

115TH CONGRESS
1ST SESSION

S. 1640

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

IN THE SENATE OF THE UNITED STATES

JULY 26, 2017

Mr. DURBIN (for himself, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. COONS, Ms. DUCKWORTH, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HIRONO, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. SANDERS, Mr. SCHATZ, Mrs. SHAHEEN, Mr. UDALL, Mr. VAN HOLLEN, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

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

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Fair Elections Now Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

Subtitle A—Fair Elections Financing Program

- Sec. 101. Findings and declarations.
- Sec. 102. Eligibility requirements and benefits of Fair Elections financing of Senate election campaigns.
- Sec. 103. Prohibition on joint fundraising committees.
- Sec. 104. Exception to limitation on coordinated expenditures by political party committees with participating candidates.

TITLE II—IMPROVING VOTER INFORMATION

- Sec. 201. Broadcasts relating to all Senate candidates.
- Sec. 202. Broadcast rates for participating candidates.
- Sec. 203. FCC to prescribe standardized form for reporting candidate campaign ads.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

- Sec. 301. Petition for certiorari.
- Sec. 302. Filing by Senate candidates with Commission.
- Sec. 303. Electronic filing of FEC reports.

TITLE IV—PARTICIPATION IN FUNDING OF ELECTIONS

- Sec. 401. Refundable tax credit for Senate campaign contributions.

TITLE V—REVENUE PROVISIONS

- Sec. 501. Fair Elections Fund revenue.

TITLE VI—MISCELLANEOUS PROVISIONS

- Sec. 601. Severability.
- Sec. 602. Effective date.

1 **TITLE I—FAIR ELECTIONS FI-**
 2 **NANCING OF SENATE ELEC-**
 3 **TION CAMPAIGNS**

4 **Subtitle A—Fair Elections**
 5 **Financing Program**

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

7 (a) UNDERMINING OF DEMOCRACY BY CAMPAIGN
 8 CONTRIBUTIONS FROM PRIVATE SOURCES.—The Senate
 9 finds and declares that the current system of privately fi-

1 nanced campaigns for election to the United States Senate
2 has the capacity, and is often perceived by the public, to
3 undermine democracy in the United States by—

4 (1) creating a culture that fosters actual or per-
5 ceived conflicts of interest by encouraging Senators
6 to accept large campaign contributions from private
7 interests that are directly affected by Federal legis-
8 lation;

9 (2) diminishing or appearing to diminish Sen-
10 ators' accountability to constituents by compelling
11 legislators to be accountable to the major contribu-
12 tors who finance their election campaigns;

13 (3) undermining the meaning of the right to
14 vote by allowing monied interests to have a dis-
15 proportionate and unfair influence within the polit-
16 ical process;

17 (4) imposing large, unwarranted costs on tax-
18 payers through legislative and regulatory distortions
19 caused by unequal access to lawmakers for campaign
20 contributors;

21 (5) making it difficult for some qualified can-
22 didates to mount competitive Senate election cam-
23 paigns;

24 (6) disadvantaging challengers and discouraging
25 competitive elections; and

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

4 (b) ENHANCEMENT OF DEMOCRACY BY PROVIDING
5 ALLOCATIONS FROM THE FAIR ELECTIONS FUND.—The
6 Senate finds and declares that providing the option of the
7 replacement of large private campaign contributions with
8 allocations from the Fair Elections Fund for all primary,
9 runoff, and general elections to the Senate would enhance
10 American democracy by—

11 (1) reducing the actual or perceived conflicts of
12 interest created by fully private financing of the elec-
13 tion campaigns of public officials and restoring pub-
14 lic confidence in the integrity and fairness of the
15 electoral and legislative processes through a program
16 which allows participating candidates to adhere to
17 substantially lower contribution limits for contribu-
18 tors with an assurance that there will be sufficient
19 funds for such candidates to run viable electoral
20 campaigns;

21 (2) increasing the public's confidence in the ac-
22 countability of Senators to the constituents who elect
23 them, which derives from the program's qualifying
24 criteria to participate in the voluntary program and
25 the conclusions that constituents may draw regard-

1 ing candidates who qualify and participate in the
2 program;

3 (3) helping to reduce the ability to make large
4 campaign contributions as a determinant of a citi-
5 zen's influence within the political process by facili-
6 tating the expression of support by voters at every
7 level of wealth, encouraging political participation,
8 and incentivizing participation on the part of Sen-
9 ators through the matching of small dollar contribu-
10 tions;

11 (4) potentially saving taxpayers billions of dol-
12 lars that may be (or that are perceived to be) cur-
13 rently allocated based upon legislative and regu-
14 latory agendas skewed by the influence of campaign
15 contributions;

16 (5) creating genuine opportunities for all Amer-
17 icans to run for the Senate and encouraging more
18 competitive elections;

19 (6) encouraging participation in the electoral
20 process by citizens of every level of wealth; and

21 (7) freeing Senators from the incessant pre-
22 occupation with raising money, and allowing them
23 more time to carry out their public responsibilities.

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

4 The Federal Election Campaign Act of 1971 (52
 5 U.S.C. 30101 et seq.) is amended by adding at the end
 6 the following:

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

10 **“Subtitle A—General Provisions**

11 **“SEC. 501. DEFINITIONS.**

12 “In this title:

13 “(1) ALLOCATION FROM THE FUND.—The term
 14 ‘allocation from the Fund’ means an allocation of
 15 money from the Fair Elections Fund to a partici-
 16 pating candidate pursuant to section 522.

17 “(2) BOARD.—The term ‘Board’ means the
 18 Fair Elections Oversight Board established under
 19 section 531.

20 “(3) FAIR ELECTIONS QUALIFYING PERIOD.—
 21 The term ‘Fair Elections qualifying period’ means,
 22 with respect to any candidate for Senator, the pe-
 23 riod—

24 “(A) beginning on the date on which the
 25 candidate files a statement of intent under sec-
 26 tion 511(a)(1); and

1 “(B) ending on the date that is 30 days
2 before—

3 “(i) the date of the primary election;
4 or

5 “(ii) in the case of a State that does
6 not hold a primary election, the date pre-
7 scribed by State law as the last day to
8 qualify for a position on the general elec-
9 tion ballot.

10 “(4) FAIR ELECTIONS START DATE.—The term
11 ‘Fair Elections start date’ means, with respect to
12 any candidate, the date that is 180 days before—

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

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

18 “(5) FUND.—The term ‘Fund’ means the Fair
19 Elections Fund established by section 502.

20 “(6) IMMEDIATE FAMILY.—The term ‘imme-
21 diate family’ means, with respect to any candidate—

22 “(A) the candidate’s spouse;

23 “(B) a child, stepchild, parent, grand-
24 parent, brother, half-brother, sister, or half-sis-

1 ter of the candidate or the candidate’s spouse;
2 and

3 “(C) the spouse of any person described in
4 subparagraph (B).

5 “(7) MATCHING CONTRIBUTION.—The term
6 ‘matching contribution’ means a matching payment
7 provided to a participating candidate for qualified
8 small dollar contributions, as provided under section
9 523.

10 “(8) NONPARTICIPATING CANDIDATE.—The
11 term ‘nonparticipating candidate’ means a candidate
12 for Senator who is not a participating candidate.

13 “(9) PARTICIPATING CANDIDATE.—The term
14 ‘participating candidate’ means a candidate for Sen-
15 ator who is certified under section 515 as being eli-
16 gible to receive an allocation from the Fund.

