

106TH CONGRESS
2D SESSION

S. 1

To establish an Election Administration Commission to study Federal, State, and local voting procedures and election administration and provide grants to modernize voting procedures and election administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 15 (legislative day, SEPTEMBER 22), 2000

Mr. MCCONNELL (for himself, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. ALLARD, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. BURNS, Mr. BENNETT, Mr. BREAUX, Mr. HUTCHINSON, and Mr. SANTORUM) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To establish an Election Administration Commission to study Federal, State, and local voting procedures and election administration and provide grants to modernize voting procedures and election administration, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Election Reform Act”.

1 **SEC. 2. ESTABLISHMENT OF ELECTION ADMINISTRATION**
2 **COMMISSION.**

3 There is established a commission to be known as the
4 Election Administration Commission (in this Act referred
5 to as the “Commission”).

6 **SEC. 3. DUTIES OF THE COMMISSION.**

7 (a) IN GENERAL.—The Commission shall—

8 (1) develop, update, and adopt, by vote of the
9 Commission, not less often than every 4 years, vol-
10 untary engineering and procedural performance
11 standards for voting systems used in Federal, State,
12 and local elections;

13 (2) advise States regarding compliance with the
14 requirements of the Voting Accessibility for the El-
15 derly and Handicapped Act (42 U.S.C. 1973ee et
16 seq.) and compliance with other Federal laws re-
17 garding accessibility of registration facilities and
18 polling places, and develop, update, and adopt, by
19 vote of the Commission, not less often than every 4
20 years, voluntary procedures for maintaining and en-
21 hancing the accessibility of registration facilities,
22 polling places, and voting methods for voters, includ-
23 ing disabled voters;

24 (3) have primary responsibility to carry out
25 Federal functions under title I of the Uniformed and

1 Overseas Citizens Absentee Voting Act (42 U.S.C.
2 1973ff et seq.) as the Presidential designee;

3 (4) develop, update, and adopt, by vote of the
4 Commission, not less often than every 4 years, rec-
5 ommendations for voluntary procedures for main-
6 taining and enhancing the administration of Federal,
7 State, and local elections;

8 (5) carry out the provisions of section 9 of the
9 National Voter Registration Act of 1993 (42 U.S.C.
10 1973gg-7) regarding mail voter registration;

11 (6) make available information regarding the
12 Federal election system to the public and media;

13 (7) assemble and make available bipartisan
14 panels of election professionals to assist any State
15 election official, upon request, in review of election
16 or vote counting procedures in Federal, State, and
17 local elections; and

18 (8) compile and make available to the public the
19 official certified results of Federal elections and sta-
20 tistics regarding national voter registration and
21 turnout.

22 (b) STUDY OF ELECTION ADMINISTRATION.—Begin-
23 ning on the date that is 1 day after the date on which
24 all the members are initially appointed to the Commission,
25 the Commission shall make periodic studies, which shall

1 be made available to the public, of issues related to the
 2 administration of elections, such as procedures which rep-
 3 resent the best practices in election administration,
 4 including—

5 (1) election technology and systems and ballot
 6 design;

7 (2) voter registration, and verification and
 8 maintenance of voter rolls;

9 (3) access to polling places;

10 (4) alternative voting methods; and

11 (5) the accuracy and security of election proce-
 12 dures and vote counts.

13 (c) GRANT PROGRAM.—

14 (1) GRANT AUTHORITY.—

15 (A) IN GENERAL.—Not less often than
 16 once each calendar year, the Commission shall
 17 solicit and review applications from State and
 18 local governments for grants to improve and
 19 modernize the administration of elections using
 20 procedures consistent with voluntary rec-
 21 ommendations adopted by the Commission.

22 (B) AWARD.—The Commission shall, by
 23 vote, award grants to State and local govern-
 24 ments that submit applications.

1 (2) STATE AND LOCAL APPLICATIONS.—State
2 and local governments shall submit applications to
3 the Commission for grants under paragraph (1) in
4 such time and such manner and containing such in-
5 formation as the Commission shall by regulation re-
6 quire.

7 (3) USE OF FUNDS.—

8 (A) MATCHING FUNDS.—The Commission
9 shall ensure that any State or local government
10 receiving a grant under this subsection shall ex-
11 pend State or local funds in an amount equal
12 to not less than 25 percent of the amount of
13 the grant awarded.

14 (B) AUDIT.—A State or local government
15 receiving a grant under this subsection shall
16 agree that any funds under the grant are sub-
17 ject to audit whenever the Commission, by vote,
18 requests an audit.

