

CRS Report for Congress

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Campaign Finance Legislation in the 108th Congress

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Summary

As of October 11, 2004, 29 bills have been introduced in the 108th Congress to change the nation's campaign finance laws (primarily under Titles 2 and 26 of the U.S. Code). These bills — 20 in the House and nine in the Senate — seek to make improvements in the current system, including to tighten perceived loopholes. In the wake of enactment of the Bipartisan Campaign Reform Act of 2002 (P.L. 107- 155), there has been decidedly less legislative activity in this area than in recent Congresses, which typically saw well over 100 campaign finance-related bills introduced. This report will be updated again at the end of the 108th Congress.

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Campaign Finance Legislation in the 108th Congress

This report lists all bills introduced in the 108th Congress to amend the nation's campaign finance laws (primarily under Titles 2 and 26 of the U.S. Code, the Federal Election Campaign Act or FECA). The list is current through October 11, 2004.

The report is comprised of three chapters and an index:

- Chapter I is a checklist of all bills (in numerical order), noting major types of reforms proposed in each, listed according to 15 categories (including “miscellaneous”);
- Chapter II arranges all provisions of every bill under the 15 categories noted in the checklist, with a basic description of the issue area, where needed, and further division of proposals into subcategories. Bills whose provisions fall under a specific category or subcategory are noted accordingly (with further detail provided in Chapter III);
- Chapter III is a chronological listing and summary of each bill. For each bill, this chapter provides the bill number, sponsor, title, a detailed summary of provisions arranged by the 15 categories used in chapters I and II, date introduced, committee referral, and any legislative action; and
- Index of bills, listed alphabetically by lead sponsor.

Chapter I. Checklist of Bills and Types of Proposals

Table 1 on the following pages provides easy reference to types of provisions in each of the bills listed in this report. An “x” denotes features in a given bill. For each category, reference is made to the page in this report where a discussion of the applicable legislation is found.

Table 1. Checklist of Major Provisions of 108th Congress Bills

Bill/ Sponsor	Hard Money				In-state/ -district	Indep. Expen.	Hard & Soft Money	Soft Money			Spending limits & public benefits	FEC	Adver- tising	Presi- dential	Misc.
	Major contribution sources							Coord- ination	Party (and gen.)	Non-party (labor/corp/ tax-exempt)					
	Indiv.	PACs	Party	Cand.											
<i>See</i>	<i>p. 8</i>	<i>p. 8</i>	<i>p. 8</i>	<i>p. 9</i>	<i>p. 9</i>	<i>p. 9</i>	<i>p. 10</i>	<i>p. 10</i>	<i>p. 11</i>	<i>p. 11</i>	<i>p. 12</i>	<i>p. 13</i>	<i>p. 16</i>	<i>p. 17</i>	<i>p. 18</i>
House Bills															
H.R. 156 Petri												X	X		
H.R. 157 Petri	X														
H.R. 344 Bartlett														X	
H.R. 681 English				X											
H.R. 797 English				X											
H.R. 1878 Andrews								X	X		X	X			X
H.R. 2529 Hoekstra					X							X			
H.R. 2667 Maloney												X	X		

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Bill/ Sponsor	Hard Money					In-state/ -district	Indep. Expen.	Hard & Soft Money	Soft Money			Spending limits & public benefits	FEC	Adver- tising	Presi- dential	Misc.
	Major contribution sources				Coord- ination				Party (and gen.)	Non-party (labor/corp/ tax-exempt)	Issue Advoc.					
	Indiv.	PACs	Party	Cand.												
<i>See</i>	<i>p. 8</i>	<i>p. 8</i>	<i>p. 8</i>	<i>p. 9</i>	<i>p. 9</i>	<i>p. 9</i>	<i>p. 10</i>	<i>p. 10</i>	<i>p. 11</i>	<i>p. 11</i>	<i>p. 12</i>	<i>p. 13</i>	<i>p. 16</i>	<i>p. 17</i>	<i>p. 18</i>	
H.R. 2709 Shays												X				
H.R. 3172 McCollum	X										X					
H.R. 3525 Doolittle	X	X	X					X				X		X	X	
H.R. 3617 Meehan			X											X		
H.R. 3641 Tierney			X			X	X				X	X	X		X	
H.R. 3801 Bartlett										X						
H.R. 4384 English										X						
H.R. 4985 Price, NC													X			
H.R. 5013 Larson										X						
H.R. 5127 Shays										X						

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Bill/ Sponsor	Hard Money					In-state/ -district	Indep. Expen.	Hard & Soft Money	Soft Money			Spending limits & public benefits	FEC	Adver- tising	Presi- dential	Misc.
	Major contribution sources				Coord- ination				Party (and gen.)	Non-party (labor/corp/ tax-exempt)	Issue Advoc.					
	Indiv.	PACs	Party	Cand.												
<i>See</i>	<i>p. 8</i>	<i>p. 8</i>	<i>p. 8</i>	<i>p. 9</i>	<i>p. 9</i>	<i>p. 9</i>	<i>p. 10</i>	<i>p. 10</i>	<i>p. 11</i>	<i>p. 11</i>	<i>p. 12</i>	<i>p. 13</i>	<i>p. 16</i>	<i>p. 17</i>	<i>p. 18</i>	
H.J.Res. 5 Dingell											X					
H.J.Res. 21 Leach				X												
Senate Bills																
S 804 Dorgan	X															
S 1388 McCain												X				
S 1497 McCain											X		X			
S 1874 Feingold												X				
S 1913 McCain			X												X	
S 2392 Wyden														X		
S 2702 Chambliss											X					

