check the status of the application.
  - “(2) NOTICE OF DISPOSITION.—Not later than 7 days after the appropriate State or local election official has approved or rejected an application submitted by an individual under this section, the official shall send the individual a notice of the disposition of the application.
  - “(3) METHOD OF NOTIFICATION.—The appropriate State or local election official shall send the notices required under this subsection by regular mail, and, in the case of an individual who has provided the official with an electronic mail address, by both electronic mail and regular mail.
- “(e) PROVISION OF SERVICES IN NONPARTISAN MANNER.—The services made available under subsection (a) shall be provided in a manner that ensures that, consistent with section 7(a)(5)—
- “(1) the online application does not seek to influence an applicant’s political preference or party registration; and

“(2) there is no display on the website promoting any political preference or party allegiance, except that nothing in this paragraph may be construed to prohibit an applicant from registering to vote as a member of a political party.

“(f) PROTECTION OF SECURITY OF INFORMATION.—In meeting the requirements of this section, the State shall establish appropriate technological security measures to prevent to the greatest extent practicable any unauthorized access to information provided by individuals using the services made available under subsection (a).

“(g) ACCESSIBILITY OF SERVICES.—A state shall ensure that the services made available under this section are made available to individuals with disabilities to the same extent as services are made available to all other individuals.

“(h) USE OF ADDITIONAL TELEPHONE-BASED SYSTEM.—A State shall make the services made available online under subsection (a) available through the use of an automated telephone-based system, subject to the same terms and conditions applicable under this section to the services made available online, in addition to making the services available online in accordance with the requirements of this section.

“(i) NONDISCRIMINATION AMONG REGISTERED VOTERS USING MAIL AND ONLINE REGISTRATION.—In carrying out this Act, the Help America Vote Act of 2002, or any other Federal, State, or local law governing the treatment of registered voters in the State or the administration of elections for public office in the State, a State shall treat a registered voter who registered to vote online in accordance with this section in the same manner as the State treats a registered voter who registered to vote by mail.”

(b) SPECIAL REQUIREMENTS FOR INDIVIDUALS USING ONLINE REGISTRATION.—

(1) TREATMENT AS INDIVIDUALS REGISTERING TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME VOTER IDENTIFICATION REQUIREMENTS.—Section 303(b)(1)(A) of the Help America Vote Act of 2002 (52 U.S.C. 21083(b)(1)(A)) is amended by striking “by mail” and inserting “by mail or online under section 6A of the National Voter Registration Act of 1993”.

(2) REQUIRING SIGNATURE FOR FIRST-TIME VOTERS IN JURISDICTION.—Section 303(b) of such Act (52 U.S.C. 21083(b)) is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph:

“(5) SIGNATURE REQUIREMENTS FOR FIRST-TIME VOTERS USING ONLINE REGISTRATION.—

“(A) IN GENERAL.—A State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of subparagraph

(B) if—

“(i) the individual registered to vote in the State online under section 6A of the National Voter Registration Act of 1993; and

“(ii) the individual has not previously voted in an election for Federal office in the State.

“(B) REQUIREMENTS.—An individual meets the requirements of this subparagraph if—

“(i) in the case of an individual who votes in person, the individual provides the appropriate State or local election official with a handwritten signature; or

“(ii) in the case of an individual who votes by mail, the individual submits with the ballot a handwritten signature.

“(C) INAPPLICABILITY.—Subparagraph (A) does not apply in the case of an individual who is—

“(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302 et seq.);

“(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. 20102(b)(2)(B)(ii)); or

“(iii) entitled to vote otherwise than in person under any other Federal law.”

(3) CONFORMING AMENDMENT RELATING TO EFFECTIVE DATE.—Section 303(d)(2)(A) of such Act (52 U.S.C. 21083(d)(2)(A)) is amended by striking “Each State” and inserting “Except as provided in subsection (b)(5), each State”.

(c) CONFORMING AMENDMENTS.—

(1) TIMING OF REGISTRATION.—Section 8(a)(1) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)(1)) is amended—

(A) by striking “and” at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) in the case of online registration through the official public website of an election official under section 6A, if the valid voter registration application is submitted online not later than the lesser of 30 days, or the period provided by State law, before the date of the election (as determined by treating the date on which the application is sent electronically as the date on which it is submitted); and”.

(2) INFORMING APPLICANTS OF ELIGIBILITY REQUIREMENTS AND PENALTIES.—Section 8(a)(5) of such Act (52 U.S.C. 20507(a)(5)) is amended by striking “and 7” and inserting “6A, and 7”.

**SEC. 1002. USE OF INTERNET TO UPDATE REGISTRATION INFORMATION.**

(a) IN GENERAL.—

(1) UPDATES TO INFORMATION CONTAINED ON COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST.—Section 303(a) of the Help America Vote Act of 2002 (52 U.S.C. 21083(a)) is amended by adding at the end the following new paragraph:

“(6) USE OF INTERNET BY REGISTERED VOTERS TO UPDATE INFORMATION.—

“(A) IN GENERAL.—The appropriate State or local election official shall ensure that any registered voter on the computerized list may at any time update the voter’s registration information, including the voter’s address and electronic mail address, online through the official public website of the election official responsible for the maintenance of the list, so long as the voter attests to the contents of the update by providing a signature in electronic form in the same manner required under section 6A(c) of the National Voter Registration Act of 1993.

“(B) PROCESSING OF UPDATED INFORMATION BY ELECTION OFFICIALS.—If a registered voter updates registration information under subparagraph (A), the appropriate State or local election official shall—

“(i) revise any information on the computerized list to reflect the update made by the voter; and

“(ii) if the updated registration information affects the voter’s eligibility to vote in an election for Federal office, ensure that the information is processed with respect to the election if the voter updates the information not later than the lesser of 7 days, or the period provided by State law, before the date of the election.

“(C) CONFIRMATION AND DISPOSITION.—

“(i) CONFIRMATION OF RECEIPT.—Upon the online submission of updated registration information by an individual under this paragraph, the appropriate State or local election official shall send the individual a notice confirming the State’s receipt of the updated information and providing instructions on how the individual may check the status of the update.

“(ii) NOTICE OF DISPOSITION.—Not later than 7 days after the appropriate State or local election official has accepted or rejected updated information submitted by an individual under this paragraph, the official shall send the individual a notice of the disposition of the update.

“(iii) METHOD OF NOTIFICATION.—The appropriate State or local election official shall send the notices required under this subparagraph by regular mail, and, in the case of an individual who has requested that the State provide voter registration and voting information through electronic mail, by both electronic mail and regular mail.”.

(2) CONFORMING AMENDMENT RELATING TO EFFECTIVE DATE.—Section 303(d)(1)(A) of such Act (52 U.S.C. 21083(d)(1)(A)) is amended by striking “subparagraph (B)” and inserting “subparagraph (B) and subsection (a)(6)”.

(b) ABILITY OF REGISTRANT TO USE ONLINE UPDATE TO PROVIDE INFORMATION ON RESIDENCE.—Section 8(d)(2)(A) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

(1) in the first sentence, by inserting after “return the card” the following: “or update the registrant’s information on the computerized Statewide voter registration list using the online method provided under section 303(a)(6) of the Help America Vote Act of 2002”; and

(2) in the second sentence, by striking “returned,” and inserting the following: “returned or if the registrant does not update the registrant’s information on the computerized Statewide voter registration list using such online method.”.

**SEC. 1003. PROVISION OF ELECTION INFORMATION BY ELECTRONIC MAIL TO INDIVIDUALS REGISTERED TO VOTE.**

(a) INCLUDING OPTION ON VOTER REGISTRATION APPLICATION TO PROVIDE E-MAIL ADDRESS AND RECEIVE INFORMATION.—

(1) IN GENERAL.—Section 9(b) of the National Voter Registration Act of 1993 (52 U.S.C. 20508(b)) is amended—

- (A) by striking “and” at the end of paragraph (3);
- (B) by striking the period at the end of paragraph (4) and inserting “; and”;
- (C) by adding at the end the following new paragraph:

“(5) shall include a space for the applicant to provide (at the applicant’s option) an electronic mail address, together with a statement that, if the applicant so requests, instead of using regular mail the appropriate State and local election officials shall provide to the applicant, through electronic mail sent to that address, the same voting information (as defined in section 302(b)(2) of the Help America Vote Act of 2002) which the officials would provide to the applicant through regular mail.”

(2) PROHIBITING USE FOR PURPOSES UNRELATED TO OFFICIAL DUTIES OF ELECTION OFFICIALS.—Section 9 of such Act (52 U.S.C. 20508) is amended by adding at the end the following new subsection:

“(c) PROHIBITING USE OF ELECTRONIC MAIL ADDRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The chief State election official shall ensure that any electronic mail address provided by an applicant under subsection (b)(5) is used only for purposes of carrying out official duties of election officials and is not transmitted by any State or local election official (or any agent of such an official, including a contractor) to any person who does not require the address to carry out such official duties and who is not under the direct supervision and control of a State or local election official.”

(b) REQUIRING PROVISION OF INFORMATION BY ELECTION OFFICIALS.—Section 302(b) of the Help America Vote Act of 2002 (52 U.S.C. 21082(b)) is amended by adding at the end the following new paragraph:

“(3) PROVISION OF OTHER INFORMATION BY ELECTRONIC MAIL.—If an individual who is a registered voter has provided the State or local election official with an electronic mail address for the purpose of receiving voting information (as described in section 9(b)(5) of the National Voter Registration Act of 1993), the appropriate State or local election official, through electronic mail transmitted not later than 7 days before the date of the election for Federal office involved, shall provide the individual with information on how to obtain the following information by electronic means:

- “(A) The name and address of the polling place at which the individual is assigned to vote in the election.
- “(B) The hours of operation for the polling place.
- “(C) A description of any identification or other information the individual may be required to present at the polling place.”

**SEC. 1004. CLARIFICATION OF REQUIREMENT REGARDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.**

Section 8 of the National Voter Registration Act of 1993 (52 U.S.C. 20507) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

“(j) REQUIREMENT FOR STATE TO REGISTER APPLICANTS PROVIDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.—For purposes meeting the requirement of subsection (a)(1) that an eligible applicant is registered to vote in an election for Federal office within the deadlines required under such subsection, the State shall consider an applicant to have provided a ‘valid voter registration form’ if—

“(1) the applicant has substantially completed the application form and attested to the statement required by section 9(b)(2); and

“(2) in the case of an applicant who registers to vote online in accordance with section 6A, the applicant provides a signature in accordance with subsection (c) of such section.”

**SEC. 1005. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this part (other than the amendments made by section 1004) shall take effect January 1, 2020.

(b) **WAIVER.**—Subject to the approval of the Election Assistance Commission, if a State certifies to the Election Assistance Commission that the State will not meet the deadline referred to in subsection (a) because of extraordinary circumstances and includes in the certification the reasons for the failure to meet the deadline, subsection (a) shall apply to the State as if the reference in such subsection to “January 1, 2020” were a reference to “January 1, 2022”.

## **PART 2—AUTOMATIC VOTER REGISTRATION**

### **SEC. 1011. SHORT TITLE; FINDINGS AND PURPOSE.**

(a) **SHORT TITLE.**—This part may be cited as the “Automatic Voter Registration Act of 2019”.

(b) **FINDINGS AND PURPOSE.**—

(1) **FINDINGS.**—Congress finds that—

(A) the right to vote is a fundamental right of citizens of the United States;

(B) it is the responsibility of the State and Federal Governments to ensure that every eligible citizen is registered to vote;

(C) existing voter registration systems can be inaccurate, costly, inaccessible and confusing, with damaging effects on voter participation in elections and disproportionate impacts on young people, persons with disabilities, and racial and ethnic minorities; and

(D) voter registration systems must be updated with 21st Century technologies and procedures to maintain their security.

(2) **PURPOSE.**—It is the purpose of this part—

(A) to establish that it is the responsibility of government at every level to ensure that all eligible citizens are registered to vote;

(B) to enable the State and Federal Governments to register all eligible citizens to vote with accurate, cost-efficient, and up-to-date procedures;

(C) to modernize voter registration and list maintenance procedures with electronic and Internet capabilities; and

(D) to protect and enhance the integrity, accuracy, efficiency, and accessibility of the electoral process for all eligible citizens.

### **SEC. 1012. AUTOMATIC REGISTRATION OF ELIGIBLE INDIVIDUALS.**

(a) **REQUIRING STATES TO ESTABLISH AND OPERATE AUTOMATIC REGISTRATION SYSTEM.**—

(1) **IN GENERAL.**—The chief State election official of each State shall establish and operate a system of automatic registration for the registration of eligible individuals to vote for elections for Federal office in the State, in accordance with the provisions of this part.

(2) **DEFINITION.**—The term “automatic registration” means a system that registers an individual to vote in elections for Federal office in a State, if eligible, by electronically transferring the information necessary for registration from government agencies to election officials of the State so that, unless the individual affirmatively declines to be registered, the individual will be registered to vote in such elections.

(b) **REGISTRATION OF VOTERS BASED ON NEW AGENCY RECORDS.**—The chief State election official shall—

(1) not later than 15 days after a contributing agency has transmitted information with respect to an individual pursuant to section 1013, ensure that the individual is registered to vote in elections for Federal office in the State if the individual is eligible to be registered to vote in such elections; and

(2) not later than 120 days after a contributing agency has transmitted such information with respect to the individual, send written notice to the individual, in addition to other means of notice established by this part, of the individual’s voter registration status.

(c) **ONE-TIME REGISTRATION OF VOTERS BASED ON EXISTING CONTRIBUTING AGENCY RECORDS.**—The chief State election official shall—

(1) identify all individuals whose information is transmitted by a contributing agency pursuant to section 1014 and who are eligible to be, but are not currently, registered to vote in that State;

(2) promptly send each such individual written notice, in addition to other means of notice established by this part, which shall not identify the contributing agency that transmitted the information but shall include—

(A) an explanation that voter registration is voluntary, but if the individual does not decline registration, the individual will be registered to vote;

(B) a statement offering the opportunity to decline voter registration through means consistent with the requirements of this part;

(C) in the case of a State in which affiliation or enrollment with a political party is required in order to participate in an election to select the party's candidate in an election for Federal office, a statement offering the individual the opportunity to affiliate or enroll with a political party or to decline to affiliate or enroll with a political party, through means consistent with the requirements of this part;

(D) the substantive qualifications of an elector in the State as listed in the mail voter registration application form for elections for Federal office prescribed pursuant to section 9 of the National Voter Registration Act of 1993, the consequences of false registration, and a statement that the individual should decline to register if the individual does not meet all those qualifications;

(E) instructions for correcting any erroneous information; and

(F) instructions for providing any additional information which is listed in the mail voter registration application form for elections for Federal office prescribed pursuant to section 9 of the National Voter Registration Act of 1993;

(3) ensure that each such individual who is eligible to register to vote in elections for Federal office in the State is promptly registered to vote not later than 45 days after the official sends the individual the written notice under paragraph (2), unless, during the 30-day period which begins on the date the election official sends the individual such written notice, the individual declines registration in writing, through a communication made over the Internet, or by an officially-logged telephone communication; and

(4) send written notice to each such individual, in addition to other means of notice established by this part, of the individual's voter registration status.

(d) TREATMENT OF INDIVIDUALS UNDER 18 YEARS OF AGE.—A State may not refuse to treat an individual as an eligible individual for purposes of this part on the grounds that the individual is less than 18 years of age at the time a contributing agency receives information with respect to the individual, so long as the individual is at least 16 years of age at such time.

(e) CONTRIBUTING AGENCY DEFINED.—In this part, the term “contributing agency” means, with respect to a State, an agency listed in section 1013(e).

**SEC. 1013. CONTRIBUTING AGENCY ASSISTANCE IN REGISTRATION.**

(a) IN GENERAL.—In accordance with this part, each contributing agency in a State shall assist the State's chief election official in registering to vote all eligible individuals served by that agency.

(b) REQUIREMENTS FOR CONTRIBUTING AGENCIES.—

(1) INSTRUCTIONS ON AUTOMATIC REGISTRATION.—With each application for service or assistance, and with each related recertification, renewal, or change of address, or, in the case of an institution of higher education, with each registration of a student for enrollment in a course of study, each contributing agency that (in the normal course of its operations) requests individuals to affirm United States citizenship (either directly or as part of the overall application for service or assistance) shall inform each such individual who is a citizen of the United States of the following:

(A) Unless that individual declines to register to vote, or is found ineligible to vote, the individual will be registered to vote or, if applicable, the individual's registration will be updated.

(B) The substantive qualifications of an elector in the State as listed in the mail voter registration application form for elections for Federal office prescribed pursuant to section 9 of the National Voter Registration Act of 1993, the consequences of false registration, and the individual should decline to register if the individual does not meet all those qualifications.

(C) In the case of a State in which affiliation or enrollment with a political party is required in order to participate in an election to select the party's candidate in an election for Federal office, the requirement that the individual must affiliate or enroll with a political party in order to participate in such an election.

(D) Voter registration is voluntary, and neither registering nor declining to register to vote will in any way affect the availability of services or benefits, nor be used for other purposes.

(2) OPPORTUNITY TO DECLINE REGISTRATION REQUIRED.—Each contributing agency shall ensure that each application for service or assistance, and each related recertification, renewal, or change of address, or, in the case of an institution of higher education, each registration of a student for enrollment in a course of study, cannot be completed until the individual is given the opportunity to decline to be registered to vote.

(3) INFORMATION TRANSMITTAL.—Upon the expiration of the 30-day period which begins on the date the contributing agency informs the individual of the information described in paragraph (1), each contributing agency shall electronically transmit to the appropriate State election official, in a format compatible with the statewide voter database maintained under section 303 of the Help America Vote Act of 2002 (52 U.S.C. 21083), the following information, unless during such 30-day period the individual declined to be registered to vote:

- (A) The individual's given name(s) and surname(s).
- (B) The individual's date of birth.
- (C) The individual's residential address.
- (D) Information showing that the individual is a citizen of the United States.
- (E) The date on which information pertaining to that individual was collected or last updated.
- (F) If available, the individual's signature in electronic form.
- (G) Information regarding the individual's affiliation or enrollment with a political party, if the individual provides such information.
- (H) Any additional information listed in the mail voter registration application form for elections for Federal office prescribed pursuant to section 9 of the National Voter Registration Act of 1993, including any valid driver's license number or the last 4 digits of the individual's social security number, if the individual provided such information.

(c) ALTERNATE PROCEDURE FOR CERTAIN CONTRIBUTING AGENCIES.—With each application for service or assistance, and with each related recertification, renewal, or change of address, any contributing agency that in the normal course of its operations does not request individuals applying for service or assistance to affirm United States citizenship (either directly or as part of the overall application for service or assistance) shall—

- (1) complete the requirements of section 7(a)(6) of the National Voter Registration Act of 1993 (52 U.S.C. 20506(a)(6));
- (2) ensure that each applicant's transaction with the agency cannot be completed until the applicant has indicated whether the applicant wishes to register to vote or declines to register to vote in elections for Federal office held in the State; and
- (3) for each individual who wishes to register to vote, transmit that individual's information in accordance with subsection (b)(3).

(d) REQUIRED AVAILABILITY OF AUTOMATIC REGISTRATION OPPORTUNITY WITH EACH APPLICATION FOR SERVICE OR ASSISTANCE.—Each contributing agency shall offer each individual, with each application for service or assistance, and with each related recertification, renewal, or change of address, or in the case of an institution of higher education, with each registration of a student for enrollment in a course of study, the opportunity to register to vote as prescribed by this section without regard to whether the individual previously declined a registration opportunity.

(e) CONTRIBUTING AGENCIES.—

(1) STATE AGENCIES.—In each State, each of the following agencies shall be treated as a contributing agency:

- (A) Each agency in a State that is required by Federal law to provide voter registration services, including the State motor vehicle authority and other voter registration agencies under the National Voter Registration Act of 1993.
- (B) Each agency in a State that administers a program pursuant to title III of the Social Security Act (42 U.S.C. 501 et seq.), title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or the Patient Protection and Affordable Care Act (Public Law 111-148).
- (C) Each State agency primarily responsible for regulating the private possession of firearms.

(D) Each State agency primarily responsible for maintaining identifying information for students enrolled at public secondary schools, including, where applicable, the State agency responsible for maintaining the education data system described in section 6201(e)(2) of the America COMPETES Act (20 U.S.C. 9871(e)(2)).

(E) In the case of a State in which an individual disenfranchised by a criminal conviction may become eligible to vote upon completion of a criminal sentence or any part thereof, or upon formal restoration of rights, the State agency responsible for administering that sentence, or part thereof, or that restoration of rights.

(F) Any other agency of the State which is designated by the State as a contributing agency.

(2) FEDERAL AGENCIES.—In each State, each of the following agencies of the Federal government shall be treated as a contributing agency with respect to individuals who are residents of that State (except as provided in subparagraph (C)):

(A) The Social Security Administration, the Department of Veterans Affairs, the Defense Manpower Data Center of the Department of Defense, the Employee and Training Administration of the Department of Labor, and the Center for Medicare & Medicaid Services of the Department of Health and Human Services.

(B) The Bureau of Citizenship and Immigration Services, but only with respect to individuals who have completed the naturalization process.

(C) In the case of an individual who is a resident of a State in which an individual disenfranchised by a criminal conviction under Federal law may become eligible to vote upon completion of a criminal sentence or any part thereof, or upon formal restoration of rights, the Federal agency responsible for administering that sentence or part thereof (without regard to whether the agency is located in the same State in which the individual is a resident), but only with respect to individuals who have completed the criminal sentence or any part thereof.

(D) Any other agency of the Federal government which the State designates as a contributing agency, but only if the State and the head of the agency determine that the agency collects information sufficient to carry out the responsibilities of a contributing agency under this section.

(3) SPECIAL RULE FOR INSTITUTIONS OF HIGHER EDUCATION.—

(A) SPECIAL RULE.—For purposes of this part, each institution of higher education described in subparagraph (B) shall be treated as a contributing agency in the State in which it is located, except that—

(i) the institution shall be treated as a contributing agency only if, in its normal course of operations, the institution requests each student registering for enrollment in a course of study, including enrollment in a program of distance education, as defined in section 103(7) of the Higher Education Act of 1965 (20 U.S.C. 1003(7)), to affirm whether or not the student is a United States citizen; and

(ii) if the institution is treated as a contributing agency in a State pursuant to clause (i), the institution shall serve as a contributing agency only with respect to students, including students enrolled in a program of distance education, as defined in section 103(7) of the Higher Education Act of 1965 (20 U.S.C. 1003(7)), who reside in the State.

(B) INSTITUTIONS DESCRIBED.—An institution described in this subparagraph is an institution of higher education which has a program participation agreement in effect with the Secretary of Education under section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) and which is located in a State to which section 4(b) of the National Voter Registration Act of 1993 (52 U.S.C. 20503(b)) does not apply.

(4) PUBLICATION.—Not later than 180 days prior to the date of each election for Federal office held in the State, the chief State election official shall publish on the public website of the official an updated list of all contributing agencies in that State.

(5) PUBLIC EDUCATION.—The chief State election official of each State, in collaboration with each contributing agency, shall take appropriate measures to educate the public about voter registration under this section.



**SEC. 1014. ONE-TIME CONTRIBUTING AGENCY ASSISTANCE IN REGISTRATION OF ELIGIBLE VOTERS IN EXISTING RECORDS.**

(a) INITIAL TRANSMITTAL OF INFORMATION.—For each individual already listed in a contributing agency's records as of the date of enactment of this Act, and for whom the agency has the information listed in section 1013(b)(3), the agency shall promptly transmit that information to the appropriate State election official in accordance with section 1013(b)(3) not later than the effective date described in section 1011(a).

(b) TRANSITION.—For each individual listed in a contributing agency's records as of the effective date described in section 1011(a) (but who was not listed in a contributing agency's records as of the date of enactment of this Act), and for whom the agency has the information listed in section 1013(b)(3), the Agency shall promptly transmit that information to the appropriate State election official in accordance with section 1013(b)(3) not later than 6 months after the effective date described in section 1011(a).

**SEC. 1015. VOTER PROTECTION AND SECURITY IN AUTOMATIC REGISTRATION.**

(a) PROTECTIONS FOR ERRORS IN REGISTRATION.—An individual shall not be prosecuted under any Federal or State law, adversely affected in any civil adjudication concerning immigration status or naturalization, or subject to an allegation in any legal proceeding that the individual is not a citizen of the United States on any of the following grounds:

(1) The individual notified an election office of the individual's automatic registration to vote under this part.

(2) The individual is not eligible to vote in elections for Federal office but was automatically registered to vote under this part.

(3) The individual was automatically registered to vote under this part at an incorrect address.

(4) The individual declined the opportunity to register to vote or did not make an affirmation of citizenship, including through automatic registration, under this part.

(b) LIMITS ON USE OF AUTOMATIC REGISTRATION.—The automatic registration of any individual or the fact that an individual declined the opportunity to register to vote or did not make an affirmation of citizenship (including through automatic registration) under this part may not be used as evidence against that individual in any State or Federal law enforcement proceeding, and an individual's lack of knowledge or willfulness of such registration may be demonstrated by the individual's testimony alone.

(c) PROTECTION OF ELECTION INTEGRITY.—Nothing in subsections (a) or (b) may be construed to prohibit or restrict any action under color of law against an individual who—

(1) knowingly and willfully makes a false statement to effectuate or perpetuate automatic voter registration by any individual; or

(2) casts a ballot knowingly and willfully in violation of State law or the laws of the United States.

(d) CONTRIBUTING AGENCIES' PROTECTION OF INFORMATION.—Nothing in this part authorizes a contributing agency to collect, retain, transmit, or publicly disclose any of the following:

(1) An individual's decision to decline to register to vote or not to register to vote.

(2) An individual's decision not to affirm his or her citizenship.

(3) Any information that a contributing agency transmits pursuant to section 1013(b)(3), except in pursuing the agency's ordinary course of business.

(e) ELECTION OFFICIALS' PROTECTION OF INFORMATION.—

(1) PUBLIC DISCLOSURE PROHIBITED.—

(A) IN GENERAL.—Subject to subparagraph (B), with respect to any individual for whom any State election official receives information from a contributing agency, the State election officials shall not publicly disclose any of the following:

(i) The identity of the contributing agency.

(ii) Any information not necessary to voter registration.

(iii) Any voter information otherwise shielded from disclosure under State law or section 8(a) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)).

(iv) Any portion of the individual's social security number.

(v) Any portion of the individual's motor vehicle driver's license number.

- (vi) The individual's signature.
  - (vii) The individual's telephone number.
  - (viii) The individual's email address.
- (B) SPECIAL RULE FOR INDIVIDUALS REGISTERED TO VOTE.—With respect to any individual for whom any State election official receives information from a contributing agency and who, on the basis of such information, is registered to vote in the State under this part, the State election officials shall not publicly disclose any of the following:
- (i) The identity of the contributing agency.
  - (ii) Any information not necessary to voter registration.
  - (iii) Any voter information otherwise shielded from disclosure under State law or section 8(a) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)).
  - (iv) Any portion of the individual's social security number.
  - (v) Any portion of the individual's motor vehicle driver's license number.
  - (vi) The individual's signature.
- (2) VOTER RECORD CHANGES.—Each State shall maintain for at least 2 years and shall make available for public inspection (and, where available, photocopying at a reasonable cost), including in electronic form and through electronic methods, all records of changes to voter records, including removals, the reasons for removals, and updates.
- (3) DATABASE MANAGEMENT STANDARDS.—The Director of the National Institute of Standards and Technology shall, after providing the public with notice and the opportunity to comment—
- (A) establish standards governing the comparison of data for voter registration list maintenance purposes, identifying as part of such standards the specific data elements, the matching rules used, and how a State may use the data to determine and deem that an individual is ineligible under State law to vote in an election, or to deem a record to be a duplicate or outdated;
  - (B) ensure that the standards developed pursuant to this paragraph are uniform and nondiscriminatory and are applied in a uniform and nondiscriminatory manner; and
  - (C) not later than 45 days after the deadline for public notice and comment, publish the standards developed pursuant to this paragraph on the Director's website and make those standards available in written form upon request.
- (4) SECURITY POLICY.—The Director of the National Institute of Standards and Technology shall, after providing the public with notice and the opportunity to comment, publish privacy and security standards for voter registration information not later than 45 days after the deadline for public notice and comment. The standards shall require the chief State election official of each State to adopt a policy that shall specify—
- (A) each class of users who shall have authorized access to the computerized statewide voter registration list, specifying for each class the permission and levels of access to be granted, and setting forth other safeguards to protect the privacy, security, and accuracy of the information on the list; and
  - (B) security safeguards to protect personal information transmitted through the information transmittal processes of section 1013 or section 1014, the online system used pursuant to section 1017, any telephone interface, the maintenance of the voter registration database, and any audit procedure to track access to the system.
- (5) STATE COMPLIANCE WITH NATIONAL STANDARDS.—
- (A) CERTIFICATION.—The chief executive officer of the State shall annually file with the Election Assistance Commission a statement certifying to the Director of the National Institute of Standards and Technology that the State is in compliance with the standards referred to in paragraphs (3) and (4). A State may meet the requirement of the previous sentence by filing with the Commission a statement which reads as follows: “\_\_\_\_\_ hereby certifies that it is in compliance with the standards referred to in paragraphs (3) and (4) of section 1015(e) of the Automatic Voter Registration Act of 2019.” (with the blank to be filled in with the name of the State involved).

(B) PUBLICATION OF POLICIES AND PROCEDURES.—The chief State election official of a State shall publish on the official's website the policies and procedures established under this section, and shall make those policies and procedures available in written form upon public request.

(C) FUNDING DEPENDENT ON CERTIFICATION.—If a State does not timely file the certification required under this paragraph, it shall not receive any payment under this part for the upcoming fiscal year.

(D) COMPLIANCE OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to carry out an activity covered by any certification submitted under this paragraph, for a period of not more than 2 years the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted, and such State shall submit an additional certification once such legislation is enacted.

(f) RESTRICTIONS ON USE OF INFORMATION.—No person acting under color of law may discriminate against any individual based on, or use for any purpose other than voter registration, election administration, or enforcement relating to election crimes, any of the following:

(1) Voter registration records.

(2) An individual's declination to register to vote or complete an affirmation of citizenship under section 1013(b).

(3) An individual's voter registration status.

(g) PROHIBITION ON THE USE OF VOTER REGISTRATION INFORMATION FOR COMMERCIAL PURPOSES.—Information collected under this part shall not be used for commercial purposes. Nothing in this subsection may be construed to prohibit the transmission, exchange, or dissemination of information for political purposes, including the support of campaigns for election for Federal, State, or local public office or the activities of political committees (including committees of political parties) under the Federal Election Campaign Act of 1971.

**SEC. 1016. REGISTRATION PORTABILITY AND CORRECTION.**

(a) CORRECTING REGISTRATION INFORMATION AT POLLING PLACE.—Notwithstanding section 302(a) of the Help America Vote Act of 2002 (52 U.S.C. 21082(a)), if an individual is registered to vote in elections for Federal office held in a State, the appropriate election official at the polling place for any such election (including a location used as a polling place on a date other than the date of the election) shall permit the individual to—

(1) update the individual's address for purposes of the records of the election official;

(2) correct any incorrect information relating to the individual, including the individual's name and political party affiliation, in the records of the election official; and

(3) cast a ballot in the election on the basis of the updated address or corrected information, and to have the ballot treated as a regular ballot and not as a provisional ballot under section 302(a) of such Act.

(b) UPDATES TO COMPUTERIZED STATEWIDE VOTER REGISTRATION LISTS.—If an election official at the polling place receives an updated address or corrected information from an individual under subsection (a), the official shall ensure that the address or information is promptly entered into the computerized Statewide voter registration list in accordance with section 303(a)(1)(A)(vi) of the Help America Vote Act of 2002 (52 U.S.C. 21083(a)(1)(A)(vi)).

**SEC. 1017. PAYMENTS AND GRANTS.**

(a) IN GENERAL.—The Election Assistance Commission shall make grants to each eligible State to assist the State in implementing the requirements of this part (or, in the case of an exempt State, in implementing its existing automatic voter registration program).

(b) ELIGIBILITY; APPLICATION.—A State is eligible to receive a grant under this section if the State submits to the Commission, at such time and in such form as the Commission may require, an application containing—

(1) a description of the activities the State will carry out with the grant;

(2) an assurance that the State shall carry out such activities without partisan bias and without promoting any particular point of view regarding any issue; and

(3) such other information and assurances as the Commission may require.

(c) AMOUNT OF GRANT; PRIORITIES.—The Commission shall determine the amount of a grant made to an eligible State under this section. In determining the amounts

of the grants, the Commission shall give priority to providing funds for those activities which are most likely to accelerate compliance with the requirements of this part (or, in the case of an exempt State, which are most likely to enhance the ability of the State to automatically register individuals to vote through its existing automatic voter registration program), including—

- (1) investments supporting electronic information transfer, including electronic collection and transfer of signatures, between contributing agencies and the appropriate State election officials;
  - (2) updates to online or electronic voter registration systems already operating as of the date of the enactment of this Act;
  - (3) introduction of online voter registration systems in jurisdictions in which those systems did not previously exist; and
  - (4) public education on the availability of new methods of registering to vote, updating registration, and correcting registration.
- (d) AUTHORIZATION OF APPROPRIATIONS.—
- (1) AUTHORIZATION.—There are authorized to be appropriated to carry out this section—
    - (A) \$500,000,000 for fiscal year 2019; and
    - (B) such sums as may be necessary for each succeeding fiscal year.
  - (2) CONTINUING AVAILABILITY OF FUNDS.—Any amounts appropriated pursuant to the authority of this subsection shall remain available without fiscal year limitation until expended.

**SEC. 1018. TREATMENT OF EXEMPT STATES.**

- (a) WAIVER OF REQUIREMENTS.—Except as provided in subsection (b), this part does not apply with respect to an exempt State.
- (b) EXCEPTIONS.—The following provisions of this part apply with respect to an exempt State:
  - (1) section 1016 (relating to registration portability and correction).
  - (2) section 1017 (relating to payments and grants).
  - (3) Section 1019(e) (relating to enforcement).
  - (4) Section 1019(f) (relating to relation to other laws).

**SEC. 1019. MISCELLANEOUS PROVISIONS.**

- (a) ACCESSIBILITY OF REGISTRATION SERVICES.—Each contributing agency shall ensure that the services it provides under this part are made available to individuals with disabilities to the same extent as services are made available to all other individuals.
- (b) TRANSMISSION THROUGH SECURE THIRD PARTY PERMITTED.—Nothing in this part shall be construed to prevent a contributing agency from contracting with a third party to assist the agency in meeting the information transmittal requirements of this part, so long as the data transmittal complies with the applicable requirements of this part, including the privacy and security provisions of section 1015.
- (c) NONPARTISAN, NONDISCRIMINATORY PROVISION OF SERVICES.—The services made available by contributing agencies under this part and by the State under sections 1006 and 1007 shall be made in a manner consistent with paragraphs (4), (5), and (6)(C) of section 7(a) of the National Voter Registration Act of 1993 (52 U.S.C. 20506(a)).
- (d) NOTICES.—Each State may send notices under this part via electronic mail if the individual has provided an electronic mail address and consented to electronic mail communications for election-related materials. All notices sent pursuant to this part that require a response must offer the individual notified the opportunity to respond at no cost to the individual.
- (e) ENFORCEMENT.—Section 11 of the National Voter Registration Act of 1993 (52 U.S.C. 20510), relating to civil enforcement and the availability of private rights of action, shall apply with respect to this part in the same manner as such section applies to such Act.
- (f) RELATION TO OTHER LAWS.—Except as provided, nothing in this part may be construed to authorize or require conduct prohibited under, or to supersede, restrict, or limit the application of any of the following:
  - (1) The Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.).
  - (2) The Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).
  - (3) The National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.).
  - (4) The Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.).

**SEC. 1020. DEFINITIONS.**

In this part, the following definitions apply:

(1) The term “chief State election official” means, with respect to a State, the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (52 U.S.C. 20509) to be responsible for coordination of the State’s responsibilities under such Act.

(2) The term “Commission” means the Election Assistance Commission.

(3) The term “exempt State” means a State which, under law which is in effect continuously on and after the date of the enactment of this Act, operates an automatic voter registration program under which an individual is automatically registered to vote in elections for Federal office in the State if the individual provides the motor vehicle authority of the State (or, in the case of a State in which an individual is automatically registered to vote at the time the individual applies for benefits or services with a Permanent Dividend Fund of the State, provides the appropriate official of such Fund) with such identifying information as the State may require.

(4) The term “State” means each of the several States and the District of Columbia.

**SEC. 1021. EFFECTIVE DATE.**

(a) **IN GENERAL.**—Except as provided in subsection (b), this part and the amendments made by this part shall apply with respect to a State beginning January 1, 2021.

(b) **WAIVER.**—Subject to the approval of the Commission, if a State certifies to the Commission that the State will not meet the deadline referred to in subsection (a) because of extraordinary circumstances and includes in the certification the reasons for the failure to meet the deadline, subsection (a) shall apply to the State as if the reference in such subsection to “January 1, 2021” were a reference to “January 1, 2023”.

### **PART 3—SAME DAY VOTER REGISTRATION**

**SEC. 1031. SAME DAY REGISTRATION.**

(a) **IN GENERAL.**—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

- (1) by redesignating sections 304 and 305 as sections 305 and 306; and
- (2) by inserting after section 303 the following new section:

**“SEC. 304. SAME DAY REGISTRATION.**

“(a) **IN GENERAL.**—

“(1) **REGISTRATION.**—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)(1)(D)), each State shall permit any eligible individual on the day of a Federal election and on any day when voting, including early voting, is permitted for a Federal election—

“(A) to register to vote in such election at the polling place using a form that meets the requirements under section 9(b) of the National Voter Registration Act of 1993 (or, if the individual is already registered to vote, to revise any of the individual’s voter registration information); and

“(B) to cast a vote in such election.

“(2) **EXCEPTION.**—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this section, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

“(b) **ELIGIBLE INDIVIDUAL.**—For purposes of this section, the term ‘eligible individual’ means, with respect to any election for Federal office, an individual who is otherwise qualified to vote in that election.

“(c) **EFFECTIVE DATE.**—Each State shall be required to comply with the requirements of subsection (a) for the regularly scheduled general election for Federal office occurring in November 2020 and for any subsequent election for Federal office.”.

(b) **CONFORMING AMENDMENT RELATING TO ENFORCEMENT.**—Section 401 of such Act (52 U.S.C. 21111) is amended by striking “sections 301, 302, and 303” and inserting “subtitle A of title III”.

(c) **CLERICAL AMENDMENT.**—The table of contents of such Act is amended—

- (1) by redesignating the items relating to sections 304 and 305 as relating to sections 305 and 306; and

(2) by inserting after the item relating to section 303 the following new item:  
“Sec. 304. Same day registration.”.

## **PART 4—CONDITIONS ON REMOVAL ON BASIS OF INTERSTATE CROSS-CHECKS**

### **SEC. 1041. CONDITIONS ON REMOVAL OF REGISTRANTS FROM OFFICIAL LIST OF ELIGIBLE VOTERS ON BASIS OF INTERSTATE CROSS-CHECKS.**

(a) **MINIMUM INFORMATION REQUIRED FOR REMOVAL UNDER CROSS-CHECK.**—Section 8(c)(2) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(c)(2)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by inserting after subparagraph (A) the following new subparagraphs:

“(B) To the extent that the program carried out by a State under subparagraph (A) to systematically remove the names of ineligible voters from the official lists of eligible voters uses information obtained in an interstate cross-check, in addition to any other conditions imposed under this Act on the authority of the State to remove the name of the voter from such a list, the State may not remove the name of the voter from such a list unless—

“(i) the State obtained the voter’s full name (including the voter’s middle name, if any) and date of birth, and the last 4 digits of the voter’s social security number, in the interstate cross-check; or

“(ii) the State obtained documentation from the ERIC system that the voter is no longer a resident of the State.

“(C) In this paragraph—

“(i) the term ‘interstate cross-check’ means the transmission of information from an election official in one State to an election official of another State; and

“(ii) the term ‘ERIC system’ means the system operated by the Electronic Registration Information Center to share voter registration information and voter identification information among participating States.”.

(b) **REQUIRING COMPLETION OF CROSS-CHECKS NOT LATER THAN 6 MONTHS PRIOR TO ELECTION.**—Subparagraph (A) of section 8(c)(2) of such Act (52 U.S.C. 20507(c)(2)) is amended by striking “not later than 90 days” and inserting the following: “not later than 90 days (or, in the case of a program in which the State uses interstate cross-checks, not later than 6 months)”.

(c) **CONFORMING AMENDMENT.**—Subparagraph (D) of section 8(c)(2) of such Act (52 U.S.C. 20507(c)(2)), as redesignated by subsection (a)(1), is amended by striking “Subparagraph (A)” and inserting “This paragraph”.

(d) **EFFECTIVE DATE.**—The amendments made by this Act shall apply with respect to elections held on or after the expiration of the 6-month period which begins on the date of the enactment of this Act.

## **PART 5—OTHER INITIATIVES TO PROMOTE VOTER REGISTRATION**

### **SEC. 1051. ANNUAL REPORTS ON VOTER REGISTRATION STATISTICS.**

(a) **ANNUAL REPORT.**—Not later than 90 days after the end of each year, each State shall submit to the Election Assistance Commission and Congress a report containing the following categories of information for the year:

(1) The number of individuals who were registered under part 2.

(2) The number of voter registration application forms completed by individuals that were transmitted by motor vehicle authorities in the State (pursuant to section 5(d) of the National Voter Registration Act of 1993) and voter registration agencies in the State (as designated under section 7 of such Act) to the chief State election official of the State, broken down by each such authority and agency.

(3) The number of such individuals whose voter registration application forms were accepted and who were registered to vote in the State and the number of such individuals whose forms were rejected and who were not registered to vote in the State, broken down by each such authority and agency.

(4) The number of change of address forms and other forms of information indicating that an individual’s identifying information has been changed that were transmitted by such motor vehicle authorities and voter registration agen-

cies to the chief State election official of the State, broken down by each such authority and agency and the type of form transmitted.

(5) The number of individuals on the Statewide computerized voter registration list (as established and maintained under section 303 of the Help America Vote Act of 2002) whose voter registration information was revised by the chief State election official as a result of the forms transmitted to the official by such motor vehicle authorities and voter registration agencies (as described in paragraph (3)), broken down by each such authority and agency and the type of form transmitted.

(6) The number of individuals who requested the chief State election official to revise voter registration information on such list, and the number of individuals whose information was revised as a result of such a request.

(b) **BREAKDOWN OF INFORMATION BY RACE AND ETHNICITY OF INDIVIDUALS.**—In preparing the report under this section, the State shall, for each category of information described in subsection (a), include a breakdown by race and ethnicity of the individuals whose information is included in the category, to the extent that information on the race and ethnicity of such individuals is available to the State.

(c) **CONFIDENTIALITY OF INFORMATION.**—In preparing and submitting a report under this section, the chief State election official shall ensure that no information regarding the identification of any individual is revealed.

(d) **STATE DEFINED.**—In this section, a “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, but does not include any State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

## **PART 6—AVAILABILITY OF HAVA REQUIREMENTS PAYMENTS**

### **SEC. 1061. AVAILABILITY OF REQUIREMENTS PAYMENTS UNDER HAVA TO COVER COSTS OF COMPLIANCE WITH NEW REQUIREMENTS.**

(a) **IN GENERAL.**—Section 251(b) of the Help America Vote Act of 2002 (52 U.S.C. 21001(b)) is amended—

(1) in paragraph (1), by striking “(2) and (3)” and inserting “(2), (3), and (4)”; and

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

“(4) **CERTAIN VOTER REGISTRATION ACTIVITIES.**—A State may use a requirements payment to carry out any of the requirements of the Voter Registration Modernization Act of 2019, including the requirements of the National Voter Registration Act of 1993 which are imposed pursuant to the amendments made to such Act by the Voter Registration Modernization Act of 2019.”.

(b) **CONFORMING AMENDMENT.**—Section 254(a)(1) of such Act (52 U.S.C. 21004(a)(1)) is amended by striking “section 251(a)(2)” and inserting “section 251(b)(2)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to fiscal year 2018 and each succeeding fiscal year.

## **PART 7—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION**

### **SEC. 1071. [RESERVED].**

### **SEC. 1072. ESTABLISHMENT OF BEST PRACTICES.**

(a) **BEST PRACTICES.**—Not later than 180 days after the date of the enactment of this Act, the Election Assistance Commission shall develop and publish recommendations for best practices for States to use to deter and prevent violations of section 612 of title 18, United States Code (as added by section 1071), and section 12 of the National Voter Registration Act of 1993 (52 U.S.C. 20511) (relating to the unlawful interference with registering to vote, or voting, or attempting to register to vote or vote), including practices to provide for the posting of relevant information at polling places and voter registration agencies under such Act, the training of poll workers and election officials, and relevant educational materials. For purposes of this subsection, the term “State” includes the District of Columbia, the Common-

wealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(b) INCLUSION IN VOTER INFORMATION REQUIREMENTS.—Section 302(b)(2) of the Help America Vote Act of 2002 (52 U.S.C. 21082(b)(2)) is amended—

- (1) by striking “and” at the end of subparagraph (E);
- (2) by striking the period at the end of subparagraph (F) and inserting “; and”;

(3) by adding at the end the following new subparagraph:

“(G) information relating to the prohibitions of section 612 of title 18, United States Code, and section 12 of the National Voter Registration Act of 1993 (52 U.S.C. 20511) (relating to the unlawful interference with registering to vote, or voting, or attempting to register to vote or vote), including information on how individuals may report allegations of violations of such prohibitions.”.

## Subtitle B—Access to Voting for Individuals With Disabilities

### SEC. 1101. REQUIREMENTS FOR STATES TO PROMOTE ACCESS TO VOTER REGISTRATION AND VOTING FOR INDIVIDUALS WITH DISABILITIES.

(a) REQUIREMENTS.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), is amended—

- (1) by redesignating sections 305 and 306 as sections 306 and 307; and
- (2) by inserting after section 304 the following new section:

#### “SEC. 305. ACCESS TO VOTER REGISTRATION AND VOTING FOR INDIVIDUALS WITH DISABILITIES.

“(a) TREATMENT OF APPLICATIONS AND BALLOTS.—Each State shall—

“(1) permit individuals with disabilities to use absentee registration procedures and to vote by absentee ballot in elections for Federal office;

“(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an individual with a disability if the application is received by the appropriate State election official within the deadline for the election which is applicable under Federal law;

“(3) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

“(A) for individuals with disabilities to request by mail and electronically voter registration applications and absentee ballot applications with respect to elections for Federal office in accordance with subsection (c);

“(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the individual under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (c); and

“(C) by which such an individual can designate whether the individual prefers that such voter registration application or absentee ballot application be transmitted by mail or electronically;

“(4) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to individuals with disabilities with respect to elections for Federal office in accordance with subsection (d);

“(5) transmit a validly requested absentee ballot to an individual with a disability—

“(A) except as provided in subsection (e), in the case in which the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

“(B) in the case in which the request is received less than 45 days before an election for Federal office—

“(i) in accordance with State law; and

“(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot; and

“(6) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to



individuals with disabilities in a manner that gives them sufficient time to vote in the runoff election.

“(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL DISABLED VOTERS IN STATE.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by individuals with disabilities with respect to elections for Federal office to all individuals with disabilities who wish to register to vote or vote in any jurisdiction in the State.

“(c) DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR INDIVIDUALS WITH DISABILITIES TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.—

“(1) IN GENERAL.—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—

“(A) for use by individuals with disabilities who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(3);

“(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

“(C) for the purpose of providing related voting, balloting, and election information to individuals with disabilities.

“(2) CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to individuals with disabilities, including a means of electronic communication for the appropriate jurisdiction of the State.

“(3) INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to individuals with disabilities.

“(4) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an individual with a disability does not designate a preference under subsection (a)(3)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—

“(1) IN GENERAL.—Each State shall establish procedures—

“(A) to securely transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the individual with a disability under subparagraph (B)) to individuals with disabilities for an election for Federal office; and

“(B) by which the individual with a disability can designate whether the individual prefers that such blank absentee ballot be transmitted by mail or electronically.

“(2) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an individual with a disability does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(3) APPLICATION OF METHODS TO TRACK DELIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL REQUESTING BALLOT.—Under the procedures established under paragraph (1), the State shall apply such methods as the State considers appropriate, such as assigning a unique identifier to the ballot, to ensure that if an individual with a disability requests the State to transmit a blank absentee ballot to the individual in accordance with this subsection, the voted absentee ballot which is returned by the individual is the same blank absentee ballot which the State transmitted to the individual.

“(e) HARDSHIP EXEMPTION.—

“(1) IN GENERAL.—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(5)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Attorney General

grant a waiver to the State of the application of such subsection. Such request shall include—

“(A) a recognition that the purpose of such subsection is to individuals with disabilities enough time to vote in an election for Federal office;

“(B) an explanation of the hardship that indicates why the State is unable to transmit such individuals an absentee ballot in accordance with such subsection;

“(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to such individuals; and

“(D) a comprehensive plan to ensure that such individuals are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—

“(i) the steps the State will undertake to ensure that such individuals have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

“(ii) why the plan provides such individuals sufficient time to vote as a substitute for the requirements under such subsection; and

“(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

“(2) APPROVAL OF WAIVER REQUEST.—The Attorney General shall approve a waiver request under paragraph (1) if the Attorney General determines each of the following requirements are met:

“(A) The comprehensive plan under subparagraph (D) of such paragraph provides individuals with disabilities sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

“(B) One or more of the following issues creates an undue hardship for the State:

“(i) The State’s primary election date prohibits the State from complying with subsection (a)(5)(A).

“(ii) The State has suffered a delay in generating ballots due to a legal contest.

“(iii) The State Constitution prohibits the State from complying with such subsection.

“(3) TIMING OF WAIVER.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Attorney General the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Attorney General shall approve or deny the waiver request not later than 65 days before such election.

“(B) EXCEPTION.—If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Attorney General the written waiver request as soon as practicable. The Attorney General shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

“(4) APPLICATION OF WAIVER.—A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Attorney General shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.

“(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to allow the marking or casting of ballots over the internet.

“(g) INDIVIDUAL WITH A DISABILITY DEFINED.—In this section, an ‘individual with a disability’ means an individual with an impairment that substantially limits any major life activities and who is otherwise qualified to vote in elections for Federal office.

“(h) EFFECTIVE DATE.—This section shall apply with respect to elections for Federal office held on or after January 1, 2020.”.

(b) CONFORMING AMENDMENT RELATING TO ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSISTANCE COMMISSION.—Section 311(b) of such Act (52 U.S.C. 21101(b)) is amended—

- (1) by striking “and” at the end of paragraph (2);
- (2) by striking the period at the end of paragraph (3) and inserting “; and”;
- and
- (3) by adding at the end the following new paragraph:
  - “(4) in the case of the recommendations with respect to section 305, January 1, 2020.”.
- (c) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 1031(c), is amended—
  - (1) by redesignating the items relating to sections 305 and 306 as relating to sections 306 and 307; and
  - (2) by inserting after the item relating to section 304 the following new item:

“Sec. 305. Access to voter registration and voting for individuals with disabilities.”.
- SEC. 1102. EXPANSION AND REAUTHORIZATION OF GRANT PROGRAM TO ASSURE VOTING ACCESS FOR INDIVIDUALS WITH DISABILITIES.**
  - (a) PURPOSES OF PAYMENTS.—Section 261(b) of the Help America Vote Act of 2002 (52 U.S.C. 21021(b)) is amended by striking paragraphs (1) and (2) and inserting the following:
    - “(1) making absentee voting and voting at home accessible to individuals with the full range of disabilities (including impairments involving vision, hearing, mobility, or dexterity) through the implementation of accessible absentee voting systems that work in conjunction with assistive technologies for which individuals have access at their homes, independent living centers, or other facilities;
    - “(2) making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and
    - “(3) providing solutions to problems of access to voting and elections for individuals with disabilities that are universally designed and provide the same opportunities for individuals with and without disabilities.”.
  - (b) REAUTHORIZATION.—Section 264(a) of such Act (52 U.S.C. 21024(a)) is amended by adding at the end the following new paragraph:
    - “(4) For fiscal year 2020 and each succeeding fiscal year, such sums as may be necessary to carry out this part.”.
  - (c) PERIOD OF AVAILABILITY OF FUNDS.—Section 264 of such Act (52 U.S.C. 21024) is amended—
    - (1) in subsection (b), by striking “Any amounts” and inserting “Except as provided in subsection (b), any amounts”; and
    - (2) by adding at the end the following new subsection:

“(c) RETURN AND TRANSFER OF CERTAIN FUNDS.—

      - “(1) DEADLINE FOR OBLIGATION AND EXPENDITURE.—In the case of any amounts appropriated pursuant to the authority of subsection (a) for a payment to a State or unit of local government for fiscal year 2020 or any succeeding fiscal year, any portion of such amounts which have not been obligated or expended by the State or unit of local government prior to the expiration of the 4-year period which begins on the date the State or unit of local government first received the amounts shall be transferred to the Commission.
      - “(2) REALLOCATION OF TRANSFERRED AMOUNTS.—
        - “(A) IN GENERAL.—The Commission shall use the amounts transferred under paragraph (1) to make payments on a pro rata basis to each covered payment recipient described in subparagraph (B), which may obligate and expend such payment for the purposes described in section 261(b) during the 1-year period which begins on the date of receipt.
        - “(B) COVERED PAYMENT RECIPIENTS DESCRIBED.—In subparagraph (A), a ‘covered payment recipient’ is a State or unit of local government with respect to which—
          - “(i) amounts were appropriated pursuant to the authority of subsection (a); and
          - “(ii) no amounts were transferred to the Commission under paragraph (1).”.

## Subtitle C—Prohibiting Voter Caging

SEC. 1201. [RESERVED].

SEC. 1202. DEVELOPMENT AND ADOPTION OF BEST PRACTICES FOR PREVENTING VOTER CAGING.

(a) BEST PRACTICES.—Not later than 180 days after the date of the enactment of this Act, the Election Assistance Commission shall develop and publish for the use of States recommendations for best practices to deter and prevent violations of section 613 of title 18, United States Code, as added by section 1201(a), including practices to provide for the posting of relevant information at polling places and voter registration agencies, the training of poll workers and election officials, and relevant educational measures. For purposes of this subsection, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(b) INCLUSION IN VOTING INFORMATION REQUIREMENTS.—Section 302(b)(2) of the Help America Vote Act of 2002 (52 U.S.C. 21082(b)(2)), as amended by section 1072(b), is amended—

- (1) by striking “and” at the end of subparagraph (F);
- (2) by striking the period at the end of subparagraph (G) and inserting “; and”; and
- (3) by adding at the end the following new subparagraph:

“(H) information relating to the prohibition against voter caging and other questionable challenges (as set forth in section 613 of title 18, United States Code), including information on how individuals may report allegations of violations of such prohibition.”.

## Subtitle D—[Reserved]

## Subtitle E—[Reserved]

## Subtitle F—Promoting Accuracy, Integrity, and Security Through Voter-Verified Permanent Paper Ballot

SEC. 1501. SHORT TITLE.

This subtitle may be cited as the “Voter Confidence and Increased Accessibility Act of 2019”.

SEC. 1502. PAPER BALLOT AND MANUAL COUNTING REQUIREMENTS.

(a) IN GENERAL.—Section 301(a)(2) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is amended to read as follows:

“(2) PAPER BALLOT REQUIREMENT.—

“(A) VOTER-VERIFIED PAPER BALLOTS.—

“(i) PAPER BALLOT REQUIREMENT.—(I) The voting system shall require the use of an individual, durable, voter-verified paper ballot of the voter’s vote that shall be marked and made available for inspection and verification by the voter before the voter’s vote is cast and counted, and which shall be counted by hand or read by an optical character recognition device or other counting device. For purposes of this subclause, the term ‘individual, durable, voter-verified paper ballot’ means a paper ballot marked by the voter by hand or a paper ballot marked through the use of a nontabulating ballot marking device or system, so long as the voter shall have the option to mark his or her ballot by hand.

“(II) The voting system shall provide the voter with an opportunity to correct any error on the paper ballot before the permanent voter-verified paper ballot is preserved in accordance with clause (ii).

“(III) The voting system shall not preserve the voter-verified paper ballots in any manner that makes it possible, at any time after the ballot has been cast, to associate a voter with the record of the voter’s vote without the voter’s consent.

“(ii) PRESERVATION AS OFFICIAL RECORD.—The individual, durable, voter-verified paper ballot used in accordance with clause (i) shall constitute the official ballot and shall be preserved and used as the official ballot for purposes of any recount or audit conducted with respect to any election for Federal office in which the voting system is used.

“(iii) MANUAL COUNTING REQUIREMENTS FOR RECOUNTS AND AUDITS.—(I) Each paper ballot used pursuant to clause (i) shall be suitable for a manual audit, and shall be counted by hand in any recount or audit conducted with respect to any election for Federal office.

“(II) In the event of any inconsistencies or irregularities between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified paper ballots used pursuant to clause (i), and subject to subparagraph (B), the individual, durable, voter-verified paper ballots shall be the true and correct record of the votes cast.

“(iv) APPLICATION TO ALL BALLOTS.—The requirements of this subparagraph shall apply to all ballots cast in elections for Federal office, including ballots cast by absent uniformed services voters and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act and other absentee voters.

“(B) SPECIAL RULE FOR TREATMENT OF DISPUTES WHEN PAPER BALLOTS HAVE BEEN SHOWN TO BE COMPROMISED.—

“(i) IN GENERAL.—In the event that—

“(I) there is any inconsistency between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified paper ballots used pursuant to subparagraph (A)(i) with respect to any election for Federal office; and

“(II) it is demonstrated by clear and convincing evidence (as determined in accordance with the applicable standards in the jurisdiction involved) in any recount, audit, or contest of the result of the election that the paper ballots have been compromised (by damage or mischief or otherwise) and that a sufficient number of the ballots have been so compromised that the result of the election could be changed,

the determination of the appropriate remedy with respect to the election shall be made in accordance with applicable State law, except that the electronic tally shall not be used as the exclusive basis for determining the official certified result.

“(ii) RULE FOR CONSIDERATION OF BALLOTS ASSOCIATED WITH EACH VOTING MACHINE.—For purposes of clause (i), only the paper ballots deemed compromised, if any, shall be considered in the calculation of whether or not the result of the election could be changed due to the compromised paper ballots.”

(b) CONFORMING AMENDMENT CLARIFYING APPLICABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4)) is amended by inserting “(including the paper ballots required to be used under paragraph (2))” after “voting system”.

(c) OTHER CONFORMING AMENDMENTS.—Section 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amended—

(1) in subparagraph (A)(i), by striking “counted” and inserting “counted, in accordance with paragraphs (2) and (3)”;

(2) in subparagraph (A)(ii), by striking “counted” and inserting “counted, in accordance with paragraphs (2) and (3)”;

(3) in subparagraph (A)(iii), by striking “counted” each place it appears and inserting “counted, in accordance with paragraphs (2) and (3)”;

(4) in subparagraph (B)(ii), by striking “counted” and inserting “counted, in accordance with paragraphs (2) and (3)”.

**SEC. 1503. ACCESSIBILITY AND BALLOT VERIFICATION FOR INDIVIDUALS WITH DISABILITIES.**

(a) IN GENERAL.—Section 301(a)(3)(B) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)(3)(B)) is amended to read as follows:

“(B)(i) ensure that individuals with disabilities and others are given an equivalent opportunity to vote, including with privacy and independence, in a manner that produces a voter-verified paper ballot as for other voters;

“(ii) satisfy the requirement of subparagraph (A) through the use of at least one voting system equipped for individuals with disabilities, including

nonvisual and enhanced visual accessibility for the blind and visually impaired, and nonmanual and enhanced manual accessibility for the mobility and dexterity impaired, at each polling place; and

“(iii) meet the requirements of subparagraph (A) and paragraph (2)(A) by using a system that—

“(I) allows the voter to privately and independently verify the permanent paper ballot through the presentation, in accessible form, of the printed or marked vote selections from the same printed or marked information that would be used for any vote counting or auditing; and

“(II) allows the voter to privately and independently verify and cast the permanent paper ballot without requiring the voter to manually handle the paper ballot.”

(b) SPECIFIC REQUIREMENT OF STUDY, TESTING, AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT VERIFICATION MECHANISMS.—

(1) STUDY AND REPORTING.—Subtitle C of title II of such Act (52 U.S.C. 21081 et seq.) is amended—

(A) by redesignating section 247 as section 248; and

(B) by inserting after section 246 the following new section:

“**SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER BALLOT VERIFICATION MECHANISMS.**

“(a) **STUDY AND REPORT.**—The Director of the National Science Foundation shall make grants to not fewer than 3 eligible entities to study, test, and develop accessible paper ballot voting, verification, and casting mechanisms and devices and best practices to enhance the accessibility of paper ballot voting and verification mechanisms for individuals with disabilities, for voters whose primary language is not English, and for voters with difficulties in literacy, including best practices for the mechanisms themselves and the processes through which the mechanisms are used.

“(b) **ELIGIBILITY.**—An entity is eligible to receive a grant under this part if it submits to the Director (at such time and in such form as the Director may require) an application containing—

“(1) certifications that the entity shall specifically investigate enhanced methods or devices, including non-electronic devices, that will assist such individuals and voters in marking voter-verified paper ballots and presenting or transmitting the information printed or marked on such ballots back to such individuals and voters, and casting such ballots;

“(2) a certification that the entity shall complete the activities carried out with the grant not later than December 31, 2020; and

“(3) such other information and certifications as the Director may require.

“(c) **AVAILABILITY OF TECHNOLOGY.**—Any technology developed with the grants made under this section shall be treated as non-proprietary and shall be made available to the public, including to manufacturers of voting systems.

“(d) **COORDINATION WITH GRANTS FOR TECHNOLOGY IMPROVEMENTS.**—The Director shall carry out this section so that the activities carried out with the grants made under subsection (a) are coordinated with the research conducted under the grant program carried out by the Commission under section 271, to the extent that the Director and Commission determine necessary to provide for the advancement of accessible voting technology.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out subsection (a) \$5,000,000, to remain available until expended.”

(2) **CLERICAL AMENDMENT.**—The table of contents of such Act is amended—

(A) by redesignating the item relating to section 247 as relating to section 248; and

(B) by inserting after the item relating to section 246 the following new item:

“Sec. 247. Study and report on accessible paper ballot verification mechanisms.”

(c) **CLARIFICATION OF ACCESSIBILITY STANDARDS UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.**—In adopting any voluntary guidance under subtitle B of title III of the Help America Vote Act with respect to the accessibility of the paper ballot verification requirements for individuals with disabilities, the Election Assistance Commission shall include and apply the same accessibility standards applicable under the voluntary guidance adopted for accessible voting systems under such subtitle.

(d) **PERMITTING USE OF FUNDS FOR PROTECTION AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO ENFORCE ELECTION-RELATED DISABILITY ACCESS.**—Section 292(a) of the Help America Vote Act of 2002 (52 U.S.C. 21062(a)) is amended by striking “; except that” and all that follows and inserting a period.

**SEC. 1504. DURABILITY AND READABILITY REQUIREMENTS FOR BALLOTS.**

Section 301(a) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)) is amended by adding at the end the following new paragraph:

“(7) DURABILITY AND READABILITY REQUIREMENTS FOR BALLOTS.—

“(A) DURABILITY REQUIREMENTS FOR PAPER BALLOTS.—

“(i) IN GENERAL.—All voter-verified paper ballots required to be used under this Act shall be marked or printed on durable paper.

“(ii) DEFINITION.—For purposes of this Act, paper is ‘durable’ if it is capable of withstanding multiple counts and recounts by hand without compromising the fundamental integrity of the ballots, and capable of retaining the information marked or printed on them for the full duration of a retention and preservation period of 22 months.

“(B) READABILITY REQUIREMENTS FOR PAPER BALLOTS MARKED BY BALLOT MARKING DEVICE.—All voter-verified paper ballots completed by the voter through the use of a ballot marking device shall be clearly readable by the voter without assistance (other than eyeglasses or other personal vision enhancing devices) and by an optical character recognition device or other device equipped for individuals with disabilities.”.

**SEC. 1505. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

Section 301(d) of the Help America Vote Act of 2002 (52 U.S.C. 21081(d)) is amended to read as follows:

“(d) EFFECTIVE DATE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

“(2) SPECIAL RULE FOR CERTAIN REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the requirements of this section which are first imposed on a State and jurisdiction pursuant to the amendments made by the Voter Confidence and Increased Accessibility Act of 2019 shall apply with respect to voting systems used for any election for Federal office held in 2020 or any succeeding year.

“(B) DELAY FOR JURISDICTIONS USING CERTAIN PAPER RECORD PRINTERS OR CERTAIN SYSTEMS USING OR PRODUCING VOTER-VERIFIABLE PAPER RECORDS IN 2018.—

“(i) DELAY.—In the case of a jurisdiction described in clause (ii), subparagraph (A) shall apply to a voting system in the jurisdiction as if the reference in such subparagraph to ‘2020’ were a reference to ‘2022’, but only with respect to the following requirements of this section:

“(I) Paragraph (2)(A)(i)(I) of subsection (a) (relating to the use of voter-verified paper ballots).

“(II) Paragraph (3)(B)(ii)(I) and (II) of subsection (a) (relating to access to verification from and casting of the durable paper ballot).

“(III) Paragraph (7) of subsection (a) (relating to durability and readability requirements for ballots).

“(ii) JURISDICTIONS DESCRIBED.—A jurisdiction described in this clause is a jurisdiction—

“(I) which used voter verifiable paper record printers attached to direct recording electronic voting machines, or which used other voting systems that used or produced paper records of the vote verifiable by voters but that are not in compliance with paragraphs (2)(A)(i)(I), (3)(B)(iii)(I) and (II), and (7) of subsection (a) (as amended or added by the Voter Confidence and Increased Accessibility Act of 2019), for the administration of the regularly scheduled general election for Federal office held in November 2018; and

“(II) which will continue to use such printers or systems for the administration of elections for Federal office held in years before 2022.

“(iii) MANDATORY AVAILABILITY OF PAPER BALLOTS AT POLLING PLACES USING GRANDFATHERED PRINTERS AND SYSTEMS.—

“(I) REQUIRING BALLOTS TO BE OFFERED AND PROVIDED.—The appropriate election official at each polling place that uses a printer or system described in clause (ii)(I) for the administration of elections for Federal office shall offer each individual who is eligible to cast a vote in the election at the polling place the opportunity to cast the vote using a blank pre-printed paper ballot which the indi-

vidual may mark by hand and which is not produced by the direct recording electronic voting machine or other such system. The official shall provide the individual with the ballot and the supplies necessary to mark the ballot, and shall ensure (to the greatest extent practicable) that the waiting period for the individual to cast a vote is the lesser of 30 minutes or the average waiting period for an individual who does not agree to cast the vote using such a paper ballot under this clause.

“(II) TREATMENT OF BALLOT.—Any paper ballot which is cast by an individual under this clause shall be counted and otherwise treated as a regular ballot for all purposes (including by incorporating it into the final unofficial vote count (as defined by the State) for the precinct) and not as a provisional ballot, unless the individual casting the ballot would have otherwise been required to cast a provisional ballot.

“(III) POSTING OF NOTICE.—The appropriate election official shall ensure there is prominently displayed at each polling place a notice that describes the obligation of the official to offer individuals the opportunity to cast votes using a pre-printed blank paper ballot.

“(IV) TRAINING OF ELECTION OFFICIALS.—The chief State election official shall ensure that election officials at polling places in the State are aware of the requirements of this clause, including the requirement to display a notice under subclause (III), and are aware that it is a violation of the requirements of this title for an election official to fail to offer an individual the opportunity to cast a vote using a blank pre-printed paper ballot.

“(V) PERIOD OF APPLICABILITY.—The requirements of this clause apply only during the period in which the delay is in effect under clause (i).

“(C) SPECIAL RULE FOR JURISDICTIONS USING CERTAIN NONTABULATING BALLOT MARKING DEVICES.—In the case of a jurisdiction which uses a nontabulating ballot marking device which automatically deposits the ballot into a privacy sleeve, subparagraph (A) shall apply to a voting system in the jurisdiction as if the reference in such subparagraph to ‘any election for Federal office held in 2020 or any succeeding year’ were a reference to ‘elections for Federal office occurring held in 2022 or each succeeding year’, but only with respect to paragraph (3)(B)(iii)(II) of subsection (a) (relating to nonmanual casting of the durable paper ballot).”.

## Subtitle G—Provisional Ballots

### SEC. 1601. REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS; ESTABLISHMENT OF UNIFORM AND NONDISCRIMINATORY STANDARDS.

(a) IN GENERAL.—Section 302 of the Help America Vote Act of 2002 (52 U.S.C. 21082) is amended—

- (1) by redesignating subsection (d) as subsection (f); and
- (2) by inserting after subsection (c) the following new subsections:

“(d) STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—

“(1) IN GENERAL.—For purposes of subsection (a)(4), notwithstanding the precinct or polling place at which a provisional ballot is cast within the State, the appropriate election official shall count each vote on such ballot for each election in which the individual who cast such ballot is eligible to vote.

“(2) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2020.

“(e) UNIFORM AND NONDISCRIMINATORY STANDARDS.—

“(1) IN GENERAL.—Consistent with the requirements of this section, each State shall establish uniform and nondiscriminatory standards for the issuance, handling, and counting of provisional ballots.

“(2) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2020.”.

(b) CONFORMING AMENDMENT.—Section 302(f) of such Act (52 U.S.C. 21082(f)), as redesignated by subsection (a), is amended by striking “Each State” and inserting “Except as provided in subsections (d)(2) and (e)(2), each State”.



## Subtitle H—Early Voting

### SEC. 1611. EARLY VOTING.

(a) REQUIREMENTS.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a) and section 1101(a), is amended—

- (1) by redesignating sections 306 and 307 as sections 307 and 308; and
- (2) by inserting after section 305 the following new section:

#### “SEC. 306. EARLY VOTING.

“(a) REQUIRING VOTING PRIOR TO DATE OF ELECTION.—

“(1) IN GENERAL.—Each State shall allow individuals to vote in an election for Federal office during an early voting period which occurs prior to the date of the election, in the same manner as voting is allowed on such date.

“(2) LENGTH OF PERIOD.—The early voting period required under this subsection with respect to an election shall consist of a period of consecutive days (including weekends) which begins on the 15th day before the date of the election (or, at the option of the State, on a day prior to the 15th day before the date of the election) and ends on the date of the election.

“(b) MINIMUM EARLY VOTING REQUIREMENTS.—Each polling place which allows voting during an early voting period under subsection (a) shall—

- “(1) allow such voting for no less than 4 hours on each day, except that the polling place may allow such voting for fewer than 4 hours on Sundays; and
- “(2) have uniform hours each day for which such voting occurs.

“(c) LOCATION OF POLLING PLACES NEAR PUBLIC TRANSPORTATION.—To the greatest extent practicable, a State shall ensure that each polling place which allows voting during an early voting period under subsection (a) is located within walking distance of a stop on a public transportation route.

“(d) STANDARDS.—

“(1) IN GENERAL.—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs.

“(2) DEVIATION.—The standards described in paragraph (1) shall permit States, upon providing adequate public notice, to deviate from any requirement in the case of unforeseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.

“(e) EFFECTIVE DATE.—This section shall apply with respect to elections held on or after January 1, 2020.”.

(b) CONFORMING AMENDMENT RELATING TO ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSISTANCE COMMISSION.—Section 311(b) of such Act (52 U.S.C. 21101(b)), as amended by section 1101(b), is amended—

- (1) by striking “and” at the end of paragraph (3);
- (2) by striking the period at the end of paragraph (4) and inserting “; and”;

and

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

“(5) in the case of the recommendations with respect to section 306, June 30, 2020.”.

(c) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 1031(c) and section 1101(d), is amended—

- (1) by redesignating the items relating to sections 306 and 307 as relating to sections 307 and 308; and
- (2) by inserting after the item relating to section 305 the following new item:

“Sec. 306. Early voting.”.

## Subtitle I—Voting by Mail

### SEC. 1621. VOTING BY MAIL.

(a) REQUIREMENTS.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), section 1101(a), and section 1611(a), is amended—

- (1) by redesignating sections 307 and 308 as sections 308 and 309; and
- (2) by inserting after section 306 the following new section:

**“SEC. 307. PROMOTING ABILITY OF VOTERS TO VOTE BY MAIL.**

“(a) **IN GENERAL.**—If an individual in a State is eligible to cast a vote in an election for Federal office, the State may not impose any additional conditions or requirements on the eligibility of the individual to cast the vote in such election by absentee ballot by mail, except as required under subsection (b) and except to the extent that the State imposes a deadline for requesting the ballot and related voting materials from the appropriate State or local election official and for returning the ballot to the appropriate State or local election official.

“(b) **REQUIRING SIGNATURE VERIFICATION.**—

“(1) **REQUIREMENT.**—A State may not accept and process an absentee ballot submitted by any individual with respect to an election for Federal office unless the State verifies the identification of the individual by comparing the individual’s signature on the absentee ballot with the individual’s signature on the official list of registered voters in the State, in accordance with such procedures as the State may adopt (subject to the requirements of paragraph (2)).

“(2) **DUE PROCESS REQUIREMENTS.**—

“(A) **NOTICE AND OPPORTUNITY TO CURE DISCREPANCY.**—If an individual submits an absentee ballot and the appropriate State or local election official determines that a discrepancy exists between the signature on such ballot and the signature of such individual on the official list of registered voters in the State, such election official, prior to making a final determination as to the validity of such ballot, shall make a good faith effort to immediately notify such individual by mail, telephone, and (if available) electronic mail that—

“(i) a discrepancy exists between the signature on such ballot and the signature of such individual on the official list of registered voters in the State;

“(ii) such individual may provide the official with information to cure such discrepancy, either in person, by telephone, or by electronic methods; and

“(iii) if such discrepancy is not cured prior to the expiration of the 7-day period which begins on the date of the election, such ballot will not be counted.

“(B) **OTHER REQUIREMENTS.**—An election official may not make a determination that a discrepancy exists between the signature on an absentee ballot and the signature of the individual who submits the ballot on the official list of registered voters in the State unless—

“(i) at least 2 election officials make the determination; and

“(ii) each official who makes the determination has received training in procedures used to verify signatures.

“(c) **DEADLINE FOR PROVIDING BALLOTING MATERIALS.**—If an individual requests to vote by absentee ballot in an election for Federal office, the appropriate State or local election official shall ensure that the ballot and relating voting materials are received by the individual—

“(1) not later than 2 weeks before the date of the election; or

“(2) in the case of a State which imposes a deadline for requesting an absentee ballot and related voting materials which is less than 2 weeks before the date of the election, as expeditiously as possible.

“(d) **ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.**—Consistent with section 305, the State shall ensure that all absentee ballots and related voting materials in elections for Federal office are accessible to individuals with disabilities in a manner that provides the same opportunity for access and participation (including with privacy and independence) as for other voters.

“(e) **UNIFORM DEADLINE FOR ACCEPTANCE OF MAILED BALLOTS.**—If a ballot submitted by an individual by mail with respect to an election for Federal office in a State is postmarked on or before the date of the election, the State may not refuse to accept or process the ballot on the grounds that the individual did not meet a deadline for returning the ballot to the appropriate State or local election official.

“(f) **NO EFFECT ON BALLOTS SUBMITTED BY ABSENT MILITARY AND OVERSEAS VOTERS.**—Nothing in this section may be construed to affect the treatment of any ballot submitted by an individual who is entitled to vote by absentee ballot under the Uniform and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

“(g) **EFFECTIVE DATE.**—This section shall apply with respect to elections held on or after January 1, 2020.”

(b) CONFORMING AMENDMENT RELATING TO ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSISTANCE COMMISSION.—Section 311(b) of such Act (52 U.S.C. 21101(b)), as amended by section 1101(b) and section 1611(b), is amended—

(1) by striking “and” at the end of paragraph (4);

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

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

“(6) in the case of the recommendations with respect to section 307, June 30, 2020.”.

(c) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 1031(c), section 1101(d), and section 1611(c), is amended—

(1) by redesignating the items relating to sections 307 and 308 as relating to sections 308 and 309; and

(2) by inserting after the item relating to section 306 the following new item:

“Sec. 307. Promoting ability of voters to vote by mail.”.

(d) DEVELOPMENT OF BIOMETRIC VERIFICATION.—

(1) DEVELOPMENT OF STANDARDS.—The National Institute of Standards, in consultation with the Election Assistance Commission, shall develop standards for the use of biometric methods which could be used voluntarily in place of the signature verification requirements of section 307(b) of the Help America Vote Act of 2002 (as added by subsection (a)) for purposes of verifying the identification of an individual voting by absentee ballot in elections for Federal office.

(2) PUBLIC NOTICE AND COMMENT.—The National Institute of Standards shall solicit comments from the public in the development of standards under paragraph (1).

(3) DEADLINE.—Not later than one year after the date of the enactment of this Act, the National Institute of Standards shall publish the standards developed under paragraph (1).

## Subtitle J—Absent Uniformed Services Voters and Overseas Voters

### SEC. 1701. PRE-ELECTION REPORTS ON AVAILABILITY AND TRANSMISSION OF ABSENTEE BALLOTS.

Section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302(c)) is amended to read as follows:

“(c) REPORTS ON AVAILABILITY, TRANSMISSION, AND RECEIPT OF ABSENTEE BALLOTS.—

“(1) PRE-ELECTION REPORT ON ABSENTEE BALLOT AVAILABILITY.—Not later than 55 days before any regularly scheduled general election for Federal office, each State shall submit a report to the Attorney General, the Election Assistance Commission (hereafter in this subsection referred to as the ‘Commission’), and the Presidential Designee, and make that report publicly available that same day, certifying that absentee ballots for the election are or will be available for transmission to absent uniformed services voters and overseas voters by not later than 45 days before the election. The report shall be in a form prescribed jointly by the Attorney General and the Commission and shall require the State to certify specific information about ballot availability from each unit of local government which will administer the election.

“(2) PRE-ELECTION REPORT ON ABSENTEE BALLOT TRANSMISSION.—Not later than 43 days before any regularly scheduled general election for Federal office, each State shall submit a report to the Attorney General, the Commission, and the Presidential Designee, and make that report publicly available that same day, certifying whether all absentee ballots have been transmitted by not later than 45 days before the election to all qualified absent uniformed services and overseas voters whose requests were received at least 45 days before the election. The report shall be in a form prescribed jointly by the Attorney General and the Commission, and shall require the State to certify specific information about ballot transmission, including the total numbers of ballot requests received and ballots transmitted, from each unit of local government which will administer the election.

“(3) POST-ELECTION REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days after the date of each regularly sched-

uled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Attorney General, the Commission, and the Presidential Designee on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public that same day.”.

**SEC. 1702. ENFORCEMENT.**

(a) AVAILABILITY OF CIVIL PENALTIES AND PRIVATE RIGHTS OF ACTION.—Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20307) is amended to read as follows:

**“SEC. 105. ENFORCEMENT.**

**“(a) ACTION BY ATTORNEY GENERAL.—**

**“(1) IN GENERAL.—**The Attorney General may bring civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

**“(2) PENALTY.—**In a civil action brought under paragraph (1), if the court finds that the State violated any provision of this title, it may, to vindicate the public interest, assess a civil penalty against the State—

**“(A) in an amount not to exceed \$110,000 for each such violation, in the case of a first violation; or**

**“(B) in an amount not to exceed \$220,000 for each such violation, for any subsequent violation.**

**“(3) REPORT TO CONGRESS.—**Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under paragraph (1) during the preceding year.

**“(b) PRIVATE RIGHT OF ACTION.—**A person who is aggrieved by a State’s violation of this title may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

**“(c) STATE AS ONLY NECESSARY DEFENDANT.—**In any action brought under this section, the only necessary party defendant is the State, and it shall not be a defense to any such action that a local election official or a unit of local government is not named as a defendant, notwithstanding that a State has exercised the authority described in section 576 of the Military and Overseas Voter Empowerment Act to delegate to another jurisdiction in the State any duty or responsibility which is the subject of an action brought under this section.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations alleged to have occurred on or after the date of the enactment of this Act.

**SEC. 1703. REVISIONS TO 45-DAY ABSENTEE BALLOT TRANSMISSION RULE.**

(a) REPEAL OF WAIVER AUTHORITY.—

(1) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302) is amended by striking subsection (g).

(2) CONFORMING AMENDMENT.—Section 102(a)(8)(A) of such Act (52 U.S.C. 20302(a)(8)(A)) is amended by striking “except as provided in subsection (g).”.

(b) REQUIRING USE OF EXPRESS DELIVERY IN CASE OF FAILURE TO MEET REQUIREMENT.—Section 102 of such Act (52 U.S.C. 20302), as amended by subsection (a), is amended by inserting after subsection (f) the following new subsection:

**“(g) REQUIRING USE OF EXPRESS DELIVERY IN CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN DEADLINES.—**

**“(1) TRANSMISSION OF BALLOT BY EXPRESS DELIVERY.—**If a State fails to meet the requirement of subsection (a)(8)(A) to transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter not later than 45 days before the election (in the case in which the request is received at least 45 days before the election)—

**“(A) the State shall transmit the ballot to the voter by express delivery;**

**or**

**“(B) in the case of a voter who has designated that absentee ballots be transmitted electronically in accordance with subsection (f)(1), the State shall transmit the ballot to the voter electronically.**

**“(2) SPECIAL RULE FOR TRANSMISSION FEWER THAN 40 DAYS BEFORE THE ELECTION.—**If, in carrying out paragraph (1), a State transmits an absentee ballot to an absent uniformed services voter or overseas voter fewer than 40 days be-

fore the election, the State shall enable the ballot to be returned by the voter by express delivery, except that in the case of an absentee ballot of an absent uniformed services voter for a regularly scheduled general election for Federal office, the State may satisfy the requirement of this paragraph by notifying the voter of the procedures for the collection and delivery of such ballots under section 103A.”.

(c) CLARIFICATION OF TREATMENT OF WEEKENDS.—Section 102(a)(8)(A) of such Act (52 U.S.C. 20302(a)(8)(A)) is amended by striking “the election;” and inserting the following: “the election (or, if the 45th day preceding the election is a weekend or legal public holiday, not later than the most recent weekday which precedes such 45th day and which is not a legal public holiday, but only if the request is received by at least such most recent weekday);”.

**SEC. 1704. USE OF SINGLE ABSENTEE BALLOT APPLICATION FOR SUBSEQUENT ELECTIONS.**

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20306) is amended to read as follows:

**“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT ELECTIONS.**

“(a) IN GENERAL.—If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed services voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election), the State shall provide an absentee ballot to the voter for each such subsequent election.

“(b) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State or is otherwise no longer eligible to vote in the State.

“(c) PROHIBITION OF REFUSAL OF APPLICATION ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or to process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter or overseas voter on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that election which are submitted by absentee voters who are not members of the uniformed services or overseas citizens.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to voter registration and absentee ballot applications which are submitted to a State or local election official on or after the date of the enactment of this Act.

**SEC. 1705. EFFECTIVE DATE.**

The amendments made by this subtitle shall apply with respect to elections occurring on or after January 1, 2020.

## Subtitle K—Poll Worker Recruitment and Training

**SEC. 1801. [RESERVED].**

**SEC. 1802. GRANTS TO STATES FOR POLL WORKER RECRUITMENT AND TRAINING.**

(a) GRANTS BY ELECTION ASSISTANCE COMMISSION.—

(1) IN GENERAL.—The Election Assistance Commission (hereafter referred to as the “Commission”) shall make a grant to each eligible State for recruiting and training individuals to serve as poll workers on dates of elections for public office.

(2) USE OF COMMISSION MATERIALS.—In carrying out activities with a grant provided under this section, the recipient of the grant shall use the manual prepared by the Commission on successful practices for poll worker recruiting, training and retention as an interactive training tool, and shall develop training programs with the participation and input of experts in adult learning.

(b) REQUIREMENTS FOR ELIGIBILITY.—

(1) APPLICATION.—Each State that desires to receive a payment under this section shall submit an application for the payment to the Commission at such time and in such manner and containing such information as the Commission shall require.

(2) CONTENTS OF APPLICATION.—Each application submitted under paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought;

(B) provide assurances that the funds provided under this section will be used to supplement and not supplant other funds used to carry out the activities;

(C) provide assurances that the State will furnish the Commission with information on the number of individuals who served as poll workers after recruitment and training with the funds provided under this section; and

(D) provide such additional information and certifications as the Commission determines to be essential to ensure compliance with the requirements of this section.

(c) AMOUNT OF GRANT.—

(1) IN GENERAL.—The amount of a grant made to a State under this section shall be equal to the product of—

(A) the aggregate amount made available for grants to States under this section; and

(B) the voting age population percentage for the State.

(2) VOTING AGE POPULATION PERCENTAGE DEFINED.—In paragraph (1), the “voting age population percentage” for a State is the quotient of—

(A) the voting age population of the State (as determined on the basis of the most recent information available from the Bureau of the Census); and

(B) the total voting age population of all States (as determined on the basis of the most recent information available from the Bureau of the Census).

(d) REPORTS TO CONGRESS.—

(1) REPORTS BY RECIPIENTS OF GRANTS.—Not later than 6 months after the date on which the final grant is made under this section, each recipient of a grant shall submit a report to the Commission on the activities conducted with the funds provided by the grant.

(2) REPORTS BY COMMISSION.—Not later than 1 year after the date on which the final grant is made under this section, the Commission shall submit a report to Congress on the grants made under this section and the activities carried out by recipients with the grants, and shall include in the report such recommendations as the Commission considers appropriate.

(e) FUNDING.—

(1) CONTINUING AVAILABILITY OF AMOUNT APPROPRIATED.—Any amount appropriated to carry out this section shall remain available without fiscal year limitation until expended.

(2) ADMINISTRATIVE EXPENSES.—Of the amount appropriated for any fiscal year to carry out this section, not more than 3 percent shall be available for administrative expenses of the Commission.

#### SEC. 1803. STATE DEFINED.

In this subtitle, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

## Subtitle L—Enhancement of Enforcement

#### SEC. 1811. ENHANCEMENT OF ENFORCEMENT OF HELP AMERICA VOTE ACT OF 2002.

(a) COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT OF ACTION.—Section 401 of the Help America Vote Act of 2002 (52 U.S.C. 21111) is amended—

(1) by striking “The Attorney General” and inserting “(a) IN GENERAL.—The Attorney General”; and

(2) by adding at the end the following new subsections:

“(b) FILING OF COMPLAINTS BY AGGRIEVED PERSONS.—

“(1) IN GENERAL.—A person who is aggrieved by a violation of title III which has occurred, is occurring, or is about to occur may file a written, signed, notarized complaint with the Attorney General describing the violation and request-

ing the Attorney General to take appropriate action under this section. The Attorney General shall immediately provide a copy of a complaint filed under the previous sentence to the entity responsible for administering the State-based administrative complaint procedures described in section 402(a) for the State involved.

“(2) RESPONSE BY ATTORNEY GENERAL.—The Attorney General shall respond to each complaint filed under paragraph (1), in accordance with procedures established by the Attorney General that require responses and determinations to be made within the same (or shorter) deadlines which apply to a State under the State-based administrative complaint procedures described in section 402(a)(2). The Attorney General shall immediately provide a copy of the response made under the previous sentence to the entity responsible for administering the State-based administrative complaint procedures described in section 402(a) for the State involved.

“(c) AVAILABILITY OF PRIVATE RIGHT OF ACTION.—Any person who is authorized to file a complaint under subsection (b)(1) (including any individual who seeks to enforce the individual’s right to a voter-verified paper ballot, the right to have the voter-verified paper ballot counted in accordance with this Act, or any other right under title III) may file an action under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to enforce the uniform and nondiscriminatory election technology and administration requirements under subtitle A of title III.

“(d) NO EFFECT ON STATE PROCEDURES.—Nothing in this section may be construed to affect the availability of the State-based administrative complaint procedures required under section 402 to any person filing a complaint under this subsection.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring with respect to elections for Federal office held in 2020 or any succeeding year.

## Subtitle M—Federal Election Integrity

### SEC. 1821. PROHIBITION ON CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION ADMINISTRATION OFFICIALS.

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

#### “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION ADMINISTRATION OFFICIALS

“SEC. 319A. (a) PROHIBITION.—It shall be unlawful for a chief State election administration official to take an active part in political management or in a political campaign with respect to any election for Federal office over which such official has supervisory authority.

“(b) CHIEF STATE ELECTION ADMINISTRATION OFFICIAL.—The term ‘chief State election administration official’ means the highest State official with responsibility for the administration of Federal elections under State law.

“(c) ACTIVE PART IN POLITICAL MANAGEMENT OR IN A POLITICAL CAMPAIGN.—The term ‘active part in political management or in a political campaign’ means—

“(1) serving as a member of an authorized committee of a candidate for Federal office;

“(2) the use of official authority or influence for the purpose of interfering with or affecting the result of an election for Federal office;

“(3) the solicitation, acceptance, or receipt of a contribution from any person on behalf of a candidate for Federal office; and

“(4) any other act which would be prohibited under paragraph (2) or (3) of section 7323(b) of title 5, United States Code, if taken by an individual to whom such paragraph applies (other than any prohibition on running for public office).

“(d) EXCEPTION IN CASE OF RECUSAL FROM ADMINISTRATION OF ELECTIONS INVOLVING OFFICIAL OR IMMEDIATE FAMILY MEMBER.—

“(1) IN GENERAL.—This section does not apply to a chief State election administration official with respect to an election for Federal office in which the official or an immediate family member of the official is a candidate, but only if—

“(A) such official recuses himself or herself from all of the official’s responsibilities for the administration of such election; and

“(B) the official who assumes responsibility for supervising the administration of the election does not report directly to such official.

“(2) IMMEDIATE FAMILY MEMBER DEFINED.—In paragraph (1), the term ‘immediate family member’ means, with respect to a candidate, a father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to elections for Federal office held after December 2019.

## **Subtitle N—Promoting Voter Access Through Election Administration Improvements**

### **PART 1—PROMOTING VOTER ACCESS**

#### **SEC. 1901. TREATMENT OF INSTITUTIONS OF HIGHER EDUCATION.**

(a) TREATMENT OF CERTAIN INSTITUTIONS AS VOTER REGISTRATION AGENCIES UNDER NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 7(a) of the National Voter Registration Act of 1993 (52 U.S.C. 20506(a)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting “; and”; and

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

“(C) each institution of higher education which has a program participation agreement in effect with the Secretary of Education under section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094), other than an institution which is treated as a contributing agency under the Automatic Voter Registration Act of 2019.”; and

(2) in paragraph (6)(A), by inserting “or, in the case of an institution of higher education, with each registration of a student for enrollment in a course of study, including enrollment in a program of distance education, as defined in section 103(7) of the Higher Education Act of 1965 (20 U.S.C. 1003(7)),” after “assistance,”.

(b) RESPONSIBILITIES OF INSTITUTIONS UNDER HIGHER EDUCATION ACT OF 1965.—

(1) IN GENERAL.—Section 487(a)(23) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(23)) is amended to read as follows:

“(23)(A)(i) The institution will ensure that an appropriate staff person or office is designated publicly as a ‘Campus Vote Coordinator’ and will ensure that such person’s or office’s contact information is included on the institution’s website.

“(ii) Not fewer than twice during each calendar year (beginning with 2020), the Campus Vote Coordinator shall transmit electronically to each student enrolled in the institution (including students enrolled in distance education programs) a message containing the following information:

“(I) Information on the location of polling places in the jurisdiction in which the institution is located, together with information on available methods of transportation to and from such polling places.

“(II) A referral to a government-affiliated website or online platform which provides centralized voter registration information for all States, including access to applicable voter registration forms and information to assist individuals who are not registered to vote in registering to vote.

“(III) Any additional voter registration and voting information the Coordinator considers appropriate, in consultation with the appropriate State election official.

“(iii) In addition to transmitting the message described in clause (ii) not fewer than twice during each calendar year, the Campus Vote Coordinator shall transmit the message under such clause not fewer than 30 days prior to the deadline for registering to vote for any election for Federal, State, or local office in the State.

“(B) If the institution in its normal course of operations requests each student registering for enrollment in a course of study, including students registering for enrollment in a program of distance education, to affirm whether or not the student is a United States citizen, the institution will comply with the applicable requirements for a contributing agency under the Automatic Voter Registration Act of 2019.



“(C) If the institution is not described in subparagraph (B), the institution will comply with the requirements for a voter registration agency in the State in which it is located in accordance with section 7 of the National Voter Registration Act of 1993 (52 U.S.C. 20506).

“(D) This paragraph applies only with respect to an institution which is located in a State to which section 4(b) of the National Voter Registration Act of 1993 (52 U.S.C. 20503(b)) does not apply.”

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to elections held on or after January 1, 2020.

(c) GRANTS TO INSTITUTIONS DEMONSTRATING EXCELLENCE IN STUDENT VOTER REGISTRATION.—

(1) GRANTS AUTHORIZED.—The Secretary of Education may award competitive grants to public and private nonprofit institutions of higher education that are subject to the requirements of section 487(a)(23) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(23)), as amended by subsection (a) and that the Secretary determines have demonstrated excellence in registering students to vote in elections for public office beyond meeting the minimum requirements of such section.

(2) ELIGIBILITY.—An institution of higher education is eligible to receive a grant under this subsection if the institution submits to the Secretary of Education, at such time and in such form as the Secretary may require, an application containing such information and assurances as the Secretary may require to make the determination described in paragraph (1), including information and assurances that the institution carried out activities to promote voter registration by students, such as the following:

- (A) Sponsoring large on-campus voter mobilization efforts.
- (B) Engaging the surrounding community in nonpartisan voter registration and get out the vote efforts.
- (C) Creating a website for students with centralized information about voter registration and election dates.
- (D) Inviting candidates to speak on campus.
- (E) Offering rides to students to the polls to increase voter education, registration, and mobilization.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2020 and each succeeding fiscal year such sums as may be necessary to award grants under this subsection.

(d) SENSE OF CONGRESS RELATING TO OPTION OF STUDENTS TO REGISTER IN JURISDICTION OF INSTITUTION OF HIGHER EDUCATION OR JURISDICTION OF DOMICILE.—It is the sense of Congress that, as provided under existing law, students who attend an institution of higher education and reside in the jurisdiction of the institution while attending the institution should have the option of registering to vote in elections for Federal office in that jurisdiction or in the jurisdiction of their own domicile.

**SEC. 1902. MINIMUM NOTIFICATION REQUIREMENTS FOR VOTERS AFFECTED BY POLLING PLACE CHANGES.**

(a) REQUIREMENTS.—Section 302 of the Help America Vote Act of 2002 (52 U.S.C. 21082), as amended by section 1601(a), is amended—

- (1) by redesignating subsection (f) as subsection (g); and
- (2) by inserting after subsection (e) the following new subsection:

“(f) MINIMUM NOTIFICATION REQUIREMENTS FOR VOTERS AFFECTED BY POLLING PLACE CHANGES.—

“(1) IN GENERAL.—If a State assigns an individual who is a registered voter in a State to a polling place with respect to an election for Federal office which is not the same polling place to which the individual was previously assigned with respect to the most recent election for Federal office in the State in which the individual was eligible to vote—

“(A) the State shall notify the individual of the location of the polling place not later than 7 days before the date of the election; or

“(B) if the State makes such an assignment fewer than 7 days before the date of the election and the individual appears on the date of the election at the polling place to which the individual was previously assigned, the State shall make every reasonable effort to enable the individual to vote on the date of the election.

“(2) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2020.”

(b) CONFORMING AMENDMENT.—Section 302(g) of such Act (52 U.S.C. 21082(g)), as redesignated by subsection (a) and as amended by section 1601(b), is amended by striking “(d)(2) and (e)(2)” and inserting “(d)(2), (e)(2), and (f)(2)”.

**SEC. 1903. [RESERVED].**

**SEC. 1904. PERMITTING USE OF SWORN WRITTEN STATEMENT TO MEET IDENTIFICATION REQUIREMENTS FOR VOTING.**

(a) PERMITTING USE OF STATEMENT.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended by inserting after section 303 the following new section:

**“SEC. 303A. PERMITTING USE OF SWORN WRITTEN STATEMENT TO MEET IDENTIFICATION REQUIREMENTS.**

“(a) USE OF STATEMENT.—

“(1) IN GENERAL.—Except as provided in subsection (c), if a State has in effect a requirement that an individual present identification as a condition of receiving and casting a ballot in an election for Federal office, the State shall permit the individual to meet the requirement—

“(A) in the case of an individual who desires to vote in person, by presenting the appropriate State or local election official with a sworn written statement, signed by the individual under penalty of perjury, attesting to the individual’s identity and attesting that the individual is eligible to vote in the election; or

“(B) in the case of an individual who desires to vote by mail, by submitting with the ballot the statement described in subparagraph (A).

“(2) DEVELOPMENT OF PRE-PRINTED VERSION OF STATEMENT BY COMMISSION.—The Commission shall develop a pre-printed version of the statement described in paragraph (1)(A) which includes a blank space for an individual to provide a name and signature for use by election officials in States which are subject to paragraph (1).

“(3) PROVIDING PRE-PRINTED COPY OF STATEMENT.—A State which is subject to paragraph (1) shall—

“(A) make copies of the pre-printed version of the statement described in paragraph (1)(A) which is prepared by the Commission available at polling places for election officials to distribute to individuals who desire to vote in person; and

“(B) include a copy of such pre-printed version of the statement with each blank absentee or other ballot transmitted to an individual who desires to vote by mail.

“(b) REQUIRING USE OF BALLOT IN SAME MANNER AS INDIVIDUALS PRESENTING IDENTIFICATION.—An individual who presents or submits a sworn written statement in accordance with subsection (a)(1) shall be permitted to cast a ballot in the election in the same manner as an individual who presents identification.

“(c) EXCEPTION FOR FIRST-TIME VOTERS REGISTERING BY MAIL.—Subsections (a) and (b) do not apply with respect to any individual described in paragraph (1) of section 303(b) who is required to meet the requirements of paragraph (2) of such section.”

(b) REQUIRING STATES TO INCLUDE INFORMATION ON USE OF SWORN WRITTEN STATEMENT IN VOTING INFORMATION MATERIAL POSTED AT POLLING PLACES.—Section 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)), as amended by section 1072(b) and section 1202(b), is amended—

(1) by striking “and” at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(I) in the case of a State that has in effect a requirement that an individual present identification as a condition of receiving and casting a ballot in an election for Federal office, information on how an individual may meet such requirement by presenting a sworn written statement in accordance with section 303A.”

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 303 the following new item:

“Sec. 303A. Permitting use of sworn written statement to meet identification requirements.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

SEC. 1905. [RESERVED].

SEC. 1906. REIMBURSEMENT FOR COSTS INCURRED BY STATES IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS.

(a) REIMBURSEMENT.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following new part:

**“PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS**

“SEC. 297. PAYMENTS TO STATES.

“(a) PAYMENTS FOR COSTS OF ESTABLISHING PROGRAM.—In accordance with this section, the Commission shall make a payment to a State to reimburse the State for the costs incurred in establishing, if the State so chooses to establish, an absentee ballot tracking program with respect to elections for Federal office held in the State (including costs incurred prior to the date of the enactment of this part).

“(b) ABSENTEE BALLOT TRACKING PROGRAM DESCRIBED.—

“(1) PROGRAM DESCRIBED.—

“(A) IN GENERAL.—In this part, an ‘absentee ballot tracking program’ is a program to track and confirm the receipt of absentee ballots in an election for Federal office under which the State or local election official responsible for the receipt of voted absentee ballots in the election carries out procedures to track and confirm the receipt of such ballots, and makes information on the receipt of such ballots available to the individual who cast the ballot, by means of online access using the Internet site of the official’s office.

“(B) INFORMATION ON WHETHER VOTE WAS COUNTED.—The information referred to under subparagraph (A) with respect to the receipt of an absentee ballot shall include information regarding whether the vote cast on the ballot was counted, and, in the case of a vote which was not counted, the reasons therefor.

“(2) USE OF TOLL-FREE TELEPHONE NUMBER BY OFFICIALS WITHOUT INTERNET SITE.—A program established by a State or local election official whose office does not have an Internet site may meet the description of a program under paragraph (1) if the official has established a toll-free telephone number that may be used by an individual who cast an absentee ballot to obtain the information on the receipt of the voted absentee ballot as provided under such paragraph.

“(c) CERTIFICATION OF COMPLIANCE AND COSTS.—

“(1) CERTIFICATION REQUIRED.—In order to receive a payment under this section, a State shall submit to the Commission a statement containing—

“(A) a certification that the State has established an absentee ballot tracking program with respect to elections for Federal office held in the State; and

“(B) a statement of the costs incurred by the State in establishing the program.

“(2) AMOUNT OF PAYMENT.—The amount of a payment made to a State under this section shall be equal to the costs incurred by the State in establishing the absentee ballot tracking program, as set forth in the statement submitted under paragraph (1), except that such amount may not exceed the product of—

“(A) the number of jurisdictions in the State which are responsible for operating the program; and

“(B) \$3,000.

“(3) LIMIT ON NUMBER OF PAYMENTS RECEIVED.—A State may not receive more than one payment under this part.

“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.

“(a) AUTHORIZATION.—There are authorized to be appropriated to the Commission for fiscal year 2020 and each succeeding fiscal year such sums as may be necessary for payments under this part.

“(b) CONTINUING AVAILABILITY OF FUNDS.—Any amounts appropriated pursuant to the authorization under this section shall remain available until expended.”.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to subtitle D of title II the following:

“PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS

“Sec. 297. Payments to States.

“Sec. 297A. Authorization of appropriations.”.

**SEC. 1907. VOTER INFORMATION RESPONSE SYSTEMS AND HOTLINE.**

(a) ESTABLISHMENT AND OPERATION OF SYSTEMS AND SERVICES.—

(1) STATE-BASED RESPONSE SYSTEMS.—The Attorney General shall coordinate the establishment of a State-based response system for responding to questions and complaints from individuals voting or seeking to vote, or registering to vote or seeking to register to vote, in elections for Federal office. Such system shall provide—

(A) State-specific, same-day, and immediate assistance to such individuals, including information on how to register to vote, the location and hours of operation of polling places, and how to obtain absentee ballots; and

(B) State-specific, same-day, and immediate assistance to individuals encountering problems with registering to vote or voting, including individuals encountering intimidation or deceptive practices.

(2) HOTLINE.—The Attorney General, in consultation with State election officials, shall establish and operate a toll-free telephone service, using a telephone number that is accessible throughout the United States and that uses easily identifiable numerals, through which individuals throughout the United States—

(A) may connect directly to the State-based response system described in paragraph (1) with respect to the State involved;

(B) may obtain information on voting in elections for Federal office, including information on how to register to vote in such elections, the locations and hours of operation of polling places, and how to obtain absentee ballots; and

(C) may report information to the Attorney General on problems encountered in registering to vote or voting, including incidences of voter intimidation or suppression.

(3) COLLABORATION WITH STATE AND LOCAL ELECTION OFFICIALS.—

(A) COLLECTION OF INFORMATION FROM STATES.—The Attorney General shall coordinate the collection of information on State and local election laws and policies, including information on the Statewide computerized voter registration lists maintained under title III of the Help America Vote Act of 2002, so that individuals who contact the free telephone service established under paragraph (2) on the date of an election for Federal office may receive an immediate response on that day.

(B) FORWARDING QUESTIONS AND COMPLAINTS TO STATES.—If an individual contacts the free telephone service established under paragraph (2) on the date of an election for Federal office with a question or complaint with respect to a particular State or jurisdiction within a State, the Attorney General shall forward the question or complaint immediately to the appropriate election official of the State or jurisdiction so that the official may answer the question or remedy the complaint on that date.

(4) CONSULTATION REQUIREMENTS FOR DEVELOPMENT OF SYSTEMS AND SERVICES.—The Attorney General shall ensure that the State-based response system under paragraph (1) and the free telephone service under paragraph (2) are each developed in consultation with civil rights organizations, voting rights groups, State and local election officials, voter protection groups, and other interested community organizations, especially those that have experience in the operation of similar systems and services.

(b) USE OF SERVICE BY INDIVIDUALS WITH DISABILITIES AND INDIVIDUALS WITH LIMITED ENGLISH LANGUAGE PROFICIENCY.—The Attorney General shall design and operate the telephone service established under this section in a manner that ensures that individuals with disabilities are fully able to use the service, and that assistance is provided in any language in which the State (or any jurisdiction in the State) is required to provide election materials under section 203 of the Voting Rights Act of 1965..

(c) VOTER HOTLINE TASK FORCE.—

(1) APPOINTMENT BY ATTORNEY GENERAL.—The Attorney General shall appoint individuals (in such number as the Attorney General considers appro-

appropriate but in no event fewer than 3) to serve on a Voter Hotline Task Force to provide ongoing analysis and assessment of the operation of the telephone service established under this section, and shall give special consideration in making appointments to the Task Force to individuals who represent civil rights organizations. At least one member of the Task Force shall be a representative of an organization promoting voting rights or civil rights which has experience in the operation of similar telephone services or in protecting the rights of individuals to vote, especially individuals who are members of racial, ethnic, or linguistic minorities or of communities who have been adversely affected by efforts to suppress voting rights.

(2) **ELIGIBILITY.**—An individual shall be eligible to serve on the Task Force under this subsection if the individual meets such criteria as the Attorney General may establish, except that an individual may not serve on the task force if the individual has been convicted of any criminal offense relating to voter intimidation or voter suppression.

(3) **TERM OF SERVICE.**—An individual appointed to the Task Force shall serve a single term of 2 years, except that the initial terms of the members first appointed to the Task Force shall be staggered so that there are at least 3 individuals serving on the Task Force during each year. A vacancy in the membership of the Task Force shall be filled in the same manner as the original appointment.

(4) **NO COMPENSATION FOR SERVICE.**—Members of the Task Force shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) **BI-ANNUAL REPORT TO CONGRESS.**—Not later than March 1 of each odd-numbered year, the Attorney General shall submit a report to Congress on the operation of the telephone service established under this section during the previous 2 years, and shall include in the report—

(1) an enumeration of the number and type of calls that were received by the service;

(2) a compilation and description of the reports made to the service by individuals citing instances of voter intimidation or suppression;

(3) an assessment of the effectiveness of the service in making information available to all households in the United States with telephone service;

(4) any recommendations developed by the Task Force established under subsection (c) with respect to how voting systems may be maintained or upgraded to better accommodate voters and better ensure the integrity of elections, including but not limited to identifying how to eliminate coordinated voter suppression efforts and how to establish effective mechanisms for distributing updates on changes to voting requirements; and

(5) any recommendations on best practices for the State-based response systems established under subsection (a)(1).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **AUTHORIZATION.**—There are authorized to be appropriated to the Attorney General for fiscal year 2019 and each succeeding fiscal year such sums as may be necessary to carry out this section.

(2) **SET-ASIDE FOR OUTREACH.**—Of the amounts appropriated to carry out this section for a fiscal year pursuant to the authorization under paragraph (1), not less than 15 percent shall be used for outreach activities to make the public aware of the availability of the telephone service established under this section, with an emphasis on outreach to individuals with disabilities and individuals with limited proficiency in the English language.

## **PART 2—IMPROVEMENTS IN OPERATION OF ELECTION ASSISTANCE COMMISSION**

### **SEC. 1911. REAUTHORIZATION OF ELECTION ASSISTANCE COMMISSION.**

Section 210 of the Help America Vote Act of 2002 (52 U.S.C. 20930) is amended—

(1) by striking “for each of the fiscal years 2003 through 2005” and inserting “for fiscal year 2019 and each succeeding fiscal year”; and

(2) by striking “(but not to exceed \$10,000,000 for each such year)”.

**SEC. 1913. REQUIRING STATES TO PARTICIPATE IN POST-GENERAL ELECTION SURVEYS.**

(a) REQUIREMENT.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1904(a), is further amended by inserting after section 303A the following new section:

**“SEC. 303B. REQUIRING PARTICIPATION IN POST-GENERAL ELECTION SURVEYS.**

“(a) REQUIREMENT.—Each State shall furnish to the Commission such information as the Commission may request for purposes of conducting any post-election survey of the States with respect to the administration of a regularly scheduled general election for Federal office.

“(b) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and any succeeding election.”

(b) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 1904(c), is further amended by inserting after the item relating to section 303A the following new item:

“Sec. 303B. Requiring participation in post-general election surveys.”

**SEC. 1914. REPORTS BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ON USE OF FUNDS TRANSFERRED FROM ELECTION ASSISTANCE COMMISSION.**

(a) REQUIRING REPORTS ON USE FUNDS AS CONDITION OF RECEIPT.—Section 231 of the Help America Vote Act of 2002 (52 U.S.C. 20971) is amended by adding at the end the following new subsection:

“(e) REPORT ON USE OF FUNDS TRANSFERRED FROM COMMISSION.—To the extent that funds are transferred from the Commission to the Director of the National Institute of Standards and Technology for purposes of carrying out this section during any fiscal year, the Director may not use such funds unless the Director certifies at the time of transfer that the Director will submit a report to the Commission not later than 90 days after the end of the fiscal year detailing how the Director used such funds during the year.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2020 and each succeeding fiscal year.

**SEC. 1915. RECOMMENDATIONS TO IMPROVE OPERATIONS OF ELECTION ASSISTANCE COMMISSION.**

(a) ASSESSMENT OF INFORMATION TECHNOLOGY AND CYBERSECURITY.—Not later than December 31, 2019, the Election Assistance Commission shall carry out an assessment of the security and effectiveness of the Commission’s information technology systems, including the cybersecurity of such systems.

**(b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT PROCEDURES.—**

(1) REVIEW OF PROCEDURES.—The Election Assistance Commission shall carry out a review of the effectiveness and efficiency of the State-based administrative complaint procedures established and maintained under section 402 of the Help America Vote Act of 2002 (52 U.S.C. 21112) for the investigation and resolution of allegations of violations of title III of such Act.

(2) RECOMMENDATIONS TO STREAMLINE PROCEDURES.—Not later than December 31, 2019, the Commission shall submit to Congress a report on the review carried out under paragraph (1), and shall include in the report such recommendations as the Commission considers appropriate to streamline and improve the procedures which are the subject of the review.

**SEC. 1916. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE COMMISSION FROM CERTAIN GOVERNMENT CONTRACTING REQUIREMENTS.**

(a) IN GENERAL.—Section 205 of the Help America Vote Act of 2002 (52 U.S.C. 20925) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into by the Election Assistance Commission on or after the date of the enactment of this Act.

**PART 3—MISCELLANEOUS PROVISIONS**

**SEC. 1921. APPLICATION OF LAWS TO COMMONWEALTH OF NORTHERN MARIANA ISLANDS.**

(a) NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 3(4) of the National Voter Registration Act of 1993 (52 U.S.C. 20502(4)) is amended by striking “States and the District of Columbia” and inserting “States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands”.

(b) HELP AMERICA VOTE ACT OF 2002.—

(1) **COVERAGE OF COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**—Section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141) is amended by striking “and the United States Virgin Islands” and inserting “the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands”.

(2) **CONFORMING AMENDMENTS TO HELP AMERICA VOTE ACT OF 2002.**—Such Act is further amended as follows:

(A) The second sentence of section 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended by striking “and American Samoa” and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

(B) Section 252(c)(2) (52 U.S.C. 21002(c)(2)) is amended by striking “or the United States Virgin Islands” and inserting “the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands”.

(3) **CONFORMING AMENDMENT RELATING TO CONSULTATION OF HELP AMERICA VOTE FOUNDATION WITH LOCAL ELECTION OFFICIALS.**—Section 90102(c) of title 36, United States Code, is amended by striking “and the United States Virgin Islands” and inserting “the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands”.

(4) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply with respect to fiscal years beginning with the first fiscal year which begins after funds are appropriated to the Commonwealth of the Northern Mariana Islands pursuant to the payment under section 2.

**SEC. 1922. NO EFFECT ON OTHER LAWS.**

(a) **IN GENERAL.**—Except as specifically provided, nothing in this title may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.).

(2) The Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. 20101 et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

(4) The National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(b) **NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.**—The approval by any person of a payment or grant application under this title, or any other action taken by any person under this title, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 (52 U.S.C. 10304) or any other requirements of such Act.

(c) **NO EFFECT ON AUTHORITY OF STATES TO PROVIDE GREATER OPPORTUNITIES FOR VOTING.**—Nothing in this title or the amendments made by this title may be construed to prohibit any State from enacting any law which provides greater opportunities for individuals to register to vote and to vote in elections for Federal office than are provided by this title and the amendments made by this title.

## Subtitle O—Severability

**SEC. 1931. SEVERABILITY.**

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

## TITLE II—ELECTION INTEGRITY

Subtitle A—[Reserved]

Subtitle B—[Reserved]

Subtitle C—[Reserved]

Subtitle D—[Reserved]

Subtitle E—[Reserved]

Subtitle F—Saving Eligible Voters From Voter Purging

Sec. 2501. Short title.

Sec. 2502. Conditions for removal of voters from list of registered voters.

Subtitle G—No Effect on Authority of States to Provide Greater Opportunities for Voting

Sec. 2601. No effect on authority of States to provide greater opportunities for voting.

Subtitle H—Severability

Sec. 2701. Severability.

**Subtitle A—[Reserved]**

**Subtitle B—[Reserved]**

**Subtitle C—[Reserved]**

**Subtitle D—[Reserved]**

**Subtitle E—[Reserved]**

### **Subtitle F—Saving Eligible Voters From Voter Purging**

#### **SEC. 2501. SHORT TITLE.**

This subtitle may be cited as the “Stop Automatically Voiding Eligible Voters Off Their Enlisted Rolls in States Act” or the “Save Voters Act”.

#### **SEC. 2502. CONDITIONS FOR REMOVAL OF VOTERS FROM LIST OF REGISTERED VOTERS.**

(a) **CONDITIONS DESCRIBED.**—The National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) is amended by inserting after section 8 the following new section:

#### **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM OFFICIAL LIST OF REGISTERED VOTERS.**

“(a) **VERIFICATION ON BASIS OF OBJECTIVE AND RELIABLE EVIDENCE OF INELIGIBILITY.**—

“(1) **REQUIRING VERIFICATION.**—Notwithstanding any other provision of this Act, a State may not remove the name of any registrant from the official list of voters eligible to vote in elections for Federal office in the State unless the State verifies, on the basis of objective and reliable evidence, that the registrant is ineligible to vote in such elections.

