

112TH CONGRESS
1ST SESSION

S. 750

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

IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 5), 2011

Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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.

“TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

“Subtitle A—General Provisions

- “Sec. 501. Definitions.
- “Sec. 502. Fair Elections Fund.

“Subtitle B—Eligibility and Certification

- “Sec. 511. Eligibility.
- “Sec. 512. Qualifying contribution requirement.
- “Sec. 513. Contribution and expenditure requirements.
- “Sec. 514. Debate requirement.
- “Sec. 515. Certification.

“Subtitle C—Benefits

- “Sec. 521. Benefits for participating candidates.
- “Sec. 522. Allocations from the Fund.
- “Sec. 523. Matching payments for qualified small dollar contributions.
- “Sec. 524. Political advertising vouchers.

“Subtitle D—Administrative Provisions

- “Sec. 531. Fair Elections Oversight Board.
- “Sec. 532. Administration provisions.
- “Sec. 533. Violations and penalties.
- 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—MISCELLANEOUS PROVISIONS

- Sec. 401. Severability.
- Sec. 402. 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-
10 nanced campaigns for election to the United States Senate
11 has the capacity, and is often perceived by the public, to
12 undermine democracy in the United States by—

13 (1) creating a culture that fosters actual or per-
14 ceived conflicts of interest by encouraging Senators
15 to accept large campaign contributions from private
16 interests that are directly affected by Federal legis-
17 lation;

18 (2) diminishing or appearing to diminish Sen-
19 ators' accountability to constituents by compelling
20 legislators to be accountable to the major contribu-
21 tors who finance their election campaigns;

22 (3) undermining the meaning of the right to
23 vote by allowing monied interests to have a dis-
24 proportionate and unfair influence within the polit-
25 ical process;

1 (4) imposing large, unwarranted costs on tax-
2 payers through legislative and regulatory distortions
3 caused by unequal access to lawmakers for campaign
4 contributors;

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

8 (6) disadvantaging challengers and discouraging
9 competitive elections; and

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

13 (b) ENHANCEMENT OF DEMOCRACY BY PROVIDING
14 ALLOCATIONS FROM THE FAIR ELECTIONS FUND.—The
15 Senate finds and declares that providing the option of the
16 replacement of large private campaign contributions with
17 allocations from the Fair Elections Fund for all primary,
18 runoff, and general elections to the Senate would enhance
19 American democracy by—

20 (1) reducing the actual or perceived conflicts of
21 interest created by fully private financing of the elec-
22 tion campaigns of public officials and restoring pub-
23 lic confidence in the integrity and fairness of the
24 electoral and legislative processes through a program
25 which allows participating candidates to adhere to

1 substantially lower contribution limits for contribu-
2 tors with an assurance that there will be sufficient
3 funds for such candidates to run viable electoral
4 campaigns;

5 (2) increasing the public's confidence in the ac-
6 countability of Senators to the constituents who elect
7 them, which derives from the program's qualifying
8 criteria to participate in the voluntary program and
9 the conclusions that constituents may draw regard-
10 ing candidates who qualify and participate in the
11 program;

12 (3) helping to reduce the ability to make large
13 campaign contributions as a determinant of a citi-
14 zen's influence within the political process by facili-
15 tating the expression of support by voters at every
16 level of wealth, encouraging political participation,
17 and incentivizing participation on the part of Sen-
18 ators through the matching of small dollar contribu-
19 tions;

20 (4) potentially saving taxpayers billions of dol-
21 lars that may be (or that are perceived to be) cur-
22 rently allocated based upon legislative and regu-
23 latory agendas skewed by the influence of campaign
24 contributions;

1 (5) creating genuine opportunities for all Amer-
 2 icans to run for the Senate and encouraging more
 3 competitive elections;

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

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

9 **SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF**
 10 **FAIR ELECTIONS FINANCING OF SENATE**
 11 **ELECTION CAMPAIGNS.**

12 The Federal Election Campaign Act of 1971 (2
 13 U.S.C. 431 et seq.) is amended by adding at the end the
 14 following:

15 **“TITLE V—FAIR ELECTIONS FI-**
 16 **NANCING OF SENATE ELEC-**
 17 **TION CAMPAIGNS**

18 **“Subtitle A—General Provisions**

19 **“SEC. 501. DEFINITIONS.**

20 “In this title:

