

111TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. DURBIN (for himself, _____) introduced the following bill; which was read twice and referred to the Committee on _____

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.

2

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. 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 of actual or perceived cor-
14 ruption that creates conflicts of interest, perceived
15 or real, by encouraging Senators to accept large
16 campaign contributions from private interests that
17 are directly affected by Federal legislation;

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, because large campaign con-
10 tributors tend to donate their money to incumbent
11 Senators, thus causing Senate elections to be less
12 competitive; and

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

16 (b) ENHANCEMENT OF DEMOCRACY BY PROVIDING
17 ALLOCATIONS FROM THE FAIR ELECTIONS FUND.—The
18 Senate finds and declares that providing the option of the
19 replacement of private campaign contributions with alloca-
20 tions from the Fair Elections Fund for all primary, runoff,
21 and general elections to the Senate would enhance Amer-
22 ican democracy by—

23 (1) reducing corruption and the appearance of
24 corruption by eliminating the potentially inherent
25 conflict of interest created by fully private financing

1 of the election campaigns of public officials and re-
2 storing public confidence in the integrity and fair-
3 ness of the electoral and legislative processes
4 through a program which permits Congress to sub-
5 stantially lower contribution limits for participants
6 while assuring that there will be sufficient funds for
7 participating candidates to run viable electoral cam-
8 paigns;

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

16 (3) helping to reduce access to large campaign
17 contributions as a determinant of a citizen's influ-
18 ence within the political process by facilitating the
19 expression of support by voters at every level of
20 wealth, encouraging political participation, and low-
21 ering the overall cost of the program while
22 incentivizing participation on the part of Senators
23 through the matching of small dollar contributions;

24 (4) potentially saving taxpayers billions of dol-
25 lars that are (or that are perceived to be) currently

1 allocated based upon legislative and regulatory agen-
2 das skewed by the influence of campaign contribu-
3 tions;

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

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

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

12 **SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF**
13 **FAIR ELECTIONS FINANCING OF SENATE**
14 **ELECTION CAMPAIGNS.**

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

18 **“TITLE V—FAIR ELECTIONS FI-**
19 **NANCING OF SENATE ELEC-**
20 **TION CAMPAIGNS**

21 **“Subtitle A—General Provisions**

22 **“SEC. 501. DEFINITIONS.**

23 “In this title:

24 “(1) ALLOCATION FROM THE FUND.—The term
25 ‘allocation from the Fund’ means an allocation of

1 money from the Fair Elections Fund to a partici-
2 pating candidate pursuant to section 522.

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

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

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

13 “(B) ending on the date that is 30 days
14 before—

15 “(i) the date of the primary election;
16 or

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

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

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

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

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

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

9 “(A) the candidate’s spouse;

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

14 “(C) the spouse of any person described in
15 subparagraph (B).

16 “(7) MATCHING CONTRIBUTION.—The term
17 ‘matching contribution’ means a matching payment
18 provided to a participating candidate for qualified
19 small dollar contributions, as provided under section
20 523.

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

24 “(9) PARTICIPATING CANDIDATE.—The term
25 ‘participating candidate’ means a candidate for Sen-

1 ator who is certified under section 515 as being eli-
2 gible to receive an allocation from the Fund.

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

6 “(A) is in an amount that is—

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

10 “(ii) not more than the greater of
11 \$100 or the amount determined by the
12 Commission under section 531.

13 “(B) is made by an individual—

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

16 “(ii) who is not an individual de-
17 scribed in section 304(i)(7); and

18 “(iii) who is not otherwise prohibited
19 from making a contribution under this Act;

20 “(C) is made during the Fair Elections
21 qualifying period; and

22 “(D) meets the requirements of section
23 512(b).

