

In the Senate of the United States,

April 11, 2002.

Resolved, That the bill from the House of Representatives (H.R. 3295) entitled “An Act to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
3 *“Martin Luther King, Jr. Equal Protection of Voting*
4 *Rights Act of 2002”.*

1 **(b) TABLE OF CONTENTS.**—*The table of contents of this*
 2 *Act is as follows:*

Sec. 1. Short title; table of contents.

**TITLE I—UNIFORM AND NONDISCRIMINATORY ELECTION
 TECHNOLOGY AND ADMINISTRATION REQUIREMENTS**

Sec. 101. Voting systems standards.

Sec. 102. Provisional voting and voting information requirements.

Sec. 103. Computerized statewide voter registration list requirements and requirements for voters who register by mail.

Sec. 104. Enforcement by the Civil Rights Division of the Department of Justice.

Sec. 105. Minimum Standards.

TITLE II—GRANT PROGRAMS

*Subtitle A—Uniform and Nondiscriminatory Election Technology and
 Administration Requirements Grant Program*

Sec. 201. Establishment of the Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program.

Sec. 202. State plans.

Sec. 203. Application.

Sec. 204. Approval of applications.

Sec. 205. Authorized activities.

Sec. 206. Payments.

Sec. 207. Audits and examinations of States and localities.

Sec. 208. Reports to Congress and the Attorney General.

Sec. 209. Authorization of appropriations.

Sec. 210. Effective date.

Subtitle B—Federal Election Reform Incentive Grant Program

Sec. 211. Establishment of the Federal Election Reform Incentive Grant Program.

Sec. 212. Application.

Sec. 213. Approval of applications.

Sec. 214. Authorized activities.

Sec. 215. Payments; Federal share.

Sec. 216. Audits and examinations of States and localities.

Sec. 217. Reports to Congress and the Attorney General.

Sec. 218. Authorization of appropriations.

Sec. 219. Effective date.

Subtitle C—Federal Election Accessibility Grant Program

Sec. 221. Establishment of the Federal Election Accessibility Grant Program.

Sec. 222. Application.

Sec. 223. Approval of applications.

Sec. 224. Authorized activities.

Sec. 225. Payments; Federal share.

Sec. 226. Audits and examinations of States and localities.

Sec. 227. Reports to Congress and the Attorney General.

Sec. 228. Authorization of appropriations.

Sec. 229. Effective date.

Subtitle D—National Student/Parent Mock Election

- Sec. 231. National Student/Parent Mock Election.*
Sec. 232. Authorization of appropriations.

TITLE III—ADMINISTRATION*Subtitle A—Election Administration Commission*

- Sec. 301. Establishment of the Election Administration Commission.*
Sec. 302. Membership of the Commission.
Sec. 303. Duties of the Commission.
Sec. 304. Meetings of the Commission.
Sec. 305. Powers of the Commission.
Sec. 306. Commission personnel matters.
Sec. 307. Authorization of appropriations.

Subtitle B—Transition Provisions

- Sec. 311. Equal Protection of Voting Rights Act of 2001.*
Sec. 312. Federal Election Campaign Act of 1971.
Sec. 313. National Voter Registration Act of 1993.
Sec. 314. Transfer of property, records, and personnel.
Sec. 315. Coverage of Election Administration Commission under certain laws and programs.
Sec. 316. Effective date; transition.

Subtitle C—Advisory Committee on Electronic Voting and the Electoral Process

- Sec. 321. Establishment of Committee.*
Sec. 322. Duties of the Committee.
Sec. 323. Powers of the Committee.
Sec. 324. Committee personnel matters.
Sec. 325. Termination of the Committee.
Sec. 326. Authorization of appropriations.

TITLE IV—UNIFORMED SERVICES ELECTION REFORM

- Sec. 401. Standard for invalidation of ballots cast by absent uniformed services voters in Federal elections.*
Sec. 402. Maximization of access of recently separated uniformed services voters to the polls.
Sec. 403. Prohibition of refusal of voter registration and absentee ballot applications on grounds of early submission.
Sec. 404. Distribution of Federal military voter laws to the States.
Sec. 405. Effective dates.
Sec. 406. Study and report on permanent registration of overseas voters; distribution of overseas voting information by a single State office; study and report on expansion of single State office duties.
Sec. 407. Report on absentee ballots transmitted and received after general elections.
Sec. 408. Other requirements to promote participation of overseas and absent uniformed services voters.
Sec. 409. Study and report on the development of a standard oath for use with overseas voting materials.
Sec. 410. Study and report on prohibiting notarization requirements.

TITLE V—CRIMINAL PENALTIES; MISCELLANEOUS

- Sec. 501. *Review and report on adequacy of existing electoral fraud statutes and penalties.*
- Sec. 502. *Other criminal penalties.*
- Sec. 503. *Use of social security numbers for voter registration and election administration.*
- Sec. 504. *Delivery of mail from overseas preceding Federal elections.*
- Sec. 505. *State responsibility to guarantee military voting rights.*
- Sec. 506. *Sense of the Senate regarding State and local input into changes made to the electoral process.*
- Sec. 507. *Study and report on free absentee ballot postage*
- Sec. 508. *Help America vote college program*
- Sec. 509. *Relationship to other laws.*
- Sec. 510. *Voters with disabilities.*
- Sec. 511. *Election day holiday study.*
- Sec. 512. *Sense of the Senate on compliance with election technology and administration requirements.*
- Sec. 513. *Broadcasting false election information.*
- Sec. 514. *Sense of the Senate regarding changes made to the electoral process and how such changes impact States.*

1 **TITLE I—UNIFORM AND NON-**
 2 **DISCRIMINATORY ELECTION**
 3 **TECHNOLOGY AND ADMINIS-**
 4 **TRATION REQUIREMENTS**

5 **SEC. 101. VOTING SYSTEMS STANDARDS.**

6 (a) *REQUIREMENTS.*—*Each voting system used in an*
 7 *election for Federal office shall meet the following require-*
 8 *ments:*

9 (1) *IN GENERAL.*—

10 (A) *Except as provided in subparagraph*
 11 *(B), the voting system (including any lever vot-*
 12 *ing system, optical scanning voting system, or*
 13 *direct recording electronic system) shall—*

14 (i) *permit the voter to verify the votes*
 15 *selected by the voter on the ballot before the*
 16 *ballot is cast and counted;*

1 (ii) provide the voter with the oppor-
2 tunity to change the ballot or correct any
3 error before the ballot is cast and counted
4 (including the opportunity to correct the
5 error through the issuance of a replacement
6 ballot if the voter was otherwise unable to
7 change the ballot or correct any error); and

8 (iii) if the voter selects votes for more
9 than 1 candidate for a single office, the vot-
10 ing system shall—

11 (I) notify the voter that the voter
12 has selected more than 1 candidate for
13 a single office on the ballot;

14 (II) notify the voter before the bal-
15 lot is cast and counted of the effect of
16 casting multiple votes for the office;
17 and

18 (III) provide the voter with the
19 opportunity to correct the ballot before
20 the ballot is cast and counted.

21 (B) A State or locality that uses a paper
22 ballot voting system, a punchcard voting system,
23 or a central count voting system (including
24 mail-in absentee ballots or mail-in ballots), may
25 meet the requirements of subparagraph (A) by—

1 (i) *establishing a voter education pro-*
2 *gram specific to that voting system that no-*
3 *ties each voter of the effect of casting mul-*
4 *tipl votes for an office; and*

5 (ii) *providing the voter with instruc-*
6 *tions on how to correct the ballot before it*
7 *is cast and counted (including instructions*
8 *on how to correct the error through the*
9 *issuance of a replacement ballot if the voter*
10 *was otherwise unable to change the ballot or*
11 *correct any error).*

12 (C) *The voting system shall ensure that any*
13 *notification required under this paragraph pre-*
14 *serves the privacy of the voter and the confiden-*
15 *tiality of the ballot.*

16 (2) *AUDIT CAPACITY.—*

17 (A) *IN GENERAL.—The voting system shall*
18 *produce a record with an audit capacity for such*
19 *system.*

20 (B) *MANUAL AUDIT CAPACITY.—*

21 (i) *PERMANENT PAPER RECORD.—The*
22 *voting system shall produce a permanent*
23 *paper record with a manual audit capacity*
24 *for such system.*

1 (ii) *CORRECTION OF ERRORS.*—The
2 voting system shall provide the voter with
3 an opportunity to change the ballot or cor-
4 rect any error before the permanent paper
5 record is produced.

6 (iii) *OFFICIAL RECORD FOR RE-*
7 *COUNTS.*—The printed record produced
8 under subparagraph (A) shall be available
9 as an official record for any recount con-
10 ducted with respect to any election for Fed-
11 eral office in which the system is used.

12 (3) *ACCESSIBILITY FOR INDIVIDUALS WITH DIS-*
13 *ABILITIES.*—The voting system shall—

14 (A) be accessible for individuals with dis-
15 abilities, including nonvisual accessibility for the
16 blind and visually impaired, in a manner that
17 provides the same opportunity for access and
18 participation (including privacy and independ-
19 ence) as for other voters;

20 (B) satisfy the requirement of subparagraph
21 (A) through the use of at least 1 direct recording
22 electronic voting system or other voting system
23 equipped for individuals with disabilities at each
24 polling place; and

1 (C) meet the voting system standards for
2 disability access if purchased with funds made
3 available under title II on or after January 1,
4 2007.

