Amendment to H.R. 4563 Offered by M_.

Insert after section 359 the following new section (and redesignate the succeeding provision accordingly):

1 SEC. 360. CAUSE OF ACTION FOR INCLUDING FALSE 2 CLAIMS AGAINST ELECTION OFFICIALS IN 3 SOLICITATION OF DONATIONS FOR FEDERAL 4 **ELECTION CHALLENGES.** 5 Title III of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is amended by adding at 6 the end the following new section: 7 8 "SEC. 325. CAUSE OF ACTION FOR INCLUDING FALSE 9 CLAIMS AGAINST ELECTION OFFICIALS IN 10 SOLICITATION OF DONATIONS FOR FEDERAL 11 **ELECTION CHALLENGES.** 12 "(a) PRIVATE RIGHT OF ACTION FOR ELECTION OF-

13 FICIALS SUBJECT TO FALSE CLAIMS.—If a candidate or 14 an authorized committee of a candidate solicits a donation 15 for the specific purpose of carrying out election challenge 16 activities, including recount efforts or election contests, 17 and knowingly or recklessly makes a false claim in the so-18 licitation which alleges malfeasance or misconduct by an 19 election official or election worker, the election official or $\mathbf{2}$

election worker may bring a civil action seeking damages
 against the candidate or authorized committee in an ap propriate district court of the United States.

4 "(b) LIMIT ON AMOUNT OF DAMAGES.—The amount 5 of damages awarded in an action with respect to a false 6 claim under subsection (a) may not exceed an amount 7 equal to three times the total amount of donations raised 8 in response to all of the solicitations which included the 9 false claim.

10 "(c) ATTORNEY'S FEES.— If an election official or
11 an election worker prevails in an action under subsection
12 (a), the court may award the official or worker reasonable
13 attorney's fees and costs incurred with respect to the ac14 tion.

15 "(d) DEFINITIONS.—In this section, the following16 definitions apply:

17 "(1) The term 'election official' means an indi18 vidual who is responsible for voter registration, ad19 ministration, canvassing, or certification of elections
20 for Federal office in a State.

21 "(2) The term 'election worker' means an indi22 vidual who—

23 "(A) is employed for at least thirty-five
24 hours a week or more by a State or local juris25 diction in a State; and

"(B) assists an election official in voter
 registration, administration, canvassing, or cer tification of elections for Federal office in the
 State or jurisdiction.

"(e) APPLICABILITY.—This section applies to a can-5 didate without regard to whether or not the donations so-6 7 licited by the candidate or an authorized committee of the 8 candidate were deposited in a separate fund established for purposes of election challenge activities, including re-9 count efforts or election contests, either as a separate 10 11 bank account of an authorized committee of the candidate or as an entirely separate entity.". 12

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