24 “(11) QUALIFIED SMALL DOLLAR CONTRIBU-
25 TION.—The term ‘qualified small dollar contribution’

1 means, with respect to a candidate, any contribu-
2 tion—

3 “(A) which is not a qualifying contribution;

4 “(B) which is made by an individual—

5 “(i) who is not an individual described
6 in section 304(i)(7); and

7 “(ii) who is not prohibited from mak-
8 ing a contribution under this Act; and

9 “(C) the aggregate amount of which, when
10 combined with all other contributions made to
11 the candidate by the individual described in
12 subparagraph (B) for such election, does not
13 exceed the lesser of—

14 “(i) \$100; or

15 “(ii) the amount determined by the
16 Commission under section 531.

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

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

20 “(b) **AMOUNTS HELD BY FUND.**—The Fund shall
21 consist of the following amounts:

22 “(1) **APPROPRIATED AMOUNTS.**—

23 “(A) **IN GENERAL.**—Amounts appropriated
24 to the Fund.

1 “(B) SENSE OF THE SENATE REGARDING
2 APPROPRIATIONS.—It is the sense of the Senate
3 that there should be appropriated to the Fund
4 an amount equal to 0.25 percent of amounts
5 paid by the Government of the United States
6 pursuant to any contract with a private person
7 for property or services which exceeds
8 \$10,000,000.

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

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

13 “(A) section 513(c) (relating to exceptions
14 to contribution requirements);

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

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

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

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

23 “(c) INVESTMENT.—The Commission shall invest
24 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 run off election unless the candidate’s party nomi-
21 nated the candidate to be placed on the ballot for the gen-
22 eral election or the candidate otherwise qualified to be on
23 the 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 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) the amount of the allocation such
17 candidate would be entitled to receive for the
18 primary election under section 522(c)(1) (deter-
19 mined without regard to paragraph (5) thereof)
20 if such candidate were a participating can-
21 didate; or

22 “(B) the percentage of such base amount
23 determined by the Commission under section
24 531.

1 “(b) REQUIREMENTS RELATING TO RECEIPT OF
2 QUALIFYING CONTRIBUTION.—Each qualifying contribu-
3 tion—

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

7 “(2) shall be accompanied by a signed state-
8 ment containing—

9 “(A) the contributor’s name and the con-
10 tributor’s address in the State in which the con-
11 tributor is registered to vote;

12 “(B) an oath declaring that the contrib-
13 utor—

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

19 “(ii) is making the contribution in his
20 or her own name and from his or her own
21 funds;

22 “(iii) has made the contribution will-
23 ingly; and

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

1 “(E) vouchers provided to the candidate
2 under section 524;

3 “(2) makes no expenditures from any amounts
4 other than from—

5 “(A) qualifying contributions;

6 “(B) qualified small dollar contributions;

7 “(C) allocations from the Fund under sec-
8 tion 522;

9 “(D) matching contributions under section
10 523; and

11 “(E) vouchers provided to the candidate
12 under section 524; and

13 “(3) makes no expenditures from personal
14 funds or the funds of any immediate family member
15 (other than funds received through qualified small
16 dollar contributions and qualifying contributions).

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

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

1 “(1) the aggregate contributions from such per-
2 son for any calendar year do not exceed \$100; and

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

6 “(c) EXCEPTION.—Notwithstanding subsection (a), a
7 candidate shall not be treated as having failed to meet
8 the requirements of this section if any contributions that
9 are not qualified small dollar contributions, qualifying con-
10 tributions, or contributions that meet the requirements of
11 subsection (b) and that are accepted before the date the
12 candidate files a statement of intent under section
13 511(a)(1) are—

14 “(1) returned to the contributor; or

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

17 **“SEC. 514. DEBATE REQUIREMENT.**

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

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

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

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

3 **“SEC. 515. CERTIFICATION.**

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

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

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

11 **“(b) REVOCATION OF CERTIFICATION.—**

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

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

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

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

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

3 **“Subtitle C—Benefits**

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

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

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

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

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

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

21 “(c) REMITTING ALLOCATIONS FROM THE FUND.—
22 Not later than the date that is 45 days after the date of
23 the last election for which the participating candidate ap-
24 peared on the ballot, such participating candidate shall
25 remit to the Commission for deposit in the Fund any

1 unspent amounts of qualifying contributions, qualified
2 small dollar contributions, and benefits received by the
3 candidate under this subtitle for such election.