17 “(10) QUALIFYING CONTRIBUTION.—The term
18 ‘qualifying contribution’ means, with respect to a
19 candidate, a contribution that—

20 “(A) is in an amount that is—

21 “(i) not less than the greater of \$5 or
22 the amount determined by the Commission
23 under section 531; and

1 “(ii) not more than the greater of
2 \$150 or the amount determined by the
3 Commission under section 531;

4 “(B) is made by an individual—

5 “(i) who is a resident of the State in
6 which such candidate is seeking election;
7 and

8 “(ii) who is not otherwise prohibited
9 from making a contribution under this Act;

10 “(C) is made during the Fair Elections
11 qualifying period; and

12 “(D) meets the requirements of section
13 512(b).

14 “(11) QUALIFIED SMALL DOLLAR CONTRIBU-
15 TION.—The term ‘qualified small dollar contribution’
16 means, with respect to a candidate, any contribution
17 (or series of contributions)—

18 “(A) which is not a qualifying contribution
19 (or does not include a qualifying contribution);

20 “(B) which is made by an individual who
21 is not prohibited from making a contribution
22 under this Act; and

23 “(C) the aggregate amount of which does
24 not exceed the greater of—

25 “(i) \$150 per election; or

1 “(ii) the amount per election deter-
2 mined by the Commission under section
3 531.

4 “(12) QUALIFYING MULTICANDIDATE POLIT-
5 ICAL COMMITTEE CONTRIBUTION.—

6 “(A) IN GENERAL.—The term ‘qualifying
7 multicandidate political committee contribution’
8 means any contribution to a candidate that is
9 made from a qualified account of a multi-
10 candidate political committee (within the mean-
11 ing of section 315(a)(2)).

12 “(B) QUALIFIED ACCOUNT.—For purposes
13 of subparagraph (A), the term ‘qualified ac-
14 count’ means, with respect to a multicandidate
15 political committee, a separate, segregated ac-
16 count of the committee that consists solely of
17 contributions which meet the following require-
18 ments:

19 “(i) All contributions to such account
20 are made by individuals who are not pro-
21 hibited from making contributions under
22 this Act.

23 “(ii) The aggregate amount of con-
24 tributions from each individual to such ac-
25 count and all other accounts of the polit-

1 ical committee do not exceed the amount
2 described in paragraph (11)(C).

3 **“SEC. 502. FAIR ELECTIONS FUND.**

4 “(a) ESTABLISHMENT.—There is established in the
5 Treasury a fund to be known as the ‘Fair Elections Fund’.

6 “(b) AMOUNTS HELD BY FUND.—The Fund shall
7 consist of the following amounts:

8 “(1) APPROPRIATED AMOUNTS.—

9 “(A) IN GENERAL.—Amounts appropriated
10 to the Fund.

11 “(B) SENSE OF THE SENATE REGARDING
12 APPROPRIATIONS.—It is the sense of the Senate
13 that—

14 “(i) there should be imposed on any
15 payment made to any person (other than a
16 State or local government or a foreign na-
17 tion) who has a contract with the Govern-
18 ment of the United States in excess of
19 \$10,000,000 a tax equal to 0.50 percent of
20 amount paid pursuant to each contract, ex-
21 cept that the aggregate tax on each con-
22 tract for any taxable year shall not exceed
23 \$500,000; and

24 “(ii) the revenue from such tax should
25 be appropriated to the Fund.

1 “(2) VOLUNTARY CONTRIBUTIONS.—Voluntary
2 contributions to the Fund.

3 “(3) OTHER DEPOSITS.—Amounts deposited
4 into the Fund under—

5 “(A) section 513(e) (relating to exceptions
6 to contribution requirements);

7 “(B) section 521(e) (relating to remittance
8 of allocations from the Fund);

9 “(C) section 533 (relating to violations);
10 and

11 “(D) any other section of this Act.

12 “(4) INVESTMENT RETURNS.—Interest on, and
13 the proceeds from, the sale or redemption of, any
14 obligations held by the Fund under subsection (c).

15 “(c) INVESTMENT.—The Commission shall invest
16 portions of the Fund in obligations of the United States
17 in the same manner as provided under section 9602(b)
18 of the Internal Revenue Code of 1986.

19 “(d) USE OF FUND.—

20 “(1) IN GENERAL.—The sums in the Fund
21 shall be used to provide benefits to participating
22 candidates as provided in subtitle C.

23 “(2) INSUFFICIENT AMOUNTS.—Under regula-
24 tions established by the Commission, rules similar to

1 the rules of section 9006(c) of the Internal Revenue
2 Code shall apply.

3 **“Subtitle B—Eligibility and**
4 **Certification**

5 **“SEC. 511. ELIGIBILITY.**

6 “(a) IN GENERAL.—A candidate for Senator is eligi-
7 ble to receive an allocation from the Fund for any election
8 if the candidate meets the following requirements:

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

15 “(2) The candidate meets the qualifying con-
16 tribution requirements of section 512.

17 “(3) Not later than the last day of the Fair
18 Elections qualifying period, the candidate files with
19 the Commission an affidavit signed by the candidate
20 and the treasurer of the candidate’s principal cam-
21 paign committee declaring that the candidate—

22 “(A) has complied and, if certified, will
23 comply with the contribution and expenditure
24 requirements of section 513;

1 “(B) if certified, will comply with the de-
2 bate requirements of section 514;

3 “(C) if certified, will not run as a non-
4 participating candidate during such year in any
5 election for the office that such candidate is
6 seeking; and

7 “(D) has either qualified or will take steps
8 to qualify under State law to be on the ballot.

9 “(b) GENERAL ELECTION.—Notwithstanding sub-
10 section (a), a candidate shall not be eligible to receive an
11 allocation from the Fund for a general election or a gen-
12 eral runoff election unless the candidate’s party nominated
13 the candidate to be placed on the ballot for the general
14 election or the candidate otherwise qualified to be on the
15 ballot under State law.

16 **“SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENT.**

17 “(a) IN GENERAL.—A candidate for Senator meets
18 the requirement of this section if, during the Fair Elec-
19 tions qualifying period, the candidate obtains—

20 “(1) a number of qualifying contributions equal
21 to the greater of—

22 “(A) the sum of—

23 “(i) 2,000; plus

1 “(ii) 500 for each congressional dis-
2 trict in the State with respect to which the
3 candidate is seeking election; or

4 “(B) the amount determined by the Com-
5 mission under section 531; and

6 “(2) a total dollar amount of qualifying con-
7 tributions equal to the greater of—

8 “(A) 10 percent of the amount of the allo-
9 cation such candidate would be entitled to re-
10 ceive for the primary election under section
11 522(c)(1) (determined without regard to para-
12 graph (5) thereof) if such candidate were a par-
13 ticipating candidate; or

14 “(B) the amount determined by the Com-
15 mission under section 531.

16 “(b) REQUIREMENTS RELATING TO RECEIPT OF
17 QUALIFYING CONTRIBUTION.—Each qualifying contribu-
18 tion—

19 “(1) may be made by means of a personal
20 check, money order, debit card, credit card, or elec-
21 tronic payment account;

22 “(2) shall be accompanied by a signed state-
23 ment containing—

1 “(A) the contributor’s name and the con-
2 tributor’s address in the State in which the con-
3 tributor is registered to vote; and

4 “(B) an oath declaring that the contrib-
5 utor—

6 “(i) understands that the purpose of
7 the qualifying contribution is to show sup-
8 port for the candidate so that the can-
9 didate may qualify for Fair Elections fi-
10 nancing;

11 “(ii) is making the contribution in his
12 or her own name and from his or her own
13 funds;

14 “(iii) has made the contribution will-
15 ingly; and

16 “(iv) has not received anything of
17 value in return for the contribution; and

18 “(3) shall be acknowledged by a receipt that is
19 sent to the contributor with a copy kept by the can-
20 didate for the Commission and a copy kept by the
21 candidate for the election authorities in the State
22 with respect to which the candidate is seeking elec-
23 tion.