5 (4) *MULTILINGUAL VOTING MATERIALS.*—

6 (A) *IN GENERAL.*—*Except as provided in*
7 *subparagraph (B), the voting system shall pro-*
8 *vide alternative language accessibility—*

9 (i) *with respect to a language other*
10 *than English in a State or jurisdiction if,*
11 *as determined by the Director of the Bureau*
12 *of the Census—*

13 (I)(aa) *at least 5 percent of the*
14 *total number of voting-age citizens who*
15 *reside in such State or jurisdiction*
16 *speak that language as their first lan-*
17 *guage and who are limited-English*
18 *proficient; or*

19 (bb) *there are at least 10,000 vot-*
20 *ing-age citizens who reside in that ju-*
21 *risdiction who speak that language as*
22 *their first language and who are lim-*
23 *ited-English proficient; and*

24 (II) *the illiteracy rate of the*
25 *group of citizens who speak that lan-*

1 *guage is higher than the national illit-*
2 *eracy rate; or*

3 *(ii) with respect to a language other*
4 *than English that is spoken by Native*
5 *American or Alaskan native citizens in a*
6 *jurisdiction that contains all or any part of*
7 *an Indian reservation if, as determined by*
8 *the Director of the Bureau of the Census—*

9 *(I) at least 5 percent of the total*
10 *number of citizens on the reservation*
11 *are voting-age Native American or*
12 *Alaskan native citizens who speak that*
13 *language as their first language and*
14 *who are limited-English proficient;*
15 *and*

16 *(II) the illiteracy rate of the*
17 *group of citizens who speak that lan-*
18 *guage is higher than the national illit-*
19 *eracy rate.*

20 *(B) EXCEPTIONS.—*

21 *(i) If a State meets the criteria of item*
22 *(aa) of subparagraph (A)(i)(I) with respect*
23 *to a language, a jurisdiction of that State*
24 *shall not be required to provide alternative*

1 *language accessibility under this paragraph*
2 *with respect to that language if—*

3 *(I) less than 5 percent of the total*
4 *number of voting-age citizens who re-*
5 *side in that jurisdiction speak that*
6 *language as their first language and*
7 *are limited-English proficient; and*

8 *(II) the jurisdiction does not meet*
9 *the criteria of item (bb) of such sub-*
10 *paragraph with respect to that lan-*
11 *guage.*

12 *(ii) A State or locality that uses a*
13 *lever voting system and that would be re-*
14 *quired to provide alternative language ac-*
15 *cessibility under the preceding provisions of*
16 *this paragraph with respect to an addi-*
17 *tional language that was not included in*
18 *the voting system of the State or locality be-*
19 *fore the date of enactment of this Act may*
20 *meet the requirements of this paragraph*
21 *with respect to such additional language by*
22 *providing alternative language accessibility*
23 *through the voting systems used to meet the*
24 *requirement of paragraph (3)(B) if—*

1 (I) *it is not practicable to add the*
2 *alternative language to the lever voting*
3 *system or the addition of the language*
4 *would cause the voting system to be-*
5 *come more confusing or difficult to*
6 *read for other voters;*

7 (II) *the State or locality has filed*
8 *a request for a waiver with the Office*
9 *of Election Administration of the Fed-*
10 *eral Election Commission or, after the*
11 *transition date (as defined in section*
12 *316(a)(2)), with the Election Adminis-*
13 *tration Commission, that describes the*
14 *need for the waiver and how the voting*
15 *system under paragraph (3)(B) would*
16 *provide alternative language accessi-*
17 *bility; and*

18 (III) *the Office of Election Ad-*
19 *ministration or the Election Adminis-*
20 *tration Commission (as appropriate)*
21 *has approved the request filed under*
22 *subclause (II).*

23 (5) *ERROR RATES.—The error rate of the voting*
24 *system in counting ballots (determined by taking into*
25 *account only those errors which are attributable to the*

1 *voting system and not attributable to an act of the*
2 *voter) shall not exceed the error rate standards estab-*
3 *lished under the voting systems standards issued and*
4 *maintained by the Director of the Office of Election*
5 *Administration of the Federal Election Commission*
6 *(as revised by the Director of such Office under sub-*
7 *section (c)).*

8 **(b) VOTING SYSTEM DEFINED.**—*In this section, the*
9 *term “voting system” means—*

10 (1) *the total combination of mechanical,*
11 *electromechanical, or electronic equipment (including*
12 *the software, firmware, and documentation required*
13 *to program, control, and support the equipment) that*
14 *is used—*

15 (A) *to define ballots;*

16 (B) *to cast and count votes;*

17 (C) *to report or display election results; and*

18 (D) *to maintain and produce any audit*
19 *trail information;*

20 (2) *the practices and associated documentation*
21 *used—*

22 (A) *to identify system components and*
23 *versions of such components;*

24 (B) *to test the system during its develop-*
25 *ment and maintenance;*

1 (C) to maintain records of system errors
2 and defects;

3 (D) to determine specific system changes to
4 be made to a system after the initial qualifica-
5 tion of the system; and

6 (E) to make available any materials to the
7 voter (such as notices, instructions, forms, or
8 paper ballots).

9 (c) *ADMINISTRATION BY THE OFFICE OF ELECTION*
10 *ADMINISTRATION.*—

11 (1) *IN GENERAL.*—Not later than January 1,
12 2004, the Director of the Office of Election Adminis-
13 tration of the Federal Election Commission, in con-
14 sultation with the Architectural and Transportation
15 Barriers Compliance Board (as established under sec-
16 tion 502 of the Rehabilitation Act of 1973 (29 U.S.C.
17 792)) and the Director of the National Institute of
18 Standards and Technology, shall promulgate stand-
19 ards revising the voting systems standards issued and
20 maintained by the Director of such Office so that such
21 standards meet the requirements established under
22 subsection (a).

23 (2) *QUADRENNIAL REVIEW.*—The Director of the
24 Office of Election Administration of the Federal Elec-
25 tion Commission, in consultation with the Architec-

1 *tural and Transportation Barriers Compliance Board*
2 *and the Director of the National Institute of Stand-*
3 *ards and Technology, shall review the voting systems*
4 *standards revised under paragraph (1) no less fre-*
5 *quently than once every 4 years.*

6 *(d) CONSTRUCTION.—Nothing in this section shall re-*
7 *quire a jurisdiction to change the voting system or systems*
8 *(including paper balloting systems, including in-person, ab-*
9 *sentee, and mail-in paper balloting systems, lever machine*
10 *systems, punchcard systems, optical scanning systems, and*
11 *direct recording electronic systems) used in an election in*
12 *order to be in compliance with this Act.*

13 *(e) EFFECTIVE DATE.—Each State and locality shall*
14 *be required to comply with the requirements of this section*
15 *on and after January 1, 2006.*

16 **SEC. 102. PROVISIONAL VOTING AND VOTING INFORMA-**
17 **TION REQUIREMENTS.**

18 *(a) REQUIREMENTS.—If an individual declares that*
19 *such individual is a registered voter in the jurisdiction in*
20 *which the individual desires to vote and that the individual*
21 *is eligible to vote in an election for Federal office, but the*
22 *name of the individual does not appear on the official list*
23 *of eligible voters for the polling place, or an election official*
24 *asserts that the individual is not eligible to vote, such indi-*

1 *vidual shall be permitted to cast a provisional ballot as fol-*
2 *lows:*

3 (1) *An election official at the polling place shall*
4 *notify the individual that the individual may cast a*
5 *provisional ballot in that election.*

6 (2) *The individual shall be permitted to cast a*
7 *provisional ballot at that polling place upon the exe-*
8 *cution of a written affirmation by the individual be-*
9 *fore an election official at the polling place stating*
10 *that the individual is—*

11 (A) *a registered voter in the jurisdiction in*
12 *which the individual desires to vote; and*

13 (B) *eligible to vote in that election.*

14 (3) *An election official at the polling place shall*
15 *transmit the ballot cast by the individual or voter in-*
16 *formation contained in the written affirmation exe-*
17 *cuted by the individual under paragraph (2) to an*
18 *appropriate State or local election official for prompt*
19 *verification under paragraph (4).*

20 (4) *If the appropriate State or local election offi-*
21 *cial to whom the ballot or voter information is trans-*
22 *mitted under paragraph (3) determines that the indi-*
23 *vidual is eligible under State law to vote in the juris-*
24 *isdiction, the individual's provisional ballot shall be*
25 *counted as a vote in that election.*

1 (5) *At the time that an individual casts a provi-*
2 *sional ballot, the appropriate State or local election*
3 *official shall give the individual written information*
4 *that states that any individual who casts a provi-*
5 *sional ballot will be able to ascertain through a free*
6 *access system (such as a toll-free telephone number or*
7 *an Internet website) whether the vote was counted,*
8 *and, if the vote was not counted, the reason that the*
9 *vote was not counted.*

10 (6) *The appropriate State or local election offi-*
11 *cial shall establish a free access system (such as a toll-*
12 *free telephone number or an Internet website) that*
13 *any individual who casts a provisional ballot may*
14 *access to discover whether the vote of that individual*
15 *was counted, and, if the vote was not counted, the*
16 *reason that the vote was not counted.*

17 *States described in section 4(b) of the National Voter Reg-*
18 *istration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet*
19 *the requirements of this subsection using voter registration*
20 *procedures established under applicable State law. The ap-*
21 *propriate State or local official shall establish and main-*
22 *tain reasonable procedures necessary to protect the security,*
23 *confidentiality, and integrity of personal information col-*
24 *lected, stored, or otherwise used by the free access system*
25 *established under paragraph (6)(B). Access to information*

1 *about an individual provisional ballot shall be restricted*
2 *to the individual who cast the ballot.*

3 *(b) VOTING INFORMATION REQUIREMENTS.—*

4 *(1) PUBLIC POSTING ON ELECTION DAY.—The*
5 *appropriate State or local election official shall cause*
6 *voting information to be publicly posted at each poll-*
7 *ing place on the day of each election for Federal of-*
8 *fice.*

9 *(2) VOTING INFORMATION DEFINED.—In this sec-*
10 *tion, the term “voting information” means—*

11 *(A) a sample version of the ballot that will*
12 *be used for that election;*

13 *(B) information regarding the date of the*
14 *election and the hours during which polling*
15 *places will be open;*

16 *(C) instructions on how to vote, including*
17 *how to cast a vote and how to cast a provisional*
18 *ballot;*

19 *(D) instructions for mail-in registrants and*
20 *first-time voters under section 103(b); and*

21 *(E) general information on voting rights*
22 *under applicable Federal and State laws, includ-*
23 *ing information on the right of an individual to*
24 *cast a provisional ballot and instructions on how*

1 to contact the appropriate officials if these rights
2 are alleged to have been violated.

