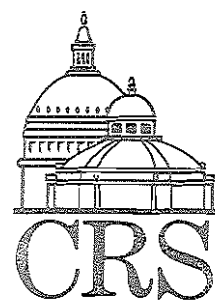


CRS Report for Congress

Campaign Finance Reform: Comparison of Current Law with H.R. 3 and S. 3, As Passed by the House and Senate in the 103d Congress

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**CAMPAIGN FINANCE REFORM: COMPARISON OF CURRENT LAW
WITH H.R. 3 AND S. 3, AS PASSED BY THE HOUSE AND
SENATE IN THE 103D CONGRESS**

SUMMARY

This report summarizes and compares provisions of current campaign finance law with H.R. 3 and S. 3, the reform bills passed by the House and Senate, respectively, in the first session of the 103d Congress. The bills reflected the positions of the Democratic leadership in each House and were based on a bill—S. 3—passed by both Houses in the 102d Congress and vetoed by President Bush. A House-Senate conference to reconcile the two bills is expected in 1994.

The Senate-passed S. 3—the Congressional Campaign Spending Limit and Election Reform Act of 1993—establishes voluntary spending limits for Senate candidates (only) in exchange for a broadcast rate of 50 percent of the lowest unit rate and two mailings at the third-class non-profit rate (in general election), with public funding as a backup mechanism to compensate a candidate opposed by independent expenditures or by a non-complying opponent who exceeds the limit. Additional spending is allowed to compensate for excess spending by an opponent or independent expenditures. The bill calls for a tax on candidates who exceed the limit. The Senate bill, after being introduced on Jan. 21, 1993 in its 102d Congress form, was reported by the Rules and Administration Committee on March 18, 1993 (S. Rept. 103-41). It passed the Senate June 17, 1993, as amended to reflect proposals by the Democratic leadership, President Clinton, and several Republican Senators whose votes enabled passage of S. 3.

The House-passed H.R. 3—the House of Representatives Campaign Spending Limit and Election Reform Act of 1993—establishes voluntary spending limits for House candidates in exchange for voter communication vouchers, based on a matching fund system, equal to one-third of the spending limit; additional vouchers are provided to participating candidates opposed by independent expenditures or by a non-complying opponent, or who win closely contested primaries. It establishes a Make Democracy Work Fund to finance vouchers, but makes the bill's provisions contingent on subsequent enactment of revenue legislation. After being introduced on January 4, 1993 in the form of the 102d Congress's vetoed bill, H.R. 3 was referred to the House Administration Committee, which reported its amended version on November 10, 1993 (H. Rept. 103-375). It passed the House on November 22, 1993, after which the House passed S. 3, substituting the text of H.R. 3 in lieu thereof, thus setting the stage for a House-Senate conference.

Both bills address the issue of restraining political action committees (PACs): the House bill imposing an aggregate limit on PAC receipts (and also large donor contributions) by House candidates and the Senate bill prohibiting PAC contributions to Federal candidates (with a fallback of an aggregate PAC receipts limit and lower PAC contribution limit if the ban is declared unconstitutional). Both bills add restrictions on such perceived loopholes in the current system as independent expenditures, bundling, and soft money.

This report summarizes major provisions of the bills; some standard sections, such as repayments, audits, and reports to Congress are omitted. It is organized conceptually and not in the order of either bill or current law.

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SPENDING LIMITS (Linked with Public Benefits)

Limits on Campaign Expenditures

	House	Senate
No corresponding existing law	<p><i>Full 2-year cycle</i> Voluntary limits of \$600,000</p> <p><i>Special election</i> \$600,000</p> <p><i>Closely contested primaries</i> Extra \$200,000 may be spent in general election by candidate who won primary by 20% or less</p> <p><i>Runoff</i> Extra \$200,000 [Sec. 121-"601"]</p>	<p>Voluntary limits for full 6-year cycle, based on State population:</p> <p><i>General election</i> \$400,000, plus 30 cents x VAP (voting age population) up to 4 million, plus 25 cents x VAP over 4 million; minimum — \$1.2 million; maximum — \$5.5 million</p> <p><i>Primary election</i> 67% of general election limit; maximum — \$2.75 million</p> <p><i>Runoff</i> 20% of general election limit [Sec. 101-"501-502"]</p>

¹ Unless otherwise specified provisions apply to both House and Senate candidates. Section numbers refer to sections of each *bill*, except those in quotations, which refer to *the Federal Election Campaign Act* and are provided to offer further specificity in the longest section of each bill.

Current Law
H.R. 3¹
S. 3¹

SPENDING LIMITS (Linked with Public Benefits)—Continued
Candidates' Personal Spending Limit
House: \$50,000 [Sec. 121-"602"]

Senate: \$25,000 [Sec. 101-"502"]

Carryover of Campaign Funds
House: Surpluses may be transferred from one cycle to the next for use in next election cycle [Sec. 201]

Senate: Up to 20% of primary and general election limit may be transferred for use in next election cycle [Sec. 105]

Exemptions/Contingencies
Inflation
House: All limits indexed annually (1992 base year) [Sec. 121-"601"]

Inflation
Senate: All limits indexed annually (1996 base year) [Sec. 101-"501"]

Non-complying opponent
House: Expenditure limits removed on participating candidate when non-participating opponent raises or spends more

Non-complying opponent
Senate: Additional spending allowed by participating candidate if opponent exceeds general election limit by 100%, with

Current Law
H.R. 3¹**S. 3¹**

SPENDING LIMITS (Linked with Public Benefits)—Continued

than 25% of cycle limit [Sec. 121-"601"]

spending not to exceed 200% of limit [Sec. 101-"503"] {See **Contingent Benefits**}

Independent Expenditures

House: Expenditure limits lifted to extent of independent expenditures made against participating candidate or for opponents in general election, once \$10,000 in such aggregated expenditures are made [Sec. 121-"604"]

Independent Expenditures

Senate: Expenditure limits lifted to extent of independent expenditures made against participating candidate or for opponents in general or primary election, once \$10,000 in such aggregated expenditures are made by single source [Sec. 101-"503"]

Legal and post-election audit costs exemption

House: Fully exempt [Sec. 121-"601"]

Legal and accounting compliance costs exemption

Senate: Lesser of: 15% of general election limit, or \$300,000 (permanently segregated) [Sec. 101-"502"]

Current Law
H.R. 3¹**S. 3¹**

SPENDING LIMITS (Linked with Public Benefits)—Continued*Fundraising and accounting compliance costs*

House: Up to 10% of basic cycle limit is exempted (up to 10% of salaries and overhead costs may apply to exemption)

Fundraising costs

Senate: No corresponding provision

Taxes

House: Federal, State and local income and payroll taxes exempt from limits [Sec. 121-"601"]

Taxes

Senate: Federal, State and local income taxes exempt from limits [Sec. 101-"502"]

No corresponding provision

States with no more than 1 VHF TV station

Senate: General election limit of \$400,000, plus 80 cents x VAP up to 4 million, plus 70 cents x VAP over 4 million [Sec. 101-"502"]

Penalties for Violation of Spending Limits

House: Civil penalties for exceeding spending limit:
 excess 2.5% or less: amount of excess; excess bet. 2.5-5%: 3 x

Senate: Civil penalties for exceeding spending limit:
 excess 2.5% or less: amount of excess; excess bet. 2.5-5%: 3 x