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Bill/ Sponsor	Hard Money					In-state/ -district	Indep. Expen.	Hard & Soft Money	Soft Money			Spending limits & public benefits	FEC	Adver- tising	Presi- dential	Misc.
	Major contribution sources				Coord- ination				Party (and gen.)	Non-party (labor/corp/ tax-exempt)	Issue Advoc.					
	Indiv.	PACs	Party	Cand.												
<i>See</i>	<i>p. 8</i>	<i>p. 8</i>	<i>p. 8</i>	<i>p. 9</i>	<i>p. 9</i>	<i>p. 9</i>	<i>p. 10</i>	<i>p. 10</i>	<i>p. 11</i>	<i>p. 11</i>	<i>p. 12</i>	<i>p. 13</i>	<i>p. 16</i>	<i>p. 17</i>	<i>p. 18</i>	
S 2828 McCain										X						
S.J.Res. 5 Hollings											X					

Chapter II. Major Reforms Proposed, by Category

This section of the report is organized into 15 subsections, encompassing the 14 major areas of reform addressed in proposed 108th Congress bills, and a “miscellaneous” category for provisions outside that framework. In each subsection, bills containing provisions that address that particular area are noted. Greater detail for each provision and a sense of how a bill’s various provisions might affect each other can be found in Chapter III, where bill summaries appear in numerical order. (In some cases, reference is made here to other provisions of the same bill.)

For easy reference, arbitrary decisions were made as to the primary nature and goal of a particular provision. Many provisions, however, have multiple purposes. For example, a bill that would raise the limit on an individual’s contributions to political parties would empower both the individual *and* the political party. Such a provision would be listed here under “individual,” as it most directly affects what an individual may do, even though the parties would benefit as well.

The first six categories can be examined in the context of *hard money*, as they pertain to types of activity that are regulated under federal election law, which specifies prohibited sources, sets limits on permitted contributions, and requires disclosure. The six hard money categories are shown on the checklist in Chapter I under a larger heading of “hard money,” with the first four — individuals, PACs, parties, and candidates — further grouped to reflect the four principal sources of campaign receipts. The eighth, ninth, and tenth categories comprise provisions dealing with *soft money*; the eighth contains provisions relating to party soft money (and some general provisions); the ninth focuses on non-party soft money — direct activities of unions and corporations; and the tenth addresses issue advocacy, election-related communications that fall largely outside the purview of the Federal Election Campaign Act (FECA), and often involve activities regulated under the Internal Revenue Code (as section 527 political organizations).¹

¹ “Hard money” generally refers to funds raised and spent according to the source limits and prohibitions and disclosure requirements of federal election law. By contrast, “soft money” refers to funds raised and spent outside the federal election regulatory framework, but which may have at least an indirect impact on federal elections

Individuals (Hard Money)

These bills would change limits and offer incentives to encourage a greater role for individual citizens in federal campaign financing.

Remove Contribution Limits

H.R. 3525 (Doolittle)

Provide Tax Incentives for Individual Contributions

H.R. 157 (Petri) — credit and special deduction

S. 804 (Dorgan) — credit

Provide Tax Incentives on Contingency Basis.

H.R. 3172 (McCollum) — for contributions to candidates who participate in voluntary spending limits and public subsidy program

PACs (Hard Money)

These bills would restrict or empower political action committees (PACs) in their funding role. A *PAC* is a “nonparty multicandidate committee,” an FECA status that most PACs have. PACs sponsored by organizations are “separate segregated funds,” while those that are independent of other entities are “nonconnected.”

Remove Contribution Limits

H.R. 3525 (Doolittle)

Political Parties (Hard Money)

These bills would restrict or empower political parties in their funding role.

Remove Contribution Limits

H.R. 3525 (Doolittle)

Limit All Party Spending Per Candidate

H.R. 3641 (Tierney)* — in “clean money” races

Double Limit on Coordinated Expenditures for Presidential Candidates

H.R. 3617 (Meehan)

S. 1913 (McCain)

Candidates (Hard Money)

These bills contain provisions that focus on spending and loans by candidates from personal or family wealth, including the issue of repayment of candidate loans from campaign funds after an election.

Ban Use of Campaign or Official Funds for Candidate Salary

H.R. 797 (English)

Ban Repayment of Candidate Loans from Campaign Funds

H.R. 681 (English) — for winning candidates, after taking office

Enact Constitutional Amendment to Limit Candidate Spending

H.J.Res. 21 (Leach)

In-state or In-district Minimum (Hard Money)

This category includes bills that would require a minimum level of candidates' funds to come from residents of that state or district, or in some way seek to encourage a greater role for local residents.

Require In-state Funding Level

H.R. 2529 (Hoekstra) — for House and Senate candidates

Independent Expenditures (Hard Money)

Independent expenditures are communications with the public advocating the election or defeat of clearly identified candidates made without any coordination, cooperation, or consultation with the candidates. They are not subject to limits on amounts spent, but the source restrictions and disclosure requirements of federal law apply. This hard money activity should not be confused with issue advocacy, which is largely outside federal election regulation; this is treated in a separate category, below.

Increase Disclosure Requirements

H.R. 3641 (Tierney) — for “clean money” candidates

Coordination (Hard and Soft Money)

These provisions address the issue of what constitutes *coordination* under the FECA, which, in turn, triggers an activity’s treatment as a *contribution* or *expenditure*, subject to relevant limits. This issue has come to include both issue and express advocacy, hence it contains both hard and soft money components.