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

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

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

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

14 “(A) the date of the certification of the re-
15 sults of the primary election or the primary
16 runoff election; or

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

20 “(3) in the case of a primary runoff election or
21 a general runoff election, not later than 48 hours
22 after the certification of the results of the primary
23 election or the general election, as the case may be.

24 “(b) METHOD OF PAYMENT.—The Commission shall
25 distribute funds available to participating candidates

1 under this section through the use of an electronic funds
2 exchange or a debit card.

3 “(c) AMOUNTS.—

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

10 “(2) PRIMARY RUNOFF ELECTION ALLOCA-
11 TION.—The Commission shall make an allocation
12 from the Fund for a primary runoff election to a
13 participating candidate in an amount equal to 25
14 percent of the amount the participating candidate
15 was eligible to receive under this section for the pri-
16 mary election.

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

23 “(4) GENERAL RUNOFF ELECTION ALLOCA-
24 TION.—The Commission shall make an allocation
25 from the Fund for a general runoff election to a par-

1 participating candidate in an amount equal to 25 per-
2 cent of the base amount with respect to such can-
3 didate.

4 “(5) UNCONTESTED ELECTIONS.—

5 “(A) IN GENERAL.—In the case of a pri-
6 mary or general election that is an uncontested
7 election, the Commission shall make an alloca-
8 tion from the Fund to a participating candidate
9 for such election in an amount equal to 25 per-
10 cent of the base amount with respect to such
11 candidate.

12 “(B) UNCONTESTED ELECTION DE-
13 FINED.—For purposes of this subparagraph, an
14 election is uncontested if not more than 1 can-
15 didate has received contributions (including
16 payments from the Fund) in an amount equal
17 to or greater than 10 percent of the amount a
18 candidate would be entitled to receive under
19 this section (determined without regard to this
20 paragraph) if such election were a primary elec-
21 tion.

22 “(d) BASE AMOUNT.—

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

1 “(A) sum of—

2 “(i) \$750,000; plus

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

6 “(B) the amount determined by the Com-
7 mission under section 531.

8 “(2) INDEXING.—In each odd-numbered year
9 after 2012—

10 “(A) each dollar amount under paragraph
11 (1)(A) shall be increased by the percent dif-
12 ference between the price index (as defined in
13 section 315(c)(2)(A)) for the 12 months pre-
14 ceding the beginning of such calendar year and
15 the price index for calendar year 2010;

16 “(B) each dollar amount so increased shall
17 remain in effect for the 2-year period beginning
18 on the first day following the date of the last
19 general election in the year preceding the year
20 in which the amount is increased and ending on
21 the date of the next general election; and

22 “(C) if any amount after adjustment under
23 subparagraph (A) is not a multiple of \$100,
24 such amount shall be rounded to the nearest
25 multiple of \$100.

1 **“SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL**
2 **DOLLAR CONTRIBUTIONS.**

3 “(a) IN GENERAL.—The Commission shall pay to
4 each participating candidate an amount equal to 400 per-
5 cent of the amount of qualified small dollar contributions
6 received by the candidate from individuals who are resi-
7 dents of the State in which such participating candidate
8 is seeking election after the date on which such candidate
9 is certified under section 515.

10 “(b) LIMITATION.—No payment shall be made under
11 subsection (a) to a candidate to the extent that the aggre-
12 gate qualified small dollar contributions described in sub-
13 section (a) received by the candidate after the date on
14 which such candidate is certified exceed an amount equal
15 to the greater of—

16 “(1) 200 percent of the base amount with re-
17 spect to such candidate; or

18 “(2) the percentage of the base amount deter-
19 mined by the Commission under section 531.

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

24 “(d) REPORTS.—

25 “(1) IN GENERAL.—Each participating can-
26 didate shall file reports of receipts of qualified small

1 dollar contributions at such times and in such man-
2 ner as the Commission may by regulations prescribe.