19 (4) AMOUNT OF GRANT; TIME.—

20 (A) AMOUNT OF GRANT.—The Commission
21 shall award grants under this subsection for
22 each fiscal year in an aggregate amount not to
23 exceed \$100,000,000 or such greater amount as
24 may be appropriated for such fiscal year.

1 (B) TIME TO ALLOCATE.—The Commis-
 2 sion shall begin review of applications for
 3 grants under this subsection on the date which
 4 is 1 year after all members of the Commission
 5 are initially appointed.

6 (5) APPROPRIATIONS.—Funds appropriated for
 7 a fiscal year to the Commission to award grants
 8 under this subsection that are not used for such pur-
 9 pose shall be returned to the Treasury by the end
 10 of such year.

11 (d) REPORT.—The Commission shall annually submit
 12 a report regarding the activities of the Commission to the
 13 Committee on House Administration of the House of Rep-
 14 resentatives and the Committee on Rules and Administra-
 15 tion of the Senate.

16 **SEC. 4. MEMBERSHIP.**

17 (a) MEMBERSHIP.—

18 (1) COMPOSITION.—The Commission shall be
 19 composed of 4 members appointed by the President,
 20 by and with the advice and consent of the Senate.

21 (2) PARTY AFFILIATION.—Not more than 2 of
 22 the 4 members appointed under paragraph (1) may
 23 be members of the same party.

24 (3) QUALIFICATIONS.—Members appointed
 25 under paragraph (1) shall be chosen on the basis of

1 experience with and knowledge of State and local
 2 election administration, integrity, impartiality, and
 3 good judgment, and members shall be individuals
 4 who, at the time appointed to the Commission, are
 5 not elected or appointed officers or employees in the
 6 executive or legislative branch of the Federal Gov-
 7 ernment. Such individuals shall not engage in any
 8 other business, vocation, or employment.

9 (4) PERIOD OF APPOINTMENT; VACANCIES.—

10 (A) PERIOD OF APPOINTMENT.—Members
 11 shall be appointed for a term of 4 years, except
 12 that of the members first appointed—

13 (i) 2 of the members, not affiliated
 14 with the same party, shall be appointed for
 15 5 years; and

16 (ii) 2 of the members, not affiliated
 17 with the same party, shall be appointed for
 18 4 years.

19 (B) VACANCIES.—

20 (i) IN GENERAL.—A vacancy on the
 21 Commission shall be filled in the manner
 22 in which the original appointment was
 23 made and shall be subject to any condi-
 24 tions which applied with respect to the
 25 original appointment.

1 (ii) EXPIRED TERMS.—A member of
 2 the Commission may serve on the Commis-
 3 sion after the expiration of the member’s
 4 term until the successor of such member
 5 has taken office as a member of the Com-
 6 mission.

7 (iii) UNEXPIRED TERMS.—An indi-
 8 vidual chosen to fill a vacancy shall be ap-
 9 pointed for the unexpired term of the
 10 member replaced.

11 (5) COMPENSATION OF MEMBERS.—Each mem-
 12 ber of the Commission shall receive compensation
 13 equivalent to the annual rate of basic pay prescribed
 14 for level IV of the Executive Schedule, under section
 15 5315 of title 5, United States Code.

16 (6) CHAIRPERSON; VICE CHAIRPERSON.—

17 (A) IN GENERAL.—The Commission shall
 18 elect a chairperson and vice chairperson from
 19 among its members for a term of 1 year.

20 (B) NUMBER OF TERMS.—A member may
 21 serve as a chairperson only once during any
 22 term of office to which such member is ap-
 23 pointed.

1 (C) POLITICAL AFFILIATION.—The chair-
 2 person and vice chairperson shall not be affili-
 3 ated with the same political party.

4 (b) DATE OF APPOINTMENT.—The appointments of
 5 the members of the Commission shall be made not later
 6 than 45 days after the date of enactment of this Act.

7 (c) MAJORITY VOTE.—All decision of the Commission
 8 with respect to the exercise of its duties and powers under
 9 the provisions of this Act shall be made by a majority vote
 10 of the members of the Commission.

11 (d) MEETINGS.—The Commission shall meet at least
 12 once each month and at the call of any member of the
 13 Commission.

14 (e) JURISDICTION OF COMMISSION.—The Commis-
 15 sion shall formulate and administer policy with respect to
 16 the matters and duties in the jurisdiction of the Commis-
 17 sion under this Act.

18 **SEC. 5. POWERS OF THE COMMISSION.**

19 (a) HEARINGS AND SESSIONS.—The Commission
 20 may hold such hearings for the purpose of carrying out
 21 this Act, sit and act at such times and places, take such
 22 testimony, and receive such evidence as the Commission
 23 considers advisable to carry out this Act. The Commission
 24 may administer oaths and affirmations to witnesses ap-
 25 pearing before the Commission.