Define Coordination and Associated Activities

H.R. 3641 (Tierney)

Define Coordinated Activity As Contribution or Expenditure

H.R. 3641 (Tierney) — but exempts party spending for “clean money” candidates

Soft Money: Party

This term has traditionally referred to money that may indirectly influence federal elections, but that is raised and spent outside federal election law’s purview and that would be illegal if spent directly in connection with a federal election. Prior to enactment of the Bipartisan Campaign Reform Act of 2002 (BCRA), national parties commonly raised money from sources and in amounts that were federally impermissible; these funds could then be transferred to state parties where permitted under state election law and used for grassroots and generic party activity. Party soft money was also used for a share of administrative and overhead expenses and issue advocacy. Since BCRA’s prohibition on the raising of soft money by national parties and federal officials, this issue has largely been moot. Those few bills that address it focus solely on improving disclosure of state party funds.

Add Disclosure Requirements

H.R. 1878 (Andrews) — allows state parties to file copies of state reports with FEC, if substantially similar to what FEC requires

H.R. 3525 (Doolittle) — requires copies of state party reports to be filed with FEC

Soft Money: Non-Party

Non-party soft money pertains to direct spending by and activity of groups, as opposed to their donations to another entity (such as parties). The term is most commonly used to refer to union and corporate treasury money that federal election law allows for three exempt activities aimed only at specified restricted classes (corporate executives and stockholders and families, and union members and their families). The three exempt activities are setting up and raising money for a PAC, internal communications (including express advocacy), and voter registration and get-out-the-vote drives.

Add Election Law Disclosure Requirements

H.R. 1878 (Andrews)

Issue Advocacy (Soft Money)

Prior to enactment of BCRA in 2002, observers had become concerned about communications that promoted political issues in reference to candidates, but which, by avoiding the use of specific, election advocacy language (e.g., “elect Jones” or “defeat Smith”), were not subject to regulation under federal election law. These “issue advocacy” communications contrasted with those that explicitly promoted the election or defeat of clearly identified candidates, known as “express advocacy.” Since the courts had generally construed “express advocacy” communications in a narrow sense (i.e., using explicit phrases), communications that may have been perceived as constituting thinly-veiled election activity could thus avoid federal disclosure and source regulations.

BCRA addressed issue advocacy by creating a new term in federal election law, “electioneering communication” — political advertisements that “refer” to a clearly identified federal candidate and are broadcast within 30 days of a primary or 60 days of a general election. The act prohibited unions and certain corporations from spending treasury funds for electioneering communications and required disclosure of disbursements of over \$10,000 and the identity of donors of \$1,000 or more.

In part because of BCRA’s narrowly-tailored response to issue advocacy, concerns remain. Some believe BCRA went too far and favor the repeal of its electioneering communications provision. Others believe it did not go far enough and favor more regulation in this area. Of particular interest has been the activity of “political organizations” defined by section 527 of the Internal Revenue Code (IRC). While Congress in 2000 enacted Public Law 106-230, to require disclosure by “527” groups through the IRS, much debate has ensued in 2004 as to whether their election-related activities should require full regulation under federal election law.

Repeal BCRA’s Electioneering Communications Provision

H.R. 3801 (Bartlett)

S. 2702 (Chambliss)

Require Regulation of 527s Under FECA

Declare 527 to be Political Committee if Major Purpose is Influencing Federal Elections.

H.R. 5127 (Shays)
S. 2828 (McCain)

Specify Activities to be Considered as Expenditures.

H.R. 5127 (Shays)
S. 2828 (McCain)

Require Minimum Levels of Hard Money by Committees with Federal and Non-Federal Activities.

H.R. 5127 (Shays)
S. 2828 (McCain)

Impose Restrictions on Contributions to Non-Federal Accounts.

H.R. 5127 (Shays)
S. 2828 (McCain)

Require Enhanced Disclosure by 527 Groups under IRC

H.R. 4384 (English)
H.R. 5013 (Larson)

Require Improved Disclosure Systems under IRC

H.R. 5013 (Larson)

Require Linkage between FECA and IRC Disclosure Systems

H.R. 5013 (Larson)

Spending Limits and Public Benefits

Bills in this category would, in general, provide: (1) campaign spending limits for House or Senate candidates on overall campaign or candidate personal spending (or advertising time restrictions); (2) public, cost-saving benefits to candidates; or (3) both. They are grouped together because many bills embody both concepts, largely because a voluntary system of limits with conditional benefits has been a major response to the *Buckley v. Valeo* ruling [424 U.S. 1 (1976)] which overturned mandatory limits. This grouping should not be construed as an inherent linkage between the two ideas; there are very distinct principles behind spending limits and public benefits (or financing). Options among spending limit bills include voluntary

limits, in response to *Buckley*, with or without inducements to participation through public benefits; mandatory limits, through a constitutional amendment; or “benefits only” provisions without adherence to spending limits.

Offer Voluntary Spending Limits in Conjunction with Public Benefits

H.R. 3172 (McCollum) — with subsidies and, for contributors, tax credits
H.R. 3641 (Tierney) — with subsidies and free and discounted broadcast time

Provide Public Benefits with No Spending Limits

H.R. 1878 (Andrews) — subsidies, in exchange for: limiting individual contributions to \$100, raising at least 80% of funds in-state, and participating in debates
S. 1497 (McCain) — broadcast vouchers, funded by spectrum-use fee, based on matching individual contributions, in exchange for: limits on candidates’ personal spending and specified threshold of individual contributions

Set Mandatory Limits through Constitutional Amendment

H.J.Res. 5 (Dingell)
S.J.Res. 5 (Hollings)

FEC (Enforcement & Disclosure)

These bills seek to improve FEC enforcement and disclosure responsibilities.

Enforcement

Replace FEC with New Enforcement Agency.

