

The law is very clear right now that if someone chooses to fund their campaign on their own dollars, they are allowed to do that, and a candidate who is running against them can raise money through a variety of ways to do it. They are not limited in how much money they can raise.

Nothing in Shays-Meehan limits the ability of people to raise money. So the argument that Shays-Meehan has to be amended to deal with a problem created by that proposal is ludicrous. It leaves the system exactly as it is now. Someone who is using their own money is free to use as much of that wealth as they would like to. Individuals who rely on contributions can raise as much as they wish, but this is not necessary.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Of course, anyone listening to this debate must wonder what bill we are really discussing after listening to that last statement.

The purpose of this bill, as we have heard from the authors of this bill, is to reduce the avenues of money coming into political campaigns. Let us restrict it.

What I am saying is that today, with an unintended consequence of similar legislation in the past, we have given a tremendous advantage to rich people. Both of our parties are going out enlisting very wealthy Americans, rich people, in order to run for office, and more and more millionaires are coming here, because we are restricting the avenues in which ordinary Americans can raise money for political campaigns. My amendment would correct that unintended consequence of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

With the 1 minute I have remaining, I would just like to acknowledge the fact that the amendment that our colleague wants to offer is offering an amendment that would allow unlimited contributions from an individual; he can raise \$1 million from one individual. This is contrary to the reform measure that we are bringing forward.

We ban soft money that goes to the political parties, the unlimited sums from individuals, corporations, labor unions and other interest groups. We call the sham issue ads what they truly are, campaign ads, and we have FEC disclosure and enforcement. We are against allowing unlimited sums from individuals, and that is why we oppose this, and that is why it would break apart the coalition that exists between Republicans and Democrats to pass this bill.

This amendment is offered in good faith by my colleague, but the bottom line is, it will kill Meehan-Shays.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

First and foremost, this does not permit unlimited contributions, the gentleman is absolutely wrong, and I hope people are paying attention to the debate. The unlimited contributions that we are setting is the limit which a wealthy person puts into his or her own campaign. That is stated very clearly. There is a limit. Why should we permit wealthy Americans to buy these seats because we have not given a fair chance for nonwealthy Americans to have a shot at the election process?

This is not fair, and that is what we are trying to do. I thought that is what this bill was all about. I guess it is not.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, how much time do I have left?

The CHAIRMAN pro tempore. The gentleman has 15 seconds remaining.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

The bottom line is if a wealthy person spends \$1 million under my colleague's proposal, he could raise \$1 million from another wealthy individual.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from California (Mr. ROHRABACHER) has 15 seconds remaining.

Mr. ROHRABACHER. Mr. Chairman, I yield myself the balance of my time.

Obviously we would like to be fair to all Americans, and that is not what this bill is all about, if we prevent nonwealthy Americans from raising the funds they need to deter these attacks on wealthy citizens trying to steal these elections for themselves.

Let us make sure we open up the system, make sure there is more money available to all candidates, not just to the rich.

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from California (Mr. ROHRABACHER) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed.

It is now in order to consider the amendment offered by the gentleman from Texas (Mr. PAUL).

AMENDMENT OFFERED BY MR. PAUL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. PAUL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to

the amendment in the nature of a substitute.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment offered by Mr. PAUL to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE \_\_\_\_—BALLOT ACCESS RIGHTS

SEC. \_\_\_\_01. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Voting participation in the United States is lower than in any other advanced industrialized democracy.

(2) The rights of eligible citizens to seek election to office, vote for candidates of their choice and associate for the purpose of taking part in elections, including the right to create and develop new political parties, are fundamental in a democracy. The rights of citizens to participate in the election process, provided in and derived from the first and fourteenth amendments to the Constitution, have consistently been promoted and protected by the Federal Government. These rights include the right to cast an effective vote and the right to associate for the advancement of political beliefs, which includes the "constitutional right . . . to create and develop new political parties." *Norman v. Reed*, 502 U.S. 279, 112 S.Ct. 699 (1992). It is the duty of the Federal Government to see that these rights are not impaired in elections for Federal office.

