

Union Calendar No. 215

111TH CONGRESS
1ST SESSION

H. R. 512

[Report No. 111-363]

To amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2009

Mrs. DAVIS of California introduced the following bill; which was referred to the Committee on House Administration

DECEMBER 8, 2009

Additional sponsors: Mr. GONZALEZ and Mr. HOLT

DECEMBER 8, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on January 14, 2009]

A BILL

To amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Federal Election Integ-*
3 *riety Act of 2009”.*

4 **SEC. 2. FINDINGS.**

5 *Congress finds that—*

6 *(1) chief State election administration officials*
7 *have served on political campaigns for Federal can-*
8 *didates whose elections those officials will supervise;*

9 *(2) such partisan activity by the chief State elec-*
10 *tion administration official, an individual charged*
11 *with certifying the validity of an election, represents*
12 *a fundamental conflict of interest that may prevent*
13 *the official from ensuring a fair and accurate elec-*
14 *tion;*

15 *(3) this conflict impedes the legal duty of chief*
16 *State election administration officials to supervise*
17 *Federal elections, undermines the integrity of Federal*
18 *elections, and diminishes the people’s confidence in*
19 *our electoral system by casting doubt on the results of*
20 *Federal elections;*

21 *(4) the Supreme Court has long recognized that*
22 *Congress’s power to regulate Congressional elections*
23 *under Article I, Section 4, Clause 1 of the Constitu-*
24 *tion is both plenary and powerful; and*

25 *(5) the Supreme Court and numerous appellate*
26 *courts have recognized that the broad power given to*

1 *Congress over Congressional elections extends to Presi-*
 2 *dential elections.*

3 **SEC. 3. PROHIBITION ON CAMPAIGN ACTIVITIES BY CHIEF**
 4 **STATE ELECTION ADMINISTRATION OFFI-**
 5 **CIALS.**

6 *(a) IN GENERAL.—Title III of the Federal Election*
 7 *Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended*
 8 *by inserting after section 319 the following new section:*

9 *“CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION*
 10 *ADMINISTRATION OFFICIALS*

11 *“SEC. 319A. (a) PROHIBITION.—It shall be unlawful*
 12 *for a chief State election administration official to take an*
 13 *active part in political management or in a political cam-*
 14 *paign with respect to any election for Federal office over*
 15 *which such official has supervisory authority.*

16 *“(b) CHIEF STATE ELECTION ADMINISTRATION OFFI-*
 17 *CIAL.—The term ‘chief State election administration offi-*
 18 *cial’ means the highest State official with responsibility for*
 19 *the administration of Federal elections under State law.*

20 *“(c) ACTIVE PART IN POLITICAL MANAGEMENT OR IN*
 21 *A POLITICAL CAMPAIGN.—The term ‘active part in political*
 22 *management or in a political campaign’ means—*

23 *“(1) serving as a member of an authorized com-*
 24 *mittee of a candidate for Federal office;*

1 “(2) *the use of official authority or influence for*
2 *the purpose of interfering with or affecting the result*
3 *of an election for Federal office;*

4 “(3) *the solicitation, acceptance, or receipt of a*
5 *contribution from any person on behalf of a candidate*
6 *for Federal office; and*

7 “(4) *any other act which would be prohibited*
8 *under paragraph (2) or (3) of section 7323(b) of title*
9 *5, United States Code, if taken by an individual to*
10 *whom such paragraph applies (other than any prohi-*
11 *bition on running for public office).*

12 “(d) *EXCEPTION FOR CAMPAIGNS OF OFFICIAL OR IM-*
13 *MEDIATE FAMILY MEMBERS.—*

14 “(1) *IN GENERAL.—This section does not apply*
15 *to a chief State election administration official with*
16 *respect to an election for Federal office in which the*
17 *official or an immediate family member of the official*
18 *is a candidate.*

19 “(2) *IMMEDIATE FAMILY MEMBER DEFINED.—In*
20 *paragraph (1), the term ‘immediate family member’*
21 *means, with respect to a candidate, a father, mother,*
22 *son, daughter, brother, sister, husband, wife, father-in-*
23 *law, or mother-in-law.”.*

24 “(b) *EFFECTIVE DATE.—The amendments made by sub-*
25 *section (a) shall apply with respect to the regularly sched-*

- 1 *uled general election for Federal office held in November*
- 2 *2010 and each succeeding election for Federal office.*

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