H.R. 2709 (Shays)
S. 1388 (McCain)

Change Makeup of Enforcement Agency.

H.R. 2709 (Shays) — new agency to have three members: chairman to serve one 10-year term and two others to serve one six-year term
H.R. 3641 (Tierney) — add one commissioner to FEC
S. 1388 (McCain) — new agency to have three members: chairman to serve one 10-year term and two others to serve one six-year term

Appoint Administrative Law Judges to Expedite Enforcement.

H.R. 2709 (Shays)
S. 1388 (McCain)

Authorize Enforcement Agency to Find Violations Have Occurred.

H.R. 2709 (Shays)
S. 1388 (McCain)

Authorize Enforcement Agency to Impose Civil Penalties.

H.R. 2709 (Shays)
S. 1388 (McCain)

Authorize Enforcement Agency to Issue Cease-and-desist Orders.

H.R. 2709 (Shays)
S. 1388 (McCain)

Authorize Enforcement Agency to Appeal for Injunctions to Prevent Violations.

H.R. 2709 (Shays) — and restraining orders
H.R. 3641 (Tierney)
S. 1388 (McCain) — and restraining orders

Allow Enforcement Agency to Conduct Random Audits.

H.R. 2709 (Shays)
H.R. 3641 (Tierney)
S. 1388 (McCain)

Change Standard to Begin Enforcement Proceedings.

H.R. 3641 (Tierney) — to “reason to investigate”

Allow Enforcement Agency to Petition Supreme Court.

H.R. 3641 (Tierney)

Expedite Enforcement Procedures Late in Election.

H.R. 3641 (Tierney)

Allow Issuance of Subpoenas Without Signature of Chair.

H.R. 3641 (Tierney)

Require GAO Study of Criminal Enforcement by Justice Department.

H.R. 2709 (Shays)
S. 1388 (McCain)

Change Enforcement Agency’s Funding Process.

H.R. 2709 (Shays) — Chairman to submit budget directly to Congress
S. 1388 (McCain) — Chairman to submit budget directly to Congress

Require GAO Study on Appropriate Funding Levels for Enforcement Agency.

H.R. 2709 (Shays)
S. 1388 (McCain)

Disclosure

Require Electronic Filing by All Committees.

H.R. 3525 (Doolittle)

Require Standardized Software for Electronic Filers.

H.R. 3525 (Doolittle)

Require Internet Posting by FEC.

H.R. 3535 (Doolittle) — within 24 hours

Require Expedited or Increased Disclosure.

H.R. 2529 (Hoekstra) — monthly reporting for candidates
H.R. 3535 (Doolittle) — 24-hour notice of contributions in last 90 days
H.R. 3641 (Tierney) — 24-hour notice of contributions in last 90 days

Remove “Best Efforts” Exemption.

H.R. 3525 (Doolittle)

Require Senate Candidate Reports to be Filed at FEC.

S. 1874 (Feingold)

Require Disclosure of Phone Bank Activity.

H.R. 2667 (Maloney)

Require Disclosure Regarding Push Polls.

H.R. 156 (Petri)

Require Additional Breakdowns on Candidate Reports.

H.R. 1878 (Andrews) — by primary, general, and runoff election

Advertising Issues

Bills in this category would change terms under which candidates communicate their messages, including rates charged and identification (disclaimer) required.

Augment Identification (Disclaimer) Requirements

H.R. 3641 (Tierney)

Require Identification for Push Polls/Phone Banks

H.R. 156 (Petri)
H.R. 2667 (Maloney)

Require Identification on Internet Communications

H.R. 4985 (Price, NC)

Require Identification on Pre-recorded Phone Calls

H.R. 4985 (Price, NC)

Require Clear Statement of Candidate Approval in Ads

S. 2392 (Wyden) — when opponents are mentioned in Internet communications or pre-recorded phone calls

Change Terms of Lowest Unit Rate

S. 1497 (McCain)

Prohibit Preemption of Lowest Unit Rate Ads

H.R. 3641 (Tierney) — for House candidates, in “Clean Money” system
S. 1497 (McCain)

Extend Lowest Unit Rate to Parties

S. 1497 (McCain) — for advertising on behalf of candidates

Require Broadcasters to Provide Candidate- and Issue-Centered Programs Before Elections

S. 1497 (McCain)

Presidential Elections

These bills seek to change the rules for the public system available in presidential elections, or to abolish that system.

Abolish Public Funding System

H.R. 344 (Bartlett) — for nominating conventions only
H.R. 3525 (Doolittle)

Increase Matching Funds in Primaries

H.R. 3617 (Meehan)
S. 1913 (McCain)

Increase Qualifying Threshold in Primaries

H.R. 3617 (Meehan)
S. 1913 (McCain)

Change Start Date for Payment of Matching Funds

H.R. 3617 (Meehan)
S. 1913 (McCain)

Eliminate State Spending Limits in Primaries

H.R. 3617 (Meehan)
S. 1913 (McCain)

Raise National Primary Spending Limit

H.R. 3617 (Meehan)
S. 1913 (McCain)

Double Tax Checkoff Amount

H.R. 3617 (Meehan)
S. 1913 (McCain)

Increase Public Funds to Offset Spending by Non-Participants

H.R. 3617 (Meehan)
S. 1913 (McCain)

Link Participation in Primary and General Public Fund Systems

H.R. 3617 (Meehan)

S. 1913 (McCain)

Authorize Public Education About Tax Checkoff

H.R. 3617 (Meehan)

S. 1913 (McCain)

Miscellaneous

Prohibit Bundling

H.R. 1878 (Andrews) — by PACs, parties, lobbyists, unions, corporations, national banks, or agents or employees acting on their behalf

Lengthen Pre-election Ban on Franked Mass Mailings

H.R. 3641 (Tierney)

Offer Statement of Findings

H.R. 3525 (Doolittle) — regarding impact of regulation of campaign financing

H.R. 3641 (Tierney)

Chapter III. Bill Summaries: Numerical Order

House Bills

H.R. 156 (Petri) — Push Poll Disclosure Act of 2003

FEC. Requires disclosure by sponsors of push polls whose results are not public, including cost, funding sources, number of households contacted, and questions asked.