3 (c) *VOTERS WHO VOTE AFTER THE POLLS CLOSE.*—

4 *Any individual who votes in an election for Federal office*
5 *for any reason, including a Federal or State court order,*
6 *after the time set for closing the polls by a State law in*
7 *effect 10 days before the date of that election may only vote*
8 *in that election by casting a provisional ballot under sub-*
9 *section (a).*

10 (d) *ADMINISTRATION BY THE CIVIL RIGHTS DIVI-*

11 *SION.*—*Not later than January 1, 2003, the Assistant Attor-*
12 *ney General in charge of the Civil Rights Division of the*
13 *Department of Justice shall promulgate such guidelines as*
14 *are necessary to implement the requirements of subsection*
15 *(a).*

16 (e) *EFFECTIVE DATE.*—

17 (1) *PROVISIONAL VOTING.*—*Each State and lo-*
18 *cality shall be required to comply with the require-*
19 *ments of subsection (a) on and after January 1, 2004.*

20 (2) *VOTING INFORMATION.*—*Each State and lo-*
21 *cality shall be required to comply with the require-*
22 *ments of subsection (b) on and after the date of enact-*
23 *ment of this Act.*

1 **SEC. 103. COMPUTERIZED STATEWIDE VOTER REGISTRA-**
2 **TION LIST REQUIREMENTS AND REQUIRE-**
3 **MENTS FOR VOTERS WHO REGISTER BY MAIL.**

4 (a) *COMPUTERIZED STATEWIDE VOTER REGISTRA-*
5 *TION LIST REQUIREMENTS.*—

6 (1) *IMPLEMENTATION.*—

7 (A) *IN GENERAL.*—*Except as provided in*
8 *subparagraph (B), each State, acting through the*
9 *chief State election official, shall implement an*
10 *interactive computerized statewide voter registra-*
11 *tion list that contains the name and registration*
12 *information of every legally registered voter in*
13 *the State and assigns a unique identifier to each*
14 *legally registered voter in the State (in this sub-*
15 *section referred to as the “computerized list”).*

16 (B) *EXCEPTION.*—*The requirement under*
17 *subparagraph (A) shall not apply to a State in*
18 *which, under a State law in effect continuously*
19 *on and after the date of enactment of this Act,*
20 *there is no voter registration requirement for in-*
21 *dividuals in the State with respect to elections*
22 *for Federal office.*

23 (2) *ACCESS.*—*The computerized list shall be ac-*
24 *cessible to each State and local election official in the*
25 *State.*

26 (3) *COMPUTERIZED LIST MAINTENANCE.*—

1 (A) *IN GENERAL.*—*The appropriate State*
2 *or local election official shall perform list main-*
3 *tenance with respect to the computerized list on*
4 *a regular basis as follows:*

5 (i) *If an individual is to be removed*
6 *from the computerized list, such individual*
7 *shall be removed in accordance with the*
8 *provisions of the National Voter Registra-*
9 *tion Act of 1993 (42 U.S.C. 1973gg et seq.),*
10 *including subsections (a)(4), (c)(2), (d), and*
11 *(e) of section 8 of such Act (42 U.S.C.*
12 *1973gg–6).*

13 (ii) *For purposes of removing names of*
14 *ineligible voters from the official list of eli-*
15 *gible voters—*

16 (I) *under section 8(a)(3)(B) of*
17 *such Act (42 U.S.C. 1973gg–*
18 *6(a)(3)(B)), the State shall coordinate*
19 *the computerized list with State agency*
20 *records on felony status; and*

21 (II) *by reason of the death of the*
22 *registrant under section 8(a)(4)(A) of*
23 *such Act (42 U.S.C. 1973gg–*
24 *6(a)(4)(A)), the State shall coordinate*

1 *the computerized list with State agency*
2 *records on death.*

3 *(iii) Notwithstanding the preceding*
4 *provisions of this subparagraph, if a State*
5 *is described in section 4(b) of the National*
6 *Voter Registration Act of 1993 (42 U.S.C.*
7 *1973gg-2(b)), that State shall remove the*
8 *names of ineligible voters from the comput-*
9 *erized list in accordance with State law.*

10 *(B) CONDUCT.—The list maintenance per-*
11 *formed under subparagraph (A) shall be con-*
12 *ducted in a manner that ensures that—*

13 *(i) the name of each registered voter*
14 *appears in the computerized list;*

15 *(ii) only voters who are not registered*
16 *or who are not eligible to vote are removed*
17 *from the computerized list; and*

18 *(iii) duplicate names are eliminated*
19 *from the computerized list.*

20 *(4) TECHNOLOGICAL SECURITY OF COMPUTER-*
21 *IZED LIST.—The appropriate State or local official*
22 *shall provide adequate technological security measures*
23 *to prevent the unauthorized access to the computerized*
24 *list established under this section.*

1 (5) *INTERACTION WITH FEDERAL INFORMA-*
2 *TION.—*

3 (A) *ACCESS TO FEDERAL INFORMATION.—*

4 (i) *IN GENERAL.—Notwithstanding*
5 *any other provision of law, the Commis-*
6 *sioner of Social Security shall provide,*
7 *upon request from a State or locality main-*
8 *taining a computerized centralized list im-*
9 *plemented under paragraph (1), only such*
10 *information as is necessary to determine the*
11 *eligibility of an individual to vote in such*
12 *State or locality under the law of the State.*
13 *Any State or locality that receives informa-*
14 *tion under this clause may only share such*
15 *information with election officials.*

16 (ii) *PROCEDURE.—The information*
17 *under clause (i) shall be provided in such*
18 *place and such manner as the Commis-*
19 *sioner determines appropriate to protect*
20 *and prevent the misuse of information.*

21 (B) *APPLICABLE INFORMATION.—For pur-*
22 *poses of this subsection, the term “applicable in-*
23 *formation” means information regarding*
24 *whether—*

1 (i) the name and social security num-
2 ber of an individual provided to the Com-
3 missioner match the information contained
4 in the Commissioner's records; and

5 (ii) such individual is shown on the
6 records of the Commissioner as being de-
7 ceased.

8 (C) *EXCEPTION.*—Subparagraph (A) shall
9 not apply to any request for a record of an indi-
10 vidual if the Commissioner determines there are
11 exceptional circumstances warranting an excep-
12 tion (such as safety of the individual or inter-
13 ference with an investigation).

14 (b) *REQUIREMENTS FOR VOTERS WHO REGISTER BY*
15 *MAIL.*—

16 (1) *IN GENERAL.*—Notwithstanding section 6(c)
17 of the National Voter Registration Act of 1993 (42
18 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a
19 State shall require an individual to meet the require-
20 ments of paragraph (2) if—

21 (A) the individual registered to vote in a ju-
22 risdiction by mail; and

23 (B)(i) the individual has not previously
24 voted in an election for Federal office in the
25 State; or

1 (ii) the individual has not previously voted
2 in such an election in the jurisdiction and the
3 jurisdiction is located in a State that does not
4 have a computerized list that complies with the
5 requirements of section 103(a).

6 (2) *REQUIREMENTS.*—

7 (A) *IN GENERAL.*—An individual meets the
8 requirements of this paragraph if the
9 individual—

10 (i) in the case of an individual who
11 votes in person—

12 (I) presents to the appropriate
13 State or local election official a current
14 and valid photo identification; or

15 (II) presents to the appropriate
16 State or local election official a copy of
17 a current utility bill, bank statement,
18 Government check, paycheck, or other
19 Government document that shows the
20 name and address of the voter; or

21 (ii) in the case of an individual who
22 votes by mail, submits with the ballot—

23 (I) a copy of a current and valid
24 photo identification; or

1 (ii) a copy of a current utility
2 bill, bank statement, Government check,
3 paycheck, or other Government docu-
4 ment that shows the name and address
5 of the voter.

6 (B) *FAIL-SAFE VOTING.*—

7 (i) *IN PERSON.*—An individual who
8 desires to vote in person, but who does not
9 meet the requirements of subparagraph
10 (A)(i), may cast a provisional ballot under
11 section 102(a).

12 (ii) *BY MAIL.*—An individual who de-
13 sires to vote by mail but who does not meet
14 the requirements of subparagraph (A)(ii)
15 may cast such a ballot by mail and the bal-
16 lot shall be counted as a provisional ballot
17 in accordance with section 102(a).