Current Law	H.R. 3 ¹	S. 3 ¹
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SPENDING LIMITS (Linked with Public Benefits)—Continued

excess amount; and excess 5% or more: 3 x excess amount, plus civil penalty by FEC [Sec.121-"601"]

excess amount; and excess 5% or more: 3 x excess amount, plus additional amount determined by FEC, plus amount equal to benefits if willful violation [Sec. 101-"505"]

INCENTIVES AND DISINCENTIVES TOWARD COMPLIANCE WITH SPENDING LIMITS

Disincentives to Non-Compliance with Limits

No corresponding provision

Tax on Non-Participants

Senate: Repeals exempt function income exclusion on principal campaign committees whose candidates exceed spending limits [Sec. 101-"510"]

No corresponding provision

Disclaimer

Senate: Required on ads of non-participants stating that he or she does not abide by spending limits [Sec. 104]

Current Law
H.R. 3¹**S. 3¹**

**INCENTIVES AND DISINCENTIVES TOWARD COMPLIANCE WITH SPENDING
LIMITS—Continued**

Reports Required

House: Candidates who raise or spend more than 25% of cycle limit or who exceed limit on personal spending must file report with Clerk of House, to be transmitted to FEC, which must notify other candidates within 48 hrs. [Sec. 121-"601"]

Reports Required

Senate: Candidates who exceed limits must file periodic reports with Sec. of Senate, triggered by specified thresholds; FEC to notify opponents [Sec. 103]

Eligibility for Benefits*Fundraising threshold*

House: 10% of cycle limit (\$60,000, indexed), counting first \$200 in contributions from individuals

Fundraising threshold

Senate: 5% of general election limit, counting only first \$250 from in-State individuals raised during last two years of election cycle

Intention to Abide by Limits

House: File statement with declaration of candidacy or within 7 days of qualifying for general election ballot declaring irrevocably that candidate will

Intention to Abide by Limits

Senate: In Primary: File declaration with Secretary of Senate by filing date for primary that candidate will abide by limits
In General: File statement with declaration of candidacy or within

Current Law

H.R. 3¹

S. 3¹

**INCENTIVES AND DISINCENTIVES TOWARD COMPLIANCE WITH SPENDING
LIMITS—Continued**

abide by limits [Sec. 122/121-
"604"]

7 days of qualifying for general
election ballot declaring
irrevocably that candidate will
abide by general election limits
and did abide by primary limits

*At least one opponent on general
election ballot [Sec. 121-"604"]*

*At least one opponent on general
election ballot*

Closed captioning

House: No payments to candidates
who do not use closed captioning
in TV ads [Sec. 121-"605"]

Closed captioning

Senate: No payments to
candidates who do not use closed
captioning in TV ads [Sec. 101-
"501"]

Benefits for Eligible Candidates in General Election

Voter Communication Vouchers

House: Based on matching first
\$200 in donations from
individuals, up to \$200,000, after
fundraising threshold is raised

No corresponding provision

Current Law
H.R. 3¹**S. 3¹**

**INCENTIVES AND DISINCENTIVES TOWARD COMPLIANCE WITH SPENDING
LIMITS—Continued**

(and matched); to be used for TV,
radio, and print ads, voter contact
campaign materials, and postage
[Sec. 121-"604"]

No corresponding provision

Lower postal rates

Senate: Candidates can mail up to
2 pieces per eligible voter in State
at lowest third-class non-profit
rate [Sec. 132]

No corresponding provision

Broadcast rate discount

Senate: Requires broadcasters to
sell time to candidates at 50% of
lowest unit rate in last 60 days of
general election period [Sec. 131]

Contingent Benefits for Eligible Candidates

*Non-participating opponent
exceeds limit*

House: Participating candidate
may continue to receive

*Non-participating opponent
exceeds limit*

Senate: Major party eligible
candidate may receive subsidy

Current Law
H.R. 3¹
S. 3¹

**INCENTIVES AND DISINCENTIVES TOWARD COMPLIANCE WITH SPENDING
LIMITS—Continued**

communication vouchers—up to the \$200,000 maximum—even after spending limits have been removed (because non-participating opponent has raised or spent more than 25% of limit) [Sec. 121-"601"]

equal to 1/3 general election limit once opponent exceeds limit, an additional subsidy equal to 1/3 general election limit once opponent exceeds limit by 1/3, and a final subsidy equal to 1/3 general election limit once opponent exceeds limit by 2/3.

Non-major party eligible candidate may receive least of: amount raised by eligible candidate in excess of threshold requirement, 50% of general election limit, or amount of opponent's excess spending [Sec. 101-"503"]

Closely contested primaries

House: Participants who won a primary by 20% or less may receive up to \$66,600 in additional matching vouchers in

No corresponding provision

Current Law**H.R. 3¹****S. 3¹**

**INCENTIVES AND DISINCENTIVES TOWARD COMPLIANCE WITH SPENDING
LIMITS—Continued**

general election period [Sec. 121-
"604"]

Independent expenditures

House: Eligible candidate may receive payment equal to amount of independent expenditures made for an opponent or against him or her, once aggregating in excess of \$10,000 [Sec. 121-"604"]

Independent expenditures

Senate: Eligible candidate may receive payment in general election equal to amount of independent expenditures made for an opponent or against him or her, once aggregating in excess of \$10,000 by a single source [Sec. 101-"503"]

 Current Law
H.R. 3¹S. 3¹

**INCENTIVES AND DISINCENTIVES TOWARD COMPLIANCE WITH SPENDING
LIMITS—Continued**

Funding Mechanism for Benefits

House

Senate

Vouchers funded through a Make Democracy Work Fund [Sec. 1001]

Public service announcements
Authorizes FEC to broadcast public announcements describing the Make Democracy Work Fund, from January 15 through April 15 of each year [Sec. 702]

None of the provisions of bill to be effective until enactment of subsequent revenue legislation effectuating the Make Democracy Work Fund [Sec. 1105]

No corresponding provision

Benefits funded through a Senate Election Campaign Fund; requires the transfer to the Fund of: (1) revenues realized by repealing the exempt income exclusion for campaign committees of candidates who exceed voluntary limits and (2) revenues realized by repealing tax deductions for lobbying expenses [Sec. 101-"510"]

None of the provisions of bill to be effective until estimated costs are offset by subsequent legislation effectuating this Act

Effectuating legislation will not increase taxes or budget deficit or reduce spending for government programs [Sec. 802]

Current Law
H.R. 3¹**S. 3¹**

**INCENTIVES AND DISINCENTIVES TOWARD COMPLIANCE WITH SPENDING
LIMITS—Continued**

	No corresponding provision	Any revenues realized by repealing tax deduction for lobbying expenses to be applied to deficit reduction and obligations under this Act [Sec. 711]
<p>Excess campaign funds may be: used for ordinary and necessary expenses related to office, contributed to certain non-profit organizations, or used for other lawful purposes, including transfers to national, State, or local political party committees (2 U.S.C. §439a)</p>	<p>Excess vouchers to be returned to Treasury within 60 days of general election, except for a reasonable amount which may be retained for 120 days for liquidation of obligations [Sec. 121-"604"]</p>	<p>Excess campaign funds to be transferred to Senate Election Campaign Fund, if not use for lawful purposes within one year of the general election in that cycle [Sec. 105]</p>

