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H.R. 1: Overview and Related CRS Products

Brief Overview

H.R. 1 proposes major amendments to federal law governing campaign finance and elections. The bill's provisions, unless otherwise noted, would affect federal elections, although states would be responsible for implementing some provisions. H.R. 1 also proposes amendments to federal ethics and lobbying statutes. The bill generally proposes additional disclosure requirements, regulation, or both in each policy area it addresses. It would authorize federal funding for some activities. This CRS "In Focus" highlights major provisions in the bill and lists selected CRS products that provide related information. It does not address legal or constitutional issues.

H.R. 1 and Recent Congressional Activity

Representative Sarbanes introduced H.R. 1 on January 3, 2019. On January 29, 2019, the Judiciary Committee held the first hearing on the bill. As of this writing, no Senate companion measure has been introduced.

H.R. 1 is one of the broadest legislative proposals addressing campaign finance, elections, ethics, and lobbying introduced in recent decades. The bill is both similar to and different from other recent legislation on these topics. Specifically, several titles or subtitles in H.R. 1 were introduced as "stand-alone" bills in previous Congresses or the current one. In those cases, H.R. 1 text typically is the same as in other legislation or is slightly altered. H.R. 1 is, however, broader than most such legislation. The bill is 570 pages long and contains three divisions.

- Division A concerns elections and voting.
- Division B concerns campaign finance.
- Division C concerns ethics and lobbying.

Given the bill's broad scope, it was referred to 10 House committees. The Committee on House Administration is the primary committee of jurisdiction. The bill also was referred to Education and Labor; Ethics; Financial Services; Homeland Security; Intelligence; Judiciary; Oversight and Reform; Science, Space, and Technology; and Ways and Means.

Highlights of Major Provisions

If enacted, H.R. 1 could substantially affect campaigns, elections, ethics, and lobbying in the United States. In each of those areas, some parts of the bill would create new federal requirements or roles. In others, the bill proposes to amend existing ones. A brief discussion of the bill's major provisions appears below.

Campaign Finance

Campaign finance provisions in H.R. 1 would substantially amend the Federal Election Campaign Act (FECA) and related statutes. Major provisions would (1) require additional disclosure of campaign-related fundraising and spending, including by some entities that do not currently typically report to the Federal Election Commission (FEC); (2) establish a voluntary public financing system for U.S. House campaigns; (3) substantially revise the current presidential public financing system; (4) require additional disclaimers surrounding certain political advertising, and restrict coordination between campaigns and other organizations; and (5) restructure the FEC.

These proposals largely would expand existing disclosure requirements or programs. The disclosure provisions are adapted from the DISCLOSE Act proposal, introduced regularly since the Supreme Court's 2010 *Citizens United* ruling, which permitted corporate and union independent spending to elect or defeat electoral candidates. If enacted, the proposed House public financing program would be the first of its kind at the federal level. FEC membership and enforcement procedures would be substantially altered.

Congressional Redistricting

H.R. 1 would require states to establish independent redistricting commissions that meet specified requirements regarding commission membership, procedures, and criteria for redistricting plans for U.S. House elections.

The federal requirements that H.R. 1 proposes would mark a major change in U.S. House redistricting. Currently, the federal government plays a limited role in congressional redistricting, primarily by, for example, enforcing relevant portions of the Voting Rights Act. If the bill were enacted, states would retain responsibility for the redistricting process, but federal law would substantially affect how they do so.

Election Administration and Security

Major election administration provisions would (1) require states to adopt certain policies, such as using paper ballots, offering early voting and no-excuse absentee voting, and accepting sworn written statements to satisfy voter identification (ID) requirements; and (2) authorize election administration grants and payments, including for absentee ballot tracking programs, voting and registration access for individuals with disabilities, and poll worker recruitment and training.