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

5 “(A) the amount of each qualified small
6 dollar contributions received by the candidate;

7 “(B) the amount of each qualified small
8 dollar contributions received by the candidate
9 from a resident of the State in which the can-
10 didate is seeking election; and

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

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

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

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

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

24 “(4) LIMITATION ON REGULATIONS.—The
25 Commission may not prescribe any regulations with

1 respect to reporting under this subsection with re-
2 spect to any election after the date that is 180 days
3 before the date of such election.

4 “(e) APPEALS.—The Commission shall provide a
5 written explanation with respect to any denial of any pay-
6 ment under this section and shall provide for the oppor-
7 tunity for review and reconsideration within 5 business
8 days of such denial.

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

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

14 “(b) CANDIDATES.—The Commission shall only dis-
15 burse vouchers under the program established under sub-
16 section (a) to individuals who have agreed in writing to
17 keep and furnish to the Commission such records, books,
18 and other information as it may require.

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

22 “(1) \$100,000 multiplied by the number of con-
23 gressional districts in the State with respect to
24 which such candidate is running for office; or

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

3 “(d) USE.—

4 “(1) EXCLUSIVE USE.—Vouchers disbursed by
5 the Commission under this section may be used only
6 for the purchase of broadcast airtime for political
7 advertisements relating to a general election for the
8 office of Senate by the participating candidate to
9 which the vouchers were disbursed, except that—

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

12 “(B) a political party may use vouchers
13 only to purchase broadcast airtime for political
14 advertisements for generic party advertising (as
15 defined by the Commission in regulations), to
16 support candidates for State or local office in a
17 general election, or to support participating
18 candidates of the party in a general election for
19 Federal office, but only if it discloses the value
20 of the voucher used as an expenditure under
21 section 315(d).

22 “(2) EXCHANGE WITH POLITICAL PARTY COM-
23 MITTEE.—

24 “(A) IN GENERAL.—An participating can-
25 didate who receives a voucher under this section

1 may transfer the right to use all or a portion
2 of the value of the voucher to a committee of
3 the political party of which the individual is a
4 candidate in exchange for money in an amount
5 equal to the cash value of the voucher or por-
6 tion exchanged.

7 “(B) CONTINUATION OF CANDIDATE OBLI-
8 GATIONS.—The transfer of a voucher, in whole
9 or in part, to a political party committee under
10 this paragraph does not release the candidate
11 from any obligation under the agreement made
12 under subsection (b) or otherwise modify that
13 agreement or its application to that candidate.

14 “(C) PARTY COMMITTEE OBLIGATIONS.—
15 Any political party committee to which a vouch-
16 er or portion thereof is transferred under sub-
17 paragraph (A)—

18 “(i) shall account fully, in accordance
19 with such requirements as the Commission
20 may establish, for the receipt of the vouch-
21 er; and

22 “(ii) may not use the transferred
23 voucher or portion thereof for any purpose
24 other than a purpose described in para-
25 graph (1)(B).

1 “(D) VOUCHER AS A CONTRIBUTION
2 UNDER FECA.—If a candidate transfers a
3 voucher or any portion thereof to a political
4 party committee under subparagraph (A)—

5 “(i) the value of the voucher or por-
6 tion thereof transferred shall be treated as
7 a contribution from the candidate to the
8 committee, and from the committee to the
9 candidate, for purposes of sections 302
10 and 304;

11 “(ii) the committee may, in exchange,
12 provide to the candidate only funds subject
13 to the prohibitions, limitations, and report-
14 ing requirements of title III of this Act;
15 and

16 “(iii) the amount, if identified as a
17 ‘voucher exchange’ shall not be considered
18 a contribution for the purposes of sections
19 315 and 513.

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

21 “(1) VOUCHER.—Each voucher disbursed by
22 the Commission under this section shall have a value
23 in dollars, redeemable upon presentation to the
24 Commission, together with such documentation and
25 other information as the Commission may require,

1 for the purchase of broadcast airtime for political
2 advertisements in accordance with this section.

3 “(2) ACCEPTANCE.—A broadcasting station
4 shall accept vouchers in payment for the purchase of
5 broadcast airtime for political advertisements in ac-
6 cordance with this section.