Advertising. Requires identification of all push poll sponsors to respondents.

Introduced January 7, 2003; referred to Committee on House Administration.

H.R. 157 (Petri) — Citizen Involvement in Campaigns Act of 2003

Individuals (Hard Money). Establishes a 100% tax credit for individual contributions to federal candidates and national political party committees, up to \$200 (or \$400 on joint returns), and a special tax deduction (regardless of whether taxpayer itemizes deductions) for the total value of such contributions, beyond the amount applied toward the credit, up to \$600 (or \$1,200 on joint returns).

Introduced January 7, 2003; referred to Committee on Ways and Means.

H.R. 344 (Bartlett) — Political Convention Reform Act of 2003

Presidential. Repeals public funding of presidential nominating conventions.

Introduced January 27, 2003; referred to Committee on House Administration.

H.R. 681 (English)

Candidates (Hard Money). Prohibits use of campaign funds to repay a winning candidate's personal loans to his or her campaign, once that candidate takes office (for elections after December 2003).

Introduced February 11, 2003; referred to Committee on House Administration.

H.R. 797 (English) — Candidate Anti-Corruption Act

Candidates (Hard Money). Prohibits use of campaign funds or funds used to defray official expenses of federal officeholders for payment of a salary to the candidate or any immediate family member.

Introduced February 13, 2003; referred to Committee on House Administration.

H.R. 1878 (Andrews) — Public Campaign Financing Act of 2003

Soft Money: Party. Requires FEC to allow state parties to file copies of reports filed under state law if they contain substantially the same information as required under federal law;

Soft Money: Non-Party. Requires prompt disclosure by non-party entities for spending on *federal election activities* (as defined by Bipartisan Campaign Reform Act of 2002), once \$2,000 threshold level is reached.

Spending/Benefits. Provides public funding in House general elections in amounts based on media costs in the area, up to \$750,000 (with indexing for future inflation), for specified campaign purposes (but not a salary for candidate), within four months of general election, for candidates who: (a) gather petitions signed by at least 3% of registered voters or whose party received at least 25% of the vote in prior general election; (b) limit individual donations to \$100; (c) raise at least 80% of funds in-state; and (d) participate in at least two debates; requires broadcasters to accept participating candidate ads, until they constitute 40% of total advertising time.

FEC. Requires candidate reports to be broken down by primary, general, or runoff election.

Miscellaneous. Prohibits bundling by PACs, parties, lobbyists, unions, corporations, or national banks, or employees or agents acting on their behalf.

Introduced April 30, 2003; referred to Committee on House Administration.

H.R. 2529 (Hoekstra) — Accountability and Transparency in Federal Campaigns Act of 2003

In-state/-district (Hard Money). Requires House and Senate candidates to raise at least 75% of funds from in-state individual residents.

FEC. Requires candidates to file monthly reports, itemizing all contributions received of \$200 or more.

Introduced June 19, 2003; referred to Committee on House Administration.

H.R. 2667 (Maloney) — Voters' Right to Know Act of 2003

FEC. Regarding federal election phone banks: requires FEC disclosure of costs, receipts, text of questions, and number of households contacted.

Advertising. Requires a disclaimer to identify the sponsor of federal election phone bank communications.

Introduced July 8, 2003; referred to Committee on House Administration.

H.R. 2709 (Shays) — Federal Election Administration Act of 2003***FEC.***

- Replaces Federal Election Commission with Federal Election Administration, to administer, seek compliance with, enforce, and formulate policy regarding federal election law: new agency would consist of three commissioners, appointed by President with advice and consent of Senate, headed by chairman serving one 10-year term; other two commissioners would serve staggered six-year terms;
- enforcement actions would be initiated by majority vote;
- administrative law judges would be authorized to hear cases, make findings of fact, impose civil monetary penalties, and issue cease-and-desist orders, subject to appeal to agency;
- provides for appeals for judicial review by complainants or aggrieved parties;
- authorizes agency to appeal to district court for temporary restraining orders or preliminary injunctions to prevent possible violations;
- gives agency responsibility to administer disclosure laws and presidential public finance system, and to conduct random audits;
- provides for agency to submit budget directly to Congress;
- requires GAO to study criminal enforcement of election laws by Justice Department and to conduct ongoing study on appropriate funding levels for agency.

Introduced July 10, 2003; referred to Committee on House Administration.

H.R. 3172 (McCollum)

Individuals (Hard Money). Provides for 100% tax credit for contributions to House and Senate candidates who participate in voluntary spending limits and public subsidy program, up to \$100 aggregate total of contributions per year.

Spending/Benefits (Hard Money). Provides public subsidies and allows tax credits for contributors to House and Senate candidates in the general election (whose party received at least 5% of votes in preceding election for that office) who: (1) abide by voluntary spending limits in primary and general elections; (2) establish eligibility by raising at least 2.5% of spending limit from individual in-state donors in amounts of \$100 or less; and (3) raise no more than one-third of funds from PACs and other committees, no more than 10% from parties, and remainder allowed under spending limit from individuals and subsidies; spending limit for general election is equal to population of state (Senate) or district (House) and half of that for primary election; raises limit for candidates opposed by non-participating candidates, in amounts equal to spending limit times number of non-participants; subsidy in general election, financed through dollar tax checkoff, equals one-third of spending limit.