24 “(c) VERIFICATION OF QUALIFYING CONTRIBU-
25 TIONS.—The Commission shall establish procedures for

1 the auditing and verification of qualifying contributions to
 2 ensure that such contributions meet the requirements of
 3 this section.

4 **“SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIRE-**
 5 **MENTS.**

6 “(a) GENERAL RULE.—A candidate for Senator
 7 meets the requirements of this section if, during the elec-
 8 tion cycle of the candidate, the candidate—

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

11 “(A) qualifying contributions;

12 “(B) qualified small dollar contributions;

13 “(C) qualifying multicandidate political
 14 committee contributions;

15 “(D) allocations from the Fund under sec-
 16 tion 522;

17 “(E) matching contributions under section
 18 523; and

19 “(F) vouchers provided to the candidate
 20 under section 524;

21 “(2) makes no expenditures from any amounts
 22 other than from—

23 “(A) qualifying contributions;

24 “(B) qualified small dollar contributions;

1 “(C) qualifying multicandidate political
2 committee contributions;

3 “(D) allocations from the Fund under sec-
4 tion 522;

5 “(E) matching contributions under section
6 523; and

7 “(F) vouchers provided to the candidate
8 under section 524; and

9 “(3) makes no expenditures from personal
10 funds or the funds of any immediate family member
11 (other than funds received through qualified small
12 dollar contributions and qualifying contributions).

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

17 “(b) CONTRIBUTIONS FOR LEADERSHIP PACs,
18 ETC.—A political committee of a participating candidate
19 which is not an authorized committee of such candidate
20 may accept contributions other than contributions de-
21 scribed in subsection (a)(1) from any person if—

22 “(1) the aggregate contributions from such per-
23 son for any calendar year do not exceed \$150; and

1 “(2) no portion of such contributions is dis-
2 bursed in connection with the campaign of the par-
3 ticipating candidate.

4 “(c) EXCEPTION.—Notwithstanding subsection (a), a
5 candidate shall not be treated as having failed to meet
6 the requirements of this section if any contributions that
7 are not qualified small dollar contributions, qualifying con-
8 tributions, qualifying multicandidate political committee
9 contributions, or contributions that meet the requirements
10 of subsection (b) and that are accepted before the date
11 the candidate files a statement of intent under section
12 511(a)(1) are—

13 “(1) returned to the contributor; or

14 “(2) submitted to the Commission for deposit in
15 the Fund.

16 **“SEC. 514. DEBATE REQUIREMENT.**

17 “A candidate for Senator meets the requirements of
18 this section if the candidate participates in at least—

19 “(1) 1 public debate before the primary election
20 with other participating candidates and other willing
21 candidates from the same party and seeking the
22 same nomination as such candidate; and

23 “(2) 2 public debates before the general election
24 with other participating candidates and other willing

1 candidates seeking the same office as such can-
2 didate.

3 **“SEC. 515. CERTIFICATION.**

4 “(a) IN GENERAL.—Not later than 5 days after a
5 candidate for Senator files an affidavit under section
6 511(a)(3), the Commission shall—

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

9 “(2) notify the candidate of the Commission’s
10 determination.

11 “(b) REVOCATION OF CERTIFICATION.—

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

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

17 “(B) a candidate otherwise fails to comply
18 with the requirements of this title, including
19 any regulatory requirements prescribed by the
20 Commission.

21 “(2) REPAYMENT OF BENEFITS.—If certifi-
22 cation is revoked under paragraph (1), the candidate
23 shall repay to the Fund an amount equal to the
24 value of benefits received under this title plus inter-

1 est (at a rate determined by the Commission) on any
2 such amount received.

3 **“Subtitle C—Benefits**

4 **“SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.**

5 “(a) IN GENERAL.—For each election with respect
6 to which a candidate is certified as a participating can-
7 didate, such candidate shall be entitled to—

8 “(1) an allocation from the Fund to make or
9 obligate to make expenditures with respect to such
10 election, as provided in section 522;

11 “(2) matching contributions, as provided in sec-
12 tion 523; and

13 “(3) for the general election, vouchers for
14 broadcasts of political advertisements, as provided in
15 section 524.

16 “(b) RESTRICTION ON USES OF ALLOCATIONS FROM
17 THE FUND.—Allocations from the Fund received by a par-
18 ticipating candidate under section 522 and matching con-
19 tributions under section 523 may only be used for cam-
20 paign-related costs.

21 “(c) REMITTING ALLOCATIONS FROM THE FUND.—

22 “(1) IN GENERAL.—Not later than the date
23 that is 45 days after an election in which the partici-
24 pating candidate appeared on the ballot, such par-
25 ticipating candidate shall remit to the Commission

1 for deposit in the Fund an amount equal to the less-
 2 er of—

3 “(A) the amount of money in the can-
 4 didate’s campaign account; or

5 “(B) the sum of the allocations from the
 6 Fund received by the candidate under section
 7 522 and the matching contributions received by
 8 the candidate under section 523.

9 “(2) EXCEPTION.—In the case of a candidate
 10 who qualifies to be on the ballot for a primary run-
 11 off election, a general election, or a general runoff
 12 election, the amounts described in paragraph (1)
 13 may be retained by the candidate and used in such
 14 subsequent election.

15 **“SEC. 522. ALLOCATIONS FROM THE FUND.**

16 “(a) IN GENERAL.—The Commission shall make allo-
 17 cations from the Fund under section 521(a)(1) to a par-
 18 ticipating candidate—

19 “(1) in the case of amounts provided under
 20 subsection (c)(1), not later than 48 hours after the
 21 date on which such candidate is certified as a par-
 22 ticipating candidate under section 515;

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

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

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

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

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

15 “(c) AMOUNTS.—

16 “(1) PRIMARY ELECTION ALLOCATION; INITIAL
17 ALLOCATION.—Except as provided in paragraph (5),
18 the Commission shall make an allocation from the
19 Fund for a primary election to a participating can-
20 didate in an amount equal to 67 percent of the base
21 amount with respect to such participating candidate.

22 “(2) PRIMARY RUNOFF ELECTION ALLOCA-
23 TION.—The Commission shall make an allocation
24 from the Fund for a primary runoff election to a
25 participating candidate in an amount equal to 25

1 percent of the amount the participating candidate
2 was eligible to receive under this section for the pri-
3 mary election.

4 “(3) GENERAL ELECTION ALLOCATION.—Ex-
5 cept as provided in paragraph (5), the Commission
6 shall make an allocation from the Fund for a gen-
7 eral election to a participating candidate in an
8 amount equal to the base amount with respect to
9 such candidate.

10 “(4) GENERAL RUNOFF ELECTION ALLOCA-
11 TION.—The Commission shall make an allocation
12 from the Fund for a general runoff election to a par-
13 ticipating candidate in an amount equal to 25 per-
14 cent of the base amount with respect to such can-
15 didate.

16 “(5) UNCONTESTED ELECTIONS.—

17 “(A) IN GENERAL.—In the case of a pri-
18 mary or general election that is an uncontested
19 election, the Commission shall make an alloca-
20 tion from the Fund to a participating candidate
21 for such election in an amount equal to 25 per-
22 cent of the allocation which such candidate
23 would be entitled to under this section for such
24 election if this paragraph did not apply.