“(2) **FACTORS NOT CONSIDERED AS OBJECTIVE AND RELIABLE EVIDENCE OF INELIGIBILITY.**—For purposes of paragraph (2), the following factors, or any combination thereof, shall not be treated as objective and reliable evidence of a registrant’s ineligibility to vote:

“(A) The failure of the registrant to vote in any election.

“(B) The failure of the registrant to respond to any notice sent under section 8(d), unless the notice has been returned as undeliverable.

“(C) The failure of the registrant to take any other action with respect to voting in any election or with respect to the registrant’s status as a registrant.



“(b) NOTICE AFTER REMOVAL.—

“(1) NOTICE TO INDIVIDUAL REMOVED.—

“(A) IN GENERAL.—Not later than 48 hours after a State removes the name of a registrant from the official list of eligible voters for any reason (other than the death of the registrant), the State shall send notice of the removal to the former registrant, and shall include in the notice the grounds for the removal and information how the former registrant may contest the removal, including a telephone number for the appropriate election official., and how to contest the removal or be reinstated, including a contact phone number.

“(B) EXCEPTIONS.—Subparagraph (A) does not apply in the case of a registrant—

“(i) who sends written confirmation to the State that the registrant is no longer eligible to vote in the registrar’s jurisdiction in which the registrant was registered; or

“(ii) who is removed from the official list of eligible voters by reason of the death of the registrant.

“(2) PUBLIC NOTICE.—Not later than 48 hours after conducting any general program to remove the names of ineligible voters from the official list of eligible voters (as described in section 8(a)(4)), the State shall disseminate a public notice through such methods as may be reasonable to reach the general public (including by publishing the notice in a newspaper of wide circulation or posting the notice on the websites of the appropriate election officials) that list maintenance is taking place and that registrants should check their registration status to ensure no errors or mistakes have been made. The State shall ensure that the public notice disseminated under this paragraph is in a format that is reasonably convenient and accessible to voters with disabilities, including voters who have low vision or are blind.”

(b) CONDITIONS FOR TRANSMISSION OF NOTICES OF REMOVAL.—Section 8(d) of such Act (52 U.S.C. 20507(d)) is amended by adding at the end the following new paragraph:

“(4) A State may not transmit a notice to a registrant under this subsection unless the State obtains objective and reliable evidence (in accordance with the standards for such evidence which are described in section 8A(a)(2)) that the registrant has changed residence to a place outside the registrar’s jurisdiction in which the registrant is registered.”

(c) CONFORMING AMENDMENTS.—

(1) NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 8(a) of such Act (52 U.S.C. 20507(a)) is amended—

(A) in paragraph (3), by striking “provide” and inserting “subject to section 8A, provide”; and

(B) in paragraph (4), by striking “conduct” and inserting “subject to section 8A, conduct”.

(2) HELP AMERICA VOTE ACT OF 2002.—Section 303(a)(4)(A) of the Help America Vote Act of 2002 (52 U.S.C. 21083(a)(4)(A)) is amended by striking “, registrants” and inserting “, and subject to section 8A of such Act, registrants”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

## **Subtitle G—No Effect on Authority of States to Provide Greater Opportunities for Voting**

### **SEC. 2601. NO EFFECT ON AUTHORITY OF STATES TO PROVIDE GREATER OPPORTUNITIES FOR VOTING.**

Nothing in this title or the amendments made by this title may be construed to prohibit any State from enacting any law which provides greater opportunities for individuals to register to vote and to vote in elections for Federal office than are provided by this title and the amendments made by this title.

## Subtitle H—Severability

### SEC. 2701. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

## TITLE III—ELECTION SECURITY

Sec. 3000. Short title; sense of Congress.

### Subtitle A—Financial Support for Election Infrastructure

#### PART 1—VOTING SYSTEM SECURITY IMPROVEMENT GRANTS

Sec. 3001. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.

Sec. 3002. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.

Sec. 3003. Incorporation of definitions.

#### PART 2—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

Sec. 3011. Grants to States for conducting risk-limiting audits of results of elections.

Sec. 3012. GAO analysis of effects of audits.

#### PART 3—[RESERVED]

### Subtitle B—Security Measures

Sec. 3101. Election infrastructure designation.

Sec. 3102. Timely threat information.

Sec. 3103. Security clearance assistance for election officials.

Sec. 3104. Security risk and vulnerability assessments.

Sec. 3105. Annual reports.

### Subtitle C—Enhancing Protections for United States Democratic Institutions

Sec. 3201. National strategy to protect United States democratic institutions.

Sec. 3202. National Commission to Protect United States Democratic Institutions.

### Subtitle D—Promoting Cybersecurity Through Improvements in Election Administration

Sec. 3301. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.

Sec. 3302. Treatment of electronic poll books as part of voting systems.

Sec. 3303. Pre-election reports on voting system usage.

Sec. 3304. Streamlining collection of election information.

### Subtitle E—Preventing Election Hacking

Sec. 3401. Short title.

Sec. 3402. Election Security Bug Bounty Program.

Sec. 3403. Definitions.

### Subtitle F—Miscellaneous Provisions

Sec. 3501. Definitions.

Sec. 3502. Initial report on adequacy of resources available for implementation.

### Subtitle G—Severability

Sec. 3601. Severability.

### SEC. 3000. SHORT TITLE; SENSE OF CONGRESS.

(a) **SHORT TITLE.**—This title may be cited as the “Election Security Act”.

(b) **SENSE OF CONGRESS ON NEED TO IMPROVE ELECTION INFRASTRUCTURE SECURITY.**—It is the sense of Congress that, in light of the lessons learned from Russian interference in the 2016 Presidential election, the Federal Government should intensify its efforts to improve the security of election infrastructure in the United States, including through the use of individual, durable, paper ballots marked by the voter by hand.

## **Subtitle A—Financial Support for Election Infrastructure**

### **PART 1—VOTING SYSTEM SECURITY IMPROVEMENT GRANTS**

#### **SEC. 3001. GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS.**

(a) AVAILABILITY OF GRANTS.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.), as amended by section 1906(a), is amended by adding at the end the following new part:

#### **“PART 8—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS**

##### **“SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS.**

“(a) AVAILABILITY AND USE OF GRANT.—The Commission shall make a grant to each eligible State—

“(1) to replace a voting system—

“(A) which does not meet the requirements which are first imposed on the State pursuant to the amendments made by the Voter Confidence and Increased Accessibility Act of 2019 with a voting system which does meet such requirements, for use in the regularly scheduled general elections for Federal office held in November 2020, or

“(B) which does meet such requirements but which is not in compliance with the most recent voluntary voting system guidelines issued by the Commission prior to the regularly scheduled general election for Federal office held in November 2020 with another system which does meet such requirements and is in compliance with such guidelines; and

“(2) to carry out voting system security improvements described in section 298A with respect to the regularly scheduled general elections for Federal office held in November 2020 and each succeeding election for Federal office.

“(b) AMOUNT OF GRANT.—The amount of a grant made to a State under this section shall be such amount as the Commission determines to be appropriate, except that such amount may not be less than the product of \$1 and the average of the number of individuals who cast votes in any of the two most recent regularly scheduled general elections for Federal office held in the State.

“(c) PRO RATA REDUCTIONS.—If the amount of funds appropriated for grants under this part is insufficient to ensure that each State receives the amount of the grant calculated under subsection (b), the Commission shall make such pro rata reductions in such amounts as may be necessary to ensure that the entire amount appropriated under this part is distributed to the States.

“(d) ABILITY OF REPLACEMENT SYSTEMS TO ADMINISTER RANKED CHOICE ELECTIONS.—To the greatest extent practicable, an eligible State which receives a grant to replace a voting system under this section shall ensure that the replacement system is capable of administering a system of ranked choice voting under which each voter shall rank the candidates for the office in the order of the voter’s preference.

##### **“SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS DESCRIBED.**

“(a) PERMITTED USES.—A voting system security improvement described in this section is any of the following:

“(1) The acquisition of goods and services from qualified election infrastructure vendors by purchase, lease, or such other arrangements as may be appropriate.

“(2) Cyber and risk mitigation training.

“(3) A security risk and vulnerability assessment of the State’s election infrastructure which is carried out by a provider of cybersecurity services under a contract entered into between the chief State election official and the provider.

“(4) The maintenance of election infrastructure, including addressing risks and vulnerabilities which are identified under either of the security risk and vulnerability assessments described in paragraph (3), except that none of the

funds provided under this part may be used to renovate or replace a building or facility which is used primarily for purposes other than the administration of elections for public office.

“(5) Providing increased technical support for any information technology infrastructure that the chief State election official deems to be part of the State’s election infrastructure or designates as critical to the operation of the State’s election infrastructure.

“(6) Enhancing the cybersecurity and operations of the information technology infrastructure described in paragraph (4).

“(7) Enhancing the cybersecurity of voter registration systems.

“(b) QUALIFIED ELECTION INFRASTRUCTURE VENDORS DESCRIBED.—

“(1) IN GENERAL.—For purposes of this part, a ‘qualified election infrastructure vendor’ is any person who provides, supports, or maintains, or who seeks to provide, support, or maintain, election infrastructure on behalf of a State, unit of local government, or election agency (as defined in section 3501 of the Election Security Act) who meets the criteria described in paragraph (2).

“(2) CRITERIA.—The criteria described in this paragraph are such criteria as the Chairman, in coordination with the Secretary of Homeland Security, shall establish and publish, and shall include each of the following requirements:

“(A) The vendor must be owned and controlled by a citizen or permanent resident of the United States.

“(B) The vendor must disclose to the Chairman and the Secretary, and to the chief State election official of any State to which the vendor provides any goods and services with funds provided under this part, of any sourcing outside the United States for parts of the election infrastructure.

“(C) The vendor agrees to ensure that the election infrastructure will be developed and maintained in a manner that is consistent with the cybersecurity best practices issued by the Technical Guidelines Development Committee.

“(D) The vendor agrees to maintain its information technology infrastructure in a manner that is consistent with the cybersecurity best practices issued by the Technical Guidelines Development Committee.

“(E) The vendor agrees to meet the requirements of paragraph (3) with respect to any known or suspected cybersecurity incidents involving any of the goods and services provided by the vendor pursuant to a grant under this part.

“(F) The vendor agrees to permit independent security testing by the Commission (in accordance with section 231(a)) and by the Secretary of the goods and services provided by the vendor pursuant to a grant under this part.

“(3) CYBERSECURITY INCIDENT REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—A vendor meets the requirements of this paragraph if, upon becoming aware of the possibility that an election cybersecurity incident has occurred involving any of the goods and services provided by the vendor pursuant to a grant under this part—

“(i) the vendor promptly assesses whether or not such an incident occurred, and submits a notification meeting the requirements of subparagraph (B) to the Secretary and the Chairman of the assessment as soon as practicable (but in no case later than 3 days after the vendor first becomes aware of the possibility that the incident occurred);

“(ii) if the incident involves goods or services provided to an election agency, the vendor submits a notification meeting the requirements of subparagraph (B) to the agency as soon as practicable (but in no case later than 3 days after the vendor first becomes aware of the possibility that the incident occurred), and cooperates with the agency in providing any other necessary notifications relating to the incident; and

“(iii) the vendor provides all necessary updates to any notification submitted under clause (i) or clause (ii).

“(B) CONTENTS OF NOTIFICATIONS.—Each notification submitted under clause (i) or clause (ii) of subparagraph (A) shall contain the following information with respect to any election cybersecurity incident covered by the notification:

“(i) The date, time, and time zone when the election cybersecurity incident began, if known.

“(ii) The date, time, and time zone when the election cybersecurity incident was detected.

“(iii) The date, time, and duration of the election cybersecurity incident.

“(iv) The circumstances of the election cybersecurity incident, including the specific election infrastructure systems believed to have been accessed and information acquired, if any.

“(v) Any planned and implemented technical measures to respond to and recover from the incident.

“(vi) In the case of any notification which is an update to a prior notification, any additional material information relating to the incident, including technical data, as it becomes available.

**“SEC. 298B. ELIGIBILITY OF STATES.**

“A State is eligible to receive a grant under this part if the State submits to the Commission, at such time and in such form as the Commission may require, an application containing—

“(1) a description of how the State will use the grant to carry out the activities authorized under this part;

“(2) a certification and assurance that, not later than 5 years after receiving the grant, the State will carry out risk-limiting audits and will carry out voting system security improvements, as described in section 298A; and

“(3) such other information and assurances as the Commission may require.

**“SEC. 298C. REPORTS TO CONGRESS.**

“Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the appropriate congressional committees, including the Committees on Homeland Security, House Administration, and the Judiciary of the House of Representatives and the Committees on Homeland Security and Governmental Affairs, the Judiciary, and Rules and Administration of the Senate, on the activities carried out with the funds provided under this part.

**“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

“(a) AUTHORIZATION.—There are authorized to be appropriated for grants under this part—

“(1) \$1,000,000,000 for fiscal year 2019; and

“(2) \$175,000,000 for each of the fiscal years 2020, 2022, 2024, and 2026.

“(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any amounts appropriated pursuant to the authorization of this section shall remain available until expended.”.

(b) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 1906(b), is amended by adding at the end of the items relating to subtitle D of title II the following:

**“PART 8—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM IMPROVEMENTS**

“Sec. 298. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.

“Sec. 298A. Voting system security improvements described.

“Sec. 298B. Eligibility of States.

“Sec. 298C. Reports to Congress.

“Sec. 298D. Authorization of appropriations.

**SEC. 3002. COORDINATION OF VOTING SYSTEM SECURITY ACTIVITIES WITH USE OF REQUIREMENTS PAYMENTS AND ELECTION ADMINISTRATION REQUIREMENTS UNDER HELP AMERICA VOTE ACT OF 2002.**

(a) DUTIES OF ELECTION ASSISTANCE COMMISSION.—Section 202 of the Help America Vote Act of 2002 (52 U.S.C. 20922) is amended in the matter preceding paragraph (1) by striking “by” and inserting “and the security of election infrastructure by”.

(b) MEMBERSHIP OF SECRETARY OF HOMELAND SECURITY ON BOARD OF ADVISORS OF ELECTION ASSISTANCE COMMISSION.—Section 214(a) of such Act (52 U.S.C. 20944(a)) is amended—

(1) by striking “37 members” and inserting “38 members”; and

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

“(17) The Secretary of Homeland Security or the Secretary’s designee.”.

(c) REPRESENTATIVE OF DEPARTMENT OF HOMELAND SECURITY ON TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—Section 221(c)(1) of such Act (52 U.S.C. 20961(c)(1)) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) A representative of the Department of Homeland Security.”.

(d) GOALS OF PERIODIC STUDIES OF ELECTION ADMINISTRATION ISSUES; CONSULTATION WITH SECRETARY OF HOMELAND SECURITY.—Section 241(a) of such Act (52 U.S.C. 20981(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “the Commission shall” and inserting “the Commission, in consultation with the Secretary of Homeland Security (as appropriate), shall”;

(2) by striking “and” at the end of paragraph (3);

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph:

“(4) will be secure against attempts to undermine the integrity of election systems by cyber or other means; and”.

(e) REQUIREMENTS PAYMENTS.—

(1) USE OF PAYMENTS FOR VOTING SYSTEM SECURITY IMPROVEMENTS.—Section 251(b) of such Act (52 U.S.C. 21001(b)), as amended by section 1061(a)(2), is further amended by adding at the end the following new paragraph:

“(5) PERMITTING USE OF PAYMENTS FOR VOTING SYSTEM SECURITY IMPROVEMENTS.—A State may use a requirements payment to carry out any of the following activities:

“(A) Cyber and risk mitigation training.

“(B) Providing increased technical support for any information technology infrastructure that the chief State election official deems to be part of the State’s election infrastructure or designates as critical to the operation of the State’s election infrastructure.

“(C) Enhancing the cybersecurity and operations of the information technology infrastructure described in subparagraph (B).

“(D) Enhancing the security of voter registration databases.”.

(2) INCORPORATION OF ELECTION INFRASTRUCTURE PROTECTION IN STATE PLANS FOR USE OF PAYMENTS.—Section 254(a)(1) of such Act (52 U.S.C. 21004(a)(1)) is amended by striking the period at the end and inserting “, including the protection of election infrastructure.”.

(3) COMPOSITION OF COMMITTEE RESPONSIBLE FOR DEVELOPING STATE PLAN FOR USE OF PAYMENTS.—Section 255 of such Act (52 U.S.C. 21005) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

“(b) GEOGRAPHIC REPRESENTATION.—The members of the committee shall be a representative group of individuals from the State’s counties, cities, towns, and Indian tribes, and shall represent the needs of rural as well as urban areas of the State, as the case may be.”.

(f) ENSURING PROTECTION OF COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST.—Section 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amended by striking the period at the end and inserting “, as well as other measures to prevent and deter cybersecurity incidents, as identified by the Commission, the Secretary of Homeland Security, and the Technical Guidelines Development Committee.”.

**SEC. 3003. INCORPORATION OF DEFINITIONS.**

(a) IN GENERAL.—Section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141) is amended to read as follows:

**“SEC. 901. DEFINITIONS.**

“In this Act, the following definitions apply:

“(1) The term ‘cybersecurity incident’ has the meaning given the term ‘incident’ in section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148).

“(2) The term ‘election infrastructure’ has the meaning given such term in section 3501 of the Election Security Act.

“(3) The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.”.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by amending the item relating to section 901 to read as follows:

“Sec. 901. Definitions.”.

**PART 2—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS**

**SEC. 3011. GRANTS TO STATES FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS.**

(a) AVAILABILITY OF GRANTS.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.), as amended by sections 1906(a) and 3001(a), is amended by adding at the end the following new part:

**“PART 9—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS**

**“SEC. 299. GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS.**

“(a) AVAILABILITY OF GRANTS.—The Commission shall make a grant to each eligible State to conduct risk-limiting audits as described in subsection (b) with respect to the regularly scheduled general elections for Federal office held in November 2020 and each succeeding election for Federal office.

“(b) RISK-LIMITING AUDITS DESCRIBED.—In this part, a ‘risk-limiting audit’ is a post-election process—

“(1) which is conducted in accordance with rules and procedures established by the chief State election official of the State which meet the requirements of subsection (c); and

“(2) under which, if the reported outcome of the election is incorrect, there is at least a predetermined percentage chance that the audit will replace the incorrect outcome with the correct outcome as determined by a full, hand-to-eye tabulation of all votes validly cast in that election that ascertains voter intent manually and directly from voter-verifiable paper records.

“(c) REQUIREMENTS FOR RULES AND PROCEDURES.—The rules and procedures established for conducting a risk-limiting audit shall include the following elements:

“(1) Rules for ensuring the security of ballots and documenting that prescribed procedures were followed.

“(2) Rules and procedures for ensuring the accuracy of ballot manifests produced by election agencies.

“(3) Rules and procedures for governing the format of ballot manifests, cast vote records, and other data involved in the audit.

“(4) Methods to ensure that any cast vote records used in the audit are those used by the voting system to tally the election results sent to the chief State election official and made public.

“(5) Procedures for the random selection of ballots to be inspected manually during each audit.

“(6) Rules for the calculations and other methods to be used in the audit and to determine whether and when the audit of an election is complete.

“(7) Procedures and requirements for testing any software used to conduct risk-limiting audits.

“(d) DEFINITIONS.—In this part, the following definitions apply:

“(1) The term ‘ballot manifest’ means a record maintained by each election agency that meets each of the following requirements:

“(A) The record is created without reliance on any part of the voting system used to tabulate votes.

“(B) The record functions as a sampling frame for conducting a risk-limiting audit.

“(C) The record contains the following information with respect to the ballots cast and counted in the election:

“(i) The total number of ballots cast and counted by the agency (including undervotes, overvotes, and other invalid votes).

“(ii) The total number of ballots cast in each election administered by the agency (including undervotes, overvotes, and other invalid votes).

“(iii) A precise description of the manner in which the ballots are physically stored, including the total number of physical groups of ballots, the numbering system for each group, a unique label for each group, and the number of ballots in each such group.

“(2) The term ‘incorrect outcome’ means an outcome that differs from the outcome that would be determined by a full tabulation of all votes validly cast in

the election, determining voter intent manually, directly from voter-verifiable paper records.

“(3) The term ‘outcome’ means the winner of an election, whether a candidate or a position.

“(4) The term ‘reported outcome’ means the outcome of an election which is determined according to the canvass and which will become the official, certified outcome unless it is revised by an audit, recount, or other legal process.

**“SEC. 299A. ELIGIBILITY OF STATES.**

“A State is eligible to receive a grant under this part if the State submits to the Commission, at such time and in such form as the Commission may require, an application containing—

“(1) a certification that, not later than 5 years after receiving the grant, the State will conduct risk-limiting audits of the results of elections for Federal office held in the State as described in section 299;

“(2) a certification that, not later than one year after the date of the enactment of this section, the chief State election official of the State has established or will establish the rules and procedures for conducting the audits which meet the requirements of section 299(c);

“(3) a certification that the audit shall be completed not later than the date on which the State certifies the results of the election;

“(4) a certification that, after completing the audit, the State shall publish a report on the results of the audit, together with such information as necessary to confirm that the audit was conducted properly;

“(5) a certification that, if a risk-limiting audit conducted under this part leads to a full manual tally of an election, State law requires that the State or election agency shall use the results of the full manual tally as the official results of the election; and

“(6) such other information and assurances as the Commission may require.

**“SEC. 299B. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated for grants under this part \$20,000,000 for fiscal year 2019, to remain available until expended.”

(b) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by sections 1906(b) and 3001(b), is further amended by adding at the end of the items relating to subtitle D of title II the following:

**“PART 9—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS**

“Sec. 299. Grants for conducting risk-limiting audits of results of elections.

“Sec. 299A. Eligibility of States.

“Sec. 299B. Authorization of appropriations.

**SEC. 3012. GAO ANALYSIS OF EFFECTS OF AUDITS.**

(a) ANALYSIS.—Not later than 6 months after the first election for Federal office is held after grants are first awarded to States for conducting risk-limiting under part 9 of subtitle D of title II of the Help America Vote Act of 2002 (as added by section 3011) for conducting risk-limiting audits of elections for Federal office, the Comptroller General of the United States shall conduct an analysis of the extent to which such audits have improved the administration of such elections and the security of election infrastructure in the States receiving such grants.

(b) REPORT.—The Comptroller General of the United States shall submit a report on the analysis conducted under subsection (a) to the appropriate congressional committees.

**PART 3—[RESERVED]**

**Subtitle B—Security Measures**

**SEC. 3101. ELECTION INFRASTRUCTURE DESIGNATION.**

Subparagraph (J) of section 2001(3) of the Homeland Security Act of 2002 (6 U.S.C. 601(3)) is amended by inserting “, including election infrastructure” before the period at the end.

**SEC. 3102. TIMELY THREAT INFORMATION.**

Subsection (d) of section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended by adding at the end the following new paragraph:



“(24) To provide timely threat information regarding election infrastructure to the chief State election official of the State with respect to which such information pertains.”.

**SEC. 3103. SECURITY CLEARANCE ASSISTANCE FOR ELECTION OFFICIALS.**

In order to promote the timely sharing of information on threats to election infrastructure, the Secretary may—

(1) help expedite a security clearance for the chief State election official and other appropriate State personnel involved in the administration of elections, as designated by the chief State election official;

(2) sponsor a security clearance for the chief State election official and other appropriate State personnel involved in the administration of elections, as designated by the chief State election official; and

(3) facilitate the issuance of a temporary clearance to the chief State election official and other appropriate State personnel involved in the administration of elections, as designated by the chief State election official, if the Secretary determines classified information to be timely and relevant to the election infrastructure of the State at issue.

**SEC. 3104. SECURITY RISK AND VULNERABILITY ASSESSMENTS.**

(a) **IN GENERAL.**—Paragraph (6) of section 2209(c) of the Homeland Security Act of 2002 (6 U.S.C. 659(c)) is amended by inserting “(including by carrying out a security risk and vulnerability assessment)” after “risk management support”.

(b) **PRIORITIZATION TO ENHANCE ELECTION SECURITY.**—

(1) **IN GENERAL.**—Not later than 90 days after receiving a written request from a chief State election official, the Secretary shall, to the extent practicable, commence a security risk and vulnerability assessment (pursuant to paragraph (6) of section 227(c) of the Homeland Security Act of 2002, as amended by subsection (a)) on election infrastructure in the State at issue.

(2) **NOTIFICATION.**—If the Secretary, upon receipt of a request described in paragraph (1), determines that a security risk and vulnerability assessment cannot be commenced within 90 days, the Secretary shall expeditiously notify the chief State election official who submitted such request.

**SEC. 3105. ANNUAL REPORTS.**

(a) **REPORTS ON ASSISTANCE AND ASSESSMENTS.**—Not later than one year after the date of the enactment of this Act and annually thereafter through 2026, the Secretary shall submit to the appropriate congressional committees—

(1) efforts to carry out section 203 during the prior year, including specific information on which States were helped, how many officials have been helped in each State, how many security clearances have been sponsored in each State, and how many temporary clearances have been issued in each State; and

(2) efforts to carry out section 205 during the prior year, including specific information on which States were helped, the dates on which the Secretary received a request for a security risk and vulnerability assessment pursuant to such section, the dates on which the Secretary commenced each such request, and the dates on which the Secretary transmitted a notification in accordance with subsection (b)(2) of such section.

(b) **REPORTS ON FOREIGN THREATS.**—Not later than 90 days after the end of each fiscal year (beginning with fiscal year 2019), the Secretary and the Director of National Intelligence, in coordination with the heads of appropriate offices of the Federal government, shall submit a joint report to the appropriate congressional committees on foreign threats to elections in the United States, including physical and cybersecurity threats.

(c) **INFORMATION FROM STATES.**—For purposes of preparing the reports required under this section, the Secretary shall solicit and consider information and comments from States and election agencies, except that the provision of such information and comments by a State or election agency shall be voluntary and at the discretion of the State or agency.

## Subtitle C—Enhancing Protections for United States Democratic Institutions

### SEC. 3201. NATIONAL STRATEGY TO PROTECT UNITED STATES DEMOCRATIC INSTITUTIONS.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the President, acting through the Secretary, in consultation with the Chairman, the Secretary of Defense, the Secretary of State, the Attorney General, the Secretary of Education, the Director of National Intelligence, the Chairman of the Federal Election Commission, and the heads of any other appropriate Federal agencies, shall issue a national strategy to protect against cyber attacks, influence operations, disinformation campaigns, and other activities that could undermine the security and integrity of United States democratic institutions.

(b) **CONSIDERATIONS.**—The national strategy required under subsection (a) shall include consideration of the following:

(1) The threat of a foreign state actor, foreign terrorist organization (as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)), or a domestic actor carrying out a cyber attack, influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of United States democratic institutions.

(2) The extent to which United States democratic institutions are vulnerable to a cyber attack, influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of such democratic institutions.

(3) Potential consequences, such as an erosion of public trust or an undermining of the rule of law, that could result from a successful cyber attack, influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of United States democratic institutions.

(4) Lessons learned from other Western governments the institutions of which were subject to a cyber attack, influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of such institutions, as well as actions that could be taken by the United States Government to bolster collaboration with foreign partners to detect, deter, prevent, and counter such activities.

(5) Potential impacts such as an erosion of public trust in democratic institutions as could be associated with a successful cyber breach or other activity negatively-affecting election infrastructure.

(6) Roles and responsibilities of the Secretary, the Chairman, and the heads of other Federal entities and non-Federal entities, including chief State election officials and representatives of multi-state information sharing and analysis center.

(7) Any findings, conclusions, and recommendations to strengthen protections for United States democratic institutions that have been agreed to by a majority of Commission members on the National Commission to Protect United States Democratic Institutions, authorized pursuant to section 32002.

(c) **IMPLEMENTATION PLAN.**—Not later than 90 days after the issuance of the national strategy required under subsection (a), the President, acting through the Secretary, in coordination with the Chairman, shall issue an implementation plan for Federal efforts to implement such strategy that includes the following:

(1) Strategic objectives and corresponding tasks.

(2) Projected timelines and costs for the tasks referred to in paragraph (1).

(3) Metrics to evaluate performance of such tasks.

(d) **CLASSIFICATION.**—The national strategy required under subsection (a) shall be in unclassified form but may contain a classified annex.

### SEC. 3202. NATIONAL COMMISSION TO PROTECT UNITED STATES DEMOCRATIC INSTITUTIONS.

(a) **ESTABLISHMENT.**—There is established within the legislative branch the National Commission to Protect United States Democratic Institutions (hereafter in this section referred to as the “Commission”).

(b) **PURPOSE.**—The purpose of the Commission is to counter efforts to undermine democratic institutions within the United States.

(c) **COMPOSITION.**—

(1) **MEMBERSHIP.**—The Commission shall be composed of 10 members appointed for the life of the Commission as follows:

(A) One member shall be appointed by the Secretary.

- (B) One member shall be appointed by the Chairman.
- (C) 2 members shall be appointed by the majority leader of the Senate, in consultation with the Chairman of the Committee on Homeland Security and Governmental Affairs, the Chairman of the Committee on the Judiciary, and the Chairman of the Committee on Rules and Administration.
- (D) 2 members shall be appointed by the minority leader of the Senate, in consultation with the ranking minority member of the Committee on Homeland Security and Governmental Affairs, the ranking minority member of the Committee on the Judiciary, and the ranking minority member of the Committee on Rules and Administration.
- (E) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Homeland Security, the Chairman of the Committee on House Administration, and the Chairman of the Committee on the Judiciary.
- (F) 2 members shall be appointed by the minority leader of the House of Representatives, in consultation with the ranking minority member of the Committee on Homeland Security, the ranking minority member of the Committee on the Judiciary, and the ranking minority member of the Committee on House Administration.
- (2) QUALIFICATIONS.—Individuals shall be selected for appointment to the Commission solely on the basis of their professional qualifications, achievements, public stature, experience, and expertise in relevant fields, including, but not limited to cybersecurity, national security, and the Constitution of the United States.
- (3) NO COMPENSATION FOR SERVICE.—Members shall not receive compensation for service on the Commission, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with chapter 57 of title 5, United States Code.
- (4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed no later than 60 days after the date of the enactment of this Act.
- (5) VACANCIES.—A vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made. The appointment of the replacement member shall be made not later than 60 days after the date on which the vacancy occurs.
- (d) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.
- (e) QUORUM AND MEETINGS.—
- (1) QUORUM.—The Commission shall meet and begin the operations of the Commission not later than 30 days after the date on which all members have been appointed or, if such meeting cannot be mutually agreed upon, on a date designated by the Speaker of the House of Representatives and the President pro Tempore of the Senate. Each subsequent meeting shall occur upon the call of the Chair or a majority of its members. A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold meetings.
- (2) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this section.
- (f) POWERS.—
- (1) HEARINGS AND EVIDENCE.—The Commission (or, on the authority of the Commission, any subcommittee or member thereof) may, for the purpose of carrying out this section, hold hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission considers advisable to carry out its duties.
- (2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.
- (g) ASSISTANCE FROM FEDERAL AGENCIES.—
- (1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.
- (2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance provided under paragraph (1), the Department of Homeland Security, the Election Assistance Commission, and other appropriate departments and agencies of the United States shall provide to the Commission such services, funds, facilities, and staff as they may determine advisable and as may be authorized by law.

(h) **PUBLIC MEETINGS.**—Any public meetings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

(i) **SECURITY CLEARANCES.**—

(1) **IN GENERAL.**—The heads of appropriate departments and agencies of the executive branch shall cooperate with the Commission to expeditiously provide Commission members and staff with appropriate security clearances to the extent possible under applicable procedures and requirements.

(2) **PREFERENCES.**—In appointing staff, obtaining detailees, and entering into contracts for the provision of services for the Commission, the Commission shall give preference to individuals otherwise who have active security clearances.

(j) **REPORTS.**—

(1) **INTERIM REPORTS.**—At any time prior to the submission of the final report under paragraph (2), the Commission may submit interim reports to the President and Congress such findings, conclusions, and recommendations to strengthen protections for democratic institutions in the United States as have been agreed to by a majority of the members of the Commission.

(2) **FINAL REPORT.**—Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations to strengthen protections for democratic institutions in the United States as have been agreed to by a majority of the members of the Commission.

(k) **TERMINATION.**—

(1) **IN GENERAL.**—The Commission shall terminate upon the expiration of the 60-day period which begins on the date on which the Commission submits the final report required under subsection (j)(2).

(2) **ADMINISTRATIVE ACTIVITIES PRIOR TO TERMINATION.**—During the 60-day period described in paragraph (2), the Commission may carry out such administrative activities as may be required to conclude its work, including providing testimony to committees of Congress concerning the final report and disseminating the final report.

## **Subtitle D—Promoting Cybersecurity Through Improvements in Election Administration**

### **SEC. 3301. TESTING OF EXISTING VOTING SYSTEMS TO ENSURE COMPLIANCE WITH ELECTION CYBERSECURITY GUIDELINES AND OTHER GUIDELINES.**

(a) **REQUIRING TESTING OF EXISTING VOTING SYSTEMS.**—

(1) **IN GENERAL.**—Section 231(a) of the Help America Vote Act of 2002 (52 U.S.C. 20971(a)) is amended by adding at the end the following new paragraph:

“(3) **TESTING TO ENSURE COMPLIANCE WITH GUIDELINES.**—

“(A) **TESTING.**—Not later than 9 months before the date of each regularly scheduled general election for Federal office, the Commission shall provide for the testing by accredited laboratories under this section of the voting system hardware and software which was certified for use in the most recent such election, on the basis of the most recent voting system guidelines applicable to such hardware or software (including election cybersecurity guidelines) issued under this Act.

“(B) **DECERTIFICATION OF HARDWARE OR SOFTWARE FAILING TO MEET GUIDELINES.**—If, on the basis of the testing described in subparagraph (A), the Commission determines that any voting system hardware or software does not meet the most recent guidelines applicable to such hardware or software issued under this Act, the Commission shall decertify such hardware or software.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding regularly scheduled general election for Federal office.

(b) **ISSUANCE OF CYBERSECURITY GUIDELINES BY TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.**—Section 221(b) of the Help America Vote Act of 2002 (52 U.S.C. 20961(b)) is amended by adding at the end the following new paragraph:

“(3) **ELECTION CYBERSECURITY GUIDELINES.**—Not later than 6 months after the date of the enactment of this paragraph, the Development Committee shall

issue election cybersecurity guidelines, including standards and best practices for procuring, maintaining, testing, operating, and updating election systems to prevent and deter cybersecurity incidents.”

**SEC. 3302. TREATMENT OF ELECTRONIC POLL BOOKS AS PART OF VOTING SYSTEMS.**

(a) **INCLUSION IN DEFINITION OF VOTING SYSTEM.**—Section 301(b) of the Help America Vote Act of 2002 (52 U.S.C. 21081(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “this section” and inserting “this Act”;

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

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following new paragraph:

“(2) any electronic poll book used with respect to the election; and”.

(b) **DEFINITION.**—Section 301 of such Act (52 U.S.C. 21081) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e); and

(2) by inserting after subsection (b) the following new subsection:

“(c) **ELECTRONIC POLL BOOK DEFINED.**—In this Act, the term ‘electronic poll book’ means the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

“(1) to retain the list of registered voters at a polling location, or vote center, or other location at which voters cast votes in an election for Federal office; and

“(2) to identify registered voters who are eligible to vote in an election.”.

(c) **EFFECTIVE DATE.**—Section 301(e) of such Act (52 U.S.C. 21081(e)), as redesignated by subsection (b), is amended by striking the period at the end and inserting the following: “, or, with respect to any requirements relating to electronic poll books, on and after January 1, 2020.”.

**SEC. 3303. PRE-ELECTION REPORTS ON VOTING SYSTEM USAGE.**

(a) **REQUIRING STATES TO SUBMIT REPORTS.**—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended by inserting after section 301 the following new section:

**“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM USAGE.**

“(a) **REQUIRING STATES TO SUBMIT REPORTS.**—Not later than 120 days before the date of each regularly scheduled general election for Federal office, the chief State election official of a State shall submit a report to the Commission containing a detailed voting system usage plan for each jurisdiction in the State which will administer the election, including a detailed plan for the usage of electronic poll books and other equipment and components of such system.

“(b) **EFFECTIVE DATE.**—Subsection (a) shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding regularly scheduled general election for Federal office.”.

(b) **CLERICAL AMENDMENT.**—The table of contents of such Act is amended by inserting after the item relating to section 301 the following new item:

“Sec. 301A. Pre-election reports on voting system usage.”.

**SEC. 3304. STREAMLINING COLLECTION OF ELECTION INFORMATION.**

Section 202 of the Help America Vote Act of 2002 (52 U.S.C. 20922) is amended—

(1) by striking “The Commission” and inserting “(a) **IN GENERAL.**—The Commission”; and

(2) by adding at the end the following new subsection:

“(b) **WAIVER OF CERTAIN REQUIREMENTS.**—Subchapter I of chapter 35 of title 44, United States Code, shall not apply to the collection of information for purposes of maintaining the clearinghouse described in paragraph (1) of subsection (a).”.

## Subtitle E—Preventing Election Hacking

**SEC. 3401. SHORT TITLE.**

This subtitle may be cited as the “Prevent Election Hacking Act of 2019”.

**SEC. 3402. ELECTION SECURITY BUG BOUNTY PROGRAM.**

(a) **ESTABLISHMENT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a program to be known as the “Election Security Bug Bounty Program” (hereafter in this subtitle referred to as the “Program”) to improve the cybersecurity of the systems used to administer elections for Federal office

by facilitating and encouraging assessments by independent technical experts, in cooperation with State and local election officials and election service providers, to identify and report election cybersecurity vulnerabilities.

(b) **VOLUNTARY PARTICIPATION BY ELECTION OFFICIALS AND ELECTION SERVICE PROVIDERS.**—

(1) **NO REQUIREMENT TO PARTICIPATE IN PROGRAM.**—Participation in the Program shall be entirely voluntary for State and local election officials and election service providers.

(2) **ENCOURAGING PARTICIPATION AND INPUT FROM ELECTION OFFICIALS.**—In developing the Program, the Secretary shall solicit input from, and encourage participation by, State and local election officials.

(c) **ACTIVITIES FUNDED.**—In establishing and carrying out the Program, the Secretary shall—

(1) establish a process for State and local election officials and election service providers to voluntarily participate in the Program;

(2) designate appropriate information systems to be included in the Program;

(3) provide compensation to eligible individuals, organizations, and companies for reports of previously unidentified security vulnerabilities within the information systems designated under subparagraph (A) and establish criteria for individuals, organizations, and companies to be considered eligible for such compensation in compliance with Federal laws;

(4) consult with the Attorney General on how to ensure that approved individuals, organizations, or companies that comply with the requirements of the Program are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law, and from liability under civil actions for specific activities authorized under the Program;

(5) consult with the Secretary of Defense and the heads of other departments and agencies that have implemented programs to provide compensation for reports of previously undisclosed vulnerabilities in information systems, regarding lessons that may be applied from such programs;

(6) develop an expeditious process by which an individual, organization, or company can register with the Department, submit to a background check as determined by the Department, and receive a determination as to eligibility for participation in the Program; and

(7) engage qualified interested persons, including representatives of private entities, about the structure of the Program and, to the extent practicable, establish a recurring competition for independent technical experts to assess election systems for the purpose of identifying and reporting election cybersecurity vulnerabilities;

(d) **USE OF SERVICE PROVIDERS.**—The Secretary may award competitive contracts as necessary to manage the Program.

**SEC. 3403. DEFINITIONS.**

In this subtitle, the following definitions apply:

(1) The terms “election” and “Federal office” have the meanings given such terms in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101).

(2) The term “election cybersecurity vulnerability” means any security vulnerability (as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501)) that affects an election system.

(3) The term “election service provider” means any person providing, supporting, or maintaining an election system on behalf of a State or local election official, such as a contractor or vendor.

(4) The term “election system” means any information system (as defined in section 3502 of title 44, United States Code) which is part of an election infrastructure.

(5) The term “Secretary” means the Secretary of Homeland Security, or, upon designation by the Secretary of Homeland Security, the Deputy Secretary of Homeland Security, the Director of Cybersecurity and Infrastructure Security of the Department of Homeland Security, or a Senate-confirmed official that reports to the Director.

(6) The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of Northern Mariana Islands, and the United States Virgin Islands.

(7) The term “voting system” has the meaning given such term in section 301(b) of the Help America Vote Act of 2002 (52 U.S.C. 21081(b)).

## Subtitle F—Miscellaneous Provisions

### SEC. 3501. DEFINITIONS.

Except as provided in section 3404, in this title, the following definitions apply:

(1) The term “Chairman” means the chair of the Election Assistance Commission.

(2) The term “appropriate congressional committees” means the Committees on Homeland Security and House Administration of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Rules and Administration of the Senate.

(3) The term “chief State election official” means, with respect to a State, the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (52 U.S.C. 20509) to be responsible for coordination of the State’s responsibilities under such Act.

(4) The term “Commission” means the Election Assistance Commission.

(5) The term “democratic institutions” means the diverse range of institutions that are essential to ensuring an independent judiciary, free and fair elections, and rule of law.

(6) The term “election agency” means any component of a State, or any component of a unit of local government in a State, which is responsible for the administration of elections for Federal office in the State.

(7) The term “election infrastructure” means storage facilities, polling places, and centralized vote tabulation locations used to support the administration of elections for public office, as well as related information and communications technology, including voter registration databases, voting machines, electronic mail and other communications systems (including electronic mail and other systems of vendors who have entered into contracts with election agencies to support the administration of elections, manage the election process, and report and display election results), and other systems used to manage the election process and to report and display election results on behalf of an election agency.

(8) The term “Secretary” means the Secretary of Homeland Security.

(9) The term “State” has the meaning given such term in section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141).

### SEC. 3502. INITIAL REPORT ON ADEQUACY OF RESOURCES AVAILABLE FOR IMPLEMENTATION.

Not later than 120 days after enactment of this Act, the Chairman and the Secretary shall submit a report to the appropriate committees of Congress, including the Committees on Homeland Security and House Administration of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, analyzing the adequacy of the funding, resources, and personnel available to carry out this title and the amendments made by this title.

## Subtitle G—Severability

### SEC. 3601. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

## DIVISION B—CAMPAIGN FINANCE

### TITLE IV—CAMPAIGN FINANCE TRANSPARENCY

Subtitle A—Findings Relating to Illicit Money Undermining Our Democracy

Sec. 4001. Findings relating to illicit money undermining our democracy.

Subtitle B—DISCLOSE Act

Sec. 4100. Short title.

PART 1—REGULATION OF CERTAIN POLITICAL SPENDING

Sec. 4101. Application of ban on contributions and expenditures by foreign nationals to domestic corporations, limited liability corporations, and partnerships that are foreign-controlled, foreign-influenced, and foreign-owned.

Sec. 4102. Clarification of application of foreign money ban to certain disbursements and activities.

PART 2—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

Sec. 4111. Reporting of campaign-related disbursements.

Sec. 4112. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.

Sec. 4113. Effective date.

PART 3—OTHER ADMINISTRATIVE REFORMS

Sec. 4121. Petition for certiorari.

Sec. 4122. Judicial review of actions related to campaign finance laws.

Subtitle C—Honest Ads

Sec. 4201. Short title.

Sec. 4202. Purpose.

Sec. 4203. Findings.

Sec. 4204. Sense of Congress.

Sec. 4205. Expansion of definition of public communication.

Sec. 4206. Expansion of definition of electioneering communication.

Sec. 4207. Application of disclaimer statements to online communications.

Sec. 4208. Political record requirements for online platforms.

Sec. 4209. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.

Subtitle D—Stand By Every Ad

Sec. 4301. Short title.

Sec. 4302. Stand By Every Ad.

Sec. 4303. Disclaimer requirements for communications made through prerecorded telephone calls.

Sec. 4304. No expansion of persons subject to disclaimer requirements on Internet communications.

Sec. 4305. Effective date.

Subtitle E—[Reserved]

Subtitle F—[Reserved]

Subtitle G—[Reserved]

Subtitle H—Limitation and Disclosure Requirements for Presidential Inaugural Committees

Sec. 4701. Short title.

Sec. 4702. Limitations and disclosure of certain donations to, and disbursements by, Inaugural Committees.

Subtitle I—Severability

Sec. 4801. Severability.

## Subtitle A—Findings Relating to Illicit Money Undermining Our Democracy

### SEC. 4001. FINDINGS RELATING TO ILLICIT MONEY UNDERMINING OUR DEMOCRACY.

Congress finds the following:

(1) Criminals, terrorists, and corrupt government officials frequently abuse anonymously held Limited Liability Companies (LLCs), also known as “shell companies,” to hide, move, and launder the dirty money derived from illicit activities such as trafficking, bribery, exploitation, and embezzlement. Ownership and control of the finances that run through shell companies are obscured to regulators and law enforcement because little information is required and collected when establishing these entities.

(2) The public release of the “Panama Papers” in 2016 and the “Paradise Papers” in 2017 revealed that these shell companies often purchase and sell United States real estate. United States anti-money laundering laws do not apply to cash transactions involving real estate effectively concealing the beneficiaries and transactions from regulators and law enforcement.

(3) Congress should curb the use of anonymous shell companies for illicit purposes by requiring United States companies to disclose their beneficial owners, strengthening anti-money laundering and counter-terrorism finance laws.



(4) Congress should examine the money laundering and terrorist financing risks in the real estate market, including the role of anonymous parties, and review legislation to address any vulnerabilities identified in this sector.

(5) Congress should examine the methods by which corruption flourishes and the means to detect and deter the financial misconduct that fuels this driver of global instability. Congress should monitor government efforts to enforce United States anti-corruption laws and regulations.

## Subtitle B—DISCLOSE Act

### SEC. 4100. SHORT TITLE.

This subtitle may be cited as the “Democracy Is Strengthened by Casting Light On Spending in Elections Act of 2019” or the “DISCLOSE Act of 2019”.

## PART 1—REGULATION OF CERTAIN POLITICAL SPENDING

### SEC. 4101. APPLICATION OF BAN ON CONTRIBUTIONS AND EXPENDITURES BY FOREIGN NATIONALS TO DOMESTIC CORPORATIONS, LIMITED LIABILITY CORPORATIONS, AND PARTNERSHIPS THAT ARE FOREIGN-CONTROLLED, FOREIGN-INFLUENCED, AND FOREIGN-OWNED.

#### (a) APPLICATION OF BAN.—

(1) IN GENERAL.—Section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(b)) is amended—

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

(B) by striking the period at the end of paragraph (2) and inserting “; or”;

and

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

“(3) except as provided under subsection (c), any corporation, limited liability corporation, or partnership which is not a foreign national described in paragraph (1) and—

“(A) in which a foreign national described in paragraph (1) or (2) directly or indirectly owns or controls—

“(i) 5 percent or more of the voting shares, if the foreign national is a foreign country, a foreign government official, or a corporation principally owned or controlled by a foreign country or foreign government official; or

“(ii) 20 percent or more of the voting shares, if the foreign national is not described in clause (i);

“(B) in which two or more foreign nationals described in paragraph (1) or (2), each of whom owns or controls at least 5 percent of the voting shares, directly or indirectly own or control 50 percent or more of the voting shares;

“(C) over which one or more foreign nationals described in paragraph (1) or (2) has the power to direct, dictate, or control the decisionmaking process of the corporation, limited liability corporation, or partnership with respect to its interests in the United States; or

“(D) over which one or more foreign nationals described in paragraph (1) or (2) has the power to direct, dictate, or control the decisionmaking process of the corporation, limited liability corporation, or partnership with respect to activities in connection with a Federal, State, or local election, including—

“(i) the making of a contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 304(f)(3)); or

“(ii) the administration of a political committee established or maintained by the corporation.”.

(2) ACTIVITIES OF CORPORATE PACS OF DOMESTIC SUBSIDIARIES.—Section 319 of such Act (52 U.S.C. 30121) is amended by adding at the end the following new subsection:

“(c) ACTIVITIES OF CORPORATE PACS OF DOMESTIC SUBSIDIARIES.—Notwithstanding subsection (a), a foreign national described in subparagraph (A), (B), or (C) of subsection (b)(3) which is a domestic corporation whose principal place of business

is within the United States may establish, administer and solicit contributions to a separate segregated fund pursuant to section 316(b)(2)(C) so long as—

“(1) the foreign national parent corporation of such domestic corporation does not directly or indirectly finance the establishment, administration, or solicitation activities of the fund; and

“(2) the fund is in compliance with complies with the requirements of section 316(b)(8).”

(b) CERTIFICATION OF COMPLIANCE.—Section 319 of such Act (52 U.S.C. 30121), as amended by subsection (a)(2), is further amended by adding at the end the following new subsection:

“(d) CERTIFICATION OF COMPLIANCE REQUIRED PRIOR TO CARRYING OUT ACTIVITY.—Prior to the making in connection with an election for Federal office of any contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication by a corporation, limited liability corporation, or partnership during a year, the chief executive officer of the corporation, limited liability corporation, or partnership (or, if the corporation, limited liability corporation, or partnership does not have a chief executive officer, the highest ranking official of the corporation, limited liability corporation, or partnership), shall file a certification with the Commission, under penalty of perjury, that the corporation, limited liability corporation, or partnership is not prohibited from carrying out such activity under subsection (b)(3), unless the chief executive officer has previously filed such a certification during that calendar year.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the 180-day period which begins on the date of the enactment of this Act, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

**SEC. 4102. CLARIFICATION OF APPLICATION OF FOREIGN MONEY BAN TO CERTAIN DISBURSEMENTS AND ACTIVITIES.**

(a) APPLICATION TO DISBURSEMENTS TO SUPER PACS.—Section 319(a)(1)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is amended by striking the semicolon and inserting the following: “, including any disbursement to a political committee which accepts donations or contributions that do not comply with the limitations, prohibitions, and reporting requirements of this Act (or any disbursement to or on behalf of any account of a political committee which is established for the purpose of accepting such donations or contributions);”

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

“(8) A separate segregated fund established by a corporation may not make a contribution or expenditure during a year unless the fund has certified to the Commission the following during the year:

“(A) Each individual who manages the fund, and who is responsible for exercising decisionmaking authority for the fund, is a citizen of the United States or is lawfully admitted for permanent residence in the United States.

“(B) No foreign national under section 319 participates in any way in the decisionmaking processes of the fund with regard to contributions or expenditures under this Act.

“(C) The fund does not solicit or accept recommendations from any foreign national under section 319 with respect to the contributions or expenditures made by the fund.

“(D) Any member of the board of directors of the corporation who is a foreign national under section 319 abstains from voting on matters concerning the fund or its activities.”

**PART 2—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS**

**SEC. 4111. REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS.**

(a) DISCLOSURE REQUIREMENTS FOR CORPORATIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER ENTITIES.—

(1) IN GENERAL.—Section 324 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30126) is amended to read as follows:

**“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSEMENTS BY COVERED ORGANIZATIONS.**

**“(a) DISCLOSURE STATEMENT.—**

**“(1) IN GENERAL.—**Any covered organization that makes campaign-related disbursements aggregating more than \$10,000 in an election reporting cycle shall, not later than 24 hours after each disclosure date, file a statement with the Commission made under penalty of perjury that contains the information described in paragraph (2)—

**“(A)** in the case of the first statement filed under this subsection, for the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the first such disclosure date) and ending on the first such disclosure date; and

**“(B)** in the case of any subsequent statement filed under this subsection, for the period beginning on the previous disclosure date and ending on such disclosure date.

**“(2) INFORMATION DESCRIBED.—**The information described in this paragraph is as follows:

**“(A)** The name of the covered organization and the principal place of business of such organization and, in the case of a covered organization that is a corporation (other than a business concern that is an issuer of a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports under section 15(d) of that Act (15 U.S.C. 78o(d))) or an entity described in subsection (e)(2), a list of the beneficial owners (as defined in paragraph (4)(A)) of the entity that—

**“(i)** identifies each beneficial owner by name and current residential or business street address; and

**“(ii)** if any beneficial owner exercises control over the entity through another legal entity, such as a corporation, partnership, limited liability company, or trust, identifies each such other legal entity and each such beneficial owner who will use that other entity to exercise control over the entity.

**“(B)** The amount of each campaign-related disbursement made by such organization during the period covered by the statement of more than \$1,000, and the name and address of the person to whom the disbursement was made.

**“(C)** In the case of a campaign-related disbursement that is not a covered transfer, the election to which the campaign-related disbursement pertains and if the disbursement is made for a public communication, the name of any candidate identified in such communication and whether such communication is in support of or in opposition to a candidate.

**“(D)** A certification by the chief executive officer or person who is the head of the covered organization that the campaign-related disbursement is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate, authorized committee, or agent of a candidate, political party, or agent of a political party.

**“(E)(i)** If the covered organization makes campaign-related disbursements using exclusively funds in a segregated bank account consisting of funds that were paid directly to such account by persons other than the covered organization that controls the account, for each such payment to the account—

**“(I)** the name and address of each person who made such payment during the period covered by the statement;

**“(II)** the date and amount of such payment; and

**“(III)** the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date,

but only if such payment was made by a person who made payments to the account in an aggregate amount of \$10,000 or more during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date.

**“(ii)** In any calendar year after 2020, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B),

(a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the 'base period' shall be 2020.

"(F)(i) If the covered organization makes campaign-related disbursements using funds other than funds in a segregated bank account described in subparagraph (E), for each payment to the covered organization—

"(I) the name and address of each person who made such payment during the period covered by the statement;

"(II) the date and amount of such payment; and

"(III) the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date,

but only if such payment was made by a person who made payments to the covered organization in an aggregate amount of \$10,000 or more during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date.

"(ii) In any calendar year after 2020, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the 'base period' shall be 2020.

"(G) Such other information as required in rules established by the Commission to promote the purposes of this section.

"(3) EXCEPTIONS.—

"(A) AMOUNTS RECEIVED IN ORDINARY COURSE OF BUSINESS.—The requirement to include in a statement filed under paragraph (1) the information described in paragraph (2) shall not apply to amounts received by the covered organization in commercial transactions in the ordinary course of any trade or business conducted by the covered organization or in the form of investments (other than investments by the principal shareholder in a limited liability corporation) in the covered organization. For purposes of this subparagraph, amounts received by a covered organization as remittances from an employee to the employee's collective bargaining representative shall be treated as amounts received in commercial transactions in the ordinary course of the business conducted by the covered organization.

"(B) DONOR RESTRICTION ON USE OF FUNDS.—The requirement to include in a statement submitted under paragraph (1) the information described in subparagraph (F) of paragraph (2) shall not apply if—

"(i) the person described in such subparagraph prohibited, in writing, the use of the payment made by such person for campaign-related disbursements; and

"(ii) the covered organization agreed to follow the prohibition and deposited the payment in an account which is segregated from any account used to make campaign-related disbursements.

"(C) THREAT OF HARASSMENT OR REPRISAL.—The requirement to include any information relating to the name or address of any person (other than a candidate) in a statement submitted under paragraph (1) shall not apply if the inclusion of the information would subject the person to serious threats, harassment, or reprisals.

"(4) OTHER DEFINITIONS.—For purposes of this section:

"(A) BENEFICIAL OWNER DEFINED.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'beneficial owner' means, with respect to any entity, a natural person who, directly or indirectly—

"(I) exercises substantial control over an entity through ownership, voting rights, agreement, or otherwise; or

"(II) has a substantial interest in or receives substantial economic benefits from the assets of an entity.

"(ii) EXCEPTIONS.—The term 'beneficial owner' shall not include—

"(I) a minor child;

"(II) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

“(III) a person acting solely as an employee of an entity and whose control over or economic benefits from the entity derives solely from the employment status of the person;

“(IV) a person whose only interest in an entity is through a right of inheritance, unless the person also meets the requirements of clause (i); or

“(V) a creditor of an entity, unless the creditor also meets the requirements of clause (i).

“(iii) ANTI-ABUSE RULE.—The exceptions under clause (ii) shall not apply if used for the purpose of evading, circumventing, or abusing the provisions of clause (i) or paragraph (2)(A).

“(B) DISCLOSURE DATE.—The term ‘disclosure date’ means—

“(i) the first date during any election reporting cycle by which a person has made campaign-related disbursements aggregating more than \$10,000; and

“(ii) any other date during such election reporting cycle by which a person has made campaign-related disbursements aggregating more than \$10,000 since the most recent disclosure date for such election reporting cycle.

“(C) ELECTION REPORTING CYCLE.—The term ‘election reporting cycle’ means the 2-year period beginning on the date of the most recent general election for Federal office.

“(D) PAYMENT.—The term ‘payment’ includes any contribution, donation, transfer, payment of dues, or other payment.

“(b) COORDINATION WITH OTHER PROVISIONS.—

“(1) OTHER REPORTS FILED WITH THE COMMISSION.—Information included in a statement filed under this section may be excluded from statements and reports filed under section 304.

“(2) TREATMENT AS SEPARATE SEGREGATED FUND.—A segregated bank account referred to in subsection (a)(2)(E) may be treated as a separate segregated fund for purposes of section 527(f)(3) of the Internal Revenue Code of 1986.

“(c) FILING.—Statements required to be filed under subsection (a) shall be subject to the requirements of section 304(d) to the same extent and in the same manner as if such reports had been required under subsection (c) or (g) of section 304.

“(d) CAMPAIGN-RELATED DISBURSEMENT DEFINED.—

“(1) IN GENERAL.—In this section, the term ‘campaign-related disbursement’ means a disbursement by a covered organization for any of the following:

“(A) An independent expenditure which expressly advocates the election or defeat of a clearly identified candidate for election for Federal office, or is the functional equivalent of express advocacy because, when taken as a whole, it can be interpreted by a reasonable person only as advocating the election or defeat of a candidate for election for Federal office.

“(B) Any public communication which refers to a clearly identified candidate for election for Federal office and which promotes or supports the election of a candidate for that office, or attacks or opposes the election of a candidate for that office, without regard to whether the communication expressly advocates a vote for or against a candidate for that office.

“(C) An electioneering communication, as defined in section 304(f)(3).

“(D) A covered transfer.

“(2) INTENT NOT REQUIRED.—A disbursement for an item described in subparagraph (A), (B), (C), or (D) of paragraph (1) shall be treated as a campaign-related disbursement regardless of the intent of the person making the disbursement.

“(e) COVERED ORGANIZATION DEFINED.—In this section, the term ‘covered organization’ means any of the following:

“(1) A corporation (other than an organization described in section 501(c)(3) of the Internal Revenue Code of 1986).

“(2) A limited liability corporation that is not otherwise treated as a corporation for purposes of this Act (other than an organization described in section 501(c)(3) of the Internal Revenue Code of 1986).

“(3) An organization described in section 501(c) of such Code and exempt from taxation under section 501(a) of such Code (other than an organization described in section 501(c)(3) of such Code).

“(4) A labor organization (as defined in section 316(b)).

“(5) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act (except as provided in paragraph (6)).

“(6) A political committee with an account that accepts donations or contributions that do not comply with the contribution limits or source prohibitions under this Act, but only with respect to such accounts.

“(f) COVERED TRANSFER DEFINED.—

“(1) IN GENERAL.—In this section, the term ‘covered transfer’ means any transfer or payment of funds by a covered organization to another person if the covered organization—

“(A) designates, requests, or suggests that the amounts be used for—

“(i) campaign-related disbursements (other than covered transfers);

or

“(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

“(B) made such transfer or payment in response to a solicitation or other request for a donation or payment for—

“(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

“(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

“(C) engaged in discussions with the recipient of the transfer or payment regarding—

“(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

“(ii) donating or transferring any amount of such transfer or payment to another person for the purpose of making or paying for such campaign-related disbursements;

“(D) made campaign-related disbursements (other than a covered transfer) in an aggregate amount of \$50,000 or more during the 2-year period ending on the date of the transfer or payment, or knew or had reason to know that the person receiving the transfer or payment made such disbursements in such an aggregate amount during that 2-year period; or

“(E) knew or had reason to know that the person receiving the transfer or payment would make campaign-related disbursements in an aggregate amount of \$50,000 or more during the 2-year period beginning on the date of the transfer or payment.

“(2) EXCLUSIONS.—The term ‘covered transfer’ does not include any of the following:

“(A) A disbursement made by a covered organization in a commercial transaction in the ordinary course of any trade or business conducted by the covered organization or in the form of investments made by the covered organization.

“(B) A disbursement made by a covered organization if—

“(i) the covered organization prohibited, in writing, the use of such disbursement for campaign-related disbursements; and

“(ii) the recipient of the disbursement agreed to follow the prohibition and deposited the disbursement in an account which is segregated from any account used to make campaign-related disbursements.

“(3) SPECIAL RULE REGARDING TRANSFERS AMONG AFFILIATES.—

“(A) SPECIAL RULE.—A transfer of an amount by one covered organization to another covered organization which is treated as a transfer between affiliates under subparagraph (C) shall be considered a covered transfer by the covered organization which transfers the amount only if the aggregate amount transferred during the year by such covered organization to that same covered organization is equal to or greater than \$50,000.

“(B) DETERMINATION OF AMOUNT OF CERTAIN PAYMENTS AMONG AFFILIATES.—In determining the amount of a transfer between affiliates for purposes of subparagraph (A), to the extent that the transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.

“(C) DESCRIPTION OF TRANSFERS BETWEEN AFFILIATES.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

“(i) one of the organizations is an affiliate of the other organization;

or

“(ii) each of the organizations is an affiliate of the same organization, except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of making campaign-related disbursements.

“(D) DETERMINATION OF AFFILIATE STATUS.—For purposes of subparagraph (C), a covered organization is an affiliate of another covered organization if—

“(i) the governing instrument of the organization requires it to be bound by decisions of the other organization;

“(ii) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

“(iii) the organization is chartered by the other organization.

“(E) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(c)(3) ORGANIZATIONS.—This paragraph shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this paragraph applies to an amount transferred by a covered organization to another covered organization.

“(g) NO EFFECT ON OTHER REPORTING REQUIREMENTS.—Nothing in this section shall be construed to waive or otherwise affect any other requirement of this Act which relates to the reporting of campaign-related disbursements.”.

(2) CONFORMING AMENDMENT.—Section 304(f)(6) of such Act (52 U.S.C. 30104) is amended by striking “Any requirement” and inserting “Except as provided in section 324(b), any requirement”.

(b) COORDINATION WITH FINCEN.—

(1) IN GENERAL.—The Director of the Financial Crimes Enforcement Network of the Department of the Treasury shall provide the Federal Election Commission with such information as necessary to assist in administering and enforcing section 324 of the Federal Election Campaign Act of 1971, as added by this section.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Chairman of the Federal Election Commission, in consultation with the Director of the Financial Crimes Enforcement Network of the Department of the Treasury, shall submit to Congress a report with recommendations for providing further legislative authority to assist in the administration and enforcement of such section 324.

**SEC. 4112. APPLICATION OF FOREIGN MONEY BAN TO DISBURSEMENTS FOR CAMPAIGN-RELATED DISBURSEMENTS CONSISTING OF COVERED TRANSFERS.**

Section 319(a)(1)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amended by section 4102, is amended by striking the semicolon and inserting the following: “, and any disbursement, other than an disbursement described in section 324(a)(3)(A), to another person who made a campaign-related disbursement consisting of a covered transfer (as described in section 324) during the 2-year period ending on the date of the disbursement;”.

**SEC. 4113. EFFECTIVE DATE.**

The amendments made by this part shall apply with respect to disbursements made on or after January 1, 2020, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

### PART 3—OTHER ADMINISTRATIVE REFORMS

#### SEC. 4121. PETITION FOR CERTIORARI.

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

#### SEC. 4122. JUDICIAL REVIEW OF ACTIONS RELATED TO CAMPAIGN FINANCE LAWS.

(a) IN GENERAL.—Title IV of the Federal Election Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is amended by inserting after section 406 the following new section:

##### “SEC. 407. JUDICIAL REVIEW.

“(a) IN GENERAL.—Notwithstanding section 373(f), if any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986, or is brought to with respect to any action of the Commission under chapter 95 or 96 of the Internal Revenue Code of 1986, the following rules shall apply:

“(1) The action shall be filed in the United States District Court for the District of Columbia and an appeal from the decision of the district court may be taken to the Court of Appeals for the District of Columbia Circuit.

“(2) In the case of an action relating to declaratory or injunctive relief to challenge the constitutionality of a provision—

“(A) a copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate; and

“(B) it shall be the duty of the United States District Court for the District of Columbia, the Court of Appeals for the District of Columbia, and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

“(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986 is raised, any Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require interveners taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

“(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986.”.

##### (b) CONFORMING AMENDMENTS.—

###### (1) IN GENERAL.—

(A) Section 9011 of the Internal Revenue Code of 1986 is amended to read as follows:

##### “SEC. 9011. JUDICIAL REVIEW.

“For provisions relating to judicial review of certifications, determinations, and actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.”.

(B) Section 9041 of the Internal Revenue Code of 1986 is amended to read as follows:

##### “SEC. 9041. JUDICIAL REVIEW.

“For provisions relating to judicial review of actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.”.

(C) Section 403 of the Bipartisan Campaign Reform Act of 2002 (52 U.S.C. 30110 note) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions brought on or after January 1, 2019.



## Subtitle C—Honest Ads

### SEC. 4201. SHORT TITLE.

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

### SEC. 4202. PURPOSE.

The purpose of this subtitle is to enhance the integrity of American democracy and national security by improving disclosure requirements for online political advertisements in order to uphold the Supreme Court’s well-established standard that the electorate bears the right to be fully informed.

### SEC. 4203. FINDINGS.

Congress makes the following findings:

(1) On January 6, 2017, the Office of the Director of National Intelligence published a report titled “Assessing Russian Activities and Intentions in Recent U.S. Elections”, noting that “Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the US presidential election . . .”. Moscow’s influence campaign followed a Russian messaging strategy that blends covert intelligence operation—such as cyber activity—with overt efforts by Russian Government agencies, state-funded media, third-party intermediaries, and paid social media users or “trolls”.

(2) On November 24, 2016, The Washington Post reported findings from 2 teams of independent researchers that concluded Russians “exploited American-made technology platforms to attack U.S. democracy at a particularly vulnerable moment . . . as part of a broadly effective strategy of sowing distrust in U.S. democracy and its leaders.”

(3) Findings from a 2017 study on the manipulation of public opinion through social media conducted by the Computational Propaganda Research Project at the Oxford Internet Institute found that the Kremlin is using pro-Russian bots to manipulate public discourse to a highly targeted audience. With a sample of nearly 1,300,000 tweets, researchers found that in the 2016 election’s 3 decisive States, propaganda constituted 40 percent of the sampled election-related tweets that went to Pennsylvanians, 34 percent to Michigan voters, and 30 percent to those in Wisconsin. In other swing States, the figure reached 42 percent in Missouri, 41 percent in Florida, 40 percent in North Carolina, 38 percent in Colorado, and 35 percent in Ohio.

(4) On September 6, 2017, the nation’s largest social media platform disclosed that between June 2015 and May 2017, Russian entities purchased \$100,000 in political advertisements, publishing roughly 3,000 ads linked to fake accounts associated with the Internet Research Agency, a pro-Kremlin organization. According to the company, the ads purchased focused “on amplifying divisive social and political messages . . .”.

(5) In 2002, the Bipartisan Campaign Reform Act became law, establishing disclosure requirements for political advertisements distributed from a television or radio broadcast station or provider of cable or satellite television. In 2003, the Supreme Court upheld regulations on electioneering communications established under the Act, noting that such requirements “provide the electorate with information and insure that the voters are fully informed about the person or group who is speaking.”

(6) According to a study from Borrell Associates, in 2016, \$1,415,000,000 was spent on online advertising, more than quadruple the amount in 2012.

(7) The reach of a few large internet platforms—larger than any broadcast, satellite, or cable provider—has greatly facilitated the scope and effectiveness of disinformation campaigns. For instance, the largest platform has over 210,000,000 Americans users—over 160,000,000 of them on a daily basis. By contrast, the largest cable television provider has 22,430,000 subscribers, while the largest satellite television provider has 21,000,000 subscribers. And the most-watched television broadcast in United States history had 118,000,000 viewers.

(8) The public nature of broadcast television, radio, and satellite ensures a level of publicity for any political advertisement. These communications are accessible to the press, fact-checkers, and political opponents; this creates strong disincentives for a candidate to disseminate materially false, inflammatory, or contradictory messages to the public. Social media platforms, in contrast, can target portions of the electorate with direct, ephemeral advertisements often on the basis of private information the platform has on individuals, enabling polit-

ical advertisements that are contradictory, racially or socially inflammatory, or materially false.

(9) According to comScore, 2 companies own 8 of the 10 most popular smartphone applications as of June 2017, including the most popular social media and email services—which deliver information and news to users without requiring proactivity by the user. Those same 2 companies accounted for 99 percent of revenue growth from digital advertising in 2016, including 77 percent of gross spending. 79 percent of online Americans—representing 68 percent of all Americans—use the single largest social network, while 66 percent of these users are most likely to get their news from that site.

(10) In its 2006 rulemaking, the Federal Election Commission noted that only 18 percent of all Americans cited the internet as their leading source of news about the 2004 Presidential election; by contrast, the Pew Research Center found that 65 percent of Americans identified an internet-based source as their leading source of information for the 2016 election.

(11) The Federal Election Commission, the independent Federal agency charged with protecting the integrity of the Federal campaign finance process by providing transparency and administering campaign finance laws, has failed to take action to address online political advertisements.

(12) In testimony before the Senate Select Committee on Intelligence titled, “Disinformation: A Primer in Russian Active Measures and Influence Campaigns”, multiple expert witnesses testified that while the disinformation tactics of foreign adversaries have not necessarily changed, social media services now provide “platform[s] practically purpose-built for active measures[.]” Similarly, as Gen. Keith B. Alexander (RET.), the former Director of the National Security Agency, testified, during the Cold War “if the Soviet Union sought to manipulate information flow, it would have to do so principally through its own propaganda outlets or through active measures that would generate specific news: planting of leaflets, inciting of violence, creation of other false materials and narratives. But the news itself was hard to manipulate because it would have required actual control of the organs of media, which took long-term efforts to penetrate. Today, however, because the clear majority of the information on social media sites is uncurated and there is a rapid proliferation of information sources and other sites that can reinforce information, there is an increasing likelihood that the information available to average consumers may be inaccurate (whether intentionally or otherwise) and may be more easily manipulable than in prior eras.”

(13) Current regulations on political advertisements do not provide sufficient transparency to uphold the public’s right to be fully informed about political advertisements made online.

#### SEC. 4204. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the dramatic increase in digital political advertisements, and the growing centrality of online platforms in the lives of Americans, requires the Congress and the Federal Election Commission to take meaningful action to ensure that laws and regulations provide the accountability and transparency that is fundamental to our democracy;

(2) free and fair elections require both transparency and accountability which give the public a right to know the true sources of funding for political advertisements in order to make informed political choices and hold elected officials accountable; and

(3) transparency of funding for political advertisements is essential to enforce other campaign finance laws, including the prohibition on campaign spending by foreign nationals.

#### SEC. 4205. EXPANSION OF DEFINITION OF PUBLIC COMMUNICATION.

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

(b) TREATMENT OF CONTRIBUTIONS AND EXPENDITURES.—Section 301 of such Act (52 U.S.C. 30101) is amended—

(1) in paragraph (8)(B)—

(A) in clause (v), by striking “on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising” and inserting “in any public communication”;

(B) in clause (ix), by striking “broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising” and inserting “public communication”; and

(C) in clause (x), by striking “but not including the use of broadcasting, newspapers, magazines, billboards, direct mail, or similar types of general public communication or political advertising” and inserting “but not including use in any public communication”; and

(2) in paragraph (9)(B)—

(A) by amending clause (i) to read as follows:

“(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, print, online, or digital facilities are owned or controlled by any political party, political committee, or candidate;” and

(B) in clause (iv), by striking “on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising” and inserting “in any public communication”.

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

(1) by striking “financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising” and inserting “financing any public communication”; and

(2) by striking “solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising” and inserting “solicits any contribution through any public communication”.

#### SEC. 4206. EXPANSION OF DEFINITION OF ELECTIONEERING COMMUNICATION.

(a) EXPANSION TO ONLINE COMMUNICATIONS.—

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

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

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

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

(2) NONAPPLICATION OF RELEVANT ELECTORATE TO ONLINE COMMUNICATIONS.—Section 304(f)(3)(A)(i)(III) of such Act (52 U.S.C. 30104(f)(3)(A)(i)(III)) is amended by inserting “any broadcast, cable, or satellite” before “communication”.

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

“(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station or any online or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, online, or digital facilities are owned or controlled by any political party, political committee, or candidate;”.

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

#### SEC. 4207. APPLICATION OF DISCLAIMER STATEMENTS TO ONLINE COMMUNICATIONS.

(a) CLEAR AND CONSPICUOUS MANNER REQUIREMENT.—Subsection (a) of section 318 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120(a)) is amended—

(1) by striking “shall clearly state” each place it appears in paragraphs (1), (2), and (3) and inserting “shall state in a clear and conspicuous manner”; and

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

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

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

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

“(1) SPECIAL RULES WITH RESPECT TO STATEMENTS.—In the case of any qualified internet or digital communication (as defined in section 304(f)(3)(D)) which is disseminated through a medium in which the provision of all of the information specified in this section is not possible, the communication shall, in a clear and conspicuous manner—

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

“(B) provide a means for the recipient of the communication to obtain the remainder of the information required under this section with minimal effort and without receiving or viewing any additional material other than such required information.

“(2) SAFE HARBOR FOR DETERMINING CLEAR AND CONSPICUOUS MANNER.—A statement in qualified internet or digital communication (as defined in section 304(f)(3)(D)) shall be considered to be made in a clear and conspicuous manner as provided in subsection (a) if the communication meets the following requirements:

“(A) TEXT OR GRAPHIC COMMUNICATIONS.—In the case of a text or graphic communication, the statement—

“(i) appears in letters at least as large as the majority of the text in the communication; and

“(ii) meets the requirements of paragraphs (2) and (3) of subsection (c).

“(B) AUDIO COMMUNICATIONS.—In the case of an audio communication, the statement is spoken in a clearly audible and intelligible manner at the beginning or end of the communication and lasts at least 3 seconds.

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

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

“(ii) is made both in—

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

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

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

(2) NONAPPLICATION OF CERTAIN EXCEPTIONS.—The exceptions provided in section 110.11(f)(1)(i) and (ii) of title 11, Code of Federal Regulations, or any successor to such rules, shall have no application to qualified internet or digital communications (as defined in section 304(f)(3)(D) of the Federal Election Campaign Act of 1971).

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

(1) in paragraph (1)(A)—

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

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

(2) in paragraph (1)(B)—

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

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

(3) in paragraph (2)—

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

(B) by striking “through television” in the second sentence and inserting “in video format”.

**SEC. 4208. POLITICAL RECORD REQUIREMENTS FOR ONLINE PLATFORMS.**

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

“(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISEMENTS.—

“(1) IN GENERAL.—

“(A) REQUIREMENTS FOR ONLINE PLATFORMS.—An online platform shall maintain, and make available for online public inspection in machine readable format, a complete record of any request to purchase on such online platform a qualified political advertisement which is made by a person whose aggregate requests to purchase qualified political advertisements on such online platform during the calendar year exceeds \$500.

“(B) REQUIREMENTS FOR ADVERTISERS.—Any person who requests to purchase a qualified political advertisement on an online platform shall provide the online platform with such information as is necessary for the online platform to comply with the requirements of subparagraph (A).

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

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

“(B) a description of the audience targeted by the advertisement, the number of views generated from the advertisement, and the date and time that the advertisement is first displayed and last displayed; and

“(C) information regarding—

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

“(ii) the name of the candidate to which the advertisement refers and the office to which the candidate is seeking election, the election to which the advertisement refers, or the national legislative issue to which the advertisement refers (as applicable);

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

“(iv) in the case of any request not described in clause (iii), the name of the person purchasing the advertisement, the name and address of a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.

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

“(A) sells qualified political advertisements; and

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

“(4) QUALIFIED POLITICAL ADVERTISEMENT.—For purposes of this subsection, the term ‘qualified political advertisement’ means any advertisement (including search engine marketing, display advertisements, video advertisements, native advertisements, and sponsorships) that—

“(A) is made by or on behalf of a candidate; or

“(B) communicates a message relating to any political matter of national importance, including—

“(i) a candidate;

“(ii) any election to Federal office; or

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

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

“(6) SAFE HARBOR FOR PLATFORMS MAKING BEST EFFORTS TO IDENTIFY REQUESTS WHICH ARE SUBJECT TO RECORD MAINTENANCE REQUIREMENTS.—In accordance with rules established by the Commission, if an online platform shows that the platform used best efforts to determine whether or not a request to purchase a qualified political advertisement was subject to the requirements of this subsection, the online platform shall not be considered to be in violation of such requirements.

“(7) PENALTIES.—For penalties for failure by online platforms, and persons requesting to purchase a qualified political advertisement on online platforms, to comply with the requirements of this subsection, see section 309.”

(b) RULEMAKING.—Not later than 120 days after the date of the enactment of this Act, the Federal Election Commission shall establish rules—

(1) requiring common data formats for the record required to be maintained under section 304(j) of the Federal Election Campaign Act of 1971 (as added by subsection (a)) so that all online platforms submit and maintain data online in a common, machine-readable and publicly accessible format; and

(2) establishing search interface requirements relating to such record, including searches by candidate name, issue, purchaser, and date; and

(3) establishing the criteria for the safe harbor exception provided under paragraph (6) of section 304(j) of such Act (as added by subsection (a)).

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

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

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

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

**SEC. 4209. PREVENTING CONTRIBUTIONS, EXPENDITURES, INDEPENDENT EXPENDITURES, AND DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS BY FOREIGN NATIONALS IN THE FORM OF ONLINE ADVERTISING.**

Section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121), as amended by section 4101(a)(2) and section 4101(b), is further amended by adding at the end the following new subsection:

“(e) RESPONSIBILITIES OF BROADCAST STATIONS, PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND ONLINE PLATFORMS.—Each television or radio broadcast station, provider of cable or satellite television, or online platform (as defined in section 304(j)(3)) shall make reasonable efforts to ensure that communications described in section 318(a) and made available by such station, provider, or platform are not purchased by a foreign national, directly or indirectly.”

## Subtitle D—Stand By Every Ad

**SEC. 4301. SHORT TITLE.**

This Act may be cited as the “Stand By Every Ad Act”.

**SEC. 4302. STAND BY EVERY AD.**

(a) EXPANDED DISCLAIMER REQUIREMENTS FOR CERTAIN COMMUNICATIONS.—Section 318 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120), as amended by section 4207(b)(1), is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

“(e) EXPANDED DISCLAIMER REQUIREMENTS FOR COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR COMMITTEES.—

“(1) IN GENERAL.—Except as provided in paragraph (6), any communication described in paragraph (3) of subsection (a) which is transmitted in an audio or video format (including an Internet or digital communication), or which is an Internet or digital communication transmitted in a text or graphic format, shall include, in addition to the requirements of paragraph (3) of subsection (a), the following:

“(A) The individual disclosure statement described in paragraph (2)(A) (if the person paying for the communication is an individual) or the organizational disclosure statement described in paragraph (2)(B) (if the person paying for the communication is not an individual).

“(B) If the communication is transmitted in a video format, or is an Internet or digital communication which is transmitted in a text or graphic format, and is paid for in whole or in part with a payment which is treated as a campaign-related disbursement under section 324—

“(i) the Top Five Funders list (if applicable); or

“(ii) in the case of a communication which, as determined on the basis of criteria established in regulations issued by the Commission, is of such short duration that including the Top Five Funders list in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the content of the communication to consist of the Top Five Funders list, the name of a website which contains the Top Five Funders list (if applicable) or, in the case of an Internet or digital communication, a hyperlink to such website.

- “(C) If the communication is transmitted in an audio format and is paid for in whole or in part with a payment which is treated as a campaign-related disbursement under section 324—
- “(i) the Top Two Funders list (if applicable); or
  - “(ii) in the case of a communication which, as determined on the basis of criteria established in regulations issued by the Commission, is of such short duration that including the Top Two Funders list in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the content of the communication to consist of the Top Two Funders list, the name of a website which contains the Top Two Funders list (if applicable).
- “(2) DISCLOSURE STATEMENTS DESCRIBED.—
- “(A) INDIVIDUAL DISCLOSURE STATEMENTS.—The individual disclosure statement described in this subparagraph is the following: ‘I am \_\_\_\_\_, and I approve this message.’, with the blank filled in with the name of the applicable individual.
  - “(B) ORGANIZATIONAL DISCLOSURE STATEMENTS.—The organizational disclosure statement described in this subparagraph is the following: ‘I am \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, and \_\_\_\_\_ approves this message.’, with—
    - “(i) the first blank to be filled in with the name of the applicable individual;
    - “(ii) the second blank to be filled in with the title of the applicable individual; and
    - “(iii) the third and fourth blank each to be filled in with the name of the organization or other person paying for the communication.
- “(3) METHOD OF CONVEYANCE OF STATEMENT.—
- “(A) COMMUNICATIONS IN TEXT OR GRAPHIC FORMAT.—In the case of a communication to which this subsection applies which is transmitted in a text or graphic format, the disclosure statements required under paragraph (1) shall appear in letters at least as large as the majority of the text in the communication.
  - “(B) COMMUNICATIONS TRANSMITTED IN AUDIO FORMAT.—In the case of a communication to which this subsection applies which is transmitted in an audio format, the disclosure statements required under paragraph (1) shall be made by audio by the applicable individual in a clear and conspicuous manner.
  - “(C) COMMUNICATIONS TRANSMITTED IN VIDEO FORMAT.—In the case of a communication to which this subsection applies which is transmitted in a video format, the information required under paragraph (1)—
    - “(i) shall appear in writing at the end of the communication or in a crawl along the bottom of the communication in a clear and conspicuous manner, with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 6 seconds; and
    - “(ii) shall also be conveyed by an unobscured, full-screen view of the applicable individual or by the applicable individual making the statement in voice-over accompanied by a clearly identifiable photograph or similar image of the individual, except in the case of a Top Five Funders list.
- “(4) APPLICABLE INDIVIDUAL DEFINED.—The term ‘applicable individual’ means, with respect to a communication to which this subsection applies—
- “(A) if the communication is paid for by an individual, the individual involved;
  - “(B) if the communication is paid for by a corporation, the chief executive officer of the corporation (or, if the corporation does not have a chief executive officer, the highest ranking official of the corporation);
  - “(C) if the communication is paid for by a labor organization, the highest ranking officer of the labor organization; and
  - “(D) if the communication is paid for by any other person, the highest ranking official of such person.
- “(5) TOP FIVE FUNDERS LIST AND TOP TWO FUNDERS LIST DEFINED.—
- “(A) TOP FIVE FUNDERS LIST.—The term ‘Top Five Funders list’ means, with respect to a communication which is paid for in whole or in part with a campaign-related disbursement (as defined in section 324), a list of the

five persons who, during the 12-month period ending on the date of the disbursement, provided the largest payments of any type in an aggregate amount equal to or exceeding \$10,000 to the person who is paying for the communication and the amount of the payments each such person provided. If two or more people provided the fifth largest of such payments, the person paying for the communication shall select one of those persons to be included on the Top Five Funders list.

“(B) TOP TWO FUNDERS LIST.—The term ‘Top Two Funders list’ means, with respect to a communication which is paid for in whole or in part with a campaign-related disbursement (as defined in section 324), a list of the persons who, during the 12-month period ending on the date of the disbursement, provided the largest and the second largest payments of any type in an aggregate amount equal to or exceeding \$10,000 to the person who is paying for the communication and the amount of the payments each such person provided. If two or more persons provided the second largest of such payments, the person paying for the communication shall select one of those persons to be included on the Top Two Funders list.

“(C) EXCLUSION OF CERTAIN PAYMENTS.—For purposes of subparagraphs (A) and (B), in determining the amount of payments made by a person to a person paying for a communication, there shall be excluded the following:

“(i) Any amounts provided in the ordinary course of any trade or business conducted by the person paying for the communication or in the form of investments in the person paying for the communication.

“(ii) Any payment which the person prohibited, in writing, from being used for campaign-related disbursements, but only if the person paying for the communication agreed to follow the prohibition and deposited the payment in an account which is segregated from any account used to make campaign-related disbursements.

“(6) SPECIAL RULES FOR CERTAIN COMMUNICATIONS.—

“(A) EXCEPTION FOR COMMUNICATIONS PAID FOR BY POLITICAL PARTIES AND CERTAIN POLITICAL COMMITTEES.—This subsection does not apply to any communication to which subsection (d)(2) applies.

“(B) TREATMENT OF VIDEO COMMUNICATIONS LASTING 10 SECONDS OR LESS.—In the case of a communication to which this subsection applies which is transmitted in a video format, or is an Internet or digital communication which is transmitted in a text or graphic format, the communication shall meet the following requirements:

“(i) The communication shall include the individual disclosure statement described in paragraph (2)(A) (if the person paying for the communication is an individual) or the organizational disclosure statement described in paragraph (2)(B) (if the person paying for the communication is not an individual).

“(ii) The statement described in clause (i) shall appear in writing at the end of the communication, or in a crawl along the bottom of the communication, in a clear and conspicuous manner, with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

“(iii) The communication shall include, in a clear and conspicuous manner, a website address with a landing page which will provide all of the information described in paragraph (1) with respect to the communication. Such address shall appear for the full duration of the communication.

“(iv) To the extent that the format in which the communication is made permits the use of a hyperlink, the communication shall include a hyperlink to the website address described in clause (iii).”

(b) APPLICATION OF EXPANDED REQUIREMENTS TO PUBLIC COMMUNICATIONS CONSISTING OF CAMPAIGN-RELATED DISBURSEMENTS.—Section 318(a) of such Act (52 U.S.C. 30120(a)) is amended by striking “for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate” and inserting “for a campaign-related disbursement, as defined in section 324, consisting of a public communication”.

(c) EXCEPTION FOR COMMUNICATIONS PAID FOR BY POLITICAL PARTIES AND CERTAIN POLITICAL COMMITTEES.—Section 318(d)(2) of such Act (52 U.S.C. 30120(d)(2)) is amended—

(1) in the heading, by striking “OTHERS” and inserting “CERTAIN POLITICAL COMMITTEES”;



(2) by striking “Any communication” and inserting “(A) Any communication”;

(3) by inserting “which (except to the extent provided in subparagraph (B)) is paid for by a political committee (including a political committee of a political party) and” after “subsection (a)”;

(4) by striking “or other person” each place it appears; and

(5) by adding at the end the following new subparagraph:

“(B)(i) This paragraph does not apply to a communication paid for in whole or in part during a calendar year with a campaign-related disbursement, but only if the covered organization making the campaign-related disbursement made campaign-related disbursements (as defined in section 324) aggregating more than \$10,000 during such calendar year.

“(ii) For purposes of clause (i), in determining the amount of campaign-related disbursements made by a covered organization during a year, there shall be excluded the following:

“(I) Any amounts received by the covered organization in the ordinary course of any trade or business conducted by the covered organization or in the form of investments in the covered organization.

“(II) Any amounts received by the covered organization from a person who prohibited, in writing, the organization from using such amounts for campaign-related disbursements, but only if the covered organization agreed to follow the prohibition and deposited the amounts in an account which is segregated from any account used to make campaign-related disbursements.”.

**SEC. 4303. DISCLAIMER REQUIREMENTS FOR COMMUNICATIONS MADE THROUGH PRERECORDED TELEPHONE CALLS.**

(a) APPLICATION OF REQUIREMENTS.—

(1) IN GENERAL.—Section 318(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120(a)), as amended by section 4205(c), is amended by inserting after “public communication” each place it appears the following: “(including a telephone call consisting in substantial part of a prerecorded audio message)”.

(2) APPLICATION TO COMMUNICATIONS SUBJECT TO EXPANDED DISCLAIMER REQUIREMENTS.—Section 318(e)(1) of such Act (52 U.S.C. 30120(e)(1)), as added by section 4302(a), is amended in the matter preceding subparagraph (A) by striking “which is transmitted in an audio or video format” and inserting “which is transmitted in an audio or video format or which consists of a telephone call consisting in substantial part of a prerecorded audio message”.

(b) TREATMENT AS COMMUNICATION TRANSMITTED IN AUDIO FORMAT.—

(1) COMMUNICATIONS BY CANDIDATES OR AUTHORIZED PERSONS.—Section 318(d) of such Act (52 U.S.C. 30120(d)) is amended by adding at the end the following new paragraph:

“(3) PRERECORDED TELEPHONE CALLS.—Any communication described in paragraph (1), (2), or (3) of subsection (a) (other than a communication which is subject to subsection (e)) which is a telephone call consisting in substantial part of a prerecorded audio message shall include, in addition to the requirements of such paragraph, the audio statement required under subparagraph (A) of paragraph (1) or the audio statement required under paragraph (2) (whichever is applicable), except that the statement shall be made at the beginning of the telephone call.”.

(2) COMMUNICATIONS SUBJECT TO EXPANDED DISCLAIMER REQUIREMENTS.—Section 318(e)(3) of such Act (52 U.S.C. 30120(e)(3)), as added by section 4302(a), is amended by adding at the end the following new subparagraph:

“(D) PRERECORDED TELEPHONE CALLS.—In the case of a communication to which this subsection applies which is a telephone call consisting in substantial part of a prerecorded audio message, the communication shall be considered to be transmitted in an audio format.”.

**SEC. 4304. NO EXPANSION OF PERSONS SUBJECT TO DISCLAIMER REQUIREMENTS ON INTERNET COMMUNICATIONS.**

Nothing in this subtitle or the amendments made by this subtitle may be construed to require any person who is not required under section 318 of the Federal Election Campaign Act of 1971 (as provided under section 110.11 of title 11 of the Code of Federal Regulations) to include a disclaimer on communications made by the person through the internet to include any disclaimer on any such communications.

**SEC. 4305. EFFECTIVE DATE.**

The amendments made by this subtitle shall apply with respect to communications made on or after January 1, 2020, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

**Subtitle E—[Reserved]**

**Subtitle F—[Reserved]**

**Subtitle G—[Reserved]**

**Subtitle H—Limitation and Disclosure Requirements for Presidential Inaugural Committees**

**SEC. 4701. SHORT TITLE.**

This subtitle may be cited as the “Presidential Inaugural Committee Oversight Act”.

**SEC. 4702. LIMITATIONS AND DISCLOSURE OF CERTAIN DONATIONS TO, AND DISBURSEMENTS BY, INAUGURAL COMMITTEES.**

(a) REQUIREMENTS FOR INAUGURAL COMMITTEES.—Title III of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is amended by adding at the end the following new section:

**“SEC. 325. INAUGURAL COMMITTEES.**

**“(a) PROHIBITED DONATIONS.—**

**“(1) IN GENERAL.—It shall be unlawful—**

**“(A) for an Inaugural Committee—**

**“(i) to solicit, accept, or receive a donation from a person that is not an individual; or**

**“(ii) to solicit, accept, or receive a donation from a foreign national;**

**“(B) for a person—**

**“(i) to make a donation to an Inaugural Committee in the name of another person, or to knowingly authorize his or her name to be used to effect such a donation;**

**“(ii) to knowingly accept a donation to an Inaugural Committee made by a person in the name of another person; or**

**“(iii) to convert a donation to an Inaugural Committee to personal use as described in paragraph (2); and**

**“(C) for a foreign national to, directly or indirectly, make a donation, or make an express or implied promise to make a donation, to an Inaugural Committee.**

**“(2) CONVERSION OF DONATION TO PERSONAL USE.—For purposes of paragraph (1)(B)(iii), a donation shall be considered to be converted to personal use if any part of the donated amount is used to fulfill a commitment, obligation, or expense of a person that would exist irrespective of the responsibilities of the Inaugural Committee under chapter 5 of title 36, United States Code.**

**“(3) NO EFFECT ON DISBURSEMENT OF UNUSED FUNDS TO NONPROFIT ORGANIZATIONS.—Nothing in this subsection may be construed to prohibit an Inaugural Committee from disbursing unused funds to an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.**

**“(b) LIMITATION ON DONATIONS.—**

**“(1) IN GENERAL.—It shall be unlawful for an individual to make donations to an Inaugural Committee which, in the aggregate, exceed \$50,000.**

**“(2) INDEXING.—At the beginning of each Presidential election year (beginning with 2024), the amount described in paragraph (1) shall be increased by the cumulative percent difference determined in section 315(c)(1)(A) since the previous Presidential election year. If any amount after such increase is not a multiple of \$1,000, such amount shall be rounded to the nearest multiple of \$1,000.**

**“(c) DISCLOSURE OF CERTAIN DONATIONS AND DISBURSEMENTS.—**

**“(1) DONATIONS OVER \$1,000.—**

“(A) IN GENERAL.—An Inaugural Committee shall file with the Commission a report disclosing any donation by an individual to the committee in an amount of \$1,000 or more not later than 24 hours after the receipt of such donation.

“(B) CONTENTS OF REPORT.—A report filed under subparagraph (A) shall contain—

- “(i) the amount of the donation;
- “(ii) the date the donation is received; and
- “(iii) the name and address of the individual making the donation.

“(2) FINAL REPORT.—Not later than the date that is 90 days after the date of the Presidential inaugural ceremony, the Inaugural Committee shall file with the Commission a report containing the following information:

“(A) For each donation of money or anything of value made to the committee in an aggregate amount equal to or greater than \$200—

- “(i) the amount of the donation;
- “(ii) the date the donation is received; and
- “(iii) the name and address of the individual making the donation.

“(B) The total amount of all disbursements, and all disbursements in the following categories:

- “(i) Disbursements made to meet committee operating expenses.
- “(ii) Repayment of all loans.
- “(iii) Donation refunds and other offsets to donations.
- “(iv) Any other disbursements.

“(C) The name and address of each person—

- “(i) to whom a disbursement in an aggregate amount or value in excess of \$200 is made by the committee to meet a committee operating expense, together with date, amount, and purpose of such operating expense;
- “(ii) who receives a loan repayment from the committee, together with the date and amount of such loan repayment;
- “(iii) who receives a donation refund or other offset to donations from the committee, together with the date and amount of such disbursement; and
- “(iv) to whom any other disbursement in an aggregate amount or value in excess of \$200 is made by the committee, together with the date and amount of such disbursement.

“(d) DEFINITIONS.—For purposes of this section:

“(1)(A) The term ‘donation’ includes—

- “(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person to the committee; or
- “(ii) the payment by any person of compensation for the personal services of another person which are rendered to the committee without charge for any purpose.

“(B) The term ‘donation’ does not include the value of services provided without compensation by any individual who volunteers on behalf of the committee.

“(2) The term ‘foreign national’ has the meaning given that term by section 319(b).

“(3) The term ‘Inaugural Committee’ has the meaning given that term by section 501 of title 36, United States Code.”.

(b) CONFIRMING AMENDMENT RELATED TO REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104) is amended—

- (1) by striking subsection (h); and
- (2) by redesignating subsection (i) as subsection (h).

(c) CONFORMING AMENDMENT RELATED TO STATUS OF COMMITTEE.—Section 510 of title 36, United States Code, is amended to read as follows:

**“§ 510. Disclosure of and prohibition on certain donations**

“A committee shall not be considered to be the Inaugural Committee for purposes of this chapter unless the committee agrees to, and meets, the requirements of section 325 of the Federal Election Campaign Act of 1971.”.

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to Inaugural Committees established under chapter 5 of title 36, United States Code, for inaugurations held in 2021 and any succeeding year.

## Subtitle I—Severability

### SEC. 4801. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

## TITLE V—CAMPAIGN FINANCE EMPOWERMENT

### Subtitle A—Findings Relating to *Citizens United* Decision

Sec. 5001. Findings relating to *Citizens United* decision.

### Subtitle B—Congressional Elections

Sec. 5100. Short title.

### PART 1—MY VOICE VOUCHER PILOT PROGRAM

Sec. 5101. Establishment of pilot program.  
Sec. 5102. Voucher program described.  
Sec. 5103. Reports.  
Sec. 5104. Definitions.

### PART 2—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

Sec. 5111. Benefits and eligibility requirements for candidates.

#### “TITLE V—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

##### “Subtitle A—Benefits

“Sec. 501. Benefits for participating candidates.  
“Sec. 502. Procedures for making payments.  
“Sec. 503. Use of funds.  
“Sec. 504. Qualified small dollar contributions described.

##### “Subtitle B—Eligibility and Certification

“Sec. 511. Eligibility.  
“Sec. 512. Qualifying requirements.  
“Sec. 513. Certification.

##### “Subtitle C—Requirements for Candidates Certified as Participating Candidates

“Sec. 521. Contribution and expenditure requirements.  
“Sec. 522. Administration of campaign.  
“Sec. 523. Preventing unnecessary spending of public funds.  
“Sec. 524. Remitting unspent funds after election.

##### “Subtitle D—Enhanced Match Support

“Sec. 531. Enhanced support for general election.  
“Sec. 532. Eligibility.  
“Sec. 533. Amount.  
“Sec. 534. Waiver of authority to retain portion of unspent funds after election.

##### “Subtitle E—Administrative Provisions

“Sec. 541. Freedom From Influence Fund.  
“Sec. 542. Reviews and reports by Government Accountability Office.  
“Sec. 543. Administration by Commission.  
“Sec. 544. Violations and penalties.  
“Sec. 545. Appeals process.  
“Sec. 546. Indexing of amounts.  
“Sec. 547. Election cycle defined.  
Sec. 5112. Contributions and expenditures by multicandidate and political party committees on behalf of participating candidates.  
Sec. 5113. Prohibiting use of contributions by participating candidates for purposes other than campaign for election.  
Sec. 5114. Effective date.

### Subtitle C—Presidential Elections

Sec. 5200. Short title.

### PART 1—PRIMARY ELECTIONS

Sec. 5201. Increase in and modifications to matching payments.  
Sec. 5202. Eligibility requirements for matching payments.

- Sec. 5203. Repeal of expenditure limitations.  
 Sec. 5204. Period of availability of matching payments.  
 Sec. 5205. Examination and audits of matchable contributions.  
 Sec. 5206. Modification to limitation on contributions for Presidential primary candidates.  
 Sec. 5207. Use of Freedom From Influence Fund as source of payments.

## PART 2—GENERAL ELECTIONS

- Sec. 5211. Modification of eligibility requirements for public financing.  
 Sec. 5212. Repeal of expenditure limitations and use of qualified campaign contributions.  
 Sec. 5213. Matching payments and other modifications to payment amounts.  
 Sec. 5214. Increase in limit on coordinated party expenditures.  
 Sec. 5215. Establishment of uniform date for release of payments.  
 Sec. 5216. Amounts in Presidential Election Campaign Fund.  
 Sec. 5217. Use of general election payments for general election legal and accounting compliance.  
 Sec. 5218. Use of Freedom From Influence Fund as source of payments.

## PART 3—EFFECTIVE DATE

- Sec. 5221. Effective date.

## Subtitle D—Personal Use Services as Authorized Campaign Expenditures

- Sec. 5301. Short title; findings; purpose.  
 Sec. 5302. Treatment of payments for child care and other personal use services as authorized campaign expenditure.

## Subtitle E—Severability

- Sec. 5401. Severability.

## Subtitle A—Findings Relating to Citizens United Decision

### SEC. 5001. FINDINGS RELATING TO CITIZENS UNITED DECISION.

Congress finds the following:

(1) The American Republic was founded on the principle that all people are created equal, with rights and responsibilities as citizens to vote, be represented, speak, debate, and participate in self-government on equal terms regardless of wealth. To secure these rights and responsibilities, our Constitution not only protects the equal rights of all Americans but also provides checks and balances to prevent corruption and prevent concentrated power and wealth from undermining effective self-government.

(2) The Supreme Court's decisions in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010) and *McCutcheon v. FEC*, 572 U.S. 185 (2014), as well as other court decisions, erroneously invalidated even-handed rules about the spending of money in local, State, and Federal elections. These flawed decisions have empowered large corporations, extremely wealthy individuals, and special interests to dominate election spending, corrupt our politics, and degrade our democracy through tidal waves of unlimited and anonymous spending. These decisions also stand in contrast to a long history of efforts by Congress and the States to regulate money in politics to protect democracy, and they illustrate a troubling deregulatory trend in campaign finance-related court decisions. Additionally, an unknown amount of foreign money continues to be spent in our political system as subsidiaries of foreign-based corporations and hostile foreign actors sometimes connected to nation-States work to influence our elections.

(3) The Supreme Court's misinterpretation of the Constitution to empower monied interests at the expense of the American people in elections has seriously eroded over 100 years of congressional action to promote fairness and protect elections from the toxic influence of money.

(4) In 1907, Congress passed the Tillman Act in response to the concentration of corporate power in the post-Civil War Gilded Age. The Act prohibited corporations from making contributions in connection with Federal elections, aiming “not merely to prevent the subversion of the integrity of the electoral process [but] . . . to sustain the active, alert responsibility of the individual citizen in a democracy for the wise conduct of government”.

(5) By 1910, Congress began passing disclosure requirements and campaign expenditure limits, and dozens of States passed corrupt practices Acts to prohibit corporate spending in elections. States also enacted campaign spending limits, and some States limited the amount that people could contribute to campaigns.

(6) In 1947, the Taft-Hartley Act prohibited corporations and unions from making campaign contributions or other expenditures to influence elections. In 1962, a Presidential commission on election spending recommended spending limits and incentives to increase small contributions from more people.

(7) The Federal Election Campaign Act of 1971 (FECA), as amended in 1974, required disclosure of contributions and expenditures, imposed contribution and expenditure limits for individuals and groups, set spending limits for campaigns, candidates, and groups, implemented a public funding system for Presidential campaigns, and created the Federal Election Commission to oversee and enforce the new rules.

(8) In the wake of *Citizens United* and other damaging Federal court decisions, Americans have witnessed an explosion of outside spending in elections. Outside spending increased nearly 900 percent between the 2008 and 2016 Presidential election years. Indeed, the 2018 elections once again made clear the overwhelming political power of wealthy special interests, to the tune of over \$5,000,000,000. And as political entities adapt to a post- *Citizens United*, post-*McCutcheon* landscape, these trends are getting worse, as evidenced by the experience in the 2018 midterm congressional elections, where outside spending more than doubled from the previous midterm cycle.

(9) The torrent of money flowing into our political system has a profound effect on the democratic process for everyday Americans, whose voices and policy preferences are increasingly being drowned out by those of wealthy special interests. The more campaign cash from wealthy special interests can flood our elections, the more policies that favor those interests are reflected in the national political agenda. When it comes to policy preferences, our Nation's wealthiest tend to have fundamentally different views than do average Americans when it comes to issues ranging from unemployment benefits to the minimum wage to health care coverage.

(10) The Court has tied the hands of Congress and the States, severely restricting them from setting reasonable limits on campaign spending. For example, the Court has held that only the Government's interest in preventing quid pro quo corruption, like bribery, or the appearance of such corruption, can justify limits on campaign contributions. More broadly, the Court has severely curtailed attempts to reduce the ability of the Nation's wealthiest and most powerful to skew our democracy in their favor by buying outsized influence in our elections. Because this distortion of the Constitution has prevented truly meaningful regulation or reform of the way we finance elections in America, a constitutional amendment is needed to achieve a democracy for all the people.

(11) Since the landmark *Citizens United* decision, 19 States and nearly 800 municipalities, including large cities like New York, Los Angeles, Chicago, and Philadelphia, have gone on record supporting a constitutional amendment. Transcending political leanings and geographic location, voters in States and municipalities across the country that have placed amendment questions on the ballot have routinely supported these initiatives by considerably large margins.

(12) At the same time millions of Americans have signed petitions, marched, called their Members of Congress, written letters to the editor, and otherwise demonstrated their public support for a constitutional amendment to overturn *Citizens United* that will allow Congress to reign in the outsized influence of unchecked money in politics. Dozens of organizations, representing tens of millions of individuals, have come together in a shared strategy of supporting such an amendment.

(13) In order to protect the integrity of democracy and the electoral process and to ensure political equality for all, the Constitution should be amended so that Congress and the States may regulate and set limits on the raising and spending of money to influence elections and may distinguish between natural persons and artificial entities, like corporations, that are created by law, including by prohibiting such artificial entities from spending money to influence elections.

## Subtitle B—Congressional Elections

### SEC. 5100. SHORT TITLE.

This subtitle may be cited as the "Government By the People Act of 2019".

## PART 1—MY VOICE VOUCHER PILOT PROGRAM

### SEC. 5101. ESTABLISHMENT OF PILOT PROGRAM.

(a) **ESTABLISHMENT.**—The Federal Election Commission (hereafter in this part referred to as the “Commission”) shall establish a pilot program under which the Commission shall select 3 eligible States to operate a voucher pilot program which is described in section 5102 during the program operation period.

(b) **ELIGIBILITY OF STATES.**—A State is eligible to be selected to operate a voucher pilot program under this part if, not later than 180 days after the beginning of the program application period, the State submits to the Commission an application containing—

(1) information and assurances that the State will operate a voucher program which contains the elements described in section 5102(a);

(2) information and assurances that the State will establish fraud prevention mechanisms described in section 5102(b);

(3) information and assurances that the State will establish a commission to oversee and implement the program as described in section 5102(c);

(4) information and assurances that the State will carry out a public information campaign as described in section 5102(d);

(5) information and assurances that the State will submit reports as required under section 5103; and

(6) such other information and assurances as the Commission may require.

(c) **SELECTION OF PARTICIPATING STATES.**—

(1) **IN GENERAL.**—Not later than 1 year after the beginning of the program application period, the Commission shall select the 3 States which will operate voucher pilot programs under this part.

(2) **CRITERIA.**—In selecting States for the operation of the voucher pilot programs under this part, the Commission shall apply such criteria and metrics as the Commission considers appropriate to determine the ability of a State to operate the program successfully, and shall attempt to select States in a variety of geographic regions and with a variety of political party preferences.

(3) **NO SUPERMAJORITY REQUIRED FOR SELECTION.**—The selection of States by the Commission under this subsection shall require the approval of only half of the Members of the Commission.

(d) **DUTIES OF STATES DURING PROGRAM PREPARATION PERIOD.**—During the program preparation period, each State selected to operate a voucher pilot program under this part shall take such actions as may be necessary to ensure that the State will be ready to operate the program during the program operation period, and shall complete such actions not later than 90 days before the beginning of the program operation period.

(e) **TERMINATION.**—Each voucher pilot program under this part shall terminate as of the first day after the program operation period.

(f) **REIMBURSEMENT OF COSTS.**—

(1) **REIMBURSEMENT.**—Upon receiving the report submitted by a State under section 5103(a) with respect to an election cycle, the Commission shall transmit a payment to the State in an amount equal to the reasonable costs incurred by the State in operating the voucher pilot program under this part during the cycle.

(2) **SOURCE OF FUNDS.**—Payments to States under the program shall be made using amounts in the Freedom From Influence Fund under section 541 of the Federal Election Campaign Act of 1971 (as added by section 5111), hereafter referred to as the “Fund”.

(3) **MANDATORY REDUCTION OF PAYMENTS IN CASE OF INSUFFICIENT AMOUNTS IN FREEDOM FROM INFLUENCE FUND.**—

(A) **ADVANCE AUDITS BY COMMISSION.**—Not later than 90 days before the first day of each program operation period, the Commission shall—

(i) audit the Fund to determine whether, after first making payments to participating candidates under title V of the Federal Election Campaign Act of 1971 (as added by section 5111), the amounts remaining in the Fund will be sufficient to make payments to States under this part in the amounts provided under this subsection; and

(ii) submit a report to Congress describing the results of the audit.

(B) **REDUCTIONS IN AMOUNT OF PAYMENTS.**—

(i) **AUTOMATIC REDUCTION ON PRO RATA BASIS.**—If, on the basis of the audit described in subparagraph (A), the Commission determines that

the amount anticipated to be available in the Fund with respect to an election cycle involved is not, or may not be, sufficient to make payments to States under this part in the full amount provided under this subsection, the Commission shall reduce each amount which would otherwise be paid to a State under this subsection by such pro rata amount as may be necessary to ensure that the aggregate amount of payments anticipated to be made with respect to the cycle will not exceed the amount anticipated to be available for such payments in the Fund with respect to such cycle.

(ii) RESTORATION OF REDUCTIONS IN CASE OF AVAILABILITY OF SUFFICIENT FUNDS DURING ELECTION CYCLE.—If, after reducing the amounts paid to States with respect to an election cycle under clause (i), the Commission determines that there are sufficient amounts in the Fund to restore the amount by which such payments were reduced (or any portion thereof), to the extent that such amounts are available, the Commission may make a payment on a pro rata basis to each such State with respect to the cycle in the amount by which such State's payments were reduced under clause (i) (or any portion thereof, as the case may be).

(iii) NO USE OF AMOUNTS FROM OTHER SOURCES.—In any case in which the Commission determines that there are insufficient moneys in the Fund to make payments to States under this part, moneys shall not be made available from any other source for the purpose of making such payments.

(3) CAP ON AMOUNT OF PAYMENT.—The aggregate amount of payments made to any State with respect to any program operation period may not exceed \$10,000,000. If the State determines that the maximum payment amount under this paragraph with respect to the program operation period involved is not, or may not be, sufficient to cover the reasonable costs incurred by the State in operating the program under this part for such period, the State shall reduce the amount of the voucher provided to each qualified individual by such pro rata amount as may be necessary to ensure that the reasonable costs incurred by the State in operating the program will not exceed the amount paid to the State with respect to such period.

**SEC. 5102. VOUCHER PROGRAM DESCRIBED.**

(a) GENERAL ELEMENTS OF PROGRAM.—

(1) ELEMENTS DESCRIBED.—The elements of a voucher pilot program operated by a State under this part are as follows:

(A) The State shall provide each qualified individual upon the individual's request with a voucher worth \$25 to be known as a "My Voice Voucher" during the election cycle which will be assigned a routing number and which at the option of the individual will be provided in either paper or electronic form.

(B) Using the routing number assigned to the My Voice Voucher, the individual may submit the My Voice Voucher in either electronic or paper form to qualified candidates for election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress and allocate such portion of the value of the My Voice Voucher in increments of \$5 as the individual may select to any such candidate.

(C) If the candidate transmits the My Voice Voucher to the Commission, the Commission shall pay the candidate the portion of the value of the My Voice Voucher that the individual allocated to the candidate, which shall be considered a contribution by the individual to the candidate for purposes of the Federal Election Campaign Act of 1971.

(2) DESIGNATION OF QUALIFIED INDIVIDUALS.—For purposes of paragraph (1)(A), a "qualified individual" with respect to a State means an individual—

(A) who is a resident of the State;

(B) who will be of voting age as of the date of the election for the candidate to whom the individual submits a My Voice Voucher; and

(C) who is not prohibited under Federal law from making contributions to candidates for election for Federal office.

(3) TREATMENT AS CONTRIBUTION TO CANDIDATE.—For purposes of the Federal Election Campaign Act of 1971, the submission of a My Voice Voucher to a candidate by an individual shall be treated as a contribution to the candidate by



the individual in the amount of the portion of the value of the Voucher that the individual allocated to the candidate.

(b) FRAUD PREVENTION MECHANISM.—In addition to the elements described in subsection (a), a State operating a voucher pilot program under this part shall permit an individual to revoke a My Voice Voucher not later than 2 days after submitting the My Voice Voucher to a candidate.

(c) OVERSIGHT COMMISSION.—In addition to the elements described in subsection (a), a State operating a voucher pilot program under this part shall establish a commission or designate an existing entity to oversee and implement the program in the State, except that no such commission or entity may be comprised of elected officials.

(d) PUBLIC INFORMATION CAMPAIGN.—In addition to the elements described in subsection (a), a State operating a voucher pilot program under this part shall carry out a public information campaign to disseminate awareness of the program among qualified individuals.

**SEC. 5103. REPORTS.**

(a) PRELIMINARY REPORT.—Not later than 6 months after the first election cycle of the program operation period, a State which operates a voucher pilot program under this part shall submit a report to the Commission analyzing the operation and effectiveness of the program during the cycle and including such other information as the Commission may require.

(b) FINAL REPORT.—Not later than 6 months after the end of the program operation period, the State shall submit a final report to the Commission analyzing the operation and effectiveness of the program and including such other information as the Commission may require.

(c) REPORT BY COMMISSION.—Not later than the end of the first election cycle which begins after the program operation period, the Commission shall submit a report to Congress which summarizes and analyzes the results of the voucher pilot program, and shall include in the report such recommendations as the Commission considers appropriate regarding the expansion of the pilot program to all States and territories, along with such other recommendations and other information as the Commission considers appropriate.

**SEC. 5104. DEFINITIONS.**

(a) ELECTION CYCLE.—In this part, the term “election cycle” means the period beginning on the day after the date of the most recent regularly scheduled general election for Federal office and ending on the date of the next regularly scheduled general election for Federal office.

(b) DEFINITIONS RELATING TO PERIODS.—In this part, the following definitions apply:

(1) PROGRAM APPLICATION PERIOD.—The term “program application period” means the first election cycle which begins after the date of the enactment of this Act.

(2) PROGRAM PREPARATION PERIOD.—The term “program preparation period” means the first election cycle which begins after the program application period.

(3) PROGRAM OPERATION PERIOD.—The term “program operation period” means the first 2 election cycles which begin after the program preparation period.

**PART 2—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS**

**SEC. 5111. BENEFITS AND ELIGIBILITY REQUIREMENTS FOR CANDIDATES.**

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

## **“TITLE V—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS**

### **“Subtitle A—Benefits**

#### **“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

“(a) **IN GENERAL.**—If a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress is certified as a participating candidate under this title with respect to an election for such office, the candidate shall be entitled to payments as provided under this title.

“(b) **AMOUNT OF PAYMENT.**—The amount of a payment made under this title shall be equal to 600 percent of the amount of qualified small dollar contributions received by the candidate since the most recent payment made to the candidate under this title during the election cycle, without regard to whether or not the candidate received any of the contributions before, during, or after the Small Dollar Democracy qualifying period applicable to the candidate under section 511(c).

“(c) **LIMIT ON AGGREGATE AMOUNT OF PAYMENTS.**—The aggregate amount of payments made to a participating candidate with respect to an election cycle under this title may not exceed 50 percent of the average of the 20 greatest amounts of disbursements made by the authorized committees of any winning candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress during the most recent election cycle, rounded to the nearest \$100,000.