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

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

4 “(3) FAIR ELECTIONS QUALIFYING PERIOD.—
5 The term ‘Fair Elections qualifying period’ means,
6 with respect to any candidate for Senator, the pe-
7 riod—

8 “(A) beginning on the date on which the
9 candidate files a statement of intent under sec-
10 tion 511(a)(1); and

11 “(B) ending on the date that is 30 days
12 before—

13 “(i) the date of the primary election;

14 or

15 “(ii) in the case of a State that does
16 not hold a primary election, the date pre-
17 scribed by State law as the last day to
18 qualify for a position on the general elec-
19 tion ballot.

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

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

24 “(B) in the case of a State that does not
25 hold a primary election, the date prescribed by

1 State law as the last day to qualify for a posi-
2 tion on the general election ballot.

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

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

7 “(A) the candidate’s spouse;

8 “(B) a child, stepchild, parent, grand-
9 parent, brother, half-brother, sister, or half-sis-
10 ter of the candidate or the candidate’s spouse;
11 and

12 “(C) the spouse of any person described in
13 subparagraph (B).

14 “(7) MATCHING CONTRIBUTION.—The term
15 ‘matching contribution’ means a matching payment
16 provided to a participating candidate for qualified
17 small dollar contributions, as provided under section
18 523.

19 “(8) NONPARTICIPATING CANDIDATE.—The
20 term ‘nonparticipating candidate’ means a candidate
21 for Senator who is not a participating candidate.

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

1 “(10) QUALIFYING CONTRIBUTION.—The term
2 ‘qualifying contribution’ means, with respect to a
3 candidate, a contribution that—

4 “(A) is in an amount that is—

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

8 “(ii) not more than the greater of
9 \$100 or the amount determined by the
10 Commission under section 531;

11 “(B) is made by an individual—

12 “(i) who is a resident of the State in
13 which such Candidate is seeking election;
14 and

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

17 “(C) is made during the Fair Elections
18 qualifying period; and

19 “(D) meets the requirements of section
20 512(b).

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

1 “(A) which is not a qualifying contribution
2 (or does not include a qualifying contribution);

3 “(B) which is made by an individual who
4 is not prohibited from making a contribution
5 under this Act; and

6 “(C) the aggregate amount of which does
7 not exceed the greater of—

8 “(i) \$100 per election; or

9 “(ii) the amount per election deter-
10 mined by the Commission under section
11 531.

12 **“SEC. 502. FAIR ELECTIONS FUND.**

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

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

17 “(1) APPROPRIATED AMOUNTS.—

18 “(A) IN GENERAL.—Amounts appropriated
19 to the Fund.

20 “(B) SENSE OF THE SENATE REGARDING
21 APPROPRIATIONS.—It is the sense of the Senate
22 that—

23 “(i) there should be imposed on any
24 payment made to any person (other than a
25 State or local government or a foreign na-

1 tion) who has contracts with the Govern-
2 ment of the United States in excess of
3 \$10,000,000 a tax equal to 0.50 percent of
4 amount paid pursuant to such contracts,
5 except that the aggregate tax for any per-
6 son for any taxable year shall not exceed
7 \$500,000; and

8 “(ii) the revenue from such tax should
9 be appropriated to the Fund.

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

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

14 “(A) section 513(e) (relating to exceptions
15 to contribution requirements);

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

18 “(C) section 533 (relating to violations);

19 and

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

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

24 “(c) INVESTMENT.—The Commission shall invest
25 portions of the Fund in obligations of the United States

1 in the same manner as provided under section 9602(b)
2 of the Internal Revenue Code of 1986.

3 “(d) USE OF FUND.—

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

7 “(2) INSUFFICIENT AMOUNTS.—Under regula-
8 tions established by the Commission, rules similar to
9 the rules of section 9006(c) of the Internal Revenue
10 Code shall apply.

11 **“Subtitle B—Eligibility and**
12 **Certification**

13 **“SEC. 511. ELIGIBILITY.**

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

17 “(1) The candidate files with the Commission a
18 statement of intent to seek certification as a partici-
19 pating candidate under this title during the period
20 beginning on the Fair Elections start date and end-
21 ing on the last day of the Fair Elections qualifying
22 period.