1 “(B) UNCONTESTED ELECTION DE-
2 FINED.—For purposes of this subparagraph, an
3 election is uncontested if not more than 1 can-
4 didate has campaign funds (including payments
5 from the Fund) in an amount equal to or great-
6 er than 10 percent of the allocation a partici-
7 pating candidate would be entitled to receive
8 under this section for such election if this para-
9 graph did not apply.

10 “(d) BASE AMOUNT.—

11 “(1) IN GENERAL.—Except as otherwise pro-
12 vided in this subsection, the base amount for any
13 candidate is an amount equal to the greater of—

14 “(A) the sum of—

15 “(i) \$750,000; plus

16 “(ii) \$150,000 for each congressional
17 district in the State with respect to which
18 the candidate is seeking election; or

19 “(B) the amount determined by the Com-
20 mission under section 531.

21 “(2) INDEXING.—In each even-numbered year
22 after 2021—

23 “(A) each dollar amount under paragraph
24 (1)(A) shall be increased by the percent dif-
25 ference between the price index (as defined in

1 section 315(c)(2)(A)) for the 12 months pre-
2 ceding the beginning of such calendar year and
3 the price index for calendar year 2020;

4 “(B) each dollar amount so increased shall
5 remain in effect for the 2-year period beginning
6 on the first day following the date of the last
7 general election in the year preceding the year
8 in which the amount is increased and ending on
9 the date of the next general election; and

10 “(C) if any amount after adjustment under
11 subparagraph (A) is not a multiple of \$100,
12 such amount shall be rounded to the nearest
13 multiple of \$100.

14 **“SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL**
15 **DOLLAR CONTRIBUTIONS.**

16 “(a) IN GENERAL.—The Commission shall pay to
17 each participating candidate an amount equal to 600 per-
18 cent of the amount of qualified small dollar contributions
19 received by the candidate from individuals who are resi-
20 dents of the State in which such participating candidate
21 is seeking election after the date on which such candidate
22 is certified under section 515.

23 “(b) LIMITATION.—The aggregate payments under
24 subsection (a) with respect to any candidate shall not ex-
25 ceed the greater of—

1 “(1) 400 percent of the allocation such can-
2 didate is entitled to receive for such election under
3 section 522 (determined without regard to sub-
4 section (c)(5) thereof); or

5 “(2) the percentage of such allocation deter-
6 mined by the Commission under section 531.

7 “(c) TIME OF PAYMENT.—The Commission shall
8 make payments under this section not later than 2 busi-
9 ness days after the receipt of a report made under sub-
10 section (d).

11 “(d) REPORTS.—

12 “(1) IN GENERAL.—Each participating can-
13 didate shall file reports of receipts of qualified small
14 dollar contributions at such times and in such man-
15 ner as the Commission may by regulations prescribe.

16 “(2) CONTENTS OF REPORTS.—Each report
17 under this subsection shall disclose—

18 “(A) the amount of each qualified small
19 dollar contribution received by the candidate;

20 “(B) the amount of each qualified small
21 dollar contribution received by the candidate
22 from a resident of the State in which the can-
23 didate is seeking election; and

1 “(C) the name, address, and occupation of
2 each individual who made a qualified small dol-
3 lar contribution to the candidate.

4 “(3) FREQUENCY OF REPORTS.—Reports under
5 this subsection shall be made no more frequently
6 than—

7 “(A) once every month until the date that
8 is 90 days before the date of the election;

9 “(B) once every week after the period de-
10 scribed in subparagraph (A) and until the date
11 that is 21 days before the election; and

12 “(C) once every day after the period de-
13 scribed in subparagraph (B).

14 “(4) LIMITATION ON REGULATIONS.—The
15 Commission may not prescribe any regulations with
16 respect to reporting under this subsection with re-
17 spect to any election after the date that is 180 days
18 before the date of such election.

19 “(e) APPEALS.—The Commission shall provide a
20 written explanation with respect to any denial of any pay-
21 ment under this section and shall provide the opportunity
22 for review and reconsideration within 5 business days of
23 such denial.

1 **“SEC. 524. POLITICAL ADVERTISING VOUCHERS.**

2 “(a) IN GENERAL.—The Commission shall establish
3 and administer a voucher program for the purchase of
4 airtime on broadcasting stations for political advertise-
5 ments in accordance with the provisions of this section.

6 “(b) CANDIDATES.—The Commission shall only dis-
7 burse vouchers under the program established under sub-
8 section (a) to participants certified pursuant to section
9 515 who have agreed in writing to keep and furnish to
10 the Commission such records, books, and other informa-
11 tion as it may require.

12 “(c) AMOUNTS.—The Commission shall disburse
13 vouchers to each candidate certified under subsection (b)
14 in an aggregate amount equal to the greater of—

15 “(1) \$100,000 multiplied by the number of con-
16 gressional districts in the State with respect to
17 which such candidate is running for office; or

18 “(2) the amount determined by the Commission
19 under section 531.

20 “(d) USE.—

21 “(1) EXCLUSIVE USE.—Vouchers disbursed by
22 the Commission under this section may be used only
23 for the purchase of broadcast airtime for political
24 advertisements relating to a general election for the
25 office of Senate by the participating candidate to
26 which the vouchers were disbursed, except that—

1 “(A) a candidate may exchange vouchers
2 with a political party under paragraph (2); and

3 “(B) a political party may use vouchers
4 only to purchase broadcast airtime for political
5 advertisements for generic party advertising (as
6 defined by the Commission in regulations), to
7 support candidates for State or local office in a
8 general election, or to support participating
9 candidates of the party in a general election for
10 Federal office, but only if it discloses the value
11 of the voucher used as an expenditure under
12 section 315(d).

13 “(2) EXCHANGE WITH POLITICAL PARTY COM-
14 MITTEE.—

15 “(A) IN GENERAL.—A participating can-
16 didate who receives a voucher under this section
17 may transfer the right to use all or a portion
18 of the value of the voucher to a committee of
19 the political party of which the individual is a
20 candidate (or, in the case of a participating
21 candidate who is not a member of any political
22 party, to a committee of the political party of
23 that candidate’s choice) in exchange for money
24 in an amount equal to the cash value of the
25 voucher or portion exchanged.

1 “(B) CONTINUATION OF CANDIDATE OBLI-
2 GATIONS.—The transfer of a voucher, in whole
3 or in part, to a political party committee under
4 this paragraph does not release the candidate
5 from any obligation under the agreement made
6 under subsection (b) or otherwise modify that
7 agreement or its application to that candidate.

8 “(C) PARTY COMMITTEE OBLIGATIONS.—
9 Any political party committee to which a vouch-
10 er or portion thereof is transferred under sub-
11 paragraph (A)—

12 “(i) shall account fully, in accordance
13 with such requirements as the Commission
14 may establish, for the receipt of the vouch-
15 er; and

16 “(ii) may not use the transferred
17 voucher or portion thereof for any purpose
18 other than a purpose described in para-
19 graph (1)(B).

20 “(D) VOUCHER AS A CONTRIBUTION
21 UNDER FECA.—If a candidate transfers a
22 voucher or any portion thereof to a political
23 party committee under subparagraph (A)—

24 “(i) the value of the voucher or por-
25 tion thereof transferred shall be treated as

1 a contribution from the candidate to the
2 committee, and from the committee to the
3 candidate, for purposes of sections 302
4 and 304;

5 “(ii) the committee may, in exchange,
6 provide to the candidate only funds subject
7 to the prohibitions, limitations, and report-
8 ing requirements of title III of this Act;
9 and

10 “(iii) the amount, if identified as a
11 ‘voucher exchange’, shall not be considered
12 a contribution for the purposes of sections
13 315 and 513.