#### **“SEC. 502. PROCEDURES FOR MAKING PAYMENTS.**

“(a) **IN GENERAL.**—The Commission shall make a payment under section 501 to a candidate who is certified as a participating candidate upon receipt from the candidate of a request for a payment which includes—

“(1) a statement of the number and amount of qualified small dollar contributions received by the candidate since the most recent payment made to the candidate under this title during the election cycle;

“(2) a statement of the amount of the payment the candidate anticipates receiving with respect to the request;

“(3) a statement of the total amount of payments the candidate has received under this title as of the date of the statement; and

“(4) such other information and assurances as the Commission may require.

“(b) **RESTRICTIONS ON SUBMISSION OF REQUESTS.**—A candidate may not submit a request under subsection (a) unless each of the following applies:

“(1) The amount of the qualified small dollar contributions in the statement referred to in subsection (a)(1) is equal to or greater than \$5,000, unless the request is submitted during the 30-day period which ends on the date of a general election.

“(2) The candidate did not receive a payment under this title during the 7-day period which ends on the date the candidate submits the request.

“(c) **TIME OF PAYMENT.**—The Commission shall, in coordination with the Secretary of the Treasury, take such steps as may be necessary to ensure that the Secretary is able to make payments under this section from the Treasury not later than 2 business days after the receipt of a request submitted under subsection (a).

#### **“SEC. 503. USE OF FUNDS.**

“(a) **USE OF FUNDS FOR AUTHORIZED CAMPAIGN EXPENDITURES.**—A candidate shall use payments made under this title, including payments provided with respect to a previous election cycle which are withheld from remittance to the Commission in accordance with section 524(a)(2), only for making direct payments for the receipt of goods and services which constitute authorized expenditures (as determined in accordance with title III) in connection with the election cycle involved.

“(b) **PROHIBITING USE OF FUNDS FOR LEGAL EXPENSES, FINES, OR PENALTIES.**—Notwithstanding title III, a candidate may not use payments made under this title for the payment of expenses incurred in connection with any action, claim, or other matter before the Commission or before any court, hearing officer, arbitrator, or other dispute resolution entity, or for the payment of any fine or civil monetary penalty.

**“SEC. 504. QUALIFIED SMALL DOLLAR CONTRIBUTIONS DESCRIBED.**

“(a) IN GENERAL.—In this title, the term ‘qualified small dollar contribution’ means, with respect to a candidate and the authorized committees of a candidate, a contribution that meets the following requirements:

“(1) The contribution is in an amount that is—

“(A) not less than \$1; and

“(B) not more than \$200.

“(2)(A) The contribution is made directly by an individual to the candidate or an authorized committee of the candidate and is not—

“(i) forwarded from the individual making the contribution to the candidate or committee by another person; or

“(ii) received by the candidate or committee with the knowledge that the contribution was made at the request, suggestion, or recommendation of another person.

“(B) In this paragraph—

“(i) the term ‘person’ does not include an individual (other than an individual described in section 304(i)(7) of the Federal Election Campaign Act of 1971), a political committee of a political party, or any political committee which is not a separate segregated fund described in section 316(b) of the Federal Election Campaign Act of 1971 and which does not make contributions or independent expenditures, does not engage in lobbying activity under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.), and is not established by, controlled by, or affiliated with a registered lobbyist under such Act, an agent of a registered lobbyist under such Act, or an organization which retains or employs a registered lobbyist under such Act; and

“(ii) a contribution is not ‘made at the request, suggestion, or recommendation of another person’ solely on the grounds that the contribution is made in response to information provided to the individual making the contribution by any person, so long as the candidate or authorized committee does not know the identity of the person who provided the information to such individual.

“(3) The individual who makes the contribution does not make contributions to the candidate or the authorized committees of the candidate with respect to the election involved in an aggregate amount that exceeds the amount described in paragraph (1)(B), or any contribution to the candidate or the authorized committees of the candidate with respect to the election involved that otherwise is not a qualified small dollar contribution.

“(b) TREATMENT OF MY VOICE VOUCHERS.—Any payment received by a candidate and the authorized committees of a candidate which consists of a My Voice Voucher under the Government By the People Act of 2019 shall be considered a qualified small dollar contribution for purposes of this title, so long as the individual making the payment meets the requirements of paragraphs (2) and (3) of subsection (a).

“(c) RESTRICTION ON SUBSEQUENT CONTRIBUTIONS.—

“(1) PROHIBITING DONOR FROM MAKING SUBSEQUENT NONQUALIFIED CONTRIBUTIONS DURING ELECTION CYCLE.—

“(A) IN GENERAL.—An individual who makes a qualified small dollar contribution to a candidate or the authorized committees of a candidate with respect to an election may not make any subsequent contribution to such candidate or the authorized committees of such candidate with respect to the election cycle which is not a qualified small dollar contribution.

“(B) EXCEPTION FOR CONTRIBUTIONS TO CANDIDATES WHO VOLUNTARILY WITHDRAW FROM PARTICIPATION DURING QUALIFYING PERIOD.—Subparagraph (A) does not apply with respect to a contribution made to a candidate who, during the Small Dollar Democracy qualifying period described in section 511(c), submits a statement to the Commission under section 513(c) to voluntarily withdraw from participating in the program under this title.

“(2) TREATMENT OF SUBSEQUENT NONQUALIFIED CONTRIBUTIONS.—If, notwithstanding the prohibition described in paragraph (1), an individual who makes a qualified small dollar contribution to a candidate or the authorized committees of a candidate with respect to an election makes a subsequent contribution to such candidate or the authorized committees of such candidate with respect to the election which is prohibited under paragraph (1) because it is not a qualified small dollar contribution, the candidate may take one of the following actions:

“(A) Not later than 2 weeks after receiving the contribution, the candidate may return the subsequent contribution to the individual. In the case of a subsequent contribution which is not a qualified small dollar contribution because the contribution fails to meet the requirements of paragraph (3) of subsection (a) (relating to the aggregate amount of contributions made to the candidate or the authorized committees of the candidate by the individual making the contribution), the candidate may return an amount equal to the difference between the amount of the subsequent contribution and the amount described in paragraph (1)(B) of subsection (a).

“(B) The candidate may retain the subsequent contribution, so long as not later than 2 weeks after receiving the subsequent contribution, the candidate remits to the Commission for deposit in the Freedom From Influence Fund under section 541 an amount equal to any payments received by the candidate under this title which are attributable to the qualified small dollar contribution made by the individual involved.

“(3) NO EFFECT ON ABILITY TO MAKE MULTIPLE CONTRIBUTIONS.—Nothing in this section may be construed to prohibit an individual from making multiple qualified small dollar contributions to any candidate or any number of candidates, so long as each contribution meets each of the requirements of paragraphs (1), (2), and (3) of subsection (a).

“(d) NOTIFICATION REQUIREMENTS FOR CANDIDATES.—

“(1) NOTIFICATION.—Each authorized committee of a candidate who seeks to be a participating candidate under this title shall provide the following information in any materials for the solicitation of contributions, including any internet site through which individuals may make contributions to the committee:

“(A) A statement that if the candidate is certified as a participating candidate under this title, the candidate will receive matching payments in an amount which is based on the total amount of qualified small dollar contributions received.

“(B) A statement that a contribution which meets the requirements set forth in subsection (a) shall be treated as a qualified small dollar contribution under this title.

“(C) A statement that if a contribution is treated as qualified small dollar contribution under this title, the individual who makes the contribution may not make any contribution to the candidate or the authorized committees of the candidate during the election cycle which is not a qualified small dollar contribution.

“(2) ALTERNATIVE METHODS OF MEETING REQUIREMENTS.—An authorized committee may meet the requirements of paragraph (1)—

“(A) by including the information described in paragraph (1) in the receipt provided under section 512(b)(3) to a person making a qualified small dollar contribution; or

“(B) by modifying the information it provides to persons making contributions which is otherwise required under title III (including information it provides through the internet).

## “Subtitle B—Eligibility and Certification

### “SEC. 511. ELIGIBILITY.

“(a) IN GENERAL.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress is eligible to be certified as a participating candidate under this title with respect to an election if the candidate meets the following requirements:

“(1) The candidate files with the Commission a statement of intent to seek certification as a participating candidate.

“(2) The candidate meets the qualifying requirements of section 512.

“(3) The candidate files with the Commission a statement certifying that the authorized committees of the candidate meet the requirements of section 504(d).

“(4) Not later than the last day of the Small Dollar Democracy qualifying period, the candidate files with the Commission an affidavit signed by the candidate and the treasurer of the candidate’s principal campaign committee declaring that the candidate—

“(A) has complied and, if certified, will comply with the contribution and expenditure requirements of section 521;

“(B) if certified, will run only as a participating candidate for all elections for the office that such candidate is seeking during that election cycle; and  
 “(C) has either qualified or will take steps to qualify under State law to be on the ballot.

“(b) GENERAL ELECTION.—Notwithstanding subsection (a), a candidate shall not be eligible to be certified as a participating candidate under this title for a general election or a general runoff election unless the candidate’s party nominated the candidate to be placed on the ballot for the general election or the candidate is otherwise qualified to be on the ballot under State law.

“(c) SMALL DOLLAR DEMOCRACY QUALIFYING PERIOD DEFINED.—The term ‘Small Dollar Democracy qualifying period’ means, with respect to any candidate for an office, the 180-day period (during the election cycle for such office) which begins on the date on which the candidate files a statement of intent under section 511(a)(1), except that such period may not continue after the date that is 30 days before the date of the general election for the office.

**“SEC. 512. QUALIFYING REQUIREMENTS.**

“(a) RECEIPT OF QUALIFIED SMALL DOLLAR CONTRIBUTIONS.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress meets the requirement of this section if, during the Small Dollar Democracy qualifying period described in section 511(c), each of the following occurs:

“(1) Not fewer than 1,000 individuals make a qualified small dollar contribution to the candidate.

“(2) The candidate obtains a total dollar amount of qualified small dollar contributions which is equal to or greater than \$50,000.

“(b) REQUIREMENTS RELATING TO RECEIPT OF QUALIFIED SMALL DOLLAR CONTRIBUTION.—Each qualified small dollar contribution—

“(1) may be made by means of a personal check, money order, debit card, credit card, electronic payment account, or any other method deemed appropriate by the Commission;

“(2) shall be accompanied by a signed statement (or, in the case of a contribution made online or through other electronic means, an electronic equivalent) containing the contributor’s name and address; and

“(3) shall be acknowledged by a receipt that is sent to the contributor with a copy (in paper or electronic form) kept by the candidate for the Commission.

“(c) VERIFICATION OF CONTRIBUTIONS.—The Commission shall establish procedures for the auditing and verification of the contributions received and expenditures made by participating candidates under this title, including procedures for random audits, to ensure that such contributions and expenditures meet the requirements of this title.

**“SEC. 513. CERTIFICATION.**

“(a) DEADLINE AND NOTIFICATION.—

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

“(A) determine whether or not the candidate meets the requirements for certification as a participating candidate;

“(B) if the Commission determines that the candidate meets such requirements, certify the candidate as a participating candidate; and

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

“(2) DEEMED CERTIFICATION FOR ALL ELECTIONS IN ELECTION CYCLE.—If the Commission certifies a candidate as a participating candidate with respect to the first election of the election cycle involved, the Commission shall be deemed to have certified the candidate as a participating candidate with respect to all subsequent elections of the election cycle.

“(b) REVOCATION OF CERTIFICATION.—

“(1) IN GENERAL.—The Commission shall revoke a certification under subsection (a) if—

“(A) a candidate fails to qualify to appear on the ballot at any time after the date of certification (other than a candidate certified as a participating candidate with respect to a primary election who fails to qualify to appear on the ballot for a subsequent election in that election cycle);

“(B) a candidate ceases to be a candidate for the office involved, as determined on the basis of an official announcement by an authorized committee of the candidate or on the basis of a reasonable determination by the Commission; or

- “(C) a candidate otherwise fails to comply with the requirements of this title, including any regulatory requirements prescribed by the Commission.
- “(2) EXISTENCE OF CRIMINAL SANCTION.—The Commission shall revoke a certification under subsection (a) if a penalty is assessed against the candidate under section 309(d) with respect to the election.
- “(3) EFFECT OF REVOCATION.—If a candidate’s certification is revoked under this subsection—
- “(A) the candidate may not receive payments under this title during the remainder of the election cycle involved; and
- “(B) in the case of a candidate whose certification is revoked pursuant to subparagraph (A) or subparagraph (C) of paragraph (1)—
- “(i) the candidate shall repay to the Freedom From Influence Fund established under section 541 an amount equal to the payments received under this title with respect to the election cycle involved plus interest (at a rate determined by the Commission on the basis of an appropriate annual percentage rate for the month involved) on any such amount received; and
- “(ii) the candidate may not be certified as a participating candidate under this title with respect to the next election cycle.
- “(4) PROHIBITING PARTICIPATION IN FUTURE ELECTIONS FOR CANDIDATES WITH MULTIPLE REVOCATIONS.—If the Commission revokes the certification of an individual as a participating candidate under this title pursuant to subparagraph (A) or subparagraph (C) of paragraph (1) a total of 3 times, the individual may not be certified as a participating candidate under this title with respect to any subsequent election.
- “(c) VOLUNTARY WITHDRAWAL FROM PARTICIPATING DURING QUALIFYING PERIOD.—At any time during the Small Dollar Democracy qualifying period described in section 511(c), a candidate may withdraw from participation in the program under this title by submitting to the Commission a statement of withdrawal (without regard to whether or not the Commission has certified the candidate as a participating candidate under this title as of the time the candidate submits such statement), so long as the candidate has not submitted a request for payment under section 502.
- “(d) PARTICIPATING CANDIDATE DEFINED.—In this title, a ‘participating candidate’ means a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress who is certified under this section as eligible to receive benefits under this title.

## **“Subtitle C—Requirements for Candidates Certified as Participating Candidates**

### **“SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIREMENTS.**

- “(a) PERMITTED SOURCES OF CONTRIBUTIONS AND EXPENDITURES.—Except as provided in subsection (c), a participating candidate with respect to an election shall, with respect to all elections occurring during the election cycle for the office involved, accept no contributions from any source and make no expenditures from any amounts, other than the following:
- “(1) Qualified small dollar contributions.
- “(2) Payments under this title.
- “(3) Contributions from political committees established and maintained by a national or State political party, subject to the applicable limitations of section 315.
- “(4) Subject to subsection (b), personal funds of the candidate or of any immediate family member of the candidate (other than funds received through qualified small dollar contributions).
- “(5) Contributions from individuals who are otherwise permitted to make contributions under this Act, subject to the applicable limitations of section 315, except that the aggregate amount of contributions a participating candidate may accept from any individual with respect to any election during the election cycle may not exceed \$1,000.
- “(6) Contributions from multicandidate political committees, subject to the applicable limitations of section 315.
- “(b) SPECIAL RULES FOR PERSONAL FUNDS.—

“(1) LIMIT ON AMOUNT.—A candidate who is certified as a participating candidate may use personal funds (including personal funds of any immediate family member of the candidate) so long as—

“(A) the aggregate amount used with respect to the election cycle (including any period of the cycle occurring prior to the candidate’s certification as a participating candidate) does not exceed \$50,000; and

“(B) the funds are used only for making direct payments for the receipt of goods and services which constitute authorized expenditures in connection with the election cycle involved.

“(2) IMMEDIATE FAMILY MEMBER DEFINED.—In this subsection, the term ‘immediate family member’ means, with respect to a candidate—

“(A) the candidate’s spouse;

“(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate’s spouse; and

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

“(c) EXCEPTIONS.—

“(1) EXCEPTION FOR CONTRIBUTIONS RECEIVED PRIOR TO FILING OF STATEMENT OF INTENT.—A candidate who has accepted contributions that are not described in subsection (a) is not in violation of subsection (a), but only if all such contributions are—

“(A) returned to the contributor;

“(B) submitted to the Commission for deposit in the Freedom From Influence Fund established under section 541; or

“(C) spent in accordance with paragraph (2).

“(2) EXCEPTION FOR EXPENDITURES MADE PRIOR TO FILING OF STATEMENT OF INTENT.—If a candidate has made expenditures prior to the date the candidate files a statement of intent under section 511(a)(1) that the candidate is prohibited from making under subsection (a) or subsection (b), the candidate is not in violation of such subsection if the aggregate amount of the prohibited expenditures is less than the amount referred to in section 512(a)(2) (relating to the total dollar amount of qualified small dollar contributions which the candidate is required to obtain) which is applicable to the candidate.

“(3) EXCEPTION FOR CAMPAIGN SURPLUSES FROM A PREVIOUS ELECTION.—Notwithstanding paragraph (1), unexpended contributions received by the candidate or an authorized committee of the candidate with respect to a previous election may be retained, but only if the candidate places the funds in escrow and refrains from raising additional funds for or spending funds from that account during the election cycle in which a candidate is a participating candidate.

“(4) EXCEPTION FOR CONTRIBUTIONS RECEIVED BEFORE THE EFFECTIVE DATE OF THIS TITLE.—Contributions received and expenditures made by the candidate or an authorized committee of the candidate prior to the effective date of this title shall not constitute a violation of subsection (a) or (b). Unexpended contributions shall be treated the same as campaign surpluses under paragraph (3), and expenditures made shall count against the limit in paragraph (2).

“(d) SPECIAL RULE FOR COORDINATED PARTY EXPENDITURES.—For purposes of this section, a payment made by a political party in coordination with a participating candidate shall not be treated as a contribution to or as an expenditure made by the participating candidate.

“(e) PROHIBITION ON JOINT FUNDRAISING COMMITTEES.—

“(1) PROHIBITION.—An authorized committee of a candidate who is certified as a participating candidate under this title with respect to an election may not establish a joint fundraising committee with a political committee other than another authorized committee of the candidate.

“(2) STATUS OF EXISTING COMMITTEES FOR PRIOR ELECTIONS.—If a candidate established a joint fundraising committee described in paragraph (1) with respect to a prior election for which the candidate was not certified as a participating candidate under this title and the candidate does not terminate the committee, the candidate shall not be considered to be in violation of paragraph (1) so long as that joint fundraising committee does not receive any contributions or make any disbursements during the election cycle for which the candidate is certified as a participating candidate under this title.

“(f) PROHIBITION ON LEADERSHIP PACS.—

“(1) PROHIBITION.—A candidate who is certified as a participating candidate under this title with respect to an election may not associate with, establish, finance, maintain, or control a leadership PAC.

“(2) STATUS OF EXISTING LEADERSHIP PACS.—If a candidate established, financed, maintained, or controlled a leadership PAC prior to being certified as a participating candidate under this title and the candidate does not terminate the leadership PAC, the candidate shall not be considered to be in violation of paragraph (1) so long as the leadership PAC does not receive any contributions or make any disbursements during the election cycle for which the candidate is certified as a participating candidate under this title.

“(3) LEADERSHIP PAC DEFINED.—In this subsection, the term ‘leadership PAC’ has the meaning given such term in section 304(i)(8)(B).

**“SEC. 522. ADMINISTRATION OF CAMPAIGN.**

“(a) SEPARATE ACCOUNTING FOR VARIOUS PERMITTED CONTRIBUTIONS.—Each authorized committee of a candidate certified as a participating candidate under this title—

“(1) shall provide for separate accounting of each type of contribution described in section 521(a) which is received by the committee; and

“(2) shall provide for separate accounting for the payments received under this title.

“(b) ENHANCED DISCLOSURE OF INFORMATION ON DONORS.—

“(1) MANDATORY IDENTIFICATION OF INDIVIDUALS MAKING QUALIFIED SMALL DOLLAR CONTRIBUTIONS.—Each authorized committee of a participating candidate under this title shall elect, in accordance with section 304(b)(3)(A), to include in the reports the committee submits under section 304 the identification of each person who makes a qualified small dollar contribution to the committee.

“(2) MANDATORY DISCLOSURE THROUGH INTERNET.—Each authorized committee of a participating candidate under this title shall ensure that all information reported to the Commission under this Act with respect to contributions and expenditures of the committee is available to the public on the internet (whether through a site established for purposes of this subsection, a hyperlink on another public site of the committee, or a hyperlink on a report filed electronically with the Commission) in a searchable, sortable, and downloadable manner.

**“SEC. 523. PREVENTING UNNECESSARY SPENDING OF PUBLIC FUNDS.**

“(a) MANDATORY SPENDING OF AVAILABLE PRIVATE FUNDS.—An authorized committee of a candidate certified as a participating candidate under this title may not make any expenditure of any payments received under this title in any amount unless the committee has made an expenditure in an equivalent amount of funds received by the committee which are described in paragraphs (1), (3), (4), (5), and (6) of section 521(a).

“(b) LIMITATION.—Subsection (a) applies to an authorized committee only to the extent that the funds referred to in such subsection are available to the committee at the time the committee makes an expenditure of a payment received under this title.

**“SEC. 524. REMITTING UNSPENT FUNDS AFTER ELECTION.**

“(a) REMITTANCE REQUIRED.—Not later than the date that is 180 days after the last election for which a candidate certified as a participating candidate qualifies to be on the ballot during the election cycle involved, such participating candidate shall remit to the Commission for deposit in the Freedom From Influence Fund established under section 541 an amount equal to the balance of the payments received under this title by the authorized committees of the candidate which remain unexpended as of such date.

“(b) PERMITTING CANDIDATES PARTICIPATING IN NEXT ELECTION CYCLE TO RETAIN PORTION OF UNSPENT FUNDS.—Notwithstanding subsection (a), a participating candidate may withhold not more than \$100,000 from the amount required to be remitted under subsection (a) if the candidate files a signed affidavit with the Commission that the candidate will seek certification as a participating candidate with respect to the next election cycle, except that the candidate may not use any portion of the amount withheld until the candidate is certified as a participating candidate with respect to that next election cycle. If the candidate fails to seek certification as a participating candidate prior to the last day of the Small Dollar Democracy qualifying period for the next election cycle (as described in section 511), or if the Commission notifies the candidate of the Commission’s determination does not meet the requirements for certification as a participating candidate with respect to such



cycle, the candidate shall immediately remit to the Commission the amount withheld.

## **“Subtitle D—Enhanced Match Support**

### **“SEC. 531. ENHANCED SUPPORT FOR GENERAL ELECTION.**

“(a) AVAILABILITY OF ENHANCED SUPPORT.—In addition to the payments made under subtitle A, the Commission shall make an additional payment to an eligible candidate under this subtitle.

“(b) USE OF FUNDS.—A candidate shall use the additional payment under this subtitle only for authorized expenditures in connection with the election involved.

### **“SEC. 532. ELIGIBILITY.**

“(a) IN GENERAL.—A candidate is eligible to receive an additional payment under this subtitle if the candidate meets each of the following requirements:

“(1) The candidate is on the ballot for the general election for the office the candidate seeks.

“(2) The candidate is certified as a participating candidate under this title with respect to the election.

“(3) During the enhanced support qualifying period, the candidate receives qualified small dollar contributions in a total amount of not less than \$50,000.

“(4) During the enhanced support qualifying period, the candidate submits to the Commission a request for the payment which includes—

“(A) a statement of the number and amount of qualified small dollar contributions received by the candidate during the enhanced support qualifying period;

“(B) a statement of the amount of the payment the candidate anticipates receiving with respect to the request; and

“(C) such other information and assurances as the Commission may require.

“(5) After submitting a request for the additional payment under paragraph (4), the candidate does not submit any other application for an additional payment under this subtitle.

“(b) ENHANCED SUPPORT QUALIFYING PERIOD DESCRIBED.—In this subtitle, the term ‘enhanced support qualifying period’ means, with respect to a general election, the period which begins 60 days before the date of the election and ends 14 days before the date of the election.

### **“SEC. 533. AMOUNT.**

“(a) IN GENERAL.—Subject to subsection (b), the amount of the additional payment made to an eligible candidate under this subtitle shall be an amount equal to 50 percent of—

“(1) the amount of the payment made to the candidate under section 501(b) with respect to the qualified small dollar contributions which are received by the candidate during the enhanced support qualifying period (as included in the request submitted by the candidate under section 532(a)(4)); or

“(2) in the case of a candidate who is not eligible to receive a payment under section 501(b) with respect to such qualified small dollar contributions because the candidate has reached the limit on the aggregate amount of payments under subtitle A for the election cycle under section 501(c), the amount of the payment which would have been made to the candidate under section 501(b) with respect to such qualified small dollar contributions if the candidate had not reached such limit.

“(b) LIMIT.—The amount of the additional payment determined under subsection (a) with respect to a candidate may not exceed \$500,000.

“(c) NO EFFECT ON AGGREGATE LIMIT.—The amount of the additional payment made to a candidate under this subtitle shall not be included in determining the aggregate amount of payments made to a participating candidate with respect to an election cycle under section 501(c).

### **“SEC. 534. WAIVER OF AUTHORITY TO RETAIN PORTION OF UNSPENT FUNDS AFTER ELECTION.**

“Notwithstanding section 524(a)(2), a candidate who receives an additional payment under this subtitle with respect to an election is not permitted to withhold any portion from the amount of unspent funds the candidate is required to remit to the Commission under section 524(a)(1).

## “Subtitle E—Administrative Provisions

### “SEC. 541. FREEDOM FROM INFLUENCE FUND.

“(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the ‘Freedom From Influence Fund’.

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

“(1) DEPOSITS.—Amounts deposited into the Fund under—

“(A) section 521(c)(1)(B) (relating to exceptions to contribution requirements);

“(B) section 523 (relating to remittance of unused payments from the Fund); and

“(C) section 544 (relating to violations).

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

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

“(d) USE OF FUND TO MAKE PAYMENTS TO PARTICIPATING CANDIDATES.—

“(1) PAYMENTS TO PARTICIPATING CANDIDATES.—Amounts in the Fund shall be available without further appropriation or fiscal year limitation to make payments to participating candidates as provided in this title.

“(2) MANDATORY REDUCTION OF PAYMENTS IN CASE OF INSUFFICIENT AMOUNTS IN FUND.—

“(A) ADVANCE AUDITS BY COMMISSION.—Not later than 90 days before the first day of each election cycle (beginning with the first election cycle that begins after the date of the enactment of this title), the Commission shall—

“(i) audit the Fund to determine whether the amounts in the Fund will be sufficient to make payments to participating candidates in the amounts provided in this title during such election cycle; and

“(ii) submit a report to Congress describing the results of the audit.

“(B) REDUCTIONS IN AMOUNT OF PAYMENTS.—

“(i) AUTOMATIC REDUCTION ON PRO RATA BASIS.—If, on the basis of the audit described in subparagraph (A), the Commission determines that the amount anticipated to be available in the Fund with respect to the election cycle involved is not, or may not be, sufficient to satisfy the full entitlements of participating candidates to payments under this title for such election cycle, the Commission shall reduce each amount which would otherwise be paid to a participating candidate under this title by such pro rata amount as may be necessary to ensure that the aggregate amount of payments anticipated to be made with respect to the election cycle will not exceed the amount anticipated to be available for such payments in the Fund with respect to such election cycle.

“(ii) RESTORATION OF REDUCTIONS IN CASE OF AVAILABILITY OF SUFFICIENT FUNDS DURING ELECTION CYCLE.—If, after reducing the amounts paid to participating candidates with respect to an election cycle under clause (i), the Commission determines that there are sufficient amounts in the Fund to restore the amount by which such payments were reduced (or any portion thereof), to the extent that such amounts are available, the Commission may make a payment on a pro rata basis to each such participating candidate with respect to the election cycle in the amount by which such candidate’s payments were reduced under clause (i) (or any portion thereof, as the case may be).

“(iii) NO USE OF AMOUNTS FROM OTHER SOURCES.—In any case in which the Commission determines that there are insufficient moneys in the Fund to make payments to participating candidates under this title, moneys shall not be made available from any other source for the purpose of making such payments.

“(e) USE OF FUND TO MAKE OTHER PAYMENTS.—In addition to the use described in subsection (d), amounts in the Fund shall be available without further appropriation or fiscal year limitation—

“(1) to make payments to States under the My Voice Voucher Program under the Government By the People Act of 2019, subject to reductions under section 5101(f)(3) of such Act;

“(2) to make payments to candidates under chapter 95 of subtitle H of the Internal Revenue Code of 1986, subject to reductions under section 9013(b) of such Code; and

“(3) to make payments to candidates under chapter 96 of subtitle H of the Internal Revenue Code of 1986, subject to reductions under section 9043(b) of such Code.

“(f) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this title.

**“SEC. 542. REVIEWS AND REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE.**

“(a) REVIEW OF SMALL DOLLAR FINANCING.—

“(1) IN GENERAL.—After each regularly scheduled general election for Federal office, the Comptroller General of the United States shall conduct a comprehensive review of the Small Dollar financing program under this title, including—

“(A) the maximum and minimum dollar amounts of qualified small dollar contributions under section 504;

“(B) the number and value of qualified small dollar contributions a candidate is required to obtain under section 512(a) to be eligible for certification as a participating candidate;

“(C) the maximum amount of payments a candidate may receive under this title;

“(D) the overall satisfaction of participating candidates and the American public with the program; and

“(E) such other matters relating to financing of campaigns as the Comptroller General determines are appropriate.

“(2) CRITERIA FOR REVIEW.—In conducting the review under subparagraph (A), the Comptroller General shall consider the following:

“(A) QUALIFIED SMALL DOLLAR CONTRIBUTIONS.—Whether the number and dollar amounts of qualified small dollar contributions required strikes an appropriate balance regarding the importance of voter involvement, the need to assure adequate incentives for participating, and fiscal responsibility, taking into consideration the number of primary and general election participating candidates, the electoral performance of those candidates, program cost, and any other information the Comptroller General determines is appropriate.

“(B) REVIEW OF PAYMENT LEVELS.—Whether the totality of the amount of funds allowed to be raised by participating candidates (including through qualified small dollar contributions) and payments under this title are sufficient for voters in each State to learn about the candidates to cast an informed vote, taking into account the historic amount of spending by winning candidates, media costs, primary election dates, and any other information the Comptroller General determines is appropriate.

“(3) RECOMMENDATIONS FOR ADJUSTMENT OF AMOUNTS.—Based on the review conducted under subparagraph (A), the Comptroller General may recommend to Congress adjustments of the following amounts:

“(A) The number and value of qualified small dollar contributions a candidate is required to obtain under section 512(a) to be eligible for certification as a participating candidate.

“(B) The maximum amount of payments a candidate may receive under this title.

“(b) REPORTS.—Not later than each June 1 which follows a regularly scheduled general election for Federal office for which payments were made under this title, the Comptroller General shall submit to the Committee on House Administration of the House of Representatives a report—

“(1) containing an analysis of the review conducted under subsection (a), including a detailed statement of Comptroller General’s findings, conclusions, and recommendations based on such review, including any recommendations for adjustments of amounts described in subsection (a)(3); and

“(2) documenting, evaluating, and making recommendations relating to the administrative implementation and enforcement of the provisions of this title.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

**“SEC. 543. ADMINISTRATION BY COMMISSION.**

“The Commission shall prescribe regulations to carry out the purposes of this title, including regulations to establish procedures for—

- “(1) verifying the amount of qualified small dollar contributions with respect to a candidate;
- “(2) effectively and efficiently monitoring and enforcing the limits on the raising of qualified small dollar contributions;
- “(3) effectively and efficiently monitoring and enforcing the limits on the use of personal funds by participating candidates; and
- “(4) monitoring the use of allocations from the Freedom From Influence Fund established under section 541 and matching contributions under this title through audits of not fewer than  $\frac{1}{10}$  (or, in the case of the first 3 election cycles during which the program under this title is in effect, not fewer than  $\frac{1}{3}$ ) of all participating candidates or other mechanisms.

**“SEC. 544. VIOLATIONS AND PENALTIES.**

“(a) **CIVIL PENALTY FOR VIOLATION OF CONTRIBUTION AND EXPENDITURE REQUIREMENTS.**—If a candidate who has been certified as a participating candidate accepts a contribution or makes an expenditure that is prohibited under section 521, the Commission may assess a civil penalty against the candidate in an amount that is not more than 3 times the amount of the contribution or expenditure. Any amounts collected under this subsection shall be deposited into the Freedom From Influence Fund established under section 541.

“(b) **REPAYMENT FOR IMPROPER USE OF FREEDOM FROM INFLUENCE FUND.**—

“(1) **IN GENERAL.**—If the Commission determines that any payment made to a participating candidate was not used as provided for in this title or that a participating candidate has violated any of the dates for remission of funds contained in this title, the Commission shall so notify the candidate and the candidate shall pay to the Fund an amount equal to—

- “(A) the amount of payments so used or not remitted, as appropriate; and
- “(B) interest on any such amounts (at a rate determined by the Commission).

“(2) **OTHER ACTION NOT PRECLUDED.**—Any action by the Commission in accordance with this subsection shall not preclude enforcement proceedings by the Commission in accordance with section 309(a), including a referral by the Commission to the Attorney General in the case of an apparent knowing and willful violation of this title.

“(c) **PROHIBITING CANDIDATES SUBJECT TO CRIMINAL PENALTY FROM QUALIFYING AS PARTICIPATING CANDIDATES.**—A candidate is not eligible to be certified as a participating candidate under this title with respect to an election if a penalty has been assessed against the candidate under section 309(d) with respect to any previous election.

**“SEC. 545. APPEALS PROCESS.**

“(a) **REVIEW OF ACTIONS.**—Any action by the Commission in carrying out this title shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in the Court not later than 30 days after the Commission takes the action for which the review is sought.

“(b) **PROCEDURES.**—The provisions of chapter 7 of title 5, United States Code, apply to judicial review under this section.

**“SEC. 546. INDEXING OF AMOUNTS.**

“(a) **INDEXING.**—In any calendar year after 2024, section 315(c)(1)(B) shall apply to each amount described in subsection (b) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the ‘base period’ shall be 2024.

“(b) **AMOUNTS DESCRIBED.**—The amounts described in this subsection are as follows:

- “(1) The amount referred to in section 502(b)(1) (relating to the minimum amount of qualified small dollar contributions included in a request for payment).
- “(2) The amounts referred to in section 504(a)(1) (relating to the amount of a qualified small dollar contribution).
- “(3) The amount referred to in section 512(a)(2) (relating to the total dollar amount of qualified small dollar contributions).
- “(4) The amount referred to in section 521(a)(5) (relating to the aggregate amount of contributions a participating candidate may accept from any individual with respect to an election).

“(5) The amount referred to in section 521(b)(1)(A) (relating to the amount of personal funds that may be used by a candidate who is certified as a participating candidate).

“(6) The amounts referred to in section 524(a)(2) (relating to the amount of unspent funds a candidate may retain for use in the next election cycle).

“(7) The amount referred to in section 532(a)(3) (relating to the total dollar amount of qualified small dollar contributions for a candidate seeking an additional payment under subtitle D).

“(8) The amount referred to in section 533(b) (relating to the limit on the amount of an additional payment made to a candidate under subtitle D).

**“SEC. 547. ELECTION CYCLE DEFINED.**

“In this title, the term ‘election cycle’ means, with respect to an election for an office, the period beginning on the day after the date of the most recent general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election) and ending on the date of the next general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election).”.

**SEC. 5112. CONTRIBUTIONS AND EXPENDITURES BY MULTICANDIDATE AND POLITICAL PARTY COMMITTEES ON BEHALF OF PARTICIPATING CANDIDATES.**

(a) **AUTHORIZING CONTRIBUTIONS ONLY FROM SEPARATE ACCOUNTS CONSISTING OF QUALIFIED SMALL DOLLAR CONTRIBUTIONS.**—Section 315(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is amended by adding at the end the following new paragraph:

“(10) In the case of a multicandidate political committee or any political committee of a political party, the committee may make a contribution to a candidate who is a participating candidate under title V with respect to an election only if the contribution is paid from a separate, segregated account of the committee which consists solely of contributions which meet the following requirements:

“(A) Each such contribution is in an amount which meets the requirements for the amount of a qualified small dollar contribution under section 504(a)(1) with respect to the election involved.

“(B) Each such contribution is made by an individual who is not otherwise prohibited from making a contribution under this Act.

“(C) The individual who makes the contribution does not make contributions to the committee during the year in an aggregate amount that exceeds the limit described in section 504(a)(1).”.

(b) **PERMITTING UNLIMITED COORDINATED EXPENDITURES FROM SMALL DOLLAR SOURCES BY POLITICAL PARTIES.**—Section 315(d) of such Act (52 U.S.C. 30116(d)) is amended—

(1) in paragraph (3), by striking “The national committee” and inserting “Except as provided in paragraph (5), the national committee”; and

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

“(5) The limits described in paragraph (3) do not apply in the case of expenditures in connection with the general election campaign of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress who is a participating candidate under title V with respect to the election, but only if—

“(A) the expenditures are paid from a separate, segregated account of the committee which is described in subsection (a)(9); and

“(B) the expenditures are the sole source of funding provided by the committee to the candidate.”.

**SEC. 5113. PROHIBITING USE OF CONTRIBUTIONS BY PARTICIPATING CANDIDATES FOR PURPOSES OTHER THAN CAMPAIGN FOR ELECTION.**

Section 313 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30114) is amended by adding at the end the following new subsection:

“(d) **RESTRICTIONS ON PERMITTED USES OF FUNDS BY CANDIDATES RECEIVING SMALL DOLLAR FINANCING.**—Notwithstanding paragraph (2), (3), or (4) of subsection (a), if a candidate for election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress is certified as a participating candidate under title V with respect to the election, any contribution which the candidate is permitted to accept under such title may be used only for authorized expenditures in connection with the candidate’s campaign for such office, subject to section 503(b).”.

**SEC. 5114. EFFECTIVE DATE.**

(a) **IN GENERAL.**—Except as may otherwise be provided in this part and in the amendments made by this part, this part and the amendments made by this part

shall apply with respect to elections occurring during 2026 or any succeeding year, without regard to whether or not the Federal Election Commission has promulgated the final regulations necessary to carry out this part and the amendments made by this part by the deadline set forth in subsection (b).

(b) DEADLINE FOR REGULATIONS.—Not later than June 30, 2024, the Federal Election Commission shall promulgate such regulations as may be necessary to carry out this part and the amendments made by this part.

## Subtitle C—Presidential Elections

### SEC. 5200. SHORT TITLE.

This subtitle may be cited as the “Empower Act of 2019”.

### PART 1—PRIMARY ELECTIONS

#### SEC. 5201. INCREASE IN AND MODIFICATIONS TO MATCHING PAYMENTS.

##### (a) INCREASE AND MODIFICATION.—

(1) IN GENERAL.—The first sentence of section 9034(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking “an amount equal to the amount of each contribution” and inserting “an amount equal to 600 percent of the amount of each matchable contribution (disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person for the election exceeds \$200)”; and

(B) by striking “authorized committees” and all that follows through “\$250” and inserting “authorized committees”.

(2) MATCHABLE CONTRIBUTIONS.—Section 9034 of such Code is amended—

(A) by striking the last sentence of subsection (a); and

(B) by adding at the end the following new subsection:

“(c) MATCHABLE CONTRIBUTION DEFINED.—For purposes of this section and section 9033(b)—

(1) MATCHABLE CONTRIBUTION.—The term ‘matchable contribution’ means, with respect to the nomination for election to the office of President of the United States, a contribution by an individual to a candidate or an authorized committee of a candidate with respect to which the candidate has certified in writing that—

(A) the individual making such contribution has not made aggregate contributions (including such matchable contribution) to such candidate and the authorized committees of such candidate in excess of \$1,000 for the election;

(B) such candidate and the authorized committees of such candidate will not accept contributions from such individual (including such matchable contribution) aggregating more than the amount described in subparagraph (A); and

(C) such contribution was a direct contribution.

(2) CONTRIBUTION.—For purposes of this subsection, the term ‘contribution’ means a gift of money made by a written instrument which identifies the individual making the contribution by full name and mailing address, but does not include a subscription, loan, advance, or deposit of money, or anything of value or anything described in subparagraph (B), (C), or (D) of section 9032(4).

(3) DIRECT CONTRIBUTION.—

(A) IN GENERAL.—For purposes of this subsection, the term ‘direct contribution’ means, with respect to a candidate, a contribution which is made directly by an individual to the candidate or an authorized committee of the candidate and is not—

(i) forwarded from the individual making the contribution to the candidate or committee by another person; or

(ii) received by the candidate or committee with the knowledge that the contribution was made at the request, suggestion, or recommendation of another person.

(B) OTHER DEFINITIONS.—In subparagraph (A)—

(i) the term ‘person’ does not include an individual (other than an individual described in section 304(i)(7) of the Federal Election Cam-

paigned Act of 1971), a political committee of a political party, or any political committee which is not a separate segregated fund described in section 316(b) of the Federal Election Campaign Act of 1971 and which does not make contributions or independent expenditures, does not engage in lobbying activity under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.), and is not established by, controlled by, or affiliated with a registered lobbyist under such Act, an agent of a registered lobbyist under such Act, or an organization which retains or employs a registered lobbyist under such Act; and

“(ii) a contribution is not ‘made at the request, suggestion, or recommendation of another person’ solely on the grounds that the contribution is made in response to information provided to the individual making the contribution by any person, so long as the candidate or authorized committee does not know the identity of the person who provided the information to such individual.”

(3) CONFORMING AMENDMENTS.—

(A) Section 9032(4) of such Code is amended by striking “section 9034(a)” and inserting “section 9034”.

(B) Section 9033(b)(3) of such Code is amended by striking “matching contributions” and inserting “matchable contributions”.

(b) MODIFICATION OF PAYMENT LIMITATION.—Section 9034(a) of such Code is amended—

(1) by striking “Every” and inserting the following:

“(1) IN GENERAL.—Every”;

(2) by striking “shall not exceed” and all that follows and inserting “shall not exceed \$250,000,000.”, and

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

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any applicable period beginning after 2029, the dollar amount in paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year following the year which such applicable period begins, determined by substituting ‘calendar year 2028’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) APPLICABLE PERIOD.—For purposes of this paragraph, the term ‘applicable period’ means the 4-year period beginning with the first day following the date of the general election for the office of President and ending on the date of the next such general election.

“(C) ROUNDING.—If any amount as adjusted under subparagraph (1) is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”

**SEC. 5202. ELIGIBILITY REQUIREMENTS FOR MATCHING PAYMENTS.**

(a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN EXCESS OF \$200.—Section 9033(b)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking “\$5,000” and inserting “\$25,000”; and

(2) by striking “20 States” and inserting the following: “20 States (disregarding any amount of contributions from any such resident to the extent that the total of the amounts contributed by such resident for the election exceeds \$200)”.

(b) CONTRIBUTION LIMIT.—

(1) IN GENERAL.—Paragraph (4) of section 9033(b) of such Code is amended to read as follows:

“(4) the candidate and the authorized committees of the candidate will not accept aggregate contributions from any person with respect to the nomination for election to the office of President of the United States in excess of \$1,000 for the election.”

(2) CONFORMING AMENDMENTS.—

(A) Section 9033(b) of such Code is amended by adding at the end the following new flush sentence:

“For purposes of paragraph (4), the term ‘contribution’ has the meaning given such term in section 301(8) of the Federal Election Campaign Act of 1971.”

(B) Section 9032(4) of such Code, as amended by section 5201(a)(3)(A), is amended by inserting “or 9033(b)” after “9034”.

(c) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR GENERAL ELECTION.—Section 9033(b) of such Code is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “, and”; and

(3) by inserting after paragraph (4) the following new paragraph:

“(5) if the candidate is nominated by a political party for election to the office of President, the candidate will apply for and accept payments with respect to the general election for such office in accordance with chapter 95.”.

(d) PROHIBITION ON JOINT FUNDRAISING COMMITTEES.—Section 9033(b) of such Code, as amended by subsection (c), is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “, and”; and

(3) by inserting after paragraph (5) the following new paragraph:

“(6) the candidate will not establish a joint fundraising committee with a political committee other than another authorized committee of the candidate, except that candidate established a joint fundraising committee with respect to a prior election for which the candidate was not eligible to receive payments under section 9037 and the candidate does not terminate the committee, the candidate shall not be considered to be in violation of this paragraph so long as that joint fundraising committee does not receive any contributions or make any disbursements during the election cycle for which the candidate is eligible to receive payments under such section.”.

**SEC. 5203. REPEAL OF EXPENDITURE LIMITATIONS.**

(a) IN GENERAL.—Subsection (a) of section 9035 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) PERSONAL EXPENDITURE LIMITATION.—No candidate shall knowingly make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election to the office of President in excess of, in the aggregate, \$50,000.”.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 9033(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) the candidate will comply with the personal expenditure limitation under section 9035.”.

**SEC. 5204. PERIOD OF AVAILABILITY OF MATCHING PAYMENTS.**

Section 9032(6) of the Internal Revenue Code of 1986 is amended by striking “the beginning of the calendar year in which a general election for the office of President of the United States will be held” and inserting “the date that is 6 months prior to the date of the earliest State primary election”.

**SEC. 5205. EXAMINATION AND AUDITS OF MATCHABLE CONTRIBUTIONS.**

Section 9038(a) of the Internal Revenue Code of 1986 is amended by inserting “and matchable contributions accepted by” after “qualified campaign expenses of”.

**SEC. 5206. MODIFICATION TO LIMITATION ON CONTRIBUTIONS FOR PRESIDENTIAL PRIMARY CANDIDATES.**

Section 315(a)(6) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(a)(6)) is amended by striking “calendar year” and inserting “four-year election cycle”.

**SEC. 5207. USE OF FREEDOM FROM INFLUENCE FUND AS SOURCE OF PAYMENTS.**

(a) IN GENERAL.—Chapter 96 of subtitle H of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**“SEC. 9043. USE OF FREEDOM FROM INFLUENCE FUND AS SOURCE OF PAYMENTS.**

“(a) IN GENERAL.—Notwithstanding any other provision of this chapter, effective with respect to the Presidential election held in 2028 and each succeeding Presidential election, all payments made to candidates under this chapter shall be made from the Freedom From Influence Fund established under section 541 of the Federal Election Campaign Act of 1971 (hereafter in this section referred to as the ‘Fund’).

“(b) MANDATORY REDUCTION OF PAYMENTS IN CASE OF INSUFFICIENT AMOUNTS IN FUND.—



“(1) **ADVANCE AUDITS BY COMMISSION.**—Not later than 90 days before the first day of each Presidential election cycle (beginning with the cycle for the election held in 2028), the Commission shall—

“(A) audit the Fund to determine whether, after first making payments to participating candidates under title V of the Federal Election Campaign Act of 1971 and then making payments to States under the My Voice Voucher Program under the Government By the People Act of 2019, the amounts remaining in the Fund will be sufficient to make payments to candidates under this chapter in the amounts provided under this chapter during such election cycle; and

“(B) submit a report to Congress describing the results of the audit.

“(2) **REDUCTIONS IN AMOUNT OF PAYMENTS.**—

“(A) **AUTOMATIC REDUCTION ON PRO RATA BASIS.**—If, on the basis of the audit described in paragraph (1), the Commission determines that the amount anticipated to be available in the Fund with respect to the Presidential election cycle involved is not, or may not be, sufficient to satisfy the full entitlements of candidates to payments under this chapter for such cycle, the Commission shall reduce each amount which would otherwise be paid to a candidate under this chapter by such pro rata amount as may be necessary to ensure that the aggregate amount of payments anticipated to be made with respect to the cycle will not exceed the amount anticipated to be available for such payments in the Fund with respect to such cycle.

“(B) **RESTORATION OF REDUCTIONS IN CASE OF AVAILABILITY OF SUFFICIENT FUNDS DURING ELECTION CYCLE.**—If, after reducing the amounts paid to candidates with respect to an election cycle under subparagraph (A), the Commission determines that there are sufficient amounts in the Fund to restore the amount by which such payments were reduced (or any portion thereof), to the extent that such amounts are available, the Commission may make a payment on a pro rata basis to each such candidate with respect to the election cycle in the amount by which such candidate’s payments were reduced under subparagraph (A) (or any portion thereof, as the case may be).

“(C) **NO USE OF AMOUNTS FROM OTHER SOURCES.**—In any case in which the Commission determines that there are insufficient moneys in the Fund to make payments to candidates under this chapter, moneys shall not be made available from any other source for the purpose of making such payments.

“(3) **NO EFFECT ON AMOUNTS TRANSFERRED FOR PEDIATRIC RESEARCH INITIATIVE.**—This section does not apply to the transfer of funds under section 9008(i).

“(4) **PRESIDENTIAL ELECTION CYCLE DEFINED.**—In this section, the term ‘Presidential election cycle’ means, with respect to a Presidential election, the period beginning on the day after the date of the previous Presidential general election and ending on the date of the Presidential election.”

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

“Sec. 9043. Use of Freedom From Influence Fund as source of payments.”.

## **PART 2—GENERAL ELECTIONS**

### **SEC. 5211. MODIFICATION OF ELIGIBILITY REQUIREMENTS FOR PUBLIC FINANCING.**

Subsection (a) of section 9003 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) **IN GENERAL.**—In order to be eligible to receive any payments under section 9006, the candidates of a political party in a Presidential election shall meet the following requirements:

“(1) **PARTICIPATION IN PRIMARY PAYMENT SYSTEM.**—The candidate for President received payments under chapter 96 for the campaign for nomination for election to be President.

“(2) **AGREEMENTS WITH COMMISSION.**—The candidates, in writing—

“(A) agree to obtain and furnish to the Commission such evidence as it may request of the qualified campaign expenses of such candidates,

“(B) agree to keep and furnish to the Commission such records, books, and other information as it may request, and

“(C) agree to an audit and examination by the Commission under section 9007 and to pay any amounts required to be paid under such section.

“(3) PROHIBITION ON JOINT FUNDRAISING COMMITTEES.—

“(A) PROHIBITION.—The candidate certifies in writing that the candidate will not establish a joint fundraising committee with a political committee other than another authorized committee of the candidate.

“(B) STATUS OF EXISTING COMMITTEES FOR PRIOR ELECTIONS.—If a candidate established a joint fundraising committee described in subparagraph (A) with respect to a prior election for which the candidate was not eligible to receive payments under section 9006 and the candidate does not terminate the committee, the candidate shall not be considered to be in violation of subparagraph (A) so long as that joint fundraising committee does not receive any contributions or make any disbursements with respect to the election for which the candidate is eligible to receive payments under section 9006.”

**SEC. 5212. REPEAL OF EXPENDITURE LIMITATIONS AND USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS.**

(a) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME REQUIREMENTS FOR MAJOR, MINOR, AND NEW PARTIES.—Section 9003 of the Internal Revenue Code of 1986 is amended by striking subsections (b) and (c) and inserting the following:

“(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS TO DEFRAY EXPENSES.—

“(1) IN GENERAL.—In order to be eligible to receive any payments under section 9006, the candidates of a party in a Presidential election shall certify to the Commission, under penalty of perjury, that—

“(A) such candidates and their authorized committees have not and will not accept any contributions to defray qualified campaign expenses other than—

“(i) qualified campaign contributions, and

“(ii) contributions to the extent necessary to make up any deficiency payments received out of the fund on account of the application of section 9006(c), and

“(B) such candidates and their authorized committees have not and will not accept any contribution to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11).

“(2) TIMING OF CERTIFICATION.—The candidate shall make the certification required under this subsection at the same time the candidate makes the certification required under subsection (a)(3).”

(b) DEFINITION OF QUALIFIED CAMPAIGN CONTRIBUTION.—Section 9002 of such Code is amended by adding at the end the following new paragraph:

“(13) QUALIFIED CAMPAIGN CONTRIBUTION.—The term ‘qualified campaign contribution’ means, with respect to any election for the office of President of the United States, a contribution from an individual to a candidate or an authorized committee of a candidate which—

“(A) does not exceed \$1,000 for the election; and

“(B) with respect to which the candidate has certified in writing that—

“(i) the individual making such contribution has not made aggregate contributions (including such qualified contribution) to such candidate and the authorized committees of such candidate in excess of the amount described in subparagraph (A), and

“(ii) such candidate and the authorized committees of such candidate will not accept contributions from such individual (including such qualified contribution) aggregating more than the amount described in subparagraph (A) with respect to such election.”

(c) CONFORMING AMENDMENTS.—

(1) REPEAL OF EXPENDITURE LIMITS.—

(A) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116) is amended by striking subsection (b).

(B) CONFORMING AMENDMENTS.—Section 315(c) of such Act (52 U.S.C. 30116(c)) is amended—

(i) in paragraph (1)(B)(i), by striking “(b)”; and

(ii) in paragraph (2)(B)(i), by striking “subsections (b) and (d)” and inserting “subsection (d)”.

(2) REPEAL OF REPAYMENT REQUIREMENT.—

(A) IN GENERAL.—Section 9007(b) of the Internal Revenue Code of 1986 is amended by striking paragraph (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(B) CONFORMING AMENDMENT.—Paragraph (2) of section 9007(b) of such Code, as redesignated by subparagraph (A), is amended—

- (i) by striking “a major party” and inserting “a party”;
- (ii) by inserting “qualified contributions and” after “contributions (other than”;
- and
- (iii) by striking “(other than qualified campaign expenses with respect to which payment is required under paragraph (2))”.

(3) CRIMINAL PENALTIES.—

(A) REPEAL OF PENALTY FOR EXCESS EXPENSES.—Section 9012 of the Internal Revenue Code of 1986 is amended by striking subsection (a).

(B) PENALTY FOR ACCEPTANCE OF DISALLOWED CONTRIBUTIONS; APPLICATION OF SAME PENALTY FOR CANDIDATES OF MAJOR, MINOR, AND NEW PARTIES.—Subsection (b) of section 9012 of such Code is amended to read as follows:

“(b) CONTRIBUTIONS.—

“(1) ACCEPTANCE OF DISALLOWED CONTRIBUTIONS.—It shall be unlawful for an eligible candidate of a party in a Presidential election or any of his authorized committees knowingly and willfully to accept—

“(A) any contribution other than a qualified campaign contribution to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c); or

“(B) any contribution to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11).

“(2) PENALTY.—Any person who violates paragraph (1) shall be fined not more than \$5,000, or imprisoned not more than one year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than \$5,000, or imprisoned not more than one year, or both.”.

**SEC. 5213. MATCHING PAYMENTS AND OTHER MODIFICATIONS TO PAYMENT AMOUNTS.**

(a) IN GENERAL.—

(1) AMOUNT OF PAYMENTS; APPLICATION OF SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR, AND NEW PARTIES.—Subsection (a) of section 9004 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) IN GENERAL.—Subject to the provisions of this chapter, the eligible candidates of a party in a Presidential election shall be entitled to equal payment under section 9006 in an amount equal to 600 percent of the amount of each matchable contribution received by such candidate or by the candidate’s authorized committees (disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person for the election exceeds \$200), except that total amount to which a candidate is entitled under this paragraph shall not exceed \$250,000,000.”.

(2) REPEAL OF SEPARATE LIMITATIONS FOR CANDIDATES OF MINOR AND NEW PARTIES; INFLATION ADJUSTMENT.—Subsection (b) of section 9004 of such Code is amended to read as follows:

“(b) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—In the case of any applicable period beginning after 2029, the \$250,000,000 dollar amount in subsection (a) shall be increased by an amount equal to—

“(A) such dollar amount; multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year following the year which such applicable period begins, determined by substituting ‘calendar year 2028’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) APPLICABLE PERIOD.—For purposes of this subsection, the term ‘applicable period’ means the 4-year period beginning with the first day following the date of the general election for the office of President and ending on the date of the next such general election.

“(3) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”.

(3) CONFORMING AMENDMENT.—Section 9005(a) of such Code is amended by adding at the end the following new sentence: “The Commission shall make such additional certifications as may be necessary to receive payments under section 9004.”.

(b) MATCHABLE CONTRIBUTION.—Section 9002 of such Code, as amended by section 5212(b), is amended by adding at the end the following new paragraph:

“(14) MATCHABLE CONTRIBUTION.—The term ‘matchable contribution’ means, with respect to the election to the office of President of the United States, a contribution by an individual to a candidate or an authorized committee of a candidate with respect to which the candidate has certified in writing that—

“(A) the individual making such contribution has not made aggregate contributions (including such matchable contribution) to such candidate and the authorized committees of such candidate in excess of \$1,000 for the election;

“(B) such candidate and the authorized committees of such candidate will not accept contributions from such individual (including such matchable contribution) aggregating more than the amount described in subparagraph (A) with respect to such election; and

“(C) such contribution was a direct contribution (as defined in section 9034(c)(3)).”.

**SEC. 5214. INCREASE IN LIMIT ON COORDINATED PARTY EXPENDITURES.**

(a) IN GENERAL.—Section 315(d)(2) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(d)(2)) is amended to read as follows:

“(2)(A) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds \$100,000,000.

“(B) For purposes of this paragraph—

“(i) any expenditure made by or on behalf of a national committee of a political party and in connection with a Presidential election shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party; and

“(ii) any communication made by or on behalf of such party shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party if any portion of the communication is in connection with such election.

“(C) Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.”.

(b) CONFORMING AMENDMENTS RELATING TO TIMING OF COST-OF-LIVING ADJUSTMENT.—

(1) IN GENERAL.—Section 315(c)(1) of such Act (52 U.S.C. 30116(c)(1)) is amended—

(A) in subparagraph (B), by striking “(d)” and inserting “(d)(2)”; and

(B) by adding at the end the following new subparagraph:

“(D) In any calendar year after 2028—

“(i) the dollar amount in subsection (d)(2) shall be increased by the percent difference determined under subparagraph (A);

“(ii) the amount so increased shall remain in effect for the calendar year; and

“(iii) if the amount after adjustment under clause (i) is not a multiple of \$100, such amount shall be rounded to the nearest multiple of \$100.”.

(2) BASE YEAR.—Section 315(c)(2)(B) of such Act (52 U.S.C. 30116(c)(2)(B)) is amended—

(A) in clause (i)—

(i) by striking “(d)” and inserting “(d)(3)”; and

(ii) by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new clause:

“(iii) for purposes of subsection (d)(2), calendar year 2027.”.

**SEC. 5215. ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS.**

(a) DATE FOR PAYMENTS.—

(1) IN GENERAL.—Section 9006(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) PAYMENTS FROM THE FUND.—If the Secretary of the Treasury receives a certification from the Commission under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Commission on the later of—

“(1) the last Friday occurring before the first Monday in September; or

“(2) 24 hours after receiving the certifications for the eligible candidates of all major political parties. Amounts paid to any such candidates shall be under the control of such candidates.”.

(2) CONFORMING AMENDMENT.—The first sentence of section 9006(c) of such Code is amended by striking “the time of a certification by the Commission under section 9005 for payment” and inserting “the time of making a payment under subsection (b)”.

(b) TIME FOR CERTIFICATION.—Section 9005(a) of the Internal Revenue Code of 1986 is amended by striking “10 days” and inserting “24 hours”.

**SEC. 5216. AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND.**

Section 9006(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “In making a determination of whether there are insufficient moneys in the fund for purposes of the previous sentence, the Secretary shall take into account in determining the balance of the fund for a Presidential election year the Secretary’s best estimate of the amount of moneys which will be deposited into the fund during the year, except that the amount of the estimate may not exceed the average of the annual amounts deposited in the fund during the previous 3 years.”.

**SEC. 5217. USE OF GENERAL ELECTION PAYMENTS FOR GENERAL ELECTION LEGAL AND ACCOUNTING COMPLIANCE.**

Section 9002(11) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “For purposes of subparagraph (A), an expense incurred by a candidate or authorized committee for general election legal and accounting compliance purposes shall be considered to be an expense to further the election of such candidate.”.

**SEC. 5218. USE OF FREEDOM FROM INFLUENCE FUND AS SOURCE OF PAYMENTS.**

(a) IN GENERAL.—Chapter 95 of subtitle H of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**“SEC. 9013. USE OF FREEDOM FROM INFLUENCE FUND AS SOURCE OF PAYMENTS.**

“(a) IN GENERAL.—Notwithstanding any other provision of this chapter, effective with respect to the Presidential election held in 2028 and each succeeding Presidential election, all payments made under this chapter shall be made from the Freedom From Influence Fund established under section 541 of the Federal Election Campaign Act of 1971.

“(b) MANDATORY REDUCTION OF PAYMENTS IN CASE OF INSUFFICIENT AMOUNTS IN FUND.—

“(1) ADVANCE AUDITS BY COMMISSION.—Not later than 90 days before the first day of each Presidential election cycle (beginning with the cycle for the election held in 2028), the Commission shall—

“(A) audit the Fund to determine whether, after first making payments to participating candidates under title V of the Federal Election Campaign Act of 1971 and then making payments to States under the My Voice Voucher Program under the Government By the People Act of 2019 and then making payments to candidates under chapter 96, the amounts remaining in the Fund will be sufficient to make payments to candidates under this chapter in the amounts provided under this chapter during such election cycle; and

“(B) submit a report to Congress describing the results of the audit.

“(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

“(A) AUTOMATIC REDUCTION ON PRO RATA BASIS.—If, on the basis of the audit described in paragraph (1), the Commission determines that the amount anticipated to be available in the Fund with respect to the Presidential election cycle involved is not, or may not be, sufficient to satisfy the full entitlements of candidates to payments under this chapter for such cycle, the Commission shall reduce each amount which would otherwise be paid to a candidate under this chapter by such pro rata amount as may be necessary to ensure that the aggregate amount of payments anticipated to be made with respect to the cycle will not exceed the amount anticipated to be available for such payments in the Fund with respect to such cycle.

“(B) RESTORATION OF REDUCTIONS IN CASE OF AVAILABILITY OF SUFFICIENT FUNDS DURING ELECTION CYCLE.—If, after reducing the amounts paid to candidates with respect to an election cycle under subparagraph (A), the Commission determines that there are sufficient amounts in the Fund to

restore the amount by which such payments were reduced (or any portion thereof), to the extent that such amounts are available, the Commission may make a payment on a pro rata basis to each such candidate with respect to the election cycle in the amount by which such candidate's payments were reduced under subparagraph (A) (or any portion thereof, as the case may be).

“(C) NO USE OF AMOUNTS FROM OTHER SOURCES.—In any case in which the Commission determines that there are insufficient moneys in the Fund to make payments to candidates under this chapter, moneys shall not be made available from any other source for the purpose of making such payments.

“(3) NO EFFECT ON AMOUNTS TRANSFERRED FOR PEDIATRIC RESEARCH INITIATIVE.—This section does not apply to the transfer of funds under section 9008(i).

“(4) PRESIDENTIAL ELECTION CYCLE DEFINED.—In this section, the term ‘Presidential election cycle’ means, with respect to a Presidential election, the period beginning on the day after the date of the previous Presidential general election and ending on the date of the Presidential election.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

“Sec. 9013. Use of Freedom From Influence Fund as source of payments.”

### **PART 3—EFFECTIVE DATE**

#### **SEC. 5221. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as otherwise provided, this subtitle and the amendments made by this subtitle shall apply with respect to the Presidential election held in 2028 and each succeeding Presidential election, without regard to whether or not the Federal Election Commission has promulgated the final regulations necessary to carry out this part and the amendments made by this part by the deadline set forth in subsection (b).

(b) DEADLINE FOR REGULATIONS.—Not later than June 30, 2026, the Federal Election Commission shall promulgate such regulations as may be necessary to carry out this part and the amendments made by this part.

## **Subtitle D—Personal Use Services as Authorized Campaign Expenditures**

#### **SEC. 5301. SHORT TITLE; FINDINGS; PURPOSE.**

(a) SHORT TITLE.—This subtitle may be cited as the “Help America Run Act”.

(b) FINDINGS.—Congress finds the following:

(1) Everyday Americans experience barriers to entry before they can consider running for office to serve their communities.

(2) Current law states that campaign funds cannot be spent on everyday expenses that would exist whether or not a candidate were running for office, like childcare and food. While the law seems neutral, its actual effect is to privilege the independently wealthy who want to run, because given the demands of running for office, candidates who must work to pay for childcare or to afford health insurance are effectively being left out of the process, even if they have sufficient support to mount a viable campaign.

(3) Thus current practice favors those prospective candidates who do not need to rely on a regular paycheck to make ends meet. The consequence is that everyday Americans who have firsthand knowledge of the importance of stable childcare, a safety net, or great public schools are less likely to get a seat at the table. This governance by the few is antithetical to the democratic experiment, but most importantly, when lawmakers do not share the concerns of everyday Americans, their policies reflect that.

(4) These circumstances have contributed to a Congress that does not always reflect everyday Americans. The New York Times reported in 2019 that fewer than 5 percent of representatives cite blue-collar or service jobs in their biographies. A 2015 survey by the Center for Responsive Politics showed that the median net worth of lawmakers was just over \$1 million in 2013, or 18 times the wealth of the typical American household.

(5) These circumstances have also contributed to a governing body that does not reflect the nation it serves. For instance, women are 51% of the American population. Yet even with a record number of women serving in the One Hundred Sixteenth Congress, the Pew Research Center notes that more than three out of four Members of this Congress are male. The Center for American Women And Politics found that one third of women legislators surveyed had been actively discouraged from running for office, often by political professionals. This type of discouragement, combined with the prohibitions on using campaign funds for domestic needs like childcare, burdens that still fall disproportionately on American women, particularly disadvantages working mothers. These barriers may explain why only 10 women in history have given birth while serving in Congress, in spite of the prevalence of working parents in other professions. Yet working mothers and fathers are best positioned to create policy that reflects the lived experience of most Americans.

(c) PURPOSE.—It is the purpose of this subtitle to ensure that all Americans who are otherwise qualified to serve this Nation are able to run for office, regardless of their economic status. By expanding permissible uses of campaign funds and providing modest assurance that testing a run for office will not cost one's livelihood, the Help America Run Act will facilitate the candidacy of representatives who more accurately reflect the experiences, challenges, and ideals of everyday Americans.

**SEC. 5302. TREATMENT OF PAYMENTS FOR CHILD CARE AND OTHER PERSONAL USE SERVICES AS AUTHORIZED CAMPAIGN EXPENDITURE.**

(a) PERSONAL USE SERVICES AS AUTHORIZED CAMPAIGN EXPENDITURES.—Section 313 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30114), as amended by section 5113, is amended by adding at the end the following new subsection:

“(e) TREATMENT OF PAYMENTS FOR CHILD CARE AND OTHER PERSONAL USE SERVICES AS AUTHORIZED CAMPAIGN EXPENDITURE.—

“(1) AUTHORIZED EXPENDITURES.—For purposes of subsection (a), the payment by an authorized committee of a candidate for any of the personal use services described in paragraph (3) shall be treated as an authorized expenditure if the services are necessary to enable the participation of the candidate in campaign-connected activities.

“(2) LIMITATIONS.—

“(A) LIMIT ON TOTAL AMOUNT OF PAYMENTS.—The total amount of payments made by an authorized committee of a candidate for personal use services described in paragraph (3) may not exceed the limit which is applicable under any law, rule, or regulation on the amount of payments which may be made by the committee for the salary of the candidate (without regard to whether or not the committee makes payments to the candidate for that purpose).

“(B) CORRESPONDING REDUCTION IN AMOUNT OF SALARY PAID TO CANDIDATE.—To the extent that an authorized committee of a candidate makes payments for the salary of the candidate, any limit on the amount of such payments which is applicable under any law, rule, or regulation shall be reduced by the amount of any payments made to or on behalf of the candidate for personal use services described in paragraph (3), other than personal use services described in subparagraph (E) of such paragraph.

“(C) EXCLUSION OF CANDIDATES WHO ARE OFFICEHOLDERS.—Paragraph (1) does not apply with respect to an authorized committee of a candidate who is a holder of Federal office.

“(3) PERSONAL USE SERVICES DESCRIBED.—The personal use services described in this paragraph are as follows:

“(A) Child care services.

“(B) Elder care services.

“(C) Services similar to the services described in subparagraph (A) or subparagraph (B) which are provided on behalf of any dependent who is a qualifying relative under section 152 of the Internal Revenue Code of 1986.

“(D) Dues, fees, and other expenses required to maintain a license or similar requirement related to an individual's profession.

“(E) Costs associated with health insurance coverage.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

## Subtitle E—Severability

### SEC. 5401. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

## TITLE VI—CAMPAIGN FINANCE OVERSIGHT

### Subtitle A—Restoring Integrity to America’s Elections

- Sec. 6001. Short title.
- Sec. 6002. Membership of Federal Election Commission.
- Sec. 6003. Assignment of powers to Chair of Federal Election Commission.
- Sec. 6004. Revision to enforcement process.
- Sec. 6005. Permitting appearance at hearings on requests for advisory opinions by persons opposing the requests.
- Sec. 6006. Permanent extension of administrative penalty authority.
- Sec. 6007. Restrictions on ex parte communications.
- Sec. 6008. Effective date; transition.

### Subtitle B—Stopping Super PAC-Candidate Coordination

- Sec. 6101. Short title.
- Sec. 6102. Clarification of treatment of coordinated expenditures as contributions to candidates.
- Sec. 6103. Clarification of ban on fundraising for super PACs by Federal candidates and officeholders.

### Subtitle C—Severability

- Sec. 6201. Severability.

## Subtitle A—Restoring Integrity to America’s Elections

### SEC. 6001. SHORT TITLE.

This subtitle may be cited as the “Restoring Integrity to America’s Elections Act”.

### SEC. 6002. MEMBERSHIP OF FEDERAL ELECTION COMMISSION.

(a) REDUCTION IN NUMBER OF MEMBERS; REMOVAL OF SECRETARY OF SENATE AND CLERK OF HOUSE AS EX OFFICIO MEMBERS.—

(1) IN GENERAL; QUORUM.—Section 306(a)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30106(a)(1)) is amended by striking the second and third sentences and inserting the following: “The Commission is composed of 5 members appointed by the President by and with the advice and consent of the Senate, of whom no more than 2 may be affiliated with the same political party. A member shall be treated as affiliated with a political party if the member was affiliated, including as a registered voter, employee, consultant, donor, officer, or attorney, with such political party or any of its candidates or elected public officials at any time during the 5-year period ending on the date on which such individual is nominated to be a member of the Commission. A majority of the number of members of the Commission who are serving at the time shall constitute a quorum, except that 3 members shall constitute a quorum if there are 4 members serving at the time.”

(2) CONFORMING AMENDMENTS RELATING TO REDUCTION IN NUMBER OF MEMBERS.—(A) The second sentence of section 306(c) of such Act (52 U.S.C. 30106(c)) is amended by striking “affirmative vote of 4 members of the Commission” and inserting “affirmative vote of a majority of the members of the Commission who are serving at the time”.

(B) Such Act is further amended by striking “affirmative vote of 4 of its members” and inserting “affirmative vote of a majority of the members of the Commission who are serving at the time” each place it appears in the following sections:

- (i) Section 309(a)(2) (52 U.S.C. 30109(a)(2)).
- (ii) Section 309(a)(4)(A)(i) (52 U.S.C. 30109(a)(4)(A)(i)).
- (iii) Section 309(a)(5)(C) (52 U.S.C. 30109(a)(5)(C)).
- (iv) Section 309(a)(6)(A) (52 U.S.C. 30109(a)(6)(A)).



- (v) Section 311(b) (52 U.S.C. 30111(b)).
- (3) CONFORMING AMENDMENT RELATING TO REMOVAL OF EX OFFICIO MEMBERS.—Section 306(a) of such Act (52 U.S.C. 30106(a)) is amended by striking “(other than the Secretary of the Senate and the Clerk of the House of Representatives)” each place it appears in paragraphs (4) and (5).
- (b) TERMS OF SERVICE.—Section 306(a)(2) of such Act (52 U.S.C. 30106(a)(2)) is amended to read as follows:
- “(2) TERMS OF SERVICE.—
- “(A) IN GENERAL.—Each member of the Commission shall serve for a single term of 6 years.
- “(B) SPECIAL RULE FOR INITIAL APPOINTMENTS.—Of the members first appointed to serve terms that begin in January 2022, the President shall designate 2 to serve for a 3-year term.
- “(C) NO REAPPOINTMENT PERMITTED.—An individual who served a term as a member of the Commission may not serve for an additional term, except that—
- “(i) an individual who served a 3-year term under subparagraph (B) may also be appointed to serve a 6-year term under subparagraph (A); and
- “(ii) for purposes of this subparagraph, an individual who is appointed to fill a vacancy under subparagraph (D) shall not be considered to have served a term if the portion of the unexpired term the individual fills is less than 50 percent of the period of the term.
- “(D) VACANCIES.—Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the original appointment. Except as provided in subparagraph (C), an individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.
- “(E) LIMITATION ON SERVICE AFTER EXPIRATION OF TERM.—A member of the Commission may continue to serve on the Commission after the expiration of the member’s term for an additional period, but only until the earlier of—
- “(i) the date on which the member’s successor has taken office as a member of the Commission; or
- “(ii) the expiration of the 1-year period that begins on the last day of the member’s term.”
- (c) QUALIFICATIONS.—Section 306(a)(3) of such Act (52 U.S.C. 30106(a)(3)) is amended to read as follows:
- “(3) QUALIFICATIONS.—
- “(A) IN GENERAL.—The President may select an individual for service as a member of the Commission if the individual has experience in election law and has a demonstrated record of integrity, impartiality, and good judgment.
- “(B) ASSISTANCE OF BLUE RIBBON ADVISORY PANEL.—
- “(i) IN GENERAL.—Prior to the regularly scheduled expiration of the term of a member of the Commission and upon the occurrence of a vacancy in the membership of the Commission prior to the expiration of a term, the President shall convene a Blue Ribbon Advisory Panel, consisting of an odd number of individuals selected by the President from retired Federal judges, former law enforcement officials, or individuals with experience in election law, except that the President may not select any individual to serve on the panel who holds any public office at the time of selection.
- “(ii) RECOMMENDATIONS.—With respect to each member of the Commission whose term is expiring or each vacancy in the membership of the Commission (as the case may be), the Blue Ribbon Advisory Panel shall recommend to the President at least one but not more than 3 individuals for nomination for appointment as a member of the Commission.
- “(iii) PUBLICATION.—At the time the President submits to the Senate the nominations for individuals to be appointed as members of the Commission, the President shall publish the Blue Ribbon Advisory Panel’s recommendations for such nominations.

“(iv) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to a Blue Ribbon Advisory Panel convened under this subparagraph.

“(C) PROHIBITING ENGAGEMENT WITH OTHER BUSINESS OR EMPLOYMENT DURING SERVICE.—A member of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time of his or her appointment to the Commission shall terminate or liquidate such activity no later than 90 days after such appointment.”.

**SEC. 6003. ASSIGNMENT OF POWERS TO CHAIR OF FEDERAL ELECTION COMMISSION.**

(a) APPOINTMENT OF CHAIR BY PRESIDENT.—

(1) IN GENERAL.—Section 306(a)(5) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30106(a)(5)) is amended to read as follows:

“(5) CHAIR.—

“(A) INITIAL APPOINTMENT.—Of the members first appointed to serve terms that begin in January 2022, one such member (as designated by the President at the time the President submits nominations to the Senate) shall serve as Chair of the Commission.

“(B) SUBSEQUENT APPOINTMENTS.—Any individual who is appointed to succeed the member who serves as Chair of the Commission for the term beginning in January 2022 (as well as any individual who is appointed to fill a vacancy if such member does not serve a full term as Chair) shall serve as Chair of the Commission.

“(C) VICE CHAIR.—The Commission shall select, by majority vote of its members, one of its members to serve as Vice Chair, who shall act as Chair in the absence or disability of the Chair or in the event of a vacancy in the position of Chair.”.

(2) CONFORMING AMENDMENT.—Section 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is amended by striking “through its chairman or vice chairman” and inserting “through the Chair”.

(b) POWERS.—

(1) ASSIGNMENT OF CERTAIN POWERS TO CHAIR.—Section 307(a) of such Act (52 U.S.C. 30107(a)) is amended to read as follows:

“(a) DISTRIBUTION OF POWERS BETWEEN CHAIR AND COMMISSION.—

“(1) POWERS ASSIGNED TO CHAIR.—

“(A) ADMINISTRATIVE POWERS.—The Chair of the Commission shall be the chief administrative officer of the Commission and shall have the authority to administer the Commission and its staff, and (in consultation with the other members of the Commission) shall have the power—

“(i) to appoint and remove the staff director of the Commission;

“(ii) to request the assistance (including personnel and facilities) of other agencies and departments of the United States, whose heads may make such assistance available to the Commission with or without reimbursement; and

“(iii) to prepare and establish the budget of the Commission and to make budget requests to the President, the Director of the Office of Management and Budget, and Congress.

“(B) OTHER POWERS.—The Chair of the Commission shall have the power—

“(i) to appoint and remove the general counsel of the Commission with the concurrence of at least 2 other members of the Commission;

“(ii) to require by special or general orders, any person to submit, under oath, such written reports and answers to questions as the Chair may prescribe;

“(iii) to administer oaths or affirmations;

“(iv) to require by subpoena, signed by the Chair, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

“(v) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Chair, and shall have the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under clause (iv); and

“(vi) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

“(2) POWERS ASSIGNED TO COMMISSION.—The Commission shall have the power—

“(A) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief), defend (in the case of any civil action brought under section 309(a)(8) of this Act) or appeal (including a proceeding before the Supreme Court on certiorari) any civil action in the name of the Commission to enforce the provisions of this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1986, through its general counsel;

“(B) to render advisory opinions under section 308 of this Act;

“(C) to develop such prescribed forms and to make, amend, and repeal such rules, pursuant to the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1986;

“(D) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities; and

“(E) to transmit to the President and Congress not later than June 1 of each year a report which states in detail the activities of the Commission in carrying out its duties under this Act, and which includes any recommendations for any legislative or other action the Commission considers appropriate.

“(3) PERMITTING COMMISSION TO EXERCISE OTHER POWERS OF CHAIR.—With respect to any investigation, action, or proceeding, the Commission, by an affirmative vote of a majority of the members who are serving at the time, may exercise any of the powers of the Chair described in paragraph (1)(B).”

(2) CONFORMING AMENDMENTS RELATING TO PERSONNEL AUTHORITY.—Section 306(f) of such Act (52 U.S.C. 30106(f)) is amended—

(A) by amending the first sentence of paragraph (1) to read as follows: “The Commission shall have a staff director who shall be appointed by the Chair of the Commission in consultation with the other members and a general counsel who shall be appointed by the Chair with the concurrence of at least two other members.”;

(B) in paragraph (2), by striking “With the approval of the Commission” and inserting “With the approval of the Chair of the Commission”; and

(C) by striking paragraph (3).

(3) CONFORMING AMENDMENT RELATING TO BUDGET SUBMISSION.—Section 307(d)(1) of such Act (52 U.S.C. 30107(d)(1)) is amended by striking “the Commission submits any budget” and inserting “the Chair (or, pursuant to subsection (a)(3), the Commission) submits any budget”.

(4) OTHER CONFORMING AMENDMENTS.—Section 306(c) of such Act (52 U.S.C. 30106(c)) is amended by striking “All decisions” and inserting “Subject to section 307(a), all decisions”.

(5) TECHNICAL AMENDMENT.—The heading of section 307 of such Act (52 U.S.C. 30107) is amended by striking “THE COMMISSION” and inserting “THE CHAIR AND THE COMMISSION”.

#### SEC. 6004. REVISION TO ENFORCEMENT PROCESS.

(a) STANDARD FOR INITIATING INVESTIGATIONS AND DETERMINING WHETHER VIOLATIONS HAVE OCCURRED.—

(1) REVISION OF STANDARDS.—Section 309(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(a)) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2)(A) The general counsel, upon receiving a complaint filed with the Commission under paragraph (1) or upon the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, shall make a determination as to whether or not there is reason to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and as to whether or not the Commission should either initiate an investigation of the matter or that the complaint should be dismissed. The general counsel shall promptly provide notification to the Commission of such determination and the reasons therefore, together with any written response submitted under paragraph (1) by the person alleged to have committed the violation. Upon the expiration of the 30-day period which begins on the date the general counsel provides such notification, the general counsel’s determination shall take effect, unless during such 30-day period the Commission, by vote of a majority of the members of the Commission who are serving at the time, overrules the gen-

eral counsel's determination. If the determination by the general counsel that the Commission should investigate the matter takes effect, or if the determination by the general counsel that the complaint should be dismissed is overruled as provided under the previous sentence, the general counsel shall initiate an investigation of the matter on behalf of the Commission.

“(B) If the Commission initiates an investigation pursuant to subparagraph (A), the Commission, through the Chair, shall notify the subject of the investigation of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. The Commission shall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance with the provisions of this section. The general counsel shall provide notification to the Commission of any intent to issue a subpoena or conduct any other form of discovery pursuant to the investigation. Upon the expiration of the 15-day period which begins on the date the general counsel provides such notification, the general counsel may issue the subpoena or conduct the discovery, unless during such 15-day period the Commission, by vote of a majority of the members of the Commission who are serving at the time, prohibits the general counsel from issuing the subpoena or conducting the discovery.

“(3)(A) Upon completion of an investigation under paragraph (2), the general counsel shall promptly submit to the Commission the general counsel's recommendation that the Commission find either that there is probable cause or that there is not probable cause to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and shall include with the recommendation a brief stating the position of the general counsel on the legal and factual issues of the case.

“(B) At the time the general counsel submits to the Commission the recommendation under subparagraph (A), the general counsel shall simultaneously notify the respondent of such recommendation and the reasons therefore, shall provide the respondent with an opportunity to submit a brief within 30 days stating the position of the respondent on the legal and factual issues of the case and replying to the brief of the general counsel. The general counsel shall promptly submit such brief to the Commission upon receipt.

“(C) Not later than 30 days after the general counsel submits the recommendation to the Commission under subparagraph (A) (or, if the respondent submits a brief under subparagraph (B), not later than 30 days after the general counsel submits the respondent's brief to the Commission under such subparagraph), the Commission shall approve or disapprove the recommendation by vote of a majority of the members of the Commission who are serving at the time.”

(2) CONFORMING AMENDMENT RELATING TO INITIAL RESPONSE TO FILING OF COMPLAINT.—Section 309(a)(1) of such Act (52 U.S.C. 30109(a)(1)) is amended—

(A) in the third sentence, by striking “the Commission” and inserting “the general counsel”; and

(B) by amending the fourth sentence to read as follows: “Not later than 15 days after receiving notice from the general counsel under the previous sentence, the person may provide the general counsel with a written response that no action should be taken against such person on the basis of the complaint.”

(b) REVISION OF STANDARD FOR REVIEW OF DISMISSAL OF COMPLAINTS.—

(1) IN GENERAL.—Section 309(a)(8) of such Act (52 U.S.C. 30109(a)(8)) is amended to read as follows:

“(8)(A)(i) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party after finding either no reason to believe a violation has occurred or no probable cause a violation has occurred may file a petition with the United States District Court for the District of Columbia. Any petition under this subparagraph shall be filed within 60 days after the date on which the party received notice of the dismissal of the complaint.

“(ii) In any proceeding under this subparagraph, the court shall determine by de novo review whether the agency's dismissal of the complaint is contrary to law. In any matter in which the penalty for the alleged violation is greater than \$50,000, the court should disregard any claim or defense by the Commission of prosecutorial discretion as a basis for dismissing the complaint.

“(B)(i) Any party who has filed a complaint with the Commission and who is aggrieved by a failure of the Commission, within one year after the filing of the complaint, to either dismiss the complaint or to find reason to believe a violation has occurred or is about to occur, may file a petition with the United States District Court for the District of Columbia.

“(ii) In any proceeding under this subparagraph, the court shall treat the failure to act on the complaint as a dismissal of the complaint, and shall determine by de novo review whether the agency’s failure to act on the complaint is contrary to law.

“(C) In any proceeding under this paragraph the court may declare that the dismissal of the complaint or the failure to act is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complainant, a civil action to remedy the violation involved in the original complaint.”

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply—

(A) in the case of complaints which are dismissed by the Federal Election Commission, with respect to complaints which are dismissed on or after the date of the enactment of this Act; and

(B) in the case of complaints upon which the Federal Election Commission failed to act, with respect to complaints which were filed on or after the date of the enactment of this Act.

**SEC. 6005. PERMITTING APPEARANCE AT HEARINGS ON REQUESTS FOR ADVISORY OPINIONS BY PERSONS OPPOSING THE REQUESTS.**

(a) IN GENERAL.—Section 308 of such Act (52 U.S.C. 30108) is amended by adding at the end the following new subsection:

“(e) To the extent that the Commission provides an opportunity for a person requesting an advisory opinion under this section (or counsel for such person) to appear before the Commission to present testimony in support of the request, and the person (or counsel) accepts such opportunity, the Commission shall provide a reasonable opportunity for an interested party who submitted written comments under subsection (d) in response to the request (or counsel for such interested party) to appear before the Commission to present testimony in response to the request.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to requests for advisory opinions under section 308 of the Federal Election Campaign Act of 1971 which are made on or after the date of the enactment of this Act.

**SEC. 6006. PERMANENT EXTENSION OF ADMINISTRATIVE PENALTY AUTHORITY.**

(a) EXTENSION OF AUTHORITY.—Section 309(a)(4)(C)(v) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amended by striking “, and that end on or before December 31, 2023”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2018.

**SEC. 6007. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

Section 306(e) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30106(e)) is amended—

(1) by striking “(e) The Commission” and inserting “(e)(1) The Commission”; and

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

“(2) Members and employees of the Commission shall be subject to limitations on ex parte communications, as provided in the regulations promulgated by the Commission regarding such communications which are in effect on the date of the enactment of this paragraph.”

**SEC. 6008. EFFECTIVE DATE; TRANSITION.**

(a) IN GENERAL.—Except as otherwise provided, the amendments made by this subtitle shall apply beginning January 1, 2022.

(b) TRANSITION.—

(1) TERMINATION OF SERVICE OF CURRENT MEMBERS.—Notwithstanding any provision of the Federal Election Campaign Act of 1971, the term of any individual serving as a member of the Federal Election Commission as of December 31, 2021, shall expire on that date.

(2) NO EFFECT ON EXISTING CASES OR PROCEEDINGS.—Nothing in this subtitle or in any amendment made by this subtitle shall affect any of the powers exercised by the Federal Election Commission prior to December 31, 2021, including any investigation initiated by the Commission prior to such date or any proceeding (including any enforcement action) pending as of such date.

## Subtitle B—Stopping Super PAC-Candidate Coordination

### SEC. 6101. SHORT TITLE.

This subtitle may be cited as the “Stop Super PAC–Candidate Coordination Act”.

### SEC. 6102. CLARIFICATION OF TREATMENT OF COORDINATED EXPENDITURES AS CONTRIBUTIONS TO CANDIDATES.

(a) TREATMENT AS CONTRIBUTION TO CANDIDATE.—Section 301(8)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

- (1) by striking “or” at the end of clause (i);
- (2) by striking the period at the end of clause (ii) and inserting “; or”; and
- (3) by adding at the end the following new clause:

“(iii) any payment made by any person (other than a candidate, an authorized committee of a candidate, or a political committee of a political party) for a coordinated expenditure (as such term is defined in section 326) which is not otherwise treated as a contribution under clause (i) or clause (ii).”

(b) DEFINITIONS.—Title III of such Act (52 U.S.C. 30101 et seq.), as amended by section 4702(a), is amended by adding at the end the following new section:

### “SEC. 326. PAYMENTS FOR COORDINATED EXPENDITURES.

“(a) COORDINATED EXPENDITURES.—

“(1) IN GENERAL.—For purposes of section 301(8)(A)(iii), the term ‘coordinated expenditure’ means—

“(A) any expenditure, or any payment for a covered communication described in subsection (d), which is made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, an authorized committee of a candidate, a political committee of a political party, or agents of the candidate or committee, as defined in subsection (b); or

“(B) any payment for any communication which republishes, disseminates, or distributes, in whole or in part, any video or broadcast or any written, graphic, or other form of campaign material prepared by the candidate or committee or by agents of the candidate or committee (including any excerpt or use of any video from any such broadcast or written, graphic, or other form of campaign material).

“(2) EXCEPTION FOR PAYMENTS FOR CERTAIN COMMUNICATIONS.—A payment for a communication (including a covered communication described in subsection (d)) shall not be treated as a coordinated expenditure under this subsection if—

“(A) the communication appears in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

“(B) the communication constitutes a candidate debate or forum conducted pursuant to regulations adopted by the Commission pursuant to section 304(f)(3)(B)(iii), or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum.

“(b) COORDINATION DESCRIBED.—

“(1) IN GENERAL.—For purposes of this section, a payment is made ‘in cooperation, consultation, or concert with, or at the request or suggestion of,’ a candidate, an authorized committee of a candidate, a political committee of a political party, or agents of the candidate or committee, if the payment, or any communication for which the payment is made, is not made entirely independently of the candidate, committee, or agents. For purposes of the previous sentence, a payment or communication not made entirely independently of the candidate or committee includes any payment or communication made pursuant to any general or particular understanding with, or pursuant to any communication with, the candidate, committee, or agents about the payment or communication.

“(2) NO FINDING OF COORDINATION BASED SOLELY ON SHARING OF INFORMATION REGARDING LEGISLATIVE OR POLICY POSITION.—For purposes of this section, a payment shall not be considered to be made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or committee, solely on the grounds that the person or the person’s agent engaged in

discussions with the candidate or committee, or with any agent of the candidate or committee, regarding that person's position on a legislative or policy matter (including urging the candidate or committee to adopt that person's position), so long as there is no communication between the person and the candidate or committee, or any agent of the candidate or committee, regarding the candidate's or committee's campaign advertising, message, strategy, policy, polling, allocation of resources, fundraising, or other campaign activities.

“(3) NO EFFECT ON PARTY COORDINATION STANDARD.—Nothing in this section shall be construed to affect the determination of coordination between a candidate and a political committee of a political party for purposes of section 315(d).

“(4) NO SAFE HARBOR FOR USE OF FIREWALL.—A person shall be determined to have made a payment in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or committee, in accordance with this section without regard to whether or not the person established and used a firewall or similar procedures to restrict the sharing of information between individuals who are employed by or who are serving as agents for the person making the payment.

“(c) PAYMENTS BY COORDINATED SPENDERS FOR COVERED COMMUNICATIONS.—

“(1) PAYMENTS MADE IN COOPERATION, CONSULTATION, OR CONCERT WITH CANDIDATES.—For purposes of subsection (a)(1)(A), if the person who makes a payment for a covered communication, as defined in subsection (d), is a coordinated spender under paragraph (2) with respect to the candidate as described in subsection (d)(1), the payment for the covered communication is made in cooperation, consultation, or concert with the candidate.

“(2) COORDINATED SPENDER DEFINED.—For purposes of this subsection, the term ‘coordinated spender’ means, with respect to a candidate or an authorized committee of a candidate, a person (other than a political committee of a political party) for which any of the following applies:

“(A) During the 4-year period ending on the date on which the person makes the payment, the person was directly or indirectly formed or established by or at the request or suggestion of, or with the encouragement of, the candidate (including an individual who later becomes a candidate) or committee or agents of the candidate or committee, including with the approval of the candidate or committee or agents of the candidate or committee.

“(B) The candidate or committee or any agent of the candidate or committee solicits funds, appears at a fundraising event, or engages in other fundraising activity on the person's behalf during the election cycle involved, including by providing the person with names of potential donors or other lists to be used by the person in engaging in fundraising activity, regardless of whether the person pays fair market value for the names or lists provided. For purposes of this subparagraph, the term ‘election cycle’ means, with respect to an election for Federal office, the period beginning on the day after the date of the most recent general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election) and ending on the date of the next general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election).

“(C) The person is established, directed, or managed by the candidate or committee or by any person who, during the 4-year period ending on the date on which the person makes the payment, has been employed or retained as a political, campaign media, or fundraising adviser or consultant for the candidate or committee or for any other entity directly or indirectly controlled by the candidate or committee, or has held a formal position with the candidate or committee (including a position as an employee of the office of the candidate at any time the candidate held any Federal, State, or local public office during the 4-year period).

“(D) The person has retained the professional services of any person who, during the 2-year period ending on the date on which the person makes the payment, has provided or is providing professional services relating to the campaign to the candidate or committee, without regard to whether the person providing the professional services used a firewall. For purposes of this subparagraph, the term ‘professional services’ includes any services in support of the candidate's or committee's campaign activities, including advertising, message, strategy, policy, polling, allocation of resources, fund-

raising, and campaign operations, but does not include accounting or legal services.

“(E) The person is established, directed, or managed by a member of the immediate family of the candidate, or the person or any officer or agent of the person has had more than incidental discussions about the candidate’s campaign with a member of the immediate family of the candidate. For purposes of this subparagraph, the term ‘immediate family’ has the meaning given such term in section 9004(e) of the Internal Revenue Code of 1986.

“(d) COVERED COMMUNICATION DEFINED.—

“(1) IN GENERAL.—For purposes of this section, the term ‘covered communication’ means, with respect to a candidate or an authorized committee of a candidate, a public communication (as defined in section 301(22)) which—

“(A) expressly advocates the election of the candidate or the defeat of an opponent of the candidate (or contains the functional equivalent of express advocacy);

“(B) promotes or supports the election of the candidate, or attacks or opposes the election of an opponent of the candidate (regardless of whether the communication expressly advocates the election or defeat of a candidate or contains the functional equivalent of express advocacy); or

“(C) refers to the candidate or an opponent of the candidate but is not described in subparagraph (A) or subparagraph (B), but only if the communication is disseminated during the applicable election period.

“(2) APPLICABLE ELECTION PERIOD.—In paragraph (1)(C), the ‘applicable election period’ with respect to a communication means—

“(A) in the case of a communication which refers to a candidate in a general, special, or runoff election, the 120-day period which ends on the date of the election; or

“(B) in the case of a communication which refers to a candidate in a primary or preference election, or convention or caucus of a political party that has authority to nominate a candidate, the 60-day period which ends on the date of the election or convention or caucus.

“(3) SPECIAL RULES FOR COMMUNICATIONS INVOLVING CONGRESSIONAL CANDIDATES.—For purposes of this subsection, a public communication shall not be considered to be a covered communication with respect to a candidate for election for an office other than the office of President or Vice President unless it is publicly disseminated or distributed in the jurisdiction of the office the candidate is seeking.

“(e) PENALTY.—

“(1) DETERMINATION OF AMOUNT.—Any person who knowingly and willfully commits a violation of this Act by making a contribution which consists of a payment for a coordinated expenditure shall be fined an amount equal to the greater of—

“(A) in the case of a person who makes a contribution which consists of a payment for a coordinated expenditure in an amount exceeding the applicable contribution limit under this Act, 300 percent of the amount by which the amount of the payment made by the person exceeds such applicable contribution limit; or

“(B) in the case of a person who is prohibited under this Act from making a contribution in any amount, 300 percent of the amount of the payment made by the person for the coordinated expenditure.

“(2) JOINT AND SEVERAL LIABILITY.—Any director, manager, or officer of a person who is subject to a penalty under paragraph (1) shall be jointly and severally liable for any amount of such penalty that is not paid by the person prior to the expiration of the 1-year period which begins on the date the Commission imposes the penalty or the 1-year period which begins on the date of the final judgment following any judicial review of the Commission’s action, whichever is later.”.

(c) EFFECTIVE DATE.—

(1) REPEAL OF EXISTING REGULATIONS ON COORDINATION.—Effective upon the expiration of the 90-day period which begins on the date of the enactment of this Act—

(A) the regulations on coordinated communications adopted by the Federal Election Commission which are in effect on the date of the enactment of this Act (as set forth in 11 CFR Part 109, Subpart C, under the heading “Coordination”) are repealed; and



(B) the Federal Election Commission shall promulgate new regulations on coordinated communications which reflect the amendments made by this Act.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to payments made on or after the expiration of the 120-day period which begins on the date of the enactment of this Act, without regard to whether or not the Federal Election Commission has promulgated regulations in accordance with paragraph (1)(B) as of the expiration of such period.

**SEC. 6103. CLARIFICATION OF BAN ON FUNDRAISING FOR SUPER PACS BY FEDERAL CANDIDATES AND OFFICEHOLDERS.**

(a) IN GENERAL.—Section 323(e)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1)) is amended—

- (1) by striking “or” at the end of subparagraph (A);
- (2) by striking the period at the end of subparagraph (B) and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(C) solicit, receive, direct, or transfer funds to or on behalf of any political committee which accepts donations or contributions that do not comply with the limitations, prohibitions, and reporting requirements of this Act (or to or on behalf of any account of a political committee which is established for the purpose of accepting such donations or contributions), or to or on behalf of any political organization under section 527 of the Internal Revenue Code of 1986 which accepts such donations or contributions (other than a committee of a State or local political party or a candidate for election for State or local office).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections occurring after January 1, 2020.

## **Subtitle C—Severability**

**SEC. 6201. SEVERABILITY.**

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

## **DIVISION C—ETHICS**

### **TITLE VII—[RESERVED]**

### **TITLE VIII—[RESERVED]**

## **TITLE IX—CONGRESSIONAL ETHICS REFORM**

Subtitle A—Requiring Members of Congress to Reimburse Treasury for Amounts Paid as Settlements and Awards Under Congressional Accountability Act of 1995

Sec. 9001. Requiring Members of Congress to reimburse Treasury for amounts paid as settlements and awards under Congressional Accountability Act of 1995 in all cases of employment discrimination acts by Members.

Subtitle B—Conflicts of Interests

Sec. 9101. [Reserved].

Sec. 9102. Conflict of interest rules for Members of Congress and congressional staff.

Sec. 9103. Exercise of rulemaking powers.

Subtitle C—Campaign Finance and Lobbying Disclosure

Sec. 9201. Short title.

Sec. 9202. Requiring disclosure in certain reports filed with Federal Election Commission of persons who are registered lobbyists.

Sec. 9203. Effective date.

Subtitle D—Access to Congressionally Mandated Reports

Sec. 9301. Short title.  
Sec. 9302. Definitions.  
Sec. 9303. Establishment of online portal for congressionally mandated reports.  
Sec. 9304. Federal agency responsibilities.  
Sec. 9305. Removing and altering reports.  
Sec. 9306. Relationship to the Freedom of Information Act.  
Sec. 9307. Implementation.

Subtitle E—Severability

Sec. 9401. Severability.

## Subtitle A—Requiring Members of Congress to Reimburse Treasury for Amounts Paid as Settlements and Awards Under Congressional Accountability Act of 1995

### SEC. 9001. REQUIRING MEMBERS OF CONGRESS TO REIMBURSE TREASURY FOR AMOUNTS PAID AS SETTLEMENTS AND AWARDS UNDER CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 IN ALL CASES OF EMPLOYMENT DISCRIMINATION ACTS BY MEMBERS.

(a) REQUIRING REIMBURSEMENT.—Clause (i) of section 415(d)(1)(C) of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(d)(1)(C)), as amended by section 111(a) of the Congressional Accountability Act of 1995 Reform Act, is amended to read as follows:

“(i) a violation of section 201(a) or section 206(a); or”.

(b) CONFORMING AMENDMENT RELATING TO NOTIFICATION OF POSSIBILITY OF REIMBURSEMENT.—Clause (i) of section 402(b)(2)(B) of the Congressional Accountability Act of 1995 (2 U.S.C. 1402(b)(2)(B)), as amended by section 102(a) of the Congressional Accountability Act of 1995 Reform Act, is amended to read as follows:

“(i) a violation of section 201(a) or section 206(a); or”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Congressional Accountability Act of 1995 Reform Act.

## Subtitle B—Conflicts of Interests

### SEC. 9101. [RESERVED].

### SEC. 9102. CONFLICT OF INTEREST RULES FOR MEMBERS OF CONGRESS AND CONGRESSIONAL STAFF.

No Member, officer, or employee of a committee or Member of either House of Congress may knowingly use his or her official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further only his or her pecuniary interest, only the pecuniary interest of his or her immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he or she, or his or her immediate family, or enterprises controlled by them, are members of the affected class.

### SEC. 9103. EXERCISE OF RULEMAKING POWERS.

The provisions of this subtitle are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

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

## Subtitle C—Campaign Finance and Lobbying Disclosure

### SEC. 9201. SHORT TITLE.

This subtitle may be cited as the “Connecting Lobbyists and Electeds for Accountability and Reform Act” or the “CLEAR Act”.

### SEC. 9202. REQUIRING DISCLOSURE IN CERTAIN REPORTS FILED WITH FEDERAL ELECTION COMMISSION OF PERSONS WHO ARE REGISTERED LOBBYISTS.

(a) REPORTS FILED BY POLITICAL COMMITTEES.—Section 304(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(b)) is amended—

- (1) by striking “and” at the end of paragraph (7);
- (2) by striking the period at the end of paragraph (8) and inserting “; and”;

and

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

“(9) if any person identified in subparagraph (A), (E), (F), or (G) of paragraph

(3) is a registered lobbyist under the Lobbying Disclosure Act of 1995, a separate statement that such person is a registered lobbyist under such Act.”

(b) REPORTS FILED BY PERSONS MAKING INDEPENDENT EXPENDITURES.—Section 304(c)(2) of such Act (52 U.S.C. 30104(c)(2)) is amended—

- (1) by striking “and” at the end of subparagraph (B);
- (2) by striking the period at the end of subparagraph (C) and inserting “; and”;

and

(3) by adding at the end the following new subparagraph:

“(D) if the person filing the statement, or a person whose identification is required to be disclosed under subparagraph (C), is a registered lobbyist under the Lobbying Disclosure Act of 1995, a separate statement that such person is a registered lobbyist under such Act.”

(c) REPORTS FILED BY PERSONS MAKING DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.—Section 304(f)(2) of such Act (52 U.S.C. 30104(f)(2)) is amended by adding at the end the following new subparagraph:

“(G) If the person making the disbursement, or a contributor described in subparagraph (E) or (F), is a registered lobbyist under the Lobbying Disclosure Act of 1995, a separate statement that such person or contributor is a registered lobbyist under such Act.”

(d) REQUIRING COMMISSION TO ESTABLISH LINK TO WEBSITES OF CLERK OF HOUSE AND SECRETARY OF SENATE.—Section 304 of such Act (52 U.S.C. 30104), as amended by section 4308(a), is amended by adding at the end the following new subsection:

“(k) REQUIRING INFORMATION ON REGISTERED LOBBYISTS TO BE LINKED TO WEBSITES OF CLERK OF HOUSE AND SECRETARY OF SENATE.—

“(1) LINKS TO WEBSITES.—The Commission shall ensure that the Commission’s public database containing information described in paragraph (2) is linked electronically to the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995.

“(2) INFORMATION DESCRIBED.—The information described in this paragraph is each of the following:

- “(A) Information disclosed under paragraph (9) of subsection (b).
- “(B) Information disclosed under subparagraph (D) of subsection (c)(2).
- “(C) Information disclosed under subparagraph (G) of subsection (f)(2).”.

### SEC. 9203. EFFECTIVE DATE.

The amendments made by this subtitle shall apply with respect to reports required to be filed under the Federal Election Campaign Act of 1971 on or after the expiration of the 90-day period which begins on the date of the enactment of this Act.

## Subtitle D—Access to Congressionally Mandated Reports

### SEC. 9301. SHORT TITLE.

This subtitle may be cited as the “Access to Congressionally Mandated Reports Act”.

**SEC. 9302. DEFINITIONS.**

In this subtitle:

(1) **CONGRESSIONALLY MANDATED REPORT.**—The term “congressionally mandated report”—

(A) means a report that is required to be submitted to either House of Congress or any committee of Congress, or subcommittee thereof, by a statute, resolution, or conference report that accompanies legislation enacted into law; and

(B) does not include a report required under part B of subtitle II of title 36, United States Code.

(2) **DIRECTOR.**—The term “Director” means the Director of the Government Publishing Office.

(3) **FEDERAL AGENCY.**—The term “Federal agency” has the meaning given that term under section 102 of title 40, United States Code, but does not include the Government Accountability Office.

(4) **OPEN FORMAT.**—The term “open format” means a file format for storing digital data based on an underlying open standard that—

(A) is not encumbered by any restrictions that would impede reuse; and

(B) is based on an underlying open data standard that is maintained by a standards organization.

(5) **REPORTS ONLINE PORTAL.**—The term “reports online portal” means the online portal established under section (3)(a).

**SEC. 9303. ESTABLISHMENT OF ONLINE PORTAL FOR CONGRESSIONALLY MANDATED REPORTS.**

(a) **REQUIREMENT TO ESTABLISH ONLINE PORTAL.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Director shall establish and maintain an online portal accessible by the public that allows the public to obtain electronic copies of all congressionally mandated reports in one place. The Director may publish other reports on the online portal.

(2) **EXISTING FUNCTIONALITY.**—To the extent possible, the Director shall meet the requirements under paragraph (1) by using existing online portals and functionality under the authority of the Director.

(3) **CONSULTATION.**—In carrying out this subtitle, the Director shall consult with the Clerk of the House of Representatives, the Secretary of the Senate, and the Librarian of Congress regarding the requirements for and maintenance of congressionally mandated reports on the reports online portal.

(b) **CONTENT AND FUNCTION.**—The Director shall ensure that the reports online portal includes the following:

(1) Subject to subsection (c), with respect to each congressionally mandated report, each of the following:

(A) A citation to the statute, conference report, or resolution requiring the report.

(B) An electronic copy of the report, including any transmittal letter associated with the report, in an open format that is platform independent and that is available to the public without restrictions, including restrictions that would impede the re-use of the information in the report.

(C) The ability to retrieve a report, to the extent practicable, through searches based on each, and any combination, of the following:

(i) The title of the report.

(ii) The reporting Federal agency.

(iii) The date of publication.

(iv) Each congressional committee receiving the report, if applicable.

(v) The statute, resolution, or conference report requiring the report.

(vi) Subject tags.

(vii) A unique alphanumeric identifier for the report that is consistent across report editions.

(viii) The serial number, Superintendent of Documents number, or other identification number for the report, if applicable.

(ix) Key words.

(x) Full text search.

(xi) Any other relevant information specified by the Director.

(D) The date on which the report was required to be submitted, and on which the report was submitted, to the reports online portal.

(E) Access to the report not later than 30 calendar days after its submission to Congress.

- (F) To the extent practicable, a permanent means of accessing the report electronically.
- (2) A means for bulk download of all congressionally mandated reports.
- (3) A means for downloading individual reports as the result of a search.
- (4) An electronic means for the head of each Federal agency to submit to the reports online portal each congressionally mandated report of the agency, as required by section 4.
- (5) In tabular form, a list of all congressionally mandated reports that can be searched, sorted, and downloaded by—
- (A) reports submitted within the required time;
  - (B) reports submitted after the date on which such reports were required to be submitted; and
  - (C) reports not submitted.
- (c) **NONCOMPLIANCE BY FEDERAL AGENCIES.**—
- (1) **REPORTS NOT SUBMITTED.**—If a Federal agency does not submit a congressionally mandated report to the Director, the Director shall to the extent practicable—
- (A) include on the reports online portal—
    - (i) the information required under clauses (i), (ii), (iv), and (v) of subsection (b)(1)(C); and
    - (ii) the date on which the report was required to be submitted; and
  - (B) include the congressionally mandated report on the list described in subsection (b)(5)(C).
- (2) **REPORTS NOT IN OPEN FORMAT.**—If a Federal agency submits a congressionally mandated report that is not in an open format, the Director shall include the congressionally mandated report in another format on the reports online portal.
- (d) **FREE ACCESS.**—The Director may not charge a fee, require registration, or impose any other limitation in exchange for access to the reports online portal.
- (e) **UPGRADE CAPABILITY.**—The reports online portal shall be enhanced and updated as necessary to carry out the purposes of this subtitle.

**SEC. 9304. FEDERAL AGENCY RESPONSIBILITIES.**

- (a) **SUBMISSION OF ELECTRONIC COPIES OF REPORTS.**—Concurrently with the submission to Congress of each congressionally mandated report, the head of the Federal agency submitting the congressionally mandated report shall submit to the Director the information required under subparagraphs (A) through (D) of section 3(b)(1) with respect to the congressionally mandated report. Nothing in this subtitle shall relieve a Federal agency of any other requirement to publish the congressionally mandated report on the online portal of the Federal agency or otherwise submit the congressionally mandated report to Congress or specific committees of Congress, or subcommittees thereof.
- (b) **GUIDANCE.**—Not later than 240 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Director, shall issue guidance to agencies on the implementation of this Act.
- (c) **STRUCTURE OF SUBMITTED REPORT DATA.**—The head of each Federal agency shall ensure that each congressionally mandated report submitted to the Director complies with the open format criteria established by the Director in the guidance issued under subsection (b).
- (d) **POINT OF CONTACT.**—The head of each Federal agency shall designate a point of contact for congressionally mandated report.
- (e) **LIST OF REPORTS.**—As soon as practicable each calendar year (but not later than April 1), and on a rolling basis during the year if feasible, the Librarian of Congress shall submit to the Director a list of congressionally mandated reports from the previous calendar year, in consultation with the Clerk of the House of Representatives, which shall—
- (1) be provided in an open format;
  - (2) include the information required under clauses (i), (ii), (iv), (v) of section 3(b)(1)(C) for each report;
  - (3) include the frequency of the report;
  - (4) include a unique alphanumeric identifier for the report that is consistent across report editions;
  - (5) include the date on which each report is required to be submitted; and
  - (6) be updated and provided to the Director, as necessary.

**SEC. 9305. REMOVING AND ALTERING REPORTS.**

A report submitted to be published to the reports online portal may only be changed or removed, with the exception of technical changes, by the head of the Federal agency concerned if—

- (1) the head of the Federal agency consults with each congressional committee to which the report is submitted; and
- (2) Congress enacts a joint resolution authorizing the changing or removal of the report.

**SEC. 9306. RELATIONSHIP TO THE FREEDOM OF INFORMATION ACT.**

(a) **IN GENERAL.**—Nothing in this subtitle shall be construed to—

- (1) require the disclosure of information or records that are exempt from public disclosure under section 552 of title 5, United States Code; or
- (2) impose any affirmative duty on the Director to review congressionally mandated reports submitted for publication to the reports online portal for the purpose of identifying and redacting such information or records.

(b) **REDACTION OF INFORMATION.**—The head of a Federal agency may redact information required to be disclosed under this Act if the information would be properly withheld from disclosure under section 552 of title 5, United States Code, and shall—

- (1) redact information required to be disclosed under this subtitle if disclosure of such information is prohibited by law;
- (2) redact information being withheld under this subsection prior to submitting the information to the Director;
- (3) redact only such information properly withheld under this subsection from the submission of information or from any congressionally mandated report submitted under this subtitle;
- (4) identify where any such redaction is made in the submission or report; and
- (5) identify the exemption under which each such redaction is made.

**SEC. 9307. IMPLEMENTATION.**

Except as provided in section 9304(b), this subtitle shall be implemented not later than 1 year after the date of enactment of this Act and shall apply with respect to congressionally mandated reports submitted to Congress on or after the date that is 1 year after such date of enactment.

## **Subtitle E—Severability**

**SEC. 9401. SEVERABILITY.**

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

## **TITLE X—[RESERVED]**

[INSERT COVER]

## CONTENTS

	Page
Amendment . . . . .	
Purpose and Summary . . . . .	
Background and Need for Legislation. . . . .	
Hearings . . . . .	
Committee Consideration . . . . .	
Committee Votes . . . . .	
Committee Oversight Findings . . . . .	
Statement of General Performance Goals and Objectives . . . . .	
New Budget Authority, Entitlement Authority, and Tax Expenditures . . . . .	
Earmarks and Tax and Tariff Benefits . . . . .	
Committee Cost Estimate . . . . .	
Congressional Budget Office Estimate . . . . .	
Federal Mandates Statement . . . . .	
Advisory Committee Statement . . . . .	
Statement of Constitutional Authority . . . . .	
Applicability to Legislative Branch . . . . .	
Section-by-Section Analysis of the Legislation . . . . .	
Changes in Existing Law Made by the Bill as Reported . . . . .	
Dissenting Views . . . . .	

## AMENDMENT

The amendment is as follows:

[INSERT]

## PURPOSE AND SUMMARY

H.R. 1, the For the People Act, is innovative legislation to advance the democratic promise of responsive, representative government.

It will lower barriers to voting for all eligible Americans, save costs, and bolster the integrity of election administration. For example, it will modernize voter registration systems by enabling automatic voter registration and same-day voter registration. It will disclose dark, secret money that influences campaigns and subsequent policy debates and protect everyone’s right to know who is influencing

their votes and their views. It will provide an alternative, voluntary system for candidates to finance their campaigns and empower small donors. This will reduce candidates' reliance on major dollar donors and wealthy special interests, while opening up the political process so that more people can run competitive campaigns and represent their communities in Congress. It will also strengthen high ethical standards for Members of Congress. These reforms in H.R. 1 will boost confidence in self-government.

Alexander Hamilton or James Madison, the author of Federalist No. 57, wrote: "Who are to be the electors of the federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States."

H.R. 1 furthers this bedrock principle of American democratic self-governance. It is legislation for the people to hold government accountable and give people a voice in the decisions that affect their lives and their families.

## BACKGROUND AND NEED FOR LEGISLATION

### *Trust in Government and Participation in the Electoral Process*

Trust in government has plummeted to near record lows. At the end of 2017, only 18% of Americans said "they can trust the government in Washington do what is right 'just about always' (3%) or 'most of the time (15%),'" according to the Pew Research Center.<sup>1</sup> Without trust, the legitimacy of our representative system of government suffers. People no longer perceive themselves as having a say in the decisions of government that affect their lives.

Only about half of the voting-eligible population voted in the 2018 midterm elections.<sup>2</sup> Although this was the highest turnout in 50 years, the fact remains that roughly half of the eligible public did not vote. For a country that holds itself out as the gold standard of participatory democracy, a turnout rate where nearly half of eligible voters do not vote belies the United States' aspirations.

Too many Americans view themselves as shut out from our representative system. Others cannot participate in our electoral process because of arbitrary election administration procedures that fail to account for how Americans live and

---

<sup>1</sup> Pew Research Center, "Public Trust in Government: 1958-2017," <http://www.people-press.org/2017/12/14/public-trust-in-government-1958-2017/> (last visited Feb. 11, 2019).

<sup>2</sup> Camila Domonoske, "A Boatload of Ballots: Midterm Voter Turnout Hit 50-Year High," NPR, Nov. 8, 2018, <https://www.npr.org/2018/11/08/665197690/a-boatload-of-ballots-midterm-voter-turnout-hit-50-year-high>.



work in the 21<sup>st</sup> century. Some of these barriers to participation are designed to make it harder for certain populations, including communities of color and other underrepresented groups, to vote.