Current Law
H.R. 3¹**S. 3¹**

SOURCES OF FUNDS**Political Action Committees*****To Candidates***

No multicandidate political committee (PAC) shall make contributions to any federal office candidate, (including his or her authorized political committee), aggregating more than \$5,000 per election (2 U.S.C. § 441a(a)(2)(A))

No corresponding provision

PAC Contributions
 Prohibits contributions and expenditures in Federal elections, except by individuals and parties **IF PAC BAN IS DECLARED UNCONSTITUTIONAL:**
 \$1,000 per candidate, per election
 [Sec. 102]

No corresponding existing law

Aggregate PAC receipts limit
House: \$200,000 (33 1/3% of spending limit), plus an extra \$100,000 if runoff and \$66,600 if close primary winner (indexed for inflation); PAC receipts limit removed on participating House candidate whose non-participating opponent exceeds \$50,000 limit on personal spending [Sec. 201]

Aggregate PAC receipts limit
IF PAC BAN IS DECLARED UNCONSTITUTIONAL:
 Lesser of: 20% of spending limit, or \$825,000 (indexed for inflation)
 [Sec. 102]

Current Law
H.R. 3¹**S. 3¹**

SOURCES OF FUNDS—Continued***To Political Parties***

No multicandidate political committee (PAC) shall make contributions to a national party committee aggregating more than \$15,000 per calendar year (2 U.S.C. § 441a(a)(2)(B))

To National parties
\$25,000 [Sec. 407]

No corresponding provision

No multicandidate political committee (PAC) shall make contributions to any other committee (besides candidate and national party committees) aggregating more than \$5,000 per calendar year (2 U.S.C. § 441a(a)(2)(C))

To State parties
\$15,000 to a State Party Grassroots Fund; \$5,000 to any other State party committee; \$15,000 total to Grassroots Fund and other committees [Sec. 402]

To State parties
\$15,000 to a State Party Grassroots Fund; \$5,000 to any other State party committee; \$15,000 total to Grassroots Fund and other committees [Sec. 312]

Leadership PACs

No corresponding existing law

No corresponding provision

Federal candidates or officeholders may not establish, maintain, or control a political committee after 12 months following effective date of Act, other than principal campaign committee, party committee, or

Current Law	H.R. 3 ¹	S. 3 ¹
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SOURCES OF FUNDS—Continued

joint fundraising committee [Sec. 701]

Individuals

To Candidates

No corresponding existing law

Large donor limit

House: Candidates may accept no more than \$200,000 from individuals, in aggregate amounts of more than \$200; plus an extra \$100,000 if runoff and \$66,600 if close primary winner (indexed for inflation); large donor limit removed on participating House candidate if non-participating opponent exceeds \$50,000 limit on personal spending [Sec. 201]

No corresponding provision

No corresponding existing law

No corresponding provision

Out-of-State Donations

No out-of-state donations can be accepted by House or Senate candidates more than 2 years before general election [Sec. 406]

Current Law	H.R. 3 ¹	S. 3 ¹
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SOURCES OF FUNDS—Continued

To Political Parties

No person shall make contributions to any other committee (besides candidate and national party committees) aggregating more than \$5,000 per calendar year (2 U.S.C. § 441a(a)(1))

To State parties
 \$20,000 to a State Party Grassroots Fund; \$25,000 to any other State party committee; \$40,000 total to Grassroots Fund and other State party committees [Sec. 402/409]

To State parties
 \$20,000 to a State Party Grassroots Fund; \$5,000 to any other State party committee; \$20,000 total to Grassroots Fund and other State party committees [Sec. 312]

Executive Personnel of Common Employer

No corresponding existing law

No corresponding provision

Limits contributions by executive or administrative personnel of a common employer to an aggregate of \$5,000 to any candidate and \$20,000 to any party committee; prohibits any such contributions if made at the direction of the employer [Sec. 102]

Aggregate Contribution Limit

No individual shall make contributions aggregating more

Changes aggregate limit to election cycle basis and raises it to \$60,000; no more than \$25,000

Changes aggregate limit to election cycle basis and raises it to \$60,000; no more than \$25,000

Current Law
H.R. 3¹**S. 3¹**

SOURCES OF FUNDS—Continued

than \$25,000 per calendar year (2
U.S.C. § 441a(a)(3))

to candidates per year; no more
than \$40,000 to State party
committees per year; no more
than \$20,000 to National party
committees per year [Sec. 402]

to candidates per year; no more
than \$20,000 to State party
committees per year; no more
than \$20,000 to National party
committees per year [Sec. 312]

Political Parties***To Candidates***

No corresponding existing law

Counts all State and local party
contributions to a Federal
candidate against that party's
limit [Sec. 504]

Counts all State and local party
contributions to a Federal
candidate against that party's
limit [Sec. 403]

Lobbyists

No corresponding existing law

No corresponding provision

Prohibits lobbyists or political
committees under their control
from contributing to or raising
money for a candidate for 1 yr.
after lobbying contact with that
Federal officeholder or staff or, if
a Presidential candidate,
executive branch official;
Prohibits contributors from
lobbying Federal officeholder (or

Current Law	H.R. 3 ¹	S. 3 ¹
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SOURCES OF FUNDS—Continued

staff or executive branch official) to whom they contributed for 1 yr. after contribution [Sec. 401]

Candidates

No person (including political committees) shall make contributions to national party committees aggregating more than \$20,000 per year (2 U.S.C. § 441a(a)(1)(B))

Contributions to Congressional Campaign Committees
House and Senate candidates' authorized committees may contribute up to \$10,000 per year to national party congressional campaign committees [Sec. 406]

No corresponding provision

No corresponding existing law

No corresponding provision

Post-election contributions
Prohibits post-election contributions from being used to repay loans from candidate or family [Sec. 301]

Sec. 121 imposes contribution limits only on candidates who participate in voluntary system

Sec. 101 imposes contribution limits only on candidates who participate in voluntary system

Current Law	H.R. 3¹	S. 3¹
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SOURCES OF FUNDS—Continued

Corporations

Corporations are prohibited from contributions or expenditures in connection with Federal elections
2 U.S.C. § 441b)

Merchandising and Affinity Cards
Permits political committees (except separate segregated funds) to receive corporate commissions or royalties from the sale of goods or services or the issuance of credit cards [Sec. 408]

No corresponding provision

Penalties for Excess Contributions

House

Civil penalties on candidate committees for receiving contributions in excess of aggregate limits: excess less than 2.5%: refund excess amount; excess bet. 2.5-5%: 3 x excess amount; and excess over 5%: 3 x excess amount, plus civil penalty by FEC [Sec. 201]

No corresponding provision

Current Law
H.R. 3¹
S. 3¹

INDEPENDENT EXPENDITURES

Definition

An expenditure by a person expressly advocating the election or defeat of a clearly identified candidate, which is made without cooperation or consultation with any candidate or any candidate's authorized committee or agent and is not made in concert with or at the request or suggestion of any candidate or any candidates' authorized committee or agent; "clearly identified" means that, (1) the involved candidate's name appears; (2) a photograph or drawing of the candidate appears; or (3) the identity of the candidate is apparent by unambiguous reference (2 U.S.C. § 431(17),(18))