14 “(e) VALUE; ACCEPTANCE; REDEMPTION.—

15 “(1) VOUCHER.—Each voucher disbursed by
16 the Commission under this section shall have a value
17 in dollars, redeemable upon presentation to the
18 Commission, together with such documentation and
19 other information as the Commission may require,
20 for the purchase of broadcast airtime for political
21 advertisements in accordance with this section.

22 “(2) ACCEPTANCE.—A broadcasting station
23 shall accept vouchers in payment for the purchase of
24 broadcast airtime for political advertisements in ac-
25 cordance with this section.

1 “(3) REDEMPTION.—The Commission shall re-
2 deem vouchers accepted by broadcasting stations
3 under paragraph (2) upon presentation, subject to
4 such documentation, verification, accounting, and
5 application requirements as the Commission may im-
6 pose to ensure the accuracy and integrity of the
7 voucher redemption system.

8 “(4) EXPIRATION.—

9 “(A) CANDIDATES.—A voucher may only
10 be used to pay for broadcast airtime for polit-
11 ical advertisements to be broadcast before mid-
12 night on the day before the date of the Federal
13 election in connection with which it was issued
14 and shall be null and void for any other use or
15 purpose.

16 “(B) EXCEPTION FOR POLITICAL PARTY
17 COMMITTEES.—A voucher held by a political
18 party committee may be used to pay for broad-
19 cast airtime for political advertisements to be
20 broadcast before midnight on December 31st of
21 the odd-numbered year following the year in
22 which the voucher was issued by the Commis-
23 sion.

24 “(5) VOUCHER AS EXPENDITURE UNDER
25 FECA.—The use of a voucher to purchase broadcast

1 airtime constitutes an expenditure as defined in sec-
2 tion 301(9)(A).

3 “(f) DEFINITIONS.—In this section:

4 “(1) BROADCASTING STATION.—The term
5 ‘broadcasting station’ has the meaning given that
6 term by section 315(f)(1) of the Communications
7 Act of 1934.

8 “(2) POLITICAL PARTY.—The term ‘political
9 party’ means a major party or a minor party as de-
10 fined in section 9002 (3) or (4) of the Internal Rev-
11 enue Code of 1986 (26 U.S.C. 9002 (3) or (4)).

12 **“Subtitle D—Administrative**
13 **Provisions**

14 **“SEC. 531. FAIR ELECTIONS OVERSIGHT BOARD.**

15 “(a) ESTABLISHMENT.—There is established within
16 the Federal Election Commission an entity to be known
17 as the ‘Fair Elections Oversight Board’.

18 “(b) STRUCTURE AND MEMBERSHIP.—

19 “(1) IN GENERAL.—The Board shall be com-
20 posed of 5 members appointed by the President by
21 and with the advice and consent of the Senate, of
22 whom—

23 “(A) 2 shall be appointed after consulta-
24 tion with the majority leader of the Senate;

1 “(B) 2 shall be appointed after consulta-
2 tion with the minority leader of the Senate; and

3 “(C) 1 shall be appointed upon the rec-
4 ommendation of the members appointed under
5 subparagraphs (A) and (B).

6 “(2) QUALIFICATIONS.—

7 “(A) IN GENERAL.—The members shall be
8 individuals who are nonpartisan and, by reason
9 of their education, experience, and attainments,
10 exceptionally qualified to perform the duties of
11 members of the Board.

12 “(B) PROHIBITION.—No member of the
13 Board may be—

14 “(i) an employee of the Federal Gov-
15 ernment;

16 “(ii) a registered lobbyist; or

17 “(iii) an officer or employee of a polit-
18 ical party or political campaign.

19 “(3) DATE.—Members of the Board shall be
20 appointed not later than 60 days after the date of
21 the enactment of this Act.

22 “(4) TERMS.—A member of the Board shall be
23 appointed for a term of 5 years.

24 “(5) VACANCIES.—A vacancy on the Board
25 shall be filled not later than 30 calendar days after

1 the date on which the Board is given notice of the
2 vacancy, in the same manner as the original ap-
3 pointment. The individual appointed to fill the va-
4 cancy shall serve only for the unexpired portion of
5 the term for which the individual's predecessor was
6 appointed.

7 “(6) CHAIRPERSON.—The Board shall des-
8 ignate a Chairperson from among the members of
9 the Board.

10 “(c) DUTIES AND POWERS.—

11 “(1) ADMINISTRATION.—

12 “(A) IN GENERAL.—The Board shall have
13 such duties and powers as the Commission may
14 prescribe, including the power to administer the
15 provisions of this title.

16 “(2) REVIEW OF FAIR ELECTIONS FINANC-
17 ING.—

18 “(A) IN GENERAL.—After each general
19 election for Federal office, the Board shall con-
20 duct a comprehensive review of the Fair Elec-
21 tions financing program under this title, includ-
22 ing—

23 “(i) the maximum dollar amount of
24 qualified small dollar contributions under
25 section 501(11);

1 “(ii) the maximum and minimum dol-
2 lar amounts for qualifying contributions
3 under section 501(10);

4 “(iii) the number and value of quali-
5 fying contributions a candidate is required
6 to obtain under section 512 to qualify for
7 allocations from the Fund;

8 “(iv) the amount of allocations from
9 the Fund that candidates may receive
10 under section 522;

11 “(v) the maximum amount of match-
12 ing contributions a candidate may receive
13 under section 523;

14 “(vi) the amount and usage of vouch-
15 ers under section 524;

16 “(vii) the overall satisfaction of par-
17 ticipating candidates and the American
18 public with the program; and

19 “(viii) such other matters relating to
20 financing of Senate campaigns as the
21 Board determines are appropriate.

22 “(B) CRITERIA FOR REVIEW.—In con-
23 ducting the review under subparagraph (A), the
24 Board shall consider the following:

1 “(i) QUALIFYING CONTRIBUTIONS
2 AND QUALIFIED SMALL DOLLAR CON-
3 TRIBUTIONS.—The Board shall consider
4 whether the number and dollar amount of
5 qualifying contributions required and max-
6 imum dollar amount for such qualifying
7 contributions and qualified small dollar
8 contributions strikes a balance regarding
9 the importance of voter involvement, the
10 need to assure adequate incentives for par-
11 ticipating, and fiscal responsibility, taking
12 into consideration the number of primary
13 and general election participating can-
14 didates, the electoral performance of those
15 candidates, program cost, and any other
16 information the Board determines is ap-
17 propriate.

18 “(ii) REVIEW OF PROGRAM BENE-
19 FITS.—The Board shall consider whether
20 the totality of the amount of funds allowed
21 to be raised by participating candidates
22 (including through qualifying contributions
23 and small dollar contributions), allocations
24 from the Fund under section 522, match-
25 ing contributions under section 523, and

1 vouchers under section 524 are sufficient
2 for voters in each State to learn about the
3 candidates to cast an informed vote, taking
4 into account the historic amount of spend-
5 ing by winning candidates, media costs,
6 primary election dates, and any other in-
7 formation the Board determines is appro-
8 priate.

9 “(C) ADJUSTMENT OF AMOUNTS.—

10 “(i) IN GENERAL.—Based on the re-
11 view conducted under subparagraph (A),
12 the Board shall provide for the adjust-
13 ments of the following amounts:

14 “(I) The maximum dollar
15 amount of qualified small dollar con-
16 tributions under section 501(11)(C).