18 (3) *INAPPLICABILITY.*—Paragraph (1) shall not
19 apply in the case of a person—

20 (A) who registers to vote by mail under sec-
21 tion 6 of the National Voter Registration Act of
22 1993 (42 U.S.C. 1973gg-4) and submits as part
23 of such registration either—

24 (i) a copy of a current valid photo
25 identification; or

1 (ii) a copy of a current utility bill,
2 bank statement, Government check, pay-
3 check, or Government document that shows
4 the name and address of the voter;

5 (B)(i) who registers to vote by mail under
6 section 6 of the National Voter Registration Act
7 of 1993 (42 U.S.C. 1973gg-4) and submits with
8 such registration either—

9 (I) a driver's license number; or

10 (II) at least the last 4 digits of the in-
11 dividual's social security number; and

12 (ii) with respect to whom a State or local
13 election official certifies that the information
14 submitted under clause (i) matches an existing
15 State identification record bearing the same
16 number, name and date of birth as provided in
17 such registration; or

18 (C) who is—

19 (i) entitled to vote by absentee ballot
20 under the Uniformed and Overseas Citizens
21 Absentee Voting Act (42 U.S.C. 1973ff-1 et
22 seq.);

23 (ii) provided the right to vote otherwise
24 than in person under section 3(b)(2)(B)(ii)
25 of the Voting Accessibility for the Elderly

1 *and Handicapped Act (42 U.S.C. 1973ee-*
2 *1(b)(2)(B)(ii)); or*
3 *(iii) entitled to vote otherwise than in*
4 *person under any other Federal law.*

5 (4) *CONTENTS OF MAIL-IN REGISTRATION*
6 *FORM.—The mail voter registration form developed*
7 *under section 6 of the National Voter Registration Act*
8 *of 1993 (42 U.S.C. 1973gg-4) shall include:*

9 (A) *The question “Are you a citizen of the*
10 *United States of America?” and boxes for the*
11 *applicant to check to indicate whether the appli-*
12 *cant is or is not a citizen of the United States.*

13 (B) *The question “Will you be 18 years of*
14 *age on or before election day?” and boxes for the*
15 *applicant to check to indicate whether or not the*
16 *applicant will be 18 or older on election day.*

17 (C) *The statement “If you checked ‘no’ in*
18 *response to either of these questions, do not com-*
19 *plete this form”.*

20 (5) *CONSTRUCTION.—Nothing in this subsection*
21 *shall be construed to require a State that was not re-*
22 *quired to comply with a provision of the National*
23 *Voter Registration Act of 1993 (42 U.S.C. 1973gg et*
24 *seq.) before the date of enactment of this Act to com-*
25 *ply with such a provision after such date.*

1 (c) *ADMINISTRATION BY THE CIVIL RIGHTS DIVI-*
2 *SION.—Not later than October 1, 2003, the Assistant Attor-*
3 *ney General in charge of the Civil Rights Division of the*
4 *Department of Justice shall promulgate such guidelines as*
5 *are necessary to implement the requirements of subsection*
6 *(a).*

7 (d) *EFFECTIVE DATE.—*

8 (1) *COMPUTERIZED STATEWIDE VOTER REG-*
9 *ISTRATION LIST REQUIREMENTS.—Each State and lo-*
10 *cality shall be required to comply with the require-*
11 *ments of subsection (a) on and after January 1, 2004.*

12 (2) *REQUIREMENT FOR VOTERS WHO REGISTER*
13 *BY MAIL.—*

14 (A) *IN GENERAL.—Each State and locality*
15 *shall be required to comply with the require-*
16 *ments of subsection (b) on and after January 1,*
17 *2004, and shall be prepared to receive registra-*
18 *tion materials submitted by individuals de-*
19 *scribed in subparagraph (B) on and after the*
20 *date described in such subparagraph.*

21 (B) *APPLICABILITY WITH RESPECT TO INDI-*
22 *VIDUALS.—The provisions of section (b) shall*
23 *apply to any individual who registers to vote on*
24 *or after January 1, 2003.*

1 **SEC. 104. ENFORCEMENT BY THE CIVIL RIGHTS DIVISION**
2 **OF THE DEPARTMENT OF JUSTICE.**

3 (a) *IN GENERAL.*—Subject to subsection (b), the Attor-
4 ney General, acting through the Assistant Attorney General
5 in charge of the Civil Rights Division of the Department
6 of Justice, may bring a civil action in an appropriate dis-
7 trict court for such declaratory or injunctive relief as may
8 be necessary to carry out this title.

9 (b) *SAFE HARBOR.*—

10 (1) *IN GENERAL.*—Except as provided in para-
11 graph (2), if a State or locality receives funds under
12 a grant program under subtitle A or B of title II for
13 the purpose of meeting a requirement under section
14 101, 102, or 103, such State or locality shall be
15 deemed to be in compliance with such requirement
16 until January 1, 2010, and no action may be brought
17 under this Act against such State or locality on the
18 basis that the State or locality is not in compliance
19 with such requirement before such date.

20 (2) *EXCEPTION.*—The safe harbor provision
21 under paragraph (1) shall not apply with respect to
22 the requirement described in section 101(a)(3).

23 (c) *RELATION TO OTHER LAWS.*—The remedies estab-
24 lished by this section are in addition to all other rights and
25 remedies provided by law.

1 **SEC. 105. MINIMUM STANDARDS.**

2 *The requirements established by this title are min-*
 3 *imum requirements and nothing in this title shall be con-*
 4 *strued to prevent a State from establishing election tech-*
 5 *nology and administration requirements, that are more*
 6 *strict than the requirements established under this title, so*
 7 *long as such State requirements are not inconsistent with*
 8 *the Federal requirements under this title or any law de-*
 9 *scribed in section 509.*

10 **TITLE II—GRANT PROGRAMS**

11 **Subtitle A—Uniform and Non-**
 12 **discriminatory Election Tech-**
 13 **nology and Administration Re-**
 14 **quirements Grant Program**

15 **SEC. 201. ESTABLISHMENT OF THE UNIFORM AND NON-**
 16 **DISCRIMINATORY ELECTION TECHNOLOGY**
 17 **AND ADMINISTRATION REQUIREMENTS**
 18 **GRANT PROGRAM.**

19 *(a) IN GENERAL.—There is established a Uniform and*
 20 *Nondiscriminatory Election Technology and Administra-*
 21 *tion Requirements Grant Program under which the Attor-*
 22 *ney General, subject to the general policies and criteria for*
 23 *the approval of applications established under section 204*
 24 *and in consultation with the Federal Election Commission*
 25 *and the Architectural and Transportation Barriers Compli-*
 26 *ance Board (as established under section 502 of the Reha-*

1 bilitation Act of 1973 (29 U.S.C. 792)), is authorized to
2 make grants to States and localities to pay the costs of the
3 activities described in section 205.

4 (b) *ACTION THROUGH OFFICE OF JUSTICE PROGRAMS*
5 *AND CIVIL RIGHTS DIVISION.*—In carrying out this sub-
6 title, the Attorney General shall act through the Assistant
7 Attorney General in charge of the Office of Justice Pro-
8 grams of the Department of Justice and the Assistant Attor-
9 ney General in charge of the Civil Rights Division of that
10 Department.

11 **SEC. 202. STATE PLANS.**

12 (a) *IN GENERAL.*—Each State that desires to receive
13 a grant under this subtitle shall develop a State plan, in
14 consultation with State and local election officials of that
15 State, that provides for each of the following:

16 (1) *UNIFORM AND NONDISCRIMINATORY ELEC-*
17 *TION TECHNOLOGY AND ADMINISTRATION REQUIRE-*
18 *MENTS.*—A description of how the State will use the
19 funds made available under this subtitle to meet each
20 of the following requirements:

21 (A) *The voting system standards under sec-*
22 *tion 101.*

23 (B) *The provisional voting requirements*
24 *under section 102.*

1 (C) *The computerized statewide voter reg-*
2 *istration list requirements under section 103(a),*
3 *including a description of—*

4 (i) *how State and local election offi-*
5 *cials will ensure the accuracy of the list of*
6 *eligible voters in the State to ensure that*
7 *only registered voters appear in such list;*
8 *and*

9 (ii) *the precautions that the State will*
10 *take to prevent the removal of eligible voters*
11 *from the list.*

12 (D) *The requirements for voters who register*
13 *by mail under section 103(b), including the steps*
14 *that the State will take to ensure—*

15 (i) *the accuracy of mail-in and absen-*
16 *tee ballots; and*

17 (ii) *that the use of mail-in and absen-*
18 *tee ballots does not result in duplicate votes.*

19 (2) *IDENTIFICATION, DETERRENCE, AND INVES-*
20 *TIGATION OF VOTING FRAUD.—An assessment of the*
21 *susceptibility of elections for Federal office in the*
22 *State to voting fraud and a description of how the*
23 *State intends to identify, deter, and investigate such*
24 *fraud.*

1 (3) *COMPLIANCE WITH EXISTING FEDERAL*
2 *LAW.—Assurances that the State will comply with ex-*
3 *isting Federal laws, as such laws relate to the provi-*
4 *sions of this Act, including the following:*

5 (A) *The Voting Rights Act of 1965 (42*
6 *U.S.C. 1973 et seq.), including sections 4(f)(4)*
7 *and 203 of such Act (42 U.S.C. 1973b(f)(4) and*
8 *1973aa–1a).*

9 (B) *The Voting Accessibility for the Elderly*
10 *and Handicapped Act (42 U.S.C. 1973ee et seq.).*

11 (C) *The Uniformed and Overseas Citizens*
12 *Absentee Voting Act (42 U.S.C. 1973ff et seq.).*

13 (D) *The National Voter Registration Act of*
14 *1993 (42 U.S.C. 1973gg et seq.).*

15 (E) *The Rehabilitation Act of 1973 (29*
16 *U.S.C. 701 et seq.).*

17 (4) *TIMETABLE.—A timetable for meeting the*
18 *elements of the State plan.*

19 (b) *AVAILABILITY OF STATE PLANS FOR REVIEW AND*
20 *COMMENT.—A State shall make the State plan developed*
21 *under subsection (a) available for public review and com-*
22 *ment before the submission of an application under section*
23 *203(a).*

1 **SEC. 203. APPLICATION.**

2 (a) *IN GENERAL.*—Each State or locality that desires
3 to receive a grant under this subtitle shall submit an appli-
4 cation to the Attorney General at such time and in such
5 manner as the Attorney General may require, and con-
6 taining the information required under subsection (b) and
7 such other information as the Attorney General may re-
8 quire.