Defines independent expenditure to mean a communication containing "express advocacy," (i.e., taken as a whole, it suggests taking action to support or oppose a candidate or group of candidates), if not coordinated with a candidate or candidate's agent

Prohibits independent expenditures:

- (1) by candidates' or political party committees;
- (2) by anyone who contributed to a candidate during election cycle (if expenditure supports candidate or opposes opponent);
- (3) by persons required to register as lobbyists;
- (4) where there has been any communication about election between candidate or agents and spender during election cycle; or

Defines independent expenditure to mean a communication containing "express advocacy," (i.e., taken as a whole, it suggests taking action to support or oppose a candidate or group of candidates), if not coordinated with a candidate or candidate's agent

Prohibits independent expenditures:

- (1) by political party committees;
 - (2) where there has been any communication about election between candidate and spender or agents during election cycle;
 - (3) where there has been any coordination with candidate or agent;
 - (4) where, during election cycle, spender has been authorized to raise funds or has worked in a
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Current Law**H.R. 3¹****S. 3¹**

INDEPENDENT EXPENDITURES—Continued

(5) where, during election cycle, spender has been authorized to raise funds or has worked in a policymaking capacity for a candidate. [Sec. 301]

policymaking capacity for a candidate;

(5) where, during election cycle, spender has advised candidate or agents on election;

(6) where spender has used same consultant as candidate during election cycle; or

(7) where spender has consulted with an official of or consultant to political party which is involved in campaign. [Sec. 201]

Current Law
H.R. 3¹**S. 3¹**

INDEPENDENT EXPENDITURES—Continued**Reporting Requirements**

Any independent expenditure aggregating \$1,000 or more made after the 20th day, but more than 24 hours before any election, must be reported within 24 hours to the Clerk, the Secretary, or the Commission and the Secretary of State indicating whether it was made in support of or in opposition to the candidate involved (2 U.S.C. § 434(c)(2))

To Clerk of House or Secretary of Senate, with copy to be sent to FEC, and Secretary of State: Notification within 48 hours of independent expenditures each time they aggregate at least \$5,000, until 20th day before election; Notification by 20th day before election of intent to make independent expenditures of at least \$5,000 in last 20 days;

To Secretary of Senate, with copy to be sent to FEC, and Secretary of State: Notification within 48 hours of independent expenditures each time they aggregate at least \$10,000, until 20th day before election; Notification by 20th day before election of intent to make independent expenditures of at least \$5,000 in last 20 days;

No corresponding existing law

FEC to notify all candidates in that election within 48 hours [Sec. 302]

FEC to notify all candidates in that election within 48 hours [Sec. 133]

Disclaimer

Must clearly state the name of person paying for ad and that it was not authorized by a candidate (2 U.S.C. § 441d(a))

Requires enhanced disclaimer on independent ads, to include spoken statement of who is responsible and, if on TV, a clearly printed message as well

Requires enhanced disclaimer on independent ads, to include spoken statement of who is responsible and, if on TV, a clearly printed message as well

Current Law

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S. 3¹

INDEPENDENT EXPENDITURES—Continued

(with reasonable contrast, for at least 4 sec.) [Sec. 902]

(with reasonable contrast, for at least 4 sec.) [Sec. 134]

Response Time

No corresponding existing law

House: If expenditure is made against participating candidate or for opponent, broadcaster must notify affected candidate, provide a script of ad, and offer equal opportunity to respond at lowest non-preemptible rate [Sec. 303]

Independent spender must notify broadcaster and provide copy of required disclosure, listing affected candidates; broadcaster must notify all candidates and allow them to buy time immediately after independent ad [Sec. 202]

Non-Profit Corporations

Prohibits contributions and expenditures by national banks, corporations and labor unions in connection with any Federal election (2 U.S.C. §441b(a))

No corresponding provision

Permits qualified nonprofit corporations (as defined) to make independent expenditures [Sec. 706]

Current Law
H.R. 3¹**S. 3¹**

INDEPENDENT EXPENDITURES—Continued**(Matching Funds to/Lifting Limits on Targets of Independent Ads)**

Under Sec. 121, participating House candidates may spend in excess of spending limit and receive extra matching vouchers in general election, to compensate for independent ads against them or for opponent, once in excess of \$10,000 from all sources

Under Sec. 101, participating candidates may spend in excess of spending limits (in primary or general) and may receive subsidy in general, to compensate for independent ads against them or for opponent, once in excess of \$10,000 by a single spender

BUNDLING²

All contributions made by a person on behalf of a particular candidate, including contributions which are earmarked or directed through an intermediary, must be treated as contributions from such person to such candidate. The intermediary must report the original source and the intended

Contributions through intermediary or conduit to be counted against intermediary's contribution limit, if intermediary is a:

- (1) PAC with a connected organization;
- (2) party committee;
- (3) union, corporation, trade association, or national bank;

Contributions through intermediary or conduit to be counted against intermediary's contribution limit, if intermediary is a:

- (1) PAC;
- (2) party committee;
- (3) union, corporation, trade association, or national bank;

² Bundling refers to the practice of an intermediary or conduit collecting and transmitting contributions to a candidate, generally in amounts beyond which the intermediary could permissibly contribute directly to that candidate.

Current Law
H.R. 3¹
S. 3¹

BUNDLING—Continued

recipient of such contribution to the Commission and to the intended recipient (2 U.S.C. § 441a(8))

(4) partnership or sole proprietorship;
 (5) someone required to register as lobbyist; or
 (6) agents or employees of above groups acting on behalf of groups.

(4) partnership or sole proprietorship;
 (5) someone required to register as lobbyist; or
 (6) agents or employees of above groups acting on behalf of groups.

Allows following to serve as intermediary or conduit:

(1) House candidate or representative, if transmitting donation to candidate's committee;
 (2) professional fundraiser (for fee);
 (3) volunteer hosting house party; or
 (4) individual transmitting spouse's donation.

Allows following to serve as intermediary or conduit:

(1) candidate's representative, if in a significant position in campaign;
 (2) professional fundraiser (for fee);
 (3) volunteer hosting house party; or
 (4) or individual transmitting spouse's donation.

Above restriction does not apply to joint fundraising activities by 2 or more candidates, or fundraising for a candidate conducted by another candidate [Sec. 501]

Above restriction does not apply to joint fundraising activities by 2 or more candidates, party committees, or combination, or sole effort by other candidate

Current Law	H.R. 3 ¹	S. 3 ¹
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BUNDLING—Continued

No corresponding provision

Requires intermediary or conduit to report original source and

intended recipient to FEC and to recipient [Sec. 401]

SOFT MONEY³

Definitions

Activities subject to FECA

Get-out-the-vote drives in Presidential election year; other get-out-the-vote drives not solely for State candidates and which don't identify and are targeted at supporters of Federal candidates; generic activities; any activities which in part promote or identify

Activities subject to FECA

Get-out-the-vote drives in Presidential election year; other get-out-the-vote drives not solely for State candidates and which don't identify and are targeted at supporters of Federal candidates; generic activities; any activities which in part promote or identify

³ As used here, "soft money" means money raised and spent under the various State laws, while "hard money" means money raised and spent under Federal law. Soft money generally refers to money which is raised and spent outside the purview of the Federal Election Campaign Act (FECA), which might be illegal if contributed or spent to influence a Federal election, but which may have at least an indirect impact on a Federal election.