Introduced September 24, 2003; referred to Committee on House Administration.

H.R. 3525 (Doolittle) — Citizen Legislature and Political Freedom Act

Individuals (Hard Money). Abolishes all contribution limits, after 2004.

PACs (Hard Money). Abolishes all contribution limits, after 2004.

Parties (Hard Money). Abolishes all contribution limits, after 2004.

Soft Money: Party. Requires state and local parties to file copies with the FEC of any disclosure reports required under state law.

FEC.

- Requires electronic filing of reports by all committees;
- requires FEC to make standardized software available to all electronic filers;
- requires posting of information within 24 hours on Internet;
- requires all committees to notify FEC within 24 hours of all donations in last 90 days of election;
- revokes “best efforts” exemption for identifying contributors of over \$200 in a year.

Presidential. Terminates presidential public funding system;

Miscellaneous. States a series of findings which attribute contemporary problems with campaign financing to the effects of government regulation.

Introduced November 19, 2003; referred to Committee on House Administration.

H.R. 3617 (Meehan) — Presidential Funding Act of 2003

Party (Hard Money). Doubles limit for coordinated spending by national party on behalf of its presidential candidate, indexed for inflation;

Presidential.

- Increases public funds match of the first \$250 of an individual’s contribution to a primary candidate to 4-to-1 match;
- increases qualifying threshold for presidential matching funds to \$15,000 in contributions of \$250 or less in each of 20 states;
- requires candidates to commit to accepting public financing for the general election as condition for getting matching funds in primaries;
- moves starting date for payment of matching funds to July 1 of year prior to election year;
- increases amount of matching funds available to 80% of primary spending limit;

- requires acceptance of primary matching funds as a condition for getting public funding in general election;
- eliminates state-by-state primary spending limits;
- raises national primary spending limit to \$75 million, indexed for inflation;
- sets general election spending limit at \$75 million, indexed for inflation;
- changes rules to fully count fundraising costs toward expenditure limits;
- doubles spending limit for participating candidates if opposed by non-participating candidate who exceeds primary spending limit by one-third, with no additional public funds available;
- doubles check-off amount on tax form to \$6 for individuals and \$12 for married couples, with future indexing for inflation;
- requires Secretary of Treasury to issue regulations to ensure that electronic software used in preparation or filing of tax returns does not automatically accept or decline a check-off to Fund;
- authorizes FEC to spend up to \$10 million from Fund on public education about the Fund during a four-year period;
- doubles public funds available to general election participants if non-participating opponent raises or spends more than one-third above the combined primary and general election spending limits;
- changes rules for determination of estimated shortfall in Fund;
- repeals prioritization of nominating convention funding over primary matching funds.

Introduced November 21, 2003; jointly referred to Committees on House Administration and Ways and Means.

H.R. 3641 (Tierney) — Clean Money, Clean Elections Act

Parties (Hard Money). In House races with at least one “clean money” candidate, limits party spending on behalf of a candidate to 10% of general election candidate’s subsidy.

Independent Expenditures (Hard Money).

- Regarding clean money candidates: requires 48 hour notice of independent expenditures above \$1,000 up to 20 days before election and 24 hour notice of amounts above \$500 in last 20 days;

Coordination (Hard and Soft Money).

- Amends “contribution” to include anything of value for purpose of influencing a federal election and is coordinated with candidate;
- defines “payment made in coordination with a candidate” to include payments: (1) in cooperation or consultation with, or at request or suggestion of, a candidate or agent; (2) using candidate-prepared materials; (3) based on information about campaign plans provided by candidate’s campaign for purpose of expenditure; (4) by a

spender who during that election cycle has acted in an official position for a candidate, in an executive, policymaking, or advisory capacity; and (5) by a spender who has used the same consultants as an affected candidate during election cycle; deems payments made in coordination with a candidate as a “contribution” or “expenditure” (but exempts a payment by a party in coordination with a “clean money” candidate).

Spending/Benefits (Hard Money).

- Provides full public subsidies, 30 minutes of free broadcast time in primary and 75 minutes in general election, and additional broadcast time at 50% of lowest unit rate for House candidates who: participate in Clean Money system and spend no private funds beyond subsidy once qualified;
- prior to qualification, allows candidates to raise *seed money* (\$35,000, in contributions of \$100 or less) for specified uses other than broadcast ads; major party candidates qualify by raising \$5 donations from 1,500 state voters; others qualify by raising 150% of amount raised by major party candidates;
- subsidy equals applicable percentage (60% for general election, 40% for major party candidate in primary, and 25% for other primary candidates) of 80% of base amount per election (base amount is national average of winning House candidate expenditures in three most recent general elections), but amount may never be less than amount provided in previous election cycle;
- reduces subsidy to 40% of amount otherwise determined for unopposed candidates;
- additional subsidies are provided to candidates opposed by independent expenditures and by non-complying opponents once such spending exceeds 125% of spending limit (maximum additional funds equals 200% of limit);
- denies lowest unit rate to non-participating House candidates;
- finances benefits from House of Representatives Election Fund using appropriated funds, qualifying contributions, and unused seed money.

FEC.

- Adds one commissioner, recommended by other members;
- allows random audits of campaigns;
- gives FEC authority to seek injunctions;
- changes standard to begin enforcement proceedings to “reason to investigate”;
- allows FEC to petition Supreme Court;
- expedites enforcement in last 60 days of election, with clear and convincing evidence that violation has occurred, is occurring, or is about to occur;
- allows subpoenas without chair’s signature;
- requires 24 hour notice of all contributions received in last 90 days of election.