*Election Access – Online Voter Registration; Automatic Voter Registration; Same Day Voter Registration*

Among major democracies throughout the globe, the United States is alone in requiring “individuals to shoulder the onus of registering to vote (and re-register[] when they move).”<sup>3</sup> A 2001 commission that former Presidents Ford and Carter chaired found that “[t]he registration laws in the United States are among the most demanding in the democratic world ... [and are] one reason why voter turnout in the United States is near the bottom of the developed world.”<sup>4</sup>

Voter registration barriers are a contributing factor to voter turnout and citizen participation in our democracy. Every election, millions of Americans encounter problems when they try to cast ballots.<sup>5</sup> One in 4 eligible Americans is not registered to vote.<sup>6</sup> In the November 2016 elections, nearly 1 in 5 (18 percent) of eligible people cited problems with voter registration as their main reason for not casting a ballot, including not meeting registration deadlines and not knowing the processes to register.<sup>7</sup> One in 4 Americans believe incorrectly that the U.S. Postal Services’ change-of-addresses processes will automatically update their addresses for purposes of voter registration.<sup>8</sup>

Barriers to voting, especially for communities of color and underrepresented groups, have become pronounced after the Supreme Court struck down the preclearance formula of the Voting Rights Act in *Shelby County v. Holder*.<sup>9</sup> Since that 2013 decision, states have required overly “strict forms of voter ID, purged voter rolls, reduced polling locations, required documentary proof of citizenship to register to vote, and cut early voting, among other contested voting changes that, on the specific facts ... operate to denigrate minority voting access in ways that would

---

<sup>3</sup> Written Testimony of Wendy R. Weiser, Director, Democracy Program at the Brennan Center for Justice at NYU School of Law, Hearing: “For the People: Our American Democracy,” Feb. 14, 2019, at 3.

<sup>4</sup> John Mark Hansen, “To Assure Pride and Confidence in the Electoral Process, Task Force Reports to Accompany the Report of the National Commission on Election Reform, Task Force on the Federal Election System, Voter Registration,” at 1-3 (2001), [http://web1.millercenter.org/commissions/comm\\_2001\\_taskforce.pdf](http://web1.millercenter.org/commissions/comm_2001_taskforce.pdf).

<sup>5</sup> Weiser, *supra* note 4, at 3.

<sup>6</sup> *Id.* at 2-3 (citing Pew Center on the States, *Inaccurate, Costly, and Inefficient: Evidence that America’s Voter Registration Systems Needs an Upgrade*, 2012, 1); see also U.S. Census Bureau, *Voting and Registration in the Election of 2016*, Tbl. 1, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-580.html>.

<sup>7</sup> Written Testimony of Chiraag Bains, Director of Legal Strategies, Demos, Hearing: “For the People: Our American Democracy,” Feb. 14, 2019, at 8 (citing Census Bureau, Current Population Survey, November 2016 Voting and Registration Supplement).

<sup>8</sup> Weiser, *supra* note 4 (citing Pew Center on the States, *Inaccurate, Costly, and Inefficient: Evidence that America’s Voter Registration Systems Needs an Upgrade*, 2012, 7).

<sup>9</sup> *Shelby County, Alabama v. Holder*, 570 U.S. 529 (2013).

have violated preclearance requirements if they were still in effect. Data indicate that these voting procedure changes disproportionately limit minority citizens' ability to vote," according to the United States Commission on Civil Rights.<sup>10</sup> The Commission found in 2018 that "at least 23 states have enacted newly restrictive statewide voter laws since the *Shelby County* decision."<sup>11</sup>

H.R. 1 addresses elements of these endemic problems. The legislative solutions are cost-effective and will improve access to the franchise for all eligible Americans to exercise their constitutional right to vote.

### Online Voter Registration

H.R. 1 will require states to offer voter registration services online. Online voter registration is offered by at least 37 states plus the District of Columbia as of October 2018, according to the National Conference on State Legislatures.<sup>12</sup> As Americans use the internet to accomplish basic tasks, from banking, to facilitating transit, to accessing healthcare, they should also be able to register (and update) their voter registration records as well.

In addition to improving convenience for eligible voters, online voter registration saves costs. A 2010 study funded by the Pew Center on the States found that paper registration cost Arizona \$0.83 per voter to process, whereas online voter registration cost only \$0.03.<sup>13</sup> In Washington State, officials "reported savings of 25 cents with each online registration (for a total of \$176,000 in savings) in the first two years of the program, and its local officials save between 50 cents and two dollars per online transaction," according to a Brennan Center analysis of the data.<sup>14</sup>

### Automatic Voter Registration

Another critical policy is automatic voter registration ("AVR"). Like online voter registration, automatic voter registration saves jurisdictions money, improves the accuracy of voter registration lists, and helps to streamline the voter registration process to reduce unnecessary barriers to accessing the ballot. AVR significantly decreases the necessity of paper and takes advantage of electronic, automated systems to add eligible Americans to the rolls. Voter lists are more

---

<sup>10</sup> U.S. Commission on Civil Rights, "An Assessment of Minority Voting Rights Access in the United States (2018)," p. 9, [https://www.usccr.gov/pubs/2018/Minority\\_Voting\\_Access\\_2018.pdf](https://www.usccr.gov/pubs/2018/Minority_Voting_Access_2018.pdf).

<sup>11</sup> *Id.* at 82.

<sup>12</sup> Online Voter Registration, Overview, <http://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx>.

<sup>13</sup> Washington Institute of the Study of Ethnicity and Race (University of Washington, Seattle) and the Election Administration Research Center (University of California, Berkeley), "Online Voter Registration (OLVR) Systems in Arizona and Washington: Evaluating Usage, Public Confidence and Implementation Process (2010)" at 93, [https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs\\_assets/2010/onlinevoterregpdf.pdf](https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs_assets/2010/onlinevoterregpdf.pdf).

<sup>14</sup> See Weiser, *supra* note 4, at 7.

accurate, jurisdictions save money by not relying on staff to process paper registration forms, and fewer eligible voters who show up to vote will have to vote a provisional ballot.<sup>15</sup>

Rather than place the burden to register to vote on prospective voters—which, as discussed above, leads to confusion and keeps large swaths of Americans off the rolls—AVR is rooted in an “opt-out” model of voter registration. Unless a prospective voter declines, they will be added to the rolls when they provide information to the government to obtain certain services (including public services, Social Security benefits, driver’s licenses, and when individuals become naturalized citizens).<sup>16</sup>

There is also data that show AVR may lead to higher turnout. In Oregon, the first state to adopt and implement AVR, turnout increased by 4 percent—2.5 percent higher than the national average.<sup>17</sup> This increase in turnout happened when there were zero competitive statewide races on the ballot.

AVR, as included in H.R. 1, is designed to ensure that agencies facilitating voter registration do not add ineligible voters to the rolls. Agencies that are designated to participate in AVR collect citizenship information. If an individual affirms citizenship, the agency will inform the person of the qualifications necessary to register to vote, consequences for false registration, and an opportunity to decline voter registration. There are also safeguards in place for the unlikely situation that any ineligible person is inadvertently registered.

Fifteen states, plus the District of Columbia, have adopted AVR; of those jurisdictions, nine states plus the District of Columbia have implemented the policy.<sup>18</sup> The data show that AVR can accomplish its goals of adding eligible voters to the rolls. The results have been exceptionally strong. According to the Brennan Center for Justice at NYU School of Law:

In Oregon, registration rates quadrupled at DMV offices. In Vermont, registrations jumped 62 percent in the six months after AVR was put in place compared to the same period in the previous year. One state, California, experienced minor glitches at first, because of a computer programming design flaw. But that error was quickly caught and contained, and according to the state’s motor vehicle office has since been fixed. ... AVR has dramatically increased registration rates in nearly every state.<sup>19</sup>

---

<sup>15</sup> *See id.* at 6.

<sup>16</sup> *See id.* at 4.

<sup>17</sup> *Id.* at 5.

<sup>18</sup> *See Weiser, supra* note 4, at 4-5.

<sup>19</sup> *Id.*

## Same Day Voter Registration

Same day voter registration is another important reform included in H.R. 1 to modernize our elections. It ensures that a voter registration deadline does not deny any eligible voter of their right to vote. Voters are offered an opportunity to register to vote on election day, including during early voting. Particularly when combined with automatic voter registration, same day voter registration boosts turnout. It has been shown to increase turnout by upwards of 10 percentage points.<sup>20</sup> Seventeen states and the District of Columbia offer some form of same day voter registration.<sup>21</sup> Some states have had it since the 1970s.<sup>22</sup>

Together as a whole, H.R. 1 sets an important nationwide standard of online voter registration, automatic voter registration, and same day voter registration that will reduce unjustified and unnecessary barriers to voting. These reforms will make our elections freer and fairer for all eligible voters to make their voices heard.

### *Election Access –Promoting Convenience and Access to the Ballot*

#### Challenges and Problems

In the wake of *Shelby County v. Holder*, some jurisdictions implemented changes to their election administration and voting laws that had a disparate impact on communities of color or were enacted with a discriminatory intent to make it harder for communities of color to vote. Cuts to early voting, strict voter identification laws, and other changes to the rules have pushed people away from participating in our democracy.

The legislature of North Carolina, for example, enacted an omnibus voter suppression bill in 2013, several months after the Supreme Court struck down the Voting Rights Act’s preclearance formula.<sup>23</sup> Among other things, the bill imposed a strict photo identification requirement on voters; cut a week of early voting; eliminated same-day voter registration; eliminated the counting of out-of-precinct provisional ballots for voters who voted in the correct county but incorrect precinct; and eliminated preregistration of 16- and 17-year olds.<sup>24</sup> The United States Court of Appeals for the Fourth Circuit ruled that North Carolina’s law “target[ed] African Americans with almost surgical precision,” for, among other things, requiring “in-person voters to show certain photo IDs, beginning in 2016, which African

---

<sup>20</sup> See Bains, *supra* note 8, at 8.

<sup>21</sup> See Weiser, *supra* note 4, at 7.

<sup>22</sup> See *id.*

<sup>23</sup> *North Carolina State Conference of the NAACP v. McCrory*, 831 F.3d 204 (2016).

<sup>24</sup> See *id.*

Americans disproportionately lacked, and eliminat[ing] or reduc[ing] registration and voting access tools that African Americans disproportionately used.”<sup>25</sup>

Texas, too, implemented one of the strictest photo ID laws in the United States soon after *Shelby County*.<sup>26</sup> The United States Court of Appeals for the Fifth Circuit ruled that the Texas law discriminated against Black and Latinx voters.<sup>27</sup> Subsequent litigation and legislative action led to significant changes in the law.<sup>28</sup>

Mass purges of eligible voters from the rolls have also become a major problem with election administration. According to the Brennan Center for Justice:

Almost 4 million more names were purged from the rolls between 2014 and 2016 than between 2006 and 2008. Purge activity has increased at a substantially greater rate in states that were subject to federal oversight under the Voting Rights Act prior to the Supreme Court’s decision in *Shelby County v. Holder*. Georgia, for example, purged 1.5 million voters between the 2012 and 2016 elections – double its rate between 2008 and 2012. Texas purged 363,000 more voters between 2012 and 2014 than it did between 2008 and 2010. [The Brennan Center] found that 2 million fewer voters would have been purged between 2012 and 2016 if jurisdictions previously subject to pre-clearance had purged at the same rate as other jurisdictions.<sup>29</sup>

The Supreme Court’s decision last year in *Husted v. A. Philip Randolph Institute* opened the door to even more aggressive voter purges.<sup>30</sup> The Court upheld Ohio’s “use it or lose it” purge law, which used non-voting as a reason to initiate purge processes. The Court held that this practice did not violate the National Voter Registration Act, which governs list-maintenance programs and prohibits activities that “result in the removal of the name of any person” from the rolls “by reason of the person’s failure to vote.”<sup>31</sup>

There are many reasons why someone may miss voting in an election. This should not result in their removal from voter registration rolls for subsequent elections. Purges can also affect underrepresented populations disproportionately, which has a deleterious effect on representative democracy. As Dēmos has explained:

---

<sup>25</sup> *See id.* at 215, 216.

<sup>26</sup> Matt Vasilogambros, “That Was Quick: Texas Moves Forward With Voter ID Law After Supreme Court Ruling,” *The Atlantic*, June 25, 2013, <https://www.theatlantic.com/politics/archive/2013/06/that-was-quick-texas-moves-forward-with-voter-id-law-after-supreme-court-ruling/438108/>.

<sup>27</sup> *Veasey v. Abbott*, No. 14-41127 (5th Cir. 2016).

<sup>28</sup> Advisory Memorandum, Texas Advisory Committee to the U.S. Commission on Civil Rights, pg. 10, July 2018, <https://www.usccr.gov/pubs/2018/07-23-TX-Voting-Rights.pdf>.

<sup>29</sup> Weiser, *supra* note 4, at 8.

<sup>30</sup> *Husted v. A. Philip Randolph Institute*, 138 S. Ct. 1833 (2018).

<sup>31</sup> *See id.*; 52 U.S.C. § 20507(b)(2); Bains, *supra* note 8, at 5.

[B]arriers to voting such as transportation issues, inflexible work schedules, care-giving responsibilities, illnesses, inaccessible polling locations, and language access problems can disproportionately prevent persons of color, housing-insecure individuals, persons with disabilities, low-income individuals, older voters, and persons with limited English proficiency from making to the polls to vote. Using a person's failure to vote to initiate a removal process will therefore disproportionately target such groups and result in their subsequent removal from the registration rolls.<sup>32</sup>

There are many other populations, too, for whom more convenient access to the ballot is essential. First responders, individuals with disabilities, military personnel, healthcare providers, minimum wage workers, the elderly, students, and many other populations require flexibility in the time, place, and manner of voting. Some current practices, such as holding Election Day on a Tuesday in November, unjustifiably restrict access to the ballot to those who are available to stand in line and show up in person at their polling place on that specific day. H.R. 1 addresses these challenges, including the solutions below.

#### Solutions -- Early Voting

The legislation sets a nationwide standard for early voting for at least 15 day prior to Election Day. Early voting is an important policy to provide voters with free and fair access to the ballot. Many states have adopted it as a policy. Thirty-nine states allow voters to vote early in person before Election Day including more than a dozen states that provide an early voting period "comparable to or greater than" the 15 day standard set by H.R. 1.<sup>33</sup> Beyond convenience for voters who decide to vote early, the policy can reduce long lines at the polls on Election Day and give election administrators more time to troubleshoot issues with registration databases or voting machines before they could cause bigger slowdowns or problems.<sup>34</sup>

#### Addressing Voter Identification Laws That Restrict Voting

As for suppressive voter identification tactics, H.R. 1 would allow voters to submit sworn written statements in lieu of other forms of voter identification that would otherwise be required to cast a ballot. Strict voter identification laws have been one of the most unjustified barriers to participation for underrepresented communities. Approximately 11% of the American population lacks the specific form of photo identification that more than a dozen states require to vote,

---

<sup>32</sup> *Bains, supra* note 8, at 5.

<sup>33</sup> *See Weiser, supra* note 4, at 12.

<sup>34</sup> *See id.*

disproportionately voters of color, senior citizens, and low-income citizens.<sup>35</sup> Providing this sworn statement alternative is an important safeguard for those that these identification laws would otherwise block from voting.

### Protections Against Purges for Failure to Vote

To respond to the Supreme Court's decision in *Husted*, H.R. 1 amends the National Voter Registration Act of 1993 to prohibit a registrant's failure to vote as objective and reliable evidence that a voter is ineligible. It also limits the authority of states to remove registrants from the official list of eligible voters on the basis of interstate voter registration cross-checks.

### Access to Voting for Individuals with Disabilities

H.R. 1 requires states to promote access to voter registration and voting for individuals with disabilities. Specifically, it mandates the availability of absentee ballots for individuals with disabilities, and allows such individuals to request and receive, by mail or electronically, registration forms and absentee ballots. States must accept and process these voter registration and absentee ballot applications if received within the deadline. It also requires states to establish a state office that will be responsible for providing voting-related information to individuals with disabilities.

### Other Reforms to Bolster Election Administration and the Right to Vote

There are many other policies in H.R. 1 that promote election administration procedures that improve access to the franchise. The legislation prohibits states from putting restrictions on the ability for voters to vote by mail and requires absentee ballots to be sent at least 45 days before an election. Absentee ballots would be carried free of charge to individual voters.

H.R. 1 would also require election officials to count each vote on provisional ballots for any elections in which an individual is registered to vote, notwithstanding whether they cast their ballot in an incorrect precinct within a state jurisdiction.

The bill awards grants to states to develop training programs for poll worker recruitment and training and nonpartisan poll workers.

It will bolster integrity and confidence in election administration by prohibiting campaign activities by state chief election administration officials. This provision provides an exception when the official or immediate family member is a

---

<sup>35</sup> See Baines, *supra* note 8, at 3.

candidate, so long as the official recuses from official responsibilities for the administration of the election.

The bill also empowers young people to participate in our democracy by designating institutions of higher education as voter registration agencies.

H.R. 1 requires the Attorney General to develop a state-based hotline to provide nonpartisan information about the voting process, including voter registration, location, and hours of polling places, in consultation with civil rights and voting rights organizations.

Taken together, these reforms improve access to voting by making it convenient and open for more eligible Americans to participate.

### *Bolstering the Resilience of Election Infrastructure*

There are serious challenges with aging election equipment and the machinery of democracy. Ineffective, aging voting equipment can cause lengthy lines at polling places, discourage participation, and chip away at confidence in election outcomes. A 2014 report by the bipartisan Presidential Commission on Election Administration found that aging systems purchased with federal money pursuant to the Help America Vote Act in 2002 were “reaching the end of their operational life.”<sup>36</sup>

Foreign threats to interfere in American elections are also of paramount concern, including the threats that cyberattacks pose to voting systems. The Department of Homeland Security confirmed that “election-related networks, including websites, in 21 states were potentially targeted by Russian government cyber actors” during the 2016 election.<sup>37</sup> Nonstate and state actors alike have targeted voter registration systems and Election Night reporting websites.<sup>38</sup> These tactics could sow confusion and undermine confidence in election outcomes should they occur again on a larger scale due to the vulnerabilities in our systems.

---

<sup>36</sup> Presidential Commission on Election Administration, “The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration (2014),” at 11, <https://www.eac.gov/assets/1/6/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.

<sup>37</sup> Testimony of Jeanette Manfra, Acting Deputy Under Secretary for Cybersecurity and Communications, National Protection and Programs Directorate, U.S. Department of Homeland Security and Dr. Samuel Liles, Acting Director, Cyber Division, Office of Intelligence and Analysis, U.S. Department of Homeland Security, Before the Select Commission on Intelligence, United States Senate, Washington, D.C., Addressing Threats to Election Infrastructure, June 21, 2017, <https://www.intelligence.senate.gov/sites/default/files/documents/os-jmanfra-062117.PDF>.

<sup>38</sup> Weiser, *supra* note 4, at 33.



There is a need to bolster the resilience of the machinery of democracy that H.R. 1 fulfills. Thirteen states use voting machines that do not have paper back-ups, for example, including five that use them statewide.<sup>39</sup>

### Paper Ballots and Grants for Improved Election Systems

H.R. 1 amends the Help America Vote Act of 2002 to require voting systems in federal elections to use individual, durable, voter-verified paper ballots. This would replace all paperless voting machines now in use for these elections.

Paper ballots are an important protection against hacking and cyberattack. They provide a durable record of each vote that can be hand-counted and audited, where necessary, without depending on software or hardware.

H.R. 1 also authorizes the Election Assistance Commission to, among other things, issue grants to states to improve and maintain their election systems (including enhanced cybersecurity improvements), transition to voter-verified paper ballot systems, conduct risk-limiting audits, and further election-infrastructure innovation.

### Promoting Cybersecurity Through Improvements in Election Administration

Given the threat of interference in our elections from state and nonstate actors alike, H.R. 1 provides guardrails to further reinforce cybersecurity. It requires, for example, voting systems (including electronic pollbooks) to be tested nine months before general Federal elections. The Election Assistance Commission would be required to issue election cybersecurity guidelines, including standards and best practices for procuring, maintaining, testing, operating, and updating election systems to prevent and deter cybersecurity incidents.

Another innovative element of the bill is the establishment of an Election Security Bug Bounty program to encourage independent assessments of election systems by technical experts.

### *Campaign Finance—Transparency, Disclosure, and Everyone’s Right to Know*

Americans are concerned with the real and perceived power of wealthy special interests in campaigns and the decisions of government. *Citizens United*, decided more than 9 years ago, remains deeply unpopular among Americans of all political stripes. The decision recognized a corporation’s First Amendment right to spend unlimited sums out of its general treasury funds to influence elections.

---

<sup>39</sup> Lawrence Norden and Wilfred U. Codrington III, Brennan Center for Justice, “America’s Voting Machines at Risk,” Mar. 8, 2018, <https://www.brennancenter.org/analysis/americas-voting-machines-risk-an-update>.

A 2015 Bloomberg poll found that *Citizens United* “was viewed unfavorably by 78% of respondents, who said that decision was so bad it should be overturned.”<sup>40</sup> This is consistent with more recent polling, including last year, that found similar numbers of Americans in favor of a constitutional amendment to reverse *Citizens United*.<sup>41</sup>

*Citizens United* has become in some ways synonymous with Americans’ dissatisfaction with the influence, real and perceived, of money in the political process. According to the analysis of a poll last summer by PRRI/*The Atlantic*, “roughly two-thirds of the public say that participation of too few voters (67%) and the disproportionate influence of wealthy individuals and corporations (66%) are major problems with the current election system.”<sup>42</sup> According to a Gallup poll last month, only 20% of Americans said they are satisfied with our campaign finance laws.<sup>43</sup> Among the 22 issues surveyed, this was the issue Americans were least satisfied about.

Deeply troubling is the appearance that campaign spenders have more influence over public servants and public policy than non-contributors. According to a recent survey by the Pew Research Center, “overall, 37% of Americans say that they feel it is at least somewhat likely their representative would help them with a problem if they contacted her or him. However, about half (53%) of those who have given money to a political candidate or group in the last year believe their representative would help. Belief that one’s Member of Congress will help them with a problem is highest (63%) among the subset of donors who have given more than \$250 to a candidate or campaign in the past year.”<sup>44</sup> For decades, of course, the Supreme Court recognized the government’s interest in deterring “the reality or appearance of improper influence stemming from the dependence of candidates on large campaign contributions,” and upheld many campaign finance regulations accordingly.<sup>45</sup>

---

<sup>40</sup> Greg Stohr, “Bloomberg Poll: Americans Want Supreme Court to Turn Off Political Spending Spigot,” Chicago Tribune, Sept. 28, 2015, <https://www.chicagotribune.com/news/sns-tns-bc-scotus-citizensunited-poll-20150928-story.html>.

<sup>41</sup> Ashley Balcerzak, “Liberals Want to Overturn *Citizens United*. A New Study Shows Conservatives Do Too,” Time, May 10, 2018, <http://time.com/5272988/citizens-united-campaign-finance-constitution/>.

<sup>42</sup> Alex Vandermaas-Peeler et al., “American Democracy in Crisis: The Challenges of Voter Knowledge, Participation, and Polarization,” PRRI in partnership with *The Atlantic*, July 17, 2018, <https://www.prii.org/research/American-democracy-in-crisis-voters-midterms-trump-election-2018/>.

<sup>43</sup> Megan Brennan, “Americans Most Satisfied With Nation’s Military, Security,” Gallup, Jan. 28, 2019, <https://news.gallup.com/poll/246254/americans-satisfied-nation-military-security.aspx>.

<sup>44</sup> Bradley Jones, “Most Americans Want to Limit Campaign Spending, Say Big Donors Have Greater Political Influence,” Pew Research Center, May 8, 2018, <http://www.pewresearch.org/fact-tank/2018/05/08/most-americans-want-to-limit-campaign-spending-say-big-donors-have-greater-political-influence/>.

<sup>45</sup> *Buckley v. Valeo*, 424 U.S. 1, 58 (1976) (per curiam).

Money from undisclosed sources have flooded our elections in record amounts since *Citizens United*.<sup>46</sup> Moreover, a gridlocked and dysfunctional Federal Election Commission has left many major violations unaddressed, and has failed to keep its regulations on pace with the changing nature of campaigns. HR 1 includes key reforms to shine a light on dark money in politics, empower small dollar donors, and reform the Federal Election Commission to improve the enforcement of our campaign finance laws.

### Transparency

Former Supreme Court Justice Louis Brandeis said that “sunlight is said to be the best of disinfectants.”<sup>47</sup> H.R. 1 reforms disclosure laws to vindicate every American’s right to know who is spending money to influence elections.

Since the Supreme Court’s 2010 decision in *Citizens United* opened the floodgates to unlimited campaign spending by corporations and other artificial entities, special interests and others have spent more than \$950 million to influence federal elections without disclosing the source of the money.<sup>48</sup> Dark, secret, unlimited money in elections undermines the integrity of the democratic process. It makes it harder for the public to follow the money and hold elected officials and major donors accountable. Money can be laundered through a variety of artificial entities to influence elections, which can lead to circumvention of other campaign finance prohibitions, such as the ban on foreign money in American political campaigns. Polls show that Americans overwhelmingly favor disclosure of donors who are financing major campaign expenditures, including through outside groups.<sup>49</sup>

The Supreme Court has repeatedly affirmed the constitutionality of disclosure laws. In a section of *Citizens United* that had the support of eight Supreme Court justices, Justice Kennedy wrote that with the “advent of the Internet, prompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. ... [C]itizens can see whether elected officials are “in the pocket’ of so-called moneyed interests.”<sup>50</sup> In the landmark case *Buckley v. Valeo*, the Court held that “disclosure requirements deter actual corruption and avoid the appearance of corruption by exposing large contributions and

---

<sup>46</sup> Center for Responsive Politics, “Outside Spending by Non-disclosing Groups, Cycle Totals, Excluding Party Committees,” <https://www.opensecrets.org/outsidespending/disclosure.php> (last visited Feb. 11, 2019).

<sup>47</sup> Louis Brandeis, “What Publicity Can Do,” *Harper’s Weekly*, Dec. 20, 1913.

<sup>48</sup> Center for Responsive Politics, Outside Spending by Disclosure, Excluding Party Committees, <https://www.opensecrets.org/outsidespending/disclosure.php>.

<sup>49</sup> Written Testimony of Fred Wertheimer, President, Democracy 21, Hearing: “For the People: Our American Democracy,” Feb. 14, 2019, at 9.

<sup>50</sup> *Citizens United v. FEC*, 558 U.S. 310, 370 (2010).

expenditures to the light of publicity. The exposure may discourage those who would use money for improper purposes either before or after the election. A public armed with information about a candidate's most generous supporters is better able to detect any post-election special favors that may be given in return."<sup>51</sup>

Disclosure does not silence speech. The Court held in *Buckley* that disclosure requirements "impose no ceiling on campaign-related activities,"<sup>52</sup> and "do not prevent anyone from speaking" in *McConnell v. FEC*.<sup>53</sup>

### DISCLOSE Act

H.R. 1 closes gaping loopholes in our campaign finance system's disclosure laws left open since *Citizens United*. The DISCLOSE Act requires covered organizations—corporations, non-profit organizations, section 527 organizations, and others—to report their campaign-related spending if they spend more than \$10,000 in an election cycle. Such organizations spending money to influence elections must also disclose their donors who give \$10,000 during an election cycle. Campaign-related spending is defined to include independent expenditures, electioneering communications, and advertisements that promote, attack, support, or oppose the election of candidates.<sup>54</sup> Covered organizations have a choice of setting up a separate account to be used for making campaign-related expenditures. If they use the separate account, only donors of \$10,000 or more to that account are disclosed. If they do not use a separate account, all donors of \$10,000 or more to the covered organization are disclosed.

There are three exceptions for disclosure. First, amounts from commercial transactions received in the ordinary course of any trade or business conducted by the covered organization. Second, amounts that a donor prohibits from being used for campaign-related spending, provided that the covered organization agrees to follow the prohibition and deposits the payment in an account which is segregated from any account used to make campaign-related disbursements. Third, the requirement to include information relating to the name or address of any donor shall not apply if the inclusion of the information would subject the person to serious threats, harassment, or reprisals.

The DISCLOSE Act also addresses the problem of money that is laundered through various front groups or shell entities to hide the original source of campaign-related spending. The bill requires disclosure of transfers between

---

<sup>51</sup> *Buckley v. Valeo*, 424 U.S. 1, 67 (1976).

<sup>52</sup> *See id.* at 64;

<sup>53</sup> *McConnell v. FEC*, 540 U.S. 93, 201 (2003).

<sup>54</sup> The Supreme Court upheld the PASO test in *McConnell v. FEC*, 540 U.S. 93 (2003).

covered organizations when those transfers are made for the purpose of campaign-related expenditures or are deemed to be made for campaign-related expenditures.

Finally, the DISCLOSE Act closes loopholes that allow foreign money to influence federal elections, particularly through dark money vehicles. It amends the definition of foreign national for purposes of the ban on foreign national campaign spending to add any corporation or limited liability corporation which is 5 percent or more owned or controlled by a foreign country or foreign government official, or which is 20 percent or more owned by any other foreign national, or over which one or more foreign nationals has the power to control the decision-making of the corporation. It requires certification of compliance with the ban on foreign national spending by chief executive officers before corporations make contributions, donations, or expenditures in connection with elections.

### Honest Ads Act

Digital political advertising continues to skyrocket. According to the Center for Responsive Politics, spending on digital ads in the 2018 midterms was expected to cost \$1.9 billion, or approximately 22 percent of overall political advertising.<sup>55</sup> Digital advertising is a relatively inexpensive and effective medium to spread a message quickly and efficiently.<sup>56</sup>

It also opens up our system to vulnerabilities due in part to the failure of campaign finance laws to keep pace with technology.<sup>57</sup> Russia's efforts to sow division and distrust in democracy during the 2016 election included "overt efforts by Russian Government agencies, state-funded media, third-party intermediaries, and paid social media users or 'trolls.'"<sup>58</sup> Facebook disclosed that it "identified more than \$100,000 worth of divisive ads on hot-button issues purchased by a shadowy Russian company linked to the Kremlin."<sup>59</sup> The *Washington Post* reported that "two teams of independent researchers found that the Russians exploited American-made technology platforms to attack U.S. democracy at a particularly vulnerable

---

<sup>55</sup> Megan Janetsky, "Low Transparency, Low Regulation Online Political Ads Skyrocket," Center for Responsive Politics, Mar. 7, 2018, <https://www.opensecrets.org/news/2018/03/low-transparency-low-regulation-online-political-ads-skyrocket/>.

<sup>56</sup> See Weiser, *supra* note 4, at 23.

<sup>57</sup> See generally Hamsini Sridharan and Ann M. Ravel, "Illuminating Dark Digital Politics: Campaign Finance Disclosure for the 21<sup>st</sup> Century," October 2017 (finding that the "lack of a 21<sup>st</sup> century disclosure system is all the more stark when considering the pace with which communication is moving online.").

<sup>58</sup> Office of the Director of National Intelligence, "Assessing Russian Activities and Intentions in Recent US Elections," Jan. 6, 2017, at ii, [https://www.dni.gov/files/documents/ICA\\_2017\\_01.pdf](https://www.dni.gov/files/documents/ICA_2017_01.pdf).

<sup>59</sup> Scott Shane and Vindu Goel, "Fake Russian Facebook Accounts Bought \$100,000 in Political Ads," N.Y. Times, Sept. 6, 2017, <https://www.nytimes.com/2017/09/06/technology/facebook-russian-political-ads.html>.

moment ... as part of a broadly effective strategy of sowing distrust in U.S. democracy and its leaders.”<sup>60</sup>

The Honest Ads Act updates the rules that apply to online political advertising by incorporating disclosure and disclaimer concepts that apply to traditional media, while providing regulatory flexibility for new forms of digital advertising. This will help ensure that voters make informed decisions at the ballot box and to know who is spending money on digital political advertisements that they view.

It also expands the definition of public communication to include paid internet or paid digital communications, and amends the definition of electioneering communication to include certain digital or internet communications placed or promoted for a fee online.

Finally, the bill requires that large online platforms (defined to include those with 50,000,000 or more unique monthly United States visitors) maintain public databases of political ad purchases. This is a concept that already applies to broadcasters, who must maintain public files of political advertisements. The online databases maintained by the platforms will provide the public with information about the purchasers of online political ads, including how the audience is targeted. Political advertisements are defined to include those that communicate messages relating to political matters of national importance, including about candidates, elections, and national legislative issues of public importance.

Finally, the Honest Ads Act requires all broadcasters, cable or satellite television and online platforms to take reasonable efforts to ensure that political advertising is not purchased by foreign nationals, directly or indirectly.

### Stand By Every Ad Act

H.R. 1 also includes the Stand By Every Ad Act. Currently, only candidates are required to “stand by” their advertisements to indicate that they have approved certain political messages. The Stand By Every Ad Act applies this requirement to election-related advertisements purchased by outside entities such as corporations, 527 organizations and nonprofit organizations. It would also require such advertisements to include a list of the Top Five funders of the entity (in video advertisements) or the Top Two funders of the entity (for audio advertisements). These provisions improve transparency and accountability in campaign spending

---

<sup>60</sup> Craig Timberg, “Russian Propaganda Effort Helped Spread ‘Fake News’ During Election, Experts Say,” Wash. Post, Nov. 24, 2016, [https://www.washingtonpost.com/business/economy/russian-propaganda-effort-helped-spread-fake-news-during-election-experts-say/2016/11/24/793903b6-8a40-4ca9-b712-716af66098fe\\_story.html?utm\\_term=.24841509a330](https://www.washingtonpost.com/business/economy/russian-propaganda-effort-helped-spread-fake-news-during-election-experts-say/2016/11/24/793903b6-8a40-4ca9-b712-716af66098fe_story.html?utm_term=.24841509a330).

and are in keeping with the need for better disclosure provisions, particularly with the steep increase in outside group spending after *Citizens United*.

### *Campaign Finance – Empowering Every Voice in Our Democracy*

Money plays an outsized role in determining who runs for office, who wins office, and in setting policy priorities in Washington. The total costs of elections continue to rise exponentially. The total cost of Congressional elections in 2008, for example, was \$2.5 billion.<sup>61</sup> A decade later, the 2018 midterms cost more than \$5.7 billion.<sup>62</sup>

The eye-popping sums themselves do not tell the whole story. Important, too, is the source of the money. American political campaigns are funded by a tiny, wealthy, and highly unrepresentative segment of the population. In the 2018 midterms, only 0.47% of the population gave \$200 or more to political campaigns.<sup>63</sup> This slice of America contributed 71% of the money that went to federal candidates, PACs, parties, and outside groups.<sup>64</sup> This class of donors is not representative of the public at large. It is largely white, wealthy, and male.<sup>65</sup> According to Dēmos:

Ninety-two percent of federal election donors in 2014 and 91 percent of donors in 2012 were white. The numbers are even more skewed among large donors. Ninety-four percent of those giving more than \$5,000 in 2014 and 93 percent in 2012 were white. Men make up slightly less than half of the population, but comprised 63 percent of federal election donors in 2012 and 66 percent of donors in 2014. The pool of donors who give more than \$1,000 has less gender diversity, with men making up 65 percent of donors giving more than \$5,000.<sup>66</sup>

This pales in comparison to the rich diversity of our country and undermines principles of equal representation.

When it comes to so-called “independent” spending—campaign spending by Super PACs, corporations, and other nonprofit organizations—the financial muscle of the donor class is even more stark. Since the Supreme Court’s decision in *Citizens United*, Super PACs alone have raised more than \$4.88 billion.<sup>67</sup> In the 2018

---

<sup>61</sup> Cost of Elections, Center for Responsive Politics, <https://www.opensecrets.org/overview/cost.php/>

<sup>62</sup> *See id.*

<sup>63</sup> Donor Demographics, Center for Responsive Politics, <https://www.opensecrets.org/overview/donordemographics.php> (last visited Feb. 19, 2019).

<sup>64</sup> *See id.*

<sup>65</sup> *See Bains, supra* note 8, at 12.

<sup>66</sup> *Id.*

<sup>67</sup> Outside Spending by Super PAC, Center for Responsive Politics, <https://www.opensecrets.org/outsidespending/summ.php?chrt=V&type=S> (last visited Feb. 19, 2019).

midterms, just 100 donors contributed more than \$1 billion to Super PACs—an average of \$100 million per donor.<sup>68</sup>

A direct threat to a responsive democracy is how money sets policy priorities—or even *appears* to set policy priorities. As the Supreme Court reasoned in *Buckley*, when it upheld contribution limits, “[of] almost equal concern as the danger of actual *quid pro quo* corruption is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions.”<sup>69</sup>

Numerous studies have demonstrated that major campaign donors have more influence than voters over policy, and often the policy objectives take a divergent path from that preferred by voters.<sup>70</sup> This lack of responsiveness, real and perceived, is counter to the ideals of democratic self-government.

Candidates for office today face the difficult challenge of having to raise significant amounts of funds and to do so quickly if they want to be considered viable. Few can manage this without relying heavily on a network of donors and organized interests. It is true that the Internet can be a revolutionary tool to empower small dollar donors. Still, small dollar donors of \$200 or less contributed only 30 percent of the money raised in the 2018 midterms.<sup>71</sup>

### Small Dollar Financing of Congressional Election Campaigns

H.R. 1 provides a voluntary, alternative method to raise funds for Congressional elections. It will allow candidates to run for office without depending on deep pocketed donors or special interest funders.<sup>72</sup> It will empower ordinary Americans to make their small contributions matter as greatly as large contributions to candidates.<sup>73</sup> It will free up candidates to run competitive races

---

<sup>68</sup> Super PACs: How Many Donors Give, Center for Responsive Politics, <https://www.opensecrets.org/outside-spending/donor-stats> (last visited Feb. 19, 2019).

<sup>69</sup> *Buckley*, 424 U.S. at 27.

<sup>70</sup> See Weiser, *supra* note 4, at 17 (citing Chris Tausanovitch, “Income, Ideology and Representation,” *Russell Sage Foundation Journal of the Social Sciences* 2 (2016): 33, 49; Martin Gilens and Benjamin I. Page, “Testing Theories of American Politics: Elites, Interest Groups, and American Citizens,” *Perspectives on Politics* 12 (2014): 564, 575; Christopher Ellis, “Social Context and Economic Biases in Representation,” *Journal of Politics* 75 (2013): 773, 779; Martin Gilens, *Affluence and Influence: Economic Inequality and Political Power in America* (Princeton: Princeton University Press, 2012), 84; Larry Bartels, *Unequal Democracy: The Political Economic of the New Gilded Age* (Princeton: Princeton University Press, 2010), 285).

<sup>71</sup> Donor Demographics, Center for Responsive Politics, <https://www.opensecrets.org/overview/donordemographics.php> (last visited Feb. 19, 2019).

<sup>72</sup> See Wertheimer, *supra* note 50, at 3.

<sup>73</sup> See *id.*



solely on small dollar donors.<sup>74</sup> And it will open up the political process to new and diverse candidates to run competitive campaigns.<sup>75</sup>

Such voluntary public funding systems have been created in recent years in Berkeley, CA; Portland, OR; Denver, CO; Baltimore, MD; Montgomery County, MD; Howard County, MD; Prince George's County, MD; Suffolk County, NY; and Seattle, WA.<sup>76</sup> Existing public financing systems have been updated recently in New York City, Los Angeles, CA, Maine, and Connecticut.<sup>77</sup>

One of the most successful public funding programs is in New York City, which matches donations up to \$175 and where the vast majority of candidates participate.<sup>78</sup> A Brennan Center study found that “participating city candidates raised money from 90 percent of the city’s census blocs, as compared to roughly 30 percent for state assembly candidates (who do not receive public matching dollars) running in the same areas.”<sup>79</sup>

As established in H.R. 1, the small dollar financing of Congressional campaigns will provide a 6-to-1 match of contributions of \$200 or less for participating candidates. It would cap the total amount of matching funds for a candidate to half of the average of the 20 most expensive winning campaigns in the previous cycle. To qualify for participation, candidates must raise at least \$50,000 in small dollar contributions from at least 1,000 individuals during the qualifying period. Participating candidates agree to only raise funds from qualified small dollar contributions, matching funds, nonqualified contributions of up to \$1,000 (which are not subject to the match), personal funds, and certain political committees. Multicandidate committees and party committees may contribute to participating candidates, but only if the contributions come from segregated accounts that only raise funds pursuant to the requirements for small dollar contributions.

H.R. 1 will also revise and modernize the presidential public financing system. For decades, presidential candidates of both major political parties used the system to fund their political campaigns. The system fell into disrepair and has not kept pace with changes in how campaigns raise money, particularly with the rise in “soft money” in the 1990s and with the explosive growth of Super PACs after *Citizens United*. H.R. 1 will provide a matching system for primary presidential

---

<sup>74</sup> See *id.*

<sup>75</sup> See *id.*

<sup>76</sup> See *id.*

<sup>77</sup> *Id.*

<sup>78</sup> See Weiser, *supra* note 4, at 20.

<sup>79</sup> *Id.*

campaigns and increases the grant amount that is made available during the general election.

All matching funds for the small dollar financing programs will come from the Freedom From Influence Fund. No appropriated funds will be used for the Freedom From Influence Fund. Matching fund payments are subject to a mandatory reduction in case of insufficient amounts in the Freedom From Influence Fund.

The Supreme Court has upheld the constitutionality of voluntary public financing programs. In *Buckley v. Valeo*, it held that such alternative ways of financing campaigns “reduce the deleterious influence of large campaign contributions on our political process” and “facilitate communication by candidates with the electorate.”<sup>80</sup> It went on to describe public funding programs as “a congressional effort, not to abridge, restrict, or censor speech, but rather ... to facilitate and enlarge public discussion and participation in the electoral process, goals vital to a self-governing people.”<sup>81</sup> In 2011, the Court held that “governments may engage in public financing of election campaigns and that doing so can further significant government interest[s], such as the state interest in preventing corruption.”<sup>82</sup>

### Help America Run Act

In addition to the small dollar empowerment programs, H.R. 1 includes the Help America Run Act, which is designed to promote the ability of more people, including those of modest means, to run for office. Current regulations allow candidates to pay themselves salaries, although this is not a feasible option for some candidates, particularly first-time candidates. This provision of H.R. 1 will allow nonincumbent candidates to cover specific expenses such as childcare, elder care, health insurance, and other necessities. It is essential that new pathways be opened to candidates for political office so that our Congress can reflect the people that it represents.

In sum, these programs reduce opportunity for corruption, increase electoral competition, and expand citizen participation so that government works for and is accountable to the people.

### *Campaign Finance – Independent Spending and Coordination*

As discussed above, the Supreme Court held in *Buckley* that contribution limits are justified by a constitutional interest in curbing corruption and the

---

<sup>80</sup> *Buckley*, 424 U.S. at 91.

<sup>81</sup> *Id.* at 92-93.

<sup>82</sup> *Arizona Free Enterprise Club’s Freedom PAC v. Bennett*, 546 U.S. 721 (2011).

appearance of corruption. At the same time, the Court has struck down limits on “independent” spending, most recently in *Citizens United*, on the theory that independent spending is attenuated from candidates and does not pose the same danger of corruption or its appearance.

Still, due to a patchwork of laws and nonenforcement by the Federal Election Commission, new types of Super PACs have sprung up in recent years that essentially operate as close arms of candidate campaigns while claiming to be independent. Such single-candidate Super PACs raised more than \$176 million in the midterm 2018 alone, and more than \$834 million in the 2016 presidential election.<sup>83</sup>

According to the nonpartisan Center for Responsive Politics, these types of Super PACs:

focus almost exclusively on one candidate, either by advertising in support of that candidate or attacking his or her opponents. Like other Super PACs, they can raise and spend unlimited amounts of money, so they provide a convenient way for wealthy supporters to contribute large sums to bolster their favored candidates. Though Super PACs are supposed to operate independently and refrain from coordinating their strategy with someone running for office, these groups are often created and run by individuals with very close ties to the candidates they support.<sup>84</sup>

The ultimate concern here is that single-candidate Super PACs, and other unregulated coordinated spending, can be used to circumvent and eviscerate candidate contribution limits that would otherwise apply. If spending by outside groups and candidates is not actually independent—and it is coordinated—then expenditures are treated as in-kind contributions to candidates under federal law.<sup>85</sup> Such contributions are subject to source prohibitions and contribution limits. This is in keeping with the Supreme Court’s decision in *Buckley*, which found that campaign expenditures coordinated with candidates can be treated as contributions to the candidate, because the “ultimate effect is the same as if the [spender] had contributed the dollar amount [of the expenditure] to the candidate.”<sup>86</sup>

To be clear, the Supreme Court has said that independent spending must be done “totally independently;”<sup>87</sup> “not pursuant to any general or particular

---

<sup>83</sup> 2018 Outside Spending by Single-Candidate Super PACs, <https://www.opensecrets.org/outsidespending/summ.php?chrt=V&type=C>.

<sup>84</sup> *Id.*

<sup>85</sup> 11 C.F.R. § 109.20; 109.21.

<sup>86</sup> *Buckley*, 424 U.S. at 36-37.

<sup>87</sup> *Buckley*, 424 U.S. at 47.

understanding with a candidate,”<sup>88</sup> “without any candidate’s approval (or wink or nod),”<sup>89</sup> and must be “truly independent.”<sup>90</sup>

H.R. 1 uses these Court decisions to establish updated coordination standards to address the rise of single-candidate Super PACs and other types of coordinated spending. Its purpose is to ensure spending is truly independent, including by establishing new standards for “coordinated spenders” that are based on relationships between outside spenders and candidates. Revising coordination rules, as provided in the bill, furthers the government’s interest in curbing corruption and the appearance of corruption.

Importantly, there are express protections in place to ensure that advocacy and lobbying activities are unaffected by updated coordination rules. For example, H.R. 1 makes clear that there can be no finding of coordination based solely on sharing of information regarding legislative or policy positions.

### *Reforming the Federal Election Commission*

The mission of the Federal Election Commission is to administer and enforce federal campaign finance law. It plays a critical role in ensuring that the public has access to data about the raising and spending of money to influence federal elections, and it provides advice and guidance to candidates and others seeking to comply with federal campaign finance law.

Unfortunately, the Commission has not been fulfilling its mission. Former FEC Chair Ann Ravel told the *New York Times* in 2015 that “the likelihood of the laws being enforced is slim. ... People think the F.E.C. is dysfunctional. It’s worse than dysfunctional.”<sup>91</sup>

An analysis by former Commissioner Ravel’s office found that the Commission—made up of 6 members, no more than three of whom can be from the same political party—has dramatically increased in the number of deadlocked substantive votes between 2006 and 2016.<sup>92</sup> Whereas in 2006, only 4.2% of enforcement cases had at least one deadlocked vote, in 2016, 37.5% of all enforcement cases had a deadlocked vote. Fines dramatically reduced in the intervening year, and the Commission has failed to enact new regulations post-*Citizens United* to address the rise of secret, dark money in elections.

---

<sup>88</sup> *Colorado Republican Federal Campaign Committee v. FEC*, 518 U.S. 604, 614 (1996).

<sup>89</sup> *FEC v. Colorado Republican Federal Campaign Committee*, 533 U.S. 431, 442 (2001).

<sup>90</sup> *Id.* at 465.

<sup>91</sup> Eric Lichtblau, “FEC Can’t Curb 2016 Election Abuse, Commission Chief Says,” *N.Y. Times*, May 2, 2015, <https://www.nytimes.com/2015/05/03/us/politics/fec-cant-curb-2016-election-abuse-commission-chief-says.html>.

<sup>92</sup> Office of Commissioner Ann M. Ravel, “Dysfunction and Deadlock: The Enforcement Crisis at the Federal Election Commission and the Unlikelihood of Draining the Swamp,” February 2017, [https://classic.fec.gov/members/ravel/ravelreport\\_feb2017.pdf](https://classic.fec.gov/members/ravel/ravelreport_feb2017.pdf).

The Commission has been encumbered by numerous management challenges as well, including multiyear vacancies on the Commission itself and in key offices. The Commission has not had a permanent General Counsel in more than 5 years, for example.

The result has been a lack of clear enforcement and guidance concerning campaign finance law.

H.R. 1 reforms the FEC to fulfill its mission, while guarding against arbitrary and partisan enforcement of campaign finance law. It reduces the Commission from six to five commissioners, of whom no more than two can be affiliated with the same political party. An odd number of commissioners will avoid the inaction and dysfunction that comes with the current partisan split, as well as provide for an independent or minor party commissioner to break partisan ties. It also provides for a “blue-ribbon” advisory panel to suggest potential nominees to the President that are made public. This provides some accountability to the appointment process.

Each commissioner, including the Chair, would be appointed to a single six-year term and would be ineligible for holdover status for more than one year. Currently, every member of the current Commission is sitting in holdover status on expired terms until the Senate confirms their successor. All of the currently-seated commissioners were appointed during the Bush Administration and none have been replaced during the subsequent two presidencies.

H.R. 1 also reforms the enforcement process to empower the General Counsel’s office to make initial findings and recommendations, subject to Commission override. It is designed to reduce the growing backlog of enforcement cases, which numbered at 326 in February 2019.<sup>93</sup>

### *Strengthening High Ethical Standards in Congress*

Americans have witnessed an unprecedented torrent of ethical scandals emanating from Washington and the Trump Administration. From nepotism and influence peddling, to misuse of public funds, to self-enrichment, President Trump, his Administration, and other elected officials have stress-tested our ethics laws and exposed new loopholes that H.R. 1 will close. Cabinet and other senior officials have faced dozens of ethics and conflict-of-interest investigations that have led to their resignation and cast a cloud over their tenure.<sup>94</sup> The “revolving door” continues to spin between private industry and public service, all while the Office of

---

<sup>93</sup> Tweet by FEC Chair Ellen L. Weintraub, Feb. 7, 2019, <https://twitter.com/EllenLWeintraub/status/1093534694828883969>.

<sup>94</sup> Bloomberg, “Trump Team’s Conflicts and Scandals: An Interactive Guide,” Jan. 25, 2019, <https://www.bloomberg.com/graphics/trump-administration-conflicts/>.

Government Ethics lacks key tools to best uphold the public interest in high ethical standards.

Ultimately, the cynicism emanating from these scandals threatens to undermine confidence in all levels of government, including Congress. According to Gallup, Americans' job approval rating for Congress stands at approximately 20 percent.<sup>95</sup> About half of the public said it had "very little" confidence in the institution.<sup>96</sup>

Americans run for Congress to make a difference in their communities and to steward the public interest. Bolstering high ethical standards will improve trust in the institution. Ultimately, reforms to ethics and transparency rules that apply to Congress improve democratic accountability.

H.R. 1 enacts new congressional ethics reforms as part of this process. First, it requires Members of Congress to reimburse Treasury for amounts paid as settlements and awards under the Congressional Accountability Act of 1995 in all cases of employment discrimination acts by Members.

It also codifies the conflict of interest rules for Members of Congress and Congressional staff. It prohibits Members, House officers, and other employees of the House from using their position to introduce or help pass legislation for pecuniary gain.

It will shine a light on influence-seeking by requiring FEC campaign finance reports to be linked with Lobbying Disclosure Act reports. This will help voters hold elected officials and special interests accountable to the public interest and follow how levers of influence are linked.

Finally, the bill will require all reports from federal agencies mandated by Congress to be published online in a searchable and downloadable database. This strengthens the public's access to information.

## HEARINGS

On February 14, 2019, the Committee held a hearing titled "For the People: Our American Democracy" to consider many of the concerns addressed by H.R. 1. The following witnesses testified: Chiraag Bains, Director of Legal Strategies, Demos; Wendy Weiser, Director, Democracy Program, Brennan Center for Justice at NYU School of Law; Fred Wertheimer, President, Democracy 21; The Honorable Kim Wyman Secretary of State, State of Washington; Alejandro Rangel-Lopez Senior at

---

<sup>95</sup> Gallup, "Congress and the Public," Jan. 2019, <https://news.gallup.com/poll/1600/congress-public.aspx>.

<sup>96</sup> Gallup, "Confidence in Institutions (2018)," <https://news.gallup.com/poll/1597/confidence-institutions.aspx>.

Dodge City High School, Dodge City, Kansas, and plaintiff in *LULAC & Rangel-Lopez v. Cox*; Peter Earle, Wisconsin Civil Rights Trial Lawyer; Brandon A. Jessup, Data Science and Information Systems Professional; Executive Director, Michigan Forward; and David Keating, President, Institute for Free Speech.

### COMMITTEE CONSIDERATION

On Tuesday, February 26, 2019, the Committee met in open session and ordered the bill, H.R. 1, as amended, favorably reported to the House by a rollcall vote of 6 to 3, a quorum being present.

### COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that the following rollcall votes occurred during the Committee’s consideration of H.R. 1:

1. Motion to report H.R. 1, as amended, favorably was agreed to by a rollcall vote of 6 to 3. The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Ms. Lofgren	X			Mr. Davis (IL)		X	
Mr. Raskin	X			Mr. Walker		X	
Ms. Davis (CA)	X			Mr. Loudermilk		X	
Mr. Butterfield	X						
Ms. Fudge	X						
Mr. Aguilar	X						

2. The Lofgren amendment in the nature of a substitute as amended to H.R. 1 was agreed to by a rollcall vote of 6 to 3. The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Ms. Lofgren	X			Mr. Davis (IL)		X	
Mr. Raskin	X			Mr. Walker		X	
Ms. Davis (CA)	X			Mr. Loudermilk		X	
Mr. Butterfield	X						
Ms. Fudge	X						
Mr. Aguilar	X						

3. An amendment offered by Mr. Davis of Illinois to strike section 1001 was defeated by a rollcall vote of 2 to 5. The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin				Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk			
Mr. Butterfield		X					
Ms. Fudge		X					

Mr. Aguilar		X					
-------------	--	---	--	--	--	--	--

4. An amendment offered by Mr. Davis of Illinois to strike section 1012(d) was defeated by a rollcall vote of 2 to 5. The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin				Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk			
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar		X					

5. An amendment offered by Mr. Davis of Illinois to strike section 1013 was defeated by a rollcall vote of 2 to 5. The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin				Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk			
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar		X					

6. An amendment offered by Mr. Davis of Illinois to strike section 1014 was defeated by a rollcall vote of 3 to 5. The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin				Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar		X					

7. An amendment offered by Mr. Walker to strike section 1015(a)(2) was defeated by a rollcall vote of 3 to 4. The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin				Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar							



8. An amendment offered by Mr. Davis of Illinois to strike section 1017 was defeated by a rollcall vote of 2 to 4. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin				Mr. Walker			
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar							

9. An amendment offered by Mr. Davis of Illinois to strike section 1019(b) was defeated by a rollcall vote of 2 to 5. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin				Mr. Walker			
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar		X					

10. An amendment offered by Mr. Loudermilk to strike section 1019(e) was defeated by a rollcall vote of 2 to 4. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin				Mr. Walker			
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge							
Mr. Aguilar		X					

11. An amendment offered by Mr. Davis of Illinois to strike section 1031 was defeated by a rollcall vote of 2 to 4. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin				Mr. Walker			
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge							
Mr. Aguilar		X					

12. An amendment offered by Mr. Loudermilk to strike section 1041 was defeated by a rollcall vote of 2 to 4. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin				Mr. Walker			
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge							
Mr. Aguilar		X					

13. An amendment offered by Mr. Davis of Illinois to strike section 1502 was defeated by a rollcall vote of 2 to 4. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin				Mr. Walker			
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge							
Mr. Aguilar		X					

14. An amendment offered by Mr. Davis of Illinois to strike section 1504 was defeated by a rollcall vote of 2 to 4. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin				Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar		X					

15. An amendment offered by Mr. Loudermilk to strike section 1601 was defeated by a rollcall vote of 2 to 4. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin				Mr. Walker			
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge							
Mr. Aguilar		X					

16. An amendment offered by Mr. Loudermilk to strike section 1611 was defeated by a rollcall vote of 2 to 4. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		

Mr. Raskin				Mr. Walker			
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge							
Mr. Aguilar		X					

17. An amendment offered by Mr. Davis of Illinois to strike section 1621 was defeated by a rollcall vote of 2 to 4. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin				Mr. Walker			
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge							
Mr. Aguilar		X					

18. An amendment offered by Mr. Loudermilk to strike section 1811 was defeated by a rollcall vote of 3 to 6. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin		X		Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar		X					

19. An amendment offered by Mr. Davis of Illinois to strike section 1901 was defeated by a rollcall vote of 3 to 6. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin		X		Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar		X					

20. An amendment offered by Mr. Loudermilk to strike section 1904 was defeated by a rollcall vote of 3 to 6. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin		X		Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk	X		

Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar		X					

21. An amendment offered by Mr. Walker to add new subtitle prohibiting the collection and transmission of ballots by third parties was defeated by a rollcall vote of 2 to 6. The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin		X		Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk			
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar		X					

22. An amendment offered by Mr. Davis of Illinois to add three new subtitles prohibiting provision of funds to persons advocating for enactment was defeated by a rollcall vote of 3 to 5. The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin		X		Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar							

23. An amendment offered by Mr. Davis of Illinois to strike section 2502 was defeated by a rollcall vote of 3 to 6. The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin		X		Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar		X					

24. An amendment offered by Mr. Davis of Illinois to strike Title III and replace with Secure elections Act was defeated by a rollcall vote of 3 to 6. The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Ms. Lofgren		X		Mr. Davis (IL)	X		

Mr. Raskin		X		Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar		X					

25. An amendment offered by Mr. Walker to strike section 4122 was defeated by a rollcall vote of 3 to 6. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin		X		Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar		X					

26. An amendment offered by Mr. Davis of Illinois to strike section 4208 was defeated by a rollcall vote of 3 to 6. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin		X		Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar		X					

27. An amendment offered by Mr. Davis of Illinois to strike section 5101 was defeated by a rollcall vote of 3 to 5 with one Member abstaining. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin		X		Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge			X				
Mr. Aguilar		X					

28. An amendment offered by Mr. Davis of Illinois to strike section 5111 was defeated by a rollcall vote of 3 to 5 with one Member abstaining. The vote was as follows:

<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Representative</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>
-----------------------	------------	------------	----------------	-----------------------	------------	------------	----------------

Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin		X		Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge			X				
Mr. Aguilar		X					

29. An amendment offered by Mr. Davis of Illinois to strike section to require the identification for small dollar donors under section 5111 if the aggregate of qualifying small dollar donations from outside the district exceed \$250,000 was defeated by a rollcall vote of 3 to 6. The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin		X		Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar		X					

30. An amendment offered by Mr. Davis of Illinois to strike subtitle A of Title VI was defeated by a rollcall vote of 3 to 6. The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Ms. Lofgren		X		Mr. Davis (IL)	X		
Mr. Raskin		X		Mr. Walker	X		
Ms. Davis (CA)		X		Mr. Loudermilk	X		
Mr. Butterfield		X					
Ms. Fudge		X					
Mr. Aguilar		X					

## COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The objective of H.R. 1, as amended, is to improve access to the right to vote, promote integrity, and bolster security in our elections. It will improve transparency in campaign spending and empower more Americans to participate in the political process. H.R. 1 will also fortify ethics laws and improve their enforcement. In sum, the objective is to improve the processes of American democracy to ensure that government is reflective and responsive to the public.

## NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

## EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 1 contains no congressional earmarks, limited tax benefits, or limited tariff benefits as described in clauses 9(e), 9(f), and 9(g) of House rule XXI.

## COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 1, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

## CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 1, as amended, provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

[INSERT CBO]

## FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 1, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

## NON-DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of House rule XIII, the committee states that no provision of this resolution establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress

pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

## ADVISORY COMMITTEE STATEMENT

H.R. 1 does not establish or authorize any new advisory committees.

## APPLICABILITY TO LEGISLATIVE BRANCH

H.R. 1 does not apply to terms and conditions of employment or to access to public services or accommodations within the legislative branch.

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

### **Division A – Voting**

#### **Title I – Election Access**

#### **Subtitle A – Voter Registration Modernization**

*Section 1000. Short title; statement of policy*

This section states that it is the policy of the United States that all eligible citizens should have free and fair access to the vote, and that the integrity, security, and accountability of the voting process must be vigilantly protected.

#### **Part 1 – Promoting Internet Registration**

*Section 1001. Requiring availability of Internet for voter registration*

This section would amend the National Voter Registration Act to require the availability of online application, assistance, completion, submission, and receipt of voter registration applications. It would allow online signature through use of state agency databases, submitting a supplemental paper copy, a verified electronic copy, or other state-established means. It directs States to allow voters who complete all other parts of the online voter registration, except for the signature verification, to submit a signature upon requesting a ballot in person or by mail. Requires States to inform potential voters about the signature process and their rights. Requires States to certify receipt of online voter registration applications and update potential voters on the status and outcome of their application in a timely and direct manner by email and/ or postal mail. Requires that services are provided in a nonpartisan manner. Requires the protection of all information provided online. Requires that state ensure services in this section are made available to individuals



with disabilities to the same extent as others. Allows states to use a telephone-based system that provides the same services as are available online. Requires that voters registered online be treated the same as those registered by mail.

*Section 1002. Use of Internet to update registration information*

This section would allow registered voters to update their registration information online. It would require States to send receipts of registration update and notice of disposition of the request. It would require that, within 7 days of an election official accepting or rejecting updated information, that an official send the requesting individual notice of the disposition of the update.

*Section 1003. Provision of election information by electronic mail to individuals registered to vote*

This section would add a space to voter registration forms for applicants to provide email addresses. Restricts the use of voter's email address to official election purposes only. Requires that voters who provide an email address be sent an email not later than seven days before an election including providing information on how the voter may obtain, by electronic means, the name and address of their polling place, the hours of operation of said polling place, and a description of any identification required.

*Section 1004. Clarification of requirement regarding necessary information to show eligibility to vote*

This section would clarify that States shall consider an applicant to have provided a valid voter registration form if the applicant substantially completes the application and attestation and, in the case of online registration, the applicant provides a signature.

*Section 1005. Effective date*

This section provides that, with limited exceptions, this subtitle takes effect on January 1, 2020.

## **Part 2 - Automatic Voter Registration**

*Section 1011. Short title; findings and purpose*

States the short title of this section is the "Automatic Voter Registration Act of 2019." Finds the right to vote is a fundamental right of citizens, that the State and Federal government are charged with ensuring every eligible citizen is registered to vote, and that existing voter registration systems are underinclusive and must be

updated. Establishes the purpose of the bill to enable governments to register all eligible citizens, to modernize voter registration, and to protect and enhance the integrity, accuracy, efficiency, and accessibility of the U.S. electoral process.

*Section 1012. Automatic registration of eligible individuals*

This section would require chief State election officials to establish an automatic voter registration system that complies with this Act. Defines an automatic voter registration system, where unless the individual affirmatively declines to be registered, the individual will be registered to vote. Requires the chief State election official to register eligible individuals within 15 days of receiving transmitted information and to notify the individual of their voter status within 120 days of such information being transmitted. Outlines the notification and opt-out process for one-time automatic voter registration for existing contributing agency records in a manner that allows individuals to choose or decline a party affiliation, correct erroneous information, and learn more about the process. Directs chief State election officials to complete the one-time automatic voter registration within 45 days of sending notice, unless the individual declines to register. Allows eligible individuals above age 16 and under age 18 to participate in the automatic voter registration process.

*Section 1013. Contributing agency assistance in registration*

This section would require contributing agencies to assist the chief State election official in registering all eligible individuals served by the agency. Directs each contributing agency, including institutions of higher education, to inform confirmed, eligible citizens of the automatic voter registration process, update, and need to select a party affiliation if required by State law – unless they exercise their right to decline or do not meet the Federal qualifications. Each contributing agency shall ensure that every individual has the opportunity to decline to be registered to vote. Unless the individual declines during the 30-day notice period, each contributing agency will electronically transmit the voter registration information to the chief State election official in a compatible format.

Further, this section prescribes that the individual's name, date of birth, address, proof of citizenship, date information was collected or updated, electronic signature if available, political party affiliation, and any additional information required for Federal office is included in the transmission. Provides an alternate procedure for certain contributing agencies, including institutions of higher education that do not request confirmation of citizenship information from individuals. Requires each contributing agency to provide an opportunity for individuals to register to vote every time the individual applies for service or assistance, without regard to whether an individual previously declined a registration opportunity. Defines State and Federal contributing agencies – including institutions of higher education that

receive Federal funds. Requires the chief State election official to publish the list of contributing agencies 180 days in advance of a Federal election. Directs the chief State election official to educate the public about the automatic voter registration process.

*Section 1014. One-time contributing agency assistance in registration of eligible voters in existing records*

Prescribes the timeline for the initial transmission of information.

*Section 1015. Voter protection and security in automatic registration*

This section would provide protections against errors in automatic registration by affirming that a person engaging in intentional fraud in registration or voting is still punishable and prevents adverse Federal and State consequences for a person who is ineligible and did not know that the person should decline or did not mean to become registered. Prohibits a contributing agency from collecting information on who declines registration and prohibits election officials' disclosure of which contributing agency a person visited. Limits the use of voter registration records in contexts other than voter registration, election administration, and prosecution of election crimes. Requires that each State maintain, and make publicly available electronically, records of changes to voter records, including removals, reasons for removals, and updates, for at least 2 years. Requires the National Institute of Standards and Technology to establish enhanced privacy and security standards for how states maintain the voter rolls and protect voters' privacy, and requires that such standards be uniform and nondiscriminatory, and applied in a uniform and nondiscriminatory manner. States must comply with and publish those compliance standards.

Further, this section would require that the chief State election official adopt a policy specifying each class of users with authorized access to the computerized statewide voter registration list and their level of access, and set forth safeguards to protect the privacy, security, and accuracy of the information on the list. Requires the chief executive officer of the state to annually file with the Election Assistance Commission (EAC) certifying compliance with the privacy and security standards offered by the National Institute of Standards and Technology. Failure to timely file such certification will result in a State not receiving payment under this section for the upcoming fiscal year. Allows that in the case of a State that requires State legislation to carry out an activity covered by the certification, for a period of not more than 2 years the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted, and such State shall submit an additional certification once such legislation is enacted. Restricts usage of information, providing no one acting under color of law may discriminate against any individual based on their

voter registration records, decision to decline to register, or their voter registration status. Further prohibits use of voter registration information for commercial purposes.

*Section 1016. Registration portability and correction*

This section would permit registered voters to update and correct their voter registration information at the polling station and cast a regular ballot based upon the most current information. Requires election officials to update statewide voter registration lists with the updated or corrected information provided by the voter.

*Section 1017. Payments and grants*

This section would authorize the (EAC) to distribute grants to the states, monitor their use, and allocate funding based on a set of priority investments, including technological upgrades and public education. Authorizes an appropriation of \$500,000,000 beginning in fiscal year 2019 to implement this Subtitle, authorizes such sums as may be necessary for each succeeding fiscal year, and permits funds to be available until expended.

*Section 1018. Treatment of exempt States*

This section would clarify the treatment and availability of funds for exempt States, including states that provide automatic voter registration through the motor vehicle authority of the State or through the permanent Dividend Fund of the State.

*Section 1019. Miscellaneous provisions*

This section would require contributing agencies to ensure that registration services are equally available to individuals with disabilities. Permits contributing agencies to contract with a third party to enable a secure transmission of voter data. Reiterates that contributing agencies must provide services in a nonpartisan, nondiscriminatory manner. Permits a State to communicate with an individual by email if provided and mandates that, for notices that require a response, the notified individual must be offered the opportunity to respond at no cost. Clarifies that civil enforcement and the private rights of action outlined in the National Voter Registration Act apply to this section. Explains that this subtitle does not impact other voting rights and election administration statutes.

**Section 1020. Definitions.**

This section provides definitions for Part 2 of the bill.

*Section 1021. Effective date*

This section provides that the effective date for States begins on January 1, 2021, although the EAC may grant extensions through Jan. 1, 2023 if a State certifies to

the Commission it will not meet compliance deadlines because of extraordinary circumstances and includes reasons for the failure to meet said deadline.

### **Part 3 – Same Day Voter Registration**

#### *Section 1031. Same day registration*

This section mandates that each State permit an eligible individual to register to vote on the day of a Federal election or when voting is allowed in a Federal election, such as early voting, and further allows already-registered voters to update or correct registration information. Excepts states with no voter registration requirement from this mandate. Requires compliance in time for the regularly scheduled general election for Federal office of November 2020.

### **Part 4 – Conditions on Removal on Basis of Interstate Cross-Checks**

#### *Section. 1041. Conditions on removal of registrants from official list of eligible voters on basis of interstate cross-checks*

This section maintains other conditions on removal and additionally prohibits a State election official from removing a voter deemed ineligible in a cross-State check from a registration list unless the State obtained the voter's full name, date of birth, and last four digits of their Social Security number or obtained documentation from the Electronic Registration Information Center (ERIC) system that the voter is no longer a resident of the State. Requires cross-checks to be completed at least six months ahead of an election.

### **Part 5 – Other Initiatives to Promote Voter Registration**

#### *Section. 1051. Annual reports on voter registration statistics*

This section would require each State to submit an annual report to Congress and the EAC on voter registration statistics prescribed by this Title. The report will not share any voter identifying information.

### **Part 6 – Availability of Help America Vote Act Requirement Payments**

#### *Section 1061. Availability of requirements payments under HAVA to cover costs of compliance with new requirements*

This section provides that a State may use a requirements payment to carry out any of the requirements of the Voter Registration Modernization Act of 2019.

### **Part 7 – Prohibiting Interference with Voter Registration**

#### *Section 1071. [RESERVED]*

*Section 1072. Establishment of Best Practices*

This section would require the EAC to develop and publish best practice recommendations for States to educate voters, poll workers, and election officials about illegal interference with the registration and voting process.

**Subtitle B – Access to Voting for Individuals with Disabilities**

*Section 1101. Requirements for States to promote access to voter registration and voting for individuals with disabilities*

This section would mandate the availability of absentee ballots for individuals with disabilities. Allows for individuals with disabilities to request and receive, by mail or electronically, registration forms and absentee ballots. Requires State to accept and process any otherwise valid voter registration or absentee ballot application from an individual with a disability if received by appropriate State election official within the deadline for the election applicable under Federal law. Provides absentee ballots no later than 45 days prior to an election, when the request has been received at least 45 days prior to an election. Mandates a single state office responsible for providing voting-related information to individuals with disabilities. Requires states to provide means of electronic communication of information related to registration, voting, etc. Includes guidance to ensure that absentee ballots sent to voters with disabilities are the same as those returned. Includes hardship exemption for states incapable of providing electronic transmissions, which must be approved by the Attorney General.

*Section 1102. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities*

This section would provide grants for making absentee voting and voting at home accessible, making polling places accessible, and providing accessibility solutions that are universally designed and provide the same opportunities to vote for individuals with and without disabilities.

**Subtitle C – Prohibiting Voter Caging**

*Section 1201. [RESERVED]*

*Section 1202. Development and adoption of best practices for preventing voter caging*

Mandates that EAC develop best practices to deter and prevent voter caging, include such practices in voter information materials, and provide information on how individuals may report allegations of violations of this prohibition on voter caging.

**Subtitle D – Prohibiting Deceptive Practices and Preventing Voter Intimidation**

[RESERVED]

**Subtitle E – Democracy Restoration**

[RESERVED]

**Subtitle F – Promoting Accuracy, Integrity, and Security Through Voter-Verified Permanent Paper Ballot**

*Section 1501. Short title*

This section provides that this subtitle may be cited as the “Voter Confidence and Increased Accessibility Act of 2019.”

*Section 1502. Paper ballot and manual counting requirements*

This section would amend the Help America Vote Act of 2002 to require individual, durable, voter-verified, paper ballots. Votes must be counted by hand or optical character recognition device. Provides voter an opportunity to correct ballot. Ballots are not preserved in any manner that makes it possible to associate a voter to the ballot without the voter’s consent. Paper ballots constitute an official ballot and shall be used for any recount or audit. Applies paper ballot requirement to all ballots cast in elections for Federal office, including ballots cast by absent uniformed services voters and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act and other absentee voters. Provides a special rule for treatment of disputes when paper ballots have been shown, by clear and convincing evidence, to be compromised, and in such numbers that the results of the election could be changed. Provides that the appropriate remedy shall be made in accordance with applicable State law, except that the electronic tally may not be used as the exclusive basis for determining the official certified result. Ensures that the entire process retains alternative language accessibility standards.

*Section 1503. Accessibility and ballot verification for individuals with disabilities*

This section would ensure that individuals with disabilities and others are given an equivalent opportunity to vote, including with privacy and independence, in a manner that produces a voter-verified paper ballot as for other voters. Allows the voter to privately and independently verify the permanent paper ballot through the presentation, in accessible form, of the printed or marked vote selections from the same printed or marked information that would be used for any vote counting or auditing; and allows the voter to privately and independently verify and cast the permanent paper ballot without requiring the voter to manually handle the paper ballot.

Authorizes \$5,000,000 for the Director of the National Science Foundation to make grants to at least three entities to study, test, and develop accessible paper ballots for public use to enhance accessibility for voters with disabilities, voters whose primary language is not English, and/ or voters who have difficulties with literacy.

*Section 1504. Durability and readability requirements for ballots*

This section would require that all voter-verified ballots are printed on durable paper that is able to maintain the accuracy and integrity of the ballot over repeated handling.

*Section 1505. Effective date for new requirements*

This section would require each State and jurisdiction be in compliance on and after January 1, 2020.

**Subtitle G – Provisional Ballots**

*Section 1601. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards*

This section would require that a provisional ballot shall be counted for statewide election, notwithstanding at which polling place it was cast. Each State shall establish uniform and nondiscriminatory standards for the issuance, handling, and counting of provisional ballots for elections held on or after January 1, 2020.

**Subtitle H – Early Voting**

*Section 1611. Early Voting*

This section would require early voting in Federal elections to occur for at least 15 consecutive days, including weekends, of no less than 4 uniform hours each day, and notes that the early voting should occur within walking distance to public transportation. Requires the EAC to establish voluntary early voting standards. Standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs. Standards shall permit States, upon providing adequate public notice, to deviate from any requirement in the case of unforeseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout. Makes this section effective to elections held on or after January 1, 2020.

**Subtitle I – Voting by Mail**

*Section 1621. Voting by Mail*

This section would prohibit any additional conditions or requirements to voting by mail, other than deadlines for requesting and returning the ballot. Requires State to verify voter's identity by signature comparison in order for absentee ballot to be accepted. Provides due process protections specific to signature verification,



including provision of an immediate notice and opportunity to cure any discrepancy before making final determination on ballot's validity. Also notes an election official may not determine signature discrepancy unless at least two officials make the same determination, and each official has received training in procedures to verify signatures. State or local election officials will ensure that the ballot and voting materials are received by the individual at least two weeks before the date of a Federal election or as expeditiously as possible if the State's deadline to request a ballot is less than two weeks. Ensures that all absentee ballots and voting materials are equally accessible to voters with disabilities. Establishes that State and local elected officials must accept any otherwise-appropriate ballot postmarked on or before the date of a Federal election. Certifies that this title has no effect on ballots cast by military and overseas voters. The effective date of this section is on or after January 1, 2020. Directs the EAC to establish voluntary vote by mail standards by June 30, 2020. Directs National Institute of Standards, in consultation with EAC, to develop standards for use of biometric methods which can be used voluntarily in place of signature verification requirements for purposes of verifying identity of individual voting by absentee ballot in Federal election. Provides for notice and comment, and publication of standards not later than a year after enactment of this Act.

### **Subtitle J – Absent Uniformed Services Voters and Overseas Voters**

#### *Section 1701. Pre-election reports on availability and transmission of absentee ballots*

This section would require reports 55 days prior to an election certifying that absentee ballots will be available for uniformed services voters and overseas voters by not later than 45 days prior to election. Requires report 43 days prior to election confirming that ballots have been sent. Not later than 90 days after election, requires report on combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters and the combined number of such ballots that were returned by such voters and cast in the election.

#### *Section 1702. Enforcement*

This section would enable the Attorney General to bring a civil action for declaratory or injunctive relief. Allows civil penalty up to \$110,000 for first and up to \$220,000 for each subsequent violation. The Attorney General must report to Congress by end of each year on any civil actions brought against states. Provides for private right of action for declaratory or injunctive relief. Clarifies that the State is the only necessary party defendant. Makes the effective date of this section the day of enactment of this Act.

#### *Section 1703. Revisions to 45-day absentee ballot transmission rule*

This section would require express delivery of ballots if a State misses the 45-day deadline. Requires States to enable express delivery for ballots to be returned if sent fewer than 40 days prior to election. Clarifies 45 days prior to an election, or most recent weekday which proceeds 45th day in case of weekend or public holiday.

*Section 1704. Use of single absentee ballot application for subsequent elections*

This section would require States to send absentee ballots for each subsequent election after an official post card form has been submitted, except for when a voter notifies the State that voter no longer wishes to be registered to vote in the State or has registered in another State or is otherwise no longer eligible to vote in the State. Prohibits State from refusing an application for absentee ballot because it was sent before the first date on which the State otherwise accepts.

*Section 1705. Effective date*

This section would provide that this subtitle applies to every election occurring after January 1, 2020

**Subtitle K – Poll Worker Recruitment and Training**

*Section 1801. [RESERVED]*

*Section 1802. Grants to States for poll worker recruitment and training*

This section would provide that the EAC may make grants to States for recruiting and training non-partisan poll workers. Grant recipients must use EAC materials. Amount of grant equal to product of aggregate amount made available for grants to States under this section and proportion of voting age population of the state. States must submit reports 6 months after final grant is made. Election Assistance Commission must submit report to Congress no later than one year after grant is made.

*Section 1803. State defined*

This section would define the term “State” to include the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

**Subtitle L – Enhancement of Enforcement**

*Section 1811. Enhancement of enforcement of Help America Vote Act of 2002*

This section would permit an individual to file a complaint, with Attorney General, to a State-based administrative complaint processing entity. Provides for a private right of action. Does not affect any administrative remedies made available by the

State. This title applies to any violation for Federal elections held beginning in 2020.

### **Subtitle M – Federal Election Integrity**

#### *Section 1821. Prohibition on campaign activities by chief State election administration officials*

This section provides that Chief State election administration officials may not take part in a Federal office campaign over which such official has supervisory authority, including serving as a member of an authorized committee of a candidate, using official authority to affect the result, or taking part in contributions on behalf of any candidate. Exception for when official or immediate family member is a candidate, as long as the official recuses themselves from all official responsibilities for the administration of such election, and the official who then assumes those responsibilities for supervising the administration of the election does not report directly to such official. Defines immediate family member as a father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law. Federal elections held after December 2019 must comply with this section.

### **Subtitle N – Promoting Voter Access Through Election Administration Improvements**

#### **Part 1 – Promoting Voter Access**

#### *Section 1901. Treatment of universities as voter registration agencies*

This section would designate institutions of higher education as voter registration agencies subject to the requirements of the National Voter Registration Act if the institution does not already serve as a contributing agency for the purpose of the automatic voter registration provisions of the bill. Requires an institution to designate a Campus Vote Coordinator, who shall provide assistance and information to students related to voting and registering to vote. Authorizes the Secretary of Education to administer grants to institutions that exceed the “good faith” requirements of paragraph 23 of the Higher Education Act. Includes a sense of Congress that students of these institutions have the options of registering either in the state of the institution or the state of their domicile.

#### *Section 1902. Minimum notification requirements for voters affected by polling place changes*

This section would require States to notify an individual, not later than 7 seven days before election, that a voter’s polling place has changed. If the reassignment is made fewer than seven days before the election and the individual appears on the date of the election at the previously-assigned polling place, the State must make every reasonable effort to enable to individual to vote on the date of the election.

*Section 1903. [RESERVED]*

*Section 1904. Permitting use of sworn written statement to meet identification requirements for voting*

This section would provide that if a State has an identification requirement, the State shall permit any individual who is not a first-time voter who registered by mail, to submit a sworn written statement under penalty of perjury to attest for to the individual's identification and eligibility to vote in a Federal election. Requires EAC to create a standardized form for this purpose, to ensure forms are clear and prevent any state effort that, inadvertently or otherwise, causes the voter ID alternative form to be intimidating or confusing. Applicable States must provide a pre-printed copy of the certification statement at polling places or with absentee ballot information. Any individual who presents a sworn written statement shall be permitted to cast a regular ballot in the same manner as an individual who presents identification. Requires States to include information about the right for voters to sign a sworn, written statement in all voting information material posted at the polling place. This section is applicable upon enactment.

*Section 1905. [RESERVED]*

*Section 1906. Reimbursement for costs incurred by States in establishing program to track and confirm receipt of absentee ballots*

This section would enable States to use Help America Vote Act funds for the costs of establishing a program to establish an absentee ballot tracking program with respect to Federal elections. The program should collect information on whether the vote was counted, and if the vote was not counted explain the justification for its exclusion. Permits State and local officials to use a toll-free telephone number for voters to obtain this information if the State or local election office does not have an Internet site. The State must submit a statement certifying the creation of an absentee ballot tracking program and costs incurred with the program to the EAC in order to receive a payment for this program. Reimbursements may not exceed the product of the number of jurisdictions in which the State is responsible for operating the program and \$3,000. Such sums as necessary are authorized for the purpose of the section, and these funds are available until expended.

*Section 1907. Voter information response systems and hotline*

This section would require the Attorney General to develop a state-based response system and hotline that provides information on voting, including voter registration, location and hours of polling places, and how to obtain absentee ballots, and provides immediate assistance to individuals encountering problems with registering to vote or voting. Attorney General shall ensure that the response system & hotline are developed in consultation with civil rights and voting rights

organizations, State and local election officials, voter protection groups, and other interested community organizations, especially those that have experience in the operation of similar systems and services. Hotline allows individuals to report information on problems encountered in registering or voting, including intimidation or suppression. Hotline must be usable by individuals with disabilities and those with limited proficiency in the English language. Establishes a Task Force to provide ongoing analysis of operation of Hotline. In determining members, there is a preference to civil rights organizations. To be eligible to serve on the Task Force, one must not have been convicted of any criminal offense relating to voter intimidation or suppression. Terms last for two years, and the position is uncompensated. Requires the Attorney General to report to Congress no later than March 1st every odd-numbered year, description of the reports made, assessment of the effectiveness of the service, and any recommendations developed by the Task Force. Appropriates such sums as may be necessary and notes that not less than 15% of appropriations must be used for public awareness of availability of Hotline with an emphasis on outreach to individuals with disabilities and individuals with limited English language proficiency.

## **Part 2 – Improvements in Operation of Election Assistance**

### *Section 1911. Reauthorization of Election Assistance Commission*

This section would provide for reauthorization of the EAC.

### ***Section 1913. Requiring states to participate in post-general election surveys***

This section would require each State to comply with any EAC request for a post-election survey following any regularly scheduled general election for Federal office beginning in November 2020.

### *Section 1914. Reports by National Institute of Standards and Technology on use of funds transferred from Election Assistance Commission*

This section would require the Director of the National Institute of Standards and Technology to certify, at the time of any transfer of funds from the EAC, that the Director will submit a report to the Commission within 90 days of the end of the fiscal year detailing how the Director used the funds. This section is applicable beginning in fiscal year 2020.

### *Section 1915. Recommendations to improve operations of Election Assistance Commission*

This section would direct the EAC to assess the security, cybersecurity, and effectiveness of the Commission's information technology systems. Requires the EAC to carry out a review of the effectiveness and efficiency of the State-based Help

America Vote Act administrative complaint procedures for the investigation and resolution of allegations and violations. Requires the Commission to submit a report to Congress, not later than December 31, 2019 on these findings and recommendations to streamline and improve administrative procedures.

*Section 1916. Repeal of exemption of Election Assistance Commission from certain government contracting requirements*

This section would repeal certain existing contracting exemptions for the EAC.

### **Part 3 – Miscellaneous Provisions**

*Section 1921. Application of laws to Commonwealth of Northern Mariana Islands*

This section would amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to include the Commonwealth of the Northern Mariana Islands, alongside the States and the District of Columbia.

#### **Section 1922. No effect on other laws**

This section would provide that, except as specifically provided, nothing in this subtitle may be construed to authorize or require conduct prohibited under the following laws, or to supersede, restrict, or limit the application of such laws: The Voting Rights Act of 1965, The Voting Accessibility for the Elderly and Handicapped Act, The Uniformed and Overseas Citizens Absentee Voting Act, The National Voter Registration Act of 1993, The Americans with Disabilities Act of 1990, and the Rehabilitation Act of 1973. Provides that the approval of a payment or grant under this title, or any action taken under this title, shall have no effect on preclearance or other requirements under the Voting Rights Act. Provides that nothing in this title or its amendments may be construed to prohibit States from providing greater opportunities to register to vote or vote than are provided by this title, creating a floor and not a ceiling for State action.

#### **Subtitle O – Severability Clause**

*Section 1931. Severability*

This section would establish severability such that the application of the provisions of this title and amendments made by this title shall not be affected by a holding finding any provision of the title or amendment made by the title unconstitutional.

### **Title II – Election INTEGRITY**

#### **Subtitle A – [RESERVED]**

#### **Subtitle B – [RESERVED]**

**Subtitle C – [RESERVED]**

**Subtitle D – [RESERVED]**

**Subtitle E – [RESERVED]**

**Subtitle F – Saving Eligible Voters from Voter Purging**

*Section 2501. Short Title*

This section would provide that this subtitle may be cited as the “Stop Automatically Voiding Eligible Voters Off Their Enlisted Rolls in States Act” or the “Save Voters Act.”

*Section 2502. Conditions for Removal of Voters from List of Registered Voters*

This section would, in response to the Supreme Court decision in *Husted v. A. Philip Randolph Institute* (584 U.S. \_\_\_\_; 138 S. Ct. 1833 (2018)) amend the National Voter Registration Act (NVRA) and the Help American Vote Act (HAVA) to prohibit states from using failure to vote as a trigger to begin a process of removing voters from the voter rolls. Currently, states must have “objective and reliable evidence” of an address change in order for the removal process to begin. Sets out conditions for removal from official list of registered voters, and provides that the following shall not be treated as objective and reliable evidence: failure to vote in any election, failure to respond to notice under NVRA unless returned as undeliverable, or failure to take any other action with respect to voting or one’s status as a registrant. Also requires States to send individualized notice to removed registrant not later than 48 hours after removal, including the grounds for the removal, and how to contest removal or be reinstated. Provides exceptions for registrant who confirms in writing ineligibility to vote or is confirmed deceased. Requires public notice that list maintenance is taking place and registrants should check their registration status no later than 48 hours after conducting any general program to remove the names of ineligible voters from the official list of eligible voters. Provides that a state may not transmit a removal notice to registrant unless State obtains objective and reliable evidence that the registrant has changed residence to a place outside the registrar’s jurisdiction. Also amends HAVA to include the “objective and reliable evidence” standard to ensure that failure to vote does not trigger the HAVA removal process.

*Subtitle G – No Effect on Authority of States to Provide Greater Opportunities for Voting*

*Section 2601. No Effect on Authority of States to Provide Greater Opportunities for Voting*

This section would provide that nothing in this title or its amendments may be construed to prohibit States from providing greater opportunities to register to vote or vote than are provided by this title, creating a floor and not a ceiling for State action.

### ***Subtitle H – Severability Clause***

#### *Section 2701. Severability*

This section would establish severability such that the application of the provisions of this title and amendments made by this title shall not be affected by a holding finding any provision of the title or amendment made by the title unconstitutional.

## **Title III – Election SECURITY**

### **Subtitle A – Financial Support for Election Infrastructure**

#### **Part 1 – Voting System Security Improvement Grants**

##### *Sec. 3001. Grants for Obtaining Compliant Paper Ballot Voting Systems and Carrying Out Voting System Security Improvements*

This section would amend Subtitle D of Part II of the Help America Vote Act of 2002 to direct the EAC to make available grants for states to replace voting machines that are not compliant paper ballot voting systems or do not meet the most recent voluntary voting systems guidelines promulgated by the Commission, as well as carry out voting system security improvements. Compliant paper ballot voting systems must meet the requirements of the Voter Confidence and Increased Accessibility Act of 2019.

Further, provides that the amount of a grant made to a State shall be determined by the Commission but shall not be less than \$1 multiplied by the average number of individuals who cast votes in any two of the most recent regularly scheduled general elections for Federal Office held in the State. In the event that Congress appropriates insufficient funds to provide States the amount directed under subsection (b), there shall be a pro rata reduction. Also provides that to the greatest extent practicable, an eligible State which receives a grant to replace a voting system under this section shall ensure such replacement system is capable of administering a system of ranked choice voting.

Further, this section defines eligible voting system improvements as: (1) The acquisition of goods and services from qualified election infrastructure vendors by purchase, lease, or such other arrangements as may be appropriate; (2) Cyber and risk mitigation training; (3) A security risk and vulnerability assessment of the State's election infrastructure which is carried out by a provider of cybersecurity



services under a contract entered into between the chief State election official and the provider; (4) The maintenance of election infrastructure, including addressing risks and vulnerabilities which are identified under either of the security risk and vulnerability assessments described in paragraph (3), except that none of the funds provided under this part may be used to renovate or replace a building or facility which is used primarily for purposes other than the administration of elections for public office; (5) Providing increased technical support for any information technology infrastructure that the chief State election official deems to be part of the State's election infrastructure or designates as critical to the operation of the State's election infrastructure; (6) Enhancing the cybersecurity and operations of the information technology infrastructure described in paragraph (4); and (7) Enhancing the cybersecurity of voter registration systems.

Defines a "qualified election infrastructure vendor" as any person who provides, supports, or maintains, or who seeks to provide, support, or maintain, election infrastructure on behalf of a State, unit of local government, or election agency who meets certain criteria established by the Chair of the EAC and the Secretary of Homeland Security.

Directs the Chair of the EAC and the Secretary of Homeland Security to include the following in the criteria a person must meet to be considered a "qualified election infrastructure vendor": (1) the vendor must be owned and controlled by a citizen or permanent resident of the United States; (2) the vendor must disclose to the Chairman and the Secretary, and to the chief State election official of any State to which the vendor provides any goods and services with funds provided under this part, of any sourcing outside the United States for parts of the election infrastructure; (3) the vendor agrees to ensure that the election infrastructure will be developed and maintained in a manner that is consistent with the cybersecurity best practices issued by the Technical Guidelines Development Committee; (4) the vendor agrees to maintain its information technology infrastructure in a manner that is consistent with the cybersecurity best practices issued by the Technical Guidelines Development Committee; (5) the vendor agrees to meet the notification requirement defined herein with respect to any known or suspected cybersecurity incidents involving any of the goods and services provided by the vendor pursuant to a grant under this part; and (6) the vendor agrees to permit independent security testing by the Commission.

Requires "qualified election infrastructure vendors," upon learning of a potential cybersecurity incident, to assess whether such incident occurred and to notify the Chair of the Election Assistance Commission and the Secretary of Homeland Security within three days. The "qualified election infrastructure vendor" must also inform any potentially impacted election security agency within three days and cooperate with agency in providing any further notifications necessary. The

“qualified election infrastructure vendor” must provide ongoing updates to the Chair of the Election Assistance Commission, the Secretary of Homeland Security, and the affected election security agency.

The notification “qualified election infrastructure vendors” must provide the Chair of the Election Assistance Commission, the Secretary of Homeland Security, and the affected election security agency must include the following: (1) the date, time, and time zone when the election cybersecurity incident began, if known; (2) the date, time, and time zone when the election cybersecurity incident was detected; (3) The date, time, and duration of the election cybersecurity incident; (4) the circumstances of the election cybersecurity incident, including the specific election infrastructure systems believed to have been accessed and information acquired, if any; (5) Any planned and implemented technical measures to respond to and recover from the incident; (6) In the case of any notification which is an update to a prior notification; and (7) any additional material information relating to the incident, including technical data, as it becomes available.

To be eligible for a grant, a State must: (1) describe of how the it will use the grant to carry out the activities authorized under this part; (2) a certify and assure that, not later than 5 years after receiving the grant, the State will implement risk limiting audits; and (3) provide such other information and assurances as the Commission may require.

Requires the EAC to, not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the appropriate congressional committees, including the Committees on Homeland Security and House Administration of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Rules and Administration of the Senate, on the activities carried out with the funds provided under this part.

Authorizes \$1 billion for FY 2019. Authorizes \$175 million for FY 2020, 2022, 2024, and 2026.

*Section 3002. Coordination of Voting System Security Activities with Use of Requirements Payments and Election Administration Requirements under Help America Vote Act of 2002*

This section would add the Secretary of Homeland Security, or the Secretary’s designee, to the Board of Advisors of the EAC. Adds a Representative from the Department of Homeland Security to the Technical Guidelines Development Committee.

Further, this section would direct the EAC to consult with the Department of Homeland Security in conducting periodic studies on election administration and adds to the objectives of the periodic studies ensuring the integrity of elections

against interference through cyber means. Amends the allowable uses of requirements payments under the Help America Vote Act of 2002 to include election security, including cyber training for election officials, technical support, enhancing cybersecurity of information systems, and enhancing cybersecurity of voter registration databases. Requires States to include protection of election infrastructure into their State plans developed pursuant to 53 U.S.C. 21004.

Requires the Committee responsible for developing State plans pursuant to 53 U.S.C. 21004 to be comprised of representatives from Cities, towns, Indian tribes, and rural areas, as appropriate.

Requires States to undertake measures to prevent and deter cybersecurity incidents, as identified by the Commission, the Secretary of Homeland Security, and the Technical Guidelines Development Committee, of computerized voter registration databases.

#### *Section 3003. Incorporation of Definitions*

Amends the Help America Vote Act to include the definitions of “cybersecurity incident” (6 U.S.C. 148), “election infrastructure” (Election Security Act), and “State” (States, DC, Puerto Rico, Guam, American Samoa, USVI, Northern Mariana Islands).

### **Part 2 – Grants for Risk-Limiting Audits of Results of Elections**

#### *Section 3011. Grants to States for Conducting Risk-Limiting Audits of Results of Elections*

This section would authorize \$20 million in grants for the EAC to provide to States to implement risk-limiting audits for regularly scheduled general elections for Federal office. Describes risk-limiting audit. Establishes guidelines for eligibility of States to receive funding, including requiring States to certify that: (1) it will conduct risk-limiting audits of the results of elections for Federal offices within five years; (2) the Chief election official of the State will establish rules and procedures for performing risk-limiting audits within one year of enactment; (3) the audit will be completed by the time the State certified election results; (4) the State will publish a report on the results of the audit; (5) if the audit leads to a full manual tally of an election, State law requires the manual tally to be the official results of the election; and (6) any other information the EAC requires.

#### *Section 3012. GAO Analysis of Effects of Audits*

This section would require the Government Accountability Office to do an analysis of the extent to which risk-limiting audits have improved election administration.

### **Part 3 – Election Infrastructure Innovation Grant Program**

**Section 3021. Election Infrastructure Innovation Grant Program.**  
**[RESERVED]**

**Subtitle B – Security Measures**

*Section 3101. Election Infrastructure Designation*

This section amends the Homeland Security Act of 2002 to include “election infrastructure” as a subsector of the “government facilities” critical infrastructure sector.

*Section 3102. Timely Threat Information*

This section would amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to provide timely threat information regarding election infrastructure to the chief State election official of the State with respect to which such information pertains.

*Section 3103. Security Clearance Assistance for Election Officials*

This section would authorize the Secretary to expedite security clearances for chief State election officials and other appropriate State personnel involved in the administration of elections, sponsor security clearances for election officials, and facilitate temporary clearances for State election officials as necessary.

*Section 3104. Security Risk and Vulnerability Assessments*

This section would clarify that the Department of Homeland Security shall provide “risk and vulnerability assessments” as a component of “risk management support.” Directs the Secretary to provide within 90 days a risk and vulnerability assessment on election infrastructure to any State that requests one in writing. The Secretary must notify the State if the Department of Homeland Security is unable to commence the risk and vulnerability assessment within 90 days.

*Section 3105. Annual Reports*

This section would require the Secretary of Homeland Security to report to appropriate congressional committees, within one year of enactment and annually thereafter through 2026, information on the Department of Homeland Security’s efforts to assist States in securing election infrastructure, including how many States it helped, which States it helped, how many clearances it sponsored in each State, and a list of States for which it was unable to provide risk and vulnerability assessments, among other things. The Secretary of Homeland Security and the Director of National Intelligence, in coordination with the heads of appropriate Federal agencies, shall, 90 days after the end of each fiscal year, provide to appropriate congressional committees a report on foreign threats to elections, including physical and cybersecurity threats. The Secretary of Homeland Security

must solicit and consider information for States for purposes of preparing the reports required under this section.

### **Subtitle C – Enhancing Protection for United States Democratic Institutions**

#### *Section 3201. National Strategy to Protect United States Democratic Institutions*

This section would require the Secretary of Homeland Security, in consultation with the Secretary of Defense, the Secretary of State, the Attorney General, the Secretary of Education, the Director of National Intelligence, the Chairman of the Federal Election Commission, and the heads of any other appropriate Federal agencies, to issue a national strategy to protect against cyber-attacks, influence operations, disinformation campaigns, and other activities that could undermine the security and integrity of United States democratic institutions.

Requires the national strategy to consider: (1) The threat of a foreign state actor, foreign terrorist organization (as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)), or a domestic actor carrying out a cyber-attack, influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of United States democratic institutions; (2) The extent to which United States democratic institutions are vulnerable to a cyber-attack influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of such democratic institutions; (3) Potential consequences, such as an erosion of public trust or an undermining of the rule of law that could result from a successful cyber-attack, influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of United States democratic institutions; (4) Lessons learned from other Western governments the institutions of which were subject to a cyber-attack, influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of such institutions, as well as actions that could be taken by the United States Government to bolster collaboration with foreign partners to detect, deter, prevent, and counter such activities; (5) Potential impacts such as an erosion of public trust in democratic institutions as could be associated with a successful cyber breach or other activity negatively-affecting election infrastructure; (6) Roles and responsibilities of the Secretary of Homeland Security, the Chairman, and the heads of other Federal entities and non-Federal entities, including chief State election officials and representatives of multi-state information sharing and analysis center; and (7) Any findings, conclusions, and recommendations to strengthen protections for United States democratic institutions that have been agreed to by a majority of Commission members on the National Commission to Protect United States Democratic Institutions, authorized pursuant to section 32002.

Requires the President, acting through the Secretary of Homeland Security, in Coordination with the Chair of the Commission, to issue an implementation plan of the national strategy within 90 days, which includes the following: (1) strategic objectives and corresponding tasks; (2) projected timelines and costs; and (3) metrics to evaluate performance. Requires the strategy to be unclassified but allows a classified annex.

*Section 3202. National Commission to Protect United States Democratic Institutions*

This section would establish within the legislative branch the National Commission to Protect United States Democratic Institutions to counter efforts to undermine democratic institutions within the United States. Describes the composition of the Commission as including 10 members appointed for the life of the Commission as follows: (1) One member shall be appointed by the Secretary of Homeland Security; (2) One member shall be appointed by the Chairman; (3) 2 members shall be appointed by the majority leader of the Senate, in consultation with the Chairman of the Committee on Homeland Security and Governmental Affairs and the Chairman of the Committee on Rules and Administration; (4) 2 members shall be appointed by the minority leader of the Senate, in consultation with the ranking minority member of the Committee on Homeland Security and Governmental Affairs and the ranking minority member of the Committee on Rules and Administration; (5) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Homeland Security and the Chairman of the Committee on House Administration; and (6) 2 members shall be appointed by the minority leader of the House of Representatives, in consultation with the ranking minority member of the Committee on Homeland Security and the ranking minority member of the Committee on House Administration.

Establishes that individuals shall be selected for appointment to the Commission solely on the basis of their professional qualifications, achievements, public stature, experience, and expertise in relevant fields, including, but not limited to cybersecurity, national security, and the Constitution of the United States. Bars members from receiving compensation for service on the Commission but permits reimbursement of certain expenses. Requires members to be appointed by 60 days after the date of the enactment. Provides that a vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made. The appointment of the replacement member shall be made not later than 60 days after the date on which the vacancy occurs.

Establishes the powers of the Commission, including the authority to hold hearings and receive evidence, enter into contracts to enable the Commission to perform its responsibilities, and receive support on a reimbursable basis from the

Administrator of General Services and other Federal agencies. Requires any public meetings to be held in a manner that protects the information provided or developed by the Commission. Directs Federal agencies to provide Commission members and staff appropriate clearances expeditiously. Authorizes the Commission to provide to the President and Congress interim reports. Requires the Commission to Provide a final report to the President and Congress within 18 months of enactment. Provides that the Commission shall terminate 60 days after the Commission submits its final report.

### **Subtitle D – Promoting Cybersecurity Through Improvements in Election Administration**

#### *Section 3301. Testing of Existing Voting Systems to Ensure Compliance with Election Cybersecurity Guidelines and Other Guidelines*

This section would amend the Help America Vote Act to require the Commission to provide, 9 months prior to regularly scheduled Federal elections, for the testing by accredited laboratories under this section of the voting system hardware and software which was certified for use in the most recent such election, on the basis of the most recent voting system guide lines applicable to such hardware or software (including election cybersecurity guidelines) issued under this Act. Requires the EAC to decertify any hardware or software the Commission determines does not meet the most recent guidelines. This section applies to the regularly scheduled general election for Federal office held in November 2020 and each succeeding regularly scheduled general election for Federal office.

Amends the Help America Vote Act to require the Technical Guidelines Development Committee within the EAC to, within six months of enactment, issue election cybersecurity guidelines, including standards and best practices for procuring, maintaining, testing, operating, and updating election systems to prevent and deter cybersecurity incidents.

#### *Section 3302. Treatment of Electronic Poll Books as Part of Voting Systems*

This section would amend the Help America Vote Act of 2002 to include Electronic Poll Books as part of Voting Systems. Defines electronic poll book as the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used: (1) to retain the list of registered voters at a polling location, or vote center, or other location at which voters cast votes in an election for Federal office; and (2) to identify registered voters who are eligible to vote in an election.

#### *Section 3303. Pre-Election Reports on Voting System Usage*

This section would require the Chief State Election Official of each states to submit a report to the EAC containing detailed voting system usage information 120 prior to any regularly scheduled election for Federal office.

*Section 3304. Streamlining collection of election information*

This section would waive subchapter I of chapter 35 of title 44, United States Code for purposes of maintaining the clearinghouse described in this section.

**Subtitle E – Preventing Election Hacking**

*Section 3402. Election Security Bug Bounty Program*

This section would require the Secretary to establish the “Election Security Bug Bounty Program” to improve the cybersecurity of the systems used to administer elections for Federal office by facilitating and encouraging assessments by independent technical experts, in cooperation with State and local election officials and election service providers, to identify and report election cybersecurity vulnerabilities.

Provides that participation in the Program shall be entirely voluntary for State and local election officials and election service providers. Requires the Secretary of Homeland Security to solicit the input from election officials in developing the program.

Requires the Secretary of Homeland Security to: (1) establish a process for State and local election officials and election service providers to voluntarily participate in the Program; (2) designate appropriate information systems to be included in the Program; (3) provide compensation to eligible individuals, organizations, and companies for reports of previously unidentified security vulnerabilities within the information systems included and establish criteria for individuals, organizations, and companies to be considered eligible for such compensation in compliance with Federal laws; (4) consult with the Attorney General on how to ensure that approved individuals, organizations, or companies that comply with the requirements of the Program are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law, and from liability under civil actions for specific activities authorized under the Program; (5) consult with the Secretary of Defense and the heads of other departments and agencies that have implemented programs to provide compensation for reports of previously undisclosed vulnerabilities in information systems, regarding lessons that may be applied from such programs; (6) develop an expeditious process by which an individual, organization, or company can register with the Department, submit to a background check as determined by the Department, and receive a determination



as to eligibility for participation in the Program; and (7) engage qualified interested persons, including representatives of private entities, about the structure of the Program and, to the extent practicable, establish a recurring competition for independent technical experts to assess election systems for the purpose of identifying and reporting election cybersecurity vulnerabilities. Authorizes the Secretary to enter into a competitive contract to manage the Program.

### **Subtitle F– Miscellaneous Provisions**

#### *Section 3501 & 3502. Definitions & Initial Report on Adequacy of Resources Available for Implementation*

This section would require the Secretary of Homeland Security and the Chair of the EAC to submit to Congress within 120 days an assessment on the adequacy of funding, resources, and personnel available to carry out this title.

### **Subtitle G – Severability Clause**

#### *Section 2601. Severability*

This section would establish severability such that the application of the provisions of this title and amendments made by this title shall not be affected by a holding finding any provision of the title or amendment made by the title unconstitutional.

## **Division B – CAMPAIGN FINANCE**

### **Title IV – CAMPAIGN FINANCE TRANSPARENCY**

#### **Subtitle A – Findings Relating to Illicit Money Undermining Our Democracy**

#### *Section 4001. Findings relating to illicit money undermining our democracy*

This section would provide various findings related to illicit money undermining our democracy.

### **Subtitle B – DISCLOSE Act**

#### **Part 1 – Regulation of Certain Political Spending (Foreign Money Ban)**

#### *Section 4100. Short title*

This section would provide that this subtitle may be cited as the “Democracy Is Strengthened by Casting Light On Spending in Elections Act of 2019” or the “DISCLOSE Act of 2019”.

#### *Section 4101. Application of Ban on Contributions and Expenditures by Foreign Nationals*

This section would amend the definition of “foreign national” for purposes of the ban on foreign national campaign spending to add any corporation or limited liability corporation which is 5 percent or more owned or controlled by a foreign country or foreign government official, or which is 20 percent or more owned by any other foreign national, or over which one or more foreign nationals has the power to control the decision-making of the corporation; requires certification of compliance with ban on foreign national spending by chief executive officer before any corporation makes any contribution, donation or expenditure in connection with an election. Notwithstanding the amended definition of foreign national, a foreign national described in this section, which is a domestic corporation whose principal place of business is in the United States, may establish, administer, and solicit contributions to a separate segregated fund, so long as the foreign national parent corporation of the domestic corporation does not directly or indirectly finance the establishment, administration, or solicitation activities of the fund, and the fund is in compliance with the certification requirements.

***Section 4102. Clarification of Application of Foreign Money Ban to Certain Disbursements and Activities***

This section would prohibit foreign national contributions to Super PACs; prohibits any foreign national from participating in decision making by any corporate PAC.

**Part 2 – Reporting of Campaign-Related Disbursements**

***Section 4111. Reporting of Campaign-Related Disbursements***

This section would entirely amend section 324 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30126)

**Section 324(a). Disclosure Statement.** Requires a “covered organization” to file a disclosure report within 24 hours of making \$10,000 or more of “campaign-related disbursements” that, for the first such report, provides disclosure of information since the beginning of the election cycle or for the period beginning one-year prior to the report, whichever is earlier, and for subsequent reports, provides information since the last filed report. Further provides that disclosure report includes name and place of business of the “covered organization” and for certain corporations, a list of their beneficial owners (as defined in this section), the amount and purpose of each “campaign-related disbursement” of \$1,000 or more, the election to which the disbursement pertains and the name of any candidate identified in the disbursement, and a certification that the disbursement was made independently of a candidate or party. Further provides that if the disbursement was made from a segregated bank account, the report includes the name and address of every donor and date of every donation of more than

\$10,000 to the segregated account, and if the disbursement was not made from a segregate bank account, the same information for all payments to the “covered organization,” with the exceptions that payments need not be reported if received in the ordinary course of business, or if received subject to a restriction that the funds cannot be used for “campaign related disbursements.” Amounts received as remittances from an employee to the employee’s collective bargaining representative shall be treated as amounts received in the ordinary course of business. Further provides that donor information also need not be reported if such disclosure would subject the donor to serious threats, harassment or reprisals.

**Section 324(b). Coordination with Other Provisions.** Provides that information contained in a disclosure report under subsection (a) need not be included in other campaign finance disclosure reports, and that a segregated bank account under subsection (a) may be treated as a separate segregated fund for tax purposes.

**Section 324(c). Filing.** Provides that disclosure reports filed under this section may be filed with the FEC electronically.

**Section 324(d). Campaign-Related Disbursement Defined.** Provides that a “campaign-related disbursement” includes an independent expenditure, a public communication that promotes, supports, attacks or opposes the election of a federal candidate, an electioneering communication and a “covered transfer.”

**Section 324(e). Covered Organization Defined.** Provides that a “covered organization” is a corporation (other than a section 501(c)(3) charity), a limited liability corporation, a section 501(c) non-profit organization (other than a section 501(c)(3) charity), a labor organization, a “political organization” under section 527 of the tax code, and a Super PAC.

**Section 324(f). Covered Transfer Defined.** Provides that a “covered transfer” is any transfer from a “covered organization” to another person if any one of five conditions applies to the transfer: (1) the transferor requests the money be used for campaign-related disbursements (or to make a transfer to another person for that purpose), (2) the transfer is made in response to a solicitation for a donation for the purpose of making “campaign-related disbursements” (or for a transfer to another person for that purpose), (3) the transferor engaged in discussions with the recipient about using the money for “campaign-related disbursements” (or for making a transfer to another person for that purpose), (4) the transferor spent, or knew that the recipient had spent, \$50,000 or more for “campaign-related disbursements” in the prior two years, or (5) the transferor knew or had reason to know that the recipient

would spend \$50,000 or more for “campaign-related disbursements” in the two years after the transfer. Further provides that a “covered transfer” does not include a disbursement for a commercial transaction or any disbursement where there is an agreement that the money will not be used for “campaign related disbursements.”

Further provides a special rule for transfers between two “covered organizations” which are “affiliates” of each other. Defines a “transfer between affiliates” to include a transfer between either two organizations which are affiliated with each other, or two organizations each of which is affiliated with the same third organization. Defines “affiliate status” to include an organization whose governing documents require it to be bound by the decisions of another organization, an organization whose governing board includes specifically designated representatives of another organization, or an organization chartered by another organization.

Further provides that in the case of a “covered transfer” between affiliates, the reporting requirement is triggered only if the amount of the transfer is \$50,000 or more, and that transferred amounts consisting of “dues, fees or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis” do not count against the \$50,000 threshold.

**Section 324(g). No Effect on Other Reporting Requirements.** Provides that nothing in these provisions waives or affects other reporting requirements in the Federal Election Campaign Act, and cross-references section 324(b) with existing electioneering communication reporting requirements.

This section would also require the director of FinCEN to assist the FEC in administering section 324 and requires the chairman of the FEC to report to Congress within 6 months after enactment of the Act on the need for further legislative authority to administer section 324.

*Section 4112. Application of Foreign Money Ban to Disbursements for Campaign-Related Disbursement Consisting of Covered Transfers*

This section would prohibit a foreign national from making a disbursement to any person who made a “covered transfer” during the prior two-year period. There is an exception to the ban on foreign national disbursements to certain covered organizations for disbursements by foreign nationals that are commercial transactions.

*Section 4113. Effective Date*

This section would provide that amendments made by this part shall take effect on January 1, 2020 without regard to whether the FEC has promulgated regulations to carry out section 324.

### **Part 3 – Other Administrative Reforms**

#### *Section 4121. Petition for Certiorari*

This section would provide that the FEC has the authority to file a petition for certiorari with the Supreme Court.

#### *Section 4122. Judicial Review of Actions Related to Campaign Finance Laws*

This section would provide that any action brought to challenge the constitutionality of any provision of the campaign finance laws shall be filed in the U.S. district court for the District of Columbia, with an appeal to the D.C. Circuit Court of Appeals, and that the courts would have a duty to expedite such cases. Further, provides that Members of Congress shall have a right to bring a case challenging the constitutionality of any provision of the campaign finance laws, or to intervene in such cases.

### **Subtitle C – Honest Ads**

#### *Section 4201. Short Title*

This section provides that this subtitle may be cited as the “Honest Ads Act.”

#### *Section 4202. Purpose*

This section would provide that the purpose of this subtitle is to improve disclosure requirements for online political advertisements to enhance the integrity of American democracy and national security. Affirms that it does so to uphold the Supreme Court’s well-established standard that the electorate bears the right to be fully informed.

#### *Section 4203. Findings*

This section provides Congressional findings, including Russian efforts to influence the 2016 election with paid social media users or “trolls”; Russian efforts to exploit American-made technology platforms to sow distrust in democracy; and Russian entities that purchased \$100,000 in political advertisements online. Money spent to advertise online has risen dramatically. More than \$1.4 billion was spent on online political advertising in 2016. The findings also establish that large online platforms have a reach far larger than any broadcast, satellite, or cable provider, which facilitates the scope and effectiveness of disinformation campaigns. The findings compare the nature of broadcast television, radio, and satellite advertising, which is by its nature public to the press, fact-checkers, and political opponents. This creates

strong disincentives for a candidate to disseminate materially false information to the public. Social media platforms, however, provide advertisers with an ability to target the electorate with direct messages based on private information. The findings assert that the Federal Election Commission has failed to act on the issue of online political advertisements. Ultimately, Congress finds that the current regulations on political advertisements do not provide enough transparency to uphold the public's right to be fully informed about political advertisements made online.

#### ***Section 4204. Sense of Congress***

This section would provide the sense of Congress that the dramatic increase in digital political advertisements, and the growing centrality of online platforms, requires the Congress and the Federal Election Commission to take meaningful action to ensure that laws and regulations provide the accountability and transparency that is fundamental to our democracy; that free and fair elections require transparency and accountability to give the public a right to know the true sources of funding for political advertisements to make informed political choices and hold elected officials accountable; and transparency of funding for political advertisements is essential to enforce other campaign finance laws, including prohibitions on spending by foreign nationals.

#### ***Section 4205. Expansion of Definition of Public Communication***

This section would provide that “paid internet or paid digital communication” be added to the definition of public communication. Amends the press exception to the definition of expenditure to account for online or digital outlets, including blogs and digital newspapers, unless such online or digital facilities are owned or controlled by any political party, political committee, or candidate. Substitutes “public communication” for references to general political advertisements and public communications, including for those public communications that require disclaimers.

#### ***Section 4206. Expansion of Definition of Electioneering Communication***

This section would provide that “qualified internet or digital communication” be added to the definition of electioneering communication. Defines “qualified internet or digital communication” to mean any communication which is placed or promoted for a fee on an online platform. Does not require electioneering communications by means of online communications to be targeted to the relevant electorate. Amends the news exemption to the definition electioneering communication to include communications appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station or any online or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, online, or

digital facilities are owned or controlled by any political party, political committee, or candidate. Provides that these amendments apply with respect to communications made on or after January 1, 2020.