1 (b) INFORMATION FROM FEDERAL AGENCIES.—The
 2 Commission may secure directly from any Federal depart-
 3 ment or agency such information as the Commission con-
 4 sider necessary to carry out this Act. Upon request of
 5 the chairperson of the Commission, the head of such de-
 6 partment or agency shall furnish such information to the
 7 Commission.

8 (c) POSTAL SERVICES.—The Commission may use
 9 the United States mails in the same manner and under
 10 the same conditions as other departments and agencies of
 11 the Federal Government.

12 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
 13 the request of the chairperson of the Commission, the Ad-
 14 ministrator of the General Services Administration shall
 15 provide to the Commission, on a reimbursable basis, the
 16 administrative support services that are necessary to en-
 17 able the Commission to carry out its duties under this Act.

18 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

19 (a) STAFF.—

20 (1) IN GENERAL.—The chairperson of the Com-
 21 mission may, without regard to the civil service laws
 22 and regulations, appoint and terminate an executive
 23 director and such other additional personnel as may
 24 be necessary to enable the Commission to perform

1 its duties. The employment of an executive director
2 shall be subject to confirmation by the Commission.

3 (2) COMPENSATION.—The chairperson of the
4 Commission may fix the compensation of the execu-
5 tive director and other personnel without regard to
6 chapter 51 and subchapter III of chapter 53 of title
7 5, United States Code, relating to classification of
8 positions and General Schedule pay rates, except
9 that the rate of pay for the executive director and
10 other personnel may not exceed the rate payable for
11 level V of the Executive Schedule under section 5316
12 of such title.

13 (b) DETAIL OF GOVERNMENT EMPLOYEES.—Any
14 Federal Government employee may be detailed to the
15 Commission without reimbursement, and such detail shall
16 be without interruption or loss of civil service status or
17 privilege.

18 (c) PROCUREMENT OF TEMPORARY AND INTERMIT-
19 TENT SERVICES.—The chairperson of the Commission
20 may procure temporary and intermittent services under
21 section 3109(b) of title 5, United States Code, at rates
22 for individuals which do not exceed the daily equivalent
23 of the annual rate of basic pay prescribed for level V of
24 the Executive Schedule under section 5316 of such title.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Com-
3 mission such sums as may be necessary to carry out this
4 Act.

5 **SEC. 8. OFFICE OF ELECTION ADMINISTRATION OF THE**
6 **FEDERAL ELECTION COMMISSION.**

7 There are transferred to the Commission established
8 under section 2 all functions which the Office of Election
9 Administration, established within the Federal Election
10 Commission, exercised before the date of enactment of this
11 Act.

12 **SEC. 9. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE**
13 **VOTING ACT.**

14 (a) TRANSFER OF FUNCTIONS.—There are trans-
15 ferred to the Commission established under section 2 all
16 functions which the Presidential designee under title 1 of
17 the Uniformed and Overseas Citizens Absentee Voting Act
18 (42 U.S.C. 1973ff et seq.) exercised before the date of
19 enactment of this Act.

20 (b) TRANSITION.—With the consent of the appro-
21 priate department or agency concerned, the Commission
22 is authorized to utilize the services of such officers, em-
23 ployees, and other personnel of the departments and agen-
24 cies from which functions have been transferred to the
25 Commission for such period of time as may reasonably be

1 needed to facilitate the orderly transfer of functions under
2 this section.

3 (c) TECHNICAL AMENDMENT.—Section 101 of the
4 Uniformed and Overseas Citizens Absentee Voting Act (42
5 U.S.C. 1973ff) is amended by striking subsection (a) and
6 inserting the following:

7 “(a) PRESIDENTIAL DESIGNEE.—The Election Ad-
8 ministration Commission shall have primary responsibility
9 for Federal functions under this title as the Presidential
10 designee.”.

11 **SEC. 10. TECHNICAL AMENDMENTS.**

12 (a) FEDERAL ELECTION CAMPAIGN ACT.—Section
13 311(a) of the Federal Election Campaign Act of 1971 (2
14 U.S.C. 438(a)) is amended—

15 (1) in paragraph (8), by inserting “and” at the
16 end;

17 (2) in paragraph (9), by striking “; and” and
18 inserting a period; and

19 (3) by striking paragraph (10) and the second
20 and third sentences.

21 (b) NATIONAL VOTER REGISTRATION ACT OF
22 1993.—Section 9(a) of the National Voter Registration
23 Act of 1993 (42 U.S.C. 1973gg–7) is amended by striking

- 1 “Federal Election Commission” and inserting “Election
- 2 Administration Commission”.