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

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

6 “(A) has complied and, if certified, will
7 comply with the contribution and expenditure
8 requirements of section 513;

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

11 “(C) if certified, will not run as a non-
12 participating candidate during such year in any
13 election for the office that such candidate is
14 seeking; and

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

17 “(b) GENERAL ELECTION.—Notwithstanding sub-
18 section (a), a candidate shall not be eligible to receive an
19 allocation from the Fund for a general election or a gen-
20 eral runoff election unless the candidate’s party nominated
21 the candidate to be placed on the ballot for the general
22 election or the candidate otherwise qualified to be on the
23 ballot under State law.

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

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

5 “(1) a number of qualifying contributions equal
6 to the greater of—

7 “(A) the sum of—

8 “(i) 2,000; plus

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

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

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

16 “(A) 10 percent of the amount of the allo-
17 cation such candidate would be entitled to re-
18 ceive for the primary election under section
19 522(c)(1) (determined without regard to para-
20 graph (5) thereof) if such candidate were a par-
21 ticipating candidate; or

22 “(B) the amount determined by the Com-
23 mission under section 531.

24 “(b) REQUIREMENTS RELATING TO RECEIPT OF
25 QUALIFYING CONTRIBUTION.—Each qualifying contribu-
26 tion—

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

4 “(2) shall be accompanied by a signed state-
5 ment containing—

6 “(A) the contributor’s name and the con-
7 tributor’s address in the State in which the con-
8 tributor is registered to vote; and

9 “(B) an oath declaring that the contrib-
10 utor—

11 “(i) understands that the purpose of
12 the qualifying contribution is to show sup-
13 port for the candidate so that the can-
14 didate may qualify for Fair Elections fi-
15 nancing;

16 “(ii) is making the contribution in his
17 or her own name and from his or her own
18 funds;

19 “(iii) has made the contribution will-
20 ingly; and

21 “(iv) has not received any thing of
22 value in return for the contribution; and

23 “(3) shall be acknowledged by a receipt that is
24 sent to the contributor with a copy kept by the can-
25 didate for the Commission and a copy kept by the

1 candidate for the election authorities in the State
 2 with respect to which the candidate is seeking elec-
 3 tion.

4 “(c) VERIFICATION OF QUALIFYING CONTRIBU-
 5 TIONS.—The Commission shall establish procedures for
 6 the auditing and verification of qualifying contributions to
 7 ensure that such contributions meet the requirements of
 8 this section.

9 **“SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIRE-**
 10 **MENTS.**

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

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

16 “(A) qualifying contributions;

17 “(B) qualified small dollar contributions;

18 “(C) allocations from the Fund under sec-
 19 tion 522;

20 “(D) matching contributions under section
 21 523; and

22 “(E) vouchers provided to the candidate
 23 under section 524;

24 “(2) makes no expenditures from any amounts
 25 other than from—

1 “(A) qualifying contributions;

2 “(B) qualified small dollar contributions;

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

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

7 “(E) 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 \$100; 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, or contributions that meet the requirements of
9 subsection (b) and that are accepted before the date the
10 candidate files a statement of intent under section
11 511(a)(1) are—

12 “(1) returned to the contributor; or

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

15 **“SEC. 514. DEBATE REQUIREMENT.**

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

18 “(1) 1 public debate before the primary election
19 with other participating candidates and other willing
20 candidates from the same party and seeking the
21 same nomination as such candidate; and

22 “(2) 2 public debates before the general election
23 with other participating candidates and other willing
24 candidates seeking the same office as such can-
25 didate.

1 **“SEC. 515. CERTIFICATION.**

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

5 “(1) certify whether or not the candidate is a
6 participating candidate; and

7 “(2) notify the candidate of the Commission’s
8 determination.

9 “(b) REVOCATION OF CERTIFICATION.—

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

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

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

19 “(2) REPAYMENT OF BENEFITS.—If certifi-
20 cation is revoked under paragraph (1), the candidate
21 shall repay to the Fund an amount equal to the
22 value of benefits received under this title plus inter-
23 est (at a rate determined by the Commission) on any
24 such amount received.