Advertising. Prohibits preemption of House campaign broadcast ads, unless beyond broadcasters' control; requires more prominent and visible ad disclaimers.

Miscellaneous.

- Prohibits franked mass mailings from start of primary election period through general election, unless Member is not a candidate or mailing promotes public forum with candidate name only;
- includes statement of findings and declarations;
- if any provision of Act or this statute is held unconstitutional, the remainder of Act and statute will be unaffected.

Introduced November 21, 2003; jointly referred to Committees on House Administration, Energy and Commerce, and Government Reform.

H.R. 3801 (Bartlett) — First Amendment Restoration Act

Issue Advocacy (Soft Money). Repeals provisions in BCRA that (1) require disclosure of and (2) prohibit corporate and union treasury funding of electioneering communications.

Introduced February 11, 2004; referred to Committee on House Administration.

H.R. 4384 (English) — Truth in Spending Act of 2004

Issue Advocacy (Soft Money). Requires political organizations operating under section 527 of the Internal Revenue Code, but not regulated under FECA, to file monthly disclosure statements with the IRS.

Introduced May 18, 2004; referred to Committee on Ways and Means.

H.R. 4985 (Price, NC) — Stand By Your Internet Ad Act of 2004

Advertising. Clarifies law requiring statement of responsibility for election-related communications to apply to printed, audio, and video communications distributed on the Internet and to pre-recorded telephone calls.

Introduced July 22, 2004; referred to Committee on House Administration.

H.R. 5013 (Larson)

Issue Advocacy (Soft Money). Increases frequency of required disclosure by 527 political organizations under Internal Revenue Code (IRC); requires disclosure by such groups with receipts or expenditures of less than \$25,000 per year; requires Secretary of Treasury to improve database and disclosure systems for 527 reporting; requires FEC and Secretary of Treasury to improve linkage of disclosure systems under FECA and IRC.

Introduced September 7, 2004; jointly referred to Committees on Ways and Means and House Administration.

H.R. 5127 (Shays) — 527 Reform Act of 2004

Issue Advocacy (Soft Money).

- Adds to definition of *political committee* that its major purpose be the nomination or election of one or more candidates;
- declares that political organizations under section 527 of Internal Revenue Code have the major purpose of influencing elections unless they have annual receipts of less than \$25,000 or are exclusively devoted to non-federal elections (or are state or local party committees); those exemptions do not apply if 527 spends money for public communications that promote, support, attack, or oppose a clearly identified federal candidate in that election cycle;
- specifies two activities that will be considered *expenditures* by a political committee or any group whose major purpose is to influence federal elections: public communications that promote, support, attack, or oppose a clearly identified federal candidate or party; and voter registration, voter identification, get-out-the-vote drive, or generic activity in connection with an election where a federal candidate is on the ballot;
- requires political committees (but not candidate or party committees) engaged in both federal and non-federal activities to generally use at least 50% hard money from federal accounts to finance activities that mention a clearly identified federal candidate or candidates or a political party; requires that 100% of public communications and voter drive activities that mention both federal candidates and a political party generally, but not a non-federal candidate, be financed with hard money from a federal account;
- allows contributions to non-federal accounts making allocations under this provision only by individuals in amounts of up to \$25,000 per year;
- states that this act shall have no bearing on FEC regulations or any litigation regarding them or on definitions of political organizations in Internal Revenue Code.

Introduced September 22, 2004; referred to Committee on House Administration.

H.J.Res. 5 (Dingell)

Spending/Benefits (Hard Money). Proposed constitutional amendment to give Congress authority to limit expenditures in federal elections.

Introduced January 7, 2003; referred to Committee on the Judiciary.

H.J.Res. 21 (Leach)

Candidates (Hard Money). Proposed constitutional amendment to give Congress and the states the power to regulate the amounts of expenditures candidates may make from personal and immediate family funds, including personal loans.

Introduced February 5, 2004; referred to Committee on the Judiciary.

Senate Bills

S. 804 (Dorgan)

Individuals (Hard Money). Establishes a 100% tax credit for individual contributions to congressional candidates, up to \$200 (or \$400 on joint returns), available to taxpayers whose adjusted annual gross income does not exceed \$60,000 (or \$120,000 for joint filers).

Introduced April 7, 2003; referred to Committee on Finance.

S. 1388 (McCain) — Federal Election Administration Act of 2003

FEC.

- Replaces Federal Election Commission with Federal Election Administration, to administer, seek compliance with, enforce, and formulate policy regarding federal election law: new agency to consist of three commissioners, appointed by President with advice and consent of Senate, headed by chairman serving one 10-year term; other two commissioners to serve staggered six-year terms;
- enforcement actions would be initiated by majority vote;
- administrative law judges authorized to hear cases, make findings of fact, impose civil penalties, and issue cease-and-desist orders, subject to appeal;
- provides for appeals for judicial review by complainants or aggrieved parties;
- authorizes agency to appeal to district court for temporary restraining orders or preliminary injunctions to prevent possible violations;
- gives agency responsibility to administer disclosure laws and presidential public finance system and to conduct random audits;
- provides for agency to submit budget directly to Congress;
- requires GAO to study criminal enforcement of election laws by Justice Department and conduct ongoing study on appropriate agency funding levels.

Introduced July 10, 2003; referred to Committee on Rules and Administration.