17 “(II) The maximum and min-
18 imum dollar amounts for qualifying
19 contributions under section
20 501(10)(A).

21 “(III) The number and value of
22 qualifying contributions a candidate is
23 required to obtain under section
24 512(a)(1).

1 “(IV) The base amount for can-
2 didates under section 522(d).

3 “(V) The maximum amount of
4 matching contributions a candidate
5 may receive under section 523(b).

6 “(VI) The dollar amount for
7 vouchers under section 524(c).

8 “(ii) REGULATIONS.—The Commis-
9 sion shall promulgate regulations providing
10 for the adjustments made by the Board
11 under clause (i).

12 “(D) REPORT.—Not later than March 30
13 following any general election for Federal office,
14 the Board shall submit a report to Congress on
15 the review conducted under paragraph (1).
16 Such report shall contain a detailed statement
17 of the findings, conclusions, and recommenda-
18 tions of the Board based on such review.

19 “(d) MEETINGS AND HEARINGS.—

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

1 “(2) QUORUM.—Three members of the Board
2 shall constitute a quorum for purposes of voting, but
3 a quorum is not required for members to meet and
4 hold hearings.

5 “(e) REPORTS.—Not later than March 30, 2019, and
6 every 2 years thereafter, the Board shall submit to the
7 Senate Committee on Rules and Administration a report
8 documenting, evaluating, and making recommendations
9 relating to the administrative implementation and enforce-
10 ment of the provisions of this title.

11 “(f) ADMINISTRATION.—

12 “(1) COMPENSATION OF MEMBERS.—

13 “(A) IN GENERAL.—Each member, other
14 than the Chairperson, shall be paid at a rate
15 equal to the daily equivalent of the minimum
16 annual rate of basic pay prescribed for level IV
17 of the Executive Schedule under section 5315
18 of title 5, United States Code.

19 “(B) CHAIRPERSON.—The Chairperson
20 shall be paid at a rate equal to the daily equiva-
21 lent of the minimum annual rate of basic pay
22 prescribed for level III of the Executive Sched-
23 ule under section 5314 of title 5, United States
24 Code.

25 “(2) PERSONNEL.—

1 “(A) DIRECTOR.—The Board shall have a
2 staff headed by an Executive Director. The Ex-
3 ecutive Director shall be paid at a rate equiva-
4 lent to a rate established for the Senior Execu-
5 tive Service under section 5382 of title 5,
6 United States Code.

7 “(B) STAFF APPOINTMENT.—With the ap-
8 proval of the Chairperson, the Executive Direc-
9 tor may appoint such personnel as the Execu-
10 tive Director and the Board determines to be
11 appropriate.

12 “(C) ACTUARIAL EXPERTS AND CONSULT-
13 ANTS.—With the approval of the Chairperson,
14 the Executive Director may procure temporary
15 and intermittent services under section 3109(b)
16 of title 5, United States Code.

17 “(D) DETAIL OF GOVERNMENT EMPLOY-
18 EES.—Upon the request of the Chairperson, the
19 head of any Federal agency may detail, without
20 reimbursement, any of the personnel of such
21 agency to the Board to assist in carrying out
22 the duties of the Board. Any such detail shall
23 not interrupt or otherwise affect the civil service
24 status or privileges of the Federal employee.

1 “(E) OTHER RESOURCES.—The Board
2 shall have reasonable access to materials, re-
3 sources, statistical data, and other information
4 from the Library of Congress and other agen-
5 cies of the executive and legislative branches of
6 the Federal Government. The Chairperson of
7 the Board shall make requests for such access
8 in writing when necessary.

9 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such sums as are nec-
11 essary to carry out the purposes of this subtitle.

12 **“SEC. 532. ADMINISTRATION PROVISIONS.**

13 “The Commission shall prescribe regulations to carry
14 out the purposes of this title, including regulations—

15 “(1) to establish procedures for—

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

18 “(B) effectively and efficiently monitoring
19 and enforcing the limits on the raising of quali-
20 fied small dollar contributions;

21 “(C) monitoring the raising of qualifying
22 multicandidate political committee contributions
23 through effectively and efficiently monitoring
24 and enforcing the limits on individual contribu-

1 tions to qualified accounts of multicandidate po-
2 litical committees;

3 “(D) effectively and efficiently monitoring
4 and enforcing the limits on the use of personal
5 funds by participating candidates;

6 “(E) monitoring the use of allocations
7 from the Fund and matching contributions
8 under this title through audits or other mecha-
9 nisms; and

10 “(F) the administration of the voucher
11 program under section 524; and

12 “(2) regarding the conduct of debates in a man-
13 ner consistent with the best practices of States that
14 provide public financing for elections.

15 **“SEC. 533. VIOLATIONS AND PENALTIES.**

16 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
17 TION AND EXPENDITURE REQUIREMENTS.—If a can-
18 didate who has been certified as a participating candidate
19 under section 515(a) accepts a contribution or makes an
20 expenditure that is prohibited under section 513, the Com-
21 mission shall assess a civil penalty against the candidate
22 in an amount that is not more than 3 times the amount
23 of the contribution or expenditure. Any amounts collected
24 under this subsection shall be deposited into the Fund.

1 “(b) REPAYMENT FOR IMPROPER USE OF FAIR
2 ELECTIONS FUND.—

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

11 “(A) the amount of benefits so used or not
12 remitted, as appropriate; and

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

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

1 **SEC. 103. PROHIBITION ON JOINT FUNDRAISING COMMIT-**
2 **TEES.**

3 Section 302(e) of the Federal Election Campaign Act
4 of 1971 (52 U.S.C. 30102(e)) is amended by adding at
5 the end the following new paragraph:

6 “(6) No authorized committee of a participating
7 candidate (as defined in section 501) may establish
8 a joint fundraising committee with a political com-
9 mittee other than an authorized committee of a can-
10 didate.”.

11 **SEC. 104. EXCEPTION TO LIMITATION ON COORDINATED**
12 **EXPENDITURES BY POLITICAL PARTY COM-**
13 **MITTEES WITH PARTICIPATING CANDIDATES.**

14 Section 315(d) of the Federal Election Campaign Act
15 of 1971 (52 U.S.C. 30116(d)) is amended—

16 (1) in paragraph (3)(A), by striking “in the
17 case of” and inserting “except as provided in para-
18 graph (5), in the case of”; and

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

21 “(6)(A) The limitation under paragraph (3)(A) shall
22 not apply with respect to any expenditure from a qualified
23 political party-participating candidate coordinated expend-
24 iture fund.

25 “(B) In this paragraph, the term ‘qualified political
26 party-participating candidate coordinated expenditure

1 fund' means a fund established by the national committee
2 of a political party, or a State committee of a political
3 party, including any subordinate committee of a State
4 committee, for purposes of making expenditures in connec-
5 tion with the general election campaign of a candidate for
6 election to the office of Senator who is a participating can-
7 didate (as defined in section 501), that only accepts quali-
8 fied coordinated expenditure contributions.

9 “(C) In this paragraph, the term ‘qualified coordi-
10 nated expenditure contribution’ means, with respect to the
11 general election campaign of a candidate for election to
12 the office of Senator who is a participating candidate (as
13 defined in section 501), any contribution (or series of con-
14 tributions)—

15 “(i) which is made by an individual who is not
16 prohibited from making a contribution under this
17 Act; and

18 “(ii) the aggregate amount of which does not
19 exceed \$500 per election.”.