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SOFT MONEY—Continued

Federal candidates; voter registration drives; development and maintenance of voter files in even-numbered year; any activity which significantly affects Federal elections

Activities not subject to FECA

Costs of party buildings or to operate radio or TV facility; contributions to non-Federal candidates; money for State or local conventions; activities exclusively on behalf or which only identify non-Federal candidates; state or local party administrative expenses; research for solely state or local candidates and issues; development and maintenance of voter files except for 1 yr. before Federal election; any activities solely aimed at influencing and which only affect non-Federal elections [Sec. 403]

Federal candidates; voter registration drives; development and maintenance of voter files in even-numbered year; any activity which significantly affects Federal elections

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SOFT MONEY—Continued*Generic campaign activity*

To promote a political party rather than any particular candidate [Sec. 401]

Generic campaign activity

To promote a political party rather than any particular candidate [Sec. 311]

State Party Grassroots Fund

New separate segregated fund established and maintained by state political party committee for making expenditures in connection with Federal elections (for: generic campaign activity, preparing and mailing sample ballots, campaign materials for volunteers, voter registration and get-out-the-vote for President and Vice President, voter registration, and maintaining voter files) [Sec. 401/403]

State Party Grassroots Fund

New separate segregated fund established and maintained by state political party committee for making expenditures in connection with Federal elections (for: generic campaign activity, preparing and mailing sample ballots, campaign materials for volunteers, voter registration and get-out-the-vote for President and Vice President, voter registration, and maintaining voter files) [Sec. 311]

Limitations/Allocations/Prohibitions

According to FEC regulations, expenses that jointly benefit both Federal and non-Federal candidates and elections (such as

Prohibits use of soft money for any party activity that is subject to FECA and significantly affects a Federal election [Sec. 403]

Prohibits use of soft money for any party activity that is subject to FECA and significantly affects a Federal election [Sec. 313]

Current Law**H.R. 3¹****S. 3¹**

SOFT MONEY—Continued

get-out-the-vote and voter registration) must be allocated. Allocation methods include: (1) *Fixed or Minimum Percentage*: a fixed or minimum percentage of a disbursement must be allocated as a Federal expenditure (used by national party committees) (11 C.F.R. § 106.5(b)(2),(c)(2); (2) *Funds Expended Ratio*: costs allocated according to the ratio of funds spent on behalf of Federal candidates to the total disbursements made by the committee for all Federal and non-Federal accounts (used by House and Senate campaign committees) (11 C.F.R. § 106.5(c)(1) and § 106.6(c)(1); (3) *Funds Received Ratio*: costs allocated according to ratio of funds received for Federal elections compared to total Federal and non-Federal receipts (11 C.F.R. § 106.5(f) and 106.6(d); (4) *Ballot Composition Ratio*: costs allocated according to ratio

Current Law
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SOFT MONEY—Continued

of Federal offices to total Federal and non-Federal offices expected on the ballot in the next general election (used by State and local party committees (11 C.F.R. § 106.5(d)(1)); (5) *Time or Space of Communication Ratio*: costs allocated according to the proportion of a communication's time or space devoted to Federal candidates compared to time or space of entire communication (11 C.F.R. § 106.1(a) and 106.5(e))

The terms "contribution" and "expenditure" do not include payment by a State or local political committee for grassroots volunteer campaign materials on behalf of nominees of such party (2 U.S.C. § 431(8)(B)(x), (9)(B)(viii) nor do they include the payment by such committee for voter registration and get-out-the-vote activities on behalf of nominees of such party for

Retains current law's exemption for contributions and expenditures by State or local party committees for voter registration and get-out-the-vote drives on behalf of Presidential ticket, but only if they are connected with volunteer activities and volunteers perform the work [Sec. 401]

Retains current law's exemption for contributions and expenditures by state or local party committees for voter registration and get-out-the-vote drives on behalf of Presidential ticket, but only if they are connected with volunteer activities and volunteers perform the work [Sec. 311]

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SOFT MONEY—Continued

President and Vice President (2
U.S.C. § 431(8)(B)(xii),(9)(B)(ix))

No corresponding existing law

Prohibits national party committee from soliciting or accepting soft money, except for certain defined uses in State and local elections [Sec. 403]

Prohibits national party from committee from soliciting or accepting soft money, except for certain defined uses in State or local elections [Sec. 313]

No corresponding existing law

Prohibits State and local party committee from using soft money for State or local candidate get-out-the-vote activity or for a ballot measure, UNLESS during a non-Presidential election year AND the money is used only for State or local candidates or ballot measures AND the money is not used to identify Federal candidate voters [Sec. 403]

Prohibits State and local party committee from using soft money for State or local candidate get-out-the-vote activity or for a ballot measure, UNLESS during a non-Presidential election year AND the money is used only for State or local candidates or ballot measures AND the money is not used to identify Federal candidate voters [Sec. 313]

No corresponding existing law

Prohibits Federal candidates or officeholders from raising soft money on behalf of any candidate, in connection with a Federal election [Sec. 405]

Prohibits Federal candidates officeholders from raising soft money on behalf of any candidate, in connection with a Federal election [Sec. 314]

Current Law**H.R. 3¹****S. 3¹**

SOFT MONEY—Continued**Disclosure**

National party committees must disclose all donations, and certain information regarding the donor, aggregating more than \$200 per calendar year, made to its non-Federal account (11 C.F.R. § 104.8(e)(f))

National party committees must disclose certain information about each person to whom a disbursement is made aggregating more than \$200 per calendar year from the committee's building fund account and must report any transfer from their non-Federal account to the non-Federal account of a State or local party committee (11 C.F.R. § 104.9(d)(e))

National and congressional party committees must disclose all financial activity, regardless of whether in connection with Federal election; other political committees maintaining non-Federal accounts must disclose all financial activity including separate schedules for State Party Grassroots Funds [Sec. 404]

National and congressional party committees must disclose all financial activity, regardless of whether in connection with Federal election; other political committees must disclose all financial activity including separate schedules regarding State Grassroots Funds [Sec. 315]

Tax-exempt Fundraising

No corresponding existing law

No corresponding provision

Prohibits Federal candidates or officeholders from raising any

Current Law	H.R. 3 ¹	S. 3 ¹
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SOFT MONEY—Continued

money for a tax-exempt group which devotes significant activities to voter registration and get-out-the-vote drives [Sec. 314]

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S. 3¹

SOFT MONEY—Continued
Non-Party Soft Money

No corresponding existing law

No corresponding provision

Response Funds

Enables national political parties to respond (or make transfers to candidates or Grassroots Funds so they can respond) to expenditures by independent or membership groups against party or its candidates, once in excess of \$10,000, by allowing parties to spend an equal amount from new "response funds" without regard to limits

Allows individuals to contribute up to \$7500 a year to party Response Funds [Sec. 313]

Requires independent and member organizations (including unions) to notify the FEC of political expenditures in excess of \$2,000, within 48 hours before disbursement; in the last 14 days of an election, 7 days' notice would be required [Sec. 321]

Current Law
H.R. 3¹**S. 3¹**

CAMPAIGN ADVERTISING**Broadcast Rates/Rules**

No corresponding existing law

Prohibits broadcasters from preempting ads sold to political candidates at lowest unit rate, unless beyond broadcaster's control