9 (b) *CONTENTS.*—

10 (1) *STATES.*—Each application submitted by a
11 State shall contain the State plan developed under
12 section 202 and a description of how the State pro-
13 poses to use funds made available under this subtitle
14 to implement such State plan.

15 (2) *LOCALITIES.*—Each application submitted
16 by a locality shall contain a description of how the
17 locality proposes to use the funds made available
18 under this subtitle in a manner that is consistent
19 with the State plan developed under section 202.

20 (c) *SAFE HARBOR.*—No action may be brought under
21 this Act against a State or locality on the basis of any in-
22 formation contained in the application submitted under
23 subsection (a), including any information contained in the
24 State plan developed under section 202.

1 **SEC. 204. APPROVAL OF APPLICATIONS.**

2 *The Attorney General shall establish general policies*
3 *and criteria with respect to the approval of applications*
4 *submitted by States and localities under section 203(a) (in-*
5 *cluding a review of State plans developed under section*
6 *202), the awarding of grants under this subtitle, and the*
7 *use of assistance made available under this subtitle.*

8 **SEC. 205. AUTHORIZED ACTIVITIES.**

9 *A State or locality may use grant payments received*
10 *under this subtitle for any of the following purposes:*

11 *(1) To implement voting system standards that*
12 *meet the requirements of section 101.*

13 *(2) To provide for provisional voting that meets*
14 *the requirements of section 102(a) and to meet the*
15 *voting information requirements under section 102(b).*

16 *(3) To establish a computerized statewide voter*
17 *registration list that meets the requirements of section*
18 *103(a) and to meet the requirements for voters who*
19 *register by mail under section 103(b).*

20 **SEC. 206. PAYMENTS.**

21 *(a) PAYMENTS .—*

22 *(1) IN GENERAL.—Subject to paragraph (2), the*
23 *Attorney General shall pay to each State having an*
24 *application approved under section 203 the cost of the*
25 *activities described in that application.*

1 (2) *INITIAL PAYMENT AMOUNT.*—*The Attorney*
2 *General shall pay to each State that submits an ap-*
3 *plication under section 203 an amount equal to 0.5*
4 *percent of the amount appropriated under section 209*
5 *for the fiscal year during which such application is*
6 *submitted to be used by such State for the activities*
7 *authorized under section 205.*

8 (b) *RETROACTIVE PAYMENTS.*— *The Attorney General*
9 *may make retroactive payments to States and localities*
10 *having an application approved under section 203 for any*
11 *costs for election technology or administration that meets*
12 *a requirement of section 101, 102, or 103 that were incurred*
13 *during the period beginning on January 1, 2001, and end-*
14 *ing on the date on which such application was approved*
15 *under such section. A State or locality that is engaged in*
16 *a multi-year contract entered into prior to January 1,*
17 *2001, is eligible to apply for a grant under section 203 for*
18 *payments made on or after January 1, 2001, pursuant to*
19 *that contract.*

20 (c) *PROTECTION AND ADVOCACY SYSTEMS.*—

21 (1) *IN GENERAL.*—*In addition to any other pay-*
22 *ments made under this section, the Attorney General*
23 *shall pay the protection and advocacy system (as de-*
24 *finied in section 102 of the Developmental Disabilities*
25 *Assistance and Bill of Rights Act of 2000 (42 U.S.C.*

1 15002)) of each State to ensure full participation in
2 the electoral process for individuals with disabilities,
3 including registering to vote, casting a vote and ac-
4 cessing polling places. In providing such services, pro-
5 tection and advocacy systems shall have the same gen-
6 eral authorities as they are afforded under part C of
7 the Developmental Disabilities Assistance and Bill of
8 Rights Act of 2000 (42 U.S.C. 15041 et seq.).

9 (2) *MINIMUM GRANT AMOUNT.*—The minimum
10 amount of each grant to a protection and advocacy
11 system shall be determined and allocated as set forth
12 in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of sec-
13 tion 509 of the Rehabilitation Act of 1973 (29 U.S.C.
14 794e), except that the amount of the grants to systems
15 referred to in subsections (c)(3)(B) and (c)(4)(B) of
16 that section shall be not less than \$70,000 and
17 \$35,000, respectively.

18 **SEC. 207. AUDITS AND EXAMINATIONS OF STATES AND LO-**
19 **CALITIES.**

20 (a) *RECORDKEEPING REQUIREMENT.*—Each recipient
21 of a grant under this subtitle shall keep such records as the
22 Attorney General, in consultation with the Federal Election
23 Commission, shall prescribe.

24 (b) *AUDITS AND EXAMINATIONS.*—The Attorney Gen-
25 eral and the Comptroller General, or any authorized rep-

1 *representative of the Attorney General or the Comptroller Gen-*
2 *eral, may audit or examine any recipient of a grant under*
3 *this subtitle and shall, for the purpose of conducting an*
4 *audit or examination, have access to any record of a recipi-*
5 *ent of a grant under this subtitle that the Attorney General*
6 *or the Comptroller General determines may be related to*
7 *the grant.*

8 **SEC. 208. REPORTS TO CONGRESS AND THE ATTORNEY**
9 **GENERAL.**

10 *(a) REPORTS TO CONGRESS.—*

11 *(1) IN GENERAL.—Not later than January 31,*
12 *2003, and each year thereafter, the Attorney General*
13 *shall submit to the President and Congress a report*
14 *on the grant program established under this subtitle*
15 *for the preceding year.*

16 *(2) CONTENTS.—Each report submitted under*
17 *paragraph (1) shall contain the following:*

18 *(A) A description and analysis of any ac-*
19 *tivities funded by a grant awarded under this*
20 *subtitle.*

21 *(B) Any recommendation for legislative or*
22 *administrative action that the Attorney General*
23 *considers appropriate.*

24 *(b) REPORTS TO THE ATTORNEY GENERAL.—The At-*
25 *torney General shall require each recipient of a grant under*

1 *this subtitle to submit reports to the Attorney General at*
2 *such time, in such manner, and containing such informa-*
3 *tion as the Attorney General considers appropriate.*

4 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

5 *(a) IN GENERAL.—There are authorized to be appro-*
6 *priated to carry out the provisions of this subtitle the fol-*
7 *lowing amounts:*

8 *(1) For fiscal year 2003, \$1,000,000,000.*

9 *(2) For fiscal year 2004, \$1,300,000,000.*

10 *(3) For fiscal year 2005, \$500,000,000.*

11 *(4) For fiscal year 2006, \$200,000,000.*

12 *(5) For each subsequent fiscal year, such sums as*
13 *may be necessary.*

14 *(b) PROTECTION AND ADVOCACY SYSTEMS.—In addi-*
15 *tion to any other amounts authorized to be appropriated*
16 *under this section, there are authorized to be appropriated*
17 *\$10,000,000 for each of the fiscal years 2003, 2004, 2005,*
18 *and 2006, and for each subsequent fiscal year such sums*
19 *as may be necessary, for the purpose of making payments*
20 *under section 206(c): Provided, That none of the funds pro-*
21 *vided by this subsection shall be used to commence any liti-*
22 *gation related to election-related disability access; notwith-*
23 *standing the general authorities of the protection and advo-*
24 *cacy systems are otherwise afforded under part C of the De-*

1 *velopmental Disabilities Assistance and Bill of Rights Act*
2 *of 2000 (42 U.S.C. 15041 et seq.).*

3 (c) *AVAILABILITY.*—*Any amounts appropriated pursu-*
4 *ant to the authority of this section shall remain available*
5 *until expended.*

6 **SEC. 210. EFFECTIVE DATE.**

7 *The Attorney General shall establish the general poli-*
8 *cies and criteria for the approval of applications under sec-*
9 *tion 204 in a manner that ensures that the Attorney Gen-*
10 *eral is able to approve applications not later than October*
11 *1, 2002.*

12 ***Subtitle B—Federal Election***
13 ***Reform Incentive Grant Program***

14 **SEC. 211. ESTABLISHMENT OF THE FEDERAL ELECTION RE-**
15 **FORM INCENTIVE GRANT PROGRAM.**

16 (a) *IN GENERAL.*—*There is established a Federal Elec-*
17 *tion Reform Incentive Grant Program under which the At-*
18 *torney General, subject to the general policies and criteria*
19 *for the approval of applications established under section*
20 *213(a) and in consultation with the Federal Election Com-*
21 *mission and the Architectural and Transportation Barriers*
22 *Compliance Board (as established under section 502 of the*
23 *Rehabilitation Act of 1973 (29 U.S.C. 792)), is authorized*
24 *to make grants to States and localities to pay the costs of*
25 *the activities described in section 214.*

1 (b) *ACTION THROUGH OFFICE OF JUSTICE PROGRAMS*
2 *AND CIVIL RIGHTS DIVISION.*—*In carrying out this sub-*
3 *title, the Attorney General shall act through—*

4 (1) *the Assistant Attorney General in charge of*
5 *the Office of Justice Programs of the Department of*
6 *Justice; and*

7 (2) *the Assistant Attorney General in charge of*
8 *the Civil Rights Division of the Department of Justice*
9 *(in this subtitle referred to as the “Assistant Attorney*
10 *General for Civil Rights”).*