S. 1497 (McCain) — Our Democracy, Our Airwaves Act of 2003

Spending/Benefits (Hard Money). Establishes a system of vouchers, to be provided to qualified federal candidates and parties for purchase of radio and television advertising time; vouchers to be financed by a spectrum-use fee on broadcasters of between .5% and 1% of their gross annual revenues; congressional candidates may qualify by raising at least \$25,000 from individuals in amounts of \$250 or less, limiting personal spending to a specified level, and having at least one opponent who raises or spends a specified amount; presidential candidates may qualify in same manner as they must for eligibility in public finance system; vouchers provided to congressional candidates based on 3-to1 match of individual contributions of \$250 or less, up to a specified limit; vouchers provided to presidential candidates based on equal match of contributions of \$250 or less in primaries and half the amount they receive in public funds in general election; candidates may exchange unused vouchers to parties for dollar value thereof;

Advertising. Requires broadcasters to sell advertising time to candidates and parties (advertising on behalf of candidates) at lowest unit rate provided to other advertisers for same class and amount of time in the previous 120 days; prohibits broadcasters from preempting such ads unless due to circumstances beyond their control; requires broadcasters to provide at least two hours per week of candidate- or issue-centered programming in the six weeks prior to a primary or general federal election, at least four of which immediately precede general election.

Introduced July 30, 2003; referred to Committee on Commerce, Science, and Transportation.

S. 1874 (Feingold) — Senate Campaign Disclosure Parity Act

FEC. Requires all reports, designations, and statements filed by Senate candidate committees with the Secretary of the Senate to be in electronic form, and available to the public on the Internet within 48 hours.

Introduced November 17, 2003; referred to Committee on Rules and Administration.

S. 1913 (McCain) — Presidential Funding Act of 2003

Party (Hard Money). Doubles limit for coordinated spending by national party on behalf of its presidential candidate, indexed for inflation;

Presidential.

- Increases public funds match of the first \$250 of an individual's contribution to a primary candidate to 4-to-1 match;
- increases qualifying threshold for presidential matching funds to \$15,000 in contributions of \$250 or less in each of 20 states;
- requires candidates to commit to accepting public financing for the general election as condition for getting matching funds in primaries;
- moves starting date for payment of matching funds to July 1 of year prior to election year;

- increases amount of matching funds available to 80% of primary spending limit;
- requires acceptance of primary matching funds as condition for getting public funding in general election;
- eliminates state-by-state primary spending limits;
- raises national primary spending limit to \$75 million, indexed for inflation;
- sets general election spending limit at \$75 million, indexed for inflation;
- changes rules to fully count fundraising costs toward expenditure limits;
- doubles spending limit for participating candidates if opposed by non-participating candidate who exceeds primary spending limit by one-third, with no additional public funds available;
- doubles check-off amount on tax form to \$6 for individuals and \$12 for married couples, with future indexing for inflation;
- requires Secretary of Treasury to issue regulations to ensure that electronic software used in preparation or filing of tax returns does not automatically accept or decline a check-off to Fund;
- authorizes FEC to spend up to \$10 million from Fund on public education about the Fund during a four-year period;
- doubles public funds available to general election participants if non-participating opponent raises or spends more than one-third above the combined primary and general election spending limits;
- changes rules for determination of estimated shortfall in Fund;
- repeals prioritization of funds for nominating conventions over primaries.

Introduced November 21, 2003; referred to Committee on Finance.

S. 2392 (Wyden) — Political Candidate Personal Responsibility Act of 2004

Advertising. Requires communications by federal candidates that refer to opponents and are distributed in print, on the Internet, or through pre-recorded telephone calls to contain clear statements of candidate responsibility.

Introduced May 6, 2004; referred to Committee on Rules and Administration.

S. 2702 (Chambliss) — First Amendment Restoration Act

Issue Advocacy (Soft Money). Repeals provisions in BCRA that require (1) disclosure of and (2) prohibit corporate and union treasury funding of electioneering communications.

Introduced July 21, 2004; referred to Committee on Rules and Administration.

S. 2828 (McCain) — 527 Reform Act of 2004

Issue Advocacy (Soft Money).

- Adds to definition of *political committee* that its major purpose be the nomination or election of one or more candidates;
- declares that political organizations under section 527 of Internal Revenue Code have the major purpose of influencing elections unless they have annual receipts of less than \$25,000 or are exclusively devoted to non-federal elections (or are state or local party committees); those exemptions do not apply if 527 spends money for public communications that promote, support, attack, or oppose a clearly identified federal candidate in that election cycle;
- specifies two activities that will be considered *expenditures* by a political committee or any group whose major purpose is to influence federal elections: public communications that promote, support, attack, or oppose a clearly identified federal candidate or party; and voter registration, voter identification, get-out-the-vote drive, or generic activity in connection with an election where a federal candidate is on the ballot;
- requires political committees (but not candidate or party committees) engaged in both federal and non-federal activities to generally use at least 50% hard money from federal accounts to finance activities that mention a clearly identified federal candidate or candidates or a political party; requires that 100% of public communications and voter drive activities that mention both federal candidates and a political party generally, but not a non-federal candidate, be financed with hard money from a federal account;
- allows contributions to non-federal accounts making allocations under this provision only by individuals in amounts of up to \$25,000 per year;
- states that this act shall have no bearing on FEC regulations or any litigation regarding them or on definitions of political organizations in Internal Revenue Code.

Introduced September 22, 2004; referred to Committee on Rules and Administration.

S.J.Res. 5 (Hollings)

Spending/Benefits (Hard Money). Proposed constitutional amendment to allow Congress and the states to set reasonable limits on contributions and expenditures in support of or opposition to candidates for nomination and election to federal and state or local office.

Introduced January 23, 2003; referred to Committee on the Judiciary.

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