Prohibits broadcasters from preempting ads sold to political candidates at lowest unit rate, unless beyond broadcaster's control

During the 45 days before a primary and 60 days before a general election, broadcasting stations must make time available, for the lowest unit charge, to any legally qualified candidate (47 U.S.C. § 315(b))

Requires lowest unit rate to be available to candidates in last 30 days before primary and last 45 days before general election [Sec. 901]

Requires lowest unit rate to be available to candidates in last 30 days before primary and last 45 days before general election [Sec. 131]

Lowest unit charge of a station is for the same class and amount of time for the same period (47 U.S.C. §315(b)(1))

Lowest unit charge of a station is for the same amount of time for the same period [Sec. 901]

Lowest unit charge of a station is for the same amount of time for the same period on the same date [Sec. 131]

Current Law
H.R. 3¹**S. 3¹**

CAMPAIGN ADVERTISING—Continued**Disclaimers**

Whenever any person makes an expenditure expressly advocating election or defeat of a clearly identified candidate or solicits any contribution through advertising, such communication: (1) if paid for by a candidate, must clearly state so, or (2) if paid for by other persons, but authorized by a candidate, must clearly state so, or (3) if not authorized by a candidate, must clearly state the name of the person who paid for the communication and that it was not authorized by any candidate (2 U.S.C. § 441d(a))

No corresponding existing law

Requires clear statement of responsibility in ads, with: clearly readable type and color contrasts (print); clearly readable type, color contrasts, candidate image, and for at least 4 sec. (TV); and candidate's spoken message (radio and TV) [Sec. 901]

Sec. 901 also requires additional disclaimers for independent ads {See **INDEPENDENT EXPENDITURES** above}

No corresponding provision

Requires clear statement of responsibility in ads, with: clearly readable type and color contrasts (print); clearly readable type, color contrasts, candidate image, and for at least 4 sec. (TV); and candidate's spoken message (radio and TV) [Sec. 134]

Sec. 134 also requires additional disclaimers for independent ads {See **INDEPENDENT EXPENDITURES** above}

Sec. 104 requires non-participating Senate candidates to state on ads that they do not

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CAMPAIGN ADVERTISING—Continued

abide by spending limits {see
**INCENTIVES-Disincentives
to Non-Compliance}**

References to Opponents in Mailings

No corresponding existing law

No corresponding provision

Candidates and groups that support clearly identified candidates and refer to opponents in mailings must file copies of mailings with FEC and Secretary of State by noon of day the communication is first mailed [Sec. 714]

Current Law	H.R. 3 ¹	S. 3 ¹
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CAMPAIGN ADVERTISING—Continued

Equal Broadcast Time

No corresponding existing law

No corresponding provision

Does not relieve broadcasters from obligation under Communications Act of 1934 to operate in public interest and afford reasonable opportunity for discussion of conflicting views on public issues

If broadcasters provide usage to a candidate, all other candidates for that office must be afforded equal opportunities [Sec. 202]

Closed-Captioning

No corresponding existing law

Sec. 121 requires participating House candidates to provide closed captioning for TV ads {See **INCENTIVES-Eligibility**}

Sec. 101 requires participating Senate candidates to provide closed captioning for TV ads {See **INCENTIVES-Eligibility**}

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PRESIDENTIAL ELECTION CAMPAIGNS

Establishes the Presidential Election Campaign Fund and the Presidential Primary Matching Payment Account (26 U.S.C. § 9001, 9031)

Transfers Presidential Election Campaign Fund and Presidential Primary Matching Payment Account to new Title VIII of FECA [Sec. 904]

No corresponding provision

Fundraising costs are exempt from definition of expenditure, except such costs beyond 20% of limit in publicly funded Presidential campaigns (2 U.S.C. §431(9)(B)(vi))

No corresponding provision

Fundraising costs
Repeals fundraising cost exemption from expenditure definition, including 20% exemption from Presidential election spending limit [Sec. 705]

Establishes spending limit in Presidential primaries for candidates taking matching funds: \$10 million nationwide, and greater of 16 cents x VAP or \$200,000 per State (indexed for inflation, with 1974 base year) (2 U.S.C. §441a(b)(1)(A))

No corresponding provision

Primary Spending Limits
Increases base limit nationwide to \$12 million; repeals State limits [Sec. 705]

Establishes fundraising threshold for eligibility to receive matching funds: contributions totaling at least \$5,000 in each of at least 20 States (26 U.S.C. §9033(b)(3))

No corresponding provision

Fundraising Threshold in Primaries
Raises minimum contributions to \$15,000 in each of at least 26 States [Sec. 705]

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PRESIDENTIAL ELECTION CAMPAIGNS—Continued

Repayments of excess payments from Presidential Election Campaign Fund to be deposited in general fund of Treasury (26 U.S.C. §9007(d))

No corresponding provision

Repayments of excess payments Returned to Presidential Election Campaign Fund [Sec. 708]

No corresponding existing law

No corresponding provision

Disqualification from receiving public funds
Anyone convicted of violating any public funding provisions [Sec. 709]

Major party candidates receiving public funds in general elections may not accept additional contributions (26 U.S.C. §9003)

No corresponding provision

Contributions to publicly funded candidates
Prohibited [Sec.710]

No corresponding existing law

No corresponding provision

Candidate Debates
Requires Presidential and Vice Presidential candidates to debate in general election as condition for public funds [Sec. 703]

Limits Presidential candidates who receive public funding in the general election to total expenditures of \$20 million (plus

No corresponding provision

Transfers by Party to Grassroots Funds
Allows additional spending by Presidential campaigns: the lesser

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PRESIDENTIAL ELECTION CAMPAIGNS—Continued

inflation adjustment, 1974 base)
(2 U.S.C. §441a(b)(1)(B))

of 2 cents x VAP or the amounts
transferred to national
committees for distribution to
State Party Grassroots Funds

No corresponding existing law

No corresponding provision

Adds amounts transferred to
national committees for
distribution to State Party
Grassroots Funds to definition of
"qualified campaign expense" [Sec.
312]

DISCLOSURE REQUIREMENTS

Reporting requirements for
authorized committees of Federal
office candidates are generally
based on a calendar year
reporting period (2 U.S.C. §
434(b)(2)-(7))

Reports by election cycle
Requires candidates to aggregate
financial activity on election cycle
basis [Sec. 601]

Reports by election cycle
Requires candidates to aggregate
financial activity on election cycle
basis [Sec. 501]

No corresponding existing law

Personal and consulting services
Requires reports of expenditures
by campaign consultants to
subcontractors (secondary payees)
[Sec. 602]

Personal and consulting services
Requires reports of expenditures
by campaign consultants to
subcontractors (secondary payees)
[Sec. 502]

Current Law
H.R. 3¹**S. 3¹**

DISCLOSURE REQUIREMENTS—Continued

No corresponding existing law

Defines election cycle from day after last general election to date of next general election for that office [Sec. 122]

Defines election cycle from day after last general election to date of next general election for that office [Sec. 135]

Requires identification of individuals by mailing address (2 U.S.C. § 431(13)(A))

Require ID of individuals by permanent residence address [Sec. 605]

Require ID of individuals by permanent residence address [Sec. 135]