(3) Certain restrictions on access to the ballot impair the ability of citizens to exercise these rights and have a direct and damaging effect on citizens' participation in the electoral process.

(4) Many States unduly restrict access to the ballot by nonmajor party candidates and nonmajor political parties by means of such devices as excessive petition signature requirements, insufficient petitioning periods, unconstitutionally early petition filing deadlines, petition signature distribution criteria, and limitations on eligibility to circulate and sign petitions.

(5) Many States require political parties to poll an unduly high number of votes or to register an unduly high number of voters as a precondition for remaining on the ballot.

(6) In 1983, the Supreme Court ruled unconstitutional an Ohio law requiring a nonmajor party candidate for President to qualify for the general election ballot earlier than major party candidates. This Supreme Court decision, *Anderson v. Celebrezze*, 460 U.S. 780 (1983) has been followed by many lower courts in challenges by nonmajor parties and candidates to early petition filing deadlines. See, e.g., *Stoddard v. Quinn*, 593 F. Supp. 300 (D.Me. 1984); *Cripps v. Seneca County Board of Elections*, 629 F. Supp. 1335 (N.D. Oh. 1985); *Libertarian Party of Nevada v. Swackhamer*, 638 F. Supp. 565 (D. Nev. 1986); *Cromer v. State of South Carolina*, 917 F.2d 819 (4th Cir. 1990); *New Alliance Party of Alabama v. Hand*, 933 F. 2d 1568 (11th Cir. 1991).

(7) In 1996, 34 States required nonmajor party candidates for President to qualify for the ballot before the second major party national convention (Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, and Wyoming). Twenty-six of these States required nonmajor party candidates

to qualify before the first major party national convention (Arizona, California, Colorado, Connecticut Florida, Georgia, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nevada, New Hampshire, New Jersey, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Washington, and West Virginia).

(8) Under present law, in 1996, nonmajor party candidates for President were required to obtain at least 701,089 petition signatures to be listed on the ballots of all 50 States and the District of Columbia—28 times more signatures than the 25,500 required of Democratic Party candidates and 13 times more signatures than the 54,250 required of Republican Party candidates. To be listed on the ballot in all 50 States and the District of Columbia with a party label, nonmajor party candidates for President were required to obtain approximately 651,475 petition signatures and 89,186 registrants. Thirty-two of the 41 States that hold Presidential primaries required no signatures of major party candidates for President (Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin). Only three States required no signatures of nonmajor party candidates for President (Arkansas, Colorado, and Louisiana; Colorado and Louisiana, however, required a \$500 filing fee).

(9) Under present law, the number of petition signatures required by the States to list a major party candidate for Senate on the ballot in 1996 ranged from zero to 15,000. The number of petition signatures required to list a nonmajor party candidate for Senate ranged from zero to 196,788. Thirty-one States required no signatures of major party candidates for Senate (Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Carolina, Texas, Utah, Washington, West Virginia, Wyoming). Only one State required no signatures of nonmajor party candidates for Senate, provided they were willing to be listed on the ballot without a party label (Louisiana, although a \$600 filing fee was required, and to run with a party label, a candidate was required to register 111,121 voters into his or her party).

(10) Under present law, the number of petition signatures required by the States to list a major party candidate for Congress on the ballot in 1996 ranged from zero to 2,000. The number of petition signatures required to list a nonmajor party candidate for Congress ranged from zero to 13,653. Thirty-one States required no signatures of major party candidates for Congress (Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Texas, Utah, Washington, West Virginia, Wyoming). Only one State required no signatures of nonmajor party candidates for Congress, provided they are willing to be listed on the ballot without a party label (Louisiana, although a \$600 filing fee was required).