11 **SEC. 212. APPLICATION.**

12 (a) *IN GENERAL.*—*Each State or locality that desires*
13 *to receive a grant under this subtitle shall submit an appli-*
14 *cation to the Attorney General at such time, in such man-*
15 *ner, and containing such information as the Attorney Gen-*
16 *eral shall require, consistent with the provisions of this sec-*
17 *tion.*

18 (b) *CONTENTS.*—*Each application submitted under*
19 *subsection (a) shall—*

20 (1) *describe the activities for which assistance*
21 *under this section is sought;*

22 (2) *contain a request for certification by the As-*
23 *stant Attorney General for Civil Rights described in*
24 *subsection (c);*

1 (3) *provide assurances that the State or locality*
2 *will pay the non-Federal share of the cost of the ac-*
3 *tivities for which assistance is sought from non-Fed-*
4 *eral sources; and*

5 (4) *provide such additional assurances as the At-*
6 *torney General determines to be essential to ensure*
7 *compliance with the requirements of this subtitle.*

8 (c) *REQUEST FOR CERTIFICATION BY THE CIVIL*
9 *RIGHTS DIVISION.—*

10 (1) *COMPLIANCE WITH CURRENT FEDERAL ELEC-*
11 *TION LAW.—*

12 (A) *IN GENERAL.—Except as provided in*
13 *subparagraph (B), each request for certification*
14 *described in subsection (b)(2) shall contain a*
15 *specific and detailed demonstration that the*
16 *State or locality is in compliance with each of*
17 *the following laws, as such laws relate to the pro-*
18 *visions of this Act:*

19 (i) *The Voting Rights Act of 1965 (42*
20 *U.S.C. 1973 et seq.), including sections*
21 *4(f)(4) and 203 of such Act (42 U.S.C.*
22 *1973b(f)(4) and 1973aa–1a).*

23 (ii) *The Voting Accessibility for the El-*
24 *derly and Handicapped Act (42 U.S.C.*
25 *1973ee et seq.).*

1 (iii) *The Uniformed and Overseas Citi-*
2 *zens Absentee Voting Act (42 U.S.C. 1973ff*
3 *et seq.).*

4 (iv) *The National Voter Registration*
5 *Act of 1993 (42 U.S.C. 1973gg et seq.).*

6 (v) *The Americans with Disabilities*
7 *Act of 1990 (42 U.S.C. 1994 et seq.).*

8 (vi) *The Rehabilitation Act of 1973 (29*
9 *U.S.C. 701 et seq.).*

10 (B) *APPLICANTS UNABLE TO MEET RE-*
11 *QUIREMENTS.—Each State or locality that, at*
12 *the time it applies for a grant under this sub-*
13 *title, does not demonstrate that it meets each re-*
14 *quirement described in subparagraph (A), shall*
15 *submit to the Attorney General a detailed and*
16 *specific demonstration of how the State or local-*
17 *ity intends to use grant funds to meet each such*
18 *requirement.*

19 (2) *UNIFORM AND NONDISCRIMINATORY RE-*
20 *QUIREMENTS FOR ELECTION TECHNOLOGY AND AD-*
21 *MINISTRATION.—In addition to the demonstration re-*
22 *quired under paragraph (1), each request for certifi-*
23 *cation described in subsection (b)(2) shall contain a*
24 *specific and detailed demonstration that the proposed*
25 *use of grant funds by the State or locality is not in-*

1 *consistent with the requirements under section 101,*
2 *102, or 103.*

3 *(d) SAFE HARBOR.—No action may be brought under*
4 *this Act against a State or locality on the basis of any in-*
5 *formation contained in the application submitted under*
6 *subsection (a), including any information contained in the*
7 *request for certification described in subsection (c).*

8 **SEC. 213. APPROVAL OF APPLICATIONS.**

9 *(a) IN GENERAL.—Subject to subsection (b), the Attor-*
10 *ney General shall establish general policies and criteria for*
11 *the approval of applications submitted under section*
12 *212(a).*

13 *(b) CERTIFICATION PROCEDURE.—*

14 *(1) IN GENERAL.—The Attorney General may*
15 *not approve an application of a State or locality sub-*
16 *mitted under section 212(a) unless the Attorney Gen-*
17 *eral has received a certification from the Assistant At-*
18 *torney General for Civil Rights under paragraph (4)*
19 *with respect to such State or locality.*

20 *(2) TRANSMITTAL OF REQUEST.—Upon receipt*
21 *of the request for certification submitted under section*
22 *212(b)(2), the Attorney General shall transmit such*
23 *request to the Assistant Attorney General for Civil*
24 *Rights.*

25 *(3) CERTIFICATION; NONCERTIFICATION.—*

1 (A) *CERTIFICATION.*—*If the Assistant Attor-*
2 *ney General for Civil Rights finds that the re-*
3 *quest for certification demonstrates that—*

4 (i) *a State or locality meets the re-*
5 *quirements of subparagraph (A) of section*
6 *212(c)(1), or that a State or locality has*
7 *provided a detailed and specific demonstra-*
8 *tion of how it will use funds received under*
9 *this section to meet such requirements under*
10 *subparagraph (B) of such section; and*

11 (ii) *the proposed use of grant funds by*
12 *the State or locality meets the requirements*
13 *of section 212(c)(2),*

14 *the Assistant Attorney General for Civil Rights*
15 *shall certify that the State or locality is eligible*
16 *to receive a grant under this subtitle.*

17 (B) *NONCERTIFICATION.*—*If the Assistant*
18 *Attorney General for Civil Rights finds that the*
19 *request for certification does not demonstrate*
20 *that a State or locality meets the requirements*
21 *described in subparagraph (A), the Assistant At-*
22 *torney General for Civil Rights shall not certify*
23 *that the State or locality is eligible to receive a*
24 *grant under this subtitle.*

1 (4) *TRANSMITTAL OF CERTIFICATION.*—*The As-*
2 *stant Attorney General for Civil Rights shall trans-*
3 *mit to the Attorney General either—*

4 (A) *a certification under subparagraph (A)*
5 *of paragraph (3); or*

6 (B) *a notice of noncertification under sub-*
7 *paragraph (B) of such paragraph, together with*
8 *a report identifying the relevant deficiencies in*
9 *the State’s or locality’s system for voting or ad-*
10 *ministering elections for Federal office or in the*
11 *request for certification submitted by the State or*
12 *locality.*

13 **SEC. 214. AUTHORIZED ACTIVITIES.**

14 *A State or locality may use grant payments received*
15 *under this subtitle—*

16 (1) *to improve, acquire, lease, modify, or replace*
17 *voting systems and technology and to improve the ac-*
18 *cessibility of polling places, including providing phys-*
19 *ical access for individuals with disabilities, providing*
20 *nonvisual access for individuals with visual impair-*
21 *ments, and providing assistance to individuals with*
22 *limited proficiency in the English language;*

23 (2) *to implement new election administration*
24 *procedures to increase voter participation and to re-*

1 *duce disenfranchisement, such as “same-day” voter*
2 *registration procedures;*

3 *(3) to educate voters concerning voting proce-*
4 *dures, voting rights or voting technology, and to train*
5 *election officials, poll workers, and election volunteers;*

6 *(4) to implement new election administration*
7 *procedures such as requiring individuals to present*
8 *identification at the polls and programs to identify,*
9 *to deter, and to investigate voting fraud and to refer*
10 *allegations of voting fraud to the appropriate author-*
11 *ity;*

12 *(5) to meet the requirements of current Federal*
13 *election law in accordance with the demonstration*
14 *submitted under section 212(c)(1)(B) of such section;*

15 *(6) to establish toll-free telephone hotlines that*
16 *voters may use to report possible voting fraud and*
17 *voting rights violations and general election informa-*
18 *tion; or*

19 *(7) to meet the requirements under section 101,*
20 *102, or 103.*

21 **SEC. 215. PAYMENTS; FEDERAL SHARE.**

22 *(a) PAYMENTS.—*

23 *(1) IN GENERAL.—Subject to paragraph (2), the*
24 *Attorney General shall pay to each State or locality*
25 *having an application approved under section 213 the*

1 *Federal share of the costs of the activities described in*
2 *that application.*

3 (2) *INITIAL PAYMENT AMOUNT.—The Attorney*
4 *General shall pay to each State that submits an ap-*
5 *plication under section 212 an amount equal to 0.5*
6 *percent of the amount appropriated under section 218*
7 *for the fiscal year in which such application is sub-*
8 *mitted to be used by such State for the activities au-*
9 *thorized under section 214.*

10 (3) *RETROACTIVE PAYMENTS.—The Attorney*
11 *General may make retroactive payments to States*
12 *and localities having an application approved under*
13 *section 213 for the Federal share of any costs for elec-*
14 *tion technology or administration that meets the re-*
15 *quirements of sections 101, 102, and 103 that were*
16 *incurred during the period beginning on January 1,*
17 *2001, and ending on the date on which such applica-*
18 *tion was approved under such section.*

19 (b) *FEDERAL SHARE.—*

20 (1) *IN GENERAL.—Except as provided in para-*
21 *graph (2), the Federal share of the costs shall be a*
22 *percentage determined by the Attorney General that*
23 *does not exceed 80 percent.*

24 (2) *EXCEPTION.—The Attorney General may*
25 *provide for a Federal share of greater than 80 percent*

1 of the costs for a State or locality if the Attorney Gen-
2 eral determines that such greater percentage is nec-
3 essary due to the lack of resources of the State or lo-
4 cality.

5 **SEC. 216. AUDITS AND EXAMINATIONS OF STATES AND LO-**
6 **CALITIES.**

7 (a) *RECORDKEEPING REQUIREMENT.*—Each recipient
8 of a grant under this subtitle shall keep such records as the
9 Attorney General, in consultation with the Federal Election
10 Commission, shall prescribe.