Candidate committees must file quarterly and pre-and post-general reports in election years and semi-annual reports in non-election years (2 U.S.C. § 434(a)(2))

No corresponding provision

Allows candidate committees to file monthly reports in all years [Sec. 602]

Reports must identify each person, other than political committees, who made a contribution aggregating more than \$200 per calendar year (2 U.S.C. § 434(b)(3)(A))

Reporting threshold
Requires candidates to itemize all contributions in excess of \$100 [Sec. 603]

No corresponding provision

No corresponding existing law

Computerized indices
Requires FEC to maintain computerized indices of contributions over \$200 [Sec. 604]*Computerized indices*
Requires FEC to maintain computerized indices of contributions over \$200 [Sec. 503]

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S. 3¹

DISCLOSURE REQUIREMENTS—Continued

No corresponding existing law

No corresponding provision

Authorizes FEC to promulgate regulations requiring persons making aggregate contributions in excess of \$100,000 during the current calendar year to file in electronic form accessible by computer [Sec. 504]

No corresponding existing law

Incorporated political committees
Requires reporting of state of incorporation and names and addresses of officers, including the treasurer [Sec. 606]

Incorporated political committees
Requires reporting of state of incorporation, names and addresses of officers, and statement of purpose [Sec. 505]

Requires reporting of expenditures by political committees, to be aggregated within each two year cycle and divided only into filing periods (2 U.S.C. § 434(b)(4))

Requires candidate committees to report disbursements for the primary, general, and any other election in which the candidate participates [Sec. 404]

Requires candidate committees to report disbursements for the primary, general, and any other election in which the candidate participates [Sec. 315]

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DISCLOSURE REQUIREMENTS—Continued

Authorized candidate committees must disclose the name and address of each person receiving an expenditure over \$200 in a calendar year (2 U.S.C. § 434(b)(5)(A))

Requires disclosure of the name and address of each person receiving an expenditure over \$200 and the election to which each operating expense relates [Sec. 404]

Requires disclosure of the name and address of each person receiving an expenditure over \$200 and the election to which each operating expense relates [Sec. 315]

No corresponding existing law

Reporting waiver
Permits FEC to relieve political committees from filing reports under certain circumstances [Sec. 608]

No corresponding provision

FEC ENFORCEMENT

The FEC may, upon an affirmative vote of 4, conduct an audit and field investigation of any committee not meeting threshold requirements for compliance with the FECA (2 U.S.C. § 438(b))

No corresponding provision

Allows random audits and investigations to ensure voluntary compliance; subjects shall be chosen based on criteria approved by at least 4 members of FEC [Sec. 605]

If the FEC believes that a violation has been committed, a

No corresponding provision

Changes range of civil penalties for:

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S. 3¹

FEC ENFORCEMENT—Continued

conciliation agreement may impose a civil penalty not in excess of the greater of \$5,000 or the amount of any contribution or expenditure involved in the violation (2 U.S.C. § 437g(a)(5)(A))

If the FEC believes that a knowing and willful violation has been committed, a conciliation agreement may impose a civil penalty not in excess of the greater of \$10,000 or an amount equal to 200 percent of any contribution or expenditure involved in the violation (2 U.S.C. § 437g(a)(5)(B))

If the FEC is unable to correct or prevent a violation, it may, with a vote of 4 of its members, institute a civil action for relief including injunctions, restraining orders, or civil penalties not in excess of the greater of \$5,000 or an amount equal to any contribution or

conciliation agreements based on reason to believe from 50% of all contributions and expenditures involved up to the greater of \$5,000 or 100% of all contributions and expenditures involved [Sec. 604]

knowing and willful violations from 100% of all contributions and expenditures involved up to the greater of \$10,000 or 150% of all contributions and expenditures involved [Sec. 604]

adjudicated violations 100% of all contributions and expenditures involved up to the greater of \$10,000 or 200% of all contributions and expenditures involved; requires a proper showing that the person involved

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FEC ENFORCEMENT—Continued

expenditure involved in such violation (2 U.S.C. § 437g(a)(6)(A)). In any civil action, the court may grant an injunction, restraining order, or other order, including civil penalty not in excess of the greater of \$5,000 or an amount equal to any contribution or expenditure involved in the violation (2 U.S.C. § 437g(a)(6)(B))

has committed or is about to commit a violation [Sec. 604]

In any civil action, if the court determines that the FEC has established a knowing and willful violation, the court may impose a civil penalty not in excess of the greater of \$10,000 or an amount equal to 200 percent of any contribution or expenditure (2 U.S.C. § 437g(a)(6)(C))

court-ruled knowing and willing violations
 from 200% of all contributions and expenditures involved up to the greater of \$20,000 or 250% of contributions and expenditures involved [Sec. 604]

Current Law
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S. 3¹

FEC ENFORCEMENT—Continued

No corresponding existing law

No corresponding provision

Authorizes FEC to promulgate regulations prohibiting devices or arrangements with purpose of evading or undermining restriction of use of non-Federal money to affect federal elections [Sec. 607]

Allows 10 days after designation for candidate's principal campaign committee to register [2 U.S.C. § 433(a)]

Registration
Requires simultaneous registration of candidate and candidate's principal campaign committee [Sec. 609]

Registration
Requires simultaneous registration of candidate and candidate's principal campaign committee [Sec. 608]

No corresponding existing law

Insolvent political committees
Limits means by which an insolvent political committee may compromise debts, liquidate assets, and terminate existence, to provisions of the FECA, to the exclusion of provisions of Title 11 [Sec. 705]

Insolvent political committees
Limits means by which an insolvent political committee may compromise debts, liquidate assets, and terminate existence, to provisions in the FECA, to the exclusion of provisions of Title 11 U.S.C. [Sec. 610]

Current Law	H.R. 3 ¹	S. 3 ¹
FEC ENFORCEMENT—Continued		
No corresponding existing law	<p><i>Injunction</i> Provides FEC with the authority to seek an injunction, under certain circumstances [Sec. 703]</p>	No corresponding provision
No corresponding existing law	<p><i>Expedited procedures</i> Provides FEC with the authority to expedite proceedings if complaint was filed within 60 days of a general election and certain conditions are met [Sec. 704]</p>	No corresponding provision
No corresponding existing law	<p><i>Amici Curiae</i> Authorizes FEC to appear in any court on its own behalf to exercise its statutory duties or powers, including the power to appeal from and petition the Supreme Court [Sec. 701]</p>	No corresponding provision

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MISCELLANEOUS

No corresponding existing law

Contributions by Dependents Not of Voting Age
Counts contributions toward limit of parent (allocated between both parents, if relevant) [Sec. 502]

Contributions by Dependents Not of Voting Age
Counts contributions toward limit of parent (allocated between both parents, if relevant) [Sec. 402]

No corresponding existing law

Use of Candidates' Names
Requires authorized committee to include candidate's name in its title; prohibits non-authorized committees from including candidate's name in its title or to use name to suggest authorization [Sec. 607]

Use of Candidates' Names
Requires authorized committee to include candidate's name in its title; prohibits non-authorized committees (other than parties) from including candidate's name in its title or to use name to suggest authorization [Sec. 601]

No corresponding existing law

Fraudulent Solicitation of Contributions
Prohibits solicitation of funds by false representation as a candidate, committee, political party, or agent thereof [Sec. 505]