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

14 “(4) EXPIRATION.—

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

22 “(B) EXCEPTION FOR POLITICAL PARTY
23 COMMITTEES.—A voucher held by a political
24 party committee may be used to pay for broad-
25 cast airtime for political advertisements to be

1 broadcast before midnight on December 31st of
2 the odd-numbered year following the year in
3 which the voucher was issued by the Commis-
4 sion.

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

9 “(f) DEFINITIONS.—In this section:

10 “(1) BROADCASTING STATION.—The term
11 ‘broadcasting station’ has the meaning given that
12 term by section 315(f)(1) of the Communications
13 Act of 1934.

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

18 **“Subtitle D—Administrative**
19 **Provisions**

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

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

24 “(b) STRUCTURE AND MEMBERSHIP.—

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

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

6 “(5) VACANCIES.—A vacancy on the Board
7 shall be filled not later than 30 calendar days after
8 the date on which the Board is given notice of the
9 vacancy, in the same manner as the original ap-
10 pointment. The individual appointed to fill the va-
11 cancy shall serve only for the unexpired portion of
12 the term for which the individual’s predecessor was
13 appointed.

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

17 “(c) DUTIES AND POWERS.—

18 “(1) ADMINISTRATION.—

19 “(A) IN GENERAL.—The Board shall have
20 such duties and powers as the Commission may
21 prescribe, including the power to administer the
22 provisions of this title.

23 “(2) REVIEW OF FAIR ELECTIONS FINANC-
24 ING.—

1 “(A) IN GENERAL.—After each general
2 election for Federal office, the Board shall con-
3 duct a comprehensive review of the Fair Elec-
4 tions financing program under this title, includ-
5 ing—

6 “(i) the maximum dollar amount of
7 qualified small dollar contributions under
8 section 501(11);

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

12 “(iii) the number and value of quali-
13 fying contributions a candidate is required
14 to obtain under section 512 to qualify for
15 allocations from the Fund;

16 “(iv) the amount of allocations from
17 the Fund that candidates may receive
18 under section 522;

19 “(v) the maximum amount of match-
20 ing contributions a candidate may receive
21 under section 523;

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

1 information the Board determines is ap-
2 propriate.

3 “(ii) REVIEW OF PROGRAM BENE-
4 FITS.—The Board shall consider whether
5 the totality of the amount of funds allowed
6 to be raised by participating candidates
7 (including through qualifying contributions
8 and small dollar contributions), allocations
9 from the Fund under sections 522, match-
10 ing contributions under section 523, and
11 vouchers under section 524 are sufficient
12 for voters in each State to learn about the
13 candidates to cast an informed vote, taking
14 into account the historic amount of spend-
15 ing by winning candidates, media costs,
16 primary election dates, and any other in-
17 formation the Board determines is appro-
18 priate.

19 “(C) ADJUSTMENT OF AMOUNTS.—

20 “(i) IN GENERAL.—Based on the re-
21 view conducted under subparagraph (A),
22 the Board shall provide for the adjust-
23 ments of the following amounts:

1 “(I) the maximum dollar amount
2 of qualified small dollar contributions
3 under section 501(11)(C);

4 “(II) the maximum and min-
5 imum dollar amounts for qualifying
6 contributions under section
7 501(10)(A);

8 “(III) the number and value of
9 qualifying contributions a candidate is
10 required to obtain under section
11 512(a)(1);

12 “(IV) the base amount for can-
13 didates under section 522(d);

14 “(V) the maximum amount of
15 matching contributions a candidate
16 may receive under section 523(b); and

17 “(VI) the dollar amount for
18 vouchers under section 524(c).

19 “(ii) REGULATIONS.—The Commis-
20 sion shall promulgate regulations providing
21 for the adjustments made by the Board
22 under clause (i).

23 “(D) REPORT.—Not later than March 30
24 following any general election for Federal office,
25 the Board shall submit a report to Congress on

1 the review conducted under paragraph (1).
2 Such report shall contain a detailed statement
3 of the findings, conclusions, and recommenda-
4 tions of the Board based on such review.