“Subtitle C—Benefits

“SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.

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

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

“(2) matching contributions, as provided in section 523; and

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

“(b) RESTRICTION ON USES OF ALLOCATIONS FROM THE FUND.—Allocations from the Fund received by a participating candidate under sections 522 and matching contributions under section 523 may only be used for campaign-related costs.

“(c) REMITTING ALLOCATIONS FROM THE FUND.—

“(1) IN GENERAL.—Not later than the date that is 45 days after an election in which the participating candidate appeared on the ballot, such participating candidate shall remit to the Commission for deposit in the Fund an amount equal to the lesser of—

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

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

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

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

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

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

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

23 “(A) the date of the certification of the re-
24 sults of the primary election or the primary
25 runoff election; or

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

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

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

12 “(c) AMOUNTS.—

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

19 “(2) PRIMARY RUNOFF ELECTION ALLOCA-
20 TION.—The Commission shall make an allocation
21 from the Fund for a primary runoff election to a
22 participating candidate in an amount equal to 25
23 percent of the amount the participating candidate
24 was eligible to receive under this section for the pri-
25 mary election.

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

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

13 “(5) UNCONTESTED ELECTIONS.—

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

22 “(B) UNCONTESTED ELECTION DE-
23 FINED.—For purposes of this subparagraph, an
24 election is uncontested if not more than 1 can-
25 didate has campaign funds (including payments

1 from the Fund) in an amount equal to or great-
2 er than 10 percent of the allocation a partici-
3 pating candidate would be entitled to receive
4 under this section for such election if this para-
5 graph did not apply.

6 “(d) BASE AMOUNT.—

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

10 “(A) the sum of—

11 “(i) \$750,000; plus

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

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

17 “(2) INDEXING.—In each even-numbered year
18 after 2013—

19 “(A) each dollar amount under paragraph
20 (1)(A) shall be increased by the percent dif-
21 ference between the price index (as defined in
22 section 315(c)(2)(A)) for the 12 months pre-
23 ceeding the beginning of such calendar year and
24 the price index for calendar year 2012;

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

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

11 **“SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL**
12 **DOLLAR CONTRIBUTIONS.**

13 “(a) IN GENERAL.—The Commission shall pay to
14 each participating candidate an amount equal to 500 per-
15 cent of the amount of qualified small dollar contributions
16 received by the candidate from individuals who are resi-
17 dents of the State in which such participating candidate
18 is seeking election after the date on which such candidate
19 is certified under section 515.

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

23 “(1) 300 percent of the allocation such can-
24 didate is entitled to receive for such election under

1 section 522 (determined without regard to sub-
2 section (c)(5) thereof); or

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

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

9 “(d) REPORTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(b) CANDIDATES.—The Commission shall only dis-
2 burse vouchers under the program established under sub-
3 section (a) to participants certified pursuant to section
4 515 who have agreed in writing to keep and furnish to
5 the Commission such records, books, and other informa-
6 tion as it may require.

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

10 “(1) \$100,000 multiplied by the number of con-
11 gressional districts in the State with respect to
12 which such candidate is running for office; or

13 “(2) the amount determined by the Commission
14 under section 531.

15 “(d) USE.—

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

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

24 “(B) a political party may use vouchers
25 only to purchase broadcast airtime for political

1 advertisements for generic party advertising (as
2 defined by the Commission in regulations), to
3 support candidates for State or local office in a
4 general election, or to support participating
5 candidates of the party in a general election for
6 Federal office, but only if it discloses the value
7 of the voucher used as an expenditure under
8 section 315(d).

9 “(2) EXCHANGE WITH POLITICAL PARTY COM-
10 MITTEE.—

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

22 “(B) CONTINUATION OF CANDIDATE OBLI-
23 GATIONS.—The transfer of a voucher, in whole
24 or in part, to a political party committee under
25 this paragraph does not release the candidate

1 from any obligation under the agreement made
2 under subsection (b) or otherwise modify that
3 agreement or its application to that candidate.

