

111TH CONGRESS  
1ST SESSION

# H. R. 512

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2009

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

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## 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 2009”.

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 ELEC-**  
2 **TION ADMINISTRATION OFFICIALS.**

3 (a) IN GENERAL.—Title III of the Federal Election  
4 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended  
5 by inserting after section 319 the following new section:

6 “CAMPAIGN ACTIVITIES BY ELECTION OFFICIALS

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

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

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

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

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

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

4           “(4) the solicitation or discouragement of the  
5           participation in any political activity of any person;

6           “(5) engaging in partisan political activity on  
7           behalf of a candidate for Federal office; and

8           “(6) any other act prohibited under section  
9           7323(b)(4) of title 5, United States Code (other  
10          than any prohibition on running for public office).”.

11          (b) ENFORCEMENT.—Section 309 of such Act (42  
12          U.S.C. 437g) is amended by adding at the end the fol-  
13          lowing new subsection:

14          “(e)(1) Notwithstanding paragraphs (1) through (5)  
15          of subsection (a), any person who has knowledge that a  
16          violation of section 319A has occurred may file a com-  
17          plaint with the Commission. Such complaint shall be in  
18          writing, signed and sworn to by the person filing such  
19          complaint, shall be notarized, and shall be made under  
20          penalty of perjury subject to the provisions of section 1001  
21          of title 18, United States Code. The Commission shall  
22          promptly notify any person alleged in the complaint, and  
23          shall give such person an opportunity to respond. Not later  
24          than 14 days after the date on which such a complaint

1 is filed, the Commission shall make a determination on  
2 such complaint.

3       “(2) If the Commission determines by an affirmative  
4 vote of a majority of the members voting that it has reason  
5 to believe that a person has committed a violation of sec-  
6 tion 319A, the Commission shall require the person to pay  
7 a civil money penalty in an amount determined under a  
8 schedule of penalties which is established and published  
9 by the Commission.”.

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