1 **TITLE II—IMPROVING VOTER**
2 **INFORMATION**

3 **SEC. 201. BROADCASTS RELATING TO ALL SENATE CAN-**
4 **DIDATES.**

5 (a) **LOWEST UNIT CHARGE; NATIONAL COMMIT-**
6 **TEES.**—Section 315(b)(1) of the Communications Act of
7 1934 (47 U.S.C. 315(b)(1)) is amended—

8 (1) in the matter preceding subparagraph (A),
9 by striking “to such office” and inserting the fol-
10 lowing: “to such office, or by a national committee
11 of a political party on behalf of such candidate in
12 connection with such campaign,”; and

13 (2) in subparagraph (A), by inserting “for
14 preemptible use thereof” after “station”.

15 (b) **PREEMPTION; AUDITS.**—Section 315 of the Com-
16 **munications Act of 1934 (47 U.S.C. 315)** is amended—

17 (1) by redesignating subsections (c) and (d) as
18 subsections (f) and (g), respectively and moving
19 them to follow the existing subsection (e);

20 (2) by redesignating the existing subsection (e)
21 as subsection (c); and

22 (3) by inserting after subsection (c) (as redesign-
23 ated by paragraph (2)) the following:

24 “(d) **PREEMPTION.**—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), and notwithstanding the requirements of
3 subsection (b)(1)(A), a licensee shall not preempt
4 the use of a broadcasting station by a legally quali-
5 fied candidate for Senate who has purchased and
6 paid for such use.

7 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-
8 CENSEE.—If a program to be broadcast by a broad-
9 casting station is preempted because of cir-
10 cumstances beyond the control of the station, any
11 candidate or party advertising spot scheduled to be
12 broadcast during that program shall be treated in
13 the same fashion as a comparable commercial adver-
14 tising spot.

15 “(e) AUDITS.—During the 30-day period preceding
16 a primary or primary runoff election and the 60-day pe-
17 riod preceding a general or special election, the Commis-
18 sion shall conduct such audits as it deems necessary to
19 ensure that each licensee to which this section applies is
20 allocating television broadcast advertising time in accord-
21 ance with this section and section 312.”.

22 (c) REVOCATION OF LICENSE FOR FAILURE TO PER-
23 MIT ACCESS.—Section 312(a)(7) of the Communications
24 Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

25 (1) by striking “or repeated”;

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

3 (3) by striking “his candidacy” and inserting
4 “the candidacy of the candidate, under the same
5 terms, conditions, and business practices as apply to
6 the most favored advertiser of the licensee”.

7 (d) TECHNICAL AND CONFORMING AMENDMENTS.—
8 Section 315 of the Communications Act of 1934 (47
9 U.S.C. 315) is amended—

10 (1) in subsection (f), as redesignated by sub-
11 section (b)(1)—

12 (A) in the matter preceding paragraph (1),
13 by striking “For purposes of this section—”
14 and inserting the following: “DEFINITIONS.—
15 For purposes of this section:”;

16 (B) in paragraph (1)—

17 (i) by striking “the term” and insert-
18 ing “BROADCASTING STATION.—The
19 term”; and

20 (ii) by striking “; and” and inserting
21 a period; and

22 (C) in paragraph (2), by striking “the
23 terms” and inserting “LICENSEE; STATION LI-
24 CENSEE.—The terms”; and

1 (2) in subsection (g), as redesignated by sub-
2 section (b)(1), by striking “The Commission” and
3 inserting “REGULATIONS.—The Commission”.

4 **SEC. 202. BROADCAST RATES FOR PARTICIPATING CAN-**
5 **DIDATES.**

6 Section 315(b) of the Communications Act of 1934
7 (47 U.S.C. 315(b)), as amended by section 201, is amend-
8 ed—

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

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

12 “(3) PARTICIPATING CANDIDATES.—In the case
13 of a participating candidate (as defined in section
14 501(9) of the Federal Election Campaign Act of
15 1971), the charges made for the use of any broad-
16 casting station for a television broadcast shall not
17 exceed 80 percent of the lowest charge described in
18 paragraph (1)(A) during—

19 “(A) the 45 days preceding the date of a
20 primary or primary runoff election in which the
21 candidate is opposed; and

22 “(B) the 60 days preceding the date of a
23 general or special election in which the can-
24 didate is opposed.

1 “(4) RATE CARDS.—A licensee shall provide to
2 a candidate for Senate a rate card that discloses—

3 “(A) the rate charged under this sub-
4 section; and

5 “(B) the method that the licensee uses to
6 determine the rate charged under this sub-
7 section.”.

8 **SEC. 203. FCC TO PRESCRIBE STANDARDIZED FORM FOR**
9 **REPORTING CANDIDATE CAMPAIGN ADS.**

10 (a) IN GENERAL.—Not later than 90 days after the
11 date of enactment of this Act, the Federal Communica-
12 tions Commission shall initiate a rulemaking proceeding
13 to establish a standardized form to be used by each broad-
14 casting station, as defined in section 315(f) of the Com-
15 munications Act of 1934 (47 U.S.C. 315(f)) (as redesign-
16 nated by section 201(b)(1)), to record and report the pur-
17 chase of advertising time by or on behalf of a candidate
18 for nomination for election, or for election, to Federal elec-
19 tive office.

20 (b) CONTENTS.—The form prescribed by the Federal
21 Communications Commission under subsection (a) shall
22 require a broadcasting station to report to the Federal
23 Communications Commission and to the Federal Election
24 Commission, at a minimum—

25 (1) the station call letters and mailing address;

1 (2) the name and telephone number of the sta-
2 tion's sales manager (or individual with responsi-
3 bility for advertising sales);

4 (3) the name of the candidate who purchased
5 the advertising time, or on whose behalf the adver-
6 tising time was purchased, and the Federal elective
7 office for which he or she is a candidate;

8 (4) the name, mailing address, and telephone
9 number of the person responsible for purchasing
10 broadcast political advertising for the candidate;

11 (5) notation as to whether the purchase agree-
12 ment for which the information is being reported is
13 a draft or final version; and

14 (6) with respect to the advertisement—

15 (A) the date and time of the broadcast;

16 (B) the program in which the advertise-
17 ment was broadcast; and

18 (C) the length of the broadcast airtime.

19 (c) INTERNET ACCESS.—In its rulemaking under
20 subsection (a), the Federal Communications Commission
21 shall require any broadcasting station required to file a
22 report under this section that maintains an Internet
23 website to make available a link to each such report on
24 that website.

1 **TITLE III—RESPONSIBILITIES**
2 **OF THE FEDERAL ELECTION**
3 **COMMISSION**

4 **SEC. 301. PETITION FOR CERTIORARI.**

5 Section 307(a)(6) of the Federal Election Campaign
6 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-
7 serting “(including a proceeding before the Supreme
8 Court on certiorari)” after “appeal”.

9 **SEC. 302. FILING BY SENATE CANDIDATES WITH COMMIS-**
10 **SION.**

11 Section 302(g) of the Federal Election Campaign Act
12 of 1971 (52 U.S.C. 30102(g)) is amended to read as fol-
13 lows:

14 “(g) FILING WITH THE COMMISSION.—All des-
15 ignations, statements, and reports required to be
16 filed under this Act shall be filed with the Commis-
17 sion.”.

18 **SEC. 303. ELECTRONIC FILING OF FEC REPORTS.**

19 Section 304(a)(11) of the Federal Election Campaign
20 Act of 1971 (52 U.S.C. 30104(a)(11)) is amended—

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

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

4 (3) by striking subparagraph (D).