4 “(C) PARTY COMMITTEE OBLIGATIONS.—
5 Any political party committee to which a vouch-
6 er or portion thereof is transferred under sub-
7 paragraph (A)—

8 “(i) shall account fully, in accordance
9 with such requirements as the Commission
10 may establish, for the receipt of the vouch-
11 er; and

12 “(ii) may not use the transferred
13 voucher or portion thereof for any purpose
14 other than a purpose described in para-
15 graph (1)(B).

16 “(D) VOUCHER AS A CONTRIBUTION
17 UNDER FECA.—If a candidate transfers a
18 voucher or any portion thereof to a political
19 party committee under subparagraph (A)—

20 “(i) the value of the voucher or por-
21 tion thereof transferred shall be treated as
22 a contribution from the candidate to the
23 committee, and from the committee to the
24 candidate, for purposes of sections 302
25 and 304;

1 “(ii) the committee may, in exchange,
2 provide to the candidate only funds subject
3 to the prohibitions, limitations, and report-
4 ing requirements of title III of this Act;
5 and

6 “(iii) the amount, if identified as a
7 ‘voucher exchange’, shall not be considered
8 a contribution for the purposes of sections
9 315 and 513.

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

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

18 “(2) ACCEPTANCE.—A broadcasting station
19 shall accept vouchers in payment for the purchase of
20 broadcast airtime for political advertisements in ac-
21 cordance with this section.

22 “(3) REDEMPTION.—The Commission shall re-
23 deem vouchers accepted by broadcasting stations
24 under paragraph (2) upon presentation, subject to
25 such documentation, verification, accounting, and

1 application requirements as the Commission may im-
2 pose to ensure the accuracy and integrity of the
3 voucher redemption system.

4 “(4) EXPIRATION.—

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

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

20 “(5) VOUCHER AS EXPENDITURE UNDER
21 FECA.—The use of a voucher to purchase broadcast
22 airtime constitutes an expenditure as defined in sec-
23 tion 301(9)(A).

24 “(f) DEFINITIONS.—In this section:

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

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

9 **“Subtitle D—Administrative**
10 **Provisions**

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

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

15 “(b) STRUCTURE AND MEMBERSHIP.—

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

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

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

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

4 “(2) QUALIFICATIONS.—

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

10 “(B) PROHIBITION.—No member of the
11 Board may be—

12 “(i) an employee of the Federal Gov-
13 ernment;

14 “(ii) a registered lobbyist; or

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

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

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

22 “(5) VACANCIES.—A vacancy on the Board
23 shall be filled not later than 30 calendar days after
24 the date on which the Board is given notice of the
25 vacancy, in the same manner as the original ap-

1 pointment. The individual appointed to fill the va-
2 cancy shall serve only for the unexpired portion of
3 the term for which the individual's predecessor was
4 appointed.

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

8 “(c) DUTIES AND POWERS.—

9 “(1) ADMINISTRATION.—

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

14 “(2) REVIEW OF FAIR ELECTIONS FINANC-
15 ING.—

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

21 “(i) the maximum dollar amount of
22 qualified small dollar contributions under
23 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 sections 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 amount
15 of qualified small dollar contributions
16 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); and

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, 2012, 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) effectively and efficiently monitoring
22 and enforcing the limits on the use of personal
23 funds by participating candidates;

24 “(D) monitoring the use of allocations
25 from the Fund and matching contributions

1 under this title through audits or other mecha-
 2 nisms; and

3 “(E) the administration of the voucher
 4 program under section 524; and

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

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

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

18 “(b) REPAYMENT FOR IMPROPER USE OF FAIR
 19 ELECTIONS FUND.—

20 “(1) IN GENERAL.—If the Commission deter-
 21 mines that any benefit made available to a partici-
 22 pating candidate under this title was not used as
 23 provided for in this title or that a participating can-
 24 didate has violated any of the dates for remission of
 25 funds contained in this title, the Commission shall

1 so notify the candidate and the candidate shall pay
2 to the Fund an amount equal to—

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

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

7 “(2) OTHER ACTION NOT PRECLUDED.—Any
8 action by the Commission in accordance with this
9 subsection shall not preclude enforcement pro-
10 ceedings by the Commission in accordance with sec-
11 tion 309(a), including a referral by the Commission
12 to the Attorney General in the case of an apparent
13 knowing and willful violation of this title.”.

