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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R.

To amend the Federal Election Campaign Act of 1971 to treat expenditures as coordinated with a candidate, an authorized committee of a candidate, or a committee of a national, State, or local political party if the making of the expenditures is materially consistent with instructions, directions, guidance, and suggestions from such candidate or committee, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. TOKUDA introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Election Campaign Act of 1971 to treat expenditures as coordinated with a candidate, an authorized committee of a candidate, or a committee of a national, State, or local political party if the making of the expenditures is materially consistent with instructions, directions, guidance, and suggestions from such candidate or committee, and for other purposes.

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 “Stop Illegal Campaign
3 Coordination Act”.

4 **SEC. 2. TREATMENT OF CERTAIN EXPENDITURES AS CO-**
5 **ORDINATED EXPENDITURES.**

6 (a) IN GENERAL.—Section 315(a) of the Federal
7 Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is
8 amended—

9 (1) in paragraph (7)(B)(i), by striking “or their
10 agents” and inserting “or their agents, including ex-
11 penditures described in paragraph (10),”;

12 (2) in paragraph (7)(B)(ii) by striking “political
13 party,” and inserting “political party, including ex-
14 penditures described in paragraph (10),”; and

15 (3) by adding at the end the following new
16 paragraph:

17 “(10)(A) For purposes of paragraph (7)(B)(i) and
18 (ii), an expenditure is described in this paragraph if the
19 making of the expenditure is materially consistent with in-
20 structions, directions, guidance, or suggestions from a
21 candidate, an authorized committee of a candidate, or a
22 national, State, or local committee of a political party, or
23 from an agent of any such candidate or committee, regard-
24 less of whether the instructions, directions, guidance, or
25 suggestions are made available to the general public or

1 are communicated directly or indirectly to the person mak-
2 ing the expenditure.

3 “(B) To determine whether the making of an expend-
4 iture is materially consistent with instructions, directions,
5 guidance, or suggestions from a candidate or committee
6 for purposes of this paragraph, the Commission shall con-
7 sider each of the factors described in subparagraph (C),
8 and if the Commission determines that one or more of
9 such factors apply with respect to the making of the ex-
10 penditure, the making of the expenditure shall be pre-
11 sumed to be materially consistent with instructions, direc-
12 tions, guidance, or suggestions from a candidate or com-
13 mittee for purposes of this paragraph.

14 “(C) The factors described in this subparagraph are
15 the following:

16 “(i) Whether the instructions, directions, guid-
17 ance, or suggestions indicate that information re-
18 garding a clearly identified candidate or political
19 party should be communicated or disseminated to
20 voters or any subset of voters.

21 “(ii) In the case of an expenditure consisting of
22 Federal election activity or a communication which
23 disseminates to any person information about a can-
24 didate or political party, whether the instructions,
25 directions, guidance, or suggestions include informa-

1 tion regarding the target audience for the commu-
2 nication or the information, such as the demo-
3 graphics, location, or political party affiliation of re-
4 cipients.

5 “(iii) Whether the instructions, directions, guid-
6 ance, or suggestions include suggested methods of
7 making a communication or disseminating informa-
8 tion, such as references to the distribution or receipt
9 of direct mail, audio, video, social media, digital, or
10 other media.

11 “(iv) In the case of an expenditure consisting of
12 Federal election activity or a communication which
13 disseminates to any person information about a can-
14 didate or political party, whether the instructions,
15 directions, guidance, or suggestions include or are
16 accompanied by any phrase, image, video, or audio
17 is subsequently used, in whole or in part, in commu-
18 nicating or disseminating the information.

19 “(v) Whether the instructions, directions, guid-
20 ance, or suggestions containing one or more other
21 factors identified in this subparagraph are set apart
22 using a signal or cue.

23 “(vi) Such other factors as the Commission con-
24 siders appropriate.”

1 (b) **EFFECTIVE DATE.**—The amendments made by
2 subsection (a) shall apply with respect to expenditures
3 made on or after the date of the enactment of this Act.