Major election security provisions would (1) maintain the designation of election infrastructure as critical infrastructure; (2) authorize funding to replace voting systems and improve voting system security, implement

risk-limiting audits, and conduct research into election infrastructure improvements; and (3) direct or permit federal agencies to analyze the effects of risk-limiting audits, provide chief state election officials with timely threat information, establish an election security bug bounty program, and issue election cybersecurity guidelines and decertify systems that fail to meet those guidelines. The bill also would revise certain criminal provisions concerning electoral participation and voter information. Many of these provisions would amend the Help America Vote Act (HAVA) or the Homeland Security Act (HSA).

Requirements throughout the bill apply to federal elections. Therefore, if H.R. 1 were enacted, states could choose not to adopt the new federal requirements for state and local elections. States and localities might nonetheless determine that it is impractical to maintain differing federal and nonfederal processes for election administration and election security.

Voter Registration

Voter registration provisions in H.R. 1 would create several requirements for states regarding how individuals can register to vote or update their registration information for federal elections, including (1) online voter registration applications; (2) same-day voter registration on Election Day and during early voting; and (3) automatic voter registration through the use of contributing agency records. H.R. 1 also contains additional criteria for states regarding voter registration database maintenance and security. Most of this language would amend the National Voter Registration Act (NVRA) or HAVA. States would remain responsible for registration under these provisions; some provisions could substantially affect the ways in which they do so.

Ethics and Lobbying

Ethics provisions in H.R. 1 generally would amend current conflict of interest, revolving door, and financial disclosure requirements and administration. Major provisions would (1) reauthorize the Office of Government Ethics (OGE), provide it investigative authority, and formalize its role in approving agency conflict of interest mitigation efforts; (2) require the issuance of a code of conduct for justices and judges; (3) address presidential and vice presidential conflict of interest and financial disclosure and presidential transition team ethics; (4) codify executive order ethics pledge provisions and extend revolving door restrictions for executive branch personnel; and (5) amend the Congressional Accountability Act (CAA) and House Rules to address aspects of congressional ethics.

Lobbying provisions in H.R. 1 would amend the Foreign Agents Registration Act (FARA) to provide dedicated investigative and enforcement authority to the Department of Justice, establish civil penalties, and require the disclosure of foreign gifts. H.R. 1 also would amend the Lobbying Disclosure Act (LDA) to revise the definition of lobbying activities and lobbying contact to include legislative, political, and strategic counseling services in support of lobbying.

H.R. 1's ethics and lobbying provisions have some overlap with the bill's campaign finance provisions, but are regulated by separate federal statutes. In addition to expanded disclosure requirements, the bill would broaden the kinds of activities, and perhaps the people, subject to ethics or lobbying statutes.

Selected CRS Products

Congressional requesters may contact CRS to discuss H.R. 1 or the topics addressed in this "In Focus." Several written products, some of which are listed below, provide additional analysis of related topics.

Congressional requesters may contact the coordinator of this "In Focus" to obtain a CRS memorandum summarizing major provisions in H.R. 1.

CRS In Focus IF10677, *The Designation of Election Systems as Critical Infrastructure*, by Eric A. Fischer

CRS In Focus IF10925, *State Election Reform Payments: FY2018 Appropriations*, by Karen L. Shanton

CRS Report R41542, *The State of Campaign Finance Policy: Recent Developments and Issues for Congress*, by R. Sam Garrett

CRS Report R44974, *Ethics Pledges and Other Executive Branch Appointee Restrictions Since 1993: Historical Perspective, Current Practices, and Options for Change*, by Jacob R. Straus

CRS Report R45030, *Federal Role in Voter Registration: The National Voter Registration Act of 1993 and Subsequent Developments*, by Sarah J. Eckman

CRS Report R45302, *Federal Role in U.S. Campaigns and Elections: An Overview*, by R. Sam Garrett

CRS Report R45320, *Campaign Finance Law: An Analysis of Key Issues, Recent Developments, and Constitutional Considerations for Legislation*, by L. Paige Whitaker

CRS Report RL34377, *Lobbying Registration and Disclosure: The Role of the Clerk of the House and the Secretary of the Senate*, by Jacob R. Straus

CRS Report RS20898, *The Help America Vote Act and Election Administration: Overview and Selected Issues for the 2016 Election*, by Arthur L. Burris and Eric A. Fischer

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