5 “(d) MEETINGS AND HEARINGS.—

6 “(1) MEETINGS.—The Board may hold such
7 hearings, sit and act at such times and places, take
8 such testimony, and receive such evidence as the
9 Board considers advisable to carry out the purposes
10 of this Act.

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

15 “(e) REPORTS.—Not later than April 1, 2010, and
16 every 2 years thereafter, the Board shall submit to the
17 Senate Committee on Rules and Administration a report
18 documenting, evaluating, and making recommendations
19 relating to the administrative implementation and enforce-
20 ment of the provisions of this title.

21 “(f) ADMINISTRATION.—

22 “(1) COMPENSATION OF MEMBERS.—

23 “(A) IN GENERAL.—Each member, other
24 than the Chairperson, shall be paid at a rate
25 equal to the daily equivalent of the minimum

1 annual rate of basic pay prescribed for level IV
2 of the Executive Schedule under section 5315
3 of title 5, United States Code.

4 “(B) CHAIRPERSON.—The Chairperson
5 shall be paid at a rate equal to the daily equiva-
6 lent of the minimum annual rate of basic pay
7 prescribed for level III of the Executive Sched-
8 ule under section 5314 of title 5, United States
9 Code.

10 “(2) PERSONNEL.—

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

17 “(B) STAFF APPOINTMENT.—With the ap-
18 proval of the Chairperson, the Executive Direc-
19 tor may appoint such personnel as the Execu-
20 tive Director and the Board determines to be
21 appropriate.

22 “(C) ACTUARIAL EXPERTS AND CONSULT-
23 ANTS.—With the approval of the Chairperson,
24 the Executive Director may procure temporary

1 and intermittent services under section 3109(b)
2 of title 5, United States Code.

3 “(D) DETAIL OF GOVERNMENT EMPLOY-
4 EES.—Upon the request of the Chairperson, the
5 head of any Federal agency may detail, without
6 reimbursement, any of the personnel of such
7 agency to the Board to assist in carrying out
8 the duties of the Board. Any such detail shall
9 not interrupt or otherwise affect the civil service
10 status or privileges of the Federal employee.

11 “(E) OTHER RESOURCES.—The Board
12 shall have reasonable access to materials, re-
13 sources, statistical data, and other information
14 from the Library of Congress and other agen-
15 cies and elected representatives of the executive
16 and legislative branches of the Federal Govern-
17 ment. The Chairperson of the Board shall make
18 requests for such access in writing when nec-
19 essary.

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

23 **“SEC. 532. ADMINISTRATION PROVISIONS.**

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

1 “(1) to establish procedures for—

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

4 “(B) effectively and efficiently monitoring
5 and enforcing limits on the raising of qualified
6 small dollar contributions;

7 “(C) effectively and efficiently monitoring
8 and enforcing the limits on the use of personal
9 funds by participating candidates;

10 “(D) monitoring the use of allocations
11 from the Fund and matching contributions
12 under this title through audits or other mecha-
13 nisms; and

14 “(E) the administration of the voucher
15 program under section 524; and

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

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

20 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-
21 TION AND EXPENDITURE REQUIREMENTS.—If a can-
22 didate who has been certified as a participating candidate
23 under section 515(a) accepts a contribution or makes an
24 expenditure that is prohibited under section 513, the Com-
25 mission shall assess a civil penalty against the candidate

1 in an amount that is not more than 3 times the amount
2 of the contribution or expenditure. Any amounts collected
3 under this subsection shall be deposited into the Fund.

4 “(b) REPAYMENT FOR IMPROPER USE OF FAIR
5 ELECTIONS FUND.—

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

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

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

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

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

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

6 “(6) No authorized committee of a candidate
7 may establish a joint fundraising committee with a
8 political committee other than an authorized com-
9 mittee of a candidate.”.

