

# Union Calendar No. 215

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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.

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## 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]

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## 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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