Fraudulent Solicitation of Contributions
Prohibits solicitation of funds by false representation as a candidate, committee, political party, or agent thereof [Sec. 606]

Current Law	H.R. 3 ¹	S. 3 ¹
MISCELLANEOUS—Continued		
No corresponding existing law	<p data-bbox="803 475 1255 537"><i>Election-related Activity by Foreign Nationals</i></p> <p data-bbox="803 545 1255 882">Expands prohibition on contributions by foreign nationals to cover participating, controlling or influencing decisionmaking regarding contributions or expenditures in any election; requires connected PACs to state in solicitations that foreign nationals may not contribute [Sec. 508]</p>	No corresponding provision
No corresponding existing law	No corresponding provision	<p data-bbox="1342 926 1798 958"><i>Constitutional Amendment</i></p> <p data-bbox="1342 965 1798 1130">Sense of Senate that Congress should consider an amendment to allow campaign spending limits in Federal, State and local elections [Sec. 712]</p>
No corresponding existing law	<p data-bbox="803 1169 1255 1201"><i>Ballot Initiative Committees</i></p> <p data-bbox="803 1208 1255 1404">Requires registration and reporting as political committees by groups involved in campaigns for State initiatives and referenda which involve Federal issues [Secs. 801-808]</p>	No corresponding provision

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MISCELLANEOUS—Continued

No corresponding existing law

Advances by Campaign Workers
Exempts advances of less than \$500 made to campaign by volunteers and employees, if reimbursed within 10 days [Sec. 506]

No corresponding provision

No corresponding existing law

Labor and Corporate Expenditures for Candidate Appearances, Debates, or Voter Guides
Not counted as contributions, unless expressly advocating election or defeat of a candidate and under specific circumstances to ensure impartiality [Sec. 507]

No corresponding provision

Current Law	H.R. 3 ¹	S. 3 ¹
MISCELLANEOUS—Continued		
No corresponding existing law	No corresponding provision	<p data-bbox="1344 482 1603 512"><i>Extension of Credit</i></p> <p data-bbox="1344 519 1794 718">Considers as a contribution an extension of credit (for more than 60 days) to House and Senate candidates of more than \$1,000 for advertising and mass mail [Sec. 302]</p>
No corresponding existing law	No corresponding provision	<p data-bbox="1344 796 1794 857"><i>Polling Data Contributed to Federal Candidates</i></p> <p data-bbox="1344 863 1794 1000">To be valued at fair market value on date completed, and depreciated at no more than 1% a day [Sec. 702]</p>
No corresponding existing law	No corresponding provision	<p data-bbox="1344 1036 1794 1097"><i>Federal Election Commission Reimbursement Fund</i></p> <p data-bbox="1344 1103 1794 1381">Established, to be credited with amount that FEC incurs providing the public with records and amount of costs awarded in litigation; makes funds available without FY limitation to FEC to cover its costs for providing public with records and costs for</p>

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H.R. 3¹**S. 3¹**

MISCELLANEOUS—Continued

		providing free public information brochures [Sec. 609]
House: Member (or Member-elect) may send franked mail to current district and prospective district (39 U.S.C. § 3210(d))	No corresponding provision	<i>Franked mass mailings</i> Prohibited by House and Senate Members in any year in which an election is held for that seat, from Jan. 1 to date of election, unless Member has announced intent not to seek election to that or any Federal office [Sec. 136/715]
Senate: Prohibits franked mailings within 60 days of primary or general election (39 U.S.C. 3210(a)(6)(C))		
No corresponding existing law	<i>Telephone Voting by Persons with Disabilities</i> Requires FEC to develop feasibility study [Sec. 903]	<i>Telephone Voting by Persons with Disabilities</i> Requires FEC to develop feasibility study [Sec. 704]
No corresponding existing law	No corresponding provision	<i>Personal Use of Campaign Funds</i> Prohibits candidates' inherently personal use (as defined) of campaign funds [Sec. 106]

Current Law
H.R. 3¹**S. 3¹**

MISCELLANEOUS—Continued

Prohibits separate segregated funds from making contributions or expenditures by using money secured by using physical force, job discrimination, financial reprisals, or the threat thereof (2 U.S.C. §441b(b)(3))

No corresponding provision

Funds secured by force or intimidation

Prohibits anyone from making or causing another person to make a contribution or expenditure secured by using physical force, job discrimination, financial reprisal, or threats thereof [Sec. 404]

No person shall make contributions in cash to a Federal candidate which exceeds \$100 in the aggregate (2 U.S.C. §441g)

Cash contributions
Prohibits candidates from accepting (as well as individuals from making) cash contributions which aggregate more than \$100 [Sec. 503]

Cash contributions
Prohibits candidates from accepting (as well as individuals from making) cash contributions which aggregate more than \$100 [Sec. 405]

No corresponding existing law

No corresponding provision

Aiding and abetting violations of FECA

To be treated as a principal in violation [Sec. 707]

Current Law	H.R. 3 ¹	S. 3 ¹
MISCELLANEOUS—Continued		
No corresponding existing law	No corresponding provision	<i>Government employee dealings with FBI and IRS</i> Sense of Senate that appropriate officially prescribed procedures shall be followed [Sec. 713]
No corresponding existing law	<i>Expedited Review</i> Provides for expedited appeal to Supreme Court of any court ruling on constitutionality of any provision of Act [Sec. 1103]	<i>Expedited Review</i> Provides for expedited appeal to Supreme Court of any court ruling on constitutionality of any provision of Act [Sec. 804]
No corresponding existing law	<i>FEC Regulations</i> Requires FEC to promulgate regulations to carry out provisions of this Act within 12 mo. of effective date [Sec. 1104]	<i>FEC Regulations</i> Requires FEC to promulgate regulations to carry out provisions of this Act within 9 mo. of effective date [Sec. 805]
EFFECTIVE DATE		
	Upon enactment, but not applicable to activity in connection with elections before Jan. 1, 1995 [Sec. 1101]	<i>In general</i> Upon enactment [Sec. 801]

Current Law**H.R. 3¹****S. 3¹**

EFFECTIVE DATE—Continued*Spending limits/benefits provisions*

To apply to elections after December 31, 1994; no expenditure before Jan. 1, 1994 counts toward spending limit (unless for services delivered after that date); receipts on hand on Jan. 1, 1994 count toward contribution limits (except amounts paid in following 60 days for expenditures incurred prior to that date) [Sec. 101]

PAC provisions

After Dec. 31, 1994 (except: contributions received before enactment, and those received after enactment to extent that donations received by opponent prior to enactment exceed those received by candidate [Sec. 102]

 Current Law
H.R. 3¹S. 3¹

SEVERABILITY

*Spending limits and benefits/
PAC and large donor receipts
provisions*

If Secs. 121, 201, and 1001—related to voluntary spending limits and benefits and receipts from PACs and large donors in House elections—are held invalid, all provisions of those sections are invalid

In general

If any parts of Act other than those specified above are held invalid, other provisions of Act are unaffected [Sec. 1102]

*Spending limits/benefits
provisions*

If key parts of Sec. 101 related to voluntary spending limits and benefits in Senate elections are held invalid, all provisions of this Act are invalid [Sec. 101]

In general

If any parts of Act other than those specified in Sec. 101 are held invalid, other provisions of Act are unaffected [Sec. 803]