11 (b) *AUDITS AND EXAMINATIONS.*—The Attorney Gen-
12 eral and the Comptroller General, or any authorized rep-
13 resentative of the Attorney General or the Comptroller Gen-
14 eral, may audit or examine any recipient of a grant under
15 this subtitle and shall, for the purpose of conducting an
16 audit or examination, have access to any record of a recipi-
17 ent of a grant under this subtitle that the Attorney General
18 or the Comptroller General determines may be related to
19 the grant.

20 (c) *OTHER AUDITS.*—If the Assistant Attorney Gen-
21 eral for Civil Rights has certified a State or locality as eli-
22 gible to receive a grant under this subtitle in order to meet
23 a certification requirement described in section
24 212(c)(1)(A) (as permitted under section 214(5)) and such
25 State or locality is a recipient of such a grant, such Assist-

1 *ant Attorney General, in consultation with the Federal*
2 *Election Commission shall—*

3 *(1) audit such recipient to ensure that the recipi-*
4 *ent has achieved, or is achieving, compliance with the*
5 *certification requirements described in section*
6 *212(c)(1)(A); and*

7 *(2) have access to any record of the recipient*
8 *that the Attorney General determines may be related*
9 *to such a grant for the purpose of conducting such an*
10 *audit.*

11 **SEC. 217. REPORTS TO CONGRESS AND THE ATTORNEY**

12 **GENERAL.**

13 *(a) REPORTS TO CONGRESS.—*

14 *(1) IN GENERAL.—Not later than January 31,*
15 *2003, and each year thereafter, the Attorney General*
16 *shall submit to the President and Congress a report*
17 *on the grant program established under this subtitle*
18 *for the preceding year.*

19 *(2) CONTENTS.—Each report submitted under*
20 *paragraph (1) shall contain the following:*

21 *(A) A description and analysis of any ac-*
22 *tivities funded by a grant awarded under this*
23 *subtitle.*

1 (B) *Any recommendation for legislative or*
2 *administrative action that the Attorney General*
3 *considers appropriate.*

4 (b) *REPORTS TO THE ATTORNEY GENERAL.—The At-*
5 *torney General shall require each recipient of a grant under*
6 *this subtitle to submit reports to the Attorney General at*
7 *such time, in such manner, and containing such informa-*
8 *tion as the Attorney General considers appropriate.*

9 **SEC. 218. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) *IN GENERAL.—There are authorized to be appro-*
11 *priated \$400,000,000 for fiscal year 2002 to carry out the*
12 *provisions of this subtitle.*

13 (b) *AVAILABILITY.—Any amounts appropriated pur-*
14 *suant to the authority of subsection (a) shall remain avail-*
15 *able without fiscal year limitation until expended.*

16 **SEC. 219. EFFECTIVE DATE.**

17 *The Attorney General shall establish the general poli-*
18 *cies and criteria for the approval of applications under sec-*
19 *tion 213(a) in a manner that ensures that the Attorney*
20 *General is able to approve applications not later than Octo-*
21 *ber 1, 2002.*

1 ***Subtitle C—Federal Election***
2 ***Accessibility Grant Program***

3 **SEC. 221. ESTABLISHMENT OF THE FEDERAL ELECTION AC-**
4 **CESSIBILITY GRANT PROGRAM.**

5 (a) *IN GENERAL.*—*There is established a Federal Elec-*
6 *tion Accessibility Grant Program under which the Attorney*
7 *General, subject to the general policies and criteria for the*
8 *approval of applications established under section 223 by*
9 *the Architectural and Transportation Barriers Compliance*
10 *Board (as established under section 502 of the Rehabilita-*
11 *tion Act of 1973 (29 U.S.C. 792)) (in this subtitle referred*
12 *to as the “Access Board”), is authorized to make grants to*
13 *States and localities to pay the costs of the activities de-*
14 *scribed in section 224.*

15 (b) *ACTION THROUGH OFFICE OF JUSTICE PROGRAMS*
16 *AND CIVIL RIGHTS DIVISION.*—*In carrying out this sub-*
17 *title, the Attorney General shall act through—*

18 (1) *the Assistant Attorney General in charge of*
19 *the Office of Justice Programs of the Department of*
20 *Justice; and*

21 (2) *the Assistant Attorney General in charge of*
22 *the Civil Rights Division of that Department.*

23 **SEC. 222. APPLICATION.**

24 (a) *IN GENERAL.*—*Each State or locality that desires*
25 *to receive a grant under this subtitle shall submit an appli-*

1 cation to the Attorney General at such time, in such man-
2 ner, and containing such information as the Attorney Gen-
3 eral shall require, consistent with the provisions of this sec-
4 tion.

5 (b) *CONTENTS.*—Each application submitted under
6 subsection (a) shall—

7 (1) describe the activities for which assistance
8 under this section is sought;

9 (2) provide assurances that the State or locality
10 will pay the non-Federal share of the cost of the ac-
11 tivities for which assistance is sought from non-Fed-
12 eral sources; and

13 (3) provide such additional assurances as the At-
14 torney General determines to be essential to ensure
15 compliance with the requirements of this subtitle.

16 (c) *RELATION TO FEDERAL ELECTION REFORM IN-*
17 *CENTIVE GRANT PROGRAM.*—A State or locality that de-
18 sires to do so may submit an application under this section
19 as part of any application submitted under section 212(a).

20 (d) *SAFE HARBOR.*—No action may be brought under
21 this Act against a State or locality on the basis of any in-
22 formation contained in the application submitted under
23 subsection (a).

1 **SEC. 223. APPROVAL OF APPLICATIONS.**

2 *The Access Board shall establish general policies and*
3 *criteria for the approval of applications submitted under*
4 *section 222(a).*

5 **SEC. 224. AUTHORIZED ACTIVITIES.**

6 *A State or locality may use grant payments received*
7 *under this subtitle—*

8 *(1) to make polling places, including the path of*
9 *travel, entrances, exits, and voting areas of each poll-*
10 *ing facility, accessible to individuals with disabilities,*
11 *including the blind and visually impaired, in a man-*
12 *ner that provides the same opportunity for access and*
13 *participation (including privacy and independence)*
14 *as for other voters; and*

15 *(2) to provide individuals with disabilities and*
16 *the other individuals described in paragraph (1) with*
17 *information about the accessibility of polling places,*
18 *including outreach programs to inform the individ-*
19 *uals about the availability of accessible polling places*
20 *and to train election officials, poll workers, and elec-*
21 *tion volunteers on how best to promote the access and*
22 *participation of the individuals in elections for Fed-*
23 *eral office.*

24 **SEC. 225. PAYMENTS; FEDERAL SHARE.**

25 *(a) PAYMENTS.—*

1 (1) *IN GENERAL.*—Subject to paragraph (2), the
2 Attorney General shall pay to each State or locality
3 having an application approved under section 223 the
4 Federal share of the costs of the activities described in
5 that application.

6 (2) *INITIAL PAYMENT AMOUNT.*—The Attorney
7 General shall pay to each State that submits an ap-
8 plication under section 222 an amount equal to 0.5
9 percent of the amount appropriated under section 228
10 for the fiscal year in which such application is sub-
11 mitted to be used by such State for the activities au-
12 thorized under section 224.

13 (b) *FEDERAL SHARE.*—

14 (1) *IN GENERAL.*—Except as provided in para-
15 graph (2), the Federal share of the costs shall be a
16 percentage determined by the Attorney General that
17 does not exceed 80 percent.

18 (2) *EXCEPTION.*—The Attorney General may
19 provide for a Federal share of greater than 80 percent
20 of the costs for a State or locality if the Attorney Gen-
21 eral determines that such greater percentage is nec-
22 essary due to the lack of resources of the State or lo-
23 cality.

1 **SEC. 226. AUDITS AND EXAMINATIONS OF STATES AND LO-**
2 **CALITIES.**

3 (a) *RECORDKEEPING REQUIREMENT.*—Each recipient
4 of a grant under this subtitle shall keep such records as the
5 Attorney General, in consultation with the Access Board,
6 shall prescribe.

7 (b) *AUDITS AND EXAMINATIONS.*—The Attorney Gen-
8 eral and the Comptroller General, or any authorized rep-
9 resentative of the Attorney General or the Comptroller Gen-
10 eral, may audit or examine any recipient of a grant under
11 this subtitle and shall, for the purpose of conducting an
12 audit or examination, have access to any record of a recipi-
13 ent of a grant under this subtitle that the Attorney General
14 or the Comptroller General determines may be related to
15 the grant.

16 **SEC. 227. REPORTS TO CONGRESS AND THE ATTORNEY**
17 **GENERAL.**

18 (a) *REPORTS TO CONGRESS.*—

19 (1) *IN GENERAL.*—Not later than January 31,
20 2003, and each year thereafter, the Attorney General
21 shall submit to the President and Congress a report
22 on the grant program established under this subtitle
23 for the preceding year.