5 **TITLE IV—PARTICIPATION IN**
6 **FUNDING OF ELECTIONS**

7 **SEC. 401. REFUNDABLE TAX CREDIT FOR SENATE CAM-**
8 **PAIGN CONTRIBUTIONS.**

9 (a) IN GENERAL.—Subpart C of part IV of sub-
10 chapter A of chapter 1 of the Internal Revenue Code of
11 1986 (relating to refundable credits) is amended by insert-
12 ing after section 36B the following new section:

13 **“SEC. 36C. CREDIT FOR SENATE CAMPAIGN CONTRIBU-**
14 **TIONS.**

15 “(a) IN GENERAL.—In the case of an individual,
16 there shall be allowed as a credit against the tax imposed
17 by this subtitle an amount equal to 50 percent of the
18 qualified My Voice Federal Senate campaign contributions
19 paid or incurred by the taxpayer during the taxable year.

20 “(b) LIMITATIONS.—

21 “(1) DOLLAR LIMITATION.—The amount of
22 qualified My Voice Federal Senate campaign con-
23 tributions taken into account under subsection (a)
24 for the taxable year shall not exceed \$50 (twice such
25 amount in the case of a joint return).

1 “(2) LIMITATION ON CONTRIBUTIONS TO FED-
2 ERAL SENATE CANDIDATES.—No credit shall be al-
3 lowed under this section to any taxpayer for any tax-
4 able year if such taxpayer made aggregate contribu-
5 tions in excess of \$300 during the taxable year to—

6 “(A) any single Federal Senate candidate,
7 or

8 “(B) any political committee established
9 and maintained by a national political party.

10 “(3) PROVISION OF INFORMATION.—No credit
11 shall be allowed under this section to any taxpayer
12 unless the taxpayer provides the Secretary with such
13 information as the Secretary may require to verify
14 the taxpayer’s eligibility for the credit and the
15 amount of the credit for the taxpayer.

16 “(c) QUALIFIED MY VOICE FEDERAL SENATE CON-
17 TRIBUTIONS.—For purposes of this section, the term ‘My
18 Voice Federal Senate campaign contribution’ means any
19 contribution of cash by an individual to a Federal Senate
20 candidate or to a political committee established and
21 maintained by a national political party if such contribu-
22 tion is not prohibited under the Federal Election Cam-
23 paign Act of 1971.

24 “(d) FEDERAL SENATE CANDIDATE.—For purposes
25 of this section—

1 “(1) IN GENERAL.—The term ‘Federal Senate
2 candidate’ means any candidate for election to the
3 office of Senator.

4 “(2) TREATMENT OF AUTHORIZED COMMIT-
5 TEES.—Any contribution made to an authorized
6 committee of a Federal Senate candidate shall be
7 treated as made to such candidate.

8 “(e) INFLATION ADJUSTMENT.—

9 “(1) IN GENERAL.—In the case of a taxable
10 year beginning after 2019, the \$50 amount under
11 subsection (b)(1) shall be increased by an amount
12 equal to—

13 “(A) such dollar amount, multiplied by

14 “(B) the cost-of-living adjustment deter-
15 mined under section 1(f)(3) for the calendar
16 year in which the taxable year begins, deter-
17 mined by substituting ‘calendar year 2018’ for
18 ‘calendar year 1992’ in subparagraph (B)
19 thereof.

20 “(2) ROUNDING.—If any amount as adjusted
21 under subparagraph (A) is not a multiple of \$5,
22 such amount shall be rounded to the nearest mul-
23 tiple of \$5.”.

24 (b) CONFORMING AMENDMENTS.—

1 (1) Section 6211(b)(4)(A) of such Code is
2 amended by inserting “36C,” after “36B,”.

3 (2) Section 1324(b)(2) of title 31, United
4 States Code, is amended by inserting “36C,” after
5 “36B,”.

6 (3) The table of sections for subpart C of part
7 IV of subchapter A of chapter 1 of the Internal Rev-
8 enue Code of 1986 is amended by inserting after the
9 item relating to section 36B the following new item:

“Sec. 36C. Credit for Senate campaign contributions.”.

10 (c) FORMS.—The Secretary of the Treasury, or his
11 designee, shall ensure that the credit for contributions to
12 Federal Senate candidates allowed under section 36C of
13 the Internal Revenue Code of 1986, as added by this sec-
14 tion, may be claimed on Forms 1040EZ and 1040A.

15 (d) ADMINISTRATION.—At the request of the Sec-
16 retary of the Treasury, the Federal Election Commission
17 shall provide the Secretary of the Treasury with such in-
18 formation and other assistance as the Secretary may rea-
19 sonably require to administer the credit allowed under sec-
20 tion 36C of the Internal Revenue Code of 1986, as added
21 by this section.

22 (e) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to taxable years beginning after
24 December 31, 2018.

1 **TITLE V—REVENUE PROVISIONS**

2 **SEC. 501. FAIR ELECTIONS FUND REVENUE.**

3 (a) IN GENERAL.—The Internal Revenue Code of
4 1986 is amended by inserting after chapter 36 the fol-
5 lowing new chapter:

6 **“CHAPTER 37—TAX ON PAYMENTS PURSU-**
7 **ANT TO CERTAIN GOVERNMENT CON-**
8 **TRACTS**

“Sec. 4501. Imposition of tax.

9 **“SEC. 4501. IMPOSITION OF TAX.**

10 “(a) TAX IMPOSED.—There is hereby imposed on any
11 payment made to a qualified person pursuant to a contract
12 with the Government of the United States a tax equal to
13 0.50 percent of the amount paid.

14 “(b) LIMITATION.—The aggregate amount of tax im-
15 posed per contract under subsection (a) for any calendar
16 year shall not exceed \$500,000.

17 “(c) QUALIFIED PERSON.—For purposes of this sec-
18 tion, the term ‘qualified person’ means any person
19 which—

20 “(1) is not a State or local government, a for-
21 eign nation, or an organization described in section
22 501(c)(3) which is exempt from taxation under sec-
23 tion 501(a), and

1 “(2) has a contract with the Government of the
2 United States with a value in excess of \$10,000,000.

3 “(d) PAYMENT OF TAX.—The tax imposed by this
4 section shall be paid by the person receiving such payment.

5 “(e) USE OF REVENUE GENERATED BY TAX.—It is
6 the sense of the Senate that amounts equivalent to the
7 revenue generated by the tax imposed under this chapter
8 should be appropriated for the financing of a Fair Elec-
9 tions Fund and used for the public financing of Senate
10 elections.”.

11 (b) CONFORMING AMENDMENT.—The table of chap-
12 ters of the Internal Revenue Code of 1986 is amended by
13 inserting after the item relating to chapter 36 the fol-
14 lowing:

“CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT
CONTRACTS”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to contracts entered into after the
17 date of the enactment of this Act.

18 **TITLE VI—MISCELLANEOUS** 19 **PROVISIONS**

20 **SEC. 601. SEVERABILITY.**

21 If any provision of this Act or amendment made by
22 this Act, or the application of a provision or amendment
23 to any person or circumstance, is held to be unconstitu-
24 tional, the remainder of this Act and amendments made

1 by this Act, and the application of the provisions and
2 amendment to any person or circumstance, shall not be
3 affected by the holding.

4 **SEC. 602. EFFECTIVE DATE.**

5 Except as otherwise provided for in this Act, this Act
6 and the amendments made by this Act shall take effect
7 on January 1, 2019.

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