*Section 4207. Application of Disclaimer Statements to Online Communications*

This section substitutes “shall state in a clear and conspicuous manner” for “shall clearly state” when describing disclaimer requirements. Clarifies that communications are not made in a clear and conspicuous manner if it is difficult to read or hear or if the placement is easily overlooked. Provides special rules for disclaimers that apply to qualified internet or digital communications if the communication is disseminated through a medium in which all the information is not possible. Specifically, requires the communication to include in a clear and conspicuous manner the name of the person who paid for the communication, and provide a means for the recipient of the communication to obtain the remainder of the information with minimal effort. Includes a safe harbor for clear and conspicuous statements for text, audio, and video communications. For text or graphic communications, letters must appear at least as large as the majority of the text in the communication, contained in a printed box, and printed with a reasonable degree of color contrast between the background and the printed statement. Audio statements must be clearly audible and intelligible at the beginning or end of a communication and last at least 3 seconds. Video with audio must include the statement at the beginning or end of the communication, and be both in a written format that appears for 4 seconds and with audio that is clearly audible and intelligible for at least 3 seconds. All other types of communications must be at least as clear and conspicuous as what is otherwise required for text, video, and audio. The “small items” regulatory exception for bumper stickers, pins, buttons, pens, and similar small items upon which disclaimers cannot be conveniently printed does not apply to qualified internet or digital communications, nor does the impracticability regulatory exception (for skywriting, water towers, wearing apparel) (specifically, 11 CFR 110.11(f)(1)(i) and (ii), or any successor to these rules). Modifies “stand by your ad” requirements for candidates or authorized persons by substituting “audio format” for radio, and “video format” for television.

*Section 4208. Political Record Requirements for Online Platforms*

This section would require online platforms to maintain and make public in machine readable format a complete record of any request to purchase qualified political advertisements made by a person whose aggregate requests on the online platform during the calendar year exceeds \$500. Requires advertisers to provide the online platform with the necessary information for the online platform to comply. Requires the contents of the record to include a digital copy of the political advertisement, a description of the audience targeted, the number of views

generated and the date and timing that the advertisement was first and last displayed, the average rate charged for the advertisement, the name of the candidate to which the advertisement refers (and the office sought) or the national legislative issue to which the advertisement refers. If a candidate is the advertiser, the record must include the name of the candidate, the committee of the candidate, and the treasurer of the candidate. All other records must include the name of the person purchasing the advertisement, the name and address of a contact person, and a list of the chief executive officers or members of the executive committee or of the board of directors of the person. Defines online platforms as any public-facing website, web application, or digital application (including a social network, ad network, or search engine) which sells qualified political advertisements and has 50,000,000 or more unique monthly United States visitors or users for a majority of the months during the preceding 12 months. Qualified political advertisements are defined to mean any advertisements (including search engine marketing, display advertisements, video advertisements, native advertisements, and sponsorships) that are made by or on behalf of a candidate, or communicate a message relating to any political matter of national importance, including (i) a candidate; (ii) any election to federal office, or (iii) a national legislative issue of public importance. Online platforms must make the record public as soon as possible, and retain it for a period of not less than 4 years. Provides a safe harbor from enforcement for online platforms making their best efforts to identify requests which are subject to record maintenance requirements. The FEC will be responsible for crafting these best efforts rules. Provides penalties for failure to otherwise comply. Requires the FEC to establish rules, no later than 120 after enactment, requiring common data formats for the online platform records so that they are machine-readable, and establishing search interface requirements relating to such record, including searches by candidate name, issue, purchaser, and date. Requires FEC to report biannually to Congress on matters relating to compliance, recommendations for modifications, and identifying other ways to bring transparency to online political advertisements distributed for free.

*Section 4209. Preventing Contributions, Expenditures, Independent Expenditures, and Disbursements for Electioneering Communications by Foreign Nationals in the Form of Online Advertising*

This section would require broadcasters, providers of cable or satellite television and online platforms to make reasonable efforts to ensure that political advertising is not purchased by foreign nationals, directly or indirectly.

**Subtitle D – Stand By Every Ad**

*Section 4301. Short Title*

This section provides a short title of “Stand By Every Ad Act.”



### *Section 4302. Stand By Every Ad*

This section would provide for expanded disclaimer requirements for communications that are not authorized by candidates—for example, for communications by corporations, 527 organizations, or nonprofit organizations that spend money on express advocacy.

If the disclaimer statement is transmitted in a video format or is an Internet or digital communication transmitted in a text or graphic format and is paid for in whole or in part with a payment that is treated as a campaign-related disbursement, it must include a Top Five Funders list (if applicable). If the communication is of such short duration that including the Top Five Funders list would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the content of the communication to consist of the Top Five Funders list, then it must include the name of a website which contains the Top Five Funders list (if applicable) or in the case of an internet or digital communication, a hyperlink. If the communication is transmitted in an audio format and is paid for in whole or in part with a payment that is treated as a campaign-related disbursement, then it must include the Top Two Funders list (if applicable), or, if the communication is of such short duration that including the Top Two Funders list is a hardship for the same reasons as for video, the name of a website which contains the Top Two Funders list. The FEC is responsible for determining the basis of criteria for the hardship exception.

If the person paying for the communication is an individual, they must state their name and that they approve the message. If the person paying is an organization, the statement must be “I am [name of applicable individual], the [title of applicable individual] of [name of organization], and [name of organization] approves this message.” If the organization is a corporation, the applicable individual is the chief executive officer (or highest ranking official if there is no CEO). If a labor organization, then the highest ranking officer of the labor organization. Any other organization should include the highest ranking official.

If the communication is made in a text or graphic format, the disclosure statements must appear in letters at least as large as the majority of the text in the communication. If made by audio, the audio must be clear and conspicuous. If in video, the information must appear in writing at the end of the communication or in a crawl along the bottom of the communication in a clear and conspicuous manner, for at least 6 seconds, and also conveyed by an unobscured full-screen view of the individual making the statement, or a by voiceover with a clearly identifiable photograph or similar image of the individual.

The Top Five or Top Two Funders list is a list of the five or two persons who respectively, during the 12-month period ending on the date of the disbursement,

provided the largest payments in an aggregate amount equal to or exceeding \$10,000. Excluded from the calculations are any amounts provided in the ordinary course of trade or business or in the form of investments in the person paying for the communication, or any payment which the person prohibited, in writing, from being used for campaign-related disbursements.

There is an exception for video communications that last 10 seconds or less. For those short videos, the communication must include the person or organizational statement who paid for the ad in a crawl on the bottom of the screen. Moreover, a website address must appear for the full duration of the ad that will provide all of the information otherwise required of longer ads, and the website address must appear for the full duration of the ad. If the communication permits hyperlinks, it must be provided by hyperlink.

Expanded disclaimer requirements are also applied to public communications consisting of campaign-related disbursements, as defined in the DISCLOSE Act, consisting of public communications.

This section creates an exception for communications paid for by political parties and political committees because they are subject to a separate set of existing disclaimer rules. This exception excludes, however, communications by political committees paid for in whole or in part with a campaign-related disbursement, but only if the covered organization making the campaign-related disbursement made campaign-related disbursements aggregating more than \$10,000 in the calendar year.

#### *Section 4303. Disclaimer Requirements for Communications Made Through Prerecorded Telephone Call*

This section would apply “stand by your ad” disclaimer requirements to prerecorded audio messages distributed by telephone by treating them as communications transmitted in an audio format.

#### *Section 4304. No Expansion of Persons Subject to Disclaimer Requirements on Internet Communications*

This section would provide that nothing in the Stand By Your Ad subtitle may be construed to require any person who is not required by the Federal Election Campaign Act to include a disclaimer on communications made by the person through the internet to include any disclaimer on any such communications.

#### *Section 4305. Effective Date*

This section would provide an effective date apply with respect to communications made on or after January 1, 2020, and shall take effect without regard to whether

or not the Federal Election Commission has promulgated regulations to carry out such amendments.

### **Subtitle E – Secret Money Transparency**

*Sec. 4401. Repeal of Restriction of Use of Funds by Internal Revenue Service to Bring Transparency to Political Activity of Certain Nonprofit Organizations*

This section would provide that an appropriations rider prohibiting the IRS from clarifying rules related to political activity by nonprofit organizations has no force or effect.

### **Subtitle F – Shareholder Right-to-Know**

*Sec. 4501. Repeal of Restriction on Use of Funds by Securities and Exchange Commission to Ensure Shareholders of Corporations Have Knowledge of Corporation Political Activity*

This section would provide that an appropriations rider prohibiting the SEC from requiring disclosure to shareholders of corporate political spending has no force or effect.

### **Subtitle G – Disclosure of Political Spending by Government Contractors**

*Sec. 4601. Repeal of Restriction on Use of Funds to Require Disclosure of Political Spending by Government Contractors*

This section would provide that an appropriations rider prohibiting the Executive Branch from requiring government contractors to disclose political spending has no force or effect.

### **Subtitle H – Disclosure Requirements for Presidential Inaugural Committees**

*Sec. 4701. Short Title*

This section provides that this subtitle may be cited as the “Presidential Inaugural Committee Oversight Act.”

*Sec. 4702. Limitations and Disclosure of Certain Donations to, and Disbursements by, Inaugural Committees*

This section would prohibit inaugural committees from raising donations from non-individuals and foreign nationals. Prohibits the use of inaugural funds for personal use unrelated to the inauguration. Limits the maximum amount an individual can donate to an inaugural committee to \$50,000, indexed for inflation. Requires an inaugural committee to disclose, within 24 hours, contributions of more than

\$1,000. Requires an inaugural committee to file within 90 days of an inauguration a final report disclosing all contributions and expenditures of more than \$200.

### **Subtitle I – Severability Clause**

#### *Sec. 4801. Severability*

This section would clarify that if any provision of this Title or amendment made by this Title is held unconstitutional, the remainder of the Title shall not be affected by the holding.

## **Title V – CAMPAIGN FINANCE EMPOWERMENT**

### Subtitle A – Findings Relating to *Citizens United* Decision

#### *Sec. 4801. Findings Relating to Citizens United Decision*

This section provides Congressional findings that the *Citizens United* decision is detrimental to democracy and that the Constitution should be amended to clarify Congress' and the States' authority to regulate campaign contributions and expenditures.

### **Subtitle B – Congressional Elections**

#### *Sec. 5100. Short Title*

This section would provide that this subtitle may be cited as the “Government By the People Act of 2019.”

## **Part 1 – My Voice Voucher Pilot Program**

#### *Sec. 5101 – Establishment of Voucher Pilot Program*

This section would establish a three-State-based pilot demonstration program of political giving to candidates for the U.S. House of Representatives. The pilot would seek to develop best practices for a potential nation-wide campaign voucher program. States will be judged on their capacity to execute the program. Provides that all payments to states shall come from the Freedom From Influence Fund, which is subject to a mandatory reduction of payments in case of insufficient amounts in the Fund. No appropriated funds shall be used for the Freedom From Influence Fund. Payments are capped at \$10,000,000 for each of the three states.

#### *Sec. 5102 – Voucher Program Described*

This section would provide certain programmatic requirements for State applying to participate in the voucher pilot must satisfy. The State shall provide each qualified individual upon the individual's request a voucher worth \$25 to be known as a “My

Voice Voucher. The State shall create an electronic routing system, contribution clearinghouse, and implementation of anti-fraud measures. States would also be prohibited from conditioning the receipt of the voucher based on individual's voter registration status. States are required to engage in a public awareness campaign.

*Sec. 5103 – Reports*

This section would require participating states to complete reports for submission to the FEC on the operation and efficacy of the pilot programs, including the making of recommendations for the program's expansion or adjustment. The FEC will be required to submit a report to Congress synthesizing the state reports and making recommendations by the end of the fifth election cycle.

*Sec. 5104 – Definitions*

This section would define "election cycle" to mean the period beginning on the day after the date of the most recent regularly scheduled general election for Federal office and ending on the date of the next regularly scheduled general election for federal office. Defines periods of application, preparation, and operation for the pilot program.

**Part 2 – Small Dollar Financing of Congressional Election Campaigns**

*Sec. 5111. Benefits and Eligibility Requirements for Candidates*

This section would amend the Federal Election Campaign Act of 1971 by adding a new Title V, Small Dollar Financing of Congressional Election Campaigns, that would establish a publicly financed matching system for Congressional campaigns. The new Title would include Subtitle A – Benefits, and the following new sections:

**Sec. 501. Benefits for Participating Candidates.** Provides for a 6-to-1 match of contributions of less than \$200 per election for participating candidates. Caps the total amount of matching funds for a candidate at half of the average of the 20 most expensive winning campaigns in the previous cycle.

**Sec. 502. Procedures for Making Payments.** Requires the Federal Election Commission to disburse payments to qualified candidates upon receipt of statements detailing the amount of qualifying contributions raised since the last request, the amount of matching funds sought, and the total amount of matching funds received during the cycle. Prohibits candidates from requesting matching funds on less than \$5,000 in qualified contributions, except during the final 30 days of a campaign, and from

requesting funds more than once in a 7-day period. Requires the FEC to make payments within 2 days of receiving a request.

**Sec. 503. Use of Funds.** Authorizes the use of matching funds exclusively for direct payments for authorized expenditures for campaign funds. Explicitly prohibits the use of funds for legal expenses or fines.

**Sec. 504. Qualified Small Dollar Contributions Described.** Defines a “qualified small dollar contribution” as a donation of \$1-200 per election from an individual or segregated small-dollar account of a political committee. Prohibits donors who make qualified small dollar contributions to a candidate from making additional nonqualified contributions to that candidate. Requires candidates to return the additional nonqualified contribution or to repay matching funds on the original qualified contribution from that donor. Requires participating candidates to disclose information about matching funds and qualified contributions in fundraising materials.

## **Subtitle B – Eligibility and Certification**

**Sec. 511. Eligibility.** Deems a candidate eligible for matching funds if the candidate seeks certification from the FEC, meets the qualifications in section 512, certifies that the candidates’ authorized committees meet the notification requirements in section 504(d), and, during the Small Dollar Democracy qualifying period (within 180 days of filing to run), files an affidavit with the FEC that the candidate will comply with contribution and expenditure requirements, will run as a qualified candidate for both the primary and general elections and will qualify under state law to appear on the ballot. Specifies that for a general election, qualified candidates must have been chosen as their parties’ nominees or otherwise qualified to appear on the ballot.

**Sec. 512. Qualifying Requirements.** Requires participating candidates to raise at least \$50,000 in qualified small dollar contributions from at least 1,000 individuals during the Small Dollar Democracy qualifying period. Requires the FEC to establish random audits to ensure compliance.

**Sec. 513. Certification.** Requires the FEC to certify qualified candidates within five days of receiving an affidavit seeking certification. A certification covers both the primary and general elections. Requires the FEC to decertify a candidate who does not comply with requirements, withdraws from the race, does not make it onto the ballot, or is criminally sanctioned for conduct relating to the election. Requires certain decertified candidates to repay all matching funds with interest, prohibits decertified candidates from becoming

certified during the next election cycle, and prohibits a candidate who is decertified three times from becoming certified for any future election.

### **Subtitle C – Requirements for Candidates Certified as Participating Candidates**

**Sec. 521. Contribution and Expenditure Requirements.** Restricts the sources from which participating candidates can raise funds to qualified small dollar contributions, matching funds, nonqualified contributions of up to \$1,000 per election, personal funds up to \$50,000 and certain political committees. Establishes rules for funds raised prior to seeking qualification as a participating candidate. Creates prohibitions on leadership PACs and joint fundraising committees for participating candidates.

**Sec. 522. Administration of Campaign.** Requires campaigns to establish separate accounting for each different type of contribution received, disclose all donors making qualified small dollar contributions, and publish on the internet all materials provided to the FEC relating to contributions and expenditures.

**Sec. 523. Preventing Unnecessary Spending of Public Funds.** Limits the amount of expenditures campaigns can make from matching funds to the amount of expenditures made from other sources of funds, if available.

**Sec. 524. Remitting Unspent Funds After Election.** Requires candidates to return unspent matching funds within 180 days of an election, except that a candidate may retain up to \$100,000 in matching funds if the candidate signs an affidavit promising to seek certification again in the next cycle. Retained funds are sequestered until the candidate is certified again.

### **Subtitle D – Enhanced Match Support**

**Sec. 531. Enhanced Support for General Election.** Allows eligible candidates to receive additional matching funds.

**Sec. 532. Eligibility.** Requires that a qualified candidate in a general election raise at least \$50,000 in qualified small dollar contributions during the “enhanced support qualifying period” in order to qualify for additional matching funds. Defines the “enhanced support qualifying period” as the period between 60 and 14 days before a general election.

**Sec. 533. Amount.** A candidate who qualifies for enhanced support receives an additional 3-to-1 match on qualified small dollar contributions raised during the enhanced support qualifying period. A candidate cannot receive

more than \$500,000 in enhanced matching funds. Enhanced matching funds do not count against the aggregate limit for matching funds a candidate can receive.

**Sec. 534. Waiver of Authority to Retain Portion of Unspent Funds After Election.** Candidates who receive enhanced funding may not retain any amount of matching funds after an election.

#### **Subtitle E – Administrative Provisions**

**Sec. 541. Freedom From Influence Fund.** Establishes the Freedom From Influence Fund to provide matching funds to qualified candidates. Matching fund payments are subject to a mandatory reduction in case of insufficient amounts in the Freedom From Influence Fund. No appropriated funds shall be used for the Freedom From Influence Fund.

**Sec. 542. Reviews and Reports by Government Accountability Office.** Requires the Comptroller General to review after every election cycle the small dollar financing program. The review can include recommendations for adjustments to the criteria for qualification and the aggregate limit of matching funds.

**Sec. 543. Administration by Commission.** Requires the FEC to promulgate regulations for the small dollar financing program.

**Sec. 544. Violations and Penalties.** The FEC can assess civil penalties against candidates for prohibited contributions or expenditures. Requires the FEC to seek repayment plus interest of any matching funds used in a prohibited manner or not returned as required after an election. Does not preclude other enforcement actions, including criminal referrals.

**Sec. 545. Appeals Process.** The U.S. Court of Appeals for the District of Columbia has jurisdiction to review any actions by the FEC relating to the small dollar financing program.

**Sec. 546. Indexing of Amounts.** Indexes to inflation the amounts in this title, except for the aggregate limit on matching funds a candidate may receive, which is indexed to campaign costs as described in section 501.

**Sec. 547. Election Cycle Defined.** Defines an election cycle as the period between the day after a general election and the next general election.

*Sec. 5112. Contributions and Expenditures by Multicandidate and Political Party Committees on Behalf of Participating Candidates*



This section would allow multicandidate and party committees to contribute to participating candidates if the contributions come from segregated accounts that only raise funds pursuant to the requirements for small dollar qualified contributions. Allows party committees to make unlimited coordinated expenditures with a participating candidate if the committee only spends from the segregated account and does not provide any additional funding to the candidate.

*Sec. 5113. Prohibiting Use of Contributions by Participating Candidates for Purposes Other Than Campaign for Election*

This section would prohibit participating candidates from using contributions for anything other than authorized expenditures.

*Sec. 5114. Effective Date*

This section would provide the effective date for the program as the 2026 election cycle.

## **Subtitle C – Presidential Elections**

### **Part 1 – Primary Elections**

*Sec. 5201. Increase in and Modifications to Matching Payments*

This section would provide for a 6-to-1 match of up to \$200 of “matchable contributions” made to Presidential primary election candidates who qualify for receipt of public matching funds. Further provides that a “matchable contribution” is a “direct contribution” made to a candidate by an individual in an aggregate amount of no greater than \$1,000. Further provides that a “direct contribution” is one that is made directly to a candidate by an individual and is not either forwarded to the candidate by another person or received by the candidate with knowledge that the contribution was made at the request or recommendation of another person. Provides that for this purpose a “person” does not include an individual (other than a registered lobbyist), or a political party committee, or a political committee which is not a PAC and which does not make independent expenditures, does not lobby and is not established or controlled by a lobbyist or lobbying organization. Also clarifies that a contribution may be made at the request or recommendation of a person so long as the candidate does not know who provided the information.

Further, this section would provide a cap on public funding a participating candidate may receive of \$250,000,000 for the primary elections, subject to increases for inflation. Provides that a candidate qualifies to receive matching funds by raising \$25,000 in contributions of no more than \$200 in each of at least 20

states. Provides that a participating candidate will not accept contributions of more than \$1,000 from any person for the primary elections. Further provides that a participating candidate will accept only “direct contributions,” as defined above, and not any bundled contributions. Further provides that a candidate participating in the primary election matching funds system also agrees to participate in the general election matching funds system, if nominated for the general election.

*Sec. 5203. Repeal of Expenditure Limitations*

This section would repeal current state-by-state expenditures limits and continues current expenditure limit of \$50,000 on a candidate’s personal funds.

*Sec. 5204. Period of Availability of Matching Payments*

This section would provide that “matching payment period” begins six months prior to the date of the earliest State primary election.

*Sec. 5205. Examination and Audits of Matchable Contributions*

This section would provide the FEC with authority to audit matchable contributions received by a candidate participating in the presidential primary matching funds system.

*Sec. 5206. Modification to Limitation on Contributions for Presidential Primary Candidates*

This section would provide that the contribution limit for presidential primary elections applies to all such elections in a four-year election cycle and not for a calendar year.

*Sec. 5207. Use of Freedom From Influence Fund as Source of Payments*

This section would amend Chapter 96 of subtitle H of the Internal Revenue Code of 1986 by adding a new section 9043, Use of Freedom from Influence Fund as Source of Payments. This new section would provide that all payments shall come from the Freedom From Influence Fund, which is subject to a mandatory reduction of payments in case of insufficient amounts in the Fund. No appropriated funds shall be used for the Freedom From Influence Fund. Has no effect on amounts transferred for pediatric research initiative.

## **Part 2 – General Elections**

*Sec. 5211. Modification of Eligibility Requirements for Public Financing*

This section would provide that a presidential general election candidate is eligible to receive public matching funds if the candidate participated in the primary election matching funds system, agrees to an audit by the FEC, and accepts only

“direct contributions” (and no bundled contributions) as defined by the presidential primary election provisions.

*Sec. 5212. Repeal of Expenditure Limitations and Use of Qualified Campaign Contributions*

This section would repeal existing expenditure limits for presidential general election candidates receiving public funds, provides that presidential candidates participating in the matching funds system in the general election will accept only “qualified campaign contributions” to defray campaign expenses and provides criminal penalties for violation of the restriction. Defines “qualified campaign contribution” to mean contributions that aggregate no more than \$1,000 from an individual donor.

*Sec. 5213. Matching Payments and Other Modifications to Payment Amounts*

This section would provide for a 6-to-1 match of up to \$200 of “matchable contributions” made to Presidential general election candidates who qualify for receipt of public matching funds, up to a total of \$250,000,000 in public matching funds for the general election, subject to increases for inflation. Further provides that a “matchable contribution” is a “direct contribution” made to a candidate by an individual in an aggregate amount of no greater than \$1,000.

*Sec. 5214. Increase in Limit on Coordinated Party Expenditures*

This section would provide that a national party committee may make coordinated expenditures with a general election Presidential candidate of no more than \$100,000,000, subject to increases for inflation.

*Sec. 5215. Establishment of Uniform Date for Release of Payments*

This section would provide for a uniform date for the payment of matching funds to Presidential general election candidates on the later of the last Friday before the first Monday in September, or within 24 hours after receiving certifications for payment for all eligible major party candidates.

*Sec. 5216. Amounts in Presidential Election Campaign Fund*

This section would provide that Secretary of Treasury shall take into account estimated check-off funds that will be deposited into the Presidential Election Campaign Fund during the election year in determining whether there will be sufficient funds in the Fund to make payments to eligible candidates.

*Sec. 5217. Use of General Election Payments for General Election Legal and Accounting Compliance*

This section would provide that candidate expenses for general election legal and accounting compliance are treated as qualified campaign expenses.

*Sec. 5218. Use of Freedom From Influence Fund as Source of Payments*

This section would amend Chapter 95 of subtitle H of the Internal Revenue Code of 1986 by adding a new section 9013. This new section would provide that all payments shall come from the Freedom From Influence Fund, which is subject to a mandatory reduction of payments in case of insufficient amounts in the Fund. No appropriated funds shall be used for the Freedom From Influence Fund. Has no effect on amounts transferred for pediatric research initiative.

**Part 3 – Effective Date**

*Sec. 5221. Effective Date*

This section would provide that amendments shall apply with respect to the 2028 Presidential election without regard to whether the FEC has promulgated regulations to implement the amendments made by the Act; Requires FEC to promulgate regulations to implement the amendments by June 30, 2026.

**Subtitle D – Personal Use Services as Authorized Campaign Expenditures**

*Sec. 5301. Short Title; Findings; Purpose*

This section would provide that the short title of this section is the “Help America Run Act.” Finds that everyday Americans experience barriers to entry before being able to consider running for federal office. Finds that the current process of identifying those who can run privileges the wealthiest Americans, rather than those who must work to provide necessities like childcare and health insurance and who cannot afford to risk their livelihoods by testing a run for office. Finds that leadership not reflecting the economic realities of the citizenry yields policy that may not reflect the needs of the citizenry. Establishes purpose to ensure that otherwise-qualified, credible candidates may run for office regardless of their economic status, facilitating the candidacy of more representative candidates.

*Sec. 5302. Treatment of Payments for Child Care and other Personal Use Services as Authorized Campaign Expenditures*

This section would amend the Federal Election Campaign Act to provide that, under limited circumstances, the payment by an authorized committee of a nonincumbent candidate for the following are authorized expenditures if the services are necessary to enable participation of the candidate in campaign-related activities: child care services; elder care services; care for other legal dependents; dues, fees, and other expenses to maintain a license or status related to a profession; and health insurance coverage. Renders effective upon enactment. Provides several limitations,

including capping the amount of campaign funds that may be used for these circumstances at the salary that would be drawn as an elected as currently provided by existing FEC regulations that cap nonincumbent candidates drawing a salary during a campaign. Also provides that candidates may not “double dip” and must choose between availing themselves of the salary benefit allowed under existing regulations, or using campaign funds under the exemptions of this subtitle.

### **Subtitle E – Severability Clause**

## **Title VI – CAMPAIGN FINANCE OVERSIGHT**

### **Subtitle A – Restoring Integrity to America’s Elections**

#### **Section 6001. Short Title**

This section would provide that this subtitle may be cited as the “Restoring Integrity to America’s Elections Act.”

#### *Section 6002. Membership of Federal Election Commission*

This section would provide for a reduction in the number of FEC Commissioners from six to five, with no more than two members of the same party, all appointed by the President with the advice and consent of the Senate. Establishes that a commissioner shall be treated as affiliated with a political party if he or she was affiliated, including as a registered voter, employee, consultant, donor, officer, or attorney, with such political party or any of its candidates or elected public officials at any time during the 5-year period ending on the date on which such individual is nominated to be a member of the Commission. Further provides that each member shall serve a six-year term and is not eligible for reappointment. Further provides that President shall convene a Blue-Ribbon Advisory Panel to recommend individuals for appointment as a member of the Commission.

#### *Section 6003. Assignment of Powers to Chair of Federal Election Commission*

This section would provide that the President designates one member of the Commission as Chairman and assigns certain powers to the Chairman and assigns other powers to the Commission.

#### *Section 6004. Revision to Enforcement Process*

This section would revise the enforcement process to provide that the general counsel shall make a determination of whether there is reason to believe a violation has occurred, or whether there is probable cause that a violation has occurred, and that determination shall take effect unless a majority of the Commission votes to overrule the general counsel’s determination within 30 days. Further provides that

any person aggrieved by a finding of no reason to believe a violation has occurred or no probable cause that a violation has occurred, or aggrieved by a failure of the Commission to act on a complaint within one year after filing a complaint, may seek judicial review in the district court for the District of Columbia and the court shall determine by de novo review whether the agency action or failure to act is contrary to law.

*Section 6005. Revision to Certain Enforcement Authorities*

This section would provide that FEC attorneys may represent the FEC before the Supreme Court. Further provides that an interested party who has submitted written comments on an advisory opinion request may present testimony to the Commission.

*Section 6006. Permanent Extension of Administrative Penalty Authority*

This section would extend statutory authority for the administrative fines program for violation of certain disclosure requirements.

*Section 6007. Restrictions on Ex Parte Communications*

This section would codify, by reference, limitations on ex parte communications by members of the Commission and their staff.

*Section 6008. Effective Date; Transition*

This section would provide the effective date of January 1, 2022 for amendments made by this subtitle, and for procedures for transition.

**Subtitle B – Stopping Super PAC-Candidate Coordination**

*Section 6101. Short title*

This section would provide that this subtitle may be cited as the “Stop Super PAC-Candidate Coordination Act.”

*Section 6102. Clarification of Treatment of Coordinated Expenditures as Contributions to Candidates*

This section would amend the definition of “contribution” to add any payment for a “coordinated expenditure.” In addition, this section would add a new section 326, Payments for Coordinated Expenditures, to the Federal Election Campaign Act of 1971. This new section would define “coordinated expenditure” to mean a payment made in cooperation, consultation or concert with or at the request or suggestion of a candidate or his agents; or a payment to republish candidate materials, but not to

include news stories or commentary, or candidate debates or forums conducted pursuant to rules issues by the FEC.

In addition, new section 326 would define “in cooperation, consultation or concert with or at the request or suggestion of” a candidate or his agents to mean a communication which is not made entirely independently of a candidate, or which is made pursuant to any general or particular understanding with the candidate, or pursuant to any communication with the candidate, about the payment. Provides that a payment is not coordinated solely because a person engages in a policy discussion with a candidate or his agents, so long as there is no discussion regarding a campaign. Further provides that this standard does not apply to coordination between a candidate and a political party. Further provides that coordination is determined without regard to whether a person is using a firewall to restrict sharing of information between employees or agents of the person.

Further, new section 326 would provide that a payment is made in coordination with a candidate if it is made for a “covered communication” by a “coordinated spender.” Defines a “coordinated spender” as a person who meets any one of five standards: (A) the person was formed or established by the candidate or his agents within the 4 year period prior to the payment; (B) the candidate raised funds for the person during the election cycle; (C) the person is managed by the candidate or by any person who has been employed by the candidate as an adviser or consultant during the prior 4 year period; (D) the person retains the services of a consultant who provided consulting services to the candidate within the prior 2 year period, and (E) the person is established or managed by any member of the candidate’s family.

New section 326 would define “covered communication” to include a public communication which expressly advocates the election of a candidate, or which promotes, supports, attacks or opposes a candidate, or which refers to a candidate in the period 60 days before a primary election or 120 days before a general election, provided the communication is disseminated in the jurisdiction of the office the candidate is seeking.

Finally, new section 326 would provide for a fine of 300 percent of the amount of any payment for a coordinated communication that is made in knowing and willful violation of the Act, and provides for joint and several liability for officers or directors of a person subject to a penalty.

*Section 6103. Clarification of Ban on Fundraising for Super PACs by Federal Candidates and Officeholders*

This section would provide that a Federal candidate or officeholder is prohibited from soliciting or directing money to a Super PAC or to any section 527 organization which does not comply with federal contribution limits.

**Subtitle C – Severability Clause**

**Division C – ETHICS**

**Title VII – ETHICS Standards**

[RESERVED]

**Title VIII – ETHICS REFORMS FOR THE PRESIDENT, VICE PRESIDENT  
AND FEDERAL OFFICERS AND EMPLOYEES**

[RESERVED]

**Title IX – CONGRESSIONAL ETHICS REFORM**

**Subtitle A – Requiring Members of Congress to Reimburse Treasury for  
Amounts Paid as Settlements and Awards Under Congressional  
Accountability Act**

*Section 9001. Requiring Congressional Reimbursement for Employment  
Discrimination*

This section would require Members to reimburse Treasury for amounts paid pursuant to a settlement for employment discrimination under the Congressional Accountability Act.

**Subtitle B – Conflicts of Interest**

*Section 9101. [RESERVED]*

*Section 9102. Conflict of Interest Rules for Members of Congress and Congressional  
Staff*

This section would prohibit Members, Senators, House officer, and committee staff from using their position to introduce or help pass legislation the principal purpose of which is the pecuniary gain of the aforementioned classes or their immediate families.

*Section 9103. Exercise of Rulemaking Powers*

This section would provide that enactment of the subtitle is an exercise in the rulemaking authority of each House of Congress and should be considered part the rules of each House, superseding other rules to the extent that they are inconsistent. This section recognizes the constitutional right of each House to change these rules at any time as they would any other rule of such House.



## **Subtitle C – Campaign Finance and Lobbying Disclosure**

### *Section 9201. Short Title*

This section would provide that the subtitle may be cited as the “Connecting Lobbyists and Electeds for Accountability and Reform Act” or the “CLEAR Act.”

### *Section 9202. Requiring disclosure in certain reports filed with Federal Election Commission of persons who are registered lobbyists*

This section would require registered lobbyists to file certain disclosure reports with the FEC. Further requires the FEC database containing the information described in this section is linked to the website.

### *Section 9203. Effective date*

This section would establish that with respect to reports required to be filed under the Federal Election Campaign Act, the amendments of this subtitle become effective on or after the expiration of the 90-day period which begins on the date of the enactment of the Act.

## **Subtitle D – Access to Congressionally Mandated Reports**

### *Section 9301. Short Title*

This section would establish that this subtitle may be cited as the “Access to Congressionally Mandated Reports Act.”

### *Section 9302. Definitions*

This section would provide definitions for the subtitle.

### *Section 9303. Establishment of Online Portal for Congressionally Mandated Reports*

This section would require the Director of the Government Publishing Office (GPO) to establish a searchable publicly accessible online portal to serve as a repository for Congressionally-mandated government reports in an open format.

### *Section 9304. Federal Agency Responsibilities*

This section would require of agency heads to submit reports concurrently to GPO with their submission to Congress. Clarifies that this does not relieve agencies of other report submission duties, such as to specific committees, if they exist.

### *Section 9305. Removing and altering reports*

This section would restrict removal or alteration of reports unless the head of the agency consults with each congressional committee to which the report was submitted, and Congress passes a joint resolution authorizing it.

*Section 9306. Relationship to the Freedom of Information Act*

This section would clarify the law's relation to the Freedom of Information Act, excluding otherwise exempt information from disclosure. Does not impose an affirmative duty on the director of GPO to review reports for purpose of identifying information for redaction. Permits agency heads to redact information that is properly withheld from disclosure.

**Section 9307. Implementation**

This section would establish that implementation shall occur not later than 1 year after enactment.

**Subtitle E – Severability Clause**

*Section 9401. Severability*

This section would establish severability such that the application of the provisions of this title and amendments made by this title shall not be affected by a holding finding any provision of the title or amendment made by the title unconstitutional.

**Title X – Presidential Tax Transparency**

[RESERVED]

CHANGES IN EXISTING LAW MADE BY THE BILL AS REPORTED

[INSERT RAMSEYER]

[DISSENTING VIEWS]



CONGRESSIONAL BUDGET OFFICE  
U.S. Congress  
Washington, DC 20515

*Keith Hall, Director*

March 1, 2019

Honorable Zoe Lofgren  
Chairperson  
Committee on House Administration  
U.S. House of Representatives  
Washington, DC 20515

Dear Madam Chairperson:

The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1, the For the People Act of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford, who can be reached at 226-2860.

Sincerely,

A handwritten signature in black ink, appearing to be 'Keith Hall', written over a horizontal line.

Keith Hall

Enclosure

cc: Honorable Rodney Davis  
Ranking Member

### At a Glance

## H.R. 1, For the People Act of 2019

As ordered reported by the Committee on House Administration on February 26, 2019

Millions of Dollars	Direct Spending	Revenues	Net Deficit Effect	Spending Subject to Appropriation
2019	0	0	0	367
2019-2024	0	0	0	2,438
2019-2029	0	0	0	n.a.

Pay-as-you-go procedures apply?	No	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	Yes, Under Threshold

n.a. = not applicable

#### The bill would

- Amend federal statutes governing voting rights, elections, election security, campaign finance, lobbying, and ethics in government
- Provide new oversight and enforcement powers for federal agencies involved in elections
- Authorize appropriations for grants related to voting technology and voter registration

#### Estimated budgetary effects would primarily stem from

- Authorizing appropriations for grants to states to enhance the security and integrity of elections

**Detailed estimate begins on the next page.**



## Bill Summary

H.R. 1 would amend and reform federal statutes governing voting rights, elections, election security, campaign finance, lobbying, and ethics, among numerous other provisions. The bill would reauthorize several federal agencies that oversee those statutes and provide new enforcement powers. Additionally, the bill would create new voluntary programs to provide public financing for elections and authorize appropriations for grants related to election systems and security.

The bill would make significant changes to the operation of federal elections by states, including changes to voter access and voting systems. Those changes are primarily contained in division A. The bill would require states to offer online voter registration and automatic voter registration through state agency records (such as education enrollment), to expand early voting opportunities and permit unrestricted voting by mail, to offer same-day voter registration on election days, and to use voting systems that produce individual and auditable paper ballots. Division A would authorize additional appropriations for the Election Assistance Commission (EAC), authorize state grant programs, and designate election infrastructure as a critical infrastructure subsector under the Homeland Security Act.

Division B would address campaign finance transparency, oversight, and enforcement. The bill would amend the Federal Election Campaign Act (FECA) to extend contribution and expenditure restrictions on foreign-controlled corporations and super political action committees (PACs), to broaden FECA disclosure and reporting requirements to cover entities not subject to contribution limits, and to apply disclosure and disclaimer requirements to paid online and digital communications.

The bill would establish a pilot program to provide campaign contribution vouchers to eligible voters and a voluntary public financing system for campaigns for the House of Representatives. Similarly, the bill would amend the existing presidential public financing system. Expenditures for those programs would be limited to amounts designated in the proposed Freedom From Influence Fund. The bill would provide no source of funds for the Freedom From Influence Fund; without funding, those programs would not be implemented and thus those provisions would have no cost.

H.R. 1 would restructure the Federal Election Commission (FEC), reduce the size of the FEC to five commissioners, and invest the chair with new powers.

Division C would amend some existing ethics statutes, particularly concerning conflicts of interest and federal lobbying. Under the bill, Members of Congress would be required to reimburse the Treasury for certain payments under the Congressional Accountability Act.

## Estimated Federal Cost

The estimated budgetary effects of H.R. 1 are shown in Table 1. Most costs of the legislation fall within budget function 800 (general government).

**Table 1. Estimated Increases in Spending Subject to Appropriation for Selected Provisions <sup>a</sup>**

	By Fiscal Year, Millions of Dollars						2019-2024
	2019	2020	2021	2022	2023	2024	
<b>Voting System Grants</b>							
Authorization	1,020	175	0	175	0	175	1,545
Estimated Outlays	345	603	199	89	106	78	1,420
<b>Election Assistance Grants</b>							
Estimated Authorization	500	0	100	50	50	50	750
Estimated Outlays	10	200	200	240	50	50	750
<b>HHS Grants</b>							
Estimated Authorization	0	50	25	25	25	25	150
Estimated Outlays	0	50	25	25	25	25	150
<b>EAC Reauthorization</b>							
Authorization	0	10	10	10	10	10	50
Estimated Outlays	0	10	10	10	10	10	50
<b>Bounty Program</b>							
Estimated Authorization	0	11	11	11	11	11	55
Estimated Outlays	0	11	11	11	11	11	55
<b>Other DHS Provisions</b>							
Estimated Authorization	2	3	1	3	1	3	13
Estimated Outlays	2	3	1	3	1	3	13
<b>Total Changes</b>							
Estimated Authorization	1,522	249	147	274	97	274	2,563
Estimated Outlays	357	877	446	378	203	177	2,438

DHS = Department of Homeland Security; EAC = Election Assistance Commission; HHS = Department of Health and Human Services.

a. CBO has completed an estimate of most discretionary costs under H.R. 1; however, CBO has not completed an estimate of some provisions that might cost tens of millions of dollars.

## Basis of Estimate

For this estimate, CBO assumes that the legislation will be enacted in 2019 and that the specified and estimated amounts will be appropriated for each fiscal year, including supplemental amounts in 2019. Estimated outlays are based on historical patterns for existing and similar activities.

## Spending Subject to Appropriation

CBO estimates that H.R. 1 would authorize the appropriation of about \$2.6 billion over the 2019-2024 period. Assuming appropriation of the specified and estimated amounts, CBO estimates that implementing those provisions would cost \$2.4 billion over the same period. CBO has not completed an estimate of some of the bill's provisions with costs that are subject to annual appropriation, but expects those costs would total tens of millions of dollars.



**Voting System Grants.** Sections 3001 and 3011 would authorize the appropriation of \$1,545 million over the 2019-2024 period for the EAC to make grants to states to improve voting technology and reduce cybersecurity vulnerabilities in election infrastructure. States could use those grants to acquire new voting systems, provide cybersecurity training to election officials, conduct security risk and vulnerability assessments, and other related activities. Based on historical data from the EAC, CBO estimates that those efforts would cost about \$1.5 billion over the 2019-2024 period.

**Election Assistance Grants.** Section 1017 would authorize the appropriation of \$500 million in 2019 and whatever amounts are necessary in future years primarily for the EAC to provide grants to states to implement online and automatic voter registration. States would have to allow people to register to vote online or through an automated telephone-based system. States also would have to allow voters to update their voter information online. Based on the experience of the EAC with other efforts to improve voting-systems, the number of states eligible, and the costs to create and protect online systems, CBO estimates those grants would cost \$750 million over the 2019-2024 period.

**Department of Health and Human Services Grants.** Section 1102 would authorize the appropriation of whatever amounts are necessary for the Department of Health and Human Services (HHS) to provide states with grants to make polling places more accessible to people with disabilities. Based on the cost of similar programs, CBO estimates that implementing the provision would cost \$150 million over the 2019-2024 period.

**Election Assistance Commission Reauthorization.** Section 1911 would permanently authorize the appropriation of operating funds for the EAC. Based on the amounts provided in recent years, CBO estimates that provision would cost \$50 million over the 2020-2024 period.

**Bounty Program.** Section 3402 would authorize the Department of Homeland Security (DHS) to establish a program to improve the cybersecurity of the systems used to administer federal elections. The program would facilitate and encourage assessments by independent technical experts in cooperation with state and local election officials to identify and report cybersecurity vulnerabilities. Using information about similar programs in other federal agencies, including the Department of Defense Hack the Pentagon program, CBO estimates that implementing the program would cost \$55 million over the 2019-2024 period.

**Other Department of Homeland Security Provisions.** H.R. 1 also would require the EAC and DHS to complete a variety of reports, analyses, and other administrative actions aimed at securing the election process. Those measures include providing security clearances to state election officials, testing voting systems for compliance with cybersecurity guidelines, and establishing a national commission to protect democratic institutions. CBO estimates that, in total, implementing those measures would cost \$13 million over the 2019-2024 period.

**Other Programs.** CBO has not had sufficient time to estimate the costs of several other provisions of H.R. 1, including ones that would require:

- Grants to be made by the Department of Education to institutions of higher education to register students to vote provided;
- A voter information and response hotline to be established and operated by the Department of Justice;



- Grants to be made by the National Institute of Standards and Technology for studies on voting by people with disabilities provided; and
- Reimbursements from the EAC to be made to states for the costs of tracking and confirming acceptance of absentee ballots.

### **Freedom From Influence Fund**

Section 541 would establish an account in the Treasury to be known as the Freedom From Influence Fund. That fund would be the sole source of funding for three programs: the My Voice Voucher Pilot Program (proposed in section 5100), a program to match certain small-dollar contributions to election campaigns for the House of Representatives (proposed in section 5111) and the matching funds for Presidential election campaigns program (as amended in section 5200).

CBO expects that the cost of operating those programs could exceed \$1 billion over the next 10 years, but because H.R. 1 would not authorize any funds to be deposited into the Freedom From Influence Fund, any costs to implement the voucher pilot program and the two programs to provide matching funds would be attributed to future legislation that would provide funds for that Treasury account and not to H.R. 1. Those programs are briefly described below.

**My Voice Voucher Pilot Program.** The FEC would be required to establish a pilot program in three states to reimburse those states for the cost of providing a voucher worth \$25 to any eligible voter in the state to be used for campaign contributions in \$5 increments for candidates for the House of Representatives. The pilot program would operate during the 2022 and 2024 campaign cycles. Each state participating in the pilot program would be limited to receiving \$10 million in reimbursements from the federal government for each of the two campaign cycles (six states over two election cycles). The vouchers could be used as donations to qualify for the matching program for U.S. House elections.

**Matching Funds for Elections for the House of Representatives.** H.R. 1 would create a program to match certain qualifying campaign contributions with federal funds for candidates running to serve in the House of Representatives who choose to comply with the program's requirements. Generally, candidates would be able to accept campaign contributions of \$200 or less from individual donors to receive federal matching funds at the rate of \$6 for every \$1 raised from donors. Eligible candidates would need to meet certain other fundraising thresholds, and the bill would limit the total matching funds available to any individual candidate. The bill would not limit the total cost of providing matching funds for all participating candidates.

**Presidential Campaign Matching Funds Program.** Under current law, candidates for President can choose to participate in a program that matches certain campaign contributions with federal funds. (No candidates have participated in that program since 2008.) H.R. 1 would modify the current program to increase the federal match rate of qualifying private donations to \$6 for each \$1 contributed. Under the bill, the only source of funding for the amended program would be the Freedom From Influence Fund, and the program would not begin operations until the start of the 2028 presidential campaign cycle.

**Pay-As-You-Go Considerations:** None.



**Increase in Long-Term Direct Spending and Deficits:** None.**Mandates**

CBO has not reviewed title I or section 2502 of H.R. 1 for intergovernmental or private-sector mandates. Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provision that enforces constitutional rights of individuals. CBO has determined that both title I and section 2502 fall within that exclusion because they enforce constitutional rights related to voting.

Other provisions of H.R. 1 would impose intergovernmental and private sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates the cost of the mandates would fall below the annual thresholds for intergovernmental and private-sector mandates established in UMRA (\$82 million and \$164 million in 2019, respectively, adjusted annually for inflation).

**Intergovernmental Mandates**

Section 3303 would impose an intergovernmental mandate by requiring states to submit a report on the voting system each jurisdiction in the state plans to use, which would include details on how each jurisdiction would use electronic poll books and other equipment. The new report would be due 120 days before each regularly scheduled federal election. Because states report extensively on their election activities and have previously reported similar information, CBO estimates the cost of the mandate would be small.

**Private-Sector Mandates**

H.R. 1 would impose numerous private-sector mandates on candidates for federal office, campaign committees, political entities, and advertising platforms, among other entities. Several of the mandates, listed in more detail below, would prohibit entities from engaging in certain activities. In general, those mandates would not impose costs because they do not require any action on the part of the mandated entities. However, several sections would expand existing mandates, particularly those related to campaign finance disclosure and reporting. CBO expects that the aggregate cost of complying with these mandates would be small because most of the mandated entities are already subject to some form of disclosure and reporting requirements. For such entities, the new duties would impose only minor additional administrative costs.

**Campaign Finance and Disclosure Duties.** Mandates related to campaign finance and fundraising laws would restrict certain contribution activities, require advertisement disclaimers, and considerably increase the volume of certain activities that must be reported to the FEC.

- Section 4101 would extend FECA's prohibition on foreign nationals' making campaign contributions and expenditures to include corporations or partnerships that meet certain foreign ownership criteria. Because those entities may operate domestically, they would be considered private-sector entities under UMRA; thus, the new restrictions would be mandates on these entities.
- Section 4102 would require certain corporate PACs to certify that their segregated campaign funds are not controlled by foreign nationals.



- Section 4111 would impose reporting requirements on covered organizations that make campaign-related disbursements greater than \$10,000 during a reporting cycle. This provision would require organizations to submit a statement to the FEC, as applicable, that identifies any beneficial owners of the organization; certifies that disbursements are not made in coordination with candidates, committees, or parties; and describes receipts and disbursements in greater detail.
- Sections 4205 and 4206 would amend the definitions of public communication and electioneering communication under FECA to include paid online and digital communications. Entities making such communications online, therefore, would be required to comply with existing FECA disclosure mandates.
- Section 4207 would establish special disclaimer rules for certain Internet or digital communications placed by political entities. The bill would require that covered communications state the name of the person who paid for the communication or provide a source for that information.
- Sections 4208 would require certain online platforms that sell political advertisements and meet minimum traffic thresholds to maintain a public database of requests to purchase qualified political advertisements in excess of \$500 annually. This section also would require those entities to retain other information, including copies of the advertisements and purchasing information.
- Section 4209 would require television and radio broadcasters and online platforms to make reasonable efforts to ensure that campaign communications are not purchased by foreign nationals.
- Section 4302 would require the sponsors of campaign communications made on the Internet to identify the source of funding for such communications if not authorized by candidates or committees.
- Section 4303 would require the sponsors of prerecorded campaign telephone calls to identify the source of funding for such communications in the phone call. Sections 4302 and 4303 extend an existing disclosure mandate under FECA to cover such communications.
- Section 6102 would add coordinated expenditures between candidates, parties, and super PACs to the definition of contribution under FECA, which would extend existing disclosure and reporting requirements to those expenditures.
- Section 6103 would prohibit federal candidates from soliciting or receiving funds from, or transferring funds to, entities, including super PACs, that are not subject to certain FECA requirements.
- Section 9202 would require political committees, people making independent expenditures, and people making electioneering communications to disclose whether those persons or certain donors are lobbyists registered under the Lobbying Disclosure Act.



**Presidential Inaugural Committees.** Section 4702 would impose private-sector mandates on presidential inaugural committees and on individuals making donations to or handling donations for such committees. The section would prohibit inaugural committees from soliciting or receiving donations from an entity that is not an individual or is a foreign national and would require the committee to report contributions and disbursements to the FEC. Additionally, the section would limit the aggregate amount an individual may donate to an inaugural committee to \$50,000 and would prohibit any person from making a donation to an inaugural committee in the name of another person or converting a donation to personal use. CBO estimates the cost to comply with those mandates would be negligible because the additional reporting requirements are an extension of similar requirements in current law. The prohibitions would impose no direct costs on the mandated entities.

### **Estimate Prepared By**

Federal Costs: Matthew Pickford, Dan Ready, and Aldo Prospero

Mandates: Andrew Laughlin

### **Estimate Reviewed By**

Kim Cawley  
Chief, Natural and Physical Resources

David Newman  
Chief, Defense, International Affairs, and Veterans' Affairs Unit

Susan Willie  
Chief, Public and Private Mandates Unit

H. Samuel Papenfuss  
Deputy Assistant Director for Budget Analysis

Theresa Gullo  
Assistant Director for Budget Analysis

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**NATIONAL VOTER REGISTRATION ACT OF 1993**

\* \* \* \* \*

**SEC. 3. DEFINITIONS.**

As used in this Act—

(1) the term “election” has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term “Federal office” has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term “motor vehicle driver’s license” includes any personal identification document issued by a State motor vehicle authority;

(4) the term “State” means a State of the United [States and the District of Columbia] *States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands*; and

(5) the term “voter registration agency” means an office designated under section 7(a)(1) to perform voter registration activities.

\* \* \* \* \*

**SEC. 6A. INTERNET REGISTRATION.**

(a) *REQUIRING AVAILABILITY OF INTERNET FOR ONLINE REGISTRATION.—*

(1) *AVAILABILITY OF ONLINE REGISTRATION AND CORRECTION OF EXISTING REGISTRATION INFORMATION.—Each State, acting through the chief State election official, shall ensure that the following services are available to the public at any time on the official public websites of the appropriate State and local election officials in the State, in the same manner and subject to the same terms and conditions as the services provided by voter registration agencies under section 7(a):*

(A) *Online application for voter registration.*

(B) *Online assistance to applicants in applying to register to vote.*

(C) *Online completion and submission by applicants of the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2), including assistance with providing a signature as required under subsection (c).*

(D) *Online receipt of completed voter registration applications.*

(b) **ACCEPTANCE OF COMPLETED APPLICATIONS.**—A State shall accept an online voter registration application provided by an individual under this section, and ensure that the individual is registered to vote in the State, if—

(1) *the individual meets the same voter registration requirements applicable to individuals who register to vote by mail in accordance with section 6(a)(1) using the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2); and*

(2) *the individual meets the requirements of subsection (c) to provide a signature in electronic form (but only in the case of applications submitted during or after the second year in which this section is in effect in the State).*

(c) **SIGNATURE REQUIREMENTS.**—

(1) **IN GENERAL.**—For purposes of this section, an individual meets the requirements of this subsection as follows:

(A) *In the case of an individual who has a signature on file with a State agency, including the State motor vehicle authority, that is required to provide voter registration services under this Act or any other law, the individual consents to the transfer of that electronic signature.*

(B) *If subparagraph (A) does not apply, the individual submits with the application an electronic copy of the individual's handwritten signature through electronic means.*

(C) *If subparagraph (A) and subparagraph (B) do not apply, the individual executes a computerized mark in the signature field on an online voter registration application, in accordance with reasonable security measures established by the State, but only if the State accepts such mark from the individual.*

(2) **TREATMENT OF INDIVIDUALS UNABLE TO MEET REQUIREMENT.**—If an individual is unable to meet the requirements of paragraph (1), the State shall—

(A) *permit the individual to complete all other elements of the online voter registration application;*

(B) *permit the individual to provide a signature at the time the individual requests a ballot in an election (whether the individual requests the ballot at a polling place or requests the ballot by mail); and*

(C) *if the individual carries out the steps described in subparagraph (A) and subparagraph (B), ensure that the individual is registered to vote in the State.*

(3) **NOTICE.**—The State shall ensure that individuals applying to register to vote online are notified of the requirements of paragraph (1) and of the treatment of individuals unable to meet such requirements, as described in paragraph (2).

(d) **CONFIRMATION AND DISPOSITION.**—

(1) **CONFIRMATION OF RECEIPT.**—Upon the online submission of a completed voter registration application by an individual under this section, the appropriate State or local election official shall send the individual a notice confirming the State's

*receipt of the application and providing instructions on how the individual may check the status of the application.*

*(2) NOTICE OF DISPOSITION.—Not later than 7 days after the appropriate State or local election official has approved or rejected an application submitted by an individual under this section, the official shall send the individual a notice of the disposition of the application.*

*(3) METHOD OF NOTIFICATION.—The appropriate State or local election official shall send the notices required under this subsection by regular mail, and, in the case of an individual who has provided the official with an electronic mail address, by both electronic mail and regular mail.*

*(e) PROVISION OF SERVICES IN NONPARTISAN MANNER.—The services made available under subsection (a) shall be provided in a manner that ensures that, consistent with section 7(a)(5)—*

*(1) the online application does not seek to influence an applicant's political preference or party registration; and*

*(2) there is no display on the website promoting any political preference or party allegiance, except that nothing in this paragraph may be construed to prohibit an applicant from registering to vote as a member of a political party.*

*(f) PROTECTION OF SECURITY OF INFORMATION.—In meeting the requirements of this section, the State shall establish appropriate technological security measures to prevent to the greatest extent practicable any unauthorized access to information provided by individuals using the services made available under subsection (a).*

*(g) ACCESSIBILITY OF SERVICES.—A state shall ensure that the services made available under this section are made available to individuals with disabilities to the same extent as services are made available to all other individuals.*

*(h) USE OF ADDITIONAL TELEPHONE-BASED SYSTEM.—A State shall make the services made available online under subsection (a) available through the use of an automated telephone-based system, subject to the same terms and conditions applicable under this section to the services made available online, in addition to making the services available online in accordance with the requirements of this section.*

*(i) NONDISCRIMINATION AMONG REGISTERED VOTERS USING MAIL AND ONLINE REGISTRATION.—In carrying out this Act, the Help America Vote Act of 2002, or any other Federal, State, or local law governing the treatment of registered voters in the State or the administration of elections for public office in the State, a State shall treat a registered voter who registered to vote online in accordance with this section in the same manner as the State treats a registered voter who registered to vote by mail.*

#### **SEC. 7. VOTER REGISTRATION AGENCIES.**

*(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.*

*(2) Each State shall designate as voter registration agencies—*

*(A) all offices in the State that provide public assistance;*

**[and]**

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities~~]; and~~

*(C) each institution of higher education which has a program participation agreement in effect with the Secretary of Education under section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094), other than an institution which is treated as a contributing agency under the Automatic Voter Registration Act of 2019.*

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph

(A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, *or, in the case of an institution of higher education,*

*with each registration of a student for enrollment in a course of study, including enrollment in a program of distance education, as defined in section 103(7) of the Higher Education Act of 1965 (20 U.S.C. 1003(7)), and with each recertification, renewal, or change of address form relating to such service or assistance—*

- (i) the mail voter registration application form described in section 9(a)(2), including a statement that—
  - (I) specifies each eligibility requirement (including citizenship);
  - (II) contains an attestation that the applicant meets each such requirement; and
  - (III) requires the signature of the applicant, under penalty of perjury; or
- (ii) the office's own form if it is equivalent to the form described in section 9(a)(2),
  - unless the applicant, in writing, declines to register to vote;
  - (B) provide a form that includes—
    - (i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";
    - (ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";
    - (iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";
    - (iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and
    - (v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with \_\_\_\_\_."; the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and
  - (C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.



(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) **FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.**—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) **ARMED FORCES RECRUITMENT OFFICES.**—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

(d) **TRANSMITTAL DEADLINE.**—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

#### **SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.**

(a) **IN GENERAL.**—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is post-marked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; **[and]**

(D) *in the case of online registration through the official public website of an election official under section 6A, if the valid voter registration application is submitted online not later than the lesser of 30 days, or the period provided by State law, before the date of the election (as determined by treating the date on which the application is sent electronically as the date on which it is submitted); and*

- [(D)] (E)** in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;
- (2) require the appropriate State election official to send notice to each applicant of the disposition of the application;
- (3) **[provide]** *subject to section 8A, provide* that the name of a registrant may not be removed from the official list of eligible voters except—
- (A) at the request of the registrant;
- (B) as provided by State law, by reason of criminal conviction or mental incapacity; or
- (C) as provided under paragraph (4);
- (4) **[conduct]** *subject to section 8A, conduct* a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—
- (A) the death of the registrant; or
- (B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);
- (5) inform applicants under sections 5, 6, **[and 7]** 6A, and 7 of—
- (A) voter eligibility requirements; and
- (B) penalties provided by law for submission of a false voter registration application; and
- (6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.
- (b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—
- (1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and
- (2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote, except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual—
- (A) has not either notified the applicable registrar (in person or in writing) or responded during the period described in subparagraph (B) to the notice sent by the applicable registrar; and then
- (B) has not voted or appeared to vote in 2 or more consecutive general elections for Federal office.
- (c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar’s jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar’s jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, **[not later than 90 days]** *not later than 90 days (or, in the case of a program in which the State uses interstate cross-checks, not later than 6 months)* prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

*(B) To the extent that the program carried out by a State under subparagraph (A) to systematically remove the names of ineligible voters from the official lists of eligible voters uses information obtained in an interstate cross-check, in addition to any other conditions imposed under this Act on the authority of the State to remove the name of the voter from such a list, the State may not remove the name of the voter from such a list unless—*

*(i) the State obtained the voter’s full name (including the voter’s middle name, if any) and date of birth, and the last 4 digits of the voter’s social security number, in the interstate cross-check; or*

*(ii) the State obtained documentation from the ERIC system that the voter is no longer a resident of the State.*

*(C) In this paragraph—*

*(i) the term “interstate cross-check” means the transmission of information from an election official in one State to an election official of another State; and*

*(ii) the term “ERIC system” means the system operated by the Electronic Registration Information Center to share voter registration information and voter identification information among participating States.*

**[(B) Subparagraph (A)]** *(D) This paragraph shall not be construed to preclude—*

*(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or*

*(ii) correction of registration records pursuant to this Act.*

**(d) REMOVAL OF NAMES FROM VOTING ROLLS.—**(1) A State shall not remove the name of a registrant from the official list of

eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card *or update the registrant's information on the computerized Statewide voter registration list using the online method provided under section 303(a)(6) of the Help America Vote Act of 2002* not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not **[returned,]** *returned or if the registrant does not update the registrant's information on the computerized Statewide voter registration list using such online method*, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(4) *A State may not transmit a notice to a registrant under this subsection unless the State obtains objective and reliable evidence (in accordance with the standards for such evidence which are described in section 8A(a)(2)) that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered.*

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at

that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

- (A) the name of the offender;
- (B) the offender's age and residence address;
- (C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

**“§ 3629. REDUCED RATES FOR VOTER REGISTRATION PURPOSES.**

“The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.”

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out “and 3626(a)–(h) and (j)–(k) of this title,” and inserting in lieu thereof “3626(a)–(h), 3626(j)–(k), and 3629 of this title”.

(3) Section 3627 of title 39, United States Code, is amended by striking out “or 3626 of this title,” and inserting in lieu thereof “3626, or 3629 of this title”.

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

“3629. Reduced rates for voter registration purposes.”

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—

(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information con-

cerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) *REQUIREMENT FOR STATE TO REGISTER APPLICANTS PROVIDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.*—For purposes meeting the requirement of subsection (a)(1) that an eligible applicant is registered to vote in an election for Federal office within the deadlines required under such subsection, the State shall consider an applicant to have provided a “valid voter registration form” if—

(1) the applicant has substantially completed the application form and attested to the statement required by section 9(b)(2); and

(2) in the case of an applicant who registers to vote online in accordance with section 6A, the applicant provides a signature in accordance with subsection (c) of such section.

[(j)] (k) *DEFINITION.*—For the purposes of this section, the term “registrar’s jurisdiction” means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

**SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM OFFICIAL LIST OF REGISTERED VOTERS.**

(a) *VERIFICATION ON BASIS OF OBJECTIVE AND RELIABLE EVIDENCE OF INELIGIBILITY.*—

(1) *REQUIRING VERIFICATION.*—Notwithstanding any other provision of this Act, a State may not remove the name of any registrant from the official list of voters eligible to vote in elections for Federal office in the State unless the State verifies, on the basis of objective and reliable evidence, that the registrant is ineligible to vote in such elections.

(2) *FACTORS NOT CONSIDERED AS OBJECTIVE AND RELIABLE EVIDENCE OF INELIGIBILITY.*—For purposes of paragraph (2), the following factors, or any combination thereof, shall not be treated as objective and reliable evidence of a registrant’s ineligibility to vote:

(A) The failure of the registrant to vote in any election.

(B) The failure of the registrant to respond to any notice sent under section 8(d), unless the notice has been returned as undeliverable.

(C) The failure of the registrant to take any other action with respect to voting in any election or with respect to the registrant’s status as a registrant.

(b) *NOTICE AFTER REMOVAL.*—

(1) *NOTICE TO INDIVIDUAL REMOVED.*—

(A) *IN GENERAL.*—Not later than 48 hours after a State removes the name of a registrant from the official list of eligible voters for any reason (other than the death of the registrant), the State shall send notice of the removal to the former registrant, and shall include in the notice the grounds for the removal and information how the former registrant may contest the removal, including a telephone number for the appropriate election official., and how to contest the removal or be reinstated, including a contact phone number.

(B) *EXCEPTIONS.*—Subparagraph (A) does not apply in the case of a registrant—

(i) who sends written confirmation to the State that the registrant is no longer eligible to vote in the registrar's jurisdiction in which the registrant was registered; or

(ii) who is removed from the official list of eligible voters by reason of the death of the registrant.

(2) *PUBLIC NOTICE.*—Not later than 48 hours after conducting any general program to remove the names of ineligible voters from the official list of eligible voters (as described in section 8(a)(4)), the State shall disseminate a public notice through such methods as may be reasonable to reach the general public (including by publishing the notice in a newspaper of wide circulation or posting the notice on the websites of the appropriate election officials) that list maintenance is taking place and that registrants should check their registration status to ensure no errors or mistakes have been made. The State shall ensure that the public notice disseminated under this paragraph is in a format that is reasonably convenient and accessible to voters with disabilities, including voters who have low vision or are blind.

#### **SEC. 9. FEDERAL COORDINATION AND REGULATIONS.**

(a) *IN GENERAL.*—The Election Assistance Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) *CONTENTS OF MAIL VOTER REGISTRATION FORM.*—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant),



as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; **[and]**

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes**[.]**; and

(5) shall include a space for the applicant to provide (at the applicant's option) an electronic mail address, together with a statement that, if the applicant so requests, instead of using regular mail the appropriate State and local election officials shall provide to the applicant, through electronic mail sent to that address, the same voting information (as defined in section 302(b)(2) of the Help America Vote Act of 2002) which the officials would provide to the applicant through regular mail.

*(c) PROHIBITING USE OF ELECTRONIC MAIL ADDRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The chief State election official shall ensure that any electronic mail address provided by an applicant under subsection (b)(5) is used only for purposes of carrying out official duties of election officials and is not transmitted by any State or local election official (or any agent of such an official, including a contractor) to any person who does not require the address to carry out such official duties and who is not under the direct supervision and control of a State or local election official.*

\* \* \* \* \*

**HELP AMERICA VOTE ACT OF 2002**

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Help America Vote Act of 2002”.

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

Sec. 1. Short title; table of contents.

\* \* \* \* \*

## TITLE II—COMMISSION

\* \* \* \* \*

### Subtitle C—Studies and Other Activities To Promote Effective Administration of Federal Elections

\* \* \* \* \*

*Sec. 247. Study and report on accessible paper ballot verification mechanisms.*

*Sec. [247.] 248. Consultation with Standards Board and Board of Advisors.*

\* \* \* \* \*

### Subtitle D—Election Assistance

\* \* \* \* \*

#### *PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS*

*Sec. 297. Payments to States.*

*Sec. 297A. Authorization of appropriations.*

#### *PART 8—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM IMPROVEMENTS*

*Sec. 298. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.*

*Sec. 298A. Voting system security improvements described.*

*Sec. 298B. Eligibility of States.*

*Sec. 298C. Reports to Congress.*

*Sec. 298D. Authorization of appropriations.*

#### *PART 9—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS*

*Sec. 299. Grants for conducting risk-limiting audits of results of elections.*

*Sec. 299A. Eligibility of States.*

*Sec. 299B. Authorization of appropriations.*

## TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

### Subtitle A—Requirements

*Sec. 301. Voting systems standards.*

*Sec. 301A. Pre-election reports on voting system usage.*

\* \* \* \* \*

*Sec. 303A. Permitting use of sworn written statement to meet identification requirements.*

*Sec. 303B. Requiring participation in post-general election surveys.*

*Sec. 304. Same day registration.*

*Sec. 305. Access to voter registration and voting for individuals with disabilities.*

*Sec. 306. Early voting.*

*Sec. 307. Promoting ability of voters to vote by mail.*

*Sec. [304.] 308. Minimum requirements.*

*Sec. [305.] 309. Methods of implementation left to discretion of State.*

\* \* \* \* \*

## TITLE IX—MISCELLANEOUS PROVISIONS

**[Sec. 901. State defined.]**

*Sec. 901. Definitions.*

\* \* \* \* \*

## TITLE II—COMMISSION

### Subtitle A—Establishment and General Organization

#### PART 1—ELECTION ASSISTANCE COMMISSION

\* \* \* \* \*

##### SEC. 202. DUTIES.

【The Commission】 (a) *IN GENERAL.*—*The Commission shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections [by] and the security of election infrastructure by—*

(1) carrying out the duties described in part 3 (relating to the adoption of voluntary voting system guidelines), including the maintenance of a clearinghouse of information on the experiences of State and local governments in implementing the guidelines and in operating voting systems in general;

(2) carrying out the duties described in subtitle B (relating to the testing, certification, decertification, and recertification of voting system hardware and software);

(3) carrying out the duties described in subtitle C (relating to conducting studies and carrying out other activities to promote the effective administration of Federal elections);

(4) carrying out the duties described in subtitle D (relating to election assistance), and providing information and training on the management of the payments and grants provided under such subtitle;

(5) carrying out the duties described in subtitle B of title III (relating to the adoption of voluntary guidance); and

(6) developing and carrying out the Help America Vote College Program under title V.

(b) *WAIVER OF CERTAIN REQUIREMENTS.*—*Subchapter I of chapter 35 of title 44, United States Code, shall not apply to the collection of information for purposes of maintaining the clearinghouse described in paragraph (1) of subsection (a).*

\* \* \* \* \*

##### SEC. 205. POWERS.

(a) *HEARINGS AND SESSIONS.*—*The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.*

(b) *INFORMATION FROM FEDERAL AGENCIES.*—*The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.*

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

(d) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this Act.

[(e) **CONTRACTS.**—The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).]

\* \* \* \* \*

**SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

In addition to the amounts authorized for payments and grants under this title and the amounts authorized to be appropriated for the program under section 503, there are authorized to be appropriated [for each of the fiscal years 2003 through 2005] *for fiscal year 2019 and each succeeding fiscal year* such sums as may be necessary [(but not to exceed \$10,000,000 for each such year)] for the Commission to carry out this title.

**PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS**

\* \* \* \* \*

**SEC. 213. MEMBERSHIP OF STANDARDS BOARD.**

(a) **COMPOSITION.**—

(1) **IN GENERAL.**—Subject to certification by the chair of the Federal Election Commission under subsection (b), the Standards Board shall be composed of 110 members as follows:

(A) Fifty-five shall be State election officials selected by the chief State election official of each State.

(B) Fifty-five shall be local election officials selected in accordance with paragraph (2).

(2) **LIST OF LOCAL ELECTION OFFICIALS.**—Each State’s local election officials, including the local election officials of Puerto Rico and the United States Virgin Islands, shall select (under a process supervised by the chief election official of the State) a representative local election official from the State for purposes of paragraph (1)(B). In the case of the District of Columbia, Guam, [and American Samoa] *American Samoa, and the Commonwealth of the Northern Mariana Islands*, the chief election official shall establish a procedure for selecting an individual to serve as a local election official for purposes of such paragraph, except that under such a procedure the individual selected may not be a member of the same political party as the chief election official.

(3) **REQUIRING MIX OF POLITICAL PARTIES REPRESENTED.**—The two members of the Standards Board who represent the same State may not be members of the same political party.

(b) PROCEDURES FOR NOTICE AND CERTIFICATION OF APPOINTMENT.—

(1) NOTICE TO CHAIR OF FEDERAL ELECTION COMMISSION.— Not later than 90 days after the date of the enactment of this Act, the chief State election official of the State shall transmit a notice to the chair of the Federal Election Commission containing—

(A) the name of the State election official who agrees to serve on the Standards Board under this title; and

(B) the name of the representative local election official from the State selected under subsection (a)(2) who agrees to serve on the Standards Board under this title.

(2) CERTIFICATION.—Upon receiving a notice from a State under paragraph (1), the chair of the Federal Election Commission shall publish a certification that the selected State election official and the representative local election official are appointed as members of the Standards Board under this title.

(3) EFFECT OF FAILURE TO PROVIDE NOTICE.—If a State does not transmit a notice to the chair of the Federal Election Commission under paragraph (1) within the deadline described in such paragraph, no representative from the State may participate in the selection of the initial Executive Board under subsection (c).

(4) ROLE OF COMMISSION.—Upon the appointment of the members of the Election Assistance Commission, the Election Assistance Commission shall carry out the duties of the Federal Election Commission under this subsection.

(c) EXECUTIVE BOARD.—

(1) IN GENERAL.—Not later than 60 days after the last day on which the appointment of any of its members may be certified under subsection (b), the Standards Board shall select nine of its members to serve as the Executive Board of the Standards Board, of whom—

(A) not more than five may be State election officials;

(B) not more than five may be local election officials;

and

(C) not more than five may be members of the same political party.

(2) TERMS.—Except as provided in paragraph (3), members of the Executive Board of the Standards Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

(3) STAGGERING OF INITIAL TERMS.—Of the members first selected to serve on the Executive Board of the Standards Board—

(A) three shall serve for 1 term;

(B) three shall serve for 2 consecutive terms; and

(C) three shall serve for 3 consecutive terms,

as determined by lot at the time the members are first appointed.

(4) DUTIES.—In addition to any other duties assigned under this title, the Executive Board of the Standards Board

may carry out such duties of the Standards Board as the Standards Board may delegate.

**SEC. 214. MEMBERSHIP OF BOARD OF ADVISORS.**

(a) IN GENERAL.—The Board of Advisors shall be composed of **[37 members]** *38 members* appointed as follows:

(1) Two members appointed by the National Governors Association.

(2) Two members appointed by the National Conference of State Legislatures.

(3) Two members appointed by the National Association of Secretaries of State.

(4) Two members appointed by the National Association of State Election Directors.

(5) Two members appointed by the National Association of Counties.

(6) Two members appointed by the National Association of County Recorders, Election Administrators, and Clerks.

(7) Two members appointed by the United States Conference of Mayors.

(8) Two members appointed by the Election Center.

(9) Two members appointed by the International Association of County Recorders, Election Officials, and Treasurers.

(10) Two members appointed by the United States Commission on Civil Rights.

(11) Two members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(12) The chief of the Office of Public Integrity of the Department of Justice, or the chief's designee.

(13) The chief of the Voting Section of the Civil Rights Division of the Department of Justice or the chief's designee.

(14) The director of the Federal Voting Assistance Program of the Department of Defense.

(15) Four members representing professionals in the field of science and technology, of whom—

(A) one each shall be appointed by the Speaker and the Minority Leader of the House of Representatives; and

(B) one each shall be appointed by the Majority Leader and the Minority Leader of the Senate.

(16) Eight members representing voter interests, of whom—

(A) four members shall be appointed by the Committee on House Administration of the House of Representatives, of whom two shall be appointed by the chair and two shall be appointed by the ranking minority member; and

(B) four members shall be appointed by the Committee on Rules and Administration of the Senate, of whom two shall be appointed by the chair and two shall be appointed by the ranking minority member.

(17) *The Secretary of Homeland Security or the Secretary's designee.*

(b) MANNER OF APPOINTMENTS.—Appointments shall be made to the Board of Advisors under subsection (a) in a manner which ensures that the Board of Advisors will be bipartisan in nature and will reflect the various geographic regions of the United States.

(c) TERM OF SERVICE; VACANCY.—Members of the Board of Advisors shall serve for a term of 2 years, and may be reappointed. Any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made.

(d) CHAIR.—The Board of Advisors shall elect a Chair from among its members.

\* \* \* \* \*

**PART 3—TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE**

**SEC. 221. TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.**

(a) ESTABLISHMENT.—There is hereby established the Technical Guidelines Development Committee (hereafter in this part referred to as the “Development Committee”).

(b) DUTIES.—

(1) IN GENERAL.—The Development Committee shall assist the Executive Director of the Commission in the development of the voluntary voting system guidelines.

(2) DEADLINE FOR INITIAL SET OF RECOMMENDATIONS.—The Development Committee shall provide its first set of recommendations under this section to the Executive Director of the Commission not later than 9 months after all of its members have been appointed.

(3) ELECTION CYBERSECURITY GUIDELINES.—*Not later than 6 months after the date of the enactment of this paragraph, the Development Committee shall issue election cybersecurity guidelines, including standards and best practices for procuring, maintaining, testing, operating, and updating election systems to prevent and deter cybersecurity incidents.*

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Development Committee shall be composed of the Director of the National Institute of Standards and Technology (who shall serve as its chair), together with a group of 14 other individuals appointed jointly by the Commission and the Director of the National Institute of Standards and Technology, consisting of the following:

(A) An equal number of each of the following:

(i) Members of the Standards Board.

(ii) Members of the Board of Advisors.

(iii) Members of the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(B) A representative of the American National Standards Institute.

(C) A representative of the Institute of Electrical and Electronics Engineers.

(D) Two representatives of the National Association of State Election Directors selected by such Association who are not members of the Standards Board or Board of Advisors, and who are not of the same political party.

(E) *A representative of the Department of Homeland Security.*

**[(E)]** (F) Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

(2) QUORUM.—A majority of the members of the Development Committee shall constitute a quorum, except that the Development Committee may not conduct any business prior to the appointment of all of its members.

(d) NO COMPENSATION FOR SERVICE.—Members of the Development Committee shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Development Committee.

(e) TECHNICAL SUPPORT FROM NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—At the request of the Development Committee, the Director of the National Institute of Standards and Technology shall provide the Development Committee with technical support necessary for the Development Committee to carry out its duties under this subtitle.

(2) TECHNICAL SUPPORT.—The technical support provided under paragraph (1) shall include intramural research and development in areas to support the development of the voluntary voting system guidelines under this part, including—

(A) the security of computers, computer networks, and computer data storage used in voting systems, including the computerized list required under section 303(a);

(B) methods to detect and prevent fraud;

(C) the protection of voter privacy;

(D) the role of human factors in the design and application of voting systems, including assistive technologies for individuals with disabilities (including blindness) and varying levels of literacy; and

(E) remote access voting, including voting through the Internet.

(3) NO PRIVATE SECTOR INTELLECTUAL PROPERTY RIGHTS IN GUIDELINES.—No private sector individual or entity shall obtain any intellectual property rights to any guideline or the contents of any guideline (or any modification to any guideline) adopted by the Commission under this Act.

(f) PUBLICATION OF RECOMMENDATIONS IN FEDERAL REGISTER.—At the time the Commission adopts any voluntary voting system guideline pursuant to section 222, the Development Committee shall cause to have published in the Federal Register the



recommendations it provided under this section to the Executive Director of the Commission concerning the guideline adopted.

\* \* \* \* \*

### **Subtitle B—Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software**

#### **SEC. 231. CERTIFICATION AND TESTING OF VOTING SYSTEMS.**

(a) **CERTIFICATION AND TESTING.**—

(1) **IN GENERAL.**—The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

(2) **OPTIONAL USE BY STATES.**—At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

(3) **TESTING TO ENSURE COMPLIANCE WITH GUIDELINES.**—

(A) **TESTING.**—*Not later than 9 months before the date of each regularly scheduled general election for Federal office, the Commission shall provide for the testing by accredited laboratories under this section of the voting system hardware and software which was certified for use in the most recent such election, on the basis of the most recent voting system guidelines applicable to such hardware or software (including election cybersecurity guidelines) issued under this Act.*

(B) **DECERTIFICATION OF HARDWARE OR SOFTWARE FAILING TO MEET GUIDELINES.**—*If, on the basis of the testing described in subparagraph (A), the Commission determines that any voting system hardware or software does not meet the most recent guidelines applicable to such hardware or software issued under this Act, the Commission shall decertify such hardware or software.*

(b) **LABORATORY ACCREDITATION.**—

(1) **RECOMMENDATIONS BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.**—Not later than 6 months after the Commission first adopts voluntary voting system guidelines under part 3 of subtitle A, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section.

(2) **APPROVAL BY COMMISSION.**—

(A) **IN GENERAL.**—The Commission shall vote on the accreditation of any laboratory under this section, taking into consideration the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this

section unless its accreditation is approved by a vote of the Commission.

(B) ACCREDITATION LABORATORIES NOT ON DIRECTOR LIST.—The Commission shall publish an explanation for the accreditation of any laboratory not included on the list submitted by the Director of the National Institute of Standards and Technology under paragraph (1).

(c) CONTINUING REVIEW BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the continuing accreditation of such laboratories, including recommendations to revoke the accreditation of any such laboratory.

(2) APPROVAL BY COMMISSION REQUIRED FOR REVOCATION.—The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

(d) TRANSITION.—Until such time as the Commission provides for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories under this section, the accreditation of laboratories and the procedure for the testing, certification, decertification, and recertification of voting system hardware and software used as of the date of the enactment of this Act shall remain in effect.

(e) REPORT ON USE OF FUNDS TRANSFERRED FROM COMMISSION.—*To the extent that funds are transferred from the Commission to the Director of the National Institute of Standards and Technology for purposes of carrying out this section during any fiscal year, the Director may not use such funds unless the Director certifies at the time of transfer that the Director will submit a report to the Commission not later than 90 days after the end of the fiscal year detailing how the Director used such funds during the year.*

## **Subtitle C—Studies and Other Activities To Promote Effective Administration of Federal Elections**

### **SEC. 241. PERIODIC STUDIES OF ELECTION ADMINISTRATION ISSUES.**

(a) IN GENERAL.—On such periodic basis as the Commission may determine, **[the Commission shall]** *the Commission, in consultation with the Secretary of Homeland Security (as appropriate), shall* conduct and make available to the public studies regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which—

(1) will be the most convenient, accessible, and easy to use for voters, including members of the uniformed services and overseas voters, individuals with disabilities, including the blind and visually impaired, and voters with limited proficiency in the English language;

(2) will yield the most accurate, secure, and expeditious system for voting and tabulating election results;

(3) will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; **[and]**

*(4) will be secure against attempts to undermine the integrity of election systems by cyber or other means; and*

**[(4)]** (5) will be efficient and cost-effective for use.

(b) ELECTION ADMINISTRATION ISSUES DESCRIBED.—For purposes of subsection (a), the election administration issues described in this subsection are as follows:

(1) Methods and mechanisms of election technology and voting systems used in voting and counting votes in elections for Federal office, including the over-vote and under-vote notification capabilities of such technology and systems.

(2) Ballot designs for elections for Federal office.

(3) Methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that registered voters appear on the voter registration list at the appropriate polling site.

(4) Methods of conducting provisional voting.

(5) Methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including individuals with disabilities (including the blind and visually impaired), Native American or Alaska Native citizens, and voters with limited proficiency in the English language.

(6) Nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office.

(7) Identifying, deterring, and investigating methods of voter intimidation.

(8) Methods of recruiting, training, and improving the performance of poll workers.

(9) Methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections.

(10) The feasibility and advisability of conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time and establishing—

(A) a legal public holiday under section 6103 of title 5, United States Code, as the date on which general elections for Federal office are held;

(B) the Tuesday next after the 1st Monday in November, in every even numbered year, as a legal public holiday under such section;

(C) a date other than the Tuesday next after the 1st Monday in November, in every even numbered year as the date on which general elections for Federal office are held; and

(D) any date described in subparagraph (C) as a legal public holiday under such section.

(11) Federal and State laws governing the eligibility of persons to vote.

(12) Ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(13)(A) The laws and procedures used by each State that govern—

(i) recounts of ballots cast in elections for Federal office;

(ii) contests of determinations regarding whether votes are counted in such elections; and

(iii) standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office.

(B) The best practices (as identified by the Commission) that are used by States with respect to the recounts and contests described in clause (i).

(C) Whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office.

(14) The technical feasibility of providing voting materials in eight or more languages for voters who speak those languages and who have limited English proficiency.

(15) Matters particularly relevant to voting and administering elections in rural and urban areas.

(16) Methods of voter registration for members of the uniformed services and overseas voters, and methods of ensuring that such voters receive timely ballots that will be properly and expeditiously handled and counted.

(17) The best methods for establishing voting system performance benchmarks, expressed as a percentage of residual vote in the Federal contest at the top of the ballot.

(18) Broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

(19) Such other matters as the Commission determines are appropriate.

(c) REPORTS.—The Commission shall submit to the President and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on each study conducted under subsection

(a) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

\* \* \* \* \*

**SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER BALLOT VERIFICATION MECHANISMS.**

(a) *STUDY AND REPORT.*—The Director of the National Science Foundation shall make grants to not fewer than 3 eligible entities to study, test, and develop accessible paper ballot voting, verification, and casting mechanisms and devices and best practices to enhance the accessibility of paper ballot voting and verification mechanisms for individuals with disabilities, for voters whose primary language is not English, and for voters with difficulties in literacy, including best practices for the mechanisms themselves and the processes through which the mechanisms are used.

(b) *ELIGIBILITY.*—An entity is eligible to receive a grant under this part if it submits to the Director (at such time and in such form as the Director may require) an application containing—

(1) certifications that the entity shall specifically investigate enhanced methods or devices, including non-electronic devices, that will assist such individuals and voters in marking voter-verified paper ballots and presenting or transmitting the information printed or marked on such ballots back to such individuals and voters, and casting such ballots;

(2) a certification that the entity shall complete the activities carried out with the grant not later than December 31, 2020; and

(3) such other information and certifications as the Director may require.

(c) *AVAILABILITY OF TECHNOLOGY.*—Any technology developed with the grants made under this section shall be treated as non-proprietary and shall be made available to the public, including to manufacturers of voting systems.

(d) *COORDINATION WITH GRANTS FOR TECHNOLOGY IMPROVEMENTS.*—The Director shall carry out this section so that the activities carried out with the grants made under subsection (a) are coordinated with the research conducted under the grant program carried out by the Commission under section 271, to the extent that the Director and Commission determine necessary to provide for the advancement of accessible voting technology.

(e) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out subsection (a) \$5,000,000, to remain available until expended.

**SEC. [247.] 248. CONSULTATION WITH STANDARDS BOARD AND BOARD OF ADVISORS.**

The Commission shall carry out its duties under this subtitle in consultation with the Standards Board and the Board of Advisors.

## Subtitle D—Election Assistance

### PART 1—REQUIREMENTS PAYMENTS

#### SEC. 251. REQUIREMENTS PAYMENTS.

(a) **IN GENERAL.**—The Commission shall make a requirements payment each year in an amount determined under section 252 to each State which meets the conditions described in section 253 for the year.

(b) **USE OF FUNDS.**—

(1) **IN GENERAL.**—Except as provided in paragraphs **[(2) and (3)] (2), (3), and (4)**, a State receiving a requirements payment shall use the payment only to meet the requirements of title III.

(2) **OTHER ACTIVITIES.**—A State may use a requirements payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to the Commission that—

(A) the State has implemented the requirements of title III; or

(B) the amount expended with respect to such other activities does not exceed an amount equal to the minimum payment amount applicable to the State under section 252(c).

(3) **ACTIVITIES UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.**—A State shall use a requirements payment made using funds appropriated pursuant to the authorization under section 257(a)(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.

(4) **CERTAIN VOTER REGISTRATION ACTIVITIES.**—*A State may use a requirements payment to carry out any of the requirements of the Voter Registration Modernization Act of 2019, including the requirements of the National Voter Registration Act of 1993 which are imposed pursuant to the amendments made to such Act by the Voter Registration Modernization Act of 2019.*

(5) **PERMITTING USE OF PAYMENTS FOR VOTING SYSTEM SECURITY IMPROVEMENTS.**—*A State may use a requirements payment to carry out any of the following activities:*

(A) *Cyber and risk mitigation training.*

(B) *Providing increased technical support for any information technology infrastructure that the chief State election official deems to be part of the State's election infrastructure or designates as critical to the operation of the State's election infrastructure.*

(C) *Enhancing the cybersecurity and operations of the information technology infrastructure described in subparagraph (B).*

(D) *Enhancing the security of voter registration databases.*

(c) **RETROACTIVE PAYMENTS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of this subtitle, including the maintenance of effort requirements of section 254(a)(7), a State may use a requirements payment as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of section 301 if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000.

(2) **SPECIAL RULE REGARDING MULTIYEAR CONTRACTS.**—A State may use a requirements payment for any costs for voting equipment which meets the requirements of section 301 that, pursuant to a multiyear contract, were incurred on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements of section 254(a)(7) shall be increased by the amount of the payment made with respect to such multiyear contract.

(d) **ADOPTION OF COMMISSION GUIDELINES AND GUIDANCE NOT REQUIRED TO RECEIVE PAYMENT.**—Nothing in this part may be construed to require a State to implement any of the voluntary voting system guidelines or any of the voluntary guidance adopted by the Commission with respect to any matter as a condition for receiving a requirements payment.

(e) **SCHEDULE OF PAYMENTS.**—As soon as practicable after the initial appointment of all members of the Commission (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Commission shall make requirements payments to States under this part.

(f) **LIMITATION.**—A State may not use any portion of a requirements payment—

- (1) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a requirements payment under this part; or
- (2) for the payment of any judgment.

**SEC. 252. ALLOCATION OF FUNDS.**

(a) **IN GENERAL.**—Subject to subsection (c), the amount of a requirements payment made to a State for a year shall be equal to the product of—

- (1) the total amount appropriated for requirements payments for the year pursuant to the authorization under section 257; and
- (2) the State allocation percentage for the State (as determined under subsection (b)).

(b) **STATE ALLOCATION PERCENTAGE DEFINED.**—The “State allocation percentage” for a State is the amount (expressed as a percentage) equal to the quotient of—

- (1) the voting age population of the State (as reported in the most recent decennial census); and
- (2) the total voting age population of all States (as reported in the most recent decennial census).

(c) **MINIMUM AMOUNT OF PAYMENT.**—The amount of a requirements payment made to a State for a year may not be less than—

(1) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the total amount appropriated for requirements payments for the year under section 257; or

(2) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, [or the United States Virgin Islands] *the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands*, one-tenth of 1 percent of such total amount.

(d) PRO RATA REDUCTIONS.—The Administrator shall make such pro rata reductions to the allocations determined under subsection (a) as are necessary to comply with the requirements of subsection (c).

(e) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A requirements payment made to a State under this part shall be available to the State without fiscal year limitation.

\* \* \* \* \*

**SEC. 254. STATE PLAN.**

(a) IN GENERAL.—The State plan shall contain a description of each of the following:

(1) How the State will use the requirements payment to meet the requirements of title III, and, if applicable under [section 251(a)(2)] *section 251(b)(2)*, to carry out other activities to improve the administration of elections[.], *including the protection of election infrastructure.*

(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of—

(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and

(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

(3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.

(4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

(5) How the State will establish a fund described in subsection (b) for purposes of administering the State’s activities under this part, including information on fund management.

(6) The State’s proposed budget for activities under this part, based on the State’s best estimates of the costs of such activities and the amount of funds to be made available, including specific information on—

(A) the costs of the activities required to be carried out to meet the requirements of title III;



(B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and

(C) the portion of the requirements payment which will be used to carry out other activities.

(7) How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

(8) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

(10) If the State received any payment under title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

(11) How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless notice of the change—

(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;

(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and

(C) takes effect only after the expiration of the 30-day period which begins on the date notice of the change is published in the Federal Register in accordance with subparagraph (A).

(12) In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

(13) A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

(14) How the State will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.

(b) REQUIREMENTS FOR ELECTION FUND.—

(1) ELECTION FUND DESCRIBED.—For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part.

(B) The requirements payment made to the State under this part.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

(2) USE OF FUND.—Amounts in the fund shall be used by the State exclusively to carry out the activities for which the requirements payment is made to the State under this part.

(3) TREATMENT OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to establish the fund described in this subsection, the Commission shall defer disbursement of the requirements payment to such State until such time as legislation establishing the fund is enacted.

(c) PROTECTION AGAINST ACTIONS BASED ON INFORMATION IN PLAN.—

(1) IN GENERAL.—No action may be brought under this Act against a State or other jurisdiction on the basis of any information contained in the State plan filed under this part.

(2) EXCEPTION FOR CRIMINAL ACTS.—Paragraph (1) may not be construed to limit the liability of a State or other jurisdiction for criminal acts or omissions.

**SEC. 255. PROCESS FOR DEVELOPMENT AND FILING OF PLAN; PUBLICATION BY COMMISSION.**

(a) IN GENERAL.—The chief State election official shall develop the State plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the States, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official.

(b) GEOGRAPHIC REPRESENTATION.—*The members of the committee shall be a representative group of individuals from the State’s counties, cities, towns, and Indian tribes, and shall represent the needs of rural as well as urban areas of the State, as the case may be.*

**[(b)]** (c) PUBLICATION OF PLAN BY COMMISSION.—After receiving the State plan of a State under this subtitle, the Commission shall cause to have the plan posted on the Commission’s website with a notice published in the Federal Register.

\* \* \* \* \*

**PART 2—PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES**

**SEC. 261. PAYMENTS TO STATES AND UNITS OF LOCAL GOVERNMENT TO ASSURE ACCESS FOR INDIVIDUALS WITH DISABILITIES.**

(a) IN GENERAL.—The Secretary of Health and Human Services shall make a payment to each eligible State and each eligible unit of local government (as described in section 263).

(b) USE OF FUNDS.—An eligible State and eligible unit of local government shall use the payment received under this part for—

[(1) making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

[(2) providing individuals with disabilities and the other individuals described in paragraph (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections for Federal office.]

*(1) making absentee voting and voting at home accessible to individuals with the full range of disabilities (including impairments involving vision, hearing, mobility, or dexterity) through the implementation of accessible absentee voting systems that work in conjunction with assistive technologies for which individuals have access at their homes, independent living centers, or other facilities;*

*(2) making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and*

*(3) providing solutions to problems of access to voting and elections for individuals with disabilities that are universally designed and provide the same opportunities for individuals with and without disabilities.*

(c) SCHEDULE OF PAYMENTS.—As soon as practicable after the date of the enactment of this Act (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Secretary shall make payments under this part.

\* \* \* \* \*

**SEC. 264. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out the provisions of this part the following amounts:

- (1) For fiscal year 2003, \$50,000,000.
- (2) For fiscal year 2004, \$25,000,000.
- (3) For fiscal year 2005, \$25,000,000.

(4) *For fiscal year 2020 and each succeeding fiscal year, such sums as may be necessary to carry out this part.*

(b) **AVAILABILITY.**—~~Any amounts~~ *Except as provided in subsection (b), any amounts* appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

(c) **RETURN AND TRANSFER OF CERTAIN FUNDS.**—

(1) **DEADLINE FOR OBLIGATION AND EXPENDITURE.**—*In the case of any amounts appropriated pursuant to the authority of subsection (a) for a payment to a State or unit of local government for fiscal year 2020 or any succeeding fiscal year, any portion of such amounts which have not been obligated or expended by the State or unit of local government prior to the expiration of the 4-year period which begins on the date the State or unit of local government first received the amounts shall be transferred to the Commission.*

(2) **REALLOCATION OF TRANSFERRED AMOUNTS.**—

(A) **IN GENERAL.**—*The Commission shall use the amounts transferred under paragraph (1) to make payments on a pro rata basis to each covered payment recipient described in subparagraph (B), which may obligate and expend such payment for the purposes described in section 261(b) during the 1-year period which begins on the date of receipt.*

(B) **COVERED PAYMENT RECIPIENTS DESCRIBED.**—*In subparagraph (A), a “covered payment recipient” is a State or unit of local government with respect to which—*

- (i) *amounts were appropriated pursuant to the authority of subsection (a); and*
- (ii) *no amounts were transferred to the Commission under paragraph (1).*

\* \* \* \* \*

**PART 5—PROTECTION AND ADVOCACY SYSTEMS**

\* \* \* \* \*

**SEC. 292. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated \$10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 291(a); except that none of the funds provided by this subsection shall be used to initiate or otherwise participate in any liti-

gation related to election-related disability access, notwithstanding the general authorities that the protection and advocacy systems are otherwise afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

\* \* \* \* \*

**PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS**

**SEC. 297. PAYMENTS TO STATES.**

(a) PAYMENTS FOR COSTS OF ESTABLISHING PROGRAM.—In accordance with this section, the Commission shall make a payment to a State to reimburse the State for the costs incurred in establishing, if the State so chooses to establish, an absentee ballot tracking program with respect to elections for Federal office held in the State (including costs incurred prior to the date of the enactment of this part).

(b) ABSENTEE BALLOT TRACKING PROGRAM DESCRIBED.—

(1) PROGRAM DESCRIBED.—

(A) IN GENERAL.—In this part, an “absentee ballot tracking program” is a program to track and confirm the receipt of absentee ballots in an election for Federal office under which the State or local election official responsible for the receipt of voted absentee ballots in the election carries out procedures to track and confirm the receipt of such ballots, and makes information on the receipt of such ballots available to the individual who cast the ballot, by means of online access using the Internet site of the official’s office.

(B) INFORMATION ON WHETHER VOTE WAS COUNTED.—

The information referred to under subparagraph (A) with respect to the receipt of an absentee ballot shall include information regarding whether the vote cast on the ballot was counted, and, in the case of a vote which was not counted, the reasons therefor.

(2) USE OF TOLL-FREE TELEPHONE NUMBER BY OFFICIALS WITHOUT INTERNET SITE.—A program established by a State or local election official whose office does not have an Internet site may meet the description of a program under paragraph (1) if the official has established a toll-free telephone number that may be used by an individual who cast an absentee ballot to obtain the information on the receipt of the voted absentee ballot as provided under such paragraph.

(c) CERTIFICATION OF COMPLIANCE AND COSTS.—

(1) *CERTIFICATION REQUIRED.*—In order to receive a payment under this section, a State shall submit to the Commission a statement containing—

(A) a certification that the State has established an absentee ballot tracking program with respect to elections for Federal office held in the State; and

(B) a statement of the costs incurred by the State in establishing the program.

(2) *AMOUNT OF PAYMENT.*—The amount of a payment made to a State under this section shall be equal to the costs incurred by the State in establishing the absentee ballot tracking program, as set forth in the statement submitted under paragraph (1), except that such amount may not exceed the product of—

(A) the number of jurisdictions in the State which are responsible for operating the program; and

(B) \$3,000.

(3) *LIMIT ON NUMBER OF PAYMENTS RECEIVED.*—A State may not receive more than one payment under this part.

**SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

(a) *AUTHORIZATION.*—There are authorized to be appropriated to the Commission for fiscal year 2020 and each succeeding fiscal year such sums as may be necessary for payments under this part.

(b) *CONTINUING AVAILABILITY OF FUNDS.*—Any amounts appropriated pursuant to the authorization under this section shall remain available until expended.

**PART 8—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS**

**SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS.**

(a) *AVAILABILITY AND USE OF GRANT.*—The Commission shall make a grant to each eligible State—

(1) to replace a voting system—

(A) which does not meet the requirements which are first imposed on the State pursuant to the amendments made by the Voter Confidence and Increased Accessibility Act of 2019 with a voting system which does meet such requirements, for use in the regularly scheduled general elections for Federal office held in November 2020, or

(B) which does meet such requirements but which is not in compliance with the most recent voluntary voting system guidelines issued by the Commission prior to the regularly scheduled general election for Federal office held in November 2020 with another system which does meet such requirements and is in compliance with such guidelines; and

(2) to carry out voting system security improvements described in section 298A with respect to the regularly scheduled

*general elections for Federal office held in November 2020 and each succeeding election for Federal office.*

*(b) AMOUNT OF GRANT.—The amount of a grant made to a State under this section shall be such amount as the Commission determines to be appropriate, except that such amount may not be less than the product of \$1 and the average of the number of individuals who cast votes in any of the two most recent regularly scheduled general elections for Federal office held in the State.*

*(c) PRO RATA REDUCTIONS.—If the amount of funds appropriated for grants under this part is insufficient to ensure that each State receives the amount of the grant calculated under subsection (b), the Commission shall make such pro rata reductions in such amounts as may be necessary to ensure that the entire amount appropriated under this part is distributed to the States.*

*(d) ABILITY OF REPLACEMENT SYSTEMS TO ADMINISTER RANKED CHOICE ELECTIONS.—To the greatest extent practicable, an eligible State which receives a grant to replace a voting system under this section shall ensure that the replacement system is capable of administering a system of ranked choice voting under which each voter shall rank the candidates for the office in the order of the voter's preference.*

**SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS DESCRIBED.**

*(a) PERMITTED USES.—A voting system security improvement described in this section is any of the following:*

*(1) The acquisition of goods and services from qualified election infrastructure vendors by purchase, lease, or such other arrangements as may be appropriate.*

*(2) Cyber and risk mitigation training.*

*(3) A security risk and vulnerability assessment of the State's election infrastructure which is carried out by a provider of cybersecurity services under a contract entered into between the chief State election official and the provider.*

*(4) The maintenance of election infrastructure, including addressing risks and vulnerabilities which are identified under either of the security risk and vulnerability assessments described in paragraph (3), except that none of the funds provided under this part may be used to renovate or replace a building or facility which is used primarily for purposes other than the administration of elections for public office.*

*(5) Providing increased technical support for any information technology infrastructure that the chief State election official deems to be part of the State's election infrastructure or designates as critical to the operation of the State's election infrastructure.*

*(6) Enhancing the cybersecurity and operations of the information technology infrastructure described in paragraph (4).*

*(7) Enhancing the cybersecurity of voter registration systems.*

**(b) QUALIFIED ELECTION INFRASTRUCTURE VENDORS DESCRIBED.—**

*(1) IN GENERAL.—For purposes of this part, a “qualified election infrastructure vendor” is any person who provides, sup-*

ports, or maintains, or who seeks to provide, support, or maintain, election infrastructure on behalf of a State, unit of local government, or election agency (as defined in section 3501 of the Election Security Act) who meets the criteria described in paragraph (2).

(2) *CRITERIA.*—The criteria described in this paragraph are such criteria as the Chairman, in coordination with the Secretary of Homeland Security, shall establish and publish, and shall include each of the following requirements:

(A) The vendor must be owned and controlled by a citizen or permanent resident of the United States.

(B) The vendor must disclose to the Chairman and the Secretary, and to the chief State election official of any State to which the vendor provides any goods and services with funds provided under this part, of any sourcing outside the United States for parts of the election infrastructure.

(C) The vendor agrees to ensure that the election infrastructure will be developed and maintained in a manner that is consistent with the cybersecurity best practices issued by the Technical Guidelines Development Committee.

(D) The vendor agrees to maintain its information technology infrastructure in a manner that is consistent with the cybersecurity best practices issued by the Technical Guidelines Development Committee.

(E) The vendor agrees to meet the requirements of paragraph (3) with respect to any known or suspected cybersecurity incidents involving any of the goods and services provided by the vendor pursuant to a grant under this part.

(F) The vendor agrees to permit independent security testing by the Commission (in accordance with section 231(a)) and by the Secretary of the goods and services provided by the vendor pursuant to a grant under this part.

(3) *CYBERSECURITY INCIDENT REPORTING REQUIREMENTS.*—

(A) *IN GENERAL.*—A vendor meets the requirements of this paragraph if, upon becoming aware of the possibility that an election cybersecurity incident has occurred involving any of the goods and services provided by the vendor pursuant to a grant under this part—

(i) the vendor promptly assesses whether or not such an incident occurred, and submits a notification meeting the requirements of subparagraph (B) to the Secretary and the Chairman of the assessment as soon as practicable (but in no case later than 3 days after the vendor first becomes aware of the possibility that the incident occurred);

(ii) if the incident involves goods or services provided to an election agency, the vendor submits a notification meeting the requirements of subparagraph (B) to the agency as soon as practicable (but in no case later than 3 days after the vendor first becomes aware



of the possibility that the incident occurred), and cooperates with the agency in providing any other necessary notifications relating to the incident; and

(iii) the vendor provides all necessary updates to any notification submitted under clause (i) or clause (ii).

(B) **CONTENTS OF NOTIFICATIONS.**—Each notification submitted under clause (i) or clause (ii) of subparagraph (A) shall contain the following information with respect to any election cybersecurity incident covered by the notification:

(i) The date, time, and time zone when the election cybersecurity incident began, if known.

(ii) The date, time, and time zone when the election cybersecurity incident was detected.

(iii) The date, time, and duration of the election cybersecurity incident.

(iv) The circumstances of the election cybersecurity incident, including the specific election infrastructure systems believed to have been accessed and information acquired, if any.

(v) Any planned and implemented technical measures to respond to and recover from the incident.

(vi) In the case of any notification which is an update to a prior notification, any additional material information relating to the incident, including technical data, as it becomes available.

**SEC. 298B. ELIGIBILITY OF STATES.**

A State is eligible to receive a grant under this part if the State submits to the Commission, at such time and in such form as the Commission may require, an application containing—

(1) a description of how the State will use the grant to carry out the activities authorized under this part;

(2) a certification and assurance that, not later than 5 years after receiving the grant, the State will carry out risk-limiting audits and will carry out voting system security improvements, as described in section 298A; and

(3) such other information and assurances as the Commission may require.

**SEC. 298C. REPORTS TO CONGRESS.**

Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the appropriate congressional committees, including the Committees on Homeland Security, House Administration, and the Judiciary of the House of Representatives and the Committees on Homeland Security and Governmental Affairs, the Judiciary, and Rules and Administration of the Senate, on the activities carried out with the funds provided under this part.

**SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION.**—There are authorized to be appropriated for grants under this part—

- (1) \$1,000,000,000 for fiscal year 2019; and
- (2) \$175,000,000 for each of the fiscal years 2020, 2022, 2024, and 2026.

(b) *CONTINUING AVAILABILITY OF AMOUNTS.*—Any amounts appropriated pursuant to the authorization of this section shall remain available until expended.

## **PART 9—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS**

### **SEC. 299. GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS.**

(a) *AVAILABILITY OF GRANTS.*—The Commission shall make a grant to each eligible State to conduct risk-limiting audits as described in subsection (b) with respect to the regularly scheduled general elections for Federal office held in November 2020 and each succeeding election for Federal office.

(b) *RISK-LIMITING AUDITS DESCRIBED.*—In this part, a “risk-limiting audit” is a post-election process—

(1) which is conducted in accordance with rules and procedures established by the chief State election official of the State which meet the requirements of subsection (c); and

(2) under which, if the reported outcome of the election is incorrect, there is at least a predetermined percentage chance that the audit will replace the incorrect outcome with the correct outcome as determined by a full, hand-to-eye tabulation of all votes validly cast in that election that ascertains voter intent manually and directly from voter-verifiable paper records.

(c) *REQUIREMENTS FOR RULES AND PROCEDURES.*—The rules and procedures established for conducting a risk-limiting audit shall include the following elements:

(1) Rules for ensuring the security of ballots and documenting that prescribed procedures were followed.

(2) Rules and procedures for ensuring the accuracy of ballot manifests produced by election agencies.

(3) Rules and procedures for governing the format of ballot manifests, cast vote records, and other data involved in the audit.

(4) Methods to ensure that any cast vote records used in the audit are those used by the voting system to tally the election results sent to the chief State election official and made public.

(5) Procedures for the random selection of ballots to be inspected manually during each audit.

(6) Rules for the calculations and other methods to be used in the audit and to determine whether and when the audit of an election is complete.

(7) Procedures and requirements for testing any software used to conduct risk-limiting audits.

(d) *DEFINITIONS.*—In this part, the following definitions apply:

(1) The term “ballot manifest” means a record maintained by each election agency that meets each of the following requirements:

(A) *The record is created without reliance on any part of the voting system used to tabulate votes.*

(B) *The record functions as a sampling frame for conducting a risk-limiting audit.*

(C) *The record contains the following information with respect to the ballots cast and counted in the election:*

(i) *The total number of ballots cast and counted by the agency (including undervotes, overvotes, and other invalid votes).*

(ii) *The total number of ballots cast in each election administered by the agency (including undervotes, overvotes, and other invalid votes).*

(iii) *A precise description of the manner in which the ballots are physically stored, including the total number of physical groups of ballots, the numbering system for each group, a unique label for each group, and the number of ballots in each such group.*

(2) *The term “incorrect outcome” means an outcome that differs from the outcome that would be determined by a full tabulation of all votes validly cast in the election, determining voter intent manually, directly from voter-verifiable paper records.*

(3) *The term “outcome” means the winner of an election, whether a candidate or a position.*

(4) *The term “reported outcome” means the outcome of an election which is determined according to the canvass and which will become the official, certified outcome unless it is revised by an audit, recount, or other legal process.*

**SEC. 299A. ELIGIBILITY OF STATES.**

*A State is eligible to receive a grant under this part if the State submits to the Commission, at such time and in such form as the Commission may require, an application containing—*

(1) *a certification that, not later than 5 years after receiving the grant, the State will conduct risk-limiting audits of the results of elections for Federal office held in the State as described in section 299;*

(2) *a certification that, not later than one year after the date of the enactment of this section, the chief State election official of the State has established or will establish the rules and procedures for conducting the audits which meet the requirements of section 299(c);*

(3) *a certification that the audit shall be completed not later than the date on which the State certifies the results of the election;*

(4) *a certification that, after completing the audit, the State shall publish a report on the results of the audit, together with such information as necessary to confirm that the audit was conducted properly;*

(5) *a certification that, if a risk-limiting audit conducted under this part leads to a full manual tally of an election, State law requires that the State or election agency shall use the re-*

*sults of the full manual tally as the official results of the election; and*

*(6) such other information and assurances as the Commission may require.*

**SEC. 299B. AUTHORIZATION OF APPROPRIATIONS.**

*There are authorized to be appropriated for grants under this part \$20,000,000 for fiscal year 2019, to remain available until expended.*

**TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS**

**Subtitle A—Requirements**

**SEC. 301. VOTING SYSTEMS STANDARDS.**

(a) REQUIREMENTS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall—

(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and **counted** *counted, in accordance with paragraphs (2) and (3);*

(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and **counted** *counted, in accordance with paragraphs (2) and (3)* (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than one candidate for a single office—

(I) notify the voter that the voter has selected more than one candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and **counted** *counted, in accordance with paragraphs (2) and (3)* of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and **counted** *counted, in accordance with paragraphs (2) and (3).*

(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and **counted** *counted, in accordance with paragraphs (2) and (3)* (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

**[(2) AUDIT CAPACITY.—**

**[(A) IN GENERAL.—**The voting system shall produce a record with an audit capacity for such system.

**[(B) MANUAL AUDIT CAPACITY.—**

**[(i)** The voting system shall produce a permanent paper record with a manual audit capacity for such system.

**[(ii)** The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

**[(iii)** The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.]

**(2) PAPER BALLOT REQUIREMENT.—**

**(A) VOTER-VERIFIED PAPER BALLOTS.—**

*(i) PAPER BALLOT REQUIREMENT.—(I) The voting system shall require the use of an individual, durable, voter-verified paper ballot of the voter's vote that shall be marked and made available for inspection and verification by the voter before the voter's vote is cast and counted, and which shall be counted by hand or read by an optical character recognition device or other counting device. For purposes of this subclause, the term "individual, durable, voter-verified paper ballot" means a paper ballot marked by the voter by hand or a paper ballot marked through the use of a nontabulating ballot marking device or system, so long as the voter shall have the option to mark his or her ballot by hand.*

*(II) The voting system shall provide the voter with an opportunity to correct any error on the paper ballot before the permanent voter-verified paper ballot is preserved in accordance with clause (i).*

*(III) The voting system shall not preserve the voter-verified paper ballots in any manner that makes it possible, at any time after the ballot has been cast, to associate a voter with the record of the voter's vote without the voter's consent.*

*(ii) PRESERVATION AS OFFICIAL RECORD.—The individual, durable, voter-verified paper ballot used in accordance with clause (i) shall constitute the official ballot and shall be preserved and used as the official ballot for purposes of any recount or audit conducted with respect to any election for Federal office in which the voting system is used.*

*(iii) MANUAL COUNTING REQUIREMENTS FOR RECOUNTS AND AUDITS.—(I) Each paper ballot used pursuant to clause (i) shall be suitable for a manual audit, and shall be counted by hand in any recount or audit conducted with respect to any election for Federal office.*

*(II) In the event of any inconsistencies or irregularities between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified paper ballots used pursuant to clause (i), and subject to subparagraph (B), the individual, durable, voter-verified paper ballots shall be the true and correct record of the votes cast.*

*(iv) APPLICATION TO ALL BALLOTS.—The requirements of this subparagraph shall apply to all ballots cast in elections for Federal office, including ballots cast by absent uniformed services voters and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act and other absentee voters.*

*(B) SPECIAL RULE FOR TREATMENT OF DISPUTES WHEN PAPER BALLOTS HAVE BEEN SHOWN TO BE COMPROMISED.—*

*(i) IN GENERAL.—In the event that—*

*(I) there is any inconsistency between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified paper ballots used pursuant to subparagraph (A)(i) with respect to any election for Federal office; and*

*(II) it is demonstrated by clear and convincing evidence (as determined in accordance with the applicable standards in the jurisdiction involved) in any recount, audit, or contest of the result of the election that the paper ballots have been compromised (by damage or mischief or otherwise) and that a sufficient number of the ballots have been so compromised that the result of the election could be changed,*

*the determination of the appropriate remedy with respect to the election shall be made in accordance with applicable State law, except that the electronic tally*

*shall not be used as the exclusive basis for determining the official certified result.*

*(ii) RULE FOR CONSIDERATION OF BALLOTS ASSOCIATED WITH EACH VOTING MACHINE.—For purposes of clause (i), only the paper ballots deemed compromised, if any, shall be considered in the calculation of whether or not the result of the election could be changed due to the compromised paper ballots.*

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The voting system shall—

(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

**[(B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and]**

*(B)(i) ensure that individuals with disabilities and others are given an equivalent opportunity to vote, including with privacy and independence, in a manner that produces a voter-verified paper ballot as for other voters;*

*(ii) satisfy the requirement of subparagraph (A) through the use of at least one voting system equipped for individuals with disabilities, including nonvisual and enhanced visual accessibility for the blind and visually impaired, and nonmanual and enhanced manual accessibility for the mobility and dexterity impaired, at each polling place; and*

*(iii) meet the requirements of subparagraph (A) and paragraph (2)(A) by using a system that—*

*(I) allows the voter to privately and independently verify the permanent paper ballot through the presentation, in accessible form, of the printed or marked vote selections from the same printed or marked information that would be used for any vote counting or auditing; and*

*(II) allows the voter to privately and independently verify and cast the permanent paper ballot without requiring the voter to manually handle the paper ballot.*

(C) if purchased with funds made available under title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).

(4) ALTERNATIVE LANGUAGE ACCESSIBILITY.—The voting system (*including the paper ballots required to be used under paragraph (2)*) shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a).

(5) ERROR RATES.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not at-

tributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on the date of the enactment of this Act.

(6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE.— Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.

(7) DURABILITY AND READABILITY REQUIREMENTS FOR BALLOTS.—

(A) DURABILITY REQUIREMENTS FOR PAPER BALLOTS.—

(i) IN GENERAL.—All voter-verified paper ballots required to be used under this Act shall be marked or printed on durable paper.

(ii) DEFINITION.—For purposes of this Act, paper is “durable” if it is capable of withstanding multiple counts and recounts by hand without compromising the fundamental integrity of the ballots, and capable of retaining the information marked or printed on them for the full duration of a retention and preservation period of 22 months.

(B) READABILITY REQUIREMENTS FOR PAPER BALLOTS MARKED BY BALLOT MARKING DEVICE.—All voter-verified paper ballots completed by the voter through the use of a ballot marking device shall be clearly readable by the voter without assistance (other than eyeglasses or other personal vision enhancing devices) and by an optical character recognition device or other device equipped for individuals with disabilities.