(11) Under present law, in 1996, eight States required additional signatures to list a nonmajor party candidate for President on the ballot with a party label (Alabama, Ari-

zona, Idaho, Kansas, Nebraska, North Dakota, Ohio, Tennessee). Thirteen States required additional signatures to list a nonmajor party candidate for Senate or Congress on the ballot with a party label (Alabama, Arizona, Arkansas, California, Idaho, Hawaii, Kansas, Louisiana, North Dakota, Nebraska, Ohio, Oregon, Tennessee). Two of these States (Ohio and Tennessee) required 5,000 signatures and 25 signatures, respectively, to list a nonmajor party candidate for President or Senate on the ballot in 1996, but required 33,463 signatures and 37,179 signatures, respectively, to list the candidate on the ballot with her or his party label. One State (California) required a nonmajor party to have 89,006 registrants in order to have its candidate for President listed on the ballot with a party label.

(12) Under present law, in 1996 one State (California) required nonmajor party candidates for President or Senate to obtain 147,238 signatures in 105 days, but required major party candidates for Senate to obtain only 65 signatures in 105 days, and required no signatures of major party candidates for President. Another State (Texas) required nonmajor party candidates for President or Senate to obtain 43,963 signatures in 75 days, and required no signatures of major party candidates for President or Senate.

(13) Under present law, in 1996, seven States required nonmajor party candidates for President or Senate to collect a certain number or percentage of their petition signatures in each congressional district or in a specified number of congressional districts (Michigan, Missouri, Nebraska, New Hampshire, New York, North Carolina, Virginia). Only three of these States impose a like requirement on major party candidates for President or Senate (Michigan, New York, Virginia).

(14) Under present law, in 1996, 20 States restricted the circulation of petitions for nonmajor party candidates to residents of those States (California, Colorado, Connecticut, District of Columbia, Idaho, Illinois, Kansas, Michigan, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, Pennsylvania, South Dakota, Texas, Virginia, West Virginia, Wisconsin). Two States restricted the circulation of petitions for nonmajor party candidates to the county or congressional district where the circulator lives (Kansas and Virginia).

(15) Under present law, in 1996, three States prohibited people who voted in a primary election from signing petitions for nonmajor party candidates (Nebraska, New York, Texas, West Virginia). Twelve States restricted the signing of petitions to people who indicate intent to support or vote for the candidate or party (California, Delaware, Hawaii, Illinois, Indiana, Maryland, New Jersey, New York, North Carolina, Ohio, Oregon, Utah). Five of these 12 States required no petitions of major party candidates (Delaware, Maryland, North Carolina, Oregon, Utah), and only one of the six remaining States restricted the signing of petitions for major party candidates to people who indicate intent to support or vote for the candidate or party (New Jersey).

(16) In two States (Louisiana and Maryland), no nonmajor party candidate for Senate has qualified for the ballot since those States' ballot access laws have been in effect.

(17) In two States (Georgia and Louisiana), no nonmajor party candidate for the United States House of Representatives has qualified for the ballot since those States' ballot access laws have been in effect.

(18) Restrictions on the ability of citizens to exercise the rights identified in this subsection have disproportionately impaired

participation in the electoral process by various groups, including racial minorities.

(19) The establishment of fair and uniform national standards for access to the ballot in elections for Federal office would remove barriers to the participation of citizens in the electoral process and thereby facilitate such participation and maximize the rights identified in this subsection.

(20) The Congress has authority, under the provisions of the Constitution of the United States in sections 4 and 8 of article I, section 1 of article II, article VI, the thirteenth, fourteenth, and fifteenth amendments, and other provisions of the Constitution of the United States, to protect and promote the exercise of the rights identified in this subsection.

(b) PURPOSES.—The purposes of this title are—

(1) to establish fair and uniform standards regulating access to the ballot by eligible citizens who desire to seek election to Federal office and political parties, bodies, and groups which desire to take part in elections for Federal office; and

(2) to maximize the participation of eligible citizens in elections for Federal office.