10 **SEC. 104. LIMITATION ON COORDINATED EXPENDITURES**
11 **BY POLITICAL PARTY COMMITTEES WITH**
12 **PARTICIPATING CANDIDATES.**

13 (a) IN GENERAL.—Section 315(d)(3) of the Federal
14 Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is
15 amended—

16 (1) by redesignating subparagraphs (A) and
17 (B) as subparagraphs (B) and (C), respectively; and

18 (2) by inserting before subparagraph (B), as re-
19 designated by paragraph (1), the following new sub-
20 paragraph:

21 “(A) in the case of a candidate for election
22 to the office of Senator who is a participating
23 candidate (as defined in section 501), the lesser
24 of—

25 “(i) 10 percent of the allocation from
26 the Fair Elections Fund that the partici-

1 pating candidate is eligible to receive for
2 the general election under section 522(c);
3 or

4 “(ii) the amount which would (but for
5 this subparagraph) apply with respect to
6 such candidate under subparagraph (B);”.

7 (b) CONFORMING AMENDMENT.—Subparagraph (B)
8 of section 315(d)(3) of such Act, as redesignated by sub-
9 section (a), is amended by inserting “who is not a partici-
10 pating candidate (as so defined)” after “office of Sen-
11 ator”.

12 **TITLE II—IMPROVING VOTER** 13 **INFORMATION**

14 **SEC. 201. BROADCASTS RELATING TO ALL SENATE CAN-** 15 **DIDATES.**

16 (a) LOWEST UNIT CHARGE; NATIONAL COMMIT-
17 TEES.—Section 315(b) of the Communications Act of
18 1934 (47 U.S.C. 315(b)) is amended—

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

23 (2) by inserting “for pre-emptible use thereof”
24 after “station” in subparagraph (A) of paragraph
25 (1).

1 (b) PREEMPTION; AUDITS.—Section 315 of such Act
2 (47 U.S.C. 315) is amended—

3 (1) by redesignating subsections (f) and (g) as
4 subsections (e) and (f), respectively and moving
5 them to follow the existing subsection (e);

6 (2) by redesignating the existing subsection (e)
7 as subsection (c); and

8 (3) by inserting after subsection (c) (as redesignig-
9 nated by paragraph (2)) the following:

10 “(d) PREEMPTION.—

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

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

1 “(e) AUDITS.—During the 30-day period preceding
2 a primary election and the 60-day period preceding a gen-
3 eral election, the Commission shall conduct such audits
4 as it deems necessary to ensure that each broadcaster to
5 which this section applies is allocating television broadcast
6 advertising time in accordance with this section and sec-
7 tion 312.”.

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

11 (1) by striking “or repeated”;

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

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

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

20 (1) by striking “the” in subsection (f)(1), as re-
21 designated by subsection (b)(1), and inserting
22 “BROADCASTING STATION.—”;

23 (2) by striking “the” in subsection (f)(2), as re-
24 designated by subsection (b)(1), and inserting “LI-
25 CENSEE; STATION LICENSEE.—”; and

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

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

6 Section 315(b) of the Communications Act of 1934
7 (47 U.S.C. 315(b)), as amended by subsection (a), is
8 amended—

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

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

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

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

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

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

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

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

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

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

19 (b) CONTENTS.—The form prescribed by the Com-
20 mission under subsection (a) shall require, broadcasting
21 stations to report to the Commission and to the Federal
22 Election Commission, at a minimum—

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

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

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

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

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

14 (6) the following information about the adver-
15 tisement:

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

17 (B) The program in which the advertise-
18 ment was broadcast.

19 (C) The length of the broadcast airtime.

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

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

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

5 Section 307(a)(6) of the Federal Election Campaign
6 Act of 1971 (2 U.S.C. 437d(a)(6)) is amended by insert-
7 ing “(including a proceeding before the Supreme Court on
8 certiorari)” after “appeal”.

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

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

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

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

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

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

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

4 (3) by striking subparagraph (D).

5 **TITLE IV—MISCELLANEOUS**
6 **PROVISIONS**

7 **SEC. 401. SEVERABILITY.**

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

15 **SEC. 402. EFFECTIVE DATE.**

16 Except as otherwise provided for in this Act, this Act
17 and the amendments made by this Act shall take effect
18 on January 1, 2010.