(b) VOTING SYSTEM DEFINED.—In **[this section]** *this Act*, the term “voting system” means—

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

(A) to define ballots;

(B) to cast and count votes;

(C) to report or display election results; and

(D) to maintain and produce any audit trail information; **[and]**

(2) *any electronic poll book used with respect to the election;*  
and

**[(2)]** (3) the practices and associated documentation used—

(A) to identify system components and versions of such components;

(B) to test the system during its development and maintenance;

(C) to maintain records of system errors and defects;

(D) to determine specific system changes to be made to a system after the initial qualification of the system;  
and



(E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

(c) *ELECTRONIC POLL BOOK DEFINED.*—*In this Act, the term “electronic poll book” means the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—*

(1) *to retain the list of registered voters at a polling location, or vote center, or other location at which voters cast votes in an election for Federal office; and*

(2) *to identify registered voters who are eligible to vote in an election.*

[(c)] (d) *CONSTRUCTION.*—

(1) *IN GENERAL.*—*Nothing in this section shall be construed to prohibit a State or jurisdiction which used a particular type of voting system in the elections for Federal office held in November 2000 from using the same type of system after the effective date of this section, so long as the system meets or is modified to meet the requirements of this section.*

(2) *PROTECTION OF PAPER BALLOT VOTING SYSTEMS.*—*For purposes of subsection (a)(1)(A)(i), the term “verify” may not be defined in a manner that makes it impossible for a paper ballot voting system to meet the requirements of such subsection or to be modified to meet such requirements.*

[(d)] (d) *EFFECTIVE DATE.*—*Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.*】

(e) *EFFECTIVE DATE.*—

(1) *IN GENERAL.*—*Except as provided in paragraph (2), each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.*

(2) *SPECIAL RULE FOR CERTAIN REQUIREMENTS.*—

(A) *IN GENERAL.*—*Except as provided in subparagraphs (B) and (C), the requirements of this section which are first imposed on a State and jurisdiction pursuant to the amendments made by the Voter Confidence and Increased Accessibility Act of 2019 shall apply with respect to voting systems used for any election for Federal office held in 2020 or any succeeding year.*

(B) *DELAY FOR JURISDICTIONS USING CERTAIN PAPER RECORD PRINTERS OR CERTAIN SYSTEMS USING OR PRODUCING VOTER-VERIFIABLE PAPER RECORDS IN 2018.*—

(i) *DELAY.*—*In the case of a jurisdiction described in clause (ii), subparagraph (A) shall apply to a voting system in the jurisdiction as if the reference in such subparagraph to “2020” were a reference to “2022”, but only with respect to the following requirements of this section:*

(I) *Paragraph (2)(A)(i)(I) of subsection (a) (relating to the use of voter-verified paper ballots).*

(II) *Paragraph (3)(B)(ii)(I) and (II) of subsection (a) (relating to access to verification from and casting of the durable paper ballot).*

*(III) Paragraph (7) of subsection (a) (relating to durability and readability requirements for ballots).*

*(ii) JURISDICTIONS DESCRIBED.—A jurisdiction described in this clause is a jurisdiction—*

*(I) which used voter verifiable paper record printers attached to direct recording electronic voting machines, or which used other voting systems that used or produced paper records of the vote verifiable by voters but that are not in compliance with paragraphs (2)(A)(i)(I), (3)(B)(iii)(I) and (II), and (7) of subsection (a) (as amended or added by the Voter Confidence and Increased Accessibility Act of 2019), for the administration of the regularly scheduled general election for Federal office held in November 2018; and*

*(II) which will continue to use such printers or systems for the administration of elections for Federal office held in years before 2022.*

*(iii) MANDATORY AVAILABILITY OF PAPER BALLOTS AT POLLING PLACES USING GRANDFATHERED PRINTERS AND SYSTEMS.—*

*(I) REQUIRING BALLOTS TO BE OFFERED AND PROVIDED.—The appropriate election official at each polling place that uses a printer or system described in clause (ii)(I) for the administration of elections for Federal office shall offer each individual who is eligible to cast a vote in the election at the polling place the opportunity to cast the vote using a blank pre-printed paper ballot which the individual may mark by hand and which is not produced by the direct recording electronic voting machine or other such system. The official shall provide the individual with the ballot and the supplies necessary to mark the ballot, and shall ensure (to the greatest extent practicable) that the waiting period for the individual to cast a vote is the lesser of 30 minutes or the average waiting period for an individual who does not agree to cast the vote using such a paper ballot under this clause.*

*(II) TREATMENT OF BALLOT.—Any paper ballot which is cast by an individual under this clause shall be counted and otherwise treated as a regular ballot for all purposes (including by incorporating it into the final unofficial vote count (as defined by the State) for the precinct) and not as a provisional ballot, unless the individual casting the ballot would have otherwise been required to cast a provisional ballot.*

*(III) POSTING OF NOTICE.—The appropriate election official shall ensure there is prominently displayed at each polling place a notice that de-*

*scribes the obligation of the official to offer individuals the opportunity to cast votes using a pre-printed blank paper ballot.*

*(IV) TRAINING OF ELECTION OFFICIALS.—The chief State election official shall ensure that election officials at polling places in the State are aware of the requirements of this clause, including the requirement to display a notice under subclause (III), and are aware that it is a violation of the requirements of this title for an election official to fail to offer an individual the opportunity to cast a vote using a blank pre-printed paper ballot.*

*(V) PERIOD OF APPLICABILITY.—The requirements of this clause apply only during the period in which the delay is in effect under clause (i).*

*(C) SPECIAL RULE FOR JURISDICTIONS USING CERTAIN NONTABULATING BALLOT MARKING DEVICES.—In the case of a jurisdiction which uses a nontabulating ballot marking device which automatically deposits the ballot into a privacy sleeve, subparagraph (A) shall apply to a voting system in the jurisdiction as if the reference in such subparagraph to “any election for Federal office held in 2020 or any succeeding year” were a reference to “elections for Federal office occurring held in 2022 or each succeeding year”, but only with respect to paragraph (3)(B)(iii)(II) of subsection (a) (relating to nonmanual casting of the durable paper ballot), or, with respect to any requirements relating to electronic poll books, on and after January 1, 2020.*

**SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM USAGE.**

*(a) REQUIRING STATES TO SUBMIT REPORTS.—Not later than 120 days before the date of each regularly scheduled general election for Federal office, the chief State election official of a State shall submit a report to the Commission containing a detailed voting system usage plan for each jurisdiction in the State which will administer the election, including a detailed plan for the usage of electronic poll books and other equipment and components of such system.*

*(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding regularly scheduled general election for Federal office.*

**SEC. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.**

*(a) PROVISIONAL VOTING REQUIREMENTS.—If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:*

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is—

(A) a registered voter in the jurisdiction in which the individual desires to vote; and

(B) eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.

(5)(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

(b) VOTING INFORMATION REQUIREMENTS.—

(1) PUBLIC POSTING ON ELECTION DAY.—The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

(2) VOTING INFORMATION DEFINED.—In this section, the term “voting information” means—

(A) a sample version of the ballot that will be used for that election;

(B) information regarding the date of the election and the hours during which polling places will be open;

(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;

(D) instructions for mail-in registrants and first-time voters under section 303(b);

(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; **[and]**

(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation**[.];**

(G) *information relating to the prohibitions of section 612 of title 18, United States Code, and section 12 of the National Voter Registration Act of 1993 (52 U.S.C. 20511) (relating to the unlawful interference with registering to vote, or voting, or attempting to register to vote or vote), including information on how individuals may report allegations of violations of such prohibitions;*

(H) *information relating to the prohibition against voter caging and other questionable challenges (as set forth in section 613 of title 18, United States Code), including information on how individuals may report allegations of violations of such prohibition; and*

(I) *in the case of a State that has in effect a requirement that an individual present identification as a condition of receiving and casting a ballot in an election for Federal office, information on how an individual may meet such requirement by presenting a sworn written statement in accordance with section 303A.*

**(3) PROVISION OF OTHER INFORMATION BY ELECTRONIC MAIL.**—*If an individual who is a registered voter has provided the State or local election official with an electronic mail address for the purpose of receiving voting information (as described in section 9(b)(5) of the National Voter Registration Act of 1993), the appropriate State or local election official, through electronic mail transmitted not later than 7 days before the date of the election for Federal office involved, shall provide the individual with information on how to obtain the following information by electronic means:*

(A) *The name and address of the polling place at which the individual is assigned to vote in the election.*

(B) *The hours of operation for the polling place.*

(C) *A description of any identification or other information the individual may be required to present at the polling place.*

**(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE.**—*Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by cast-*

ing a provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.

*(d) STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—*

*(1) IN GENERAL.—For purposes of subsection (a)(4), notwithstanding the precinct or polling place at which a provisional ballot is cast within the State, the appropriate election official shall count each vote on such ballot for each election in which the individual who cast such ballot is eligible to vote.*

*(2) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2020.*

*(e) UNIFORM AND NONDISCRIMINATORY STANDARDS.—*

*(1) IN GENERAL.—Consistent with the requirements of this section, each State shall establish uniform and nondiscriminatory standards for the issuance, handling, and counting of provisional ballots.*

*(2) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2020.*

*(f) MINIMUM NOTIFICATION REQUIREMENTS FOR VOTERS AFFECTED BY POLLING PLACE CHANGES.—*

*(1) IN GENERAL.—If a State assigns an individual who is a registered voter in a State to a polling place with respect to an election for Federal office which is not the same polling place to which the individual was previously assigned with respect to the most recent election for Federal office in the State in which the individual was eligible to vote—*

*(A) the State shall notify the individual of the location of the polling place not later than 7 days before the date of the election; or*

*(B) if the State makes such an assignment fewer than 7 days before the date of the election and the individual appears on the date of the election at the polling place to which the individual was previously assigned, the State shall make every reasonable effort to enable the individual to vote on the date of the election.*

*(2) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2020.*

**[(d)] (g) EFFECTIVE DATE FOR PROVISIONAL VOTING AND VOTING INFORMATION.—[Each State] Except as provided in subsections (d)(2), (e)(2), and (f)(2), each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2004.**

**SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.**

**(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—**

**(1) IMPLEMENTATION.—**

**(A) IN GENERAL.—Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive**

computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the “computerized list”), and includes the following:

(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.

(ii) The computerized list contains the name and registration information of every legally registered voter in the State.

(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.

(iv) The computerized list shall be coordinated with other agency databases within the State.

(v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.

(vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.

(vii) The chief State election official shall provide such support as may be required so that local election officials are able to enter information as described in clause (vi).

(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.

(B) EXCEPTION.—The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

(2) COMPUTERIZED LIST MAINTENANCE.—

(A) IN GENERAL.—The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:

(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg-6).

(ii) For purposes of removing names of ineligible voters from the official list of eligible voters—

(I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg-6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and

(II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg-6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death.

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

(B) CONDUCT.—The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that—

(i) the name of each registered voter appears in the computerized list;

(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and

(iii) duplicate names are eliminated from the computerized list.

(3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST.—The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section [1], as well as other measures to prevent and deter cybersecurity incidents, as identified by the Commission, the Secretary of Homeland Security, and the Technical Guidelines Development Committee.

(4) MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REGISTRATION RECORDS.—The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) [1, registrants], and subject to section 8A of such Act, registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.

(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

(5) VERIFICATION OF VOTER REGISTRATION INFORMATION.—



(A) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS.—

(i) IN GENERAL.—Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes—

(I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or

(II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.

(ii) SPECIAL RULE FOR APPLICANTS WITHOUT DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER.—If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.

(iii) DETERMINATION OF VALIDITY OF NUMBERS PROVIDED.—The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.

(B) REQUIREMENTS FOR STATE OFFICIALS.—

(i) SHARING INFORMATION IN DATABASES.—The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.

(ii) AGREEMENTS WITH COMMISSIONER OF SOCIAL SECURITY.—The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)).

(C) ACCESS TO FEDERAL INFORMATION.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following new paragraph:

“(8)(A) The Commissioner of Social Security shall, upon the request of the official responsible for a State driver's license agency pursuant to the Help America Vote Act of 2002—

“(i) enter into an agreement with such official for the purpose of verifying applicable information, so long as the requirements of subparagraphs (A) and (B) of paragraph (3) are met; and

“(ii) include in such agreement safeguards to assure the maintenance of the confidentiality of any applicable information disclosed and procedures to permit such agency to use the applicable information for the purpose of maintaining its records.

“(B) Information provided pursuant to an agreement under this paragraph shall be provided at such time, in such place, and in such manner as the Commissioner determines appropriate.

“(C) The Commissioner shall develop methods to verify the accuracy of information provided by the agency with respect to applications for voter registration, for whom the last 4 digits of a social security number are provided instead of a driver’s license number.

“(D) For purposes of this paragraph—

“(i) the term ‘applicable information’ means information regarding whether—

“(I) the name (including the first name and any family forename or surname), the date of birth (including the month, day, and year), and social security number of an individual provided to the Commissioner match the information contained in the Commissioner’s records, and

“(II) such individual is shown on the records of the Commissioner as being deceased; and

“(ii) the term ‘State driver’s license agency’ means the State agency which issues driver’s licenses to individuals within the State and maintains records relating to such licensure.

“(E) Nothing in this paragraph may be construed to require the provision of applicable information with regard to a request for a record of an individual if the Commissioner determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

“(F) Applicable information provided by the Commission pursuant to an agreement under this paragraph or by an individual to any agency that has entered into an agreement under this paragraph shall be considered as strictly confidential and shall be used only for the purposes described in this paragraph and for carrying out an agreement under this paragraph. Any officer or employee or former officer or employee of a State, or any officer or employee or former officer or employee of a contractor of a State who, without the written authority of the Commissioner, publishes or communicates any applicable information in such individual’s possession by reason of such employment or position as such an officer, shall be guilty of a felony and upon conviction thereof shall be fined or imprisoned, or both, as described in section 208.”

(D) SPECIAL RULE FOR CERTAIN STATES.—In the case of a State which is permitted to use social security numbers, and provides for the use of social security numbers, on applications for voter registration, in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note), the provisions of this paragraph shall be optional.

(6) USE OF INTERNET BY REGISTERED VOTERS TO UPDATE INFORMATION.—

(A) IN GENERAL.—*The appropriate State or local election official shall ensure that any registered voter on the computerized list may at any time update the voter's registration information, including the voter's address and electronic mail address, online through the official public website of the election official responsible for the maintenance of the list, so long as the voter attests to the contents of the update by providing a signature in electronic form in the same manner required under section 6A(c) of the National Voter Registration Act of 1993.*

(B) PROCESSING OF UPDATED INFORMATION BY ELECTION OFFICIALS.—*If a registered voter updates registration information under subparagraph (A), the appropriate State or local election official shall—*

*(i) revise any information on the computerized list to reflect the update made by the voter; and*

*(ii) if the updated registration information affects the voter's eligibility to vote in an election for Federal office, ensure that the information is processed with respect to the election if the voter updates the information not later than the lesser of 7 days, or the period provided by State law, before the date of the election.*

(C) CONFIRMATION AND DISPOSITION.—

*(i) CONFIRMATION OF RECEIPT.—Upon the online submission of updated registration information by an individual under this paragraph, the appropriate State or local election official shall send the individual a notice confirming the State's receipt of the updated information and providing instructions on how the individual may check the status of the update.*

*(ii) NOTICE OF DISPOSITION.—Not later than 7 days after the appropriate State or local election official has accepted or rejected updated information submitted by an individual under this paragraph, the official shall send the individual a notice of the disposition of the update.*

*(iii) METHOD OF NOTIFICATION.—The appropriate State or local election official shall send the notices required under this subparagraph by regular mail, and, in the case of an individual who has requested that the State provide voter registration and voting information through electronic mail, by both electronic mail and regular mail.*

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual registered to vote in a jurisdiction **[by mail]** *by mail or online under section 6A of the National Voter Registration Act of 1993*; and

(B)(i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification; or

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

(B) FAIL-SAFE VOTING.—

(i) IN PERSON.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a).

(ii) BY MAIL.—An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).

(3) INAPPLICABILITY.—Paragraph (1) shall not apply in the case of a person—

(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either—

(i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either—

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

(C) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

(4) CONTENTS OF MAIL-IN REGISTRATION FORM.—

(A) IN GENERAL.—The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include the following:

(i) The question “Are you a citizen of the United States of America?” and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(ii) The question “Will you be 18 years of age on or before election day?” and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(iii) The statement “If you checked ‘no’ in response to either of these questions, do not complete this form.”.

(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

(B) INCOMPLETE FORMS.—If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the

registration form prior to the next election for Federal office (subject to State law).

(5) *SIGNATURE REQUIREMENTS FOR FIRST-TIME VOTERS USING ONLINE REGISTRATION.*—

(A) *IN GENERAL.*—A State shall, in a uniform and non-discriminatory manner, require an individual to meet the requirements of subparagraph (B) if—

(i) the individual registered to vote in the State online under section 6A of the National Voter Registration Act of 1993; and

(ii) the individual has not previously voted in an election for Federal office in the State.

(B) *REQUIREMENTS.*—An individual meets the requirements of this subparagraph if—

(i) in the case of an individual who votes in person, the individual provides the appropriate State or local election official with a handwritten signature; or

(ii) in the case of an individual who votes by mail, the individual submits with the ballot a handwritten signature.

(C) *INAPPLICABILITY.*—Subparagraph (A) does not apply in the case of an individual who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. 20102(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

[(5)] (6) *CONSTRUCTION.*—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of the enactment of this Act to comply with such a provision after such date.

(c) *PERMITTED USE OF LAST 4 DIGITS OF SOCIAL SECURITY NUMBERS.*—The last 4 digits of a social security number described in subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note).

(d) *EFFECTIVE DATE.*—

(1) *COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.*—

(A) *IN GENERAL.*—Except as provided in [subparagraph (B)] *subparagraph (B) and subsection (a)(6)*, each State and jurisdiction shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

(B) *WAIVER.*—If a State or jurisdiction certifies to the Commission not later than January 1, 2004, that the State or jurisdiction will not meet the deadline described in sub-

paragraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, subparagraph (A) shall apply to the State or jurisdiction as if the reference in such subparagraph to “January 1, 2004” were a reference to “January 1, 2006”.

(2) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL.—

(A) IN GENERAL.—**[Each State]** *Except as provided in subsection (b)(5), each State* and jurisdiction shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) APPLICABILITY WITH RESPECT TO INDIVIDUALS.—

The provisions of subsection (b) shall apply to any individual who registers to vote on or after January 1, 2003.

**SEC. 303A. PERMITTING USE OF SWORN WRITTEN STATEMENT TO MEET IDENTIFICATION REQUIREMENTS.**

(a) USE OF STATEMENT.—

(1) IN GENERAL.—*Except as provided in subsection (c), if a State has in effect a requirement that an individual present identification as a condition of receiving and casting a ballot in an election for Federal office, the State shall permit the individual to meet the requirement—*

(A) *in the case of an individual who desires to vote in person, by presenting the appropriate State or local election official with a sworn written statement, signed by the individual under penalty of perjury, attesting to the individual’s identity and attesting that the individual is eligible to vote in the election; or*

(B) *in the case of an individual who desires to vote by mail, by submitting with the ballot the statement described in subparagraph (A).*

(2) DEVELOPMENT OF PRE-PRINTED VERSION OF STATEMENT BY COMMISSION.—*The Commission shall develop a pre-printed version of the statement described in paragraph (1)(A) which includes a blank space for an individual to provide a name and signature for use by election officials in States which are subject to paragraph (1).*

(3) PROVIDING PRE-PRINTED COPY OF STATEMENT.—*A State which is subject to paragraph (1) shall—*

(A) *make copies of the pre-printed version of the statement described in paragraph (1)(A) which is prepared by the Commission available at polling places for election officials to distribute to individuals who desire to vote in person; and*

(B) *include a copy of such pre-printed version of the statement with each blank absentee or other ballot transmitted to an individual who desires to vote by mail.*

(b) REQUIRING USE OF BALLOT IN SAME MANNER AS INDIVIDUALS PRESENTING IDENTIFICATION.—*An individual who presents or submits a sworn written statement in accordance with subsection*

(a)(1) shall be permitted to cast a ballot in the election in the same manner as an individual who presents identification.

(c) **EXCEPTION FOR FIRST-TIME VOTERS REGISTERING BY MAIL.**—Subsections (a) and (b) do not apply with respect to any individual described in paragraph (1) of section 303(b) who is required to meet the requirements of paragraph (2) of such section.

**SEC. 303B. REQUIRING PARTICIPATION IN POST-GENERAL ELECTION SURVEYS.**

(a) **REQUIREMENT.**—Each State shall furnish to the Commission such information as the Commission may request for purposes of conducting any post-election survey of the States with respect to the administration of a regularly scheduled general election for Federal office.

(b) **EFFECTIVE DATE.**—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and any succeeding election.

**SEC. 304. SAME DAY REGISTRATION.**

(a) **IN GENERAL.**—

(1) **REGISTRATION.**—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)(1)(D)), each State shall permit any eligible individual on the day of a Federal election and on any day when voting, including early voting, is permitted for a Federal election—

(A) to register to vote in such election at the polling place using a form that meets the requirements under section 9(b) of the National Voter Registration Act of 1993 (or, if the individual is already registered to vote, to revise any of the individual's voter registration information); and

(B) to cast a vote in such election.

(2) **EXCEPTION.**—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this section, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

(b) **ELIGIBLE INDIVIDUAL.**—For purposes of this section, the term “eligible individual” means, with respect to any election for Federal office, an individual who is otherwise qualified to vote in that election.

(c) **EFFECTIVE DATE.**—Each State shall be required to comply with the requirements of subsection (a) for the regularly scheduled general election for Federal office occurring in November 2020 and for any subsequent election for Federal office.

**SEC. 305. ACCESS TO VOTER REGISTRATION AND VOTING FOR INDIVIDUALS WITH DISABILITIES.**

(a) **TREATMENT OF APPLICATIONS AND BALLOTS.**—Each State shall—

(1) permit individuals with disabilities to use absentee registration procedures and to vote by absentee ballot in elections for Federal office;

(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an individual with a dis-



ability if the application is received by the appropriate State election official within the deadline for the election which is applicable under Federal law;

(3) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

(A) for individuals with disabilities to request by mail and electronically voter registration applications and absentee ballot applications with respect to elections for Federal office in accordance with subsection (c);

(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the individual under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (c); and

(C) by which such an individual can designate whether the individual prefers that such voter registration application or absentee ballot application be transmitted by mail or electronically;

(4) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to individuals with disabilities with respect to elections for Federal office in accordance with subsection (d);

(5) transmit a validly requested absentee ballot to an individual with a disability—

(A) except as provided in subsection (e), in the case in which the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

(B) in the case in which the request is received less than 45 days before an election for Federal office—

(i) in accordance with State law; and

(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot; and

(6) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to individuals with disabilities in a manner that gives them sufficient time to vote in the runoff election.

(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL DISABLED VOTERS IN STATE.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by individuals with disabilities with respect to elections for Federal office to all individuals with disabilities who wish to register to vote or vote in any jurisdiction in the State.

(c) DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR INDIVIDUALS WITH DISABILITIES TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BAL-

*LOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.—*

*(1) IN GENERAL.—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—*

*(A) for use by individuals with disabilities who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(3);*

*(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and*

*(C) for the purpose of providing related voting, balloting, and election information to individuals with disabilities.*

*(2) CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to individuals with disabilities, including a means of electronic communication for the appropriate jurisdiction of the State.*

*(3) INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to individuals with disabilities.*

*(4) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an individual with a disability does not designate a preference under subsection (a)(3)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.*

*(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—*

*(1) IN GENERAL.—Each State shall establish procedures—*

*(A) to securely transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the individual with a disability under subparagraph (B)) to individuals with disabilities for an election for Federal office; and*

*(B) by which the individual with a disability can designate whether the individual prefers that such blank absentee ballot be transmitted by mail or electronically.*

*(2) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an individual with a disability does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.*

*(3) APPLICATION OF METHODS TO TRACK DELIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL REQUESTING BALLOT.—Under*

*the procedures established under paragraph (1), the State shall apply such methods as the State considers appropriate, such as assigning a unique identifier to the ballot, to ensure that if an individual with a disability requests the State to transmit a blank absentee ballot to the individual in accordance with this subsection, the voted absentee ballot which is returned by the individual is the same blank absentee ballot which the State transmitted to the individual.*

*(e) HARDSHIP EXEMPTION.—*

*(1) IN GENERAL.—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(5)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Attorney General grant a waiver to the State of the application of such subsection. Such request shall include—*

*(A) a recognition that the purpose of such subsection is to individuals with disabilities enough time to vote in an election for Federal office;*

*(B) an explanation of the hardship that indicates why the State is unable to transmit such individuals an absentee ballot in accordance with such subsection;*

*(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to such individuals; and*

*(D) a comprehensive plan to ensure that such individuals are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—*

*(i) the steps the State will undertake to ensure that such individuals have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;*

*(ii) why the plan provides such individuals sufficient time to vote as a substitute for the requirements under such subsection; and*

*(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.*

*(2) APPROVAL OF WAIVER REQUEST.—The Attorney General shall approve a waiver request under paragraph (1) if the Attorney General determines each of the following requirements are met:*

*(A) The comprehensive plan under subparagraph (D) of such paragraph provides individuals with disabilities sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.*

*(B) One or more of the following issues creates an undue hardship for the State:*

(i) *The State's primary election date prohibits the State from complying with subsection (a)(5)(A).*

(ii) *The State has suffered a delay in generating ballots due to a legal contest.*

(iii) *The State Constitution prohibits the State from complying with such subsection.*

**(3) TIMING OF WAIVER.—**

(A) *IN GENERAL.—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Attorney General the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Attorney General shall approve or deny the waiver request not later than 65 days before such election.*

(B) *EXCEPTION.—If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Attorney General the written waiver request as soon as practicable. The Attorney General shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.*

(4) *APPLICATION OF WAIVER.—A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Attorney General shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.*

(f) *RULE OF CONSTRUCTION.—Nothing in this section may be construed to allow the marking or casting of ballots over the internet.*

(g) *INDIVIDUAL WITH A DISABILITY DEFINED.—In this section, an “individual with a disability” means an individual with an impairment that substantially limits any major life activities and who is otherwise qualified to vote in elections for Federal office.*

(h) *EFFECTIVE DATE.—This section shall apply with respect to elections for Federal office held on or after January 1, 2020.*

**SEC. 306. EARLY VOTING.**

(a) *REQUIRING VOTING PRIOR TO DATE OF ELECTION.—*

(1) *IN GENERAL.—Each State shall allow individuals to vote in an election for Federal office during an early voting period which occurs prior to the date of the election, in the same manner as voting is allowed on such date.*

(2) *LENGTH OF PERIOD.—The early voting period required under this subsection with respect to an election shall consist of a period of consecutive days (including weekends) which begins on the 15th day before the date of the election (or, at the option of the State, on a day prior to the 15th day before the date of the election) and ends on the date of the election.*

(b) *MINIMUM EARLY VOTING REQUIREMENTS.—Each polling place which allows voting during an early voting period under subsection (a) shall—*

(1) allow such voting for no less than 4 hours on each day, except that the polling place may allow such voting for fewer than 4 hours on Sundays; and

(2) have uniform hours each day for which such voting occurs.

(c) **LOCATION OF POLLING PLACES NEAR PUBLIC TRANSPORTATION.**—To the greatest extent practicable, a State shall ensure that each polling place which allows voting during an early voting period under subsection (a) is located within walking distance of a stop on a public transportation route.

(d) **STANDARDS.**—

(1) **IN GENERAL.**—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the non-discriminatory geographic placement of polling places at which such voting occurs.

(2) **DEVIATION.**—The standards described in paragraph (1) shall permit States, upon providing adequate public notice, to deviate from any requirement in the case of unforeseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.

(e) **EFFECTIVE DATE.**—This section shall apply with respect to elections held on or after January 1, 2020.

**SEC. 307. PROMOTING ABILITY OF VOTERS TO VOTE BY MAIL.**

(a) **IN GENERAL.**—If an individual in a State is eligible to cast a vote in an election for Federal office, the State may not impose any additional conditions or requirements on the eligibility of the individual to cast the vote in such election by absentee ballot by mail, except as required under subsection (b) and except to the extent that the State imposes a deadline for requesting the ballot and related voting materials from the appropriate State or local election official and for returning the ballot to the appropriate State or local election official.

(b) **REQUIRING SIGNATURE VERIFICATION.**—

(1) **REQUIREMENT.**—A State may not accept and process an absentee ballot submitted by any individual with respect to an election for Federal office unless the State verifies the identification of the individual by comparing the individual's signature on the absentee ballot with the individual's signature on the official list of registered voters in the State, in accordance with such procedures as the State may adopt (subject to the requirements of paragraph (2)).

(2) **DUE PROCESS REQUIREMENTS.**—

(A) **NOTICE AND OPPORTUNITY TO CURE DISCREPANCY.**—

If an individual submits an absentee ballot and the appropriate State or local election official determines that a discrepancy exists between the signature on such ballot and the signature of such individual on the official list of registered voters in the State, such election official, prior to making a final determination as to the validity of such ballot, shall make a good faith effort to immediately notify

*such individual by mail, telephone, and (if available) electronic mail that—*

*(i) a discrepancy exists between the signature on such ballot and the signature of such individual on the official list of registered voters in the State;*

*(ii) such individual may provide the official with information to cure such discrepancy, either in person, by telephone, or by electronic methods; and*

*(iii) if such discrepancy is not cured prior to the expiration of the 7-day period which begins on the date of the election, such ballot will not be counted.*

*(B) OTHER REQUIREMENTS.—An election official may not make a determination that a discrepancy exists between the signature on an absentee ballot and the signature of the individual who submits the ballot on the official list of registered voters in the State unless—*

*(i) at least 2 election officials make the determination; and*

*(ii) each official who makes the determination has received training in procedures used to verify signatures.*

*(c) DEADLINE FOR PROVIDING BALLOTING MATERIALS.—If an individual requests to vote by absentee ballot in an election for Federal office, the appropriate State or local election official shall ensure that the ballot and relating voting materials are received by the individual—*

*(1) not later than 2 weeks before the date of the election; or*

*(2) in the case of a State which imposes a deadline for requesting an absentee ballot and related voting materials which is less than 2 weeks before the date of the election, as expeditiously as possible.*

*(d) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—Consistent with section 305, the State shall ensure that all absentee ballots and related voting materials in elections for Federal office are accessible to individuals with disabilities in a manner that provides the same opportunity for access and participation (including with privacy and independence) as for other voters.*

*(e) UNIFORM DEADLINE FOR ACCEPTANCE OF MAILED BALLOTS.—If a ballot submitted by an individual by mail with respect to an election for Federal office in a State is postmarked on or before the date of the election, the State may not refuse to accept or process the ballot on the grounds that the individual did not meet a deadline for returning the ballot to the appropriate State or local election official.*

*(f) NO EFFECT ON BALLOTS SUBMITTED BY ABSENT MILITARY AND OVERSEAS VOTERS.—Nothing in this section may be construed to affect the treatment of any ballot submitted by an individual who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).*

*(g) EFFECTIVE DATE.—This section shall apply with respect to elections held on or after January 1, 2020.*

**SEC. [304.] 308. MINIMUM REQUIREMENTS.**

The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements that are more strict than the requirements established under this title so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 906.

**SEC. [305.] 309. METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE.**

The specific choices on the methods of complying with the requirements of this title shall be left to the discretion of the State.

**Subtitle B—Voluntary Guidance**

**SEC. 311. ADOPTION OF VOLUNTARY GUIDANCE BY COMMISSION.**

(a) **IN GENERAL.**—To assist States in meeting the requirements of subtitle A, the Commission shall adopt voluntary guidance consistent with such requirements in accordance with the procedures described in section 312.

(b) **DEADLINES.**—The Commission shall adopt the recommendations under this section not later than—

(1) in the case of the recommendations with respect to section 301, January 1, 2004;

(2) in the case of the recommendations with respect to section 302, October 1, 2003; **[and]**

(3) in the case of the recommendations with respect to section 303, October 1, 2003**[.];**

(4) *in the case of the recommendations with respect to section 305, January 1, 2020;*

(5) *in the case of the recommendations with respect to section 306, June 30, 2020; and*

(6) *in the case of the recommendations with respect to section 307, June 30, 2020.*

(c) **QUADRENNIAL UPDATE.**—The Commission shall review and update recommendations adopted with respect to section 301 no less frequently than once every 4 years.

\* \* \* \* \*

**TITLE IV—ENFORCEMENT**

**SEC. 401. ACTIONS BY THE ATTORNEY GENERAL FOR DECLARATORY AND INJUNCTIVE RELIEF.**

**[The Attorney General]** (a) *IN GENERAL.*—*The Attorney General* may bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief (including a temporary restraining order, a permanent or temporary injunction, or other order) as may be necessary to carry out the uniform and nondiscriminatory election technology and administration requirements under **[sections 301, 302, and 303]** *subtitle A of title III.*

*(b) FILING OF COMPLAINTS BY AGGRIEVED PERSONS.—*

*(1) IN GENERAL.—A person who is aggrieved by a violation of title III which has occurred, is occurring, or is about to occur may file a written, signed, notarized complaint with the Attorney General describing the violation and requesting the Attorney General to take appropriate action under this section. The Attorney General shall immediately provide a copy of a complaint filed under the previous sentence to the entity responsible for administering the State-based administrative complaint procedures described in section 402(a) for the State involved.*

*(2) RESPONSE BY ATTORNEY GENERAL.—The Attorney General shall respond to each complaint filed under paragraph (1), in accordance with procedures established by the Attorney General that require responses and determinations to be made within the same (or shorter) deadlines which apply to a State under the State-based administrative complaint procedures described in section 402(a)(2). The Attorney General shall immediately provide a copy of the response made under the previous sentence to the entity responsible for administering the State-based administrative complaint procedures described in section 402(a) for the State involved.*

*(c) AVAILABILITY OF PRIVATE RIGHT OF ACTION.—Any person who is authorized to file a complaint under subsection (b)(1) (including any individual who seeks to enforce the individual’s right to a voter-verified paper ballot, the right to have the voter-verified paper ballot counted in accordance with this Act, or any other right under title III) may file an action under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to enforce the uniform and nondiscriminatory election technology and administration requirements under subtitle A of title III.*

*(d) NO EFFECT ON STATE PROCEDURES.—Nothing in this section may be construed to affect the availability of the State-based administrative complaint procedures required under section 402 to any person filing a complaint under this subsection.*

\* \* \* \* \*

**TITLE IX—MISCELLANEOUS PROVISIONS**

**[SEC. 901. STATE DEFINED.**

**[In this Act, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.]**

**SEC. 901. DEFINITIONS.**

*In this Act, the following definitions apply:*

*(1) The term “cybersecurity incident” has the meaning given the term “incident” in section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148).*

*(2) The term “election infrastructure” has the meaning given such term in section 3501 of the Election Security Act.*



*(3) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.*

\* \* \* \* \*

**UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT**

\* \* \* \* \*

**TITLE I—REGISTRATION AND VOTING BY ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS IN ELECTIONS FOR FEDERAL OFFICE**

\* \* \* \* \*

**SEC. 102. STATE RESPONSIBILITIES.**

(a) IN GENERAL.—Each State shall—

(1) permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office;

(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election;

(3) permit absent uniformed services voters and overseas voters to use Federal write-in absentee ballots (in accordance with section 103) in general elections for Federal office;

(4) use the official post card form (prescribed under section 101) for simultaneous voter registration application and absentee ballot application;

(5) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7);

(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applica-

tions and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

(C) by which the absent uniformed services voter or overseas voter can designate whether the voter prefers that such voter registration application or absentee ballot application be transmitted by mail or electronically;

(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f);

(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

(A) [except as provided in subsection (g),] in the case in which the request is received at least 45 days before an election for Federal office, not later than 45 days before [the election;] *the election (or, if the 45th day preceding the election is a weekend or legal public holiday, not later than the most recent weekday which precedes such 45th day and which is not a legal public holiday, but only if the request is received by at least such most recent weekday);* and

(B) in the case in which the request is received less than 45 days before an election for Federal office—

(i) in accordance with State law; and

(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot;

(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner that gives them sufficient time to vote in the runoff election;

(10) carry out section 103A(b)(1) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters; and

(11) report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 101(b)(11).

(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN STATE.—

(1) IN GENERAL.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters

who wish to register to vote or vote in any jurisdiction in the State.

(2) RECOMMENDATION REGARDING USE OF OFFICE TO ACCEPT AND PROCESS MATERIALS.—Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State’s duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

[(c) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2002) on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.]

(c) REPORTS ON AVAILABILITY, TRANSMISSION, AND RECEIPT OF ABSENTEE BALLOTS.—

(1) PRE-ELECTION REPORT ON ABSENTEE BALLOT AVAILABILITY.—*Not later than 55 days before any regularly scheduled general election for Federal office, each State shall submit a report to the Attorney General, the Election Assistance Commission (hereafter in this subsection referred to as the “Commission”), and the Presidential Designee, and make that report publicly available that same day, certifying that absentee ballots for the election are or will be available for transmission to absent uniformed services voters and overseas voters by not later than 45 days before the election. The report shall be in a form prescribed jointly by the Attorney General and the Commission and shall require the State to certify specific information about ballot availability from each unit of local government which will administer the election.*

(2) PRE-ELECTION REPORT ON ABSENTEE BALLOT TRANSMISSION.—*Not later than 43 days before any regularly scheduled general election for Federal office, each State shall submit a report to the Attorney General, the Commission, and the Presidential Designee, and make that report publicly available that same day, certifying whether all absentee ballots have been transmitted by not later than 45 days before the election to all qualified absent uniformed services and overseas voters whose requests were received at least 45 days before the election. The report shall be in a form prescribed jointly by the Attorney General and the Commission, and shall require the State to certify specific information about ballot transmission, including the total numbers of ballot requests received and ballots trans-*

*mitted, from each unit of local government which will administer the election.*

(3) *POST-ELECTION REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Attorney General, the Commission, and the Presidential Designee on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public that same day.*

(d) **REGISTRATION NOTIFICATION.**—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.

(e) **DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.**—

(1) **IN GENERAL.**—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—

(A) for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(6);

(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

(C) for the purpose of providing related voting, balloting, and election information to absent uniformed services voters and overseas voters.

(2) **CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.**—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of electronic communication for the appropriate jurisdiction of the State.

(3) **INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.**—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

(4) AVAILABILITY AND MAINTENANCE OF ONLINE REPOSITORY OF STATE CONTACT INFORMATION.—The Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) and the means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration applications and absentee ballot applications to the appropriate jurisdiction in the State.

(5) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

(6) SECURITY AND PRIVACY PROTECTIONS.—

(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.

(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.

(f) TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—

(1) IN GENERAL.—Each State shall establish procedures—

(A) to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

(B) by which the absent uniformed services voter or overseas voter can designate whether the voter prefers that such blank absentee ballot be transmitted by mail or electronically.

(2) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

(3) SECURITY AND PRIVACY PROTECTIONS.—

(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.

**[(g) HARDSHIP EXEMPTION.—**

**[(1) IN GENERAL.—**If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(8)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of such subsection. Such request shall include—

**[(A)** a recognition that the purpose of such subsection is to allow absent uniformed services voters and overseas voters enough time to vote in an election for Federal office;

**[(B)** an explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

**[(C)** the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absent uniformed services voters and overseas voters; and

**[(D)** a comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—

**[(i)** the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

**[(ii)** why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and

**[(iii)** the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

**[(2) APPROVAL OF WAIVER REQUEST.—**After consulting with the Attorney General, the Presidential designee shall approve a waiver request under paragraph (1) if the Presidential designee determines each of the following requirements are met:

[(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

[(B) One or more of the following issues creates an undue hardship for the State:

[(i) The State's primary election date prohibits the State from complying with subsection (a)(8)(A).

[(ii) The State has suffered a delay in generating ballots due to a legal contest.

[(iii) The State Constitution prohibits the State from complying with such subsection.

[(3) TIMING OF WAIVER.—

[(A) IN GENERAL.—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

[(B) EXCEPTION.—If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Presidential designee the written waiver request as soon as practicable. The Presidential designee shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

[(4) APPLICATION OF WAIVER.—A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.]

*(g) REQUIRING USE OF EXPRESS DELIVERY IN CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN DEADLINES.—*

*(1) TRANSMISSION OF BALLOT BY EXPRESS DELIVERY.—If a State fails to meet the requirement of subsection (a)(8)(A) to transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter not later than 45 days before the election (in the case in which the request is received at least 45 days before the election)—*

*(A) the State shall transmit the ballot to the voter by express delivery; or*

*(B) in the case of a voter who has designated that absentee ballots be transmitted electronically in accordance with subsection (f)(1), the State shall transmit the ballot to the voter electronically.*

*(2) SPECIAL RULE FOR TRANSMISSION FEWER THAN 40 DAYS BEFORE THE ELECTION.—If, in carrying out paragraph (1), a State transmits an absentee ballot to an absent uniformed serv-*

*ices voter or overseas voter fewer than 40 days before the election, the State shall enable the ballot to be returned by the voter by express delivery, except that in the case of an absentee ballot of an absent uniformed services voter for a regularly scheduled general election for Federal office, the State may satisfy the requirement of this paragraph by notifying the voter of the procedures for the collection and delivery of such ballots under section 103A.*

(h) TRACKING MARKED BALLOTS.—The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.

(i) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) or marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

- (1) Notarization requirements.
- (2) Restrictions on paper type, including weight and size.
- (3) Restrictions on envelope type, including weight and size.

\* \* \* \* \*

**[SEC. 104. PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.**

**[A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the post-card form prescribed under section 101) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.**

**[SEC. 105. ENFORCEMENT.**

**[(a) IN GENERAL.—The Attorney General may bring civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.**

**[(b) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.]**

**SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT ELECTIONS.**

*(a) IN GENERAL.—If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed services voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application*



be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election), the State shall provide an absentee ballot to the voter for each such subsequent election.

(b) *EXCEPTION FOR VOTERS CHANGING REGISTRATION.*—Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State or is otherwise no longer eligible to vote in the State.

(c) *PROHIBITION OF REFUSAL OF APPLICATION ON GROUNDS OF EARLY SUBMISSION.*—A State may not refuse to accept or to process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter or overseas voter on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that election which are submitted by absentee voters who are not members of the uniformed services or overseas citizens.

**SEC. 105. ENFORCEMENT.**

(a) *ACTION BY ATTORNEY GENERAL.*—

(1) *IN GENERAL.*—The Attorney General may bring civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

(2) *PENALTY.*—In a civil action brought under paragraph (1), if the court finds that the State violated any provision of this title, it may, to vindicate the public interest, assess a civil penalty against the State—

(A) in an amount not to exceed \$110,000 for each such violation, in the case of a first violation; or

(B) in an amount not to exceed \$220,000 for each such violation, for any subsequent violation.

(3) *REPORT TO CONGRESS.*—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under paragraph (1) during the preceding year.

(b) *PRIVATE RIGHT OF ACTION.*—A person who is aggrieved by a State's violation of this title may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

(c) *STATE AS ONLY NECESSARY DEFENDANT.*—In any action brought under this section, the only necessary party defendant is the State, and it shall not be a defense to any such action that a local election official or a unit of local government is not named as a defendant, notwithstanding that a State has exercised the authority described in section 576 of the Military and Overseas Voter Empowerment Act to delegate to another jurisdiction in the State any

*duty or responsibility which is the subject of an action brought under this section.*

\* \* \* \* \*

## FEDERAL ELECTION CAMPAIGN ACT OF 1971

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Election Campaign Act of 1971".*

\* \* \* \* \*

### TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

#### DEFINITIONS

SEC. 301. When used in this Act:

(1) The term "election" means—

- (A) a general, special, primary, or runoff election;
- (B) a convention or caucus of a political party which has authority to nominate a candidate;
- (C) a primary election held for the selection of delegates to a national nominating convention of a political party; and
- (D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.

(2) The term "candidate" means an individual who seeks nomination for election, or election, to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election—

- (A) if such individual has received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000; or
- (B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of \$5,000 or has made such expenditures aggregating in excess of \$5,000.

(3) The term "Federal office" means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

(4) The term "political committee" means—

- (A) any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year; or
- (B) any separate segregated fund established under the provisions of section 316(b); or
- (C) any local committee of a political party which receives contributions aggregating in excess of \$5,000 during a calendar year, or makes payments exempted from the definition of contribution or expenditure as defined in section 301 (8) and (9)

aggregating in excess of \$5,000 during a calendar year, or makes contributions aggregating in excess of \$1,000 during a calendar year or makes expenditures aggregating in excess of \$1,000 during a calendar year.

(5) The term “principal campaign committee” means a political committee designated and authorized by a candidate under section 302(e)(1).

(6) The term “authorized committee” means the principal campaign committee or any other political committee authorized by a candidate under section 302(e)(1) to receive contributions or make expenditures on behalf of such candidate.

(7) The term “connected organization” means any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee.

(8)(A) The term “contribution” includes—

(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; **[or]**

(ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose~~[\.]~~; or

*(iii) any payment made by any person (other than a candidate, an authorized committee of a candidate, or a political committee of a political party) for a coordinated expenditure (as such term is defined in section 326) which is not otherwise treated as a contribution under clause (i) or clause (ii).*

(B) The term “contribution” does not include—

(i) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee;

(ii) the use of real or personal property, including a church or community room used on a regular basis by members of a community for noncommercial purposes, and the cost of invitations, food, and beverages, voluntarily provided by an individual to any candidate or any political committee of a political party in rendering voluntary personal services on the individual’s residential premises or in the church or community room for candidate-related or political party-related activities, to the extent that the cumulative value of such invitations, food, and beverages provided by such individual on behalf of any single candidate does not exceed \$1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed \$2,000 in any calendar year;

(iii) the sale of any food or beverage by a vendor for use in any candidate’s campaign or for use by or on behalf of any political committee of a political party at a charge less than the normal comparable charge, if such charge is at least equal to the cost of such food or beverage to the vendor, to the extent that the cumulative value of such activity by such vendor on behalf of any single candidate does not exceed \$1,000 with respect to any single election, and on behalf of all political com-

mittees of a political party does not exceed \$2,000 in any calendar year;

(iv) any unreimbursed payment for travel expenses made by any individual on behalf of any candidate or any political committee of a political party, to the extent that the cumulative value of such activity by such individual on behalf of any single candidate does not exceed \$1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed \$2,000 in any calendar year;

(v) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to any cost incurred by such committee with respect to a display of any such listing made [on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising] *in any public communication*;

(vi) any payment made or obligation incurred by a corporation or a labor organization which, under section 316(b), would not constitute an expenditure by such corporation or labor organization;

(vii) any loan of money by a State bank, a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business, but such loan—

(I) shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors;

(II) shall be made on basis which assures repayment, evidenced by a written instrument, and subject to a due date or amortization schedule; and

(III) shall bear the usual and customary interest rate of the lending institution;

(viii) any legal or accounting services rendered to or on behalf of—

(I) any political committee of a political party if the person paying for such services is the regular employer of the person rendering such services and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

(II) an authorized committee of a candidate or any other political committee, if the person paying for such services is the regular employer of the individual rendering such services and if such services are solely for the

purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954, but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 304(b) by the committee receiving such services;

(ix) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided, That—*

(1) such payments are not for the costs of campaign materials or activities used in connection with any [broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising] *public communication*;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

(x) the payment by a candidate, for nomination or election to any public office (including State or local office), or authorized committee of a candidate, of the costs of campaign materials which include information on or reference to any other candidate and which are used in connection with volunteer activities (including pins, bumper stickers, handbills, brochures, posters, and yard signs, [but not including the use of broadcasting, newspapers, magazines, billboards, direct mail, or similar types of general public communication or political advertising] *but not including use in any public communication*): *Provided, That* such payments are made from contributions subject to the limitations and prohibitions of this Act;

(xi) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided, That—*

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates;

(xii) payments made by a candidate or the authorized committee of a candidate as a condition of ballot access and pay-

ments received by any political party committee as a condition of ballot access;

(xiii) any honorarium (within the meaning of section 323 of this Act); and

(xiv) any loan of money derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, if such loan is made in accordance with applicable law and under commercially reasonable terms and if the person making such loan makes loans derived from an advance on the candidate's brokerage account, credit card, home equity line of credit, or other line of credit in the normal course of the person's business.

(9)(A) The term "expenditure" includes—

(i) any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office; and

(ii) a written contract, promise, or agreement to make an expenditure.

(B) The term "expenditure" does not include—

[(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;]

*(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, print, online, or digital facilities are owned or controlled by any political party, political committee, or candidate;*

(ii) nonpartisan activity designed to encourage individuals to vote or to register to vote;

(iii) any communication by any membership organization or corporation to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office, except that the costs incurred by a membership organization (including a labor organization) or by a corporation directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate), shall, if such costs exceed \$2,000 for any election, be reported to the Commission in accordance with section 304(a)(4)(A)(i), and in accordance with section 304(a)(4)(A)(ii) with respect to any general election;

(iv) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an elec-

tion is held in the State in which such committee is organized, except that this clause shall not apply to costs incurred by such committee with respect to a display of any such listing made [on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising] *in any public communication*;

(v) any payment made or obligation incurred by a corporation or a labor organization which, under section 316(b), would not constitute an expenditure by such corporation or labor organization;

(vi) any costs incurred by an authorized committee or candidate in connection with the solicitation of contributions on behalf of such candidate, except that this clause shall not apply with respect to costs incurred by an authorized committee of a candidate in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 315(b), but all such costs shall be reported in accordance with section 304(b);

(vii) the payment of compensation for legal or accounting services—

(I) rendered to or on behalf of any political committee of a political party if the person paying for such services is the regular employer of the individual rendering such services, and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

(II) rendered to or on behalf of a candidate or political committee if the person paying for such services is the regular employer of the individual rendering such services, and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954,

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 304(b) by the committee receiving such services;

(viii) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

(ix) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided, That—*

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates; and

(x) payments received by a political party committee as a condition of ballot access which are transferred to another political party committee or the appropriate State official.

(10) The term “Commission” means the Federal Election Commission.

(11) The term “person” includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or any authority of the Federal Government.

(12) The term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(13) The term “identification” means—

(A) in the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer; and

(B) in the case of any other person, the full name and address of such person.

(14) The term “national committee” means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission.

(15) The term “State committee” means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission.

(16) The term “political party” means an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.

(17) INDEPENDENT EXPENDITURE.—The term “independent expenditure” means an expenditure by a person—

(A) expressly advocating the election or defeat of a clearly identified candidate; and

(B) that is not made in concert or cooperation with or at the request or suggestion of such candidate, the can-



- candidate's authorized political committee, or their agents, or a political party committee or its agents.
- (18) The term "clearly identified" means that—
- (A) the name of the candidate involved appears;
  - (B) a photograph or drawing of the candidate appears; or
  - (C) the identity of the candidate is apparent by unambiguous reference.
- (19) The term "Act" means the Federal Election Campaign Act of 1971 as amended.
- (20) FEDERAL ELECTION ACTIVITY.—
- (A) IN GENERAL.—The term "Federal election activity" means—
- (i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;
  - (ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot);
  - (iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or
  - (iv) services provided during any month by an employee of a State, district, or local committee of a political party who spends more than 25 percent of that individual's compensated time during that month on activities in connection with a Federal election.
- (B) EXCLUDED ACTIVITY.—The term "Federal election activity" does not include an amount expended or disbursed by a State, district, or local committee of a political party for—
- (i) a public communication that refers solely to a clearly identified candidate for State or local office, if the communication is not a Federal election activity described in subparagraph (A)(i) or (ii);
  - (ii) a contribution to a candidate for State or local office, provided the contribution is not designated to pay for a Federal election activity described in subparagraph (A);
  - (iii) the costs of a State, district, or local political convention; and
  - (iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office.

(21) **GENERIC CAMPAIGN ACTIVITY.**—The term “generic campaign activity” means a campaign activity that promotes a political party and does not promote a candidate or non-Federal candidate.

(22) **PUBLIC COMMUNICATION.**—The term “public communication” means a communication by means of any broadcast, cable, [or satellite communication] *satellite, paid internet, or paid digital communication*, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising.

(23) **MASS MAILING.**—The term “mass mailing” means a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

(24) **TELEPHONE BANK.**—The term “telephone bank” means more than 500 telephone calls of an identical or substantially similar nature within any 30-day period.

(25) **ELECTION CYCLE.**—For purposes of sections 315(i) and 315A and paragraph (26), the term “election cycle” means the period beginning on the day after the date of the most recent election for the specific office or seat that a candidate is seeking and ending on the date of the next election for that office or seat. For purposes of the preceding sentence, a primary election and a general election shall be considered to be separate elections.

(26) **PERSONAL FUNDS.**—The term “personal funds” means an amount that is derived from—

(A) any asset that, under applicable State law, at the time the individual became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had—

- (i) legal and rightful title; or
- (ii) an equitable interest;

(B) income received during the current election cycle of the candidate, including—

- (i) a salary and other earned income from bona fide employment;
- (ii) dividends and proceeds from the sale of the candidate’s stocks or other investments;
- (iii) bequests to the candidate;
- (iv) income from trusts established before the beginning of the election cycle;
- (v) income from trusts established by bequest after the beginning of the election cycle of which the candidate is the beneficiary;

(vi) gifts of a personal nature that had been customarily received by the candidate prior to the beginning of the election cycle; and

(vii) proceeds from lotteries and similar legal games of chance; and

(C) a portion of assets that are jointly owned by the candidate and the candidate’s spouse equal to the can-

didate's share of the asset under the instrument of conveyance or ownership, but if no specific share is indicated by an instrument of conveyance or ownership, the value of 1/2 of the property.

\* \* \* \* \*

REPORTS

SEC. 304. (a)(1) Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

(2) If the political committee is the principal campaign committee of a candidate for the House of Representatives or for the Senate—

(A) in any calendar year during which there is regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file the following reports:

(i) a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election;

(ii) a post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day after such general election; and

(iii) additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter: except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year; and

(B) in any other calendar year the treasurer shall file quarterly reports, which shall be filed not later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter, except that the report for the quarter ending December 31 shall be filed not later than January 31 of the following calendar year.

(3) If the committee is the principal campaign committee of a candidate for the office of President—

(A) in any calendar year during which a general election is held to fill such office—

(i) the treasurer shall file monthly reports if such committee has on January 1 of such year, received contribu-

tions aggregating \$100,000 or made expenditures aggregating \$100,000 or anticipates receiving contributions aggregating \$100,000 or more or making expenditures aggregating \$100,000 or more during such year: such monthly reports shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month, except that, in lieu of filing the report otherwise due in November and December, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year;

(ii) the treasurer of the other principal campaign committees of a candidate for the office of President shall file a pre-election report or reports in accordance with paragraph (2)(A)(i), a post-general election report in accordance with paragraph (2)(A)(ii), and quarterly reports in accordance with paragraph (2)(A)(iii); and

(iii) if at any time during the election year a committee filing under paragraph (3)(A)(ii) receives contributions in excess of \$100,000 or makes expenditures in excess of \$100,000, the treasurer shall begin filing monthly reports under paragraph (3)(A)(i) at the next reporting period; and

(B) in any other calendar year, the treasurer shall file either—

(i) monthly reports, which shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month; or

(ii) quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter and which shall be complete as of the last day of each calendar quarter.

(4) All political committees other than authorized committees of a candidate shall file either—

(A)(i) quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year.

(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;

(iii) a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election; and

(iv) in any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year; or

(B) monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

Notwithstanding the preceding sentence, a national committee of a political party shall file the reports required under subparagraph (B).

(5) If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii) or subsection (g)(1)) is sent by registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, the United States postmark shall be considered the date of filing the designation, report or statement. If a designation, report or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii), or subsection (g)(1)) is sent by an overnight delivery service with an on-line tracking system, the date on the proof of delivery to the delivery service shall be considered the date of filing of the designation, report, or statement.

(6)(A) The principal campaign committee of a candidate shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of \$1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

(B) NOTIFICATION OF EXPENDITURE FROM PERSONAL FUNDS.—

(i) DEFINITION OF EXPENDITURE FROM PERSONAL FUNDS.—  
In this subparagraph, the term “expenditure from personal funds” means—

(I) an expenditure made by a candidate using personal funds; and

(II) a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate’s authorized committee.

(ii) DECLARATION OF INTENT.—Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Senator, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election that will exceed the State-by-State competitive and fair campaign formula with—

- (I) the Commission; and
- (II) each candidate in the same election.

(iii) INITIAL NOTIFICATION.—Not later than 24 hours after a candidate described in clause (ii) makes or obligates to make an aggregate amount of expenditures from personal funds in excess of 2 times the threshold amount in connection with any election, the candidate shall file a notification with—

- (I) the Commission; and
- (II) each candidate in the same election.

(iv) ADDITIONAL NOTIFICATION.—After a candidate files an initial notification under clause (iii), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceed \$10,000 with—

- (I) the Commission; and
- (II) each candidate in the same election.

Such notification shall be filed not later than 24 hours after the expenditure is made.

(v) CONTENTS.—A notification under clause (iii) or (iv) shall include—

- (I) the name of the candidate and the office sought by the candidate;
- (II) the date and amount of each expenditure; and
- (III) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.

(C) NOTIFICATION OF DISPOSAL OF EXCESS CONTRIBUTIONS.—In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate's authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under paragraph (1) of section 315(i)) and the manner in which the candidate or the candidate's authorized committee used such funds.

(D) ENFORCEMENT.—For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 309.

(E) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.

(7) The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward.

(8) The requirement for a political committee to file a quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i) shall be

waived if such committee is required to file a pre-election report under paragraph (2)(A)(i), or paragraph (4)(A)(ii) during the period beginning on the 5th day after the close of the calendar quarter and ending on the 15th day after the close of the calendar quarter.

(9) The Commission shall set filing dates for reports to be filed by principal campaign committees of candidates seeking election, or nomination for election, in special elections and political committees filing under paragraph (4)(A) which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The Commission shall require no more than one pre-election report for each election and one post-election report for the election which fills the vacancy. The Commission may waive any reporting obligation of committees required to file for special elections if any report required by paragraph (2) or (4) is required to be filed within 10 days of a report required under this subsection. The Commission shall establish the reporting dates within 5 days of the setting of such election and shall publish such dates and notify the principal campaign committees of all candidates in such election of the reporting dates.

(10) The treasurer of a committee supporting a candidate for the office of Vice President (other than the nominee of a political party) shall file reports in accordance with paragraph (3).

(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form if not required to do so under the regulation promulgated under clause (i).

(B) The Commission shall make a designation, statement, report, or notification that is filed with the Commission under this Act available for inspection by the public in the offices of the Commission and accessible to the public on the Internet not later than 48 hours (or not later than 24 hours in the case of a designation, statement, report, or notification filed electronically) after receipt by the Commission.

(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

(D) As used in this paragraph, the term “report” means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.

(12) SOFTWARE FOR FILING OF REPORTS.—

(A) IN GENERAL.—The Commission shall—

(i) promulgate standards to be used by vendors to develop software that—

(I) permits candidates to easily record information concerning receipts and disbursements required to be reported under this Act at the time of the receipt or disbursement;

(II) allows the information recorded under subclause (I) to be transmitted immediately to the Commission; and

(III) allows the Commission to post the information on the Internet immediately upon receipt; and

(ii) make a copy of software that meets the standards promulgated under clause (i) available to each person required to file a designation, statement, or report in electronic form under this Act.

(B) ADDITIONAL INFORMATION.—To the extent feasible, the Commission shall require vendors to include in the software developed under the standards under subparagraph (A) the ability for any person to file any designation, statement, or report required under this Act in electronic form.

(C) REQUIRED USE.—Notwithstanding any provision of this Act relating to times for filing reports, each candidate for Federal office (or that candidate's authorized committee) shall use software that meets the standards promulgated under this paragraph once such software is made available to such candidate.

(D) REQUIRED POSTING.—The Commission shall, as soon as practicable, post on the Internet any information received under this paragraph.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all receipts, and the total amount of all receipts in the following categories:

(A) contributions from persons other than political committees;

(B) for an authorized committee, contributions from the candidate;

(C) contributions from political party committees;

(D) contributions from other political committees;

(E) for an authorized committee, transfers from other authorized committees of the same candidate;

(F) transfers from affiliated committees and, where the reporting committee is a political party committee, transfers from other political party committees, regardless of whether such committees are affiliated;

(G) for an authorized committee, loans made by or guaranteed by the candidate;

(H) all other loans;



(I) rebates, refunds, and other offsets to operating expenditures;

(J) dividends, interest, and other forms of receipts; and

(K) for an authorized committee of a candidate for the office of President, Federal funds received under chapter 95 and chapter 96 of the Internal Revenue Code of 1954;

(3) the identification of each—

(A) person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution;

(B) political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;

(C) authorized committee which makes a transfer to the reporting committee;

(D) affiliated committee which makes a transfer to the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds to the reporting committee from another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfer;

(E) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan;

(F) person who provides a rebate, refund, or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of such receipt; and

(G) person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such receipt;

(4) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all disbursements, and all disbursements in the following categories:

(A) expenditures made to meet candidate or committee operating expenses;

(B) for authorized committees, transfers to other committees authorized by the same candidate;

- (C) transfers to affiliated committees and, where the reporting committee is a political party committee, transfers to other political party committees, regardless of whether they are affiliated;
- (D) for an authorized committee, repayment of loans made by or guaranteed by the candidate;
- (E) repayment of all other loans;
- (F) contribution refunds and other offsets to contributions;
- (G) for an authorized committee, any other disbursements;
- (H) for any political committee other than an authorized committee—
- (i) contributions made to other political committees;
  - (ii) loans made by the reporting committees;
  - (iii) independent expenditures;
  - (iv) expenditures made under section 315(d) of this Act; and
  - (v) any other disbursements; and
- (I) for an authorized committee of a candidate for the office of President, disbursements not subject to the limitation of section 315(b);
- (5) the name and address of each—
- (A) person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;
  - (B) authorized committee to which a transfer is made by the reporting committee;
  - (C) affiliated committee to which a transfer is made by the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds by the reporting committee to another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfers;
  - (D) person who receives a loan repayment from the reporting committee during the reporting period, together with the date and amount of such loan repayment; and
  - (E) person who receives a contribution refund or other offset to contributions from the reporting committee where such contribution was reported under paragraph (3)(A) of this subsection, together with the date and amount of such disbursement;
- (6)(A) for an authorized committee, the name and address of each person who has received any disbursement not disclosed under paragraph (5) in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such disbursement;

(B) for any other political committee, the name and address of each—

(i) political committee which has received a contribution from the reporting committee during the reporting period, together with the date and amount of any such contribution;

(ii) person who has received a loan from the reporting committee during the reporting period, together with the date and amount of such loan;

(iii) person who receives any disbursement during the reporting period in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office) in connection with an independent expenditure by the reporting committee, together with the date, amount, and purpose of any such independent expenditure and a statement which indicates whether such independent expenditure is in support of, or in opposition to, a candidate, as well as the name and office sought by such candidate, and a certification, under penalty of perjury, whether such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such committee;

(iv) person who receives any expenditure from the reporting committee during the reporting period in connection with an expenditure under section 315(d) in the Act, together with the date, amount, and purpose of any such expenditure as well as the name of, and office sought by, the candidate on whose behalf the expenditure is made; and

(v) person who has received any disbursement not otherwise disclosed in this paragraph or paragraph (5) in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office) from the reporting committee within the reporting period, together with the date, amount, and purpose of any such disbursement;

(7) the total sum of all contributions to such political committee, together with the total contributions less offsets to contributions and the total sum of all operating expenditures made by such political committee, together with total operating expenditures less offsets to operating expenditures, for both the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office); **[and]**

(8) the amount and nature of outstanding debts and obligations owed by or to such political committee; and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished and the consideration therefor **[.]**; *and*

*(9) if any person identified in subparagraph (A), (E), (F), or (G) of paragraph (3) is a registered lobbyist under the Lobbying Disclosure Act of 1995, a separate statement that such person is a registered lobbyist under such Act.*

(c)(1) Every person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of \$250 during a calendar year shall file a statement containing the information required under subsection (b)(3)(A) for all contributions received by such person.

(2) Statements required to be filed by this subsection shall be filed in accordance with subsection (a)(2), and shall include—

(A) the information required by subsection (b)(6)(B)(iii), indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;

(B) under penalty of perjury, a certification whether or not such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; **[and]**

(C) the identification of each person who made a contribution in excess of \$200 to the person filing such statement which was made for the purpose of furthering an independent expenditure~~].~~; and

*(D) if the person filing the statement, or a person whose identification is required to be disclosed under subparagraph (C), is a registered lobbyist under the Lobbying Disclosure Act of 1995, a separate statement that such person is a registered lobbyist under such Act.*

(3) The Commission shall be responsible for expeditiously preparing indices which set forth, on a candidate-by-candidate basis, all independent expenditures separately, including those reported under subsection (b)(6)(B)(iii), made by or for each candidate, as reported under this subsection, and for periodically publishing such indices on a timely pre-election basis.

(d)(1) Any person who is required to file a statement under subsection (c) or (g) of this section, except statements required to be filed electronically pursuant to subsection (a)(11)(A)(i) may file the statement by facsimile device or electronic mail, in accordance with such regulations as the Commission may promulgate.

(2) The Commission shall make a document which is filed electronically with the Commission pursuant to this paragraph accessible to the public on the Internet not later than 24 hours after the document is received by the Commission.

(3) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying the documents covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

(e) POLITICAL COMMITTEES.—

(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any national congressional campaign committee of a political party,

and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—

(A) IN GENERAL.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in section 301(20)(A), unless the aggregate amount of such receipts and disbursements during the calendar year is less than \$5,000.

(B) SPECIFIC DISCLOSURE BY STATE AND LOCAL PARTIES OF CERTAIN NON-FEDERAL AMOUNTS PERMITTED TO BE SPENT ON FEDERAL ELECTION ACTIVITY.—Each report by a political committee under subparagraph (A) of receipts and disbursements made for activities described in section 301(20)(A) shall include a disclosure of all receipts and disbursements described in section 323(b)(2)(A) and (B).

(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from or to any person aggregating in excess of \$200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

(4) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a)(4)(B).

(f) DISCLOSURE OF ELECTIONEERING COMMUNICATIONS.—

(1) STATEMENT REQUIRED.—Every person who makes a disbursement for the direct costs of producing and airing electioneering communications in an aggregate amount in excess of \$10,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

(A) The identification of the person making the disbursement, of any person sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

(B) The principal place of business of the person making the disbursement, if not an individual.

(C) The amount of each disbursement of more than \$200 during the period covered by the statement and the identification of the person to whom the disbursement was made.

(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

(E) If the disbursements were paid out of a segregated bank account which consists of funds contributed solely by

individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) directly to this account for electioneering communications, the names and addresses of all contributors who contributed an aggregate amount of \$1,000 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date. Nothing in this subparagraph is to be construed as a prohibition on the use of funds in such a segregated account for a purpose other than electioneering communications.

(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of \$1,000 or more to the person making the disbursement during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

(G) *If the person making the disbursement, or a contributor described in subparagraph (E) or (F), is a registered lobbyist under the Lobbying Disclosure Act of 1995, a separate statement that such person or contributor is a registered lobbyist under such Act.*

(3) ELECTIONEERING COMMUNICATION.—For purposes of this subsection—

(A) IN GENERAL.—(i) The term “electioneering communication” means any broadcast, cable, [or satellite communication] *satellite, or qualified internet or digital communication* which—

(I) refers to a clearly identified candidate for Federal office;

(II) is made within—

(aa) 60 days before a general, special, or runoff election for the office sought by the candidate; or

(bb) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for the office sought by the candidate; and

(III) in the case of a *any broadcast, cable, or satellite* communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

(ii) If clause (i) is held to be constitutionally insufficient by final judicial decision to support the regulation provided herein, then the term “electioneering communication” means any broadcast, cable, [or satellite communication] *satellite, or qualified internet or digital communication* which promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate) and which also is suggestive of no plausible meaning other than an exhortation to vote for

or against a specific candidate. Nothing in this subparagraph shall be construed to affect the interpretation or application of section 100.22(b) of title 11, Code of Federal Regulations.

(B) EXCEPTIONS.—The term “electioneering communication” does not include—

[(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate;]

*(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station or any online or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, online, or digital facilities are owned or controlled by any political party, political committee, or candidate;*

(ii) a communication which constitutes an expenditure or an independent expenditure under this Act;

(iii) a communication which constitutes a candidate debate or forum conducted pursuant to regulations adopted by the Commission, or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or

(iv) any other communication exempted under such regulations as the Commission may promulgate (consistent with the requirements of this paragraph) to ensure the appropriate implementation of this paragraph, except that under any such regulation a communication may not be exempted if it meets the requirements of this paragraph and is described in section 301(20)(A)(iii).

(C) TARGETING TO RELEVANT ELECTORATE.—For purposes of this paragraph, a communication which refers to a clearly identified candidate for Federal office is “targeted to the relevant electorate” if the communication can be received by 50,000 or more persons—

(i) in the district the candidate seeks to represent, in the case of a candidate for Representative in, or Delegate or Resident Commissioner to, the Congress; or

(ii) in the State the candidate seeks to represent, in the case of a candidate for Senator.

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

(4) DISCLOSURE DATE.—For purposes of this subsection, the term “disclosure date” means—

(A) the first date during any calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of \$10,000; and

(B) any other date during such calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of \$10,000 since the most recent disclosure date for such calendar year.

(5) CONTRACTS TO DISBURSE.—For purposes of this subsection, a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.

(6) COORDINATION WITH OTHER REQUIREMENTS.—[Any requirement] *Except as provided in section 324(b), any requirement* to report under this subsection shall be in addition to any other reporting requirement under this Act.

(7) COORDINATION WITH INTERNAL REVENUE CODE.—Nothing in this subsection may be construed to establish, modify, or otherwise affect the definition of political activities or electioneering activities (including the definition of participating in, intervening in, or influencing or attempting to influence a political campaign on behalf of or in opposition to any candidate for public office) for purposes of the Internal Revenue Code of 1986.

(g) TIME FOR REPORTING CERTAIN EXPENDITURES.—

(1) EXPENDITURES AGGREGATING \$1,000.—

(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours.

(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$1,000 with respect to the same election as that to which the initial report relates.

(2) EXPENDITURES AGGREGATING \$10,000.—

(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours.

(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$10,000 with respect to the same election as that to which the initial report relates.



(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

(A) shall be filed with the Commission; and

(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.

(4) TIME OF FILING FOR EXPENDITURES AGGREGATING \$1,000.—Notwithstanding subsection (a)(5), the time at which the statement under paragraph (1) is received by the Commission or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.

[(h) REPORTS FROM INAUGURAL COMMITTEES.—The Federal Election Commission shall make any report filed by an Inaugural Committee under section 510 of title 36, United States Code, accessible to the public at the offices of the Commission and on the Internet not later than 48 hours after the report is received by the Commission.]

[(i) (h) DISCLOSURE OF BUNDLED CONTRIBUTIONS.—

(1) REQUIRED DISCLOSURE.—Each committee described in paragraph (6) shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person reasonably known by the committee to be a person described in paragraph (7) who provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the covered period, and the aggregate amount of the bundled contributions provided by each such person during the covered period.

(2) COVERED PERIOD.—In this subsection, a “covered period” means, with respect to a committee—

(A) the period beginning January 1 and ending June 30 of each year;

(B) the period beginning July 1 and ending December 31 of each year; and

(C) any reporting period applicable to the committee under this section during which any person described in paragraph (7) provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold.

(3) APPLICABLE THRESHOLD.—

(A) IN GENERAL.—In this subsection, the “applicable threshold” is \$15,000, except that in determining whether the amount of bundled contributions provided to a committee by a person described in paragraph (7) exceeds the applicable threshold, there shall be excluded any contribution made to the committee by the person or the person’s spouse.

(B) INDEXING.—In any calendar year after 2007, section 315(c)(1)(B) shall apply to the amount applicable under subparagraph (A) in the same manner as such section applies to the limitations established under sub-

sections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amount applicable under subparagraph (A), the “base period” shall be 2006.

(4) PUBLIC AVAILABILITY.—The Commission shall ensure that, to the greatest extent practicable—

(A) information required to be disclosed under this subsection is publicly available through the Commission website in a manner that is searchable, sortable, and downloadable; and

(B) the Commission’s public database containing information disclosed under this subsection is linked electronically to the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995.

(5) REGULATIONS.—Not later than 6 months after the date of enactment of the Honest Leadership and Open Government Act of 2007, the Commission shall promulgate regulations to implement this subsection. Under such regulations, the Commission—

(A) may, notwithstanding paragraphs (1) and (2), provide for quarterly filing of the schedule described in paragraph (1) by a committee which files reports under this section more frequently than on a quarterly basis;

(B) shall provide guidance to committees with respect to whether a person is reasonably known by a committee to be a person described in paragraph (7), which shall include a requirement that committees consult the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995;

(C) may not exempt the activity of a person described in paragraph (7) from disclosure under this subsection on the grounds that the person is authorized to engage in fundraising for the committee or any other similar grounds; and

(D) shall provide for the broadest possible disclosure of activities described in this subsection by persons described in paragraph (7) that is consistent with this subsection.

(6) COMMITTEES DESCRIBED.—A committee described in this paragraph is an authorized committee of a candidate, a leadership PAC, or a political party committee.

(7) PERSONS DESCRIBED.—A person described in this paragraph is any person, who, at the time a contribution is forwarded to a committee as described in paragraph (8)(A)(i) or is received by a committee as described in paragraph (8)(A)(ii), is—

(A) a current registrant under section 4(a) of the Lobbying Disclosure Act of 1995;

(B) an individual who is listed on a current registration filed under section 4(b)(6) of such Act or a current report under section 5(b)(2)(C) of such Act; or

(C) a political committee established or controlled by such a registrant or individual.

(8) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

(A) BUNDLED CONTRIBUTION.—The term “bundled contribution” means, with respect to a committee described in paragraph (6) and a person described in paragraph (7), a contribution (subject to the applicable threshold) which is—

(i) forwarded from the contributor or contributors to the committee by the person; or

(ii) received by the committee from a contributor or contributors, but credited by the committee or candidate involved (or, in the case of a leadership PAC, by the individual referred to in subparagraph (B) involved) to the person through records, designations, or other means of recognizing that a certain amount of money has been raised by the person.

(B) LEADERSHIP PAC.—The term “leadership PAC” means, with respect to a candidate for election to Federal office or an individual holding Federal office, a political committee that is directly or indirectly established, financed, maintained or controlled by the candidate or the individual but which is not an authorized committee of the candidate or individual and which is not affiliated with an authorized committee of the candidate or individual, except that such term does not include a political committee of a political party.

(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENTS FOR ONLINE PLATFORMS.—*An online platform shall maintain, and make available for online public inspection in machine readable format, a complete record of any request to purchase on such online platform a qualified political advertisement which is made by a person whose aggregate requests to purchase qualified political advertisements on such online platform during the calendar year exceeds \$500.*

(B) REQUIREMENTS FOR ADVERTISERS.—*Any person who requests to purchase a qualified political advertisement on an online platform shall provide the online platform with such information as is necessary for the online platform to comply with the requirements of subparagraph (A).*

(2) CONTENTS OF RECORD.—*A record maintained under paragraph (1)(A) shall contain—*

(A) *a digital copy of the qualified political advertisement;*

(B) *a description of the audience targeted by the advertisement, the number of views generated from the advertisement, and the date and time that the advertisement is first displayed and last displayed; and*

(C) *information regarding—*

(i) the average rate charged for the advertisement;  
(ii) the name of the candidate to which the advertisement refers and the office to which the candidate is seeking election, the election to which the advertisement refers, or the national legislative issue to which the advertisement refers (as applicable);

(iii) in the case of a request made by, or on behalf of, a candidate, the name of the candidate, the authorized committee of the candidate, and the treasurer of such committee; and

(iv) in the case of any request not described in clause (iii), the name of the person purchasing the advertisement, the name and address of a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.

(3) **ONLINE PLATFORM.**—For purposes of this subsection, the term “online platform” means any public-facing website, web application, or digital application (including a social network, ad network, or search engine) which—

(A) sells qualified political advertisements; and

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

(4) **QUALIFIED POLITICAL ADVERTISEMENT** For purposes of this subsection, the term “qualified political advertisement” means any advertisement (including search engine marketing, display advertisements, video advertisements, native advertisements, and sponsorships) that—

(A) is made by or on behalf of a candidate; or

(B) communicates a message relating to any political matter of national importance, including—

(i) a candidate;

(ii) any election to Federal office; or

(iii) a national legislative issue of public importance.

(5) **TIME TO MAINTAIN FILE.**—The information required under this subsection shall be made available as soon as possible and shall be retained by the online platform for a period of not less than 4 years.

(6) **SAFE HARBOR FOR PLATFORMS MAKING BEST EFFORTS TO IDENTIFY REQUESTS WHICH ARE SUBJECT TO RECORD MAINTENANCE REQUIREMENTS.**—In accordance with rules established by the Commission, if an online platform shows that the platform used best efforts to determine whether or not a request to purchase a qualified political advertisement was subject to the requirements of this subsection, the online platform shall not be considered to be in violation of such requirements.

(7) **PENALTIES.**—For penalties for failure by online platforms, and persons requesting to purchase a qualified political advertisement on online platforms, to comply with the requirements of this subsection, see section 309.

*(k) REQUIRING INFORMATION ON REGISTERED LOBBYISTS TO BE LINKED TO WEBSITES OF CLERK OF HOUSE AND SECRETARY OF SENATE.—*

*(1) LINKS TO WEBSITES.—The Commission shall ensure that the Commission’s public database containing information described in paragraph (2) is linked electronically to the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995.*

*(2) INFORMATION DESCRIBED.—The information described in this paragraph is each of the following:*

*(A) Information disclosed under paragraph (9) of subsection (b).*

*(B) Information disclosed under subparagraph (D) of subsection (c)(2).*

*(C) Information disclosed under subparagraph (G) of subsection (f)(2).*

\* \* \* \* \*

FEDERAL ELECTION COMMISSION

SEC. 306. (a)(1) There is established a commission to be known as the Federal Election Commission. [The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives or their designees, ex officio and without the right to vote, and 6 members appointed by the President, by and with the advice and consent of the Senate. No more than 3 members of the Commission appointed under this paragraph may be affiliated with the same political party.] *The Commission is composed of 5 members appointed by the President by and with the advice and consent of the Senate, of whom no more than 2 may be affiliated with the same political party. A member shall be treated as affiliated with a political party if the member was affiliated, including as a registered voter, employee, consultant, donor, officer, or attorney, with such political party or any of its candidates or elected public officials at any time during the 5-year period ending on the date on which such individual is nominated to be a member of the Commission. A majority of the number of members of the Commission who are serving at the time shall constitute a quorum, except that 3 members shall constitute a quorum if there are 4 members serving at the time.*

[(2)(A) Members of the Commission shall serve for a single term of 6 years, except that of the members first appointed—

[(i) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1977;

[(ii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1979; and

[(iii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1981.

[(B) A member of the Commission may serve on the Commission after the expiration of his or her term until his or her successor has taken office as a member of the Commission.]

[(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.]

[(D) Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the original appointment.]

[(3) Members shall be chosen on the basis of their experience, integrity, impartiality, and good judgment and members (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government. Such members of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time of his or her appointment to the Commission shall terminate or liquidate such activity no later than 90 days after such appointment.]

(2) *TERMS OF SERVICE.*—

(A) *IN GENERAL.*—*Each member of the Commission shall serve for a single term of 6 years.*

(B) *SPECIAL RULE FOR INITIAL APPOINTMENTS.*—*Of the members first appointed to serve terms that begin in January 2022, the President shall designate 2 to serve for a 3-year term.*

(C) *NO REAPPOINTMENT PERMITTED.*—*An individual who served a term as a member of the Commission may not serve for an additional term, except that—*

(i) *an individual who served a 3-year term under subparagraph (B) may also be appointed to serve a 6-year term under subparagraph (A); and*

(ii) *for purposes of this subparagraph, an individual who is appointed to fill a vacancy under subparagraph (D) shall not be considered to have served a term if the portion of the unexpired term the individual fills is less than 50 percent of the period of the term.*

(D) *VACANCIES.*—*Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the original appointment. Except as provided in subparagraph (C), an individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.*

(E) *LIMITATION ON SERVICE AFTER EXPIRATION OF TERM.*—*A member of the Commission may continue to serve on the Commission after the expiration of the member's term for an additional period, but only until the earlier of—*

(i) *the date on which the member's successor has taken office as a member of the Commission; or*

(ii) *the expiration of the 1-year period that begins on the last day of the member's term.*

(3) **QUALIFICATIONS.**—

(A) **IN GENERAL.**—*The President may select an individual for service as a member of the Commission if the individual has experience in election law and has a demonstrated record of integrity, impartiality, and good judgment.*

(B) **ASSISTANCE OF BLUE RIBBON ADVISORY PANEL.**—

(i) **IN GENERAL.**—*Prior to the regularly scheduled expiration of the term of a member of the Commission and upon the occurrence of a vacancy in the membership of the Commission prior to the expiration of a term, the President shall convene a Blue Ribbon Advisory Panel, consisting of an odd number of individuals selected by the President from retired Federal judges, former law enforcement officials, or individuals with experience in election law, except that the President may not select any individual to serve on the panel who holds any public office at the time of selection.*

(ii) **RECOMMENDATIONS.**—*With respect to each member of the Commission whose term is expiring or each vacancy in the membership of the Commission (as the case may be), the Blue Ribbon Advisory Panel shall recommend to the President at least one but not more than 3 individuals for nomination for appointment as a member of the Commission.*

(iii) **PUBLICATION.**—*At the time the President submits to the Senate the nominations for individuals to be appointed as members of the Commission, the President shall publish the Blue Ribbon Advisory Panel's recommendations for such nominations.*

(iv) **EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.**—*The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to a Blue Ribbon Advisory Panel convened under this subparagraph.*

(C) **PROHIBITING ENGAGEMENT WITH OTHER BUSINESS OR EMPLOYMENT DURING SERVICE.**—*A member of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time of his or her appointment to the Commission shall terminate or liquidate such activity no later than 90 days after such appointment.*

(4) Members of the Commission [(other than the Secretary of the Senate and the Clerk of the House of Representatives)] shall receive compensation equivalent to the compensation paid at level IV of the Executive Schedule (5 U.S.C. 5315).

[(5) The Commission shall elect a chairman and a vice chairman from among its members (other than the Secretary of the Senate and the Clerk of the House of Representatives) for a term of one year. A member may serve as chairman only once during any term of office to which such member is appointed. The chairman

and the vice chairman shall not be affiliated with the same political party. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in such office.】

(5) CHAIR.—

(A) INITIAL APPOINTMENT.—*Of the members first appointed to serve terms that begin in January 2022, one such member (as designated by the President at the time the President submits nominations to the Senate) shall serve as Chair of the Commission.*

(B) SUBSEQUENT APPOINTMENTS.—*Any individual who is appointed to succeed the member who serves as Chair of the Commission for the term beginning in January 2022 (as well as any individual who is appointed to fill a vacancy if such member does not serve a full term as Chair) shall serve as Chair of the Commission.*

(C) VICE CHAIR.—*The Commission shall select, by majority vote of its members, one of its members to serve as Vice Chair, who shall act as Chair in the absence or disability of the Chair or in the event of a vacancy in the position of Chair.*

(b)(1) The Commission shall administer, seek to obtain compliance with, and formulate policy with respect to, this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954. The Commission shall have exclusive jurisdiction with respect to the civil enforcement of such provisions.

(2) Nothing in this Act shall be construed to limit, restrict or diminish any investigatory, informational, oversight, supervisory, or disciplinary authority or function of the Congress or any committee of the Congress with respect to elections for Federal office.

(c) 【All decisions】 *Subject to section 307(a), all decisions of the Commission with respect to the exercise of its duties and powers under the provisions of this Act shall be made by a majority vote of the members of the Commission. A member of the Commission may not delegate to any person his or her vote or any decision-making authority or duty vested in the Commission by the provisions of this Act, except that the 【affirmative vote of 4 members of the Commission】 affirmative vote of a majority of the members of the Commission who are serving at the time shall be required in order for the Commission to take any action in accordance with paragraph (6), (7), (8), or (9) of section 307(a) of this Act or with chapter 95 or chapter 96 of the Internal Revenue Code of 1954.*

(d) The Commission shall meet at least once each month and also at the call of any member.

【(e) The Commission】 (e)(1) *The Commission shall prepare written rules for the conduct of its activities, shall have an official seal which shall be judicially noticed, and shall have its principal office in or near the District of Columbia (but it may meet or exercise any of its powers anywhere in the United States).*

(2) *Members and employees of the Commission shall be subject to limitations on ex parte communications, as provided in the regulations promulgated by the Commission regarding such communica-*



*tions which are in effect on the date of the enactment of this paragraph.*

(f)(1) **【The Commission shall have a staff director and a general counsel who shall be appointed by the Commission.】** *The Commission shall have a staff director who shall be appointed by the Chair of the Commission in consultation with the other members and a general counsel who shall be appointed by the Chair with the concurrence of at least two other members.* The staff director shall be paid at a rate not to exceed the rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315). The general counsel shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (5 U.S.C. 5316). With the approval of the Commission, the staff director may appoint and fix the pay of such additional personnel as he or she considers desirable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) **【With the approval of the Commission】** *With the approval of the Chair of the Commission, the staff director may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-15 of the General Schedule (5 U.S.C. 5332).*

**【(3) In carrying out its responsibilities under this Act, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities of other agencies and departments of the United States. The heads of such agencies and departments may make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.】**

(4) Notwithstanding the provisions of paragraph (2), the Commission is authorized to appear in and defend against any action instituted under this Act, either (A) by attorneys employed in its office, or (B) by counsel whom it may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title. The compensation of counsel so appointed on a temporary basis shall be paid out of any funds otherwise available to pay the compensation of employees of the Commission.

#### POWERS OF **【THE COMMISSION】** *THE CHAIR AND THE COMMISSION*

SEC. 307. **【(a) The Commission has the power—**

**【(1) to require by special or general orders, any person to submit, under oath, such written reports and answers to questions as the Commission may prescribe;**

**【(2) to administer oaths or affirmations;**

**【(3) to require by subpoena, signed by the chairman or the vice chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;**

[(4) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3);

[(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

[(6) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief), defend (in the case of any civil action brought under section 309(a)(8) of this Act) or appeal any civil action in the name of the Commission to enforce the provisions of this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954, through its general counsel;

[(7) to render advisory opinions under section 308 of this Act;

[(8) to develop such prescribed forms and to make, amend, and repeal such rules, pursuant to the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954; and

[(9) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities.】

(a) *DISTRIBUTION OF POWERS BETWEEN CHAIR AND COMMISSION.*—

(1) *POWERS ASSIGNED TO CHAIR.*—

(A) *ADMINISTRATIVE POWERS.*—*The Chair of the Commission shall be the chief administrative officer of the Commission and shall have the authority to administer the Commission and its staff, and (in consultation with the other members of the Commission) shall have the power—*

(i) *to appoint and remove the staff director of the Commission;*

(ii) *to request the assistance (including personnel and facilities) of other agencies and departments of the United States, whose heads may make such assistance available to the Commission with or without reimbursement; and*

(iii) *to prepare and establish the budget of the Commission and to make budget requests to the President, the Director of the Office of Management and Budget, and Congress.*

(B) *OTHER POWERS.*—*The Chair of the Commission shall have the power—*

(i) *to appoint and remove the general counsel of the Commission with the concurrence of at least 2 other members of the Commission;*

(ii) *to require by special or general orders, any person to submit, under oath, such written reports and answers to questions as the Chair may prescribe;*

(iii) *to administer oaths or affirmations;*

(iv) to require by subpoena, signed by the Chair, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(v) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Chair, and shall have the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under clause (iv); and

(vi) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(2) **POWERS ASSIGNED TO COMMISSION.**—The Commission shall have the power—

(A) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief), defend (in the case of any civil action brought under section 309(a)(8) of this Act) or appeal (including a proceeding before the Supreme Court on certiorari) any civil action in the name of the Commission to enforce the provisions of this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1986, through its general counsel;

(B) to render advisory opinions under section 308 of this Act;

(C) to develop such prescribed forms and to make, amend, and repeal such rules, pursuant to the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1986;

(D) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities; and

(E) to transmit to the President and Congress not later than June 1 of each year a report which states in detail the activities of the Commission in carrying out its duties under this Act, and which includes any recommendations for any legislative or other action the Commission considers appropriate.

(3) **PERMITTING COMMISSION TO EXERCISE OTHER POWERS OF CHAIR.**—With respect to any investigation, action, or proceeding, the Commission, by an affirmative vote of a majority of the members who are serving at the time, may exercise any of the powers of the Chair described in paragraph (1)(B).

(b) Upon petition by the Commission, any United States district court within the jurisdiction of which any inquiry is being carried on may, in case of refusal to obey a subpoena or order of the Commission issued under subsection (a), issue an order requiring compliance. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

(d)(1) Whenever [the Commission submits any budget] *the Chair (or, pursuant to subsection (a)(3), the Commission) submits any budget* estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress.

(2) Whenever the Commission submits any legislative recommendation, or testimony, or comments on legislation, requested by the Congress or by any Member of the Congress, to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any office or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

(e) Except as provided in section 309(a)(8) of this Act, the power of the Commission to initiate civil actions under subsection (a)(6) of this section shall be the exclusive civil remedy for the enforcement of the provisions of this Act.

#### ADVISORY OPINIONS

SEC. 308. (a)(1) Not later than 60 days after the Commission receives from a person a complete written request concerning the application of this Act, chapter 95 or chapter 96 of the Internal Revenue Code of 1954, or a rule or regulation prescribed by the Commission, with respect to a specific transaction or activity by the person, the Commission shall render a written advisory opinion relating to such transaction or activity to the person.

(2) If an advisory opinion is requested by a candidate, or any authorized committee of such candidate, during the 60-day period before any election for Federal office involving the requesting party, the Commission shall render a written advisory opinion relating to such request no later than 20 days after the Commission receives a complete written request.

(b) Any rule of law which is not stated in this Act or in chapter 95 or chapter 96 of the Internal Revenue Code of 1954 may be initially proposed by the Commission only as a rule or regulation pursuant to procedures established in section 311(d). No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.

(c)(1) Any advisory opinion rendered by the Commission under subsection (a) may be relied upon by—

(A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects

from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Notwithstanding any other provisions of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraph (1) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

(d) The Commission shall make public any request made under subsection (a) for an advisory opinion. Before rendering an advisory opinion, the Commission shall accept written comments submitted by any interested party within the 10-day period following the date the request is made public.

*(e) To the extent that the Commission provides an opportunity for a person requesting an advisory opinion under this section (or counsel for such person) to appear before the Commission to present testimony in support of the request, and the person (or counsel) accepts such opportunity, the Commission shall provide a reasonable opportunity for an interested party who submitted written comments under subsection (d) in response to the request (or counsel for such interested party) to appear before the Commission to present testimony in response to the request.*

#### ENFORCEMENT

SEC. 309. (a)(1) Any person who believes a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has occurred, may file a complaint with the Commission. Such complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code. Within 5 days after receipt of a complaint, **the Commission** *the general counsel* shall notify, in writing, any person alleged in the complaint to have committed such a violation. **Before the Commission conducts any vote on the complaint, other than a vote to dismiss, any person so notified shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the complaint.** *Not later than 15 days after receiving notice from the general counsel under the previous sentence, the person may provide the general counsel with a written response that no action should be taken against such person on the basis of the complaint.* The Commission may not conduct any investigation or take any other action under this section solely on the basis of a complaint of a person whose identity is not disclosed to the Commission.

**(2) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, determines, by an affirmative vote of 4 of its members, that it has reason to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue**

Code of 1954, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. The Commission shall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance with the provisions of this section.

[(3) The general counsel of the Commission shall notify the respondent of any recommendation to the Commission by the general counsel to proceed to a vote on probable cause pursuant to paragraph (4)(A)(i). With such notification, the general counsel shall include a brief stating the position of the general counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, respondent may submit a brief stating the position of such respondent on the legal and factual issues of the case, and replying to the brief of general counsel. Such briefs shall be filed with the Secretary of the Commission and shall be considered by the Commission before proceeding under paragraph (4).]

*(2)(A) The general counsel, upon receiving a complaint filed with the Commission under paragraph (1) or upon the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, shall make a determination as to whether or not there is reason to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and as to whether or not the Commission should either initiate an investigation of the matter or that the complaint should be dismissed. The general counsel shall promptly provide notification to the Commission of such determination and the reasons therefore, together with any written response submitted under paragraph (1) by the person alleged to have committed the violation. Upon the expiration of the 30-day period which begins on the date the general counsel provides such notification, the general counsel's determination shall take effect, unless during such 30-day period the Commission, by vote of a majority of the members of the Commission who are serving at the time, overrules the general counsel's determination. If the determination by the general counsel that the Commission should investigate the matter takes effect, or if the determination by the general counsel that the complaint should be dismissed is overruled as provided under the previous sentence, the general counsel shall initiate an investigation of the matter on behalf of the Commission.*

*(B) If the Commission initiates an investigation pursuant to subparagraph (A), the Commission, through the Chair, shall notify the subject of the investigation of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. The Commission shall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance with the provisions of this section. The general counsel shall provide notification to the Commission of any intent to issue a subpoena or conduct any other form of discovery pursuant to the investigation. Upon the expiration of the 15-day period which begins on the date the general counsel provides such notification, the general counsel may issue the subpoena or conduct the discovery, unless during such 15-day period the Commission, by vote of a majority of*

*the members of the Commission who are serving at the time, prohibits the general counsel from issuing the subpoena or conducting the discovery.*

*(3)(A) Upon completion of an investigation under paragraph (2), the general counsel shall promptly submit to the Commission the general counsel's recommendation that the Commission find either that there is probable cause or that there is not probable cause to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and shall include with the recommendation a brief stating the position of the general counsel on the legal and factual issues of the case.*

*(B) At the time the general counsel submits to the Commission the recommendation under subparagraph (A), the general counsel shall simultaneously notify the respondent of such recommendation and the reasons therefore, shall provide the respondent with an opportunity to submit a brief within 30 days stating the position of the respondent on the legal and factual issues of the case and replying to the brief of the general counsel. The general counsel and shall promptly submit such brief to the Commission upon receipt.*

*(C) Not later than 30 days after the general counsel submits the recommendation to the Commission under subparagraph (A) (or, if the respondent submits a brief under subparagraph (B), not later than 30 days after the general counsel submits the respondent's brief to the Commission under such subparagraph), the Commission shall approve or disapprove the recommendation by vote of a majority of the members of the Commission who are serving at the time.*

*(4)(A)(i) Except as provided in clauses (ii) and subparagraph (C), if the Commission determines, by an [affirmative vote of 4 of its members] affirmative vote of a majority of the members of the Commission who are serving at the time, that there is probable cause to believe that any person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall attempt, for a period of at least 30 days, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with any person involved. Such attempt by the Commission to correct or prevent such violation may continue for a period of not more than 90 days. The Commission may not enter into a conciliation agreement under this clause except pursuant to an [affirmative vote of 4 of its members] affirmative vote of a majority of the members of the Commission who are serving at the time. A conciliation agreement, unless violated, is a complete bar to any further action by the Commission, including the bringing of a civil proceeding under paragraph (6)(A).*

*(ii) If any determination of the Commission under clause (i) occurs during the 45-day period immediately preceding any election, then the Commission shall attempt, for a period of at least 15 days, to correct or prevent the violation involved by the methods specified in clause (i).*

*(B)(i) No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission under subparagraph (A) may be made public by the*

Commission without the written consent of the respondent and the Commission.

(ii) If a conciliation agreement is agreed upon by the Commission and the respondent, the Commission shall make public any conciliation agreement signed by both the Commission and the respondent. If the Commission makes a determination that a person has not violated this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall make public such determination.

(C)(i) Notwithstanding subparagraph (A), in the case of a violation of a qualified disclosure requirement, the Commission may—

(I) find that a person committed such a violation on the basis of information obtained pursuant to the procedures described in paragraphs (1) and (2); and

(II) based on such finding, require the person to pay a civil money penalty in an amount determined, for violations of each qualified disclosure requirement, under a schedule of penalties which is established and published by the Commission and which takes into account the amount of the violation involved, the existence of previous violations by the person, and such other factors as the Commission considers appropriate.

(ii) The Commission may not make any determination adverse to a person under clause (i) until the person has been given written notice and an opportunity to be heard before the Commission.

(iii) Any person against whom an adverse determination is made under this subparagraph may obtain a review of such determination in the district court of the United States for the district in which the person resides, or transacts business, by filing in such court (prior to the expiration of the 30-day period which begins on the date the person receives notification of the determination) a written petition requesting that the determination be modified or set aside.

(iv) In this subparagraph, the term “qualified disclosure requirement” means any requirement of—

(I) subsections (a), (c), (e), (f), (g), or (i) of section 304; or

(II) section 305.

(v) This subparagraph shall apply with respect to violations that relate to reporting periods that begin on or after January 1, 2000<sup>1</sup>, and that end on or before December 31, 2023<sup>2</sup>.

(5)(A) If the Commission believes that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of \$5,000 or an amount equal to any contribution or expenditure involved in such violation.

(B) If the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may require that the person involved in such conciliation agreement shall



pay a civil penalty which does not exceed the greater of \$10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation (or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of \$50,000 or 1,000 percent of the amount involved in the violation).

(C) If the Commission by an **affirmative vote of 4 of its members** *affirmative vote of a majority of the members of the Commission who are serving at the time*, determined that there is probable cause to believe that a knowing and willful violation of this Act which is subject to subsection (d), or a knowing and willful violation of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, has occurred or is about to occur, it may refer such apparent violation to the Attorney General of the United States without regard to any limitations set forth in paragraph (4)(A).

(D) In any case in which a person has entered into a conciliation agreement with the Commission under paragraph (4)(A), the Commission may institute a civil action for relief under paragraph (6)(A) if it believes that the person has violated any provision of such conciliation agreement. For the Commission to obtain relief in any civil action, the Commission need only establish that the person has violated, in whole or in part, any requirement of such conciliation agreement.

(6)(A) If the Commission is unable to correct or prevent any violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, by the methods specified in paragraph (4), the Commission may, upon an **affirmative vote of 4 of its members** *affirmative vote of a majority of the members of the Commission who are serving at the time*, institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order (including an order for a civil penalty which does not exceed the greater of \$5,000 or an amount equal to any contribution or expenditure involved in such violation) in the district court of the United States for the district in which the person against whom such action is brought is found, resides, or transacts business.

(B) In any civil action instituted by the Commission under subparagraph (A), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty which does not exceed the greater of \$5,000 or an amount equal to any contribution or expenditure involved in such violation, upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

(C) In any civil action for relief instituted by the Commission under subparagraph (A), if the court determines that the Commission has established that the person involved in such civil action has committed a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the court may impose a civil penalty which does not exceed the greater of \$10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation (or, in the case of a viola-

tion of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of \$50,000 or 1,000 percent of the amount involved in the violation).

(7) In any action brought under paragraph (5) or (6), subpoenas for witnesses who are required to attend a United States district court may run into any other district.

[(8)(A) Any party aggrieved by an order to the Commission dismissing a complaint filed by such party under paragraph (1), or by a failure of the Commission to act on such complaint during the 120-day period beginning on the date the complaint is filed, may file a petition with the United States District Court for the District of Columbia.

[(B) Any petition under subparagraph (A) shall be filed, in the case of a dismissal of a complaint by the Commission, within 60 days after the date of the dismissal.

[(C) In any proceeding under this paragraph the court may declare that the dismissal of the complaint or the failure to act is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complainant, a civil action to remedy the violation involved in the original complaint.】

*(8)(A)(i) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party after finding either no reason to believe a violation has occurred or no probable cause a violation has occurred may file a petition with the United States District Court for the District of Columbia. Any petition under this subparagraph shall be filed within 60 days after the date on which the party received notice of the dismissal of the complaint.*

*(i) In any proceeding under this subparagraph, the court shall determine by de novo review whether the agency's dismissal of the complaint is contrary to law. In any matter in which the penalty for the alleged violation is greater than \$50,000, the court should disregard any claim or defense by the Commission of prosecutorial discretion as a basis for dismissing the complaint.*

*(B)(i) Any party who has filed a complaint with the Commission and who is aggrieved by a failure of the Commission, within one year after the filing of the complaint, to either dismiss the complaint or to find reason to believe a violation has occurred or is about to occur, may file a petition with the United States District Court for the District of Columbia.*

*(ii) In any proceeding under this subparagraph, the court shall treat the failure to act on the complaint as a dismissal of the complaint, and shall determine by de novo review whether the agency's failure to act on the complaint is contrary to law.*

*(C) In any proceeding under this paragraph the court may declare that the dismissal of the complaint or the failure to act is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complainant, a civil action to remedy the violation involved in the original complaint.*

(9) Any judgment of a district court under this subsection may be appealed to the court of appeals, and the judgment of the court

of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(11) If the Commission determines after an investigation that any person has violated an order of the court entered in a proceeding brought under paragraph (6), it may petition the court for an order to hold such person in civil contempt, but if it believes the violation to be knowing and willful it may petition the court for an order to hold such person in criminal contempt.

(12)(A) Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

(B) Any member or employee of the Commission, or any other person, who violates the provisions of subparagraph (A) shall be fined not more than \$2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subparagraph (A) shall be fined not more than \$5,000.

(b) Before taking any action under subsection (a) against any person who has failed to file a report required under section 304(a)(2)(A)(iii) for the calendar quarter immediately preceding the election involved, or in accordance with section 304(a)(2)(A)(i), the Commission shall notify the person of such failure to file the required reports. If a satisfactory response is not received within 4 business days after the date of notification, the Commission shall, pursuant to section 311(a)(7), publish before the election the name of the person and the report or reports such person has failed to file.

(c) Whenever the Commission refers an apparent violation to the Attorney General, the Attorney General shall report to the Commission any action taken by the Attorney General regarding the apparent violation. Each report shall be transmitted within 60 days after the date the Commission refers an apparent violation, and every 30 days thereafter until the final disposition of the apparent violation.

(d)(1)(A) Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution, donation, or expenditure—

(i) aggregating \$25,000 or more during a calendar year shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both; or

(ii) aggregating \$2,000 or more (but less than \$25,000) during a calendar year shall be fined under such title, or imprisoned for not more than 1 year, or both.

(B) In the case of a knowing and willful violation of section 316(b)(3), the penalties set forth in this subsection shall apply to a violation involving an amount aggregating \$250 or more during a calendar year. Such violation of section 316(b)(3) may incorporate a violation of section 317(b), 320, or 321.

(C) In the case of a knowing and willful violation of section 322, the penalties set forth in this subsection shall apply without

regard to whether the making, receiving, or reporting of a contribution or expenditure of \$1,000 or more is involved.

(D) Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating more than \$10,000 during a calendar year shall be—

(i) imprisoned for not more than 2 years if the amount is less than \$25,000 (and subject to imprisonment under subparagraph (A) if the amount is \$25,000 or more);

(ii) fined not less than 300 percent of the amount involved in the violation and not more than the greater of—

(I) \$50,000; or

(II) 1,000 percent of the amount involved in the violation; or

(iii) both imprisoned under clause (i) and fined under clause (ii).

(2) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, any defendant may evidence their lack of knowledge or intent to commit the alleged violation by introducing as evidence a conciliation agreement entered into between the defendant and the Commission under subsection (a)(4)(A) which specifically deals with the act or failure to act constituting such violation and which is still in effect.

(3) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the court before which such action is brought shall take into account, in weighing the seriousness of the violation and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

(A) the specific act or failure to act which constitutes the violation for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Commission under subparagraph (a)(4)(A);

(B) the conciliation agreement is in effect; and

(C) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.

\* \* \* \* \*

ADMINISTRATIVE PROVISIONS

SEC. 311. (a) The Commission shall—

(1) prescribe forms necessary to implement this Act;

(2) prepare, publish, and furnish to all persons required to file reports and statements under this Act a manual recommending uniform methods of bookkeeping and reporting;

(3) develop a filing, coding, and cross-indexing system consistent with the purposes of this Act;

(4) within 48 hours after the time of the receipt by the Commission of reports and statements filed with it, make them available for public inspection, and copying, at the expense of the person requesting such copying, except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions

or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. A political committee may submit 10 pseudonyms on each report filed in order to protect against the illegal use of names and addresses of contributors, provided such committee attaches a list of such pseudonyms to the appropriate report. The Secretary or the Commission shall exclude these lists from the public record;

(5) keep such designations, reports, and statements for a period of 10 years from the date of receipt, except that designations, reports, and statements that relate solely to candidates for the House of Representatives shall be kept for 5 years from the date of their receipt;

(6)(A) compile and maintain a cumulative index of designations, reports, and statements filed under this Act, which index shall be published at regular intervals and made available for purchase directly or by mail;

(B) compile, maintain, and revise a separate cumulative index of reports and statements filed by multi-candidate committees, including in such index a list of multi-candidate committees; and

(C) compile and maintain a list of multi-candidate committees, which shall be revised and made available monthly;

(7) prepare and publish periodically lists of authorized committees which fail to file reports as required by this Act;

(8) prescribe rules, regulations, and forms to carry out the provisions of this Act, in accordance with the provisions of subsection (d); and

(9) transmit to the President and to each House of the Congress no later than June 1 of each year, a report which states in detail the activities of the Commission in carrying out its duties under this Act, and any recommendations for any legislative or other action the Commission considers appropriate.

(b) The Commission may conduct audits and field investigations of any political committee required to file a report under section 304 of this Act. All audits and field investigations concerning the verification for, and receipt and use of, any payments received by a candidate or committee under chapter 95 or chapter 96 of the Internal Revenue Code of 1954 shall be given priority. Prior to conducting any audit under this subsection, the Commission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. Such thresholds for compliance shall be established by the Commission. The Commission may, upon an **[affirmative vote of 4 of its members]** *affirmative vote of a majority of the members of the Commission who are serving at the time*, conduct an audit and field investigation of any committee which does not meet the threshold requirements established by the Commission. Such audit shall be commenced within 30 days of such vote, except that any audit of an authorized committee of a candidate, under the provisions of

this subsection, shall be commenced within 6 months of the election for which such committee is authorized.

(c) Any forms prescribed by the Commission under subsection (a)(1), and any information-gathering activities of the Commission under this Act, shall not be subject to the provisions of section 3512 of title 44, United States Code.

(d)(1) Before prescribing any rule, regulation, or form under this section or any other provision of this Act, the Commission shall transmit a statement with respect to such rule, regulation, or form to the Senate and the House of Representatives, in accordance with this subsection. Such statement shall set forth the proposed rule, regulation, or form, and shall contain a detailed explanation and justification of it.

(2) If either House of the Congress does not disapprove by resolution any proposed rule or regulation submitted by the Commission under this section within 30 legislative days after the date of the receipt of such proposed rule or regulation or within 10 legislative days after the date of receipt of such proposed form, the Commission may prescribe such rule, regulation, or form.

(3) For purposes of this subsection, the term "legislative day" means, with respect to statements transmitted to the Senate, any calendar day on which the Senate is in session, and with respect to statements transmitted to the House of Representatives, any calendar day on which the House of Representatives is in session.

(4) For purposes of this subsection, the terms "rule" and "regulation" mean a provision or series of interrelated provisions stating a single, separable rule of law.

(5)(A) A motion to discharge a committee of the Senate from the consideration of a resolution relating to any such rule, regulation, or form or a motion to proceed to the consideration of such a resolution, is highly privileged and shall be decided without debate.

(B) Whenever a committee of the House of Representatives reports any resolution relating to any such form, rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and is not in order to move to reconsider the vote by which the motion is agreed to or disagreed with.

(e) Notwithstanding any other provision of law, any person who relies upon any rule or regulation prescribed by the Commission in accordance with the provisions of this section and who acts in good faith in accordance with such rule or regulation shall not, as a result of such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

(f) In prescribing such rules, regulations, and forms under this section, the Commission and the Internal Revenue Service shall consult and work together to promulgate rules, regulations, and forms which are mutually consistent. The Commission shall report

to the Congress annually on the steps it has taken to comply with this section.

\* \* \* \* \*

**SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.**

(a) **PERMITTED USES.**—A contribution accepted by a candidate, and any other donation received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

(1) for otherwise authorized expenditures in connection with the campaign for Federal office of the candidate or individual;

(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

(4) for transfers, without limitation, to a national, State, or local committee of a political party.

(b) **PROHIBITED USE.**—

(1) **IN GENERAL.**—A contribution or donation described in subsection (a) shall not be converted by any person to personal use.

(2) **CONVERSION.**—For the purposes of paragraph (1), a contribution or donation shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate’s election campaign or individual’s duties as a holder of Federal office, including—

- (A) a home mortgage, rent, or utility payment;
- (B) a clothing purchase;
- (C) a noncampaign-related automobile expense;
- (D) a country club membership;
- (E) a vacation or other noncampaign-related trip;
- (F) a household food item;
- (G) a tuition payment;
- (H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and
- (I) dues, fees, and other payments to a health club or recreational facility.

(c) **RESTRICTIONS ON USE OF CAMPAIGN FUNDS FOR FLIGHTS ON NONCOMMERCIAL AIRCRAFT.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of this Act, a candidate for election for Federal office (other than a candidate who is subject to paragraph (2)), or any authorized committee of such a candidate, may not make any expenditure for a flight on an aircraft unless—

(A) the aircraft is operated by an air carrier or commercial operator certificated by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator

certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules; or

(B) the candidate, the authorized committee, or other political committee pays to the owner, lessee, or other person who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size by the number of candidates on the flight) within a commercially reasonable time frame after the date on which the flight is taken.

(2) HOUSE CANDIDATES.—Notwithstanding any other provision of this Act, in the case of a candidate for election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, an authorized committee and a leadership PAC of the candidate may not make any expenditure for a flight on an aircraft unless—

(A) the aircraft is operated by an air carrier or commercial operator certificated by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules; or

(B) the aircraft is operated by an entity of the Federal government or the government of any State.

(3) EXCEPTION FOR AIRCRAFT OWNED OR LEASED BY CANDIDATE.—

(A) IN GENERAL.—Paragraphs (1) and (2) do not apply to a flight on an aircraft owned or leased by the candidate involved or an immediate family member of the candidate (including an aircraft owned by an entity that is not a public corporation in which the candidate or an immediate family member of the candidate has an ownership interest), so long as the candidate does not use the aircraft more than the candidate's or immediate family member's proportionate share of ownership allows.

(B) IMMEDIATE FAMILY MEMBER DEFINED.—In this subparagraph (A), the term “immediate family member” means, with respect to a candidate, a father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law.

(4) LEADERSHIP PAC DEFINED.—In this subsection, the term “leadership PAC” has the meaning given such term in section 304(i)(8)(B).

(d) RESTRICTIONS ON PERMITTED USES OF FUNDS BY CANDIDATES RECEIVING SMALL DOLLAR FINANCING.—Notwithstanding paragraph (2), (3), or (4) of subsection (a), if a candidate for election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress is certified as a participating candidate under title V with respect to the election, any contribution which the



*candidate is permitted to accept under such title may be used only for authorized expenditures in connection with the candidate's campaign for such office, subject to section 503(b).*

*(e) TREATMENT OF PAYMENTS FOR CHILD CARE AND OTHER PERSONAL USE SERVICES AS AUTHORIZED CAMPAIGN EXPENDITURE.—*

*(1) AUTHORIZED EXPENDITURES.—For purposes of subsection (a), the payment by an authorized committee of a candidate for any of the personal use services described in paragraph (3) shall be treated as an authorized expenditure if the services are necessary to enable the participation of the candidate in campaign-connected activities.*

*(2) LIMITATIONS.—*

*(A) LIMIT ON TOTAL AMOUNT OF PAYMENTS.—The total amount of payments made by an authorized committee of a candidate for personal use services described in paragraph (3) may not exceed the limit which is applicable under any law, rule, or regulation on the amount of payments which may be made by the committee for the salary of the candidate (without regard to whether or not the committee makes payments to the candidate for that purpose).*

*(B) CORRESPONDING REDUCTION IN AMOUNT OF SALARY PAID TO CANDIDATE.—To the extent that an authorized committee of a candidate makes payments for the salary of the candidate, any limit on the amount of such payments which is applicable under any law, rule, or regulation shall be reduced by the amount of any payments made to or on behalf of the candidate for personal use services described in paragraph (3), other than personal use services described in subparagraph (E) of such paragraph.*

*(C) EXCLUSION OF CANDIDATES WHO ARE OFFICE-HOLDERS.—Paragraph (1) does not apply with respect to an authorized committee of a candidate who is a holder of Federal office.*

*(3) PERSONAL USE SERVICES DESCRIBED.—The personal use services described in this paragraph are as follows:*

*(A) Child care services.*

*(B) Elder care services.*

*(C) Services similar to the services described in subparagraph (A) or subparagraph (B) which are provided on behalf of any dependent who is a qualifying relative under section 152 of the Internal Revenue Code of 1986.*

*(D) Dues, fees, and other expenses required to maintain an license or similar requirement related to an individual's profession.*

*(E) Costs associated with health insurance coverage.*

\* \* \* \* \*

LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES

SEC. 315. (a)(1) Except as provided in subsection (i) and section 315A, no person shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$2,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed \$25,000, or, in the case of contributions made to any of the accounts described in paragraph (9), exceed 300 percent of the amount otherwise applicable under this subparagraph with respect to such calendar year;

(C) to any other political committee (other than a committee described in subparagraph (D)) in any calendar year which, in the aggregate, exceed \$5,000; or

(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed \$10,000.

(2) No multicandidate political committee shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$5,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year, which, in the aggregate, exceed \$15,000, or, in the case of contributions made to any of the accounts described in paragraph (9), exceed 300 percent of the amount otherwise applicable under this subparagraph with respect to such calendar year; or

(C) to any other political committee in any calendar year which, in the aggregate, exceed \$5,000.

(3) During the period which begins on January 1 of an odd-numbered year and ends on December 31 of the next even-numbered year, no individual may make contributions aggregating more than—

(A) \$37,500, in the case of contributions to candidates and the authorized committees of candidates;

(B) \$57,500, in the case of any other contributions, of which not more than \$37,500 may be attributable to contributions to political committees which are not political committees of national political parties.

(4) The limitations on contributions contained in paragraphs (1) and (2) do not apply to transfers between and among political committees which are national, State, district, or local committees (including any subordinate committee thereof) of the same political party. For purposes of paragraph (2), the term “multicandidate political committee” means a political committee which has been registered under section 303 for a period of not less than 6 months, which has received contributions from more than 50 persons, and, except for any State political party organization, has made contributions to 5 or more candidates for Federal office.