14 **SEC. 103. PROHIBITION ON JOINT FUNDRAISING COMMIT-**
15 **TEES.**

16 Section 302(e) of the Federal Election Campaign Act
17 of 1971 (2 U.S.C. 432(e)) is amended by adding at the
18 end the following new paragraph:

19 “(6) No authorized committee of a participating
20 candidate (as defined in section 501) may establish
21 a joint fundraising committee with a political com-
22 mittee other than an authorized committee of a can-
23 didate.”.

1 **SEC. 104. EXCEPTION TO LIMITATION ON COORDINATED**
2 **EXPENDITURES BY POLITICAL PARTY COM-**
3 **MITTEES WITH PARTICIPATING CANDIDATES.**

4 Section 315(d) of the Federal Election Campaign Act
5 of 1971 (2 U.S.C. 441a(d)) is amended—

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

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

11 “(5)(A) The limitation under paragraph (3)(A) shall
12 not apply with respect to any expenditure from a qualified
13 political party-participating candidate coordinated expend-
14 iture fund.

15 “(B) In this paragraph, the term ‘qualified political
16 party-participating candidate coordinated expenditure
17 fund’ means a fund established by the national committee
18 of a political party, or a State committee of a political
19 party, including any subordinate committee of a State
20 committee, for purposes of making expenditures in connec-
21 tion with the general election campaign of a candidate for
22 election to the office of Senator who is a participating can-
23 didate (as defined in section 501), that only accepts quali-
24 fied coordinated expenditure contributions.

25 “(C) In this paragraph, the term ‘qualified coordi-
26 nated expenditure contribution’ means, with respect to the

1 general election campaign of a candidate for election to
 2 the office of Senator who is a participating candidate (as
 3 defined in section 501), any contribution (or series of con-
 4 tributions)—

5 “(i) which is made by an individual who is not
 6 prohibited from making a contribution under this
 7 Act; and

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

10 **TITLE II—IMPROVING VOTER** 11 **INFORMATION**

12 **SEC. 201. BROADCASTS RELATING TO ALL SENATE CAN-** 13 **DIDATES.**

14 (a) **LOWEST UNIT CHARGE; NATIONAL COMMIT-**
 15 **TEES.**—Section 315(b) of the Communications Act of
 16 1934 (47 U.S.C. 315(b)) is amended—

17 (1) by striking “to such office” in paragraph
 18 (1) and inserting “to such office, or by a national
 19 committee of a political party on behalf of such can-
 20 didate in connection with such campaign,”; and

21 (2) by inserting “for pre-emptible use thereof”
 22 after “station” in subparagraph (A) of paragraph
 23 (1).

24 (b) **PREEMPTION; AUDITS.**—Section 315 of such Act
 25 (47 U.S.C. 315) is amended—

1 (1) by redesignating subsections (c) and (d) as
2 subsections (e) and (f), respectively and moving
3 them to follow the existing subsection (e);

4 (2) by redesignating the existing subsection (e)
5 as subsection (c); and

6 (3) by inserting after subsection (c) (as redesign-
7 nated by paragraph (2)) the following:

8 “(d) PREEMPTION.—

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

15 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-
16 CENSEE.—If a program to be broadcast by a broad-
17 casting station is preempted because of cir-
18 cumstances beyond the control of the station, any
19 candidate or party advertising spot scheduled to be
20 broadcast during that program shall be treated in
21 the same fashion as a comparable commercial adver-
22 tising spot.

23 “(e) AUDITS.—During the 30-day period preceding
24 a primary election and the 60-day period preceding a gen-
25 eral election, the Commission shall conduct such audits

1 as it deems necessary to ensure that each broadcaster to
2 which this section applies is allocating television broadcast
3 advertising time in accordance with this section and sec-
4 tion 312.”.

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

8 (1) by striking “or repeated”;

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

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

15 (d) STYLISTIC AMENDMENTS.—Section 315 of such
16 Act (47 U.S.C. 315) is amended—

17 (1) by striking “the” in subsection (e)(1), as re-
18 designated by subsection (b)(1), and inserting
19 “BROADCASTING STATION.—”;

20 (2) by striking “the” in subsection (e)(2), as re-
21 designated by subsection (b)(1), and inserting “LI-
22 CENSEE; STATION LICENSEE.—”; and

23 (3) by inserting “REGULATIONS.—” in sub-
24 section (f), as redesignated by subsection (b)(1), be-
25 fore “The Commission”.