#### SEC. 02. BALLOT ACCESS RIGHTS.

(a) IN GENERAL.—An individual shall have the right to be placed as a candidate on, and to have such individual's political party, body, or group affiliation in connection with such candidacy placed on, a ballot or similar voting materials to be used in a Federal election, if—

(1) such individual presents a petition stating in substance that its signers desire such individual's name and political party, body or group affiliation, if any, to be placed on the ballot or other similar voting materials to be used in the Federal election with respect to which such rights are to be exercised;

(2) with respect to a Federal election for the office of President, Vice President, or Senator, such petition has a number of signatures of persons qualified to vote for such office equal to one-tenth of one percent of the number of persons who voted in the most recent previous Federal election for such office in the State, or 1,000 signatures, whichever is greater;

(3) with respect to a Federal election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, such petition has a number of signatures of persons qualified to vote for such office equal to one-half of one percent of the number of persons who voted in the most recent previous Federal election for such office, or, if there was no previous Federal election for such office, 1,000 signatures;

(4) with respect to a Federal election the date of which was fixed 345 or more days in advance, such petition was circulated during a period beginning on the 345th day and ending on the 75th day before the date of the election; and

(5) with respect to a Federal election the date of which was fixed less than 345 days in advance, such petition was circulated during a period established by the State holding the election, or, if no such period was established, during a period beginning on the day after the date the election was scheduled and ending on the tenth day before the date of the election, provided, however, that the number of signatures required under paragraph (2) or (3) shall be reduced by  $\frac{1}{270}$  for each day less than 270 in such period.

(b) SPECIAL RULE.—An individual shall have the right to be placed as a candidate on, and to have such individual's political party, body, or group affiliation in connection with such candidacy placed on, a ballot or similar

voting materials to be used in a Federal election, without having to satisfy any requirement relating to a petition under subsection (a), if that or another individual, as a candidate of that political party, body, or group, received one percent of the votes cast in the most recent general Federal election for President or Senator in the State.

(c) SAVINGS PROVISION.—Subsections (a) and (b) shall not apply with respect to any State that provides by law for greater ballot access rights than the ballot access rights provided for under such subsections.

SEC. \_\_\_03. RULEMAKING.

The Attorney General shall make rules to carry out this title.

SEC. \_\_\_04. GENERAL DEFINITIONS.

As used in this title—

(1) the term “Federal election” means a general or special election for the office of—

- (A) President or Vice President;
- (B) Senator; or

(C) Representative in, or Delegate or Resident Commissioner to, the Congress;

(2) the term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States;

(3) the term “individual” means an individual who has the qualifications required by law of a person who holds the office for which such individual seeks to be a candidate;

(4) the term “petition” includes a petition which conforms to section \_\_\_02(a)(1) and upon which signers’ addresses and/or printed names are required to be placed;

(5) the term “signer” means a person whose signature appears on a petition and who can be identified as a person qualified to vote for an individual for whom the petition is circulated, and includes a person who requests another to sign a petition on his or her behalf at the time when, and at the place where, the request is made;

(6) the term “signature” includes the incomplete name of a signer, the name of a signer containing abbreviations such as first or middle initial, and the name of a signer preceded or followed by titles such as “Mr.,” “Ms.,” “Dr.,” “Jr.,” or “III”; and

(7) the term “address” means the address which a signer uses for purposes of registration and voting.

(Participation by presidential candidates in debates with candidates with broad-based support)

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes in support of his amendment.

POINT OF ORDER

Mr. PAUL. Mr. Chairman, point of order.

THE CHAIRMAN. The gentleman will state it.

Mr. PAUL. Mr. Chairman, I believe this is a perfecting amendment, it is not in the nature of a substitute, and that has been cleared in the Committee on Rules.

The CHAIRMAN pro tempore. The Clerk designated it as an amendment to the amendment in the nature of a substitute.

Mr. PAUL. Mr. Chairman, both amendments that I have should be perfecting amendments, and if permissible, I ask unanimous consent that they both be accepted as such.