(5) For purposes of the limitations provided by paragraph (1) and paragraph (2), all contributions made by political committees established or financed or maintained or controlled by any corpora-

tion, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons, shall be considered to have been made by a single political committee, except that (A) nothing in this sentence shall limit transfers between political committees of funds raised through joint fund raising efforts; (B) for purposes of the limitations provided by paragraph (1) and paragraph (2) all contributions made by a single political committee established or financed or maintained or controlled by a national committee of a political party and by a single political committee established or financed or maintained or controlled by the State committee of a political party shall not be considered to have been made by a single political committee; and (C) nothing in this section shall limit the transfer of funds between the principal campaign committee of a candidate seeking nomination or election to a Federal office and the principal campaign committee of that candidate for nomination or election to another Federal office if (i) such transfer is not made when the candidate is actively seeking nomination or election to both such offices; (ii) the limitations contained in this Act on contributions by persons are not exceeded by such transfer; and (iii) the candidate has not elected to receive any funds under chapter 95 or chapter 96 of the Internal Revenue Code of 1954. In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish or finance or maintain or control more than one separate segregated fund, all such separate segregated funds shall be treated as a single segregated fund for purposes of the limitations provided by paragraph (1) and paragraph (2).

(6) The limitations on contributions to a candidate imposed by paragraphs (1) and (2) of this subsection shall apply separately with respect to each election, except that all elections held in any **[calendar year]** *four-year election cycle* for the office of President of the United States (except a general election for such office) shall be considered to be one election.

(7) For purposes of this subsection—

(A) contributions to a named candidate made to any political committee authorized by such candidate to accept contributions on his behalf shall be considered to be contributions made to such candidate;

(B)(i) expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents shall be considered to be a contribution to such candidate;

(ii) expenditures made by any person (other than a candidate or candidate's authorized committee) in cooperation, consultation, or concert with, or at the request or suggestion of, a national, State, or local committee of a political party, shall be considered to be contributions made to such party committee; and

(iii) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents shall be considered to be an expenditure for purposes of this paragraph; and

(C) if—

(i) any person makes, or contracts to make, any disbursement for any electioneering communication (within the meaning of section 304(f)(3)); and

(ii) such disbursement is coordinated with a candidate or an authorized committee of such candidate, a Federal, State, or local political party or committee thereof, or an agent or official of any such candidate, party, or committee;

such disbursement or contracting shall be treated as a contribution to the candidate supported by the electioneering communication or that candidate's party and as an expenditure by that candidate or that candidate's party; and

(D) contributions made to or for the benefit of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be contributions made to or for the benefit of the candidate of such party for election to the office of President of the United States.

(8) For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate. The intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

(9) An account described in this paragraph is any of the following accounts:

(A) A separate, segregated account of a national committee of a political party (other than a national congressional campaign committee of a political party) which is used solely to defray expenses incurred with respect to a presidential nominating convention (including the payment of deposits) or to repay loans the proceeds of which were used to defray such expenses, or otherwise to restore funds used to defray such expenses, except that the aggregate amount of expenditures the national committee of a political party may make from such account may not exceed \$20,000,000 with respect to any single convention.

(B) A separate, segregated account of a national committee of a political party (including a national congressional campaign committee of a political party) which is used solely to defray expenses incurred with respect to the construction, purchase, renovation, operation, and furnishing of one or more headquarters buildings of the party or to repay loans the proceeds of which were used to defray such expenses, or otherwise

to restore funds used to defray such expenses (including expenses for obligations incurred during the 2-year period which ends on the date of the enactment of this paragraph).

(C) A separate, segregated account of a national committee of a political party (including a national congressional campaign committee of a political party) which is used to defray expenses incurred with respect to the preparation for and the conduct of election recounts and contests and other legal proceedings.

*(10) In the case of a multicandidate political committee or any political committee of a political party, the committee may make a contribution to a candidate who is a participating candidate under title V with respect to an election only if the contribution is paid from a separate, segregated account of the committee which consists solely of contributions which meet the following requirements:*

*(A) Each such contribution is in an amount which meets the requirements for the amount of a qualified small dollar contribution under section 504(a)(1) with respect to the election involved.*

*(B) Each such contribution is made by an individual who is not otherwise prohibited from making a contribution under this Act.*

*(C) The individual who makes the contribution does not make contributions to the committee during the year in an aggregate amount that exceeds the limit described in section 504(a)(1).*

[(b)(1) No candidate for the office of President of the United States who is eligible under section 9003 of the Internal Revenue Code of 1954 (relating to condition for eligibility for payments) or under section 9033 of the Internal Revenue Code of 1954 (relating to eligibility for payments) to receive payments from the Secretary of the Treasury may make expenditures in excess of—

[(A) \$10,000,000, in the case of a campaign for nomination for election to such office, except the aggregate of expenditures under this subparagraph in any one State shall not exceed the greater of 16 cents multiplied by the voting age population of the State (as certified under subsection (e)), or \$200,000; or

[(B) \$20,000,000 in the case of a campaign for election to such office.

[(2) For purposes of this subsection—

[(A) expenditures made by or on behalf of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be expenditures made by or on behalf of the candidate of such party for election to the office of President of the United States; and

[(B) an expenditure is made on behalf of a candidate, including a vice presidential candidate, if it is made by—

[(i) an authorized committee or any other agent of the candidate for purposes of making any expenditure; or

[(ii) any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate to make the expenditures.]

(c)(1)(A) At the beginning of each calendar year (commencing in 1976), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Commission and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period.

(B) Except as provided in subparagraph (C), in any calendar year after 2002—

(i) a limitation established by subsections (a)(1)(A), (a)(1)(B), (a)(3) **[(b)]**, (d)(2), or (h) shall be increased by the percent difference determined under subparagraph (A);

(ii) each amount so increased shall remain in effect for the calendar year; and

(iii) if any amount after adjustment under clause (i) is not a multiple of \$100, such amount shall be rounded to the nearest multiple of \$100.

(C) In the case of limitations under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h), increases shall only be made in odd-numbered years and such increases shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election.

*(D) In any calendar year after 2028—*

*(i) the dollar amount in subsection (d)(2) shall be increased by the percent difference determined under subparagraph (A);*

*(ii) the amount so increased shall remain in effect for the calendar year; and*

*(iii) if the amount after adjustment under clause (i) is not a multiple of \$100, such amount shall be rounded to the nearest multiple of \$100.*

(2) For purposes of paragraph (1)—

(A) the term “price index” means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(B) the term “base period” means—

(i) for purposes of **[(subsections (b) and (d)]** *subsection (d)(3)*, calendar year 1974; **[and]**

(ii) for purposes of subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h), calendar year 2001 **[(.)]**; and

*(iii) for purposes of subsection (d)(2), calendar year 2027.*

(d)(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee of a political party and a State committee of a political party, including any subordinate committee of a State committee, may make expenditures in connection with the general election campaign of candidates for Federal office, subject to the limitations contained in paragraphs (2), (3), and (4) of this subsection.

**[(2)]** The national committee of a political party may not make any expenditure in connection with the general election campaign

of any candidate for President of the United States who is affiliated with such party which exceeds an amount equal to 2 cents multiplied by the voting age population of the United States (as certified under subsection (e)). Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.】

(2)(A) *The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds \$100,000,000.*

(B) *For purposes of this paragraph—*

(i) *any expenditure made by or on behalf of a national committee of a political party and in connection with a Presidential election shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party; and*

(ii) *any communication made by or on behalf of such party shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party if any portion of the communication is in connection with such election.*

(C) *Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.*

(3) 【The national committee】 *Except as provided in paragraph (5), the national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, may not make any expenditure in connection with the general election campaign of a candidate for Federal office in a State who is affiliated with such party which exceeds—*

(A) *in the case of a candidate for election to the office of Senator, or of Representative from a State which is entitled to only one Representative, the greater of—*

(i) *2 cents multiplied by the voting age population of the State (as certified under subsection (e)); or*

(ii) *\$20,000; and*

(B) *in the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other State, \$10,000.*

(4) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.—

(A) IN GENERAL.—On or after the date on which a political party nominates a candidate, no committee of the political party may make—

(i) *any coordinated expenditure under this subsection with respect to the candidate during the election cycle at any time after it makes any independent expenditure (as defined in section 301(17)) with respect to the candidate during the election cycle; or*

(ii) *any independent expenditure (as defined in section 301(17)) with respect to the candidate during*

the election cycle at any time after it makes any coordinated expenditure under this subsection with respect to the candidate during the election cycle.

(B) APPLICATION.—For purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.

(C) TRANSFERS.—A committee of a political party that makes coordinated expenditures under this subsection with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.

(5) The limitations contained in paragraphs (2), (3), and (4) of this subsection shall not apply to expenditures made from any of the accounts described in subsection (a)(9).

*(5) The limits described in paragraph (3) do not apply in the case of expenditures in connection with the general election campaign of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress who is a participating candidate under title V with respect to the election, but only if—*

*(A) the expenditures are paid from a separate, segregated account of the committee which is described in subsection (a)(9); and*

*(B) the expenditures are the sole source of funding provided by the committee to the candidate.*

(e) During the first week of January 1975, and every subsequent year, the Secretary of Commerce shall certify to the Commission and publish in the Federal Register an estimate of the voting age population of the United States, of each State, and of each congressional district as of the first day of July next preceding the date of certification. The term “voting age population” means resident population, 18 years of age or older.

(f) No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this section.

(g) The Commission shall prescribe rules under which any expenditure by a candidate for presidential nominations for use in 2 or more States shall be attributed to such candidate’s expenditure limitation in each such State, based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.

(h) Notwithstanding any other provision of this Act, amounts totaling not more than \$35,000 may be contributed to a candidate



for nomination for election, or for election, to the United States Senate during the year in which an election is held in which he is such a candidate, by the Republican or Democratic Senatorial Campaign Committee, or the national committee of a political party, or any combination of such committees.

(i) INCREASED LIMIT TO ALLOW RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.—

(1) INCREASE.—

(A) IN GENERAL.—Subject to paragraph (2), if the opposition personal funds amount with respect to a candidate for election to the office of Senator exceeds the threshold amount, the limit under subsection (a)(1)(A) (in this subsection referred to as the “applicable limit”) with respect to that candidate shall be the increased limit.

(B) THRESHOLD AMOUNT.—

(i) STATE-BY-STATE COMPETITIVE AND FAIR CAMPAIGN FORMULA.—In this subsection, the threshold amount with respect to an election cycle of a candidate described in subparagraph (A) is an amount equal to the sum of—

(I) \$150,000; and

(II) \$0.04 multiplied by the voting age population.

(ii) VOTING AGE POPULATION.—In this subparagraph, the term “voting age population” means in the case of a candidate for the office of Senator, the voting age population of the State of the candidate (as certified under section 315(e)).

(C) INCREASED LIMIT.—Except as provided in clause (ii), for purposes of subparagraph (A), if the opposition personal funds amount is over—

(i) 2 times the threshold amount, but not over 4 times that amount—

(I) the increased limit shall be 3 times the applicable limit; and

(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution;

(ii) 4 times the threshold amount, but not over 10 times that amount—

(I) the increased limit shall be 6 times the applicable limit; and

(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and

(iii) 10 times the threshold amount—

(I) the increased limit shall be 6 times the applicable limit;

(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and

(III) the limits under subsection (d) with respect to any expenditure by a State or national committee of a political party shall not apply.

(D) OPPOSITION PERSONAL FUNDS AMOUNT.—The opposition personal funds amount is an amount equal to the excess (if any) of—

(i) the greatest aggregate amount of expenditures from personal funds (as defined in section 304(a)(6)(B)) that an opposing candidate in the same election makes; over

(ii) the aggregate amount of expenditures from personal funds made by the candidate with respect to the election.

(E) SPECIAL RULE FOR CANDIDATE'S CAMPAIGN FUNDS.—

(i) IN GENERAL.—For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the gross receipts advantage of the candidate's authorized committee.

(ii) GROSS RECEIPTS ADVANTAGE.—For purposes of clause (i), the term "gross receipts advantage" means the excess, if any, of—

(I) the aggregate amount of 50 percent of gross receipts of a candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50 percent of gross receipts of the opposing candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held.

(2) TIME TO ACCEPT CONTRIBUTIONS UNDER INCREASED LIMIT.—

(A) IN GENERAL.—Subject to subparagraph (B), a candidate and the candidate's authorized committee shall not accept any contribution, and a party committee shall not

make any expenditure, under the increased limit under paragraph (1)—

(i) until the candidate has received notification of the opposition personal funds amount under section 304(a)(6)(B); and

(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously accepted and party expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 110 percent of the opposition personal funds amount.

(B) EFFECT OF WITHDRAWAL OF AN OPPOSING CANDIDATE.—A candidate and a candidate’s authorized committee shall not accept any contribution and a party shall not make any expenditure under the increased limit after the date on which an opposing candidate ceases to be a candidate to the extent that the amount of such increased limit is attributable to such an opposing candidate.

(3) DISPOSAL OF EXCESS CONTRIBUTIONS.—

(A) IN GENERAL.—The aggregate amount of contributions accepted by a candidate or a candidate’s authorized committee under the increased limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

(B) RETURN TO CONTRIBUTORS.—A candidate or a candidate’s authorized committee shall return the excess contribution to the person who made the contribution.

(j) LIMITATION ON REPAYMENT OF PERSONAL LOANS.—Any candidate who incurs personal loans made after the effective date of the Bipartisan Campaign Reform Act of 2002 in connection with the candidate’s campaign for election shall not repay (directly or indirectly), to the extent such loans exceed \$250,000, such loans from any contributions made to such candidate or any authorized committee of such candidate after the date of such election.

\* \* \* \* \*

CONTRIBUTIONS OR EXPENDITURES BY NATIONAL BANKS, CORPORATIONS, OR LABOR ORGANIZATIONS

SEC. 316. (a) It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political com-

mittee, or other person knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation or any national bank or any officer of any labor organization to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section.

(b)(1) For the purposes of this section the term “labor organization” means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(2) For purposes of this section and section 12(h) of the Public Utility Holding Company Act (15 U.S.C. 79l(h)), the term “contribution or expenditure” includes a contribution or expenditure, as those terms are defined in section 301, and also includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section or for any applicable electioneering communication, but shall not include (A) communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject; (B) nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families; and (C) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.

(3) It shall be unlawful—

(A) for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by moneys obtained in any commercial transaction;

(B) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation; and

(C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal.

(4)(A) Except as provided in subparagraphs (B), (C), and (D), it shall be unlawful—

(i) for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund

from any person other than its stockholders and their families and its executive or administrative personnel and their families, and

(ii) for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families.

(B) It shall not be unlawful under this section for a corporation, a labor organization, or a separate segregated fund established by such corporation or such labor organization, to make 2 written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel, or employee of a corporation or the families of such persons. A solicitation under this subparagraph may be made only by mail addressed to stockholders, executive or administrative personnel, or employees at their residence and shall be so designed that the corporation, labor organization, or separate segregated fund conducting such solicitation cannot determine who makes a contribution of \$50 or less as a result of such solicitation and who does not make such a contribution.

(C) This paragraph shall not prevent a membership organization, cooperative, or corporation without capital stock, or a separate segregated fund established by a membership organization, cooperative, or corporation without capital stock, from soliciting contributions to such a fund from members of such organizations, cooperative, or corporation without capital stock.

(D) This paragraph shall not prevent a trade association or a separate segregated fund established by a trade association from soliciting contributions from the stockholders and executive or administrative personnel of the member corporations of such trade association and the families of such stockholders or personnel to the extent that such solicitation of such stockholders and personnel, and their families, has been separately and specifically approved by the member corporation involved, and such member corporation does not approve any such solicitation by more than one such trade association in any calendar year.

(5) Notwithstanding any other law, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members.

(6) Any corporation, including its subsidiaries, branches, divisions, and affiliates, that utilizes a method of soliciting voluntary contributions or facilitating the making of voluntary contributions, shall make available such method, on written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby, to a labor organization representing any members working for such corporation, its subsidiaries, branches, divisions, and affiliates.

(7) For purposes of this section, the term "executive or administrative personnel" means individuals employed by a corporation who are paid on a salary, rather than hourly, basis and who have

policymaking, managerial, professional, or supervisory responsibilities.

(8) *A separate segregated fund established by a corporation may not make a contribution or expenditure during a year unless the fund has certified to the Commission the following during the year:*

(A) *Each individual who manages the fund, and who is responsible for exercising decisionmaking authority for the fund, is a citizen of the United States or is lawfully admitted for permanent residence in the United States.*

(B) *No foreign national under section 319 participates in any way in the decisionmaking processes of the fund with regard to contributions or expenditures under this Act.*

(C) *The fund does not solicit or accept recommendations from any foreign national under section 319 with respect to the contributions or expenditures made by the fund.*

(D) *Any member of the board of directors of the corporation who is a foreign national under section 319 abstains from voting on matters concerning the fund or its activities.*

(c) RULES RELATING TO ELECTIONEERING COMMUNICATIONS.—

(1) APPLICABLE ELECTIONEERING COMMUNICATION.—For purposes of this section, the term “applicable electioneering communication” means an electioneering communication (within the meaning of section 304(f)(3)) which is made by any entity described in subsection (a) of this section or by any other person using funds donated by an entity described in subsection (a) of this section.

(2) EXCEPTION.—Notwithstanding paragraph (1), the term “applicable electioneering communication” does not include a communication by a section 501(c)(4) organization or a political organization (as defined in section 527(e)(1) of the Internal Revenue Code of 1986) made under section 304(f)(2)(E) or (F) of this Act if the communication is paid for exclusively by funds provided directly by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))). For purposes of the preceding sentence, the term “provided directly by individuals” does not include funds the source of which is an entity described in subsection (a) of this section.

(3) SPECIAL OPERATING RULES.—

(A) DEFINITION UNDER PARAGRAPH (1).—An electioneering communication shall be treated as made by an entity described in subsection (a) if an entity described in subsection (a) directly or indirectly disburses any amount for any of the costs of the communication.

(B) EXCEPTION UNDER PARAGRAPH (2).—A section 501(c)(4) organization that derives amounts from business activities or receives funds from any entity described in subsection (a) shall be considered to have paid for any communication out of such amounts unless such organization paid for the communication out of a segregated account to which only individuals can contribute, as described in section 304(f)(2)(E).

(4) DEFINITIONS AND RULES.—For purposes of this subsection—

(A) the term “section 501(c)(4) organization” means—  
(i) an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

(ii) an organization which has submitted an application to the Internal Revenue Service for determination of its status as an organization described in clause (i); and

(B) a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.

(5) COORDINATION WITH INTERNAL REVENUE CODE.—Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 to carry out any activity which is prohibited under such Code.

(6) SPECIAL RULES FOR TARGETED COMMUNICATIONS.—

(A) EXCEPTION DOES NOT APPLY.—Paragraph (2) shall not apply in the case of a targeted communication that is made by an organization described in such paragraph.

(B) TARGETED COMMUNICATION.—For purposes of subparagraph (A), the term “targeted communication” means an electioneering communication (as defined in section 304(f)(3)) that is distributed from a television or radio broadcast station or provider of cable or satellite television service and, in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

(C) DEFINITION.—For purposes of this paragraph, a communication is “targeted to the relevant electorate” if it meets the requirements described in section 304(f)(3)(C).

\* \* \* \* \*

PUBLICATION AND DISTRIBUTION OF STATEMENTS AND SOLICITATIONS

SEC. 318. (a) Whenever a political committee makes a disbursement for the purpose of **financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising** *financing any public communication (including a telephone call consisting in substantial part of a prerecorded audio message)*, or whenever any person makes a disbursement **for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate** *for a campaign-related disbursement, as defined in section 324, consisting of a public communication, or* **solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising** *solicits any contribution through any public communication (including a telephone call consisting in substantial part of a prerecorded audio*

*message*) or makes a disbursement for an electioneering communication (as defined in section 304(f)(3)), such communication—

(1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, **[shall clearly state]** *shall state in a clear and conspicuous manner* that the communication has been paid for by such authorized political committee, or

(2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, **[shall clearly state]** *shall state in a clear and conspicuous manner* that the communication is paid for by such other persons and authorized by such authorized political committee;

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, **[shall clearly state]** *shall state in a clear and conspicuous manner* the name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

*For purposes of this section, a communication does not make a statement in a clear and conspicuous manner if it is difficult to read or hear or if the placement is easily overlooked.*

(b) No person who sells space in a newspaper or magazine to a candidate or to the agent of a candidate, for use in connection with such candidate's campaign, may charge any amount for such space which exceeds the amount charged for comparable use of such space for other purposes.

(c) SPECIFICATION.—Any printed communication described in subsection (a) shall—

(1) be of sufficient type size to be clearly readable by the recipient of the communication;

(2) be contained in a printed box set apart from the other contents of the communication; and

(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

(d) ADDITIONAL REQUIREMENTS.—

(1) COMMUNICATIONS BY CANDIDATES OR AUTHORIZED PERSONS.—

(A) **[BY RADIO] AUDIO FORMAT.**—Any communication described in paragraph (1) or (2) of subsection (a) **[which is transmitted through radio]** *which is in an audio format* shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

(B) **[BY TELEVISION] VIDEO FORMAT.**—Any communication described in paragraph (1) or (2) of subsection (a) **[which is transmitted through television]** *which is in video format* shall include, in addition to the requirements of that paragraph, a statement that identifies the candidate and states that the candidate has approved the communication. Such statement—



(i) shall be conveyed by—

(I) an unobscured, full-screen view of the candidate making the statement, or

(II) the candidate in voice-over, accompanied by a clearly identifiable photographic or similar image of the candidate; and

(ii) shall also appear in writing at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

(2) COMMUNICATIONS BY [OTHERS] CERTAIN POLITICAL COMMITTEES.—[Any communication] (A) *Any communication* described in paragraph (3) of subsection (a) *which (except to the extent provided in subparagraph (B)) is paid for by a political committee (including a political committee of a political party) and which is [transmitted through radio or television] made in audio or video format* shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following audio statement: “\_\_\_\_\_ is responsible for the content of this advertising.” (with the blank to be filled in with the name of the political committee [or other person] paying for the communication and the name of any connected organization of the payor). If transmitted [through television] *in video format*, the statement shall be conveyed by an unobscured, full-screen view of a representative of the political committee [or other person] making the statement, or by a representative of such political committee [or other person] in voice-over, and shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

(B)(i) *This paragraph does not apply to a communication paid for in whole or in part during a calendar year with a campaign-related disbursement, but only if the covered organization making the campaign-related disbursement made campaign-related disbursements (as defined in section 324) aggregating more than \$10,000 during such calendar year.*

(ii) *For purposes of clause (i), in determining the amount of campaign-related disbursements made by a covered organization during a year, there shall be excluded the following:*

(I) *Any amounts received by the covered organization in the ordinary course of any trade or business conducted by the covered organization or in the form of investments in the covered organization.*

(II) *Any amounts received by the covered organization from a person who prohibited, in writing, the organization from using such amounts for campaign-related disbursements, but only if the covered organization agreed to follow the prohibition and deposited the amounts in an account which is segregated from any account used to make campaign-related disbursements.*

(3) *PRERECORDED TELEPHONE CALLS.*—Any communication described in paragraph (1), (2), or (3) of subsection (a) (other than a communication which is subject to subsection (e)) which is a telephone call consisting in substantial part of a prerecorded audio message shall include, in addition to the requirements of such paragraph, the audio statement required under subparagraph (A) of paragraph (1) or the audio statement required under paragraph (2) (whichever is applicable), except that the statement shall be made at the beginning of the telephone call.

(e) *EXPANDED DISCLAIMER REQUIREMENTS FOR COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR COMMITTEES.*—

(1) *IN GENERAL.*—Except as provided in paragraph (6), any communication described in paragraph (3) of subsection (a) which is transmitted in an audio or video format or which consists of a telephone call consisting in substantial part of a prerecorded audio message (including an Internet or digital communication), or which is an Internet or digital communication transmitted in a text or graphic format, shall include, in addition to the requirements of paragraph (3) of subsection (a), the following:

(A) The individual disclosure statement described in paragraph (2)(A) (if the person paying for the communication is an individual) or the organizational disclosure statement described in paragraph (2)(B) (if the person paying for the communication is not an individual).

(B) If the communication is transmitted in a video format, or is an Internet or digital communication which is transmitted in a text or graphic format, and is paid for in whole or in part with a payment which is treated as a campaign-related disbursement under section 324—

(i) the Top Five Funders list (if applicable); or

(ii) in the case of a communication which, as determined on the basis of criteria established in regulations issued by the Commission, is of such short duration that including the Top Five Funders list in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the content of the communication to consist of the Top Five Funders list, the name of a website which contains the Top Five Funders list (if applicable) or, in the case of an Internet or digital communication, a hyperlink to such website.

(C) If the communication is transmitted in an audio format and is paid for in whole or in part with a payment which is treated as a campaign-related disbursement under section 324—

(i) the Top Two Funders list (if applicable); or

(ii) in the case of a communication which, as determined on the basis of criteria established in regulations issued by the Commission, is of such short duration that including the Top Two Funders list in the communication would constitute a hardship to the per-

son paying for the communication by requiring a disproportionate amount of the content of the communication to consist of the Top Two Funders list, the name of a website which contains the Top Two Funders list (if applicable).

(2) *DISCLOSURE STATEMENTS DESCRIBED.*—

(A) *INDIVIDUAL DISCLOSURE STATEMENTS.*—The individual disclosure statement described in this subparagraph is the following: “I am \_\_\_\_\_, and I approve this message.”, with the blank filled in with the name of the applicable individual.

(B) *ORGANIZATIONAL DISCLOSURE STATEMENTS.*—The organizational disclosure statement described in this subparagraph is the following: “I am \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, and \_\_\_\_\_ approves this message.”, with—

(i) the first blank to be filled in with the name of the applicable individual;

(ii) the second blank to be filled in with the title of the applicable individual; and

(iii) the third and fourth blank each to be filled in with the name of the organization or other person paying for the communication.

(3) *METHOD OF CONVEYANCE OF STATEMENT.*—

(A) *COMMUNICATIONS IN TEXT OR GRAPHIC FORMAT.*—In the case of a communication to which this subsection applies which is transmitted in a text or graphic format, the disclosure statements required under paragraph (1) shall appear in letters at least as large as the majority of the text in the communication.

(B) *COMMUNICATIONS TRANSMITTED IN AUDIO FORMAT.*—In the case of a communication to which this subsection applies which is transmitted in an audio format, the disclosure statements required under paragraph (1) shall be made by audio by the applicable individual in a clear and conspicuous manner.

(C) *COMMUNICATIONS TRANSMITTED IN VIDEO FORMAT.*—In the case of a communication to which this subsection applies which is transmitted in a video format, the information required under paragraph (1)—

(i) shall appear in writing at the end of the communication or in a crawl along the bottom of the communication in a clear and conspicuous manner, with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 6 seconds; and

(ii) shall also be conveyed by an unobscured, full-screen view of the applicable individual or by the applicable individual making the statement in voice-over accompanied by a clearly identifiable photograph or similar image of the individual, except in the case of a Top Five Funders list.

(D) *PRERECORDED TELEPHONE CALLS.*—*In the case of a communication to which this subsection applies which is a telephone call consisting in substantial part of a prerecorded audio message, the communication shall be considered to be transmitted in an audio format.*

(4) *APPLICABLE INDIVIDUAL DEFINED.*—*The term “applicable individual” means, with respect to a communication to which this subsection applies—*

(A) *if the communication is paid for by an individual, the individual involved;*

(B) *if the communication is paid for by a corporation, the chief executive officer of the corporation (or, if the corporation does not have a chief executive officer, the highest ranking official of the corporation);*

(C) *if the communication is paid for by a labor organization, the highest ranking officer of the labor organization; and*

(D) *if the communication is paid for by any other person, the highest ranking official of such person.*

(5) *TOP FIVE FUNDERS LIST AND TOP TWO FUNDERS LIST DEFINED.*—

(A) *TOP FIVE FUNDERS LIST.*—*The term “Top Five Funders list” means, with respect to a communication which is paid for in whole or in part with a campaign-related disbursement (as defined in section 324), a list of the five persons who, during the 12-month period ending on the date of the disbursement, provided the largest payments of any type in an aggregate amount equal to or exceeding \$10,000 to the person who is paying for the communication and the amount of the payments each such person provided. If two or more people provided the fifth largest of such payments, the person paying for the communication shall select one of those persons to be included on the Top Five Funders list.*

(B) *TOP TWO FUNDERS LIST.*—*The term “Top Two Funders list” means, with respect to a communication which is paid for in whole or in part with a campaign-related disbursement (as defined in section 324), a list of the persons who, during the 12-month period ending on the date of the disbursement, provided the largest and the second largest payments of any type in an aggregate amount equal to or exceeding \$10,000 to the person who is paying for the communication and the amount of the payments each such person provided. If two or more persons provided the second largest of such payments, the person paying for the communication shall select one of those persons to be included on the Top Two Funders list.*

(C) *EXCLUSION OF CERTAIN PAYMENTS.*—*For purposes of subparagraphs (A) and (B), in determining the amount of payments made by a person to a person paying for a communication, there shall be excluded the following:*

(i) *Any amounts provided in the ordinary course of any trade or business conducted by the person paying*

for the communication or in the form of investments in the person paying for the communication.

(ii) Any payment which the person prohibited, in writing, from being used for campaign-related disbursements, but only if the person paying for the communication agreed to follow the prohibition and deposited the payment in an account which is segregated from any account used to make campaign-related disbursements.

(6) SPECIAL RULES FOR CERTAIN COMMUNICATIONS.—

(A) EXCEPTION FOR COMMUNICATIONS PAID FOR BY POLITICAL PARTIES AND CERTAIN POLITICAL COMMITTEES.— This subsection does not apply to any communication to which subsection (d)(2) applies.

(B) TREATMENT OF VIDEO COMMUNICATIONS LASTING 10 SECONDS OR LESS.—In the case of a communication to which this subsection applies which is transmitted in a video format, or is an Internet or digital communication which is transmitted in a text or graphic format, the communication shall meet the following requirements:

(i) The communication shall include the individual disclosure statement described in paragraph (2)(A) (if the person paying for the communication is an individual) or the organizational disclosure statement described in paragraph (2)(B) (if the person paying for the communication is not an individual).

(ii) The statement described in clause (i) shall appear in writing at the end of the communication, or in a crawl along the bottom of the communication, in a clear and conspicuous manner, with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

(iii) The communication shall include, in a clear and conspicuous manner, a website address with a landing page which will provide all of the information described in paragraph (1) with respect to the communication. Such address shall appear for the full duration of the communication.

(iv) To the extent that the format in which the communication is made permits the use of a hyperlink, the communication shall include a hyperlink to the website address described in clause (iii).

(f) SPECIAL RULES FOR QUALIFIED INTERNET OR DIGITAL COMMUNICATIONS.—

(1) SPECIAL RULES WITH RESPECT TO STATEMENTS.—In the case of any qualified internet or digital communication (as defined in section 304(f)(3)(D)) which is disseminated through a medium in which the provision of all of the information specified in this section is not possible, the communication shall, in a clear and conspicuous manner—

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

(B) provide a means for the recipient of the communication to obtain the remainder of the information required under this section with minimal effort and without receiving or viewing any additional material other than such required information.

(2) *SAFE HARBOR FOR DETERMINING CLEAR AND CONSPICUOUS MANNER.*—A statement in qualified internet or digital communication (as defined in section 304(f)(3)(D)) shall be considered to be made in a clear and conspicuous manner as provided in subsection (a) if the communication meets the following requirements:

(A) *TEXT OR GRAPHIC COMMUNICATIONS.*—In the case of a text or graphic communication, the statement—

(i) appears in letters at least as large as the majority of the text in the communication; and

(ii) meets the requirements of paragraphs (2) and (3) of subsection (c).

(B) *AUDIO COMMUNICATIONS.*—In the case of an audio communication, the statement is spoken in a clearly audible and intelligible manner at the beginning or end of the communication and lasts at least 3 seconds.

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

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

(ii) is made both in—

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

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

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

#### CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS

SEC. 319. (a) *PROHIBITION.*—It shall be unlawful for—

(1) a foreign national, directly or indirectly, to make—

(A) a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election[;], including any disbursement to a political committee which accepts donations or contributions that do not comply with the limitations, prohibitions, and reporting requirements of this Act (or any disbursement to or on behalf of any account of a political committee which is established for the purpose of accepting such donations or contributions), and any disbursement, other than an disbursement described in section 324(a)(3)(A), to another person who made a campaign-related disbursement consisting of a covered transfer (as de-

*scribed in section 324) during the 2-year period ending on the date of the disbursement;*

(B) a contribution or donation to a committee of a political party; or

(C) an expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 304(f)(3)); or

(2) a person to solicit, accept, or receive a contribution or donation described in subparagraph (A) or (B) of paragraph (1) from a foreign national.

(b) As used in this section, the term “foreign national” means—

(1) a foreign principal, as such term is defined by section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)), except that the term “foreign national” shall not include any individual who is a citizen of the United States; **[or]**

(2) an individual who is not a citizen of the United States or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act) and who is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))**[.];** or

(3) *except as provided under subsection (c), any corporation, limited liability corporation, or partnership which is not a foreign national described in paragraph (1) and—*

(A) *in which a foreign national described in paragraph (1) or (2) directly or indirectly owns or controls—*

(i) *5 percent or more of the voting shares, if the foreign national is a foreign country, a foreign government official, or a corporation principally owned or controlled by a foreign country or foreign government official; or*

(ii) *20 percent or more of the voting shares, if the foreign national is not described in clause (i);*

(B) *in which two or more foreign nationals described in paragraph (1) or (2), each of whom owns or controls at least 5 percent of the voting shares, directly or indirectly own or control 50 percent or more of the voting shares;*

(C) *over which one or more foreign nationals described in paragraph (1) or (2) has the power to direct, dictate, or control the decisionmaking process of the corporation, limited liability corporation, or partnership with respect to its interests in the United States; or*

(D) *over which one or more foreign nationals described in paragraph (1) or (2) has the power to direct, dictate, or control the decisionmaking process of the corporation, limited liability corporation, or partnership with respect to activities in connection with a Federal, State, or local election, including—*

(i) *the making of a contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 304(f)(3)); or*

(ii) the administration of a political committee established or maintained by the corporation.

(c) **ACTIVITIES OF CORPORATE PACS OF DOMESTIC SUBSIDIARIES.**—Notwithstanding subsection (a), a foreign national described in subparagraph (A), (B), or (C) of subsection (b)(3) which is a domestic corporation whose principal place of business is within the United States may establish, administer and solicit contributions to a separate segregated fund pursuant to section 316(b)(2)(C) so long as—

(1) the foreign national parent corporation of such domestic corporation does not directly or indirectly finance the establishment, administration, or solicitation activities of the fund; and

(2) the fund is in compliance with complies with the requirements of section 316(b)(8).

(d) **CERTIFICATION OF COMPLIANCE REQUIRED PRIOR TO CARRYING OUT ACTIVITY.**—Prior to the making in connection with an election for Federal office of any contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication by a corporation, limited liability corporation, or partnership during a year, the chief executive officer of the corporation, limited liability corporation, or partnership (or, if the corporation, limited liability corporation, or partnership does not have a chief executive officer, the highest ranking official of the corporation, limited liability corporation, or partnership), shall file a certification with the Commission, under penalty of perjury, that the corporation, limited liability corporation, or partnership is not prohibited from carrying out such activity under subsection (b)(3), unless the chief executive officer has previously filed such a certification during that calendar year.

(e) **RESPONSIBILITIES OF BROADCAST STATIONS, PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND ONLINE PLATFORMS.**—Each television or radio broadcast station, provider of cable or satellite television, or online platform (as defined in section 304(j)(3)) shall make reasonable efforts to ensure that communications described in section 318(a) and made available by such station, provider, or platform are not purchased by a foreign national, directly or indirectly.

**CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION ADMINISTRATION OFFICIALS**

**SEC. 319A. (a) PROHIBITION.**—It shall be unlawful for a chief State election administration official to take an active part in political management or in a political campaign with respect to any election for Federal office over which such official has supervisory authority.

(b) **CHIEF STATE ELECTION ADMINISTRATION OFFICIAL.**—The term “chief State election administration official” means the highest State official with responsibility for the administration of Federal elections under State law.

(c) **ACTIVE PART IN POLITICAL MANAGEMENT OR IN A POLITICAL CAMPAIGN.**—The term “active part in political management or in a political campaign” means—



(1) serving as a member of an authorized committee of a candidate for Federal office;

(2) the use of official authority or influence for the purpose of interfering with or affecting the result of an election for Federal office;

(3) the solicitation, acceptance, or receipt of a contribution from any person on behalf of a candidate for Federal office; and

(4) any other act which would be prohibited under paragraph (2) or (3) of section 7323(b) of title 5, United States Code, if taken by an individual to whom such paragraph applies (other than any prohibition on running for public office).

(d) EXCEPTION IN CASE OF RECUSAL FROM ADMINISTRATION OF ELECTIONS INVOLVING OFFICIAL OR IMMEDIATE FAMILY MEMBER.—

(1) IN GENERAL.—This section does not apply to a chief State election administration official with respect to an election for Federal office in which the official or an immediate family member of the official is a candidate, but only if—

(A) such official recuses himself or herself from all of the official’s responsibilities for the administration of such election; and

(B) the official who assumes responsibility for supervising the administration of the election does not report directly to such official.

(2) IMMEDIATE FAMILY MEMBER DEFINED.—In paragraph (1), the term “immediate family member” means, with respect to a candidate, a father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law.

\* \* \* \* \*

SEC. 323. SOFT MONEY OF POLITICAL PARTIES.

(a) NATIONAL COMMITTEES.—

(1) IN GENERAL.—A national committee of a political party (including a national congressional campaign committee of a political party) may not solicit, receive, or direct to another person a contribution, donation, or transfer of funds or any other thing of value, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) APPLICABILITY.—The prohibition established by paragraph (1) applies to any such national committee, any officer or agent acting on behalf of such a national committee, and any entity that is directly or indirectly established, financed, maintained, or controlled by such a national committee.

(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), an amount that is expended or disbursed for Federal election activity by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity), or by an association or similar group of candidates for State or local office or of individuals holding State or local office, shall be made from funds

subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) APPLICABILITY.—

(A) IN GENERAL.—Notwithstanding clause (i) or (ii) of section 301(20)(A), and subject to subparagraph (B), paragraph (1) shall not apply to any amount expended or disbursed by a State, district, or local committee of a political party for an activity described in either such clause to the extent the amounts expended or disbursed for such activity are allocated (under regulations prescribed by the Commission) among amounts—

(i) which consist solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act (other than amounts described in subparagraph (B)(iii)); and

(ii) other amounts which are not subject to the limitations, prohibitions, and reporting requirements of this Act (other than any requirements of this subsection).

(B) CONDITIONS.—Subparagraph (A) shall only apply if—

(i) the activity does not refer to a clearly identified candidate for Federal office;

(ii) the amounts expended or disbursed are not for the costs of any broadcasting, cable, or satellite communication, other than a communication which refers solely to a clearly identified candidate for State or local office;

(iii) the amounts expended or disbursed which are described in subparagraph (A)(ii) are paid from amounts which are donated in accordance with State law and which meet the requirements of subparagraph (C), except that no person (including any person established, financed, maintained, or controlled by such person) may donate more than \$10,000 to a State, district, or local committee of a political party in a calendar year for such expenditures or disbursements; and

(iv) the amounts expended or disbursed are made solely from funds raised by the State, local, or district committee which makes such expenditure or disbursement, and do not include any funds provided to such committee from—

(I) any other State, local, or district committee of any State party,

(II) the national committee of a political party (including a national congressional campaign committee of a political party),

(III) any officer or agent acting on behalf of any committee described in subclause (I) or (II), or

(IV) any entity directly or indirectly established, financed, maintained, or controlled by any committee described in subclause (I) or (II).

(C) PROHIBITING INVOLVEMENT OF NATIONAL PARTIES, FEDERAL CANDIDATES AND OFFICEHOLDERS, AND STATE PARTIES ACTING JOINTLY.—Notwithstanding subsection (e) (other than subsection (e)(3)), amounts specifically authorized to be spent under subparagraph (B)(iii) meet the requirements of this subparagraph only if the amounts—

(i) are not solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e); and

(ii) are not solicited, received, or directed through fundraising activities conducted jointly by 2 or more State, local, or district committees of any political party or their agents, or by a State, local, or district committee of a political party on behalf of the State, local, or district committee of a political party or its agent in one or more other States.

(c) FUNDRAISING COSTS.—An amount spent by a person described in subsection (a) or (b) to raise funds that are used, in whole or in part, for expenditures and disbursements for a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

(d) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to—

(1) an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application for determination of tax exempt status under such section) and that makes expenditures or disbursements in connection with an election for Federal office (including expenditures or disbursements for Federal election activity); or

(2) an organization described in section 527 of such Code (other than a political committee, a State, district, or local committee of a political party, or the authorized campaign committee of a candidate for State or local office).

(e) FEDERAL CANDIDATES.—

(1) IN GENERAL.—A candidate, individual holding Federal office, agent of a candidate or an individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of 1 or more candidates or individuals holding Federal office, shall not—

(A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; **[or]**

(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election for

Federal office or disburse funds in connection with such an election unless the funds—

(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1), (2), and (3) of section 315(a); and

(ii) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office[.]; or

*(C) solicit, receive, direct, or transfer funds to or on behalf of any political committee which accepts donations or contributions that do not comply with the limitations, prohibitions, and reporting requirements of this Act (or to or on behalf of any account of a political committee which is established for the purpose of accepting such donations or contributions), or to or on behalf of any political organization under section 527 of the Internal Revenue Code of 1986 which accepts such donations or contributions (other than a committee of a State or local political party or a candidate for election for State or local office).*

(2) STATE LAW.—Paragraph (1) does not apply to the solicitation, receipt, or spending of funds by an individual described in such paragraph who is or was also a candidate for a State or local office solely in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law and refers only to such State or local candidate, or to any other candidate for the State or local office sought by such candidate, or both.

(3) FUNDRAISING EVENTS.—Notwithstanding paragraph (1) or subsection (b)(2)(C), a candidate or an individual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.

(4) PERMITTING CERTAIN SOLICITATIONS.—

(A) GENERAL SOLICITATIONS.—Notwithstanding any other provision of this subsection, an individual described in paragraph (1) may make a general solicitation of funds on behalf of any organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application for determination of tax exempt status under such section) (other than an entity whose principal purpose is to conduct activities described in clauses (i) and (ii) of section 301(20)(A)) where such solicitation does not specify how the funds will or should be spent.

(B) CERTAIN SPECIFIC SOLICITATIONS.—In addition to the general solicitations permitted under subparagraph (A), an individual described in paragraph (1) may make a solicitation explicitly to obtain funds for carrying out the activities described in clauses (i) and (ii) of section 301(20)(A), or for an entity whose principal purpose is to conduct such activities, if—

- (i) the solicitation is made only to individuals; and
- (ii) the amount solicited from any individual during any calendar year does not exceed \$20,000.

(f) STATE CANDIDATES.—

(1) IN GENERAL.—A candidate for State or local office, individual holding State or local office, or an agent of such a candidate or individual may not spend any funds for a communication described in section 301(20)(A)(iii) unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) EXCEPTION FOR CERTAIN COMMUNICATIONS.—Paragraph (1) shall not apply to an individual described in such paragraph if the communication involved is in connection with an election for such State or local office and refers only to such individual or to any other candidate for the State or local office held or sought by such individual, or both.

【PROHIBITION OF CONTRIBUTIONS BY MINORS

【SEC. 324. An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party.】

**SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSEMENTS BY COVERED ORGANIZATIONS.**

(a) *DISCLOSURE STATEMENT.*—

(1) *IN GENERAL.*—*Any covered organization that makes campaign-related disbursements aggregating more than \$10,000 in an election reporting cycle shall, not later than 24 hours after each disclosure date, file a statement with the Commission made under penalty of perjury that contains the information described in paragraph (2)—*

*(A) in the case of the first statement filed under this subsection, for the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the first such disclosure date) and ending on the first such disclosure date; and*

*(B) in the case of any subsequent statement filed under this subsection, for the period beginning on the previous disclosure date and ending on such disclosure date.*

(2) *INFORMATION DESCRIBED.*—*The information described in this paragraph is as follows:*

*(A) The name of the covered organization and the principal place of business of such organization and, in the case of a covered organization that is a corporation (other than a business concern that is an issuer of a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports under section 15(d) of that Act (15 U.S.C. 78o(d))) or an entity described in subsection (e)(2), a list of the beneficial owners (as defined in paragraph (4)(A)) of the entity that—*

- (i) identifies each beneficial owner by name and current residential or business street address; and*

(ii) if any beneficial owner exercises control over the entity through another legal entity, such as a corporation, partnership, limited liability company, or trust, identifies each such other legal entity and each such beneficial owner who will use that other entity to exercise control over the entity.

(B) The amount of each campaign-related disbursement made by such organization during the period covered by the statement of more than \$1,000, and the name and address of the person to whom the disbursement was made.

(C) In the case of a campaign-related disbursement that is not a covered transfer, the election to which the campaign-related disbursement pertains and if the disbursement is made for a public communication, the name of any candidate identified in such communication and whether such communication is in support of or in opposition to a candidate.

(D) A certification by the chief executive officer or person who is the head of the covered organization that the campaign-related disbursement is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate, authorized committee, or agent of a candidate, political party, or agent of a political party.

(E)(i) If the covered organization makes campaign-related disbursements using exclusively funds in a segregated bank account consisting of funds that were paid directly to such account by persons other than the covered organization that controls the account, for each such payment to the account—

(I) the name and address of each person who made such payment during the period covered by the statement;

(II) the date and amount of such payment; and

(III) the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date,

but only if such payment was made by a person who made payments to the account in an aggregate amount of \$10,000 or more during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date.

(ii) In any calendar year after 2020, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the “base period” shall be 2020.

(F)(i) If the covered organization makes campaign-related disbursements using funds other than funds in a seg-

regated bank account described in subparagraph (E), for each payment to the covered organization—

(I) the name and address of each person who made such payment during the period covered by the statement;

(II) the date and amount of such payment; and

(III) the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date,

but only if such payment was made by a person who made payments to the covered organization in an aggregate amount of \$10,000 or more during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date.

(ii) In any calendar year after 2020, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the “base period” shall be 2020.

(G) Such other information as required in rules established by the Commission to promote the purposes of this section.

**(3) EXCEPTIONS.—**

(A) **AMOUNTS RECEIVED IN ORDINARY COURSE OF BUSINESS.**—The requirement to include in a statement filed under paragraph (1) the information described in paragraph (2) shall not apply to amounts received by the covered organization in commercial transactions in the ordinary course of any trade or business conducted by the covered organization or in the form of investments (other than investments by the principal shareholder in a limited liability corporation) in the covered organization. For purposes of this subparagraph, amounts received by a covered organization as remittances from an employee to the employee’s collective bargaining representative shall be treated as amounts received in commercial transactions in the ordinary course of the business conducted by the covered organization.

(B) **DONOR RESTRICTION ON USE OF FUNDS.**—The requirement to include in a statement submitted under paragraph (1) the information described in subparagraph (F) of paragraph (2) shall not apply if—

(i) the person described in such subparagraph prohibited, in writing, the use of the payment made by such person for campaign-related disbursements; and

(ii) the covered organization agreed to follow the prohibition and deposited the payment in an account

which is segregated from any account used to make campaign-related disbursements.

(C) *THREAT OF HARASSMENT OR REPRISAL.*—The requirement to include any information relating to the name or address of any person (other than a candidate) in a statement submitted under paragraph (1) shall not apply if the inclusion of the information would subject the person to serious threats, harassment, or reprisals.

(4) *OTHER DEFINITIONS.*—For purposes of this section:

(A) *BENEFICIAL OWNER DEFINED.*—

(i) *IN GENERAL.*—Except as provided in clause (ii), the term “beneficial owner” means, with respect to any entity, a natural person who, directly or indirectly—

(I) exercises substantial control over an entity through ownership, voting rights, agreement, or otherwise; or

(II) has a substantial interest in or receives substantial economic benefits from the assets of an entity.

(ii) *EXCEPTIONS.*—The term “beneficial owner” shall not include—

(I) a minor child;

(II) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

(III) a person acting solely as an employee of an entity and whose control over or economic benefits from the entity derives solely from the employment status of the person;

(IV) a person whose only interest in an entity is through a right of inheritance, unless the person also meets the requirements of clause (i); or

(V) a creditor of an entity, unless the creditor also meets the requirements of clause (i).

(iii) *ANTI-ABUSE RULE.*—The exceptions under clause (ii) shall not apply if used for the purpose of evading, circumventing, or abusing the provisions of clause (i) or paragraph (2)(A).

(B) *DISCLOSURE DATE.*—The term “disclosure date” means—

(i) the first date during any election reporting cycle by which a person has made campaign-related disbursements aggregating more than \$10,000; and

(ii) any other date during such election reporting cycle by which a person has made campaign-related disbursements aggregating more than \$10,000 since the most recent disclosure date for such election reporting cycle.

(C) *ELECTION REPORTING CYCLE.*—The term “election reporting cycle” means the 2-year period beginning on the date of the most recent general election for Federal office.



(D) *PAYMENT.*—The term “payment” includes any contribution, donation, transfer, payment of dues, or other payment.

(b) *COORDINATION WITH OTHER PROVISIONS.*—

(1) *OTHER REPORTS FILED WITH THE COMMISSION.*—Information included in a statement filed under this section may be excluded from statements and reports filed under section 304.

(2) *TREATMENT AS SEPARATE SEGREGATED FUND.*—A segregated bank account referred to in subsection (a)(2)(E) may be treated as a separate segregated fund for purposes of section 527(f)(3) of the Internal Revenue Code of 1986.

(c) *FILING.*—Statements required to be filed under subsection (a) shall be subject to the requirements of section 304(d) to the same extent and in the same manner as if such reports had been required under subsection (c) or (g) of section 304.

(d) *CAMPAIGN-RELATED DISBURSEMENT DEFINED.*—

(1) *IN GENERAL.*—In this section, the term “campaign-related disbursement” means a disbursement by a covered organization for any of the following:

(A) An independent expenditure which expressly advocates the election or defeat of a clearly identified candidate for election for Federal office, or is the functional equivalent of express advocacy because, when taken as a whole, it can be interpreted by a reasonable person only as advocating the election or defeat of a candidate for election for Federal office.

(B) Any public communication which refers to a clearly identified candidate for election for Federal office and which promotes or supports the election of a candidate for that office, or attacks or opposes the election of a candidate for that office, without regard to whether the communication expressly advocates a vote for or against a candidate for that office.

(C) An electioneering communication, as defined in section 304(f)(3).

(D) A covered transfer.

(2) *INTENT NOT REQUIRED.*—A disbursement for an item described in subparagraph (A), (B), (C), or (D) of paragraph (1) shall be treated as a campaign-related disbursement regardless of the intent of the person making the disbursement.

(e) *COVERED ORGANIZATION DEFINED.*—In this section, the term “covered organization” means any of the following:

(1) A corporation (other than an organization described in section 501(c)(3) of the Internal Revenue Code of 1986).

(2) A limited liability corporation that is not otherwise treated as a corporation for purposes of this Act (other than an organization described in section 501(c)(3) of the Internal Revenue Code of 1986).

(3) An organization described in section 501(c) of such Code and exempt from taxation under section 501(a) of such Code (other than an organization described in section 501(c)(3) of such Code).

(4) A labor organization (as defined in section 316(b)).

(5) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act (except as provided in paragraph (6)).

(6) A political committee with an account that accepts donations or contributions that do not comply with the contribution limits or source prohibitions under this Act, but only with respect to such accounts.

(f) COVERED TRANSFER DEFINED.—

(1) IN GENERAL.—In this section, the term “covered transfer” means any transfer or payment of funds by a covered organization to another person if the covered organization—

(A) designates, requests, or suggests that the amounts be used for—

(i) campaign-related disbursements (other than covered transfers); or

(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

(B) made such transfer or payment in response to a solicitation or other request for a donation or payment for—

(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

(C) engaged in discussions with the recipient of the transfer or payment regarding—

(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

(ii) donating or transferring any amount of such transfer or payment to another person for the purpose of making or paying for such campaign-related disbursements;

(D) made campaign-related disbursements (other than a covered transfer) in an aggregate amount of \$50,000 or more during the 2-year period ending on the date of the transfer or payment, or knew or had reason to know that the person receiving the transfer or payment made such disbursements in such an aggregate amount during that 2-year period; or

(E) knew or had reason to know that the person receiving the transfer or payment would make campaign-related disbursements in an aggregate amount of \$50,000 or more during the 2-year period beginning on the date of the transfer or payment.

(2) EXCLUSIONS.—The term “covered transfer” does not include any of the following:

(A) A disbursement made by a covered organization in a commercial transaction in the ordinary course of any trade or business conducted by the covered organization or in the form of investments made by the covered organization.

(B) A disbursement made by a covered organization if—

(i) the covered organization prohibited, in writing, the use of such disbursement for campaign-related disbursements; and

(ii) the recipient of the disbursement agreed to follow the prohibition and deposited the disbursement in an account which is segregated from any account used to make campaign-related disbursements.

(3) SPECIAL RULE REGARDING TRANSFERS AMONG AFFILIATES.—

(A) SPECIAL RULE.—A transfer of an amount by one covered organization to another covered organization which is treated as a transfer between affiliates under subparagraph (C) shall be considered a covered transfer by the covered organization which transfers the amount only if the aggregate amount transferred during the year by such covered organization to that same covered organization is equal to or greater than \$50,000.

(B) DETERMINATION OF AMOUNT OF CERTAIN PAYMENTS AMONG AFFILIATES.—In determining the amount of a transfer between affiliates for purposes of subparagraph (A), to the extent that the transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.

(C) DESCRIPTION OF TRANSFERS BETWEEN AFFILIATES.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

(i) one of the organizations is an affiliate of the other organization; or

(ii) each of the organizations is an affiliate of the same organization,

except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of making campaign-related disbursements.

(D) DETERMINATION OF AFFILIATE STATUS.—For purposes of subparagraph (C), a covered organization is an affiliate of another covered organization if—

(i) the governing instrument of the organization requires it to be bound by decisions of the other organization;

(ii) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

(iii) the organization is chartered by the other organization.

(E) **COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(c)(3) ORGANIZATIONS.**—This paragraph shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this paragraph applies to an amount transferred by a covered organization to another covered organization.

(g) **NO EFFECT ON OTHER REPORTING REQUIREMENTS.**—Nothing in this section shall be construed to waive or otherwise affect any other requirement of this Act which relates to the reporting of campaign-related disbursements.

**SEC. 325. INAUGURAL COMMITTEES.**

(a) **PROHIBITED DONATIONS.**—

(1) **IN GENERAL.**—It shall be unlawful—

(A) for an Inaugural Committee—

(i) to solicit, accept, or receive a donation from a person that is not an individual; or

(ii) to solicit, accept, or receive a donation from a foreign national;

(B) for a person—

(i) to make a donation to an Inaugural Committee in the name of another person, or to knowingly authorize his or her name to be used to effect such a donation;

(ii) to knowingly accept a donation to an Inaugural Committee made by a person in the name of another person; or

(iii) to convert a donation to an Inaugural Committee to personal use as described in paragraph (2); and

(C) for a foreign national to, directly or indirectly, make a donation, or make an express or implied promise to make a donation, to an Inaugural Committee.

(2) **CONVERSION OF DONATION TO PERSONAL USE.**—For purposes of paragraph (1)(B)(iii), a donation shall be considered to be converted to personal use if any part of the donated amount is used to fulfill a commitment, obligation, or expense of a person that would exist irrespective of the responsibilities of the Inaugural Committee under chapter 5 of title 36, United States Code.

(3) **NO EFFECT ON DISBURSEMENT OF UNUSED FUNDS TO NONPROFIT ORGANIZATIONS.**—Nothing in this subsection may be construed to prohibit an Inaugural Committee from disbursing unused funds to an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(b) **LIMITATION ON DONATIONS.**—

(1) *IN GENERAL.*—It shall be unlawful for an individual to make donations to an Inaugural Committee which, in the aggregate, exceed \$50,000.

(2) *INDEXING.*—At the beginning of each Presidential election year (beginning with 2024), the amount described in paragraph (1) shall be increased by the cumulative percent difference determined in section 315(c)(1)(A) since the previous Presidential election year. If any amount after such increase is not a multiple of \$1,000, such amount shall be rounded to the nearest multiple of \$1,000.

(c) *DISCLOSURE OF CERTAIN DONATIONS AND DISBURSEMENTS.*—

(1) *DONATIONS OVER \$1,000.*—

(A) *IN GENERAL.*—An Inaugural Committee shall file with the Commission a report disclosing any donation by an individual to the committee in an amount of \$1,000 or more not later than 24 hours after the receipt of such donation.

(B) *CONTENTS OF REPORT.*—A report filed under subparagraph (A) shall contain—

- (i) the amount of the donation;
- (ii) the date the donation is received; and
- (iii) the name and address of the individual making the donation.

(2) *FINAL REPORT.*—Not later than the date that is 90 days after the date of the Presidential inaugural ceremony, the Inaugural Committee shall file with the Commission a report containing the following information:

(A) For each donation of money or anything of value made to the committee in an aggregate amount equal to or greater than \$200—

- (i) the amount of the donation;
- (ii) the date the donation is received; and
- (iii) the name and address of the individual making the donation.

(B) The total amount of all disbursements, and all disbursements in the following categories:

- (i) Disbursements made to meet committee operating expenses.
- (ii) Repayment of all loans.
- (iii) Donation refunds and other offsets to donations.
- (iv) Any other disbursements.

(C) The name and address of each person—

- (i) to whom a disbursement in an aggregate amount or value in excess of \$200 is made by the committee to meet a committee operating expense, together with date, amount, and purpose of such operating expense;
- (ii) who receives a loan repayment from the committee, together with the date and amount of such loan repayment;

(iii) who receives a donation refund or other offset to donations from the committee, together with the date and amount of such disbursement; and

(iv) to whom any other disbursement in an aggregate amount or value in excess of \$200 is made by the committee, together with the date and amount of such disbursement.

(d) **DEFINITIONS.**—For purposes of this section:

(1)(A) The term “donation” includes—

(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person to the committee; or

(ii) the payment by any person of compensation for the personal services of another person which are rendered to the committee without charge for any purpose.

(B) The term “donation” does not include the value of services provided without compensation by any individual who volunteers on behalf of the committee.

(2) The term “foreign national” has the meaning given that term by section 319(b).

(3) The term “Inaugural Committee” has the meaning given that term by section 501 of title 36, United States Code.

**SEC. 326. PAYMENTS FOR COORDINATED EXPENDITURES.**

(a) **COORDINATED EXPENDITURES.**—

(1) **IN GENERAL.**—For purposes of section 301(8)(A)(iii), the term “coordinated expenditure” means—

(A) any expenditure, or any payment for a covered communication described in subsection (d), which is made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, an authorized committee of a candidate, a political committee of a political party, or agents of the candidate or committee, as defined in subsection (b); or

(B) any payment for any communication which republishes, disseminates, or distributes, in whole or in part, any video or broadcast or any written, graphic, or other form of campaign material prepared by the candidate or committee or by agents of the candidate or committee (including any excerpt or use of any video from any such broadcast or written, graphic, or other form of campaign material).

(2) **EXCEPTION FOR PAYMENTS FOR CERTAIN COMMUNICATIONS.**—A payment for a communication (including a covered communication described in subsection (d)) shall not be treated as a coordinated expenditure under this subsection if—

(A) the communication appears in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

(B) the communication constitutes a candidate debate or forum conducted pursuant to regulations adopted by the

*Commission pursuant to section 304(f)(3)(B)(iii), or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum.*

**(b) COORDINATION DESCRIBED.—**

*(1) IN GENERAL.—For purposes of this section, a payment is made “in cooperation, consultation, or concert with, or at the request or suggestion of,” a candidate, an authorized committee of a candidate, a political committee of a political party, or agents of the candidate or committee, if the payment, or any communication for which the payment is made, is not made entirely independently of the candidate, committee, or agents. For purposes of the previous sentence, a payment or communication not made entirely independently of the candidate or committee includes any payment or communication made pursuant to any general or particular understanding with, or pursuant to any communication with, the candidate, committee, or agents about the payment or communication.*

*(2) NO FINDING OF COORDINATION BASED SOLELY ON SHARING OF INFORMATION REGARDING LEGISLATIVE OR POLICY POSITION.—For purposes of this section, a payment shall not be considered to be made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or committee, solely on the grounds that the person or the person’s agent engaged in discussions with the candidate or committee, or with any agent of the candidate or committee, regarding that person’s position on a legislative or policy matter (including urging the candidate or committee to adopt that person’s position), so long as there is no communication between the person and the candidate or committee, or any agent of the candidate or committee, regarding the candidate’s or committee’s campaign advertising, message, strategy, policy, polling, allocation of resources, fundraising, or other campaign activities.*

*(3) NO EFFECT ON PARTY COORDINATION STANDARD.—Nothing in this section shall be construed to affect the determination of coordination between a candidate and a political committee of a political party for purposes of section 315(d).*

*(4) NO SAFE HARBOR FOR USE OF FIREWALL.—A person shall be determined to have made a payment in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or committee, in accordance with this section without regard to whether or not the person established and used a firewall or similar procedures to restrict the sharing of information between individuals who are employed by or who are serving as agents for the person making the payment.*

**(c) PAYMENTS BY COORDINATED SPENDERS FOR COVERED COMMUNICATIONS.—**

*(1) PAYMENTS MADE IN COOPERATION, CONSULTATION, OR CONCERT WITH CANDIDATES.—For purposes of subsection (a)(1)(A), if the person who makes a payment for a covered communication, as defined in subsection (d), is a coordinated spender under paragraph (2) with respect to the candidate as described in subsection (d)(1), the payment for the covered com-*

*munication is made in cooperation, consultation, or concert with the candidate.*

*(2) COORDINATED SPENDER DEFINED.—For purposes of this subsection, the term “coordinated spender” means, with respect to a candidate or an authorized committee of a candidate, a person (other than a political committee of a political party) for which any of the following applies:*

*(A) During the 4-year period ending on the date on which the person makes the payment, the person was directly or indirectly formed or established by or at the request or suggestion of, or with the encouragement of, the candidate (including an individual who later becomes a candidate) or committee or agents of the candidate or committee, including with the approval of the candidate or committee or agents of the candidate or committee.*

*(B) The candidate or committee or any agent of the candidate or committee solicits funds, appears at a fundraising event, or engages in other fundraising activity on the person’s behalf during the election cycle involved, including by providing the person with names of potential donors or other lists to be used by the person in engaging in fundraising activity, regardless of whether the person pays fair market value for the names or lists provided. For purposes of this subparagraph, the term “election cycle” means, with respect to an election for Federal office, the period beginning on the day after the date of the most recent general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election) and ending on the date of the next general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election).*

*(C) The person is established, directed, or managed by the candidate or committee or by any person who, during the 4-year period ending on the date on which the person makes the payment, has been employed or retained as a political, campaign media, or fundraising adviser or consultant for the candidate or committee or for any other entity directly or indirectly controlled by the candidate or committee, or has held a formal position with the candidate or committee (including a position as an employee of the office of the candidate at any time the candidate held any Federal, State, or local public office during the 4-year period).*

*(D) The person has retained the professional services of any person who, during the 2-year period ending on the date on which the person makes the payment, has provided or is providing professional services relating to the campaign to the candidate or committee, without regard to whether the person providing the professional services used a firewall. For purposes of this subparagraph, the term “professional services” includes any services in support of the candidate’s or committee’s campaign activities, including advertising, message, strategy, policy, polling, alloca-*



tion of resources, fundraising, and campaign operations, but does not include accounting or legal services.

(E) The person is established, directed, or managed by a member of the immediate family of the candidate, or the person or any officer or agent of the person has had more than incidental discussions about the candidate's campaign with a member of the immediate family of the candidate. For purposes of this subparagraph, the term "immediate family" has the meaning given such term in section 9004(e) of the Internal Revenue Code of 1986.

(d) COVERED COMMUNICATION DEFINED.—

(1) IN GENERAL.—For purposes of this section, the term "covered communication" means, with respect to a candidate or an authorized committee of a candidate, a public communication (as defined in section 301(22)) which—

(A) expressly advocates the election of the candidate or the defeat of an opponent of the candidate (or contains the functional equivalent of express advocacy);

(B) promotes or supports the election of the candidate, or attacks or opposes the election of an opponent of the candidate (regardless of whether the communication expressly advocates the election or defeat of a candidate or contains the functional equivalent of express advocacy); or

(C) refers to the candidate or an opponent of the candidate but is not described in subparagraph (A) or subparagraph (B), but only if the communication is disseminated during the applicable election period.

(2) APPLICABLE ELECTION PERIOD.—In paragraph (1)(C), the "applicable election period" with respect to a communication means—

(A) in the case of a communication which refers to a candidate in a general, special, or runoff election, the 120-day period which ends on the date of the election; or

(B) in the case of a communication which refers to a candidate in a primary or preference election, or convention or caucus of a political party that has authority to nominate a candidate, the 60-day period which ends on the date of the election or convention or caucus.

(3) SPECIAL RULES FOR COMMUNICATIONS INVOLVING CONGRESSIONAL CANDIDATES.—For purposes of this subsection, a public communication shall not be considered to be a covered communication with respect to a candidate for election for an office other than the office of President or Vice President unless it is publicly disseminated or distributed in the jurisdiction of the office the candidate is seeking.

(e) PENALTY.—

(1) DETERMINATION OF AMOUNT.—Any person who knowingly and willfully commits a violation of this Act by making a contribution which consists of a payment for a coordinated expenditure shall be fined an amount equal to the greater of—

(A) in the case of a person who makes a contribution which consists of a payment for a coordinated expenditure in an amount exceeding the applicable contribution limit

*under this Act, 300 percent of the amount by which the amount of the payment made by the person exceeds such applicable contribution limit; or*

*(B) in the case of a person who is prohibited under this Act from making a contribution in any amount, 300 percent of the amount of the payment made by the person for the coordinated expenditure.*

*(2) JOINT AND SEVERAL LIABILITY.—Any director, manager, or officer of a person who is subject to a penalty under paragraph (1) shall be jointly and severally liable for any amount of such penalty that is not paid by the person prior to the expiration of the 1-year period which begins on the date the Commission imposes the penalty or the 1-year period which begins on the date of the final judgment following any judicial review of the Commission’s action, whichever is later.*

\* \* \* \* \*

TITLE IV—GENERAL PROVISIONS

\* \* \* \* \*

**SEC. 407. JUDICIAL REVIEW.**

*(a) IN GENERAL.—Notwithstanding section 373(f), if any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986, or is brought to with respect to any action of the Commission under chapter 95 or 96 of the Internal Revenue Code of 1986, the following rules shall apply:*

*(1) The action shall be filed in the United States District Court for the District of Columbia and an appeal from the decision of the district court may be taken to the Court of Appeals for the District of Columbia Circuit.*

*(2) In the case of an action relating to declaratory or injunctive relief to challenge the constitutionality of a provision—*

*(A) a copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate; and*

*(B) it shall be the duty of the United States District Court for the District of Columbia, the Court of Appeals for the District of Columbia, and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.*

*(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986 is raised, any Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require*

*interveners taking similar positions to file joint papers or to be represented by a single attorney at oral argument.*

(c) *CHALLENGE BY MEMBERS OF CONGRESS.*—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986.

\* \* \* \* \*

## **TITLE V—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAM- PAIGNS**

### ***Subtitle A—Benefits***

#### **SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

(a) *IN GENERAL.*—If a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress is certified as a participating candidate under this title with respect to an election for such office, the candidate shall be entitled to payments as provided under this title.

(b) *AMOUNT OF PAYMENT.*—The amount of a payment made under this title shall be equal to 600 percent of the amount of qualified small dollar contributions received by the candidate since the most recent payment made to the candidate under this title during the election cycle, without regard to whether or not the candidate received any of the contributions before, during, or after the Small Dollar Democracy qualifying period applicable to the candidate under section 511(c).

(c) *LIMIT ON AGGREGATE AMOUNT OF PAYMENTS.*—The aggregate amount of payments made to a participating candidate with respect to an election cycle under this title may not exceed 50 percent of the average of the 20 greatest amounts of disbursements made by the authorized committees of any winning candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress during the most recent election cycle, rounded to the nearest \$100,000.

#### **SEC. 502. PROCEDURES FOR MAKING PAYMENTS.**

(a) *IN GENERAL.*—The Commission shall make a payment under section 501 to a candidate who is certified as a participating candidate upon receipt from the candidate of a request for a payment which includes—

(1) a statement of the number and amount of qualified small dollar contributions received by the candidate since the most recent payment made to the candidate under this title during the election cycle;

(2) a statement of the amount of the payment the candidate anticipates receiving with respect to the request;

(3) a statement of the total amount of payments the candidate has received under this title as of the date of the statement; and

(4) such other information and assurances as the Commission may require.

(b) **RESTRICTIONS ON SUBMISSION OF REQUESTS.**—A candidate may not submit a request under subsection (a) unless each of the following applies:

(1) The amount of the qualified small dollar contributions in the statement referred to in subsection (a)(1) is equal to or greater than \$5,000, unless the request is submitted during the 30-day period which ends on the date of a general election.

(2) The candidate did not receive a payment under this title during the 7-day period which ends on the date the candidate submits the request.

(c) **TIME OF PAYMENT.**—The Commission shall, in coordination with the Secretary of the Treasury, take such steps as may be necessary to ensure that the Secretary is able to make payments under this section from the Treasury not later than 2 business days after the receipt of a request submitted under subsection (a).

**SEC. 503. USE OF FUNDS.**

(a) **USE OF FUNDS FOR AUTHORIZED CAMPAIGN EXPENDITURES.**—A candidate shall use payments made under this title, including payments provided with respect to a previous election cycle which are withheld from remittance to the Commission in accordance with section 524(a)(2), only for making direct payments for the receipt of goods and services which constitute authorized expenditures (as determined in accordance with title III) in connection with the election cycle involved.

(b) **PROHIBITING USE OF FUNDS FOR LEGAL EXPENSES, FINES, OR PENALTIES.**—Notwithstanding title III, a candidate may not use payments made under this title for the payment of expenses incurred in connection with any action, claim, or other matter before the Commission or before any court, hearing officer, arbitrator, or other dispute resolution entity, or for the payment of any fine or civil monetary penalty.

**SEC. 504. QUALIFIED SMALL DOLLAR CONTRIBUTIONS DESCRIBED.**

(a) **IN GENERAL.**—In this title, the term “qualified small dollar contribution” means, with respect to a candidate and the authorized committees of a candidate, a contribution that meets the following requirements:

(1) The contribution is in an amount that is—

(A) not less than \$1; and

(B) not more than \$200.

(2)(A) The contribution is made directly by an individual to the candidate or an authorized committee of the candidate and is not—

(i) forwarded from the individual making the contribution to the candidate or committee by another person; or

(ii) received by the candidate or committee with the knowledge that the contribution was made at the request, suggestion, or recommendation of another person.

(B) *In this paragraph—*

(i) *the term “person” does not include an individual (other than an individual described in section 304(i)(7) of the Federal Election Campaign Act of 1971), a political committee of a political party, or any political committee which is not a separate segregated fund described in section 316(b) of the Federal Election Campaign Act of 1971 and which does not make contributions or independent expenditures, does not engage in lobbying activity under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.), and is not established by, controlled by, or affiliated with a registered lobbyist under such Act, an agent of a registered lobbyist under such Act, or an organization which retains or employs a registered lobbyist under such Act; and*

(ii) *a contribution is not “made at the request, suggestion, or recommendation of another person” solely on the grounds that the contribution is made in response to information provided to the individual making the contribution by any person, so long as the candidate or authorized committee does not know the identity of the person who provided the information to such individual.*

(3) *The individual who makes the contribution does not make contributions to the candidate or the authorized committees of the candidate with respect to the election involved in an aggregate amount that exceeds the amount described in paragraph (1)(B), or any contribution to the candidate or the authorized committees of the candidate with respect to the election involved that otherwise is not a qualified small dollar contribution.*

(b) **TREATMENT OF MY VOICE VOUCHERS.**—*Any payment received by a candidate and the authorized committees of a candidate which consists of a My Voice Voucher under the Government By the People Act of 2019 shall be considered a qualified small dollar contribution for purposes of this title, so long as the individual making the payment meets the requirements of paragraphs (2) and (3) of subsection (a).*

(c) **RESTRICTION ON SUBSEQUENT CONTRIBUTIONS.**—

(1) **PROHIBITING DONOR FROM MAKING SUBSEQUENT NON-QUALIFIED CONTRIBUTIONS DURING ELECTION CYCLE.**—

(A) **IN GENERAL.**—*An individual who makes a qualified small dollar contribution to a candidate or the authorized committees of a candidate with respect to an election may not make any subsequent contribution to such candidate or the authorized committees of such candidate with respect to the election cycle which is not a qualified small dollar contribution.*

(B) **EXCEPTION FOR CONTRIBUTIONS TO CANDIDATES WHO VOLUNTARILY WITHDRAW FROM PARTICIPATION DURING QUALIFYING PERIOD.**—*Subparagraph (A) does not apply with respect to a contribution made to a candidate who, during the Small Dollar Democracy qualifying period described in section 511(c), submits a statement to the Com-*

*mission under section 513(c) to voluntarily withdraw from participating in the program under this title.*

(2) *TREATMENT OF SUBSEQUENT NONQUALIFIED CONTRIBUTIONS.—If, notwithstanding the prohibition described in paragraph (1), an individual who makes a qualified small dollar contribution to a candidate or the authorized committees of a candidate with respect to an election makes a subsequent contribution to such candidate or the authorized committees of such candidate with respect to the election which is prohibited under paragraph (1) because it is not a qualified small dollar contribution, the candidate may take one of the following actions:*

(A) *Not later than 2 weeks after receiving the contribution, the candidate may return the subsequent contribution to the individual. In the case of a subsequent contribution which is not a qualified small dollar contribution because the contribution fails to meet the requirements of paragraph (3) of subsection (a) (relating to the aggregate amount of contributions made to the candidate or the authorized committees of the candidate by the individual making the contribution), the candidate may return an amount equal to the difference between the amount of the subsequent contribution and the amount described in paragraph (1)(B) of subsection (a).*

(B) *The candidate may retain the subsequent contribution, so long as not later than 2 weeks after receiving the subsequent contribution, the candidate remits to the Commission for deposit in the Freedom From Influence Fund under section 541 an amount equal to any payments received by the candidate under this title which are attributable to the qualified small dollar contribution made by the individual involved.*

(3) *NO EFFECT ON ABILITY TO MAKE MULTIPLE CONTRIBUTIONS.—Nothing in this section may be construed to prohibit an individual from making multiple qualified small dollar contributions to any candidate or any number of candidates, so long as each contribution meets each of the requirements of paragraphs (1), (2), and (3) of subsection (a).*

(d) *NOTIFICATION REQUIREMENTS FOR CANDIDATES.—*

(1) *NOTIFICATION.—Each authorized committee of a candidate who seeks to be a participating candidate under this title shall provide the following information in any materials for the solicitation of contributions, including any internet site through which individuals may make contributions to the committee:*

(A) *A statement that if the candidate is certified as a participating candidate under this title, the candidate will receive matching payments in an amount which is based on the total amount of qualified small dollar contributions received.*

(B) *A statement that a contribution which meets the requirements set forth in subsection (a) shall be treated as a qualified small dollar contribution under this title.*

(C) A statement that if a contribution is treated as qualified small dollar contribution under this title, the individual who makes the contribution may not make any contribution to the candidate or the authorized committees of the candidate during the election cycle which is not a qualified small dollar contribution.

(2) ALTERNATIVE METHODS OF MEETING REQUIREMENTS.—  
An authorized committee may meet the requirements of paragraph (1)—

(A) by including the information described in paragraph (1) in the receipt provided under section 512(b)(3) to a person making a qualified small dollar contribution; or

(B) by modifying the information it provides to persons making contributions which is otherwise required under title III (including information it provides through the internet).

## **Subtitle B—Eligibility and Certification**

### **SEC. 511. ELIGIBILITY.**

(a) IN GENERAL.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress is eligible to be certified as a participating candidate under this title with respect to an election if the candidate meets the following requirements:

(1) The candidate files with the Commission a statement of intent to seek certification as a participating candidate.

(2) The candidate meets the qualifying requirements of section 512.

(3) The candidate files with the Commission a statement certifying that the authorized committees of the candidate meet the requirements of section 504(d).

(4) Not later than the last day of the Small Dollar Democracy qualifying period, the candidate files with the Commission an affidavit signed by the candidate and the treasurer of the candidate's principal campaign committee declaring that the candidate—

(A) has complied and, if certified, will comply with the contribution and expenditure requirements of section 521;

(B) if certified, will run only as a participating candidate for all elections for the office that such candidate is seeking during that election cycle; and

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

(b) GENERAL ELECTION.—Notwithstanding subsection (a), a candidate shall not be eligible to be certified as a participating candidate under this title for a general election or a general runoff election unless the candidate's party nominated the candidate to be placed on the ballot for the general election or the candidate is otherwise qualified to be on the ballot under State law.

(c) SMALL DOLLAR DEMOCRACY QUALIFYING PERIOD DEFINED.—  
The term “Small Dollar Democracy qualifying period” means, with

respect to any candidate for an office, the 180-day period (during the election cycle for such office) which begins on the date on which the candidate files a statement of intent under section 511(a)(1), except that such period may not continue after the date that is 30 days before the date of the general election for the office.

**SEC. 512. QUALIFYING REQUIREMENTS.**

(a) **RECEIPT OF QUALIFIED SMALL DOLLAR CONTRIBUTIONS.**—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress meets the requirement of this section if, during the Small Dollar Democracy qualifying period described in section 511(c), each of the following occurs:

(1) Not fewer than 1,000 individuals make a qualified small dollar contribution to the candidate.

(2) The candidate obtains a total dollar amount of qualified small dollar contributions which is equal to or greater than \$50,000.

(b) **REQUIREMENTS RELATING TO RECEIPT OF QUALIFIED SMALL DOLLAR CONTRIBUTION.**—Each qualified small dollar contribution—

(1) may be made by means of a personal check, money order, debit card, credit card, electronic payment account, or any other method deemed appropriate by the Commission;

(2) shall be accompanied by a signed statement (or, in the case of a contribution made online or through other electronic means, an electronic equivalent) containing the contributor's name and address; and

(3) shall be acknowledged by a receipt that is sent to the contributor with a copy (in paper or electronic form) kept by the candidate for the Commission.

(c) **VERIFICATION OF CONTRIBUTIONS.**—The Commission shall establish procedures for the auditing and verification of the contributions received and expenditures made by participating candidates under this title, including procedures for random audits, to ensure that such contributions and expenditures meet the requirements of this title.

**SEC. 513. CERTIFICATION.**

(a) **DEADLINE AND NOTIFICATION.**—

(1) **IN GENERAL.**—Not later than 5 business days after a candidate files an affidavit under section 511(a)(4), the Commission shall—

(A) determine whether or not the candidate meets the requirements for certification as a participating candidate;

(B) if the Commission determines that the candidate meets such requirements, certify the candidate as a participating candidate; and

(C) notify the candidate of the Commission's determination.

(2) **DEEMED CERTIFICATION FOR ALL ELECTIONS IN ELECTION CYCLE.**—If the Commission certifies a candidate as a participating candidate with respect to the first election of the election cycle involved, the Commission shall be deemed to have



*certified the candidate as a participating candidate with respect to all subsequent elections of the election cycle.*

*(b) REVOCATION OF CERTIFICATION.—*

*(1) IN GENERAL.—The Commission shall revoke a certification under subsection (a) if—*

*(A) a candidate fails to qualify to appear on the ballot at any time after the date of certification (other than a candidate certified as a participating candidate with respect to a primary election who fails to qualify to appear on the ballot for a subsequent election in that election cycle);*

*(B) a candidate ceases to be a candidate for the office involved, as determined on the basis of an official announcement by an authorized committee of the candidate or on the basis of a reasonable determination by the Commission; or*

*(C) a candidate otherwise fails to comply with the requirements of this title, including any regulatory requirements prescribed by the Commission.*

*(2) EXISTENCE OF CRIMINAL SANCTION.—The Commission shall revoke a certification under subsection (a) if a penalty is assessed against the candidate under section 309(d) with respect to the election.*

*(3) EFFECT OF REVOCATION.—If a candidate's certification is revoked under this subsection—*

*(A) the candidate may not receive payments under this title during the remainder of the election cycle involved; and*

*(B) in the case of a candidate whose certification is revoked pursuant to subparagraph (A) or subparagraph (C) of paragraph (1)—*

*(i) the candidate shall repay to the Freedom From Influence Fund established under section 541 an amount equal to the payments received under this title with respect to the election cycle involved plus interest (at a rate determined by the Commission on the basis of an appropriate annual percentage rate for the month involved) on any such amount received; and*

*(ii) the candidate may not be certified as a participating candidate under this title with respect to the next election cycle.*

*(4) PROHIBITING PARTICIPATION IN FUTURE ELECTIONS FOR CANDIDATES WITH MULTIPLE REVOCATIONS.—If the Commission revokes the certification of an individual as a participating candidate under this title pursuant to subparagraph (A) or subparagraph (C) of paragraph (1) a total of 3 times, the individual may not be certified as a participating candidate under this title with respect to any subsequent election.*

*(c) VOLUNTARY WITHDRAWAL FROM PARTICIPATING DURING QUALIFYING PERIOD.—At any time during the Small Dollar Democracy qualifying period described in section 511(c), a candidate may withdraw from participation in the program under this title by submitting to the Commission a statement of withdrawal (without regard to whether or not the Commission has certified the candidate*

as a participating candidate under this title as of the time the candidate submits such statement), so long as the candidate has not submitted a request for payment under section 502.

(d) **PARTICIPATING CANDIDATE DEFINED.**—In this title, a “participating candidate” means a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress who is certified under this section as eligible to receive benefits under this title.

### **Subtitle C—Requirements for Candidates Certified as Participating Candidates**

#### **SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIREMENTS.**

(a) **PERMITTED SOURCES OF CONTRIBUTIONS AND EXPENDITURES.**—Except as provided in subsection (c), a participating candidate with respect to an election shall, with respect to all elections occurring during the election cycle for the office involved, accept no contributions from any source and make no expenditures from any amounts, other than the following:

- (1) Qualified small dollar contributions.
- (2) Payments under this title.
- (3) Contributions from political committees established and maintained by a national or State political party, subject to the applicable limitations of section 315.
- (4) Subject to subsection (b), personal funds of the candidate or of any immediate family member of the candidate (other than funds received through qualified small dollar contributions).
- (5) Contributions from individuals who are otherwise permitted to make contributions under this Act, subject to the applicable limitations of section 315, except that the aggregate amount of contributions a participating candidate may accept from any individual with respect to any election during the election cycle may not exceed \$1,000.
- (6) Contributions from multicandidate political committees, subject to the applicable limitations of section 315.

(b) **SPECIAL RULES FOR PERSONAL FUNDS.**—

(1) **LIMIT ON AMOUNT.**—A candidate who is certified as a participating candidate may use personal funds (including personal funds of any immediate family member of the candidate) so long as—

(A) the aggregate amount used with respect to the election cycle (including any period of the cycle occurring prior to the candidate’s certification as a participating candidate) does not exceed \$50,000; and

(B) the funds are used only for making direct payments for the receipt of goods and services which constitute authorized expenditures in connection with the election cycle involved.

(2) *IMMEDIATE FAMILY MEMBER DEFINED.*—*In this subsection, the term “immediate family member” means, with respect to a candidate—*

(A) *the candidate’s spouse;*

(B) *a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate’s spouse; and*

(C) *the spouse of any person described in subparagraph*

(B).

(c) *EXCEPTIONS.*—

(1) *EXCEPTION FOR CONTRIBUTIONS RECEIVED PRIOR TO FILING OF STATEMENT OF INTENT.*—*A candidate who has accepted contributions that are not described in subsection (a) is not in violation of subsection (a), but only if all such contributions are—*

(A) *returned to the contributor;*

(B) *submitted to the Commission for deposit in the Freedom From Influence Fund established under section 541; or*

(C) *spent in accordance with paragraph (2).*

(2) *EXCEPTION FOR EXPENDITURES MADE PRIOR TO FILING OF STATEMENT OF INTENT.*—*If a candidate has made expenditures prior to the date the candidate files a statement of intent under section 511(a)(1) that the candidate is prohibited from making under subsection (a) or subsection (b), the candidate is not in violation of such subsection if the aggregate amount of the prohibited expenditures is less than the amount referred to in section 512(a)(2) (relating to the total dollar amount of qualified small dollar contributions which the candidate is required to obtain) which is applicable to the candidate.*

(3) *EXCEPTION FOR CAMPAIGN SURPLUSES FROM A PREVIOUS ELECTION.*—*Notwithstanding paragraph (1), unexpended contributions received by the candidate or an authorized committee of the candidate with respect to a previous election may be retained, but only if the candidate places the funds in escrow and refrains from raising additional funds for or spending funds from that account during the election cycle in which a candidate is a participating candidate.*

(4) *EXCEPTION FOR CONTRIBUTIONS RECEIVED BEFORE THE EFFECTIVE DATE OF THIS TITLE.*—*Contributions received and expenditures made by the candidate or an authorized committee of the candidate prior to the effective date of this title shall not constitute a violation of subsection (a) or (b). Unexpended contributions shall be treated the same as campaign surpluses under paragraph (3), and expenditures made shall count against the limit in paragraph (2).*

(d) *SPECIAL RULE FOR COORDINATED PARTY EXPENDITURES.*—*For purposes of this section, a payment made by a political party in coordination with a participating candidate shall not be treated as a contribution to or as an expenditure made by the participating candidate.*

(e) *PROHIBITION ON JOINT FUNDRAISING COMMITTEES.*—

(1) *PROHIBITION.*—An authorized committee of a candidate who is certified as a participating candidate under this title with respect to an election may not establish a joint fundraising committee with a political committee other than another authorized committee of the candidate.

(2) *STATUS OF EXISTING COMMITTEES FOR PRIOR ELECTIONS.*—If a candidate established a joint fundraising committee described in paragraph (1) with respect to a prior election for which the candidate was not certified as a participating candidate under this title and the candidate does not terminate the committee, the candidate shall not be considered to be in violation of paragraph (1) so long as that joint fundraising committee does not receive any contributions or make any disbursements during the election cycle for which the candidate is certified as a participating candidate under this title.

(f) *PROHIBITION ON LEADERSHIP PACS.*—

(1) *PROHIBITION.*—A candidate who is certified as a participating candidate under this title with respect to an election may not associate with, establish, finance, maintain, or control a leadership PAC.

(2) *STATUS OF EXISTING LEADERSHIP PACS.*—If a candidate established, financed, maintained, or controlled a leadership PAC prior to being certified as a participating candidate under this title and the candidate does not terminate the leadership PAC, the candidate shall not be considered to be in violation of paragraph (1) so long as the leadership PAC does not receive any contributions or make any disbursements during the election cycle for which the candidate is certified as a participating candidate under this title.

(3) *LEADERSHIP PAC DEFINED.*—In this subsection, the term “leadership PAC” has the meaning given such term in section 304(i)(8)(B).

**SEC. 522. ADMINISTRATION OF CAMPAIGN.**

(a) *SEPARATE ACCOUNTING FOR VARIOUS PERMITTED CONTRIBUTIONS.*—Each authorized committee of a candidate certified as a participating candidate under this title—

(1) shall provide for separate accounting of each type of contribution described in section 521(a) which is received by the committee; and

(2) shall provide for separate accounting for the payments received under this title.

(b) *ENHANCED DISCLOSURE OF INFORMATION ON DONORS.*—

(1) *MANDATORY IDENTIFICATION OF INDIVIDUALS MAKING QUALIFIED SMALL DOLLAR CONTRIBUTIONS.*—Each authorized committee of a participating candidate under this title shall elect, in accordance with section 304(b)(3)(A), to include in the reports the committee submits under section 304 the identification of each person who makes a qualified small dollar contribution to the committee.

(2) *MANDATORY DISCLOSURE THROUGH INTERNET.*—Each authorized committee of a participating candidate under this title shall ensure that all information reported to the Commis-

sion under this Act with respect to contributions and expenditures of the committee is available to the public on the internet (whether through a site established for purposes of this subsection, a hyperlink on another public site of the committee, or a hyperlink on a report filed electronically with the Commission) in a searchable, sortable, and downloadable manner.

**SEC. 523. PREVENTING UNNECESSARY SPENDING OF PUBLIC FUNDS.**

(a) **MANDATORY SPENDING OF AVAILABLE PRIVATE FUNDS.**—An authorized committee of a candidate certified as a participating candidate under this title may not make any expenditure of any payments received under this title in any amount unless the committee has made an expenditure in an equivalent amount of funds received by the committee which are described in paragraphs (1), (3), (4), (5), and (6) of section 521(a).

(b) **LIMITATION.**—Subsection (a) applies to an authorized committee only to the extent that the funds referred to in such subsection are available to the committee at the time the committee makes an expenditure of a payment received under this title.

**SEC. 524. REMITTING UNSPENT FUNDS AFTER ELECTION.**

(a) **REMITTANCE REQUIRED.**—Not later than the date that is 180 days after the last election for which a candidate certified as a participating candidate qualifies to be on the ballot during the election cycle involved, such participating candidate shall remit to the Commission for deposit in the Freedom From Influence Fund established under section 541 an amount equal to the balance of the payments received under this title by the authorized committees of the candidate which remain unexpended as of such date.

(b) **PERMITTING CANDIDATES PARTICIPATING IN NEXT ELECTION CYCLE TO RETAIN PORTION OF UNSPENT FUNDS.**—Notwithstanding subsection (a), a participating candidate may withhold not more than \$100,000 from the amount required to be remitted under subsection (a) if the candidate files a signed affidavit with the Commission that the candidate will seek certification as a participating candidate with respect to the next election cycle, except that the candidate may not use any portion of the amount withheld until the candidate is certified as a participating candidate with respect to that next election cycle. If the candidate fails to seek certification as a participating candidate prior to the last day of the Small Dollar Democracy qualifying period for the next election cycle (as described in section 511), or if the Commission notifies the candidate of the Commission's determination does not meet the requirements for certification as a participating candidate with respect to such cycle, the candidate shall immediately remit to the Commission the amount withheld.

## ***Subtitle D—Enhanced Match Support***

**SEC. 531. ENHANCED SUPPORT FOR GENERAL ELECTION.**

(a) **AVAILABILITY OF ENHANCED SUPPORT.**—In addition to the payments made under subtitle A, the Commission shall make an additional payment to an eligible candidate under this subtitle.

(b) *USE OF FUNDS.*—A candidate shall use the additional payment under this subtitle only for authorized expenditures in connection with the election involved.

**SEC. 532. ELIGIBILITY.**

(a) *IN GENERAL.*—A candidate is eligible to receive an additional payment under this subtitle if the candidate meets each of the following requirements:

(1) The candidate is on the ballot for the general election for the office the candidate seeks.

(2) The candidate is certified as a participating candidate under this title with respect to the election.

(3) During the enhanced support qualifying period, the candidate receives qualified small dollar contributions in a total amount of not less than \$50,000.

(4) During the enhanced support qualifying period, the candidate submits to the Commission a request for the payment which includes—

(A) a statement of the number and amount of qualified small dollar contributions received by the candidate during the enhanced support qualifying period;

(B) a statement of the amount of the payment the candidate anticipates receiving with respect to the request; and

(C) such other information and assurances as the Commission may require.

(5) After submitting a request for the additional payment under paragraph (4), the candidate does not submit any other application for an additional payment under this subtitle.

(b) *ENHANCED SUPPORT QUALIFYING PERIOD DESCRIBED.*—In this subtitle, the term “enhanced support qualifying period” means, with respect to a general election, the period which begins 60 days before the date of the election and ends 14 days before the date of the election.

**SEC. 533. AMOUNT.**

(a) *IN GENERAL.*—Subject to subsection (b), the amount of the additional payment made to an eligible candidate under this subtitle shall be an amount equal to 50 percent of—

(1) the amount of the payment made to the candidate under section 501(b) with respect to the qualified small dollar contributions which are received by the candidate during the enhanced support qualifying period (as included in the request submitted by the candidate under section 532(a)(4)); or

(2) in the case of a candidate who is not eligible to receive a payment under section 501(b) with respect to such qualified small dollar contributions because the candidate has reached the limit on the aggregate amount of payments under subtitle A for the election cycle under section 501(c), the amount of the payment which would have been made to the candidate under section 501(b) with respect to such qualified small dollar contributions if the candidate had not reached such limit.

(b) *LIMIT.*—The amount of the additional payment determined under subsection (a) with respect to a candidate may not exceed \$500,000.

(c) *NO EFFECT ON AGGREGATE LIMIT.*—The amount of the additional payment made to a candidate under this subtitle shall not be included in determining the aggregate amount of payments made to a participating candidate with respect to an election cycle under section 501(c).

**SEC. 534. WAIVER OF AUTHORITY TO RETAIN PORTION OF UNSPENT FUNDS AFTER ELECTION.**

Notwithstanding section 524(a)(2), a candidate who receives an additional payment under this subtitle with respect to an election is not permitted to withhold any portion from the amount of unspent funds the candidate is required to remit to the Commission under section 524(a)(1).

## **Subtitle E—Administrative Provisions**

**SEC. 541. FREEDOM FROM INFLUENCE FUND.**

(a) *ESTABLISHMENT.*—There is established in the Treasury a fund to be known as the “Freedom From Influence Fund”.

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

(1) *DEPOSITS.*—Amounts deposited into the Fund under—

(A) section 521(c)(1)(B) (relating to exceptions to contribution requirements);

(B) section 523 (relating to remittance of unused payments from the Fund); and

(C) section 544 (relating to violations).

(2) *INVESTMENT RETURNS.*—Interest on, and the proceeds from, the sale or redemption of any obligations held by the Fund under subsection (c).

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

(d) *USE OF FUND TO MAKE PAYMENTS TO PARTICIPATING CANDIDATES.*—

(1) *PAYMENTS TO PARTICIPATING CANDIDATES.*—Amounts in the Fund shall be available without further appropriation or fiscal year limitation to make payments to participating candidates as provided in this title.

(2) *MANDATORY REDUCTION OF PAYMENTS IN CASE OF INSUFFICIENT AMOUNTS IN FUND.*—

(A) *ADVANCE AUDITS BY COMMISSION.*—Not later than 90 days before the first day of each election cycle (beginning with the first election cycle that begins after the date of the enactment of this title), the Commission shall—

(i) audit the Fund to determine whether the amounts in the Fund will be sufficient to make payments to participating candidates in the amounts provided in this title during such election cycle; and

(ii) submit a report to Congress describing the results of the audit.

(B) *REDUCTIONS IN AMOUNT OF PAYMENTS.*—

(i) *AUTOMATIC REDUCTION ON PRO RATA BASIS.*—If, on the basis of the audit described in subparagraph (A), the Commission determines that the amount anticipated to be available in the Fund with respect to the election cycle involved is not, or may not be, sufficient to satisfy the full entitlements of participating candidates to payments under this title for such election cycle, the Commission shall reduce each amount which would otherwise be paid to a participating candidate under this title by such pro rata amount as may be necessary to ensure that the aggregate amount of payments anticipated to be made with respect to the election cycle will not exceed the amount anticipated to be available for such payments in the Fund with respect to such election cycle.

(ii) *RESTORATION OF REDUCTIONS IN CASE OF AVAILABILITY OF SUFFICIENT FUNDS DURING ELECTION CYCLE.*—If, after reducing the amounts paid to participating candidates with respect to an election cycle under clause (i), the Commission determines that there are sufficient amounts in the Fund to restore the amount by which such payments were reduced (or any portion thereof), to the extent that such amounts are available, the Commission may make a payment on a pro rata basis to each such participating candidate with respect to the election cycle in the amount by which such candidate's payments were reduced under clause (i) (or any portion thereof, as the case may be).

(iii) *NO USE OF AMOUNTS FROM OTHER SOURCES.*—In any case in which the Commission determines that there are insufficient moneys in the Fund to make payments to participating candidates under this title, moneys shall not be made available from any other source for the purpose of making such payments.

(e) *USE OF FUND TO MAKE OTHER PAYMENTS.*—In addition to the use described in subsection (d), amounts in the Fund shall be available without further appropriation or fiscal year limitation—

(1) to make payments to States under the My Voice Voucher Program under the Government By the People Act of 2019, subject to reductions under section 5101(f)(3) of such Act;

(2) to make payments to candidates under chapter 95 of subtitle H of the Internal Revenue Code of 1986, subject to reductions under section 9013(b) of such Code; and

(3) to make payments to candidates under chapter 96 of subtitle H of the Internal Revenue Code of 1986, subject to reductions under section 9043(b) of such Code.

(f) *EFFECTIVE DATE.*—This section shall take effect on the date of the enactment of this title.

**SEC. 542. REVIEWS AND REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE.**

(a) *REVIEW OF SMALL DOLLAR FINANCING.*—



(1) *IN GENERAL.*—After each regularly scheduled general election for Federal office, the Comptroller General of the United States shall conduct a comprehensive review of the Small Dollar financing program under this title, including—

(A) *the maximum and minimum dollar amounts of qualified small dollar contributions under section 504;*

(B) *the number and value of qualified small dollar contributions a candidate is required to obtain under section 512(a) to be eligible for certification as a participating candidate;*

(C) *the maximum amount of payments a candidate may receive under this title;*

(D) *the overall satisfaction of participating candidates and the American public with the program; and*

(E) *such other matters relating to financing of campaigns as the Comptroller General determines are appropriate.*

(2) *CRITERIA FOR REVIEW.*—In conducting the review under subparagraph (A), the Comptroller General shall consider the following:

(A) *QUALIFIED SMALL DOLLAR CONTRIBUTIONS.*—Whether the number and dollar amounts of qualified small dollar contributions required strikes an appropriate balance regarding the importance of voter involvement, the need to assure adequate incentives for participating, and fiscal responsibility, taking into consideration the number of primary and general election participating candidates, the electoral performance of those candidates, program cost, and any other information the Comptroller General determines is appropriate.

(B) *REVIEW OF PAYMENT LEVELS.*—Whether the totality of the amount of funds allowed to be raised by participating candidates (including through qualified small dollar contributions) and payments under this title are sufficient for voters in each State to learn about the candidates to cast an informed vote, taking into account the historic amount of spending by winning candidates, media costs, primary election dates, and any other information the Comptroller General determines is appropriate.

(3) *RECOMMENDATIONS FOR ADJUSTMENT OF AMOUNTS.*—Based on the review conducted under subparagraph (A), the Comptroller General may recommend to Congress adjustments of the following amounts:

(A) *The number and value of qualified small dollar contributions a candidate is required to obtain under section 512(a) to be eligible for certification as a participating candidate.*

(B) *The maximum amount of payments a candidate may receive under this title.*

(b) *REPORTS.*—Not later than each June 1 which follows a regularly scheduled general election for Federal office for which payments were made under this title, the Comptroller General shall

submit to the Committee on House Administration of the House of Representatives a report—

(1) containing an analysis of the review conducted under subsection (a), including a detailed statement of Comptroller General's findings, conclusions, and recommendations based on such review, including any recommendations for adjustments of amounts described in subsection (a)(3); and

(2) documenting, evaluating, and making recommendations relating to the administrative implementation and enforcement of the provisions of this title.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

**SEC. 543. ADMINISTRATION BY COMMISSION.**

The Commission shall prescribe regulations to carry out the purposes of this title, including regulations to establish procedures for—

(1) verifying the amount of qualified small dollar contributions with respect to a candidate;

(2) effectively and efficiently monitoring and enforcing the limits on the raising of qualified small dollar contributions;

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

(4) monitoring the use of allocations from the Freedom From Influence Fund established under section 541 and matching contributions under this title through audits of not fewer than  $\frac{1}{10}$  (or, in the case of the first 3 election cycles during which the program under this title is in effect, not fewer than  $\frac{1}{3}$ ) of all participating candidates or other mechanisms.

**SEC. 544. VIOLATIONS AND PENALTIES.**

(a) **CIVIL PENALTY FOR VIOLATION OF CONTRIBUTION AND EXPENDITURE REQUIREMENTS.**—If a candidate who has been certified as a participating candidate accepts a contribution or makes an expenditure that is prohibited under section 521, the Commission may assess a civil penalty against the candidate in an amount that is not more than 3 times the amount of the contribution or expenditure. Any amounts collected under this subsection shall be deposited into the Freedom From Influence Fund established under section 541.

(b) **REPAYMENT FOR IMPROPER USE OF FREEDOM FROM INFLUENCE FUND.**—

(1) **IN GENERAL.**—If the Commission determines that any payment made to a participating candidate was not used as provided for in this title or that a participating candidate has violated any of the dates for remission of funds contained in this title, the Commission shall so notify the candidate and the candidate shall pay to the Fund an amount equal to—

(A) the amount of payments so used or not remitted, as appropriate; and

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

(2) *OTHER ACTION NOT PRECLUDED.*—Any action by the Commission in accordance with this subsection shall not preclude enforcement proceedings by the Commission in accordance with section 309(a), including a referral by the Commission to the Attorney General in the case of an apparent knowing and willful violation of this title.

(c) *PROHIBITING CANDIDATES SUBJECT TO CRIMINAL PENALTY FROM QUALIFYING AS PARTICIPATING CANDIDATES.*—A candidate is not eligible to be certified as a participating candidate under this title with respect to an election if a penalty has been assessed against the candidate under section 309(d) with respect to any previous election.

**SEC. 545. APPEALS PROCESS.**

(a) *REVIEW OF ACTIONS.*—Any action by the Commission in carrying out this title shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in the Court not later than 30 days after the Commission takes the action for which the review is sought.

(b) *PROCEDURES.*—The provisions of chapter 7 of title 5, United States Code, apply to judicial review under this section.

**SEC. 546. INDEXING OF AMOUNTS.**

(a) *INDEXING.*—In any calendar year after 2024, section 315(c)(1)(B) shall apply to each amount described in subsection (b) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the “base period” shall be 2024.

(b) *AMOUNTS DESCRIBED.*—The amounts described in this subsection are as follows:

(1) The amount referred to in section 502(b)(1) (relating to the minimum amount of qualified small dollar contributions included in a request for payment).

(2) The amounts referred to in section 504(a)(1) (relating to the amount of a qualified small dollar contribution).

(3) The amount referred to in section 512(a)(2) (relating to the total dollar amount of qualified small dollar contributions).

(4) The amount referred to in section 521(a)(5) (relating to the aggregate amount of contributions a participating candidate may accept from any individual with respect to an election).

(5) The amount referred to in section 521(b)(1)(A) (relating to the amount of personal funds that may be used by a candidate who is certified as a participating candidate).

(6) The amounts referred to in section 524(a)(2) (relating to the amount of unspent funds a candidate may retain for use in the next election cycle).

(7) The amount referred to in section 532(a)(3) (relating to the total dollar amount of qualified small dollar contributions for a candidate seeking an additional payment under subtitle D).

(8) The amount referred to in section 533(b) (relating to the limit on the amount of an additional payment made to a candidate under subtitle D).

**SEC. 547. ELECTION CYCLE DEFINED.**

*In this title, the term "election cycle" means, with respect to an election for an office, the period beginning on the day after the date of the most recent general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election) and ending on the date of the next general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election).*

---

**HIGHER EDUCATION ACT OF 1965**

\* \* \* \* \*

**TITLE IV—STUDENT ASSISTANCE**

\* \* \* \* \*

**PART G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS**

\* \* \* \* \*

**SEC. 487. PROGRAM PARTICIPATION AGREEMENTS.**

(a) **REQUIRED FOR PROGRAMS OF ASSISTANCE; CONTENTS.**—In order to be an eligible institution for the purposes of any program authorized under this title, an institution must be an institution of higher education or an eligible institution (as that term is defined for the purpose of that program) and shall, except with respect to a program under subpart 4 of part A, enter into a program participation agreement with the Secretary. The agreement shall condition the initial and continuing eligibility of an institution to participate in a program upon compliance with the following requirements:

(1) The institution will use funds received by it for any program under this title and any interest or other earnings thereon solely for the purpose specified in and in accordance with the provision of that program.

(2) The institution shall not charge any student a fee for processing or handling any application, form, or data required to determine the student's eligibility for assistance under this title or the amount of such assistance.

(3) The institution will establish and maintain such administrative and fiscal procedures and records as may be necessary to ensure proper and efficient administration of funds received from the Secretary or from students under this title, together with assurances that the institution will provide, upon request and in a timely fashion, information relating to the administrative capability and financial responsibility of the institution to—

- (A) the Secretary;
- (B) the appropriate guaranty agency; and
- (C) the appropriate accrediting agency or association.

(4) The institution will comply with the provisions of subsection (c) of this section and the regulations prescribed under that subsection, relating to fiscal eligibility.

(5) The institution will submit reports to the Secretary and, in the case of an institution participating in a program under part B or part E, to holders of loans made to the institution's students under such parts at such times and containing such information as the Secretary may reasonably require to carry out the purpose of this title.

(6) The institution will not provide any student with any statement or certification to any lender under part B that qualifies the student for a loan or loans in excess of the amount that student is eligible to borrow in accordance with sections 425(a), 428(a)(2), and 428(b)(1) (A) and (B).

(7) The institution will comply with the requirements of section 485.

(8) In the case of an institution that advertises job placement rates as a means of attracting students to enroll in the institution, the institution will make available to prospective students, at or before the time of application (A) the most recent available data concerning employment statistics, graduation statistics, and any other information necessary to substantiate the truthfulness of the advertisements, and (B) relevant State licensing requirements of the State in which such institution is located for any job for which the course of instruction is designed to prepare such prospective students.

(9) In the case of an institution participating in a program under part B or D, the institution will inform all eligible borrowers enrolled in the institution about the availability and eligibility of such borrowers for State grant assistance from the State in which the institution is located, and will inform such borrowers from another State of the source for further information concerning such assistance from that State.

(10) The institution certifies that it has in operation a drug abuse prevention program that is determined by the institution to be accessible to any officer, employee, or student at the institution.

(11) In the case of any institution whose students receive financial assistance pursuant to section 484(d), the institution will make available to such students a program proven successful in assisting students in obtaining a certificate of high school equivalency.

(12) The institution certifies that—

(A) the institution has established a campus security policy; and

(B) the institution has complied with the disclosure requirements of section 485(f).

(13) The institution will not deny any form of Federal financial aid to any student who meets the eligibility requirements of this title on the grounds that the student is participating in a program of study abroad approved for credit by the institution.

(14)(A) The institution, in order to participate as an eligible institution under part B or D, will develop a Default Management Plan for approval by the Secretary as part of its initial application for certification as an eligible institution and will implement such Plan for two years thereafter.

(B) Any institution of higher education which changes ownership and any eligible institution which changes its status as a parent or subordinate institution shall, in order to participate as an eligible institution under part B or D, develop a Default Management Plan for approval by the Secretary and implement such Plan for two years after its change of ownership or status.

(C) This paragraph shall not apply in the case of an institution in which (i) neither the parent nor the subordinate institution has a cohort default rate in excess of 10 percent, and (ii) the new owner of such parent or subordinate institution does not, and has not, owned any other institution with a cohort default rate in excess of 10 percent.

(15) The institution acknowledges the authority of the Secretary, guaranty agencies, lenders, accrediting agencies, the Secretary of Veterans Affairs, and the State agencies under subpart 1 of part H to share with each other any information pertaining to the institution's eligibility to participate in programs under this title or any information on fraud and abuse.

(16)(A) The institution will not knowingly employ an individual in a capacity that involves the administration of programs under this title, or the receipt of program funds under this title, who has been convicted of, or has pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of funds under this title, or has been judicially determined to have committed fraud involving funds under this title or contract with an institution or third party servicer that has been terminated under section 432 involving the acquisition, use, or expenditure of funds under this title, or who has been judicially determined to have committed fraud involving funds under this title.

(B) The institution will not knowingly contract with or employ any individual, agency, or organization that has been, or whose officers or employees have been—

(i) convicted of, or pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of funds under this title; or

(ii) judicially determined to have committed fraud involving funds under this title.

(17) The institution will complete surveys conducted as a part of the Integrated Postsecondary Education Data System (IPEDS) or any other Federal postsecondary institution data collection effort, as designated by the Secretary, in a timely manner and to the satisfaction of the Secretary.

(18) The institution will meet the requirements established pursuant to section 485(g).

(19) The institution will not impose any penalty, including the assessment of late fees, the denial of access to classes, li-

baries, or other institutional facilities, or the requirement that the student borrow additional funds, on any student because of the student's inability to meet his or her financial obligations to the institution as a result of the delayed disbursement of the proceeds of a loan made under this title due to compliance with the provisions of this title, or delays attributable to the institution.

(20) The institution will not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except that this paragraph shall not apply to the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

(21) The institution will meet the requirements established by the Secretary and accrediting agencies or associations, and will provide evidence to the Secretary that the institution has the authority to operate within a State.

(22) The institution will comply with the refund policy established pursuant to section 484B.

[(23)(A) The institution, if located in a State to which section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) does not apply, will make a good faith effort to distribute a mail voter registration form, requested and received from the State, to each student enrolled in a degree or certificate program and physically in attendance at the institution, and to make such forms widely available to students at the institution.

[(B) The institution shall request the forms from the State 120 days prior to the deadline for registering to vote within the State. If an institution has not received a sufficient quantity of forms to fulfill this section from the State within 60 days prior to the deadline for registering to vote in the State, the institution shall not be held liable for not meeting the requirements of this section during that election year.

[(C) This paragraph shall apply to general and special elections for Federal office, as defined in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)), and to the elections for Governor or other chief executive within such State).

[(D) The institution shall be considered in compliance with the requirements of subparagraph (A) for each student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, if such information is in an electronic message devoted exclusively to voter registration.]

(23)(A)(i) *The institution will ensure that an appropriate staff person or office is designated publicly as a "Campus Vote*

Coordinator” and will ensure that such person’s or office’s contact information is included on the institution’s website.

(ii) Not fewer than twice during each calendar year (beginning with 2020), the Campus Vote Coordinator shall transmit electronically to each student enrolled in the institution (including students enrolled in distance education programs) a message containing the following information:

(I) Information on the location of polling places in the jurisdiction in which the institution is located, together with information on available methods of transportation to and from such polling places.

(II) A referral to a government-affiliated website or on-line platform which provides centralized voter registration information for all States, including access to applicable voter registration forms and information to assist individuals who are not registered to vote in registering to vote.

(III) Any additional voter registration and voting information the Coordinator considers appropriate, in consultation with the appropriate State election official.

(iii) In addition to transmitting the message described in clause (ii) not fewer than twice during each calendar year, the Campus Vote Coordinator shall transmit the message under such clause not fewer than 30 days prior to the deadline for registering to vote for any election for Federal, State, or local office in the State.

(B) If the institution in its normal course of operations requests each student registering for enrollment in a course of study, including students registering for enrollment in a program of distance education, to affirm whether or not the student is a United States citizen, the institution will comply with the applicable requirements for a contributing agency under the Automatic Voter Registration Act of 2019.

(C) If the institution is not described in subparagraph (B), the institution will comply with the requirements for a voter registration agency in the State in which it is located in accordance with section 7 of the National Voter Registration Act of 1993 (52 U.S.C. 20506).

(D) This paragraph applies only with respect to an institution which is located in a State to which section 4(b) of the National Voter Registration Act of 1993 (52 U.S.C. 20503(b)) does not apply.

(24) In the case of a proprietary institution of higher education (as defined in section 102(b)), such institution will derive not less than ten percent of such institution’s revenues from sources other than funds provided under this title, as calculated in accordance with subsection (d)(1), or will be subject to the sanctions described in subsection (d)(2).

(25) In the case of an institution that participates in a loan program under this title, the institution will—

(A) develop a code of conduct with respect to such loans with which the institution’s officers, employees, and agents shall comply, that—



(i) prohibits a conflict of interest with the responsibilities of an officer, employee, or agent of an institution with respect to such loans; and

(ii) at a minimum, includes the provisions described in subsection (e);

(B) publish such code of conduct prominently on the institution's website; and

(C) administer and enforce such code by, at a minimum, requiring that all of the institution's officers, employees, and agents with responsibilities with respect to such loans be annually informed of the provisions of the code of conduct.

(26) The institution will, upon written request, disclose to the alleged victim of any crime of violence (as that term is defined in section 16 of title 18, United States Code), or a nonforcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

(27) In the case of an institution that has entered into a preferred lender arrangement, the institution will at least annually compile, maintain, and make available for students attending the institution, and the families of such students, a list, in print or other medium, of the specific lenders for loans made, insured, or guaranteed under this title or private education loans that the institution recommends, promotes, or endorses in accordance with such preferred lender arrangement. In making such list, the institution shall comply with the requirements of subsection (h).

(28)(A) The institution will, upon the request of an applicant for a private education loan, provide to the applicant the form required under section 128(e)(3) of the Truth in Lending Act (15 U.S.C. 1638(e)(3)), and the information required to complete such form, to the extent the institution possesses such information.

(B) For purposes of this paragraph, the term "private education loan" has the meaning given such term in section 140 of the Truth in Lending Act.

(29) The institution certifies that the institution—

(A) has developed plans to effectively combat the unauthorized distribution of copyrighted material, including through the use of a variety of technology-based deterrents; and

(B) will, to the extent practicable, offer alternatives to illegal downloading or peer-to-peer distribution of intellectual property, as determined by the institution in consultation with the chief technology officer or other designated officer of the institution.

(b) HEARINGS.—(1) An institution that has received written notice of a final audit or program review determination and that de-

sires to have such determination reviewed by the Secretary shall submit to the Secretary a written request for review not later than 45 days after receipt of notification of the final audit or program review determination.

(2) The Secretary shall, upon receipt of written notice under paragraph (1), arrange for a hearing and notify the institution within 30 days of receipt of such notice the date, time, and place of such hearing. Such hearing shall take place not later than 120 days from the date upon which the Secretary notifies the institution.

