

112TH CONGRESS
2^D SESSION

H. R. 406

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2012

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

AN ACT

To amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate.

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

3 **SECTION 1. DESIGNATION OF INDIVIDUAL AUTHORIZED TO**
4 **MAKE CAMPAIGN COMMITTEE DISBURSE-**
5 **MENTS IN EVENT OF DEATH OF CANDIDATE.**

6 (a) IN GENERAL.—Section 302 of the Federal Elec-
7 tion Campaign Act of 1971 (2 U.S.C. 432) is amended
8 by adding at the end the following new subsection:

9 “(j)(1) Each candidate may, with respect to each au-
10 thorized committee of the candidate, designate an indi-
11 vidual who shall be responsible for disbursing funds in the
12 accounts of the committee in the event of the death of
13 the candidate, and may also designate another individual
14 to carry out the responsibilities of the designated indi-
15 vidual under this subsection in the event of the death or
16 incapacity of the designated individual or the unwilling-
17 ness of the designated individual to carry out the respon-
18 sibilities.

19 “(2) In order to designate an individual under this
20 subsection, the candidate shall file with the Commission
21 a signed written statement (in a standardized form devel-
22 oped by the Commission) that contains the name and ad-
23 dress of the individual and the name of the authorized
24 committee for which the designation shall apply, and that
25 may contain the candidate’s instructions regarding the

1 disbursement of the funds involved by the individual. At
2 any time after filing the statement, the candidate may re-
3 voke the designation of an individual by filing with the
4 Commission a signed written statement of revocation (in
5 a standardized form developed by the Commission).

6 “(3) Upon the death of a candidate who has des-
7 igned an individual for purposes of paragraph (1), funds
8 in the accounts of each authorized committee of the can-
9 didate may be disbursed only under the direction and in
10 accordance with the instructions of such individual, sub-
11 ject to the terms and conditions applicable to the disburse-
12 ment of such funds under this Act or any other applicable
13 Federal or State law (other than any provision of State
14 law which authorizes any person other than such indi-
15 vidual to direct the disbursement of such funds).

16 “(4) Nothing in paragraph (3) may be construed to
17 grant any authority to an individual who is designated
18 pursuant to this subsection other than the authority to
19 direct the disbursement of funds as provided in such para-
20 graph, or may be construed to affect the responsibility of
21 the treasurer of an authorized committee for which funds
22 are disbursed in accordance with such paragraph to file
23 reports of the disbursements of such funds under section
24 304(a).”.

1 (b) INCLUSION OF DESIGNATION IN STATEMENT OF
2 ORGANIZATION OF COMMITTEE.—Section 303(b) of the
3 Federal Election Campaign Act of 1971 (2 U.S.C. 433(b))
4 is amended—

5 (1) in paragraph (5), by striking “and” at the
6 end;

7 (2) in paragraph (6), by striking the period at
8 the end and inserting “; and”; and

9 (3) by adding at the end the following new
10 paragraph:

11 “(7) in the case of an authorized committee of
12 a candidate who has designated an individual under
13 section 302(j) (including a second individual des-
14 ignated to carry out the responsibilities of that indi-
15 vidual under such section in the event of that indi-
16 vidual’s death or incapacity or unwillingness to carry
17 out the responsibilities) to disburse funds from the
18 accounts of the committee in the event of the death
19 of the candidate, a copy of the statement filed by the
20 candidate with the Commission under such section
21 (as well as a copy of any subsequent statement of
22 revocation filed by the candidate with the Commis-
23 sion under such section).”.

1 **SEC. 2. EFFECTIVE DATE.**

2 The amendments made by this Act shall apply with
3 respect to authorized campaign committees which are des-
4 ignated under section 302(e)(1) of the Federal Election
5 Campaign Act of 1971 before, on, or after the date of the
6 enactment of this Act.

 Passed the House of Representatives September 10,
2012.

Attest:

KAREN L. HAAS,
Clerk.