

116TH CONGRESS
1ST SESSION

H. R. 137

To amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

Mrs. DAVIS of California introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Election Integ-
5 rity Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) chief State election administration officials
2 have served on political campaigns for Federal can-
3 didates whose elections those officials will supervise;

4 (2) such partisan activity by the chief State
5 election administration official, an individual
6 charged with certifying the validity of an election,
7 represents a fundamental conflict of interest that
8 may prevent the official from ensuring a fair and ac-
9 curate election;

10 (3) this conflict impedes the legal duty of chief
11 State election administration officials to supervise
12 Federal elections, undermines the integrity of Fed-
13 eral elections, and diminishes the people's confidence
14 in our electoral system by casting doubt on the re-
15 sults of Federal elections;

16 (4) the Supreme Court has long recognized that
17 Congress's power to regulate Congressional elections
18 under Article I, Section 4, Clause 1 of the Constitu-
19 tion is both plenary and powerful; and

20 (5) the Supreme Court and numerous appellate
21 courts have recognized that the broad power given to
22 Congress over Congressional elections extends to
23 Presidential elections.

1 **SEC. 3. PROHIBITION ON CAMPAIGN ACTIVITIES BY CHIEF**
 2 **STATE ELECTION ADMINISTRATION OFFI-**
 3 **CIALS.**

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

8 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION
 9 ADMINISTRATION OFFICIALS

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

15 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-
 16 FICIAL.—The term ‘chief State election administration of-
 17 ficial’ means the highest State official with responsibility
 18 for the administration of Federal elections under State
 19 law.

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

23 “(1) serving as a member of an authorized com-
 24 mittee of a candidate for Federal office;

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

4 “(3) the solicitation, acceptance, or receipt of a
5 contribution from any person on behalf of a can-
6 didate for Federal office; and

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

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

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