

111TH CONGRESS
2^D SESSION

H. R. 512

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2010

Received; read twice and referred to the Committee on Rules and
Administration

AN ACT

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 rity Act of 2010”.

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
10 election administration official, an individual
11 charged with certifying the validity of an election,
12 represents a fundamental conflict of interest that
13 may prevent the official from ensuring a fair and ac-
14 curate election;

15 (3) this conflict impedes the legal duty of chief
16 State election administration officials to supervise
17 Federal elections, undermines the integrity of Fed-
18 eral elections, and diminishes the people’s confidence
19 in our electoral system by casting doubt on the re-
20 sults of 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
2 Presidential 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
13 an active part in political management or in a political
14 campaign with respect to any election for Federal office
15 over which such official has supervisory authority.

16 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-
17 FICIAL.—The term ‘chief State election administration of-
18 ficial’ means the highest State official with responsibility
19 for the administration of Federal elections under State
20 law.

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

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

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

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

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

12 “(d) EXCEPTION FOR CAMPAIGNS OF OFFICIAL OR
13 IMMEDIATE 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 offi-
18 cial is a candidate.

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

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply with respect to elections for
3 Federal office held after December 2010.

4 **SEC. 4. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO**
5 **ACT OF 2010.**

6 The budgetary effects of this Act, for the purpose of
7 complying with the Statutory Pay-As-You-Go Act of 2010,
8 shall be determined by reference to the latest statement
9 titled “Budgetary Effects of PAYGO Legislation” for this
10 Act, submitted for printing in the Congressional Record
11 by the Chairman of the House Budget Committee, pro-
12 vided that such statement has been submitted prior to the
13 vote on passage.

Passed the House of Representatives September 29,
2010.

Attest: LORRAINE C. MILLER,
Clerk.