1 **SEC. 202. BROADCAST RATES FOR PARTICIPATING CAN-**
2 **DIDATES.**

3 Section 315(b) of the Communications Act of 1934
4 (47 U.S.C. 315(b)), as amended by subsection (a), is
5 amended—

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

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

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

16 “(A) the 45 days preceding the date of a
17 primary or primary runoff election in which the
18 candidate is opposed; and

19 “(B) the 60 days preceding the date of a
20 general or special election in which the can-
21 didate is opposed.

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

24 “(A) the rate charged under this sub-
25 section; and

1 “(B) the method that the licensee uses to
2 determine the rate charged under this sub-
3 section.”.

4 **SEC. 203. FCC TO PRESCRIBE STANDARDIZED FORM FOR**
5 **REPORTING CANDIDATE CAMPAIGN ADS.**

6 (a) **IN GENERAL.**—Within 90 days after the date of
7 enactment of this Act, the Federal Communications Com-
8 mission shall initiate a rulemaking proceeding to establish
9 a standardized form to be used by broadcasting stations,
10 as defined in section 315(f)(1) of the Communications Act
11 of 1934 (47 U.S.C. 315(f)(1)), to record and report the
12 purchase of advertising time by or on behalf of a candidate
13 for nomination for election, or for election, to Federal elec-
14 tive office.

15 (b) **CONTENTS.**—The form prescribed by the Com-
16 mission under subsection (a) shall require, broadcasting
17 stations to report to the Commission and to the Federal
18 Election Commission, at a minimum—

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

20 (2) the name and telephone number of the sta-
21 tion’s sales manager (or individual with responsi-
22 bility for advertising sales);

23 (3) the name of the candidate who purchased
24 the advertising time, or on whose behalf the adver-

1 tising time was purchased, and the Federal elective
2 office for which he or she is a candidate;

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

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

9 (6) the following information about the adver-
10 tisement:

11 (A) The date and time of the broadcast.

12 (B) The program in which the advertise-
13 ment was broadcast.

14 (C) The length of the broadcast airtime.

15 (c) INTERNET ACCESS.—In its rulemaking under
16 subsection (a), the Commission shall require any broad-
17 casting station required to file a report under this section
18 that maintains an Internet website to make available a
19 link to such reports on that website.

20 **TITLE III—RESPONSIBILITIES**
21 **OF THE FEDERAL ELECTION**
22 **COMMISSION**

23 **SEC. 301. PETITION FOR CERTIORARI.**

24 Section 307(a)(6) of the Federal Election Campaign
25 Act of 1971 (2 U.S.C. 437d(a)(6)) is amended by insert-

1 ing “(including a proceeding before the Supreme Court on
2 certiorari)” after “appeal”.

3 **SEC. 302. FILING BY SENATE CANDIDATES WITH COMMIS-**
4 **SION.**

5 Section 302(g) of the Federal Election Campaign Act
6 of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

7 “(g) FILING WITH THE COMMISSION.—All des-
8 ignations, statements, and reports required to be
9 filed under this Act shall be filed with the Commis-
10 sion.”.

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

12 Section 304(a)(11) of the Federal Election Campaign
13 Act of 1971 (2 U.S.C. 434(a)(11)) is amended—

14 (1) in subparagraph (A), by striking “under
15 this Act—” and all that follows and inserting
16 “under this Act shall be required to maintain and
17 file such designation, statement, or report in elec-
18 tronic form accessible by computers.”;

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

22 (3) by striking subparagraph (D).

1 **TITLE IV—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 401. SEVERABILITY.**

4 If any provision of this Act or amendment made by
5 this Act, or the application of a provision or amendment
6 to any person or circumstance, is held to be unconstitu-
7 tional, the remainder of this Act and amendments made
8 by this Act, and the application of the provisions and
9 amendment to any person or circumstance, shall not be
10 affected by the holding.

11 **SEC. 402. EFFECTIVE DATE.**

12 Except as otherwise provided for in this Act, this Act
13 and the amendments made by this Act shall take effect
14 on January 1, 2012.

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