The CHAIRMAN pro tempore. It is an amendment to the amendment in the

nature of a substitute. The gentleman is amending the Shays-Meehan amendment in the nature of a substitute as permitted by the rules.

Mr. PAUL. I thank the Chair for the clarification.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is very simple. It is an amendment that deals with equity and fairness, so I would expect essentially no opposition to this.

It simply lowers and standardizes the signature requirements and the time required to get signatures to get a Federal candidate on the ballot. There are very many unfair rules and regulations by the States that make it virtually impossible for many candidates to get on the ballot.

Mr. Chairman, I want to make 4 points about the amendment. First, it is constitutional to do this. Article I, section 4, explicitly authorizes the U.S. Congress to, “At any time by law make or alter such regulations regarding the manner of holding elections.” This is the authority that was used for the Voters Rights Act of 1965.

The second point I would like to make is an issue of fairness. Because of the excess petition requirements put on by so many States and the short period of time required, many individuals are excluded from the ballot, and for this reason, this should be corrected. There are some States, take, for instance, Georgia, wrote a law in 1943. There has not been one minor party candidate on the ballot since 1943, because it cannot meet the requirements. This is unfair. This amendment would correct this.

Number 3, the third point. In contrast to some who would criticize an amendment like this by saying that there would be overcrowding on the ballot, there have been statistical studies made of States where the number of requirements, of signature requirements are very low, and the time very generous. Instead of overcrowding, they have an average of 3.3 candidates per ballot.

Now, this is very important also because it increases interest and increases turnout. Today, turnout has gone down every year in the last 20 or 30 years, there has been a steady decline in interest. This amendment would increase the interest and increase the turnout.

The fourth point that I would like to make is that the setup and the situation we have now is so unfair, many are concerned about how money is influencing the elections. But in this case, rules and regulations are affecting minor candidates by pushing up the cost of the election, where they cannot afford the money to even get on the ballot, so it is very unfair in a negative sense that the major parties penalize any challengers. And the correction would come here by equalizing this, making it more fair, and I would expect, I think, just everybody to agree

that this is an amendment of fairness and equity and should be accepted.

Mr. Chairman, I reserve the balance of my time.

Mr. MEEHAN. Mr. Chairman, I request the time in opposition to the amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to this amendment, but the real purpose is to focus my remarks on the need for the Shays-Meehan substitute rather than the specifics of this particular amendment, which are not the real issue.

The reason we need Shays-Meehan is quite simple and quite stark. The legitimacy of the American political process is being undermined.

I do not use these words lightly or as a mere rhetorical flourish. We can try to convince ourselves that all is well, salving ourselves with polls showing the approval for Congress is relatively high. Ironically, some argue that all is well because money is flowing into our campaign covers. This is like saying that a cancer patient is in better shape than someone without cancer, because that person might have more cells.

But in any event, a closer look tells a less rosy story. Polls show that many Americans do not know the first thing about Congress, the names of their representatives, which party is in control, and so forth. Discussions with average Americans uncover a deep cynicism about the political process; and looking at what in other circumstances we call the only poll that truly counts, Americans are simply abandoning the election booth.

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Turnout is at an alltime low. Alienation from the political system is at an historical high. There could be no greater danger in a democracy. We are in the midst of a silent crisis.

Campaign finance reform does not rank high as a concern in polls simply because no one believes we can truly do it. They believe we are hapless and that the situation is hopeless, so they just continue to turn away. This is as corrosive a disease for the body politic as can be imagined. It is no less serious because the symptoms do not appear fully until it is too late to fashion a cure. So I congratulate the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for designing a cure while there is still time.

Some people have said that the side effects of this cure are so severe that we should just let the disease take its course, but that is simply wrong. The cure is as mild as sunshine, ensuring that everyone can see who is spending money to influence the political system. Shays-Meehan is, quite literally, the very least we can do.

Let us look at some of the concerns opponents of this bill raise. They say that, like previous efforts at reform, it