(c) AUDITS; FINANCIAL RESPONSIBILITY; ENFORCEMENT OF STANDARDS.—(1) Notwithstanding any other provisions of this title, the Secretary shall prescribe such regulations as may be necessary to provide for—

(A)(i) except as provided in clauses (ii) and (iii), a financial audit of an eligible institution with regard to the financial condition of the institution in its entirety, and a compliance audit of such institution with regard to any funds obtained by it under this title or obtained from a student or a parent who has a loan insured or guaranteed by the Secretary under this title, on at least an annual basis and covering the period since the most recent audit, conducted by a qualified, independent organization or person in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, and functions, and as prescribed in regulations of the Secretary, the results of which shall be submitted to the Secretary and shall be available to cognizant guaranty agencies, eligible lenders, State agencies, and the appropriate State agency notifying the Secretary under subpart 1 of part H, except that the Secretary may modify the requirements of this clause with respect to institutions of higher education that are foreign institutions, and may waive such requirements with respect to a foreign institution whose students receive less than \$500,000 in loans under this title during the award year preceding the audit period;

(ii) with regard to an eligible institution which is audited under chapter 75 of title 31, United States Code, deeming such audit to satisfy the requirements of clause (i) for the period covered by such audit; or

(iii) at the discretion of the Secretary, with regard to an eligible institution (other than an eligible institution described in section 102(a)(1)(C)) that has obtained less than \$200,000 in funds under this title during each of the 2 award years that precede the audit period and submits a letter of credit payable to the Secretary equal to not less than  $\frac{1}{2}$  of the annual potential liabilities of such institution as determined by the Secretary, deeming an audit conducted every 3 years to satisfy the requirements of clause (i), except for the award year immediately preceding renewal of the institution's eligibility under section 498(g);

(B) in matters not governed by specific program provisions, the establishment of reasonable standards of financial responsibility and appropriate institutional capability for the admin-

istration by an eligible institution of a program of student financial aid under this title, including any matter the Secretary deems necessary to the sound administration of the financial aid programs, such as the pertinent actions of any owner, shareholder, or person exercising control over an eligible institution;

(C)(i) except as provided in clause (ii), a compliance audit of a third party servicer (other than with respect to the servicer's functions as a lender if such functions are otherwise audited under this part and such audits meet the requirements of this clause), with regard to any contract with an eligible institution, guaranty agency, or lender for administering or servicing any aspect of the student assistance programs under this title, at least once every year and covering the period since the most recent audit, conducted by a qualified, independent organization or person in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, and functions, and as prescribed in regulations of the Secretary, the results of which shall be submitted to the Secretary; or

(ii) with regard to a third party servicer that is audited under chapter 75 of title 31, United States Code, such audit shall be deemed to satisfy the requirements of clause (i) for the period covered by such audit;

(D)(i) a compliance audit of a secondary market with regard to its transactions involving, and its servicing and collection of, loans made under this title, at least once a year and covering the period since the most recent audit, conducted by a qualified, independent organization or person in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, and functions, and as prescribed in regulations of the Secretary, the results of which shall be submitted to the Secretary; or

(ii) with regard to a secondary market that is audited under chapter 75 of title 31, United States Code, such audit shall be deemed to satisfy the requirements of clause (i) for the period covered by the audit;

(E) the establishment, by each eligible institution under part B responsible for furnishing to the lender the statement required by section 428(a)(2)(A)(i), of policies and procedures by which the latest known address and enrollment status of any student who has had a loan insured under this part and who has either formally terminated his enrollment, or failed to re-enroll on at least a half-time basis, at such institution, shall be furnished either to the holder (or if unknown, the insurer) of the note, not later than 60 days after such termination or failure to re-enroll;

(F) the limitation, suspension, or termination of the participation in any program under this title of an eligible institution, or the imposition of a civil penalty under paragraph (3)(B) whenever the Secretary has determined, after reasonable notice and opportunity for hearing, that such institution has violated or failed to carry out any provision of this title, any regu-

lation prescribed under this title, or any applicable special arrangement, agreement, or limitation, except that no period of suspension under this section shall exceed 60 days unless the institution and the Secretary agree to an extension or unless limitation or termination proceedings are initiated by the Secretary within that period of time;

(G) an emergency action against an institution, under which the Secretary shall, effective on the date on which a notice and statement of the basis of the action is mailed to the institution (by registered mail, return receipt requested), withhold funds from the institution or its students and withdraw the institution's authority to obligate funds under any program under this title, if the Secretary—

(i) receives information, determined by the Secretary to be reliable, that the institution is violating any provision of this title, any regulation prescribed under this title, or any applicable special arrangement, agreement, or limitation,

(ii) determines that immediate action is necessary to prevent misuse of Federal funds, and

(iii) determines that the likelihood of loss outweighs the importance of the procedures prescribed under subparagraph (D) for limitation, suspension, or termination, except that an emergency action shall not exceed 30 days unless limitation, suspension, or termination proceedings are initiated by the Secretary against the institution within that period of time, and except that the Secretary shall provide the institution an opportunity to show cause, if it so requests, that the emergency action is unwarranted;

(H) the limitation, suspension, or termination of the eligibility of a third party servicer to contract with any institution to administer any aspect of an institution's student assistance program under this title, or the imposition of a civil penalty under paragraph (3)(B), whenever the Secretary has determined, after reasonable notice and opportunity for a hearing, that such organization, acting on behalf of an institution, has violated or failed to carry out any provision of this title, any regulation prescribed under this title, or any applicable special arrangement, agreement, or limitation, except that no period of suspension under this subparagraph shall exceed 60 days unless the organization and the Secretary agree to an extension, or unless limitation or termination proceedings are initiated by the Secretary against the individual or organization within that period of time; and

(I) an emergency action against a third party servicer that has contracted with an institution to administer any aspect of the institution's student assistance program under this title, under which the Secretary shall, effective on the date on which a notice and statement of the basis of the action is mailed to such individual or organization (by registered mail, return receipt requested), withhold funds from the individual or organization and withdraw the individual or organization's authority

to act on behalf of an institution under any program under this title, if the Secretary—

- (i) receives information, determined by the Secretary to be reliable, that the individual or organization, acting on behalf of an institution, is violating any provision of this title, any regulation prescribed under this title, or any applicable special arrangement, agreement, or limitation,
- (ii) determines that immediate action is necessary to prevent misuse of Federal funds, and
- (iii) determines that the likelihood of loss outweighs the importance of the procedures prescribed under subparagraph (F), for limitation, suspension, or termination, except that an emergency action shall not exceed 30 days unless the limitation, suspension, or termination proceedings are initiated by the Secretary against the individual or organization within that period of time, and except that the Secretary shall provide the individual or organization an opportunity to show cause, if it so requests, that the emergency action is unwarranted.

(2) If an individual who, or entity that, exercises substantial control, as determined by the Secretary in accordance with the definition of substantial control in subpart 3 of part H, over one or more institutions participating in any program under this title, or, for purposes of paragraphs (1) (H) and (I), over one or more organizations that contract with an institution to administer any aspect of the institution's student assistance program under this title, is determined to have committed one or more violations of the requirements of any program under this title, or has been suspended or debarred in accordance with the regulations of the Secretary, the Secretary may use such determination, suspension, or debarment as the basis for imposing an emergency action on, or limiting, suspending, or terminating, in a single proceeding, the participation of any or all institutions under the substantial control of that individual or entity.

(3)(A) Upon determination, after reasonable notice and opportunity for a hearing, that an eligible institution has engaged in substantial misrepresentation of the nature of its educational program, its financial charges, or the employability of its graduates, the Secretary may suspend or terminate the eligibility status for any or all programs under this title of any otherwise eligible institution, in accordance with procedures specified in paragraph (1)(D) of this subsection, until the Secretary finds that such practices have been corrected.

(B)(i) Upon determination, after reasonable notice and opportunity for a hearing, that an eligible institution—

(I) has violated or failed to carry out any provision of this title or any regulation prescribed under this title; or

(II) has engaged in substantial misrepresentation of the nature of its educational program, its financial charges, and the employability of its graduates,

the Secretary may impose a civil penalty upon such institution of not to exceed \$25,000 for each violation or misrepresentation.

(ii) Any civil penalty may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the institution of higher education subject to the determination, and the gravity of the violation, failure, or misrepresentation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the institution charged.

(4) The Secretary shall publish a list of State agencies which the Secretary determines to be reliable authority as to the quality of public postsecondary vocational education in their respective States for the purpose of determining eligibility for all Federal student assistance programs.

(5) The Secretary shall make readily available to appropriate guaranty agencies, eligible lenders, State agencies notifying the Secretary under subpart 1 of part H, and accrediting agencies or associations the results of the audits of eligible institutions conducted pursuant to paragraph (1)(A).

(6) The Secretary is authorized to provide any information collected as a result of audits conducted under this section, together with audit information collected by guaranty agencies, to any Federal or State agency having responsibilities with respect to student financial assistance, including those referred to in subsection (a)(15) of this section.

(7) Effective with respect to any audit conducted under this subsection after December 31, 1988, if, in the course of conducting any such audit, the personnel of the Department of Education discover, or are informed of, grants or other assistance provided by an institution in accordance with this title for which the institution has not received funds appropriated under this title (in the amount necessary to provide such assistance), including funds for which reimbursement was not requested prior to such discovery or information, such institution shall be permitted to offset that amount against any sums determined to be owed by the institution pursuant to such audit, or to receive reimbursement for that amount (if the institution does not owe any such sums).

(d) IMPLEMENTATION OF NON-TITLE IV REVENUE REQUIREMENT.—

(1) CALCULATION.—In making calculations under subsection (a)(24), a proprietary institution of higher education shall—

(A) use the cash basis of accounting, except in the case of loans described in subparagraph (D)(i) that are made by the proprietary institution of higher education;

(B) consider as revenue only those funds generated by the institution from—

(i) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under this title;

(ii) activities conducted by the institution that are necessary for the education and training of the institution's students, if such activities are—

(I) conducted on campus or at a facility under the control of the institution;

(II) performed under the supervision of a member of the institution's faculty; and

(III) required to be performed by all students in a specific educational program at the institution; and

(iii) funds paid by a student, or on behalf of a student by a party other than the institution, for an education or training program that is not eligible for funds under this title, if the program—

(I) is approved or licensed by the appropriate State agency;

(II) is accredited by an accrediting agency recognized by the Secretary; or

(III) provides an industry-recognized credential or certification;

(C) presume that any funds for a program under this title that are disbursed or delivered to or on behalf of a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits those funds to the student's account or pays those funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by—

(i) grant funds provided by non-Federal public agencies or private sources independent of the institution;

(ii) funds provided under a contractual arrangement with a Federal, State, or local government agency for the purpose of providing job training to low-income individuals who are in need of that training;

(iii) funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986; or

(iv) institutional scholarships described in subparagraph (D)(iii);

(D) include institutional aid as revenue to the school only as follows:

(i) in the case of loans made by a proprietary institution of higher education on or after July 1, 2008 and prior to July 1, 2012, the net present value of such loans made by the institution during the applicable institutional fiscal year accounted for on an accrual basis and estimated in accordance with generally accepted accounting principles and related standards and guidance, if the loans—

(I) are bona fide as evidenced by enforceable promissory notes;

(II) are issued at intervals related to the institution's enrollment periods; and

(III) are subject to regular loan repayments and collections;

(ii) in the case of loans made by a proprietary institution of higher education on or after July 1, 2012, only the amount of loan repayments received during the applicable institutional fiscal year, excluding repayments on loans made and accounted for as specified in clause (i); and

(iii) in the case of scholarships provided by a proprietary institution of higher education, only those scholarships provided by the institution in the form of monetary aid or tuition discounts based upon the academic achievements or financial need of students, disbursed during each fiscal year from an established restricted account, and only to the extent that funds in that account represent designated funds from an outside source or from income earned on those funds;

(E) in the case of each student who receives a loan on or after July 1, 2008, and prior to July 1, 2011, that is authorized under section 428H or that is a Federal Direct Unsubsidized Stafford Loan, treat as revenue received by the institution from sources other than funds received under this title, the amount by which the disbursement of such loan received by the institution exceeds the limit on such loan in effect on the day before the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008; and

(F) exclude from revenues—

(i) the amount of funds the institution received under part C, unless the institution used those funds to pay a student's institutional charges;

(ii) the amount of funds the institution received under subpart 4 of part A;

(iii) the amount of funds provided by the institution as matching funds for a program under this title;

(iv) the amount of funds provided by the institution for a program under this title that are required to be refunded or returned; and

(v) the amount charged for books, supplies, and equipment, unless the institution includes that amount as tuition, fees, or other institutional charges.

(2) SANCTIONS.—

(A) INELIGIBILITY.—A proprietary institution of higher education that fails to meet a requirement of subsection (a)(24) for two consecutive institutional fiscal years shall be ineligible to participate in the programs authorized by this title for a period of not less than two institutional fiscal years. To regain eligibility to participate in the programs authorized by this title, a proprietary institution of higher education shall demonstrate compliance with all eligibility and certification requirements under section 498 for a minimum of two institutional fiscal years after the



institutional fiscal year in which the institution became ineligible.

(B) **ADDITIONAL ENFORCEMENT.**—In addition to such other means of enforcing the requirements of this title as may be available to the Secretary, if a proprietary institution of higher education fails to meet a requirement of subsection (a)(24) for any institutional fiscal year, then the institution's eligibility to participate in the programs authorized by this title becomes provisional for the two institutional fiscal years after the institutional fiscal year in which the institution failed to meet the requirement of subsection (a)(24), except that such provisional eligibility shall terminate—

(i) on the expiration date of the institution's program participation agreement under this subsection that is in effect on the date the Secretary determines that the institution failed to meet the requirement of subsection (a)(24); or

(ii) in the case that the Secretary determines that the institution failed to meet a requirement of subsection (a)(24) for two consecutive institutional fiscal years, on the date the institution is determined ineligible in accordance with subparagraph (A).

(3) **PUBLICATION ON COLLEGE NAVIGATOR WEBSITE.**—The Secretary shall publicly disclose on the College Navigator website—

(A) the identity of any proprietary institution of higher education that fails to meet a requirement of subsection (a)(24); and

(B) the extent to which the institution failed to meet such requirement.

(4) **REPORT TO CONGRESS.**—Not later than July 1, 2009, and July 1 of each succeeding year, the Secretary shall submit to the authorizing committees a report that contains, for each proprietary institution of higher education that receives assistance under this title, as provided in the audited financial statements submitted to the Secretary by each institution pursuant to the requirements of subsection (a)(24)—

(A) the amount and percentage of such institution's revenues received from sources under this title; and

(B) the amount and percentage of such institution's revenues received from other sources.

(e) **CODE OF CONDUCT REQUIREMENTS.**—An institution of higher education's code of conduct, as required under subsection (a)(25), shall include the following requirements:

(1) **BAN ON REVENUE-SHARING ARRANGEMENTS.**—

(A) **PROHIBITION.**—The institution shall not enter into any revenue-sharing arrangement with any lender.

(B) **DEFINITION.**—For purposes of this paragraph, the term “revenue-sharing arrangement” means an arrangement between an institution and a lender under which—

(i) a lender provides or issues a loan that is made, insured, or guaranteed under this title to students at—

tending the institution or to the families of such students; and

(ii) the institution recommends the lender or the loan products of the lender and in exchange, the lender pays a fee or provides other material benefits, including revenue or profit sharing, to the institution, an officer or employee of the institution, or an agent.

(2) GIFT BAN.—

(A) PROHIBITION.—No officer or employee of the institution who is employed in the financial aid office of the institution or who otherwise has responsibilities with respect to education loans, or agent who has responsibilities with respect to education loans, shall solicit or accept any gift from a lender, guarantor, or servicer of education loans.

(B) DEFINITION OF GIFT.—

(i) IN GENERAL.—In this paragraph, the term “gift” means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimus amount. The term includes a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

(ii) EXCEPTIONS.—The term “gift” shall not include any of the following:

(I) Standard material, activities, or programs on issues related to a loan, default aversion, default prevention, or financial literacy, such as a brochure, a workshop, or training.

(II) Food, refreshments, training, or informational material furnished to an officer or employee of an institution, or to an agent, as an integral part of a training session that is designed to improve the service of a lender, guarantor, or servicer of education loans to the institution, if such training contributes to the professional development of the officer, employee, or agent.

(III) Favorable terms, conditions, and borrower benefits on an education loan provided to a student employed by the institution if such terms, conditions, or benefits are comparable to those provided to all students of the institution.

(IV) Entrance and exit counseling services provided to borrowers to meet the institution’s responsibilities for entrance and exit counseling as required by subsections (b) and (l) of section 485, as long as—

(aa) the institution’s staff are in control of the counseling, (whether in person or via electronic capabilities); and

(bb) such counseling does not promote the products or services of any specific lender.

(V) Philanthropic contributions to an institution from a lender, servicer, or guarantor of education loans that are unrelated to education loans or any contribution from any lender, guarantor, or servicer that is not made in exchange for any advantage related to education loans.

(VI) State education grants, scholarships, or financial aid funds administered by or on behalf of a State.

(iii) RULE FOR GIFTS TO FAMILY MEMBERS.—For purposes of this paragraph, a gift to a family member of an officer or employee of an institution, to a family member of an agent, or to any other individual based on that individual's relationship with the officer, employee, or agent, shall be considered a gift to the officer, employee, or agent if—

(I) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and

(II) the officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

(3) CONTRACTING ARRANGEMENTS PROHIBITED.—

(A) PROHIBITION.—An officer or employee who is employed in the financial aid office of the institution or who otherwise has responsibilities with respect to education loans, or an agent who has responsibilities with respect to education loans, shall not accept from any lender or affiliate of any lender any fee, payment, or other financial benefit (including the opportunity to purchase stock) as compensation for any type of consulting arrangement or other contract to provide services to a lender or on behalf of a lender relating to education loans.

(B) EXCEPTIONS.—Nothing in this subsection shall be construed as prohibiting—

(i) an officer or employee of an institution who is not employed in the institution's financial aid office and who does not otherwise have responsibilities with respect to education loans, or an agent who does not have responsibilities with respect to education loans, from performing paid or unpaid service on a board of directors of a lender, guarantor, or servicer of education loans;

(ii) an officer or employee of the institution who is not employed in the institution's financial aid office but who has responsibility with respect to education loans as a result of a position held at the institution, or an agent who has responsibility with respect to education loans, from performing paid or unpaid service on a board of directors of a lender, guarantor, or servicer of education loans, if the institution has a written conflict of interest policy that clearly sets forth that officers, employees, or agents must recuse them-

selves from participating in any decision of the board regarding education loans at the institution; or

(iii) an officer, employee, or contractor of a lender, guarantor, or servicer of education loans from serving on a board of directors, or serving as a trustee, of an institution, if the institution has a written conflict of interest policy that the board member or trustee must recuse themselves from any decision regarding education loans at the institution.

(4) INTERACTION WITH BORROWERS.—The institution shall not—

(A) for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; or

(B) refuse to certify, or delay certification of, any loan based on the borrower's selection of a particular lender or guaranty agency.

(5) PROHIBITION ON OFFERS OF FUNDS FOR PRIVATE LOANS.—

(A) PROHIBITION.—The institution shall not request or accept from any lender any offer of funds to be used for private education loans (as defined in section 140 of the Truth in Lending Act), including funds for an opportunity pool loan, to students in exchange for the institution providing concessions or promises regarding providing the lender with—

(i) a specified number of loans made, insured, or guaranteed under this title;

(ii) a specified loan volume of such loans; or

(iii) a preferred lender arrangement for such loans.

(B) DEFINITION OF OPPORTUNITY POOL LOAN.—In this paragraph, the term “opportunity pool loan” means a private education loan made by a lender to a student attending the institution or the family member of such a student that involves a payment, directly or indirectly, by such institution of points, premiums, additional interest, or financial support to such lender for the purpose of such lender extending credit to the student or the family.

(6) BAN ON STAFFING ASSISTANCE.—

(A) PROHIBITION.—The institution shall not request or accept from any lender any assistance with call center staffing or financial aid office staffing.

(B) CERTAIN ASSISTANCE PERMITTED.—Nothing in paragraph (1) shall be construed to prohibit the institution from requesting or accepting assistance from a lender related to—

(i) professional development training for financial aid administrators;

(ii) providing educational counseling materials, financial literacy materials, or debt management materials to borrowers, provided that such materials dis-

close to borrowers the identification of any lender that assisted in preparing or providing such materials; or

(iii) staffing services on a short-term, nonrecurring basis to assist the institution with financial aid-related functions during emergencies, including State-declared or federally declared natural disasters, federally declared national disasters, and other localized disasters and emergencies identified by the Secretary.

(7) **ADVISORY BOARD COMPENSATION.**—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other student financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender, guarantor, or group of lenders or guarantors, shall be prohibited from receiving anything of value from the lender, guarantor, or group of lenders or guarantors, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission, or group.

(f) **INSTITUTIONAL REQUIREMENTS FOR TEACH-OUTS.**—

(1) **IN GENERAL.**—In the event the Secretary initiates the limitation, suspension, or termination of the participation of an institution of higher education in any program under this title under the authority of subsection (c)(1)(F) or initiates an emergency action under the authority of subsection (c)(1)(G) and its prescribed regulations, the Secretary shall require that institution to prepare a teach-out plan for submission to the institution's accrediting agency or association in compliance with section 496(c)(3), the Secretary's regulations on teach-out plans, and the standards of the institution's accrediting agency or association.

(2) **TEACH-OUT PLAN DEFINED.**—In this subsection, the term “teach-out plan” means a written plan that provides for the equitable treatment of students if an institution of higher education ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency or association, an agreement between institutions for such a teach-out plan.

(g) **INSPECTOR GENERAL REPORT ON GIFT BAN VIOLATIONS.**—The Inspector General of the Department shall—

(1) submit an annual report to the authorizing committees identifying all violations of an institution's code of conduct that the Inspector General has substantiated during the preceding year relating to the gift ban provisions described in subsection (e)(2); and

(2) make the report available to the public through the Department's website.

(h) **PREFERRED LENDER LIST REQUIREMENTS.**—

(1) **IN GENERAL.**—In compiling, maintaining, and making available a preferred lender list as required under subsection (a)(27), the institution will—

(A) clearly and fully disclose on such preferred lender list—

(i) not less than the information required to be disclosed under section 153(a)(2)(A);

(ii) why the institution has entered into a preferred lender arrangement with each lender on the preferred lender list, particularly with respect to terms and conditions or provisions favorable to the borrower; and

(iii) that the students attending the institution, or the families of such students, do not have to borrow from a lender on the preferred lender list;

(B) ensure, through the use of the list of lender affiliates provided by the Secretary under paragraph (2), that—

(i) there are not less than three lenders of loans made under part B that are not affiliates of each other included on the preferred lender list and, if the institution recommends, promotes, or endorses private education loans, there are not less than two lenders of private education loans that are not affiliates of each other included on the preferred lender list; and

(ii) the preferred lender list under this paragraph—

(I) specifically indicates, for each listed lender, whether the lender is or is not an affiliate of each other lender on the preferred lender list; and

(II) if a lender is an affiliate of another lender on the preferred lender list, describes the details of such affiliation;

(C) prominently disclose the method and criteria used by the institution in selecting lenders with which to enter into preferred lender arrangements to ensure that such lenders are selected on the basis of the best interests of the borrowers, including—

(i) payment of origination or other fees on behalf of the borrower;

(ii) highly competitive interest rates, or other terms and conditions or provisions of loans under this title or private education loans;

(iii) high-quality servicing for such loans; or

(iv) additional benefits beyond the standard terms and conditions or provisions for such loans;

(D) exercise a duty of care and a duty of loyalty to compile the preferred lender list under this paragraph without prejudice and for the sole benefit of the students attending the institution, or the families of such students;

(E) not deny or otherwise impede the borrower's choice of a lender or cause unnecessary delay in loan certification under this title for those borrowers who choose a lender that is not included on the preferred lender list; and

(F) comply with such other requirements as the Secretary may prescribe by regulation.

(2) LENDER AFFILIATES LIST.—

(A) IN GENERAL.—The Secretary shall maintain and regularly update a list of lender affiliates of all eligible

lenders, and shall provide such list to institutions for use in carrying out paragraph (1)(B).

(B) USE OF MOST RECENT LIST.—An institution shall use the most recent list of lender affiliates provided by the Secretary under subparagraph (A) in carrying out paragraph (1)(B).

(i) DEFINITIONS.—For the purpose of this section:

(1) AGENT.—The term “agent” has the meaning given the term in section 151.

(2) AFFILIATE.—The term “affiliate” means a person that controls, is controlled by, or is under common control with another person. A person controls, is controlled by, or is under common control with another person if—

(A) the person directly or indirectly, or acting through one or more others, owns, controls, or has the power to vote five percent or more of any class of voting securities of such other person;

(B) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or

(C) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person’s education loans.

(3) EDUCATION LOAN.—The term “education loan” has the meaning given the term in section 151.

(4) ELIGIBLE INSTITUTION.—The term “eligible institution” means any such institution described in section 102 of this Act.

(5) OFFICER.—The term “officer” has the meaning given the term in section 151.

(6) PREFERRED LENDER ARRANGEMENT.—The term “preferred lender arrangement” has the meaning given the term in section 151.

(j) CONSTRUCTION.—Nothing in the amendments made by the Higher Education Amendments of 1992 shall be construed to prohibit an institution from recording, at the cost of the institution, a hearing referred to in subsection (b)(2), subsection (c)(1)(D), or subparagraph (A) or (B)(i) of subsection (c)(2), of this section to create a record of the hearing, except the unavailability of a recording shall not serve to delay the completion of the proceeding. The Secretary shall allow the institution to use any reasonable means, including stenographers, of recording the hearing.

\* \* \* \* \*

**TITLE 36, UNITED STATES CODE**

**SUBTITLE I—PATRIOTIC AND NATIONAL OBSERVANCES AND CEREMONIES**

\* \* \* \* \*

**PART A—OBSERVANCES AND CEREMONIES**

\* \* \* \* \*

**CHAPTER 5—PRESIDENTIAL INAUGURAL CEREMONIES**

\* \* \* \* \*

**§ 510. Disclosure of and prohibition on certain donations**

[(a) IN GENERAL.—A committee shall not be considered to be the Inaugural Committee for purposes of this chapter unless the committee agrees to, and meets, the requirements of subsections (b) and (c).

[(b) DISCLOSURE.—

[(1) IN GENERAL.—Not later than the date that is 90 days after the date of the Presidential inaugural ceremony, the committee shall file a report with the Federal Election Commission disclosing any donation of money or anything of value made to the committee in an aggregate amount equal to or greater than \$200.

[(2) CONTENTS OF REPORT.—A report filed under paragraph (1) shall contain—

[(A) the amount of the donation;

[(B) the date the donation is received; and

[(C) the name and address of the person making the donation.

[(c) LIMITATION.—The committee shall not accept any donation from a foreign national (as defined in section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b))).]

**§ 510. Disclosure of and prohibition on certain donations**

*A committee shall not be considered to be the Inaugural Committee for purposes of this chapter unless the committee agrees to, and meets, the requirements of section 325 of the Federal Election Campaign Act of 1971.*

\* \* \* \* \*

**SUBTITLE II—PATRIOTIC AND NATIONAL ORGANIZATIONS**

\* \* \* \* \*

**PART B—ORGANIZATIONS**

\* \* \* \* \*

**CHAPTER 901—HELP AMERICA VOTE FOUNDATION**

\* \* \* \* \*

**§ 90102. Purposes**

(a) IN GENERAL.—The purposes of the foundation are to—



(1) mobilize secondary school students (including students educated in the home) in the United States to participate in the election process in a nonpartisan manner as poll workers or assistants (to the extent permitted under applicable State law);

(2) place secondary school students (including students educated in the home) as nonpartisan poll workers or assistants to local election officials in precinct polling places across the United States (to the extent permitted under applicable State law); and

(3) establish cooperative efforts with State and local election officials, local educational agencies, superintendents and principals of public and private secondary schools, and other appropriate nonprofit charitable and educational organizations exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code to further the purposes of the foundation.

(b) **REQUIRING ACTIVITIES TO BE CARRIED OUT ON NON-PARTISAN BASIS.**—The foundation shall carry out its purposes without partisan bias or without promoting any particular point of view regarding any issue, and shall ensure that each participant in its activities is governed in a balanced manner which does not reflect any partisan bias.

(c) **CONSULTATION WITH STATE ELECTION OFFICIALS.**—The foundation shall carry out its purposes under this section in consultation with the chief election officials of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, [and the United States Virgin Islands] *the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.*

\* \* \* \* \*

**HOMELAND SECURITY ACT OF 2002**

\* \* \* \* \*

**TITLE II—INFORMATION ANALYSIS**

**Subtitle A—Information and Analysis;  
Access to Information**

**SEC. 201. INFORMATION AND ANALYSIS.**

(a) **INTELLIGENCE AND ANALYSIS.**—There shall be in the Department an Office of Intelligence and Analysis.

(b) **UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS.**—

(1) **OFFICE OF INTELLIGENCE AND ANALYSIS.**—The Office of Intelligence and Analysis shall be headed by an Under Secretary for Intelligence and Analysis, who shall be appointed by

the President, by and with the advice and consent of the Senate.

(2) CHIEF INTELLIGENCE OFFICER.—The Under Secretary for Intelligence and Analysis shall serve as the Chief Intelligence Officer of the Department.

(c) DISCHARGE OF RESPONSIBILITIES.—The Secretary shall ensure that the responsibilities of the Department relating to information analysis, including those described in subsection (d), are carried out through the Under Secretary for Intelligence and Analysis.

(d) RESPONSIBILITIES OF SECRETARY RELATING TO INTELLIGENCE AND ANALYSIS.—The responsibilities of the Secretary relating to intelligence and analysis shall be as follows:

(1) To access, receive, and analyze law enforcement information, intelligence information, and other information from agencies of the Federal Government, State and local government agencies (including law enforcement agencies), and private sector entities, and to integrate such information, in support of the mission responsibilities of the Department and the functions of the National Counterterrorism Center established under section 119 of the National Security Act of 1947 (50 U.S.C. 404o), in order to—

(A) identify and assess the nature and scope of terrorist threats to the homeland;

(B) detect and identify threats of terrorism against the United States; and

(C) understand such threats in light of actual and potential vulnerabilities of the homeland.

(2) To carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States (including an assessment of the probability of success of such attacks and the feasibility and potential efficacy of various countermeasures to such attacks).

(3) To integrate relevant information, analysis, and vulnerability assessments (regardless of whether such information, analysis or assessments are provided by or produced by the Department) in order to—

(A) identify priorities for protective and support measures regarding terrorist and other threats to homeland security by the Department, other agencies of the Federal Government, State, and local government agencies and authorities, the private sector, and other entities; and

(B) prepare finished intelligence and information products in both classified and unclassified formats, as appropriate, whenever reasonably expected to be of benefit to a State, local, or tribal government (including a State, local, or tribal law enforcement agency) or a private sector entity.

(4) To ensure, pursuant to section 202, the timely and efficient access by the Department to all information necessary to

discharge the responsibilities under this section, including obtaining such information from other agencies of the Federal Government.

(5) To review, analyze, and make recommendations for improvements to the policies and procedures governing the sharing of information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), including homeland security information, terrorism information, and weapons of mass destruction information, and any policies, guidelines, procedures, instructions, or standards established under that section.

(6) To disseminate, as appropriate, information analyzed by the Department within the Department, to other agencies of the Federal Government with responsibilities relating to homeland security, and to agencies of State and local governments and private sector entities with such responsibilities in order to assist in the deterrence, prevention, preemption of, or response to, terrorist attacks against the United States.

(7) To consult with the Director of National Intelligence and other appropriate intelligence, law enforcement, or other elements of the Federal Government to establish collection priorities and strategies for information, including law enforcement-related information, relating to threats of terrorism against the United States through such means as the representation of the Department in discussions regarding requirements and priorities in the collection of such information.

(8) To consult with State and local governments and private sector entities to ensure appropriate exchanges of information, including law enforcement-related information, relating to threats of terrorism against the United States.

(9) To ensure that—

(A) any material received pursuant to this Act is protected from unauthorized disclosure and handled and used only for the performance of official duties; and

(B) any intelligence information under this Act is shared, retained, and disseminated consistent with the authority of the Director of National Intelligence to protect intelligence sources and methods under the National Security Act of 1947 (50 U.S.C. 401 et seq.) and related procedures and, as appropriate, similar authorities of the Attorney General concerning sensitive law enforcement information.

(10) To request additional information from other agencies of the Federal Government, State and local government agencies, and the private sector relating to threats of terrorism in the United States, or relating to other areas of responsibility assigned by the Secretary, including the entry into cooperative agreements through the Secretary to obtain such information.

(11) To establish and utilize, in conjunction with the chief information officer of the Department, a secure communications and information technology infrastructure, including data-mining and other advanced analytical tools, in order to

access, receive, and analyze data and information in furtherance of the responsibilities under this section, and to disseminate information acquired and analyzed by the Department, as appropriate.

(12) To ensure, in conjunction with the chief information officer of the Department, that any information databases and analytical tools developed or utilized by the Department—

(A) are compatible with one another and with relevant information databases of other agencies of the Federal Government; and

(B) treat information in such databases in a manner that complies with applicable Federal law on privacy.

(13) To coordinate training and other support to the elements and personnel of the Department, other agencies of the Federal Government, and State and local governments that provide information to the Department, or are consumers of information provided by the Department, in order to facilitate the identification and sharing of information revealed in their ordinary duties and the optimal utilization of information received from the Department.

(14) To coordinate with elements of the intelligence community and with Federal, State, and local law enforcement agencies, and the private sector, as appropriate.

(15) To provide intelligence and information analysis and support to other elements of the Department.

(16) To coordinate and enhance integration among the intelligence components of the Department, including through strategic oversight of the intelligence activities of such components.

(17) To establish the intelligence collection, processing, analysis, and dissemination priorities, policies, processes, standards, guidelines, and procedures for the intelligence components of the Department, consistent with any directions from the President and, as applicable, the Director of National Intelligence.

(18) To establish a structure and process to support the missions and goals of the intelligence components of the Department.

(19) To ensure that, whenever possible, the Department—

(A) produces and disseminates unclassified reports and analytic products based on open-source information; and

(B) produces and disseminates such reports and analytic products contemporaneously with reports or analytic products concerning the same or similar information that the Department produced and disseminated in a classified format.

(20) To establish within the Office of Intelligence and Analysis an internal continuity of operations plan.

(21) Based on intelligence priorities set by the President, and guidance from the Secretary and, as appropriate, the Director of National Intelligence—

- (A) to provide to the heads of each intelligence component of the Department guidance for developing the budget pertaining to the activities of such component; and
- (B) to present to the Secretary a recommendation for a consolidated budget for the intelligence components of the Department, together with any comments from the heads of such components.
- (22) To perform such other duties relating to such responsibilities as the Secretary may provide.
- (23)(A) Not later than six months after the date of the enactment of this paragraph, to conduct an intelligence-based review and comparison of the risks and consequences of EMP and GMD facing critical infrastructure, and submit to the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate—
- (i) a recommended strategy to protect and prepare the critical infrastructure of the homeland against threats of EMP and GMD; and
- (ii) not less frequently than every two years thereafter for the next six years, updates of the recommended strategy.
- (B) The recommended strategy under subparagraph (A) shall—
- (i) be based on findings of the research and development conducted under section 320;
- (ii) be developed in consultation with the relevant Federal sector-specific agencies (as defined under Presidential Policy Directive-21) for critical infrastructure;
- (iii) be developed in consultation with the relevant sector coordinating councils for critical infrastructure;
- (iv) be informed, to the extent practicable, by the findings of the intelligence-based review and comparison of the risks and consequences of EMP and GMD facing critical infrastructure conducted under subparagraph (A); and
- (v) be submitted in unclassified form, but may include a classified annex.
- (C) The Secretary may, if appropriate, incorporate the recommended strategy into a broader recommendation developed by the Department to help protect and prepare critical infrastructure from terrorism, cyber attacks, and other threats if, as incorporated, the recommended strategy complies with subparagraph (B).
- (24) To provide timely threat information regarding election infrastructure to the chief State election official of the State with respect to which such information pertains.*
- (e) STAFF.—
- (1) IN GENERAL.—The Secretary shall provide the Office of Intelligence and Analysis with a staff of analysts having appro-

appropriate expertise and experience to assist such offices in discharging responsibilities under this section.

(2) PRIVATE SECTOR ANALYSTS.—Analysts under this subsection may include analysts from the private sector.

(3) SECURITY CLEARANCES.—Analysts under this subsection shall possess security clearances appropriate for their work under this section.

(f) DETAIL OF PERSONNEL.—

(1) IN GENERAL.—In order to assist the Office of Intelligence and Analysis in discharging responsibilities under this section, personnel of the agencies referred to in paragraph (2) may be detailed to the Department for the performance of analytic functions and related duties.

(2) COVERED AGENCIES.—The agencies referred to in this paragraph are as follows:

- (A) The Department of State.
- (B) The Central Intelligence Agency.
- (C) The Federal Bureau of Investigation.
- (D) The National Security Agency.
- (E) The National Geospatial-Intelligence Agency.
- (F) The Defense Intelligence Agency.
- (G) Any other agency of the Federal Government that the President considers appropriate.

(3) COOPERATIVE AGREEMENTS.—The Secretary and the head of the agency concerned may enter into cooperative agreements for the purpose of detailing personnel under this subsection.

(4) BASIS.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.

(g) FUNCTIONS TRANSFERRED.—In accordance with title XV, there shall be transferred to the Secretary, for assignment to the Office of Intelligence and Analysis and the Office of Infrastructure Protection under this section, the functions, personnel, assets, and liabilities of the following:

(1) The National Infrastructure Protection Center of the Federal Bureau of Investigation (other than the Computer Investigations and Operations Section), including the functions of the Attorney General relating thereto.

(2) The National Communications System of the Department of Defense, including the functions of the Secretary of Defense relating thereto.

(3) The Critical Infrastructure Assurance Office of the Department of Commerce, including the functions of the Secretary of Commerce relating thereto.

(4) The National Infrastructure Simulation and Analysis Center of the Department of Energy and the energy security and assurance program and activities of the Department, including the functions of the Secretary of Energy relating thereto.

(5) The Federal Computer Incident Response Center of the General Services Administration, including the functions of the Administrator of General Services relating thereto.

\* \* \* \* \*

## TITLE XX—HOMELAND SECURITY GRANTS

### SEC. 2001. DEFINITIONS.

In this title, the following definitions shall apply:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) those committees of the House of Representatives that the Speaker of the House of Representatives determines appropriate.

(3) CRITICAL INFRASTRUCTURE SECTORS.—The term “critical infrastructure sectors” means the following sectors, in both urban and rural areas:

(A) Agriculture and food.

(B) Banking and finance.

(C) Chemical industries.

(D) Commercial facilities.

(E) Commercial nuclear reactors, materials, and waste.

(F) Dams.

(G) The defense industrial base.

(H) Emergency services.

(I) Energy.

(J) Government facilities, *including election infrastructure*.

(K) Information technology.

(L) National monuments and icons.

(M) Postal and shipping.

(N) Public health and health care.

(O) Telecommunications.

(P) Transportation systems.

(Q) Water.

(4) DIRECTLY ELIGIBLE TRIBE.—The term “directly eligible tribe” means—

(A) any Indian tribe—

(i) that is located in the continental United States;

(ii) that operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services;

(iii) that is located on or near an international border or a coastline bordering an ocean (including the Gulf of Mexico) or international waters;

(II) that is located within 10 miles of a system or asset included on the prioritized critical infrastructure list established under section 2214(a)(2) or has such a system or asset within its territory;

(III) that is located within or contiguous to 1 of the 50 most populous metropolitan statistical areas in the United States; or

(IV) the jurisdiction of which includes not less than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code; and

(iv) that certifies to the Secretary that a State has not provided funds under section 2003 or 2004 to the Indian tribe or consortium of Indian tribes for the purpose for which direct funding is sought; and

(B) a consortium of Indian tribes, if each tribe satisfies the requirements of subparagraph (A).

(5) ELIGIBLE METROPOLITAN AREA.—The term “eligible metropolitan area” means any of the 100 most populous metropolitan statistical areas in the United States.

(6) HIGH-RISK URBAN AREA.—The term “high-risk urban area” means a high-risk urban area designated under section 2003(b)(3)(A).

(7) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b(e)).

(8) METROPOLITAN STATISTICAL AREA.—The term “metropolitan statistical area” means a metropolitan statistical area, as defined by the Office of Management and Budget.

(9) NATIONAL SPECIAL SECURITY EVENT.—The term “National Special Security Event” means a designated event that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity.

(10) POPULATION.—The term “population” means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

(11) POPULATION DENSITY.—The term “population density” means population divided by land area in square miles.

(12) QUALIFIED INTELLIGENCE ANALYST.—The term “qualified intelligence analyst” means an intelligence analyst (as that term is defined in section 210A(j)), including law enforcement personnel—

(A) who has successfully completed training to ensure baseline proficiency in intelligence analysis and production, as determined by the Secretary, which may include training using a curriculum developed under section 209; or

(B) whose experience ensures baseline proficiency in intelligence analysis and production equivalent to the training required under subparagraph (A), as determined by the Secretary.



(13) TARGET CAPABILITIES.—The term “target capabilities” means the target capabilities for Federal, State, local, and tribal government preparedness for which guidelines are required to be established under section 646(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 746(a)).

(14) TRIBAL GOVERNMENT.—The term “tribal government” means the government of an Indian tribe.

\* \* \* \* \*

## TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

### Subtitle A—Cybersecurity and Infrastructure Security

\* \* \* \* \*

#### SEC. 2209. NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER.

(a) DEFINITIONS.—In this section—

(1) the term “cybersecurity risk”—

(A) means threats to and vulnerabilities of information or information systems and any related consequences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism; and

(B) does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement;

(2) the terms “cyber threat indicator” and “defensive measure” have the meanings given those terms in section 102 of the Cybersecurity Act of 2015;

(3) the term “incident” means an occurrence that actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information on an information system, or actually or imminently jeopardizes, without lawful authority, an information system;

(4) the term “information sharing and analysis organization” has the meaning given that term in section 2222(5);

(5) the term “information system” has the meaning given that term in section 3502(8) of title 44, United States Code; and

(6) the term “sharing” (including all conjugations thereof) means providing, receiving, and disseminating (including all conjugations of each of such terms).

(b) CENTER.—There is in the Department a national cybersecurity and communications integration center (referred to in this section as the “Center”) to carry out certain responsibilities of the Director. The Center shall be located in the Cybersecurity and Infra-

structure Security Agency. The head of the Center shall report to the Assistant Director for Cybersecurity.

(c) FUNCTIONS.—The cybersecurity functions of the Center shall include—

(1) being a Federal civilian interface for the multi-directional and cross-sector sharing of information related to cyber threat indicators, defensive measures, cybersecurity risks, incidents, analysis, and warnings for Federal and non-Federal entities, including the implementation of title I of the Cybersecurity Act of 2015;

(2) providing shared situational awareness to enable real-time, integrated, and operational actions across the Federal Government and non-Federal entities to address cybersecurity risks and incidents to Federal and non-Federal entities;

(3) coordinating the sharing of information related to cyber threat indicators, defensive measures, cybersecurity risks, and incidents across the Federal Government;

(4) facilitating cross-sector coordination to address cybersecurity risks and incidents, including cybersecurity risks and incidents that may be related or could have consequential impacts across multiple sectors;

(5)(A) conducting integration and analysis, including cross-sector integration and analysis, of cyber threat indicators, defensive measures, cybersecurity risks, and incidents; and

(B) sharing the analysis conducted under subparagraph (A) with Federal and non-Federal entities;

(6) upon request, providing timely technical assistance, risk management support (*including by carrying out a security risk and vulnerability assessment*), and incident response capabilities to Federal and non-Federal entities with respect to cyber threat indicators, defensive measures, cybersecurity risks, and incidents, which may include attribution, mitigation, and remediation;

(7) providing information and recommendations on security and resilience measures to Federal and non-Federal entities, including information and recommendations to—

(A) facilitate information security;

(B) strengthen information systems against cybersecurity risks and incidents; and

(C) sharing cyber threat indicators and defensive measures;

(8) engaging with international partners, in consultation with other appropriate agencies, to—

(A) collaborate on cyber threat indicators, defensive measures, and information related to cybersecurity risks and incidents; and

(B) enhance the security and resilience of global cybersecurity;

(9) sharing cyber threat indicators, defensive measures, and other information related to cybersecurity risks and incidents with Federal and non-Federal entities, including across sectors of critical infrastructure and with State and major urban area fusion centers, as appropriate;

(10) participating, as appropriate, in national exercises run by the Department; and

(11) in coordination with the Emergency Communications Division of the Department, assessing and evaluating consequence, vulnerability, and threat information regarding cyber incidents to public safety communications to help facilitate continuous improvements to the security and resiliency of such communications.

(d) COMPOSITION.—

(1) IN GENERAL.—The Center shall be composed of—

(A) appropriate representatives of Federal entities, such as—

(i) sector-specific agencies;

(ii) civilian and law enforcement agencies; and

(iii) elements of the intelligence community, as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4));

(B) appropriate representatives of non-Federal entities, such as—

(i) State, local, and tribal governments;

(ii) information sharing and analysis organizations, including information sharing and analysis centers;

(iii) owners and operators of critical information systems; and

(iv) private entities;

(C) components within the Center that carry out cybersecurity and communications activities;

(D) a designated Federal official for operational coordination with and across each sector;

(E) an entity that collaborates with State and local governments on cybersecurity risks and incidents, and has entered into a voluntary information sharing relationship with the Center; and

(F) other appropriate representatives or entities, as determined by the Secretary.

(2) INCIDENTS.—In the event of an incident, during exigent circumstances the Secretary may grant a Federal or non-Federal entity immediate temporary access to the Center.

(e) PRINCIPLES.—In carrying out the functions under subsection (c), the Center shall ensure—

(1) to the extent practicable, that—

(A) timely, actionable, and relevant cyber threat indicators, defensive measures, and information related to cybersecurity risks, incidents, and analysis is shared;

(B) when appropriate, cyber threat indicators, defensive measures, and information related to cybersecurity risks, incidents, and analysis is integrated with other relevant information and tailored to the specific characteristics of a sector;

(C) activities are prioritized and conducted based on the level of risk;

- (D) industry sector-specific, academic, and national laboratory expertise is sought and receives appropriate consideration;
- (E) continuous, collaborative, and inclusive coordination occurs—
- (i) across sectors; and
  - (ii) with—
    - (I) sector coordinating councils;
    - (II) information sharing and analysis organizations; and
    - (III) other appropriate non-Federal partners;
- (F) as appropriate, the Center works to develop and use mechanisms for sharing information related to cyber threat indicators, defensive measures, cybersecurity risks, and incidents that are technology-neutral, interoperable, real-time, cost-effective, and resilient;
- (G) the Center works with other agencies to reduce unnecessarily duplicative sharing of information related to cyber threat indicators, defensive measures, cybersecurity risks, and incidents; and;
- (H) the Center designates an agency contact for non-Federal entities;
- (2) that information related to cyber threat indicators, defensive measures, cybersecurity risks, and incidents is appropriately safeguarded against unauthorized access or disclosure; and
- (3) that activities conducted by the Center comply with all policies, regulations, and laws that protect the privacy and civil liberties of United States persons, including by working with the Privacy Officer appointed under section 222 to ensure that the Center follows the policies and procedures specified in subsections (b) and (d)(5)(C) of section 105 of the Cybersecurity Act of 2015.
- (f) NO RIGHT OR BENEFIT.—
- (1) IN GENERAL.—The provision of assistance or information to, and inclusion in the Center of, governmental or private entities under this section shall be at the sole and unreviewable discretion of the Director.
- (2) CERTAIN ASSISTANCE OR INFORMATION.—The provision of certain assistance or information to, or inclusion in the Center of, one governmental or private entity pursuant to this section shall not create a right or benefit, substantive or procedural, to similar assistance or information for any other governmental or private entity.
- (g) AUTOMATED INFORMATION SHARING.—
- (1) IN GENERAL.—The Director, in coordination with industry and other stakeholders, shall develop capabilities making use of existing information technology industry standards and best practices, as appropriate, that support and rapidly advance the development, adoption, and implementation of automated mechanisms for the sharing of cyber threat indicators and defensive measures in accordance with title I of the Cybersecurity Act of 2015.

(2) ANNUAL REPORT.—The Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives an annual report on the status and progress of the development of the capabilities described in paragraph (1). Such reports shall be required until such capabilities are fully implemented.

(h) VOLUNTARY INFORMATION SHARING PROCEDURES.—

(1) PROCEDURES.—

(A) IN GENERAL.—The Center may enter into a voluntary information sharing relationship with any consenting non-Federal entity for the sharing of cyber threat indicators and defensive measures for cybersecurity purposes in accordance with this section. Nothing in this subsection may be construed to require any non-Federal entity to enter into any such information sharing relationship with the Center or any other entity. The Center may terminate a voluntary information sharing relationship under this subsection, at the sole and unreviewable discretion of the Secretary, acting through the Director, for any reason, including if the Center determines that the non-Federal entity with which the Center has entered into such a relationship has violated the terms of this subsection.

(B) NATIONAL SECURITY.—The Secretary may decline to enter into a voluntary information sharing relationship under this subsection, at the sole and unreviewable discretion of the Secretary, acting through the Director, for any reason, including if the Secretary determines that such is appropriate for national security.

(2) VOLUNTARY INFORMATION SHARING RELATIONSHIPS.—A voluntary information sharing relationship under this subsection may be characterized as an agreement described in this paragraph.

(A) STANDARD AGREEMENT.—For the use of a non-Federal entity, the Center shall make available a standard agreement, consistent with this section, on the Department's website.

(B) NEGOTIATED AGREEMENT.—At the request of a non-Federal entity, and if determined appropriate by the Center, at the sole and unreviewable discretion of the Secretary, acting through the Director, the Department shall negotiate a non-standard agreement, consistent with this section.

(C) EXISTING AGREEMENTS.—An agreement between the Center and a non-Federal entity that is entered into before the date of enactment of this subsection, or such an agreement that is in effect before such date, shall be deemed in compliance with the requirements of this subsection, notwithstanding any other provision or requirement of this subsection. An agreement under this subsection shall include the relevant privacy protections as in effect under the Cooperative Research and Development Agreement for Cybersecurity Information Sharing and Col-

laboration, as of December 31, 2014. Nothing in this subsection may be construed to require a non-Federal entity to enter into either a standard or negotiated agreement to be in compliance with this subsection.

(i) DIRECT REPORTING.—The Secretary shall develop policies and procedures for direct reporting to the Secretary by the Director of the Center regarding significant cybersecurity risks and incidents.

(j) REPORTS ON INTERNATIONAL COOPERATION.—Not later than 180 days after the date of enactment of this subsection, and periodically thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the range of efforts underway to bolster cybersecurity collaboration with relevant international partners in accordance with subsection (c)(8).

(k) OUTREACH.—Not later than 60 days after the date of enactment of this subsection, the Secretary, acting through the Director, shall—

(1) disseminate to the public information about how to voluntarily share cyber threat indicators and defensive measures with the Center; and

(2) enhance outreach to critical infrastructure owners and operators for purposes of such sharing.

(l) CYBERSECURITY OUTREACH.—

(1) IN GENERAL.—The Secretary may leverage small business development centers to provide assistance to small business concerns by disseminating information on cyber threat indicators, defense measures, cybersecurity risks, incidents, analyses, and warnings to help small business concerns in developing or enhancing cybersecurity infrastructure, awareness of cyber threat indicators, and cyber training programs for employees.

(2) DEFINITIONS.—For purposes of this subsection, the terms “small business concern” and “small business development center” have the meaning given such terms, respectively, under section 3 of the Small Business Act.

(m) COORDINATED VULNERABILITY DISCLOSURE.—The Secretary, in coordination with industry and other stakeholders, may develop and adhere to Department policies and procedures for coordinating vulnerability disclosures.

\* \* \* \* \*

**INTERNAL REVENUE CODE OF 1986**

\* \* \* \* \*

## Subtitle H—Financing of Presidential Election Campaigns

\* \* \* \* \*

### CHAPTER 95—PRESIDENTIAL ELECTION CAMPAIGN FUND

Sec. 9001. Short title.

\* \* \* \* \*

Sec. 9013. *Use of Freedom From Influence Fund as source of payments.*

\* \* \* \* \*

#### SEC. 9002. DEFINITIONS.

For purposes of this chapter—

(1) The term “authorized committee” means, with respect to the candidates of a political party for President and Vice President of the United States, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Commission. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

(2) The term “candidate” means with respect to any presidential election, an individual who (A) has been nominated for election to the office of President of the United States or the office of Vice President of the United States by a major party, or (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in 10 or more States. For purposes of paragraphs (6) and (7) of this section and purposes of section 9004(a)(2), the term “candidate” means, with respect to any preceding presidential election, an individual who received popular votes for the office of President in such election. The term “candidate” shall not include any individual who has ceased actively to seek election to the office of President of the United States or to the office of Vice President of the United States, in more than one State.

(3) The term “Commission” means the Federal Election Commission established by section 306(a)(1) of the Federal Election Campaign Act of 1971.

(4) The term “eligible candidates” means the candidates of a political party for President and Vice President of the United States who have met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003.

(5) The term “fund” means the Presidential Election Campaign Fund established by section 9006(a).

(6) The term “major party” means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

(7) The term “minor party” means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

(8) The term “new party” means with respect to any presidential election, a political party which is neither a major party nor a minor party.

(9) The term “political committee” means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

(10) The term “presidential election” means the election of presidential and vice-presidential electors.

(11) The term “qualified campaign expense” means an expense—

(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office or to further the election of the candidate of such political party for the office of Vice President, or both (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, or (iii) by an authorized committee of the candidates of a political party for the offices of President and Vice President to further the election of either or both of such candidates to such offices,

(B) incurred within the expenditure report period (as defined in paragraph (12)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the candidates of a political party for President and Vice President of the United States also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or indi-



viduals shall be considered as incurred to further the election of such candidates for President and Vice President in such proportion as the Commission prescribes by rules or regulations. *For purposes of subparagraph (A), an expense incurred by a candidate or authorized committee for general election legal and accounting compliance purposes shall be considered to be an expense to further the election of such candidate.*

(12) The term “expenditure report period” with respect to any presidential election means—

(A) in the case of a major party, the period beginning with the first day of September before the election, or, if earlier, with the date on which such major party at its national convention nominated its candidate for election to the office of President of the United States, and ending 30 days after the date of the presidential election; and

(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the shortest expenditure report period for such presidential election under subparagraph (A).

(13) *QUALIFIED CAMPAIGN CONTRIBUTION.—The term “qualified campaign contribution” means, with respect to any election for the office of President of the United States, a contribution from an individual to a candidate or an authorized committee of a candidate which—*

(A) *does not exceed \$1,000 for the election; and*

(B) *with respect to which the candidate has certified in writing that—*

(i) *the individual making such contribution has not made aggregate contributions (including such qualified contribution) to such candidate and the authorized committees of such candidate in excess of the amount described in subparagraph (A), and*

(ii) *such candidate and the authorized committees of such candidate will not accept contributions from such individual (including such qualified contribution) aggregating more than the amount described in subparagraph (A) with respect to such election.*

(14) *MATCHABLE CONTRIBUTION.—The term “matchable contribution” means, with respect to the election to the office of President of the United States, a contribution by an individual to a candidate or an authorized committee of a candidate with respect to which the candidate has certified in writing that—*

(A) *the individual making such contribution has not made aggregate contributions (including such matchable contribution) to such candidate and the authorized committees of such candidate in excess of \$1,000 for the election;*

(B) *such candidate and the authorized committees of such candidate will not accept contributions from such individual (including such matchable contribution) aggregating more than the amount described in subparagraph (A) with respect to such election; and*

(C) *such contribution was a direct contribution (as defined in section 9034(c)(3)).*

**SEC. 9003. CONDITION FOR ELIGIBILITY FOR PAYMENTS.**

[(a) **IN GENERAL.**—In order to be eligible to receive any payments under section 9006, the candidates of a political party in a presidential election shall, in writing—

[(1) agree to obtain and furnish to the Commission such evidence as it may request of the qualified campaign expenses of such candidates,

[(2) agree to keep and furnish to the Commission such records, books, and other information as it may request, and

[(3) agree to an audit and examination by the Commission under section 9007 and to pay any amounts required to be paid under such section.

[(b) **MAJOR PARTIES.**—In order to be eligible to receive any payments under section 9006, the candidates of a major party in a presidential election shall certify to the Commission, under penalty of perjury, that—

[(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004, and

[(2) no contributions to defray qualified campaign expenses have been or will be accepted by such candidates or any of their authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11) have been or will be accepted by such candidates or any of their authorized committees.

Such certification shall be made within such time prior to the day of the presidential election as the Commission shall prescribe by rules or regulations.

[(c) **MINOR AND NEW PARTIES.**—In order to be eligible to receive any payments under section 9006, the candidates of a minor or new party in a presidential election shall certify to the Commission under penalty of perjury, that—

[(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004, and

[(2) such candidates and their authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidates and their authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidates out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the presidential election as the Commission shall prescribe by rules or regulations.]

*(a) IN GENERAL.—In order to be eligible to receive any payments under section 9006, the candidates of a political party in a Presidential election shall meet the following requirements:*

(1) *PARTICIPATION IN PRIMARY PAYMENT SYSTEM.*—*The candidate for President received payments under chapter 96 for the campaign for nomination for election to be President.*

(2) *AGREEMENTS WITH COMMISSION.*—*The candidates, in writing—*

(A) *agree to obtain and furnish to the Commission such evidence as it may request of the qualified campaign expenses of such candidates,*

(B) *agree to keep and furnish to the Commission such records, books, and other information as it may request, and*

(C) *agree to an audit and examination by the Commission under section 9007 and to pay any amounts required to be paid under such section.*

(3) *PROHIBITION ON JOINT FUNDRAISING COMMITTEES.*—

(A) *PROHIBITION.*—*The candidates certifies in writing that the candidates will not establish a joint fundraising committee with a political committee other than another authorized committee of the candidate.*

(B) *STATUS OF EXISTING COMMITTEES FOR PRIOR ELECTIONS.*—*If a candidate established a joint fundraising committee described in subparagraph (A) with respect to a prior election for which the candidate was not eligible to receive payments under section 9006 and the candidate does not terminate the committee, the candidate shall not be considered to be in violation of subparagraph (A) so long as that joint fundraising committee does not receive any contributions or make any disbursements with respect to the election for which the candidate is eligible to receive payments under section 9006.*

(b) *USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS TO DEFRAY EXPENSES.*—

(1) *IN GENERAL.*—*In order to be eligible to receive any payments under section 9006, the candidates of a party in a Presidential election shall certify to the Commission, under penalty of perjury, that—*

(A) *such candidates and their authorized committees have not and will not accept any contributions to defray qualified campaign expenses other than—*

(i) *qualified campaign contributions, and*

(ii) *contributions to the extent necessary to make up any deficiency payments received out of the fund on account of the application of section 9006(c), and*

(B) *such candidates and their authorized committees have not and will not accept any contribution to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11).*

(2) *TIMING OF CERTIFICATION.*—*The candidate shall make the certification required under this subsection at the same time the candidate makes the certification required under subsection (a)(3).*

(d) **WITHDRAWAL BY CANDIDATE.**—In any case in which an individual ceases to be a candidate as a result of the operation of the last sentence of section 9002(2), such individual—

(1) shall no longer be eligible to receive any payments under section 9006, except that such individual shall be eligible to receive payments under such section to defray qualified campaign expenses incurred while actively seeking election to the office of President of the United States or to the office of Vice President of the United States in more than one State; and

(2) shall pay to the Secretary, as soon as practicable after the date upon which such individual ceases to be a candidate, an amount equal to the amount of payments received by such individual under section 9006 which are not used to defray qualified campaign expenses.

(e) **CLOSED CAPTIONING REQUIREMENT.**—No candidate for the office of President or Vice President may receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner which ensures that the commercial contains or is accompanied by closed captioning of the oral content of the commercial to be broadcast in line 21 of the vertical blanking interval, or is capable of being viewed by deaf and hearing impaired individuals via any comparable successor technology to line 21 of the vertical blanking interval.

**SEC. 9004. ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS.**

[(a) **IN GENERAL.**—Subject to the provisions of this chapter—

[(1) The eligible candidates of each major party in a presidential election shall be entitled to equal payments under section 9006 in an amount which, in the aggregate, shall not exceed the expenditure limitations applicable to such candidates under section 315(b)(1)(B) of the Federal Election Campaign Act of 1971.

[(2)(A) The eligible candidates of a minor party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount allowed under paragraph (1) for a major party as the number of popular votes received by the candidate for President of the minor party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the major parties in the preceding presidential election.

[(B) If the candidate of one or more political parties (not including a major party) for the office of President was a candidate for such office in the preceding presidential election and received 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office, such candidate and his running mate for the office of Vice President, upon compliance with the provisions of section 9003(a) and (c), shall be treated as eligible candidates entitled to payments

under section 9006 in an amount computed as provided in subparagraph (A) by taking into account all the popular votes received by such candidate for the office of President in the preceding presidential election. If eligible candidates of a minor party are entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

[(3) The eligible candidates of a minor party or a new party in a presidential election whose candidate for President in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for the office of President in such election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount allowed under paragraph (1) for a major party as the number of popular votes received by such candidate in such election bears to the average number of popular votes received in such election by the candidates for President of the major parties. In the case of eligible candidates entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under the preceding sentence exceeds the amount of the entitlement under paragraph (2).

[(b) LIMITATIONS.—The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a)(2) and (3) with respect to a presidential election shall not exceed an amount equal to the lower of—

[(1) the amount of qualified campaign expenses incurred by such eligible candidates and their authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidates and such committees, or

[(2) the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a)(1), reduced by the amount of contributions described in paragraph (1) of this subsection.]

(a) *IN GENERAL.*—*Subject to the provisions of this chapter, the eligible candidates of a party in a Presidential election shall be entitled to equal payment under section 9006 in an amount equal to 600 percent of the amount of each matchable contribution received by such candidate or by the candidate's authorized committees (disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person for the election exceeds \$200), except that total amount to which a candidate is entitled under this paragraph shall not exceed \$250,000,000.*

(b) *INFLATION ADJUSTMENT.*—

(1) *IN GENERAL.*—*In the case of any applicable period beginning after 2029, the \$250,000,000 dollar amount in subsection (a) shall be increased by an amount equal to—*

(A) *such dollar amount; multiplied by*

(B) *the cost-of-living adjustment determined under section 1(f)(3) for the calendar year following the year which*

*such applicable period begins, determined by substituting “calendar year 2028” for “calendar year 1992” in subparagraph (B) thereof.*

(2) *APPLICABLE PERIOD.*—For purposes of this subsection, the term “applicable period” means the 4-year period beginning with the first day following the date of the general election for the office of President and ending on the date of the next such general election.

(3) *ROUNDING.*—If any amount as adjusted under paragraph (1) is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.

(c) *RESTRICTIONS.*—The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

(d) *EXPENDITURES FROM PERSONAL FUNDS.*—In order to be eligible to receive any payment under section 9006, the candidate of a major, minor, or new party in an election for the office of President shall certify to the Commission, under penalty of perjury, that such candidate will not knowingly make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for election to the office of President in excess of, in the aggregate, \$50,000. For purposes of this subsection, expenditures from personal funds made by a candidate of a major, minor, or new party for the office of Vice President shall be considered to be expenditures by the candidate of such party for the office of President.

(e) *DEFINITION OF IMMEDIATE FAMILY.*—For purposes of subsection (d), the term “immediate family” means a candidate’s spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.

#### **SEC. 9005. CERTIFICATION BY COMMISSION.**

(a) *INITIAL CERTIFICATIONS.*—Not later than [10 days] 24 hours after the candidates of a political party for President and Vice President of the United States have met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003, the Commission shall certify to the Secretary of the Treasury for payment to such eligible candidates under section 9006 payment in full of amounts to which such candidates are entitled under section 9004. *The Commission shall make such additional certifications as may be necessary to receive payments under section 9004.*

(b) *FINALITY OF CERTIFICATIONS AND DETERMINATIONS.*—Initial certifications by the Commission under subsection (a), and all determinations made by it under this chapter, shall be final and conclusive, except to the extent that they are subject to examination

and audit by the Commission under section 9007 and judicial review under section 9011.

**SEC. 9006. PAYMENTS TO ELIGIBLE CANDIDATES.**

(a) **ESTABLISHMENT OF CAMPAIGN FUND.**—There is hereby established on the books of the Treasury of the United States a special fund to be known as the “Presidential Election Campaign Fund”. The Secretary of the Treasury shall, from time to time, transfer to the fund an amount not in excess of the sum of the amounts designated (subsequent to the previous Presidential election) to the fund by individuals under section 6096. There is appropriated to the fund for each fiscal year, out of amounts in the general fund of the Treasury not otherwise appropriated, an amount equal to the amounts so designated during each fiscal year, which shall remain available to the fund without fiscal year limitation.

[(b) **PAYMENTS FROM THE FUND.**—Upon receipt of a certification from the Commission under section 9005 for payment to the eligible candidates of a political party, the Secretary of the Treasury shall pay to such candidates out of the fund the amount certified by the Commission. Amounts paid to any such candidates shall be under the control of such candidates.]

*(b) PAYMENTS FROM THE FUND.—If the Secretary of the Treasury receives a certification from the Commission under section 9005 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Commission on the later of—*

*(1) the last Friday occurring before the first Monday in September; or*

*(2) 24 hours after receiving the certifications for the eligible candidates of all major political parties.*

*Amounts paid to any such candidates shall be under the control of such candidates.*

(c) **INSUFFICIENT AMOUNTS IN FUND.**—If at [the time of a certification by the Commission under section 9005 for payment] *the time of making a payment under subsection (b)* to the eligible candidates of a political party, the Secretary determines that the moneys in the fund are not, or may not be, sufficient to satisfy the full entitlements of the eligible candidates of all political parties, he shall withhold from such payment such amount as he determines to be necessary to assure that the eligible candidates of each political party will receive their pro rata share of their full entitlement. Amounts withheld by reason of the preceding sentence shall be paid when the Secretary determines that there are sufficient moneys in the fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the fund to satisfy the full entitlement of the eligible candidates of all political parties, the amounts so withheld shall be paid in such manner that the eligible candidates of each political party receive their pro rata share of their full entitlement. In any case in which the Secretary determines that there are insufficient moneys in the fund to make payments under subsection (b), section 9008(i)(2), and section 9037(b), moneys shall not be made available from any other source for the

purpose of making such payments. *In making a determination of whether there are insufficient moneys in the fund for purposes of the previous sentence, the Secretary shall take into account in determining the balance of the fund for a Presidential election year the Secretary's best estimate of the amount of moneys which will be deposited into the fund during the year, except that the amount of the estimate may not exceed the average of the annual amounts deposited in the fund during the previous 3 years.*

**SEC. 9007. EXAMINATIONS AND AUDITS; REPAYMENTS.**

(a) EXAMINATIONS AND AUDITS.—After each presidential election, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for President and Vice President.

(b) REPAYMENTS.—

(1) If the Commission determines that any portion of the payments made to the eligible candidates of a political party under section 9006 was in excess of the aggregate payments to which candidates were entitled under section 9004, it shall so notify such candidates, and such candidates shall pay to the Secretary of the Treasury an amount equal to such portion.

[(2) If the Commission determines that the eligible candidates of a political party and their authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party were entitled under section 9004, it shall notify such candidates of the amount of such excess and such candidates shall pay to the Secretary of the Treasury an amount equal to such amount.]

[(3)] (2) If the Commission determines that the eligible candidates of [a major party] *a party* or any authorized committee of such candidates accepted contributions (other than *qualified contributions and* contributions to make up deficiencies in payments out of the fund on account of the application of section 9006(c)) to defray qualified campaign expenses [(other than qualified campaign expenses with respect to which payment is required under paragraph (2))], it shall notify such candidates of the amount of the contributions so accepted, and such candidates shall pay to the Secretary of the Treasury an amount equal to such amount.

[(4)] (3) If the Commission determines that any amount of any payment made to the eligible candidates of a political party under section 9006 was used for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used to defray such qualified campaign expenses,



it shall notify such candidates of the amount so used, and such candidates shall pay to the Secretary of the Treasury an amount equal to such amount.

[(5)] (4) No payment shall be required from the eligible candidates of a political party under this subsection to the extent that such payment, when added to other payments required from such candidates under this subsection, exceeds the amount of payments received by such candidates under section 9006.

(c) NOTIFICATION.—No notification shall be made by the Commission under subsection (b) with respect to a presidential election more than 3 years after the day of such election.

(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary of the Treasury under subsection (b) shall be deposited by him in the general fund of the Treasury.

\* \* \* \* \*

**[SEC. 9011. JUDICIAL REVIEW.]**

[(a) REVIEW OF CERTIFICATION, DETERMINATION, OR OTHER ACTION BY THE COMMISSION.—Any certification, determination, or other action by the Commission made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such Court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after the certification, determination, or other action by the Commission for which review is sought.

[(b) SUITS TO IMPLEMENT CHAPTER.—

[(1) The Commission, the national committee of any political party, and individuals eligible to vote for President are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provisions of this chapter.

[(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court.]

**SEC. 9011. JUDICIAL REVIEW.**

*For provisions relating to judicial review of certifications, determinations, and actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.*

**SEC. 9012. CRIMINAL PENALTIES.**

[(a) EXCESS EXPENSES.—

[(1) It shall be unlawful for an eligible candidate of a political party for President and Vice President in a presidential election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in excess of the

aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election.

[(2) Any person who violates paragraph (1) shall be fined not more than \$5,000, or imprisoned not more than one year or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than \$5,000, or imprisoned not more than one year, or both.]

[(b) CONTRIBUTIONS.—

[(1) It shall be unlawful for an eligible candidate of a major party in a presidential election or any of his authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11).]

[(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a presidential election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidate and his authorized committees.]

[(3) Any person who violates paragraph (1) or (2) shall be fined not more than \$5,000, or imprisoned not more than one year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than \$5,000, or imprisoned not more than one year, or both.]

(b) CONTRIBUTIONS.—

(1) ACCEPTANCE OF DISALLOWED CONTRIBUTIONS.—*It shall be unlawful for an eligible candidate of a party in a Presidential election or any of his authorized committees knowingly and willfully to accept—*

*(A) any contribution other than a qualified campaign contribution to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c); or*

*(B) any contribution to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11).*

(2) PENALTY.—*Any person who violates paragraph (1) shall be fined not more than \$5,000, or imprisoned not more than one year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than \$5,000, or imprisoned not more than one year, or both.*

(c) UNLAWFUL USE OF PAYMENTS.—

(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

(2) Any person who violates paragraph (1) shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

(d) FALSE STATEMENTS, ETC.—

(1) It shall be unlawful for any person knowingly and willfully—

(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Commission under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this chapter; or

(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this chapter.

(2) Any person who violates paragraph (1) shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

(e) KICKBACKS AND ILLEGAL PAYMENTS.—

(1) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees.

(2) Any person who violates paragraph (1) shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees shall pay to the Secretary of the Treasury, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

(f) UNAUTHORIZED EXPENDITURES AND CONTRIBUTIONS.—

(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election knowingly and willfully to incur expenditures to further

the election of such candidates, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, in an aggregate amount exceeding \$1,000.

(2) This subsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(c) which is exempt from tax under section 501(a) in communicating to its members the views of that organization.

(3) Any political committee which violates paragraph (1) shall be fined not more than \$5,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

(g) UNAUTHORIZED DISCLOSURE OF INFORMATION.—

(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.

(2) Any person who violates paragraph (1) shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

**SEC. 9013. USE OF FREEDOM FROM INFLUENCE FUND AS SOURCE OF PAYMENTS.**

(a) *IN GENERAL.*—Notwithstanding any other provision of this chapter, effective with respect to the Presidential election held in 2028 and each succeeding Presidential election, all payments made under this chapter shall be made from the Freedom From Influence Fund established under section 541 of the Federal Election Campaign Act of 1971.

(b) *MANDATORY REDUCTION OF PAYMENTS IN CASE OF INSUFFICIENT AMOUNTS IN FUND.*—

(1) *ADVANCE AUDITS BY COMMISSION.*—Not later than 90 days before the first day of each Presidential election cycle (beginning with the cycle for the election held in 2028), the Commission shall—

(A) *audit the Fund to determine whether, after first making payments to participating candidates under title V of the Federal Election Campaign Act of 1971 and then making payments to States under the My Voice Voucher Program under the Government By the People Act of 2019 and then making payments to candidates under chapter 96, the amounts remaining in the Fund will be sufficient to make payments to candidates under this chapter in the amounts provided under this chapter during such election cycle; and*

(B) *submit a report to Congress describing the results of the audit.*

(2) *REDUCTIONS IN AMOUNT OF PAYMENTS.*—

(A) *AUTOMATIC REDUCTION ON PRO RATA BASIS.*—If, on the basis of the audit described in paragraph (1), the Com-

*mission determines that the amount anticipated to be available in the Fund with respect to the Presidential election cycle involved is not, or may not be, sufficient to satisfy the full entitlements of candidates to payments under this chapter for such cycle, the Commission shall reduce each amount which would otherwise be paid to a candidate under this chapter by such pro rata amount as may be necessary to ensure that the aggregate amount of payments anticipated to be made with respect to the cycle will not exceed the amount anticipated to be available for such payments in the Fund with respect to such cycle.*

*(B) RESTORATION OF REDUCTIONS IN CASE OF AVAILABILITY OF SUFFICIENT FUNDS DURING ELECTION CYCLE.—If, after reducing the amounts paid to candidates with respect to an election cycle under subparagraph (A), the Commission determines that there are sufficient amounts in the Fund to restore the amount by which such payments were reduced (or any portion thereof), to the extent that such amounts are available, the Commission may make a payment on a pro rata basis to each such candidate with respect to the election cycle in the amount by which such candidate’s payments were reduced under subparagraph (A) (or any portion thereof, as the case may be).*

*(C) NO USE OF AMOUNTS FROM OTHER SOURCES.—In any case in which the Commission determines that there are insufficient moneys in the Fund to make payments to candidates under this chapter, moneys shall not be made available from any other source for the purpose of making such payments.*

*(3) NO EFFECT ON AMOUNTS TRANSFERRED FOR PEDIATRIC RESEARCH INITIATIVE.—This section does not apply to the transfer of funds under section 9008(i).*

*(4) PRESIDENTIAL ELECTION CYCLE DEFINED.—In this section, the term “Presidential election cycle” means, with respect to a Presidential election, the period beginning on the day after the date of the previous Presidential general election and ending on the date of the Presidential election.*

\* \* \* \* \*

**CHAPTER 96—PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT**

Sec. 9031. Short title.

\* \* \* \* \*

Sec. 9043. *Use of Freedom From Influence Fund as source of payments.*

\* \* \* \* \*

**SEC. 9032. DEFINITIONS.**

For the purposes of this chapter—

(1) The term “authorized committee” means, with respect to the candidates of a political party for President and Vice

President of the United States, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Commission. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

(2) The term “candidate” means an individual who seeks nomination for election to be President of the United States. For purposes of this paragraph, an individual shall be considered to seek nomination for election if he (A) takes the action necessary under the law of a State to qualify himself for nomination for election, (B) receives contributions or incurs qualified campaign expenses, or (C) gives his consent for any other person to receive contributions or to incur qualified campaign expenses on his behalf. The term “candidate” shall not include any individual who is not actively conducting campaigns in more than one State in connection with seeking nomination for election to be President of the United States.

(3) The term “Commission” means the Federal Election Commission established by section 306(a)(1) of the Federal Election Campaign Act of 1971.

(4) Except as provided by [section 9034(a)] *section 9034 or 9033(b)*, the term “contribution”—

(A) means a gift, subscription, loan, advance, or deposit of money, or anything of value, the payment of which was made on or after the beginning of the calendar year immediately preceding the calendar year of the presidential election with respect to which such gift, subscription, loan, advance, or deposit of money, or anything of value, is made, for the purpose of influencing the result of a primary election,

(B) means a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose,

(C) means funds received by a political committee which are transferred to that committee from another committee, and

(D) means the payment by any person other than a candidate, or his authorized committee, of compensation for the personal services of another person which are rendered to the candidate or committee without charge, but

(E) does not include—

(i) except as provided in subparagraph (D), the value of personal services rendered to or for the benefit of a candidate by an individual who receives no compensation for rendering such service to or for the benefit of the candidate, or

(ii) payments under section 9037.

(5) The term “matching payment account” means the Presidential Primary Matching Payment Account established under section 9037(a).

(6) The term “matching payment period” means the period beginning with [the beginning of the calendar year in which a general election for the office of President of the United States will be held] *the date that is 6 months prior to the date of the earliest State primary election* and ending on the date on which the national convention of the party whose nomination a candidate seeks nominates its candidate for the office of President of the United States, or, in the case of a party which does not make such nomination by national convention, ending on the earlier of (A) the date such party nominates its candidate for the office of President of the United States, or (B) the last day of the last national convention held by a major party during such calendar year.

(7) The term “primary election” means an election, including a runoff election or a nominating convention or caucus held by a political party, for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President of the United States.

(8) The term “political committee” means any individual, committee, association, or organization (whether or not incorporated) which accepts contributions or incurs qualified campaign expenses for the purpose of influencing, or attempting to influence, the nomination of any person for election to the office of President of the United States.

(9) The term “qualified campaign expense” means a purchase, payment, distribution, loan, advance, deposit, or gift of money or of anything of value—

(A) incurred by a candidate, or by his authorized committee, in connection with his campaign for nomination for election, and

(B) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which the expense is incurred or paid.

For purposes of this paragraph, an expense is incurred by a candidate or by an authorized committee if it is incurred by a person specifically authorized in writing by the candidate or committee, as the case may be, to incur such expense on behalf of the candidate or the committee.

(10) The term “State” means each State of the United States and the District of Columbia.

**SEC. 9033. ELIGIBILITY FOR PAYMENTS.**

(a) CONDITIONS.—To be eligible to receive payments under section 9037, a candidate shall, in writing—

(1) agree to obtain and furnish to the Commission any evidence it may request of qualified campaign expenses,

(2) agree to keep and furnish to the Commission any records, books, and other information it may request, and

(3) agree to an audit and examination by the Commission under section 9038 and to pay any amounts required to be paid under such section.

(b) EXPENSE LIMITATION; DECLARATION OF INTENT; MINIMUM CONTRIBUTIONS.—To be eligible to receive payments under section 9037, a candidate shall certify to the Commission that—

[(1) the candidate and his authorized committees will not incur qualified campaign expenses in excess of the limitations on such expenses under section 9035,]

*(1) the candidate will comply with the personal expenditure limitation under section 9035,*

(2) the candidate is seeking nomination by a political party for election to the office of President of the United States,

(3) the candidate has received [matching contributions] *matchable contributions* which in the aggregate, exceed [ \$5,000] *\$25,000* in contributions from residents of each of at least [20 States] *20 States (disregarding any amount of contributions from any such resident to the extent that the total of the amounts contributed by such resident for the election exceeds \$200), [and]*

[(4) the aggregate of contributions certified with respect to any person under paragraph (3) does not exceed \$250.]

*(4) the candidate and the authorized committees of the candidate will not accept aggregate contributions from any person with respect to the nomination for election to the office of President of the United States in excess of \$1,000 for the election,*

*(5) if the candidate is nominated by a political party for election to the office of President, the candidate will apply for and accept payments with respect to the general election for such office in accordance with chapter 95; and*

*(6) the candidate will not establish a joint fundraising committee with a political committee other than another authorized committee of the candidate, except that candidate established a joint fundraising committee with respect to a prior election for which the candidate was not eligible to receive payments under section 9037 and the candidate does not terminate the committee, the candidate shall not be considered to be in violation of this paragraph so long as that joint fundraising committee does not receive any contributions or make any disbursements during the election cycle for which the candidate is eligible to receive payments under such section.*

*For purposes of paragraph (4), the term “contribution” has the meaning given such term in section 301(8) of the Federal Election Campaign Act of 1971.*

(c) TERMINATION OF PAYMENTS.—

(1) GENERAL RULE.—Except as provided by paragraph (2), no payment shall be made to any individual under section 9037—

(A) if such individual ceases to be a candidate as a result of the operation of the last sentence of section 9032(2); or

(B) more than 30 days after the date of the second consecutive primary election in which such individual receives less than 10 percent of the number of votes cast for all candidates of the same party for the same office in such primary election, if such individual permitted or author-



ized the appearance of his name on the ballot, unless such individual certifies to the Commission that he will not be an active candidate in the primary involved.

(2) **QUALIFIED CAMPAIGN EXPENSES; PAYMENTS TO SECRETARY.**—Any candidate who is ineligible under paragraph (1) to receive any payments under section 9037 shall be eligible to continue to receive payments under section 9037 to defray qualified campaign expenses incurred before the date upon which such candidate becomes ineligible under paragraph (1).

(3) **CALCULATION OF VOTING PERCENTAGE.**—For purposes of paragraph (1)(B), if the primary elections involved are held in more than one State on the same date, a candidate shall be treated as receiving that percentage of the votes on such date which he received in the primary election conducted on such date in which he received the greatest percentage vote.

(4) **REESTABLISHMENT OF ELIGIBILITY.**—

(A) In any case in which an individual is ineligible to receive payments under section 9037 as a result of the operation of paragraph (1)(A), the Commission may subsequently determine that such individual is a candidate upon a finding that such individual is actively seeking election to the office of President of the United States in more than one State. The Commission shall make such determination without requiring such individual to reestablish his eligibility to receive payments under subsection (a).

(B) Notwithstanding the provisions of paragraph (1)(B), a candidate whose payments have been terminated under paragraph (1)(B) may again receive payments (including amounts he would have received but for paragraph (1)(B)) if he receives 20 percent or more of the total number of votes cast for candidates of the same party in a primary election held after the date on which the election was held which was the basis for terminating payments to him.

#### **SEC. 9034. ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS.**

(a) **IN GENERAL.**—

(1) *IN GENERAL.*—Every candidate who is eligible to receive payments under section 9033 is entitled to payments under section 9037 in [an amount equal to the amount of each contribution] *an amount equal to 600 percent of the amount of each matchable contribution (disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person for the election exceeds \$200) received by such candidate on or after the beginning of the calendar year immediately preceding the calendar year of the presidential election with respect to which such candidate is seeking nomination, or by his [authorized committees, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person on or after the beginning of such preceding calendar year exceeds \$250] authorized committees. [For purposes of this subsection and section 9033(b), the term “contribution” means*

a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address, but does not include a subscription, loan, advance, or deposit of money, or anything of value or anything described in subparagraph (B), (C), or (D) of section 9032(4).】

(2) *INFLATION ADJUSTMENT.*—

(A) *IN GENERAL.*—*In the case of any applicable period beginning after 2029, the dollar amount in paragraph (1) shall be increased by an amount equal to—*

*(i) such dollar amount, multiplied by*

*(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year following the year which such applicable period begins, determined by substituting “calendar year 2028” for “calendar year 1992” in subparagraph (B) thereof.*

(B) *APPLICABLE PERIOD.*—*For purposes of this paragraph, the term “applicable period” means the 4-year period beginning with the first day following the date of the general election for the office of President and ending on the date of the next such general election.*

(C) *ROUNDING.*—*If any amount as adjusted under subparagraph (1) is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.*

(b) *LIMITATIONS.*—*The total amount of payments to which a candidate is entitled under subsection (a) shall not exceed 50 percent of the expenditure limitation applicable under section 315(b)(1)(A) of the Federal Election Campaign Act of 1971.*

(c) *MATCHABLE CONTRIBUTION DEFINED.*—*For purposes of this section and section 9033(b)—*

(1) *MATCHABLE CONTRIBUTION.*—*The term “matchable contribution” means, with respect to the nomination for election to the office of President of the United States, a contribution by an individual to a candidate or an authorized committee of a candidate with respect to which the candidate has certified in writing that—*

*(A) the individual making such contribution has not made aggregate contributions (including such matchable contribution) to such candidate and the authorized committees of such candidate in excess of \$1,000 for the election;*

*(B) such candidate and the authorized committees of such candidate will not accept contributions from such individual (including such matchable contribution) aggregating more than the amount described in subparagraph (A); and*

*(C) such contribution was a direct contribution.*

(2) *CONTRIBUTION.*—*For purposes of this subsection, the term “contribution” means a gift of money made by a written instrument which identifies the individual making the contribution by full name and mailing address, but does not include a subscription, loan, advance, or deposit of money, or anything of value or anything described in subparagraph (B), (C), or (D) of section 9032(4).*

(3) *DIRECT CONTRIBUTION.*—

(A) *IN GENERAL.*—For purposes of this subsection, the term “direct contribution” means, with respect to a candidate, a contribution which is made directly by an individual to the candidate or an authorized committee of the candidate and is not—

(i) forwarded from the individual making the contribution to the candidate or committee by another person; or

(ii) received by the candidate or committee with the knowledge that the contribution was made at the request, suggestion, or recommendation of another person.

(B) *OTHER DEFINITIONS.*—In subparagraph (A)—

(i) the term “person” does not include an individual (other than an individual described in section 304(i)(7) of the Federal Election Campaign Act of 1971), a political committee of a political party, or any political committee which is not a separate segregated fund described in section 316(b) of the Federal Election Campaign Act of 1971 and which does not make contributions or independent expenditures, does not engage in lobbying activity under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.), and is not established by, controlled by, or affiliated with a registered lobbyist under such Act, an agent of a registered lobbyist under such Act, or an organization which retains or employs a registered lobbyist under such Act; and

(ii) a contribution is not “made at the request, suggestion, or recommendation of another person” solely on the grounds that the contribution is made in response to information provided to the individual making the contribution by any person, so long as the candidate or authorized committee does not know the identity of the person who provided the information to such individual.

#### **SEC. 9035. QUALIFIED CAMPAIGN EXPENSE LIMITATIONS.**

[(a) **EXPENDITURE LIMITATIONS.**—No candidate shall knowingly incur qualified campaign expenses in excess of the expenditure limitation applicable under section 315(b)(1)(A) of the Federal Election Campaign Act of 1971, and no candidate shall knowingly make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election to the office of President in excess of, in the aggregate, \$50,000.]

(a) *PERSONAL EXPENDITURE LIMITATION.*—No candidate shall knowingly make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election to the office of President in excess of, in the aggregate, \$50,000.

(b) **DEFINITION OF IMMEDIATE FAMILY.**—For purposes of this section, the term “immediate family” means a candidate’s spouse,

and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.

\* \* \* \* \*

**SEC. 9038. EXAMINATIONS AND AUDITS; REPAYMENTS.**

(a) EXAMINATIONS AND AUDITS.—After each matching payment period, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of *and matchable contributions accepted by* every candidate and his authorized committees who received payments under section 9037.

(b) REPAYMENTS.—

(1) If the Commission determines that any portion of the payments made to a candidate from the matching payment account was in excess of the aggregate amount of payments to which such candidate was entitled under section 9034, it shall notify the candidate, and the candidate shall pay to the Secretary an amount equal to the amount of excess payments.

(2) If the Commission determines that any amount of any payment made to a candidate from the matching payment account was used for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray qualified campaign expenses,

it shall notify such candidate of the amount so used, and the candidate shall pay to the Secretary an amount equal to such amount.

(3) Amounts received by a candidate from the matching payment account may be retained for the liquidation of all obligations to pay qualified campaign expenses incurred for a period not exceeding 6 months after the end of the matching payment period. After all obligations have been liquidated, that portion of any unexpended balance remaining in the candidate's accounts which bears the same ratio to the total unexpended balance as the total amount received from the matching payment account bears to the total of all deposits made into the candidate's accounts shall be promptly repaid to the matching payment account.

(c) NOTIFICATION.—No notification shall be made by the Commission under subsection (b) with respect to a matching payment period more than 3 years after the end of such period.

(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary under subsection (b) shall be deposited by him in the matching payment account.

\* \* \* \* \*

**[SEC. 9041. JUDICIAL REVIEW.**

[(a) REVIEW OF AGENCY ACTION BY THE COMMISSION.—Any agency action by the Commission made under the provisions of this chapter shall be subject to review by the United States Court of

Appeals for the District of Columbia Circuit upon petition filed in such court within 30 days after the agency action by the Commission for which review is sought.

[(b) REVIEW PROCEDURES.—The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.]

**SEC. 9041. JUDICIAL REVIEW.**

*For provisions relating to judicial review of actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.*

\* \* \* \* \*

**SEC. 9043. USE OF FREEDOM FROM INFLUENCE FUND AS SOURCE OF PAYMENTS.**

(a) *IN GENERAL.*—Notwithstanding any other provision of this chapter, effective with respect to the Presidential election held in 2028 and each succeeding Presidential election, all payments made to candidates under this chapter shall be made from the Freedom From Influence Fund established under section 541 of the Federal Election Campaign Act of 1971 (hereafter in this section referred to as the “Fund”).

(b) *MANDATORY REDUCTION OF PAYMENTS IN CASE OF INSUFFICIENT AMOUNTS IN FUND.*—

(1) *ADVANCE AUDITS BY COMMISSION.*—Not later than 90 days before the first day of each Presidential election cycle (beginning with the cycle for the election held in 2028), the Commission shall—

(A) *audit the Fund to determine whether, after first making payments to participating candidates under title V of the Federal Election Campaign Act of 1971 and then making payments to States under the My Voice Voucher Program under the Government By the People Act of 2019, the amounts remaining in the Fund will be sufficient to make payments to candidates under this chapter in the amounts provided under this chapter during such election cycle; and*

(B) *submit a report to Congress describing the results of the audit.*

(2) *REDUCTIONS IN AMOUNT OF PAYMENTS.*—

(A) *AUTOMATIC REDUCTION ON PRO RATA BASIS.*—If, on the basis of the audit described in paragraph (1), the Commission determines that the amount anticipated to be available in the Fund with respect to the Presidential election cycle involved is not, or may not be, sufficient to satisfy the full entitlements of candidates to payments under this chapter for such cycle, the Commission shall reduce each amount which would otherwise be paid to a candidate under this chapter by such pro rata amount as may be necessary to ensure that the aggregate amount of payments anticipated to be made with respect to the cycle will not exceed

*the amount anticipated to be available for such payments in the Fund with respect to such cycle.*

*(B) RESTORATION OF REDUCTIONS IN CASE OF AVAILABILITY OF SUFFICIENT FUNDS DURING ELECTION CYCLE.—If, after reducing the amounts paid to candidates with respect to an election cycle under subparagraph (A), the Commission determines that there are sufficient amounts in the Fund to restore the amount by which such payments were reduced (or any portion thereof), to the extent that such amounts are available, the Commission may make a payment on a pro rata basis to each such candidate with respect to the election cycle in the amount by which such candidate’s payments were reduced under subparagraph (A) (or any portion thereof, as the case may be).*

*(C) NO USE OF AMOUNTS FROM OTHER SOURCES.—In any case in which the Commission determines that there are insufficient moneys in the Fund to make payments to candidates under this chapter, moneys shall not be made available from any other source for the purpose of making such payments.*

*(3) NO EFFECT ON AMOUNTS TRANSFERRED FOR PEDIATRIC RESEARCH INITIATIVE.—This section does not apply to the transfer of funds under section 9008(i).*

*(4) PRESIDENTIAL ELECTION CYCLE DEFINED.—In this section, the term “Presidential election cycle” means, with respect to a Presidential election, the period beginning on the day after the date of the previous Presidential general election and ending on the date of the Presidential election.*

\* \* \* \* \*

**BIPARTISAN CAMPAIGN REFORM ACT OF 2002**

\* \* \* \* \*

**TITLE IV—SEVERABILITY; EFFECTIVE DATE**

\* \* \* \* \*

**[SEC. 403. JUDICIAL REVIEW.**

**[(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:**

**[(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.**

[(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

[(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

[(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

[(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised (including but not limited to an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

[(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

[(d) APPLICABILITY.—

[(1) INITIAL CLAIMS.—With respect to any action initially filed on or before December 31, 2006, the provisions of subsection (a) shall apply with respect to each action described in such section.

[(2) SUBSEQUENT ACTIONS.—With respect to any action initially filed after December 31, 2006, the provisions of subsection (a) shall not apply to any action described in such section unless the person filing such action elects such provisions to apply to the action.]

\* \* \* \* \*

**CONGRESSIONAL ACCOUNTABILITY ACT OF 1995**

\* \* \* \* \*

## TITLE IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

\* \* \* \* \*

【Section 9001 of H.R. 1 (as reported) includes amendments to sections 402 and 415 of the Congressional Accountability Act of 1995. The following provisions reflect the amendments made to such sections by Public Law 115–397 which take effect on June 21, 2019.】

### SEC. 402. INITIATION OF PROCEDURES.

#### (a) CLAIM.—

(1) FILING OF CLAIM.—To commence a proceeding under this title, a covered employee alleging a violation of law made applicable under part A of title II shall file a claim with the Office. The Office shall not accept a claim which is filed after the deadline applicable under subsection (d).

(2) CONTENTS OF CLAIM.—The claim filed under this section shall be made in writing under oath or affirmation, shall describe the facts that form the basis of the claim and the violation that is being alleged, shall identify the employing office alleged to have committed the violation or in which the violation is alleged to have occurred, and shall be in such form as the Office requires.

(3) NO EFFECT ON ABILITY OF COVERED EMPLOYEE TO SEEK INFORMATION FROM OFFICE OR PURSUE RELIEF.—Nothing in paragraph (2), or subsection (b) or (c), may be construed to limit the ability of a covered employee—

(A) to contact the Office or any other appropriate office prior to filing a claim under this section to seek information regarding the employee’s rights under this Act and the procedures available under this Act;

(B) in the case of a covered employee of an employing office of the House of Representatives or Senate, to refer information regarding an alleged violation of part A of title II to the Committee on Ethics of the House of Representatives or the Select Committee on Ethics of the Senate (as the case may be); or

(C) to file a civil action in accordance with section 401(b).

#### (b) INITIAL PROCESSING OF CLAIM.—

(1) INTAKE AND RECORDING; NOTIFICATION TO EMPLOYING OFFICE.—Upon the filing of a claim by a covered employee under subsection (a), the Office shall take such steps as may be necessary for the initial intake and recording of the claim, including providing each party with all relevant information with respect to the rights of the party under this Act, and shall transmit immediately a copy of the claim to the head of the employing office and the designated representative of that office.

(2) SPECIAL NOTIFICATION REQUIREMENTS FOR CLAIMS BASED ON ACTS BY MEMBERS OF CONGRESS.—



(A) IN GENERAL.—In the case of a claim alleging a violation described in subparagraph (B) which consists of a violation described in section 415(d)(1)(A) by an individual, upon the filing of the claim under subsection (a), the Office shall notify immediately such individual of the claim, the possibility that the individual may be required to reimburse the account described in section 415(a) for the reimbursable portion of any award or settlement in connection with the claim, and the right of the individual under section 415(d)(8) to intervene in any mediation, hearing, or civil action under this title with respect to the claim.

(B) VIOLATIONS DESCRIBED.—A violation described in this subparagraph is—

[(i) harassment that is unlawful under section 201(a) or 206(a); or]

(i) a violation of section 201(a) or section 206(a); or

(ii) intimidation, reprisal, or discrimination that is unlawful under section 207 and is taken against a covered employee because of a claim alleging a violation described in clause (i).

(c) USE OF SECURE ELECTRONIC REPORTING AND TRACKING SYSTEM.—

(1) ESTABLISHMENT AND OPERATION OF SECURE SYSTEM.—The Office shall establish and operate a secure electronic reporting system through which a covered employee may initiate a proceeding under this title, and which will keep an electronic record of the date and time at which the proceeding is initiated and will track all subsequent actions or proceedings occurring with respect to the proceeding under this title.

(2) ACCESSIBILITY TO ALL PARTIES.—The system shall be accessible to all parties to such actions or proceedings, but only until the completion of such actions or proceedings.

(3) ASSESSMENT OF EFFECTIVENESS OF PROCEDURES.—The Office shall use the information contained in the system to make regular assessments of the effectiveness of the procedures under this title in providing for the timely resolution of claims, and shall submit semi-annual reports on such assessments each year to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

(d) DEADLINE.—A covered employee may not file a claim under this section with respect to an allegation of a violation of law after the expiration of the 180-day period which begins on the date of the alleged violation.

\* \* \* \* \*

**SEC. 415. PAYMENTS.**

(a) AWARDS AND SETTLEMENTS.—Except as provided in subsection (c), only funds which are appropriated to an account of the Office in the Treasury of the United States for the payment of awards and settlements may be used for the payment of awards and settlements under this Act. There are appropriated for such account such sums as may be necessary to pay such awards and set-

tlements. Funds in the account are not available for awards and settlements involving the General Accounting Office or the Government Printing Office.

(b) COMPLIANCE.—Except as provided in subsection (c), there are authorized to be appropriated such sums as may be necessary for administrative, personnel, and similar expenses of employing offices which are needed to comply with this Act.

(c) OSHA, ACCOMMODATION, AND ACCESS REQUIREMENTS.—Funds to correct violations of section 201(a)(3), 210, or 215 of this Act may be paid only from funds appropriated to the employing office or entity responsible for correcting such violations. There are authorized to be appropriated such sums as may be necessary for such funds.

(d) REIMBURSEMENT BY MEMBERS OF CONGRESS OF AMOUNTS PAID AS SETTLEMENTS AND AWARDS.—

(1) REIMBURSEMENT REQUIRED FOR CERTAIN VIOLATIONS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (D), if a payment is made from the account described in subsection (a) for an award or settlement in connection with a claim alleging a violation described in subparagraph (C) committed personally by an individual who, at the time of committing the violation, was a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator, the individual shall reimburse the account for the amount of the award or settlement for the claim involved.

(B) CONDITIONS.—In the case of an award made pursuant to a decision of a hearing officer under section 405, or a court in a civil action, subparagraph (A) shall apply only if the hearing officer or court makes a separate finding that a violation described in subparagraph (C) occurred which was committed personally by an individual who, at the time of committing the violation, was a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator, and such individual shall reimburse the account for the amount of compensatory damages included in the award as would be available if awarded under section 1977A(b)(3) of the Revised Statutes (42 U.S.C. 1981a(b)(3)) irrespective of the size of the employing office. In the case of a settlement for a claim described in section 416(d)(3), subparagraph (A) shall apply only if the conditions specified in section 416(d)(3) for requesting reimbursement are met.

(C) VIOLATIONS DESCRIBED.—A violation described in this subparagraph is—

[(i) harassment that is unlawful under section 201(a) or 206(a); or]

(i) a violation of section 201(a) or section 206(a); or

(ii) intimidation, reprisal, or discrimination that is unlawful under section 207 and is taken against a covered employee because of a claim alleging a violation described in clause (i).

(D) MULTIPLE CLAIMS.—If an award or settlement is made for multiple claims, some of which do not require reimbursement under this subsection, the individual described in subparagraph (A) shall only be required to reimburse for the amount (referred to in this Act as the “reimbursable portion”) that is—

(i) described in subparagraph (A), subject to subparagraph (B); and

(ii) included in the portion of the award or settlement attributable to a claim requiring reimbursement.

(2) WITHHOLDING AMOUNTS FROM COMPENSATION.—

(A) ESTABLISHMENT OF TIMETABLE AND PROCEDURES BY COMMITTEES.—For purposes of carrying out subparagraph (B), the applicable Committee shall establish a timetable and procedures for the withholding of amounts from the compensation of an individual who is a Member of the House of Representatives or a Senator.

(B) DEADLINE.—The payroll administrator shall withhold from an individual’s compensation and transfer to the account described in subsection (a) (after making any deposit required under section 8432(f) of title 5, United States Code) such amounts as may be necessary to reimburse the account described in subsection (a) for the reimbursable portion of the award or settlement described in paragraph (1) if the individual has not reimbursed the account as required under paragraph (1) prior to the expiration of the 90-day period which begins on the date a payment is made from the account for such an award or settlement.

(C) APPLICABLE COMMITTEE DEFINED.—In this paragraph, the term “applicable Committee” means—

(i) the Committee on House Administration of the House of Representatives, in the case of an individual who, at the time of the withholding, is a Member of the House; or

(ii) the Committee on Rules and Administration of the Senate, in the case of an individual who, at the time of the withholding, is a Senator.

(3) USE OF AMOUNTS IN THRIFT SAVINGS FUND AS SOURCE OF REIMBURSEMENT.—

(A) IN GENERAL.—If, by the expiration of the 180-day period that begins on the date a payment is made from the account described in subsection (a) for an award or settlement described in paragraph (1), an individual who is subject to a reimbursement requirement of this subsection has not reimbursed the account for the entire reimbursable portion as required under paragraph (1), withholding and transfers of amounts shall continue under paragraph (2) if the individual remains employed in the same position, and the Executive Director of the Federal Retirement Thrift Investment Board shall make a transfer described in subparagraph (B).

(B) TRANSFERS.—The transfer by such Executive Director is a transfer, from the account of the individual in the Thrift Savings Fund to the account described in subsection (a), of an amount equal to the amount of that reimbursable portion of the award or settlement, reduced by—

(i) any amount the individual has reimbursed, taking into account any amounts withheld under paragraph (2); and

(ii) if the individual remains employed in the same position, any amount that the individual is scheduled to reimburse, taking into account any amounts to be withheld under the individual's timetable under paragraph (2).

(C) INITIATION OF TRANSFER.—Notwithstanding section 8435 of title 5, United States Code, the Executive Director described in subparagraph (A) shall make the transfer under subparagraph (A) upon receipt of a written request to the Executive Director from the Secretary of the Treasury, in the form and manner required by the Executive Director.

(D) COORDINATION BETWEEN PAYROLL ADMINISTRATOR AND THE EXECUTIVE DIRECTOR.—The payroll administrator and the Executive Director described in subparagraph (A) shall carry out this paragraph in a manner that ensures the coordination of the withholding and transferring of amounts under this paragraph, in accordance with regulations promulgated by the Board under section 303 and such Executive Director.

(4) ADMINISTRATIVE WAGE GARNISHMENT OR OTHER COLLECTION OF WAGES FROM A SUBSEQUENT POSITION.—

(A) INDIVIDUAL SUBJECT TO GARNISHMENT OR OTHER COLLECTION.—Subparagraph (B) shall apply to an individual who is subject to a reimbursement requirement of this subsection if, at any time after the expiration of the 270-day period that begins on the date a payment is made from the account described in subsection (a) for an award or settlement described in paragraph (1), the individual—

(i) has not reimbursed the account for the entire reimbursable portion as required under paragraph (1), through withholdings or transfers under paragraphs (2) and (3);

(ii) is not serving in a position as a Member of the House of Representatives or a Senator; and

(iii) is employed in a subsequent non-Federal position.

(B) GARNISHMENT OR OTHER COLLECTION OF WAGES.—On the expiration of that 270-day period, the amount of the reimbursable portion of an award or settlement described in paragraph (1) (reduced by any amount the individual has reimbursed, taking into account any amounts withheld or transferred under paragraph (2) or (3)) shall be treated as a claim of the United States and transferred to the Secretary of the Treasury for collection. Upon that

transfer, the Secretary of the Treasury shall collect the claim, in accordance with section 3711 of title 31, United States Code, including by administrative wage garnishment of the wages of the individual described in subparagraph (A) from the position described in subparagraph (A)(iii). The Secretary of the Treasury shall transfer the collected amount to the account described in subsection (a).

(5) NOTIFICATION TO OFFICE OF PERSONNEL MANAGEMENT AND SECRETARY OF THE TREASURY.—

(A) INDIVIDUAL SUBJECT TO ANNUITY OR SOCIAL SECURITY WITHHOLDING.—Subparagraph (B) shall apply to an individual subject to a reimbursement requirement of this subsection if, at any time after the expiration of the 270-day period described in paragraph (4)(A), the individual—

(i) has not served in a position as a Member of the House of Representatives or a Senator during the preceding 90 days; and

(ii) is not employed in a subsequent non-Federal position.

(B) ANNUITY OR SOCIAL SECURITY WITHHOLDING.—If, at any time after the 270-day period described in paragraph (4)(A), the individual described in subparagraph (A) has not reimbursed the account described in subsection (a) for the entire reimbursable portion of the award or settlement described in paragraph (1) (as determined by the Secretary of the Treasury), through withholdings, transfers, or collections under paragraphs (2) through (4), the Secretary of the Treasury (after consultation with the payroll administrator)—

(i) shall notify the Director of the Office of Personnel Management, who shall take such actions as the Director considers appropriate to withhold from any annuity payable to the individual under chapter 83 or chapter 84 of title 5, United States Code, and transfer to the account described in subsection (a), such amounts as may be necessary to reimburse the account for the remainder of the reimbursable portion of an award or settlement described in paragraph (1); and

(ii) shall (if necessary), notwithstanding section 207 of the Social Security Act (42 U.S.C. 407), take such actions as the Secretary of the Treasury considers appropriate to withhold from any payment to the individual under title II of the Social Security Act (42 U.S.C. 401 et seq.) and transfer to the account described in subsection (a), such amounts as may be necessary to reimburse the account for the remainder of the reimbursable portion of an award or settlement described in paragraph (1).

(6) COORDINATION BETWEEN OPM AND TREASURY.—The Director of the Office of Personnel Management and the Secretary of the Treasury shall carry out paragraph (5) in a manner that ensures the coordination of the withholding and trans-

ferring of amounts under such paragraph, in accordance with regulations promulgated by the Director and the Secretary.

(7) CERTIFICATION.—Once the Executive Director determines that an individual who is subject to a reimbursement requirement of this subsection has reimbursed the account described in subsection (a) for the entire reimbursable portion, the Executive Director shall prepare a certification that the individual has completed that reimbursement, and submit the certification to—

(A) the Committees on House Administration and Ethics of the House of Representatives, in the case of an individual who, at the time of committing the act involved, was a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress); and

(B) the Select Committee on Ethics of the Senate, in the case of an individual who, at the time of committing the act involved, was a Senator.

(8) RIGHT TO INTERVENE.—An individual who is subject to a reimbursement requirement of this subsection shall have the unconditional right to intervene in any mediation, hearing, or civil action under this title to protect the interests of the individual in the determination of whether an award or settlement described in paragraph (1) should be made, and the amount of any such award or settlement, except that nothing in this paragraph may be construed to require the covered employee who filed the claim to be deposed by counsel for the individual in a deposition that is separate from any other deposition taken from the employee in connection with the hearing or civil action.

(9) DEFINITIONS.—In this subsection:

(A) NON-FEDERAL POSITION.—The term “non-Federal position” means a position other than the position of an employee, as defined in section 2105(a) of title 5, United States Code.

(B) PAYROLL ADMINISTRATOR.—The term “payroll administrator” means—

(i) in the case of an individual who is a Member of the House of Representatives, the Chief Administrative Officer of the House of Representatives, or an employee of the Office of the Chief Administrative Officer who is designated by the Chief Administrative Officer to carry out this subsection; or

(ii) in the case of an individual who is a Senator, the Secretary of the Senate, or an employee of the Office of the Secretary of the Senate who is designated by the Secretary to carry out this subsection.

(e) REIMBURSEMENT BY EMPLOYING OFFICES.—

(1) NOTIFICATION OF PAYMENTS MADE FROM ACCOUNT.—As soon as practicable after the Executive Director is made aware that a payment of an award or settlement under this Act has been made from the account described in subsection (a) in connection with a claim alleging a violation of section 201(a) or

206(a) by an employing office (other than an employing office of the House of Representatives or an employing office of the Senate), the Executive Director shall notify the head of the employing office that the payment has been made, and shall include in the notification a statement of the amount of the payment.

(2) REIMBURSEMENT BY OFFICE.—Not later than 180 days after receiving a notification from the Executive Director under paragraph (1), the head of the employing office involved shall transfer to the account described in subsection (a), out of any funds available for operating expenses of the office, a payment equal to the amount specified in the notification.

(3) TIMETABLE AND PROCEDURES FOR REIMBURSEMENT.—The head of an employing office shall transfer a payment under paragraph (2) in accordance with such timetable and procedures as may be established under regulations promulgated by the Office.

\* \* \* \* \*

## DISSENTING VIEWS

### PART I: PROCEDURAL VIEWS

The Majority highlights in their report the record low number of Americans who don't believe "they can trust the government in Washington to do what is right." H.R. 1 is the very embodiment of why Americans feel this way. This bill was crafted behind closed doors, without input from state and local election officials, without respect to procedural due process, without respect to cost, and certainly without respect to the American voter – who will absolutely suffer if this legislation were ever to be enacted.

H.R. 1 started as a 571-page bill upending nearly every sector of election administration, election security, campaign finance, and election enforcement. The minority has significant constitutional concerns generally with H.R. 1. The bill was introduced on January 3<sup>rd</sup>, 2019 in a press conference. It was reported out of the Committee on House Administration on February 26<sup>th</sup>, 2019, just 56 days after introduction. The Committee on House Administration held just one hearing. Each member of the Committee was allotted only 15 minutes to question witnesses on the massive and harmful implications of H.R. 1. Committee Republicans have asked for numerous hearings on issues covered in H.R. 1, but none have been granted.

At markup, numerous Titles, Subtitles, and Sections were reserved as outside the Committee's jurisdiction – meaning these sections were not allowed to be marked up in Committee. Despite statements to the contrary by the Chairperson of the Committee, not one other Committee with jurisdiction over H.R. 1 will have an opportunity to markup the legislation.

Chairperson Zoe Lofgren (D-CA) said, "it is going through several committees as we know, and amendments will be made in all of them."

Committees with jurisdiction over H.R. 1 who are being denied their procedural rights as well as the right to make meaningful contributions in their area of expertise: Committees on Intelligence (Permanent Select), Judiciary, Oversight and Reform, Science, Space, and Technology, Education and Labor, Ways and Means, Financial Services, Ethics, and Homeland Security.

At markup, Republican Members of the Committee offered 28 amendments to H.R. 1 as laid before the Committee. Every one of them was rejected along partisan lines. Further, not a single substantive amendment was offered by the Committee Majority. Additionally, most members did not defend the bill against the Republican amendments.

Further complicating and demeaning the process, these reserved sections have been added back into the Rules Committee Print, with an additional 51-pages of text.

H.R. 1, "was created without input from any Republican Members of Congress and without the consultation of officials or election administrators. In fact, there isn't a single Republican cosponsor." "The greatest threat to our nation's election system is partisanship." Ranking Member Rodney Davis (R-IL)



## PART II: SUBSTANTIVE VIEWS

The goal of Republicans on the Committee on House Administration is to count and protect the vote of every American, despite accusations to the contrary.

### **Election Access – Voter Registration**

Much of H.R. 1 focuses on federalizing the voter registration process. This bill attempts to impose a Washington, D.C., “one size fits all” standard, on every state and locality in this country. This federalization would apply to online voter registration, automatic voter registration and same day voter registration – yet states are already adopting these practices, and they are doing it in a way that best suits their state’s geographic concerns, resources, and laws. To upend this work for the sake of a partisan political advantage serves no one. This will not help us step forward as is proposed by the Majority, but instead erase the hard work of states all across this country.

The Majority is also attempting to erase settled law and voter list maintenance practices, which are required by law and help protect the integrity of every vote. The National Voter Registration Act (NVRA) requires states to “conduct a general program that makes a reasonable effort to remove the names” of voters who are ineligible “by reason of” death or change in residence. As cited in *Husted v. A. Philip Randolph Institute*, approximately 24 million voter registrations (1 in 8) in the U.S. are either invalid or inaccurate and about 2.75 million people are registered to vote in more than one state. Voter list maintenance is critical to keeping election costs down and lines at the polls short. The Supreme Court’s decision last year in *Husted* held the process as legal and in fact, appropriate. This provision in H.R. 1 would make it nearly impossible for states to comply with the NVRA.

At markup, Committee Republicans introduced an amendment to prohibit the practice of ballot harvesting. As seen in the North Carolina 9<sup>th</sup> Congressional District, the practice of ballot harvesting represents the single greatest threat to election access and vote integrity today. However, what was illegal in North Carolina is standard practice in several states. With the opportunity to protect minorities, disabled people, elderly people, as well as other vulnerable communities the Committee Majority rejected the amendment along party lines.

### **Election Security**

The Republicans of the Committee on House Administration believe the integrity of our nation’s elections and election infrastructure is of the utmost importance. This should not be a partisan issue. However, the Democrat Majority has insisted on making it one, putting our nation at risk. At markup, Committee Republicans offered a striking amendment to Section 3001 of Title III to replace the section en bloc with the Secure Elections Act (S. 2261) introduced in the 115<sup>th</sup> Congress. This bipartisan bill that was drafted after thousands of hours of review, testimony, and study, would have provided an excellent starting point for securing our elections. However, this amendment was rejected along partisan lines. Committee Democrats are more concerned with scoring political points than they are about securing our elections.

## **Campaign Finance**

H.R. 1 proposes numerous changes to existing campaign finance law, yet the Committee only heard from a single witness on these reforms – the Minority’s witness. While the Majority proposes a litany of changes to campaign finance law, they are largely meaningless, aimed only at scoring political points. The most concerning aspect of these proposed regulations is the impact it would have on speech.

“Despite the ‘For the People’ title of H.R. 1, the bill would, in fact, greatly harm the ability of the people to freely speak, publish, and organize into groups to advocate for better government. More appropriately labeled the ‘For the Politicians Act,’ H.R. 1 would make radical changes to the long-held ability of Americans to speak and associate with other Americans on the issues about which they are passionate.” David Keating, President, Institute for Free Speech

The Majorities’ proposed goal in H.R. 1 is to remove money from the political system, yet in the same breath, H.R. 1 would establish a taxpayer funded small dollar matching program. This program seeks to give \$6 tax payer dollars to Congressional candidates for every \$1 dollar they raise, up to \$200. Not only is this introducing more money into the political system, but it is introducing tax payer dollars into it. It makes sense why the Democratic Majority is so against the Republican Tax Cut – that money is needed to fund their campaigns.

## **Federal Election Commission Reform**

Reforms offered by H.R. 1 to the Federal Election Commission pose perhaps the greatest threat to our political discourse. Committee Democrats have attempted to label the Commission as dysfunctional and beyond repair in its current state. What is missing from this short-sighted analysis is the historical context surrounding the Commission and what the real outcome of the provisions contained in H.R. 1 would mean.

What has been labeled as partisan gridlock at the Commission is actually the Commission functioning as it was contemplated when the Commission was created. The Commission moves slowly because when wrong, it serves to undermine our freedom of speech – in particular, political speech. It is a frightening idea that the Commission would be better served as a partisan Commission headed by a speech czar, granted nearly unilateral authority under H.R. 1.

**Dissenting Views**



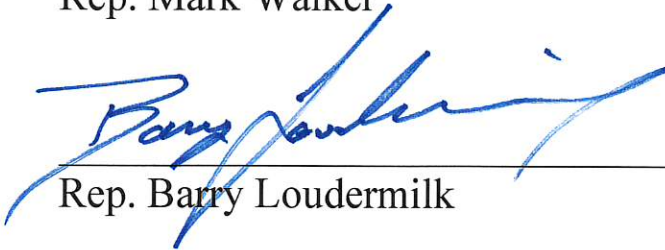
---

Rep. Rodney Davis (Ranking Member)



---

Rep. Mark Walker



---

Rep. Barry Loudermilk