24 (2) *CONTENTS.*—Each report submitted under
25 paragraph (1) shall contain the following:

1 (A) *A description and analysis of any ac-*
2 *tivities funded by a grant awarded under this*
3 *subtitle.*

4 (B) *Any recommendation for legislative or*
5 *administrative action that the Attorney General*
6 *considers appropriate.*

7 (b) *REPORTS TO THE ATTORNEY GENERAL.—The At-*
8 *torney General shall require each recipient of a grant under*
9 *this subtitle to submit reports to the Attorney General at*
10 *such time, in such manner, and containing such informa-*
11 *tion as the Attorney General considers appropriate.*

12 **SEC. 228. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) *IN GENERAL.—There are authorized to be appro-*
14 *priated \$100,000,000 for fiscal year 2002 to carry out the*
15 *provisions of this subtitle.*

16 (b) *AVAILABILITY.—Any amounts appropriated pur-*
17 *suant to the authority of subsection (a) shall remain avail-*
18 *able without fiscal year limitation until expended.*

19 **SEC. 229. EFFECTIVE DATE.**

20 *The Access Board shall establish the general policies*
21 *and criteria for the approval of applications under section*
22 *223 in a manner that ensures that the Attorney General*
23 *is able to approve applications not later than October 1,*
24 *2002.*

1 ***Subtitle D—National Student/***
2 ***Parent Mock Election***

3 **SEC. 231. NATIONAL STUDENT/PARENT MOCK ELECTION.**

4 (a) *IN GENERAL.*—*The Election Administration Com-*
5 *mission is authorized to award grants to the National Stu-*
6 *dent/Parent Mock Election, a national nonprofit, non-*
7 *partisan organization that works to promote voter partici-*
8 *pation in American elections to enable it to carry out voter*
9 *education activities for students and their parents. Such ac-*
10 *tivities may—*

11 (1) *include simulated national elections at least*
12 *5 days before the actual election that permit partici-*
13 *pation by students and parents from each of the 50*
14 *States in the United States, its territories, the Dis-*
15 *trict of Columbia, and United States schools overseas;*
16 *and*

17 (2) *consist of—*

18 (A) *school forums and local cable call-in*
19 *shows on the national issues to be voted upon in*
20 *an “issues forum”;*

21 (B) *speeches and debates before students and*
22 *parents by local candidates or stand-ins for such*
23 *candidates;*

24 (C) *quiz team competitions, mock press con-*
25 *ferences, and speech writing competitions;*

1 (D) weekly meetings to follow the course of
2 the campaign; or

3 (E) school and neighborhood campaigns to
4 increase voter turnout, including newsletters,
5 posters, telephone chains, and transportation.

6 (b) *REQUIREMENT.*—The National Student/Parent
7 *Mock Election* shall present awards to outstanding student
8 and parent mock election projects.

9 **SEC. 232. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated to carry out
11 the provisions of this subtitle \$650,000 for fiscal year 2002
12 and such sums as may be necessary for each of the 6 suc-
13 ceeding fiscal years.

14 **TITLE III—ADMINISTRATION**

15 **Subtitle A—Election**

16 **Administration Commission**

17 **SEC. 301. ESTABLISHMENT OF THE ELECTION ADMINISTRA-**
18 **TION COMMISSION.**

19 There is established the Election Administration Com-
20 mission (in this subtitle referred to as the “Commission”)
21 as an independent establishment (as defined in section 104
22 of title 5, United States Code).

23 **SEC. 302. MEMBERSHIP OF THE COMMISSION.**

24 (a) *NUMBER AND APPOINTMENT.*—

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

4 (2) *RECOMMENDATIONS.*—*Before the initial ap-*
5 *pointment of the members of the Commission and be-*
6 *fore the appointment of any individual to fill a va-*
7 *cancy on the Commission, the Majority Leader of the*
8 *Senate, the Speaker of the House of Representatives,*
9 *the Minority Leader of the Senate, and the Minority*
10 *Leader of the House of Representatives shall each sub-*
11 *mit to the President a candidate recommendation*
12 *with respect to each vacancy on the Commission af-*
13 *filiated with the political party of the officer involved.*

14 (b) *QUALIFICATIONS.*—

15 (1) *IN GENERAL.*—*Each member appointed*
16 *under subsection (a) shall be appointed on the basis*
17 *of—*

18 (A) *knowledge of—*

19 (i) *and experience with, election law;*

20 (ii) *and experience with, election tech-*
21 *nology;*

22 (iii) *and experience with, Federal,*
23 *State, or local election administration;*

24 (iv) *the Constitution; or*

1 (v) *the history of the United States;*

2 *and*

3 (B) *integrity, impartiality, and good judg-*
4 *ment.*

5 (2) *PARTY AFFILIATION.*—*Not more than 2 of the*
6 *4 members appointed under subsection (a) may be af-*
7 *filiated with the same political party.*

8 (3) *FEDERAL OFFICERS AND EMPLOYEES.*—
9 *Members appointed under subsection (a) shall be indi-*
10 *viduals who, at the time appointed to the Commis-*
11 *sion, are not elected or appointed officers or employ-*
12 *ees of the Federal Government.*

13 (4) *OTHER ACTIVITIES.*—*No member appointed*
14 *to the Commission under subsection (a) may engage*
15 *in any other business, vocation, or employment while*
16 *serving as a member of the Commission and shall ter-*
17 *minate or liquidate such business, vocation, or em-*
18 *ployment not later than the date on which the Com-*
19 *mission first meets.*

20 (c) *DATE OF APPOINTMENT.*—*The appointments of the*
21 *members of the Commission shall be made not later than*
22 *the date that is 90 days after the date of enactment of this*
23 *Act.*

24 (d) *PERIOD OF APPOINTMENT; VACANCIES.*—

1 (1) *PERIOD OF APPOINTMENT.*—*Members shall be*
2 *appointed for a term of 6 years, except that, of the*
3 *members first appointed, 2 of the members who are*
4 *not affiliated with the same political party shall be*
5 *appointed for a term of 4 years. Except as provided*
6 *in paragraph (2), a member may only serve 1 term.*

7 (2) *VACANCIES.*—

8 (A) *IN GENERAL.*—*A vacancy on the Com-*
9 *mission shall not affect its powers, but shall be*
10 *filled in the manner in which the original ap-*
11 *pointment was made. The appointment made to*
12 *fill the vacancy shall be subject to any conditions*
13 *which applied with respect to the original ap-*
14 *pointment.*

15 (B) *EXPIRED TERMS.*—*A member of the*
16 *Commission may serve on the Commission after*
17 *the expiration of the member's term until the*
18 *successor of such member has taken office as a*
19 *member of the Commission.*

20 (C) *UNEXPIRED TERMS.*—*An individual*
21 *appointed to fill a vacancy on the Commission*
22 *occurring before the expiration of the term for*
23 *which the individual's predecessor was appointed*
24 *shall be appointed for the unexpired term of the*
25 *member replaced. Such individual may be ap-*

1 *pointed to a full term in addition to the unex-*
2 *pired term for which that individual is ap-*
3 *pointed.*

4 *(e) CHAIRPERSON; VICE CHAIRPERSON.—*

5 *(1) IN GENERAL.—The Commission shall elect a*
6 *chairperson and vice chairperson from among its*
7 *members for a term of 1 year.*

8 *(2) NUMBER OF TERMS.—A member of the Com-*
9 *mission may serve as the chairperson only twice dur-*
10 *ing the term of office to which such member is ap-*
11 *pointed.*

12 *(3) POLITICAL AFFILIATION.—The chairperson*
13 *and vice chairperson may not be affiliated with the*
14 *same political party.*

15 **SEC. 303. DUTIES OF THE COMMISSION.**

16 *(a) IN GENERAL.—The Commission—*

17 *(1) shall serve as a clearinghouse, gather infor-*
18 *mation, conduct studies, and issue reports concerning*
19 *issues relating to elections for Federal office;*

20 *(2) shall carry out the provisions of section 9 of*
21 *the National Voter Registration Act of 1993 (42*
22 *U.S.C. 1973gg-7);*

23 *(3) shall make available information regarding*
24 *the Federal election system to the public and media;*

1 (4) shall compile and make available to the pub-
2 lic the official certified results of elections for Federal
3 office and statistics regarding national voter registra-
4 tion and turnout;

5 (5) shall establish an Internet website to facili-
6 tate public access, public comment, and public par-
7 ticipation in the activities of the Commission, and
8 shall make all information on such website available
9 in print;

10 (6) shall conduct the study on election technology
11 and administration under subsection (b)(1) and sub-
12 mit the report under subsection (b)(2); and

13 (7) beginning on the transition date (as defined
14 in section 316(a)(2)), shall administer—

15 (A) the voting systems standards under sec-
16 tion 101;

17 (B) the provisional voting requirements
18 under section 102;

19 (C) the computerized statewide voter reg-
20 istration list requirements and requirements for
21 voters who register by mail under section 103;

22 (D) the Uniform and Nondiscriminatory
23 Election Technology and Administration Re-
24 quirements Grant Program under subtitle A of
25 title II;

1 (E) the Federal Election Reform Incentive
2 Grant Program under subtitle C of title II; and
3 (F) the Federal Election Accessibility Grant
4 Program under subtitle B of title II.

5 (b) *STUDIES AND REPORTS ON ELECTION TECH-*
6 *NOLOGY AND ADMINISTRATION.—*

7 (1) *STUDY OF FIRST TIME VOTERS WHO REG-*
8 *ISTER BY MAIL.—*

9 (A) *STUDY.—*

10 (i) *IN GENERAL.—The Commission*
11 *shall conduct a study of the impact of sec-*
12 *tion 103(b) on voters who register by mail.*

13 (ii) *SPECIFIC ISSUES STUDIED.—The*
14 *study conducted under clause (i) shall*
15 *include—*

16 (I) *an examination of the impact*
17 *of section 103(b) on first time mail*
18 *registrant voters who vote in person,*
19 *including the impact of such section on*
20 *voter registration;*

21 (II) *an examination of the impact*
22 *of such section on the accuracy of voter*
23 *rolls, including preventing ineligible*
24 *names from being placed on voter rolls*

1 *and ensuring that all eligible names*
2 *are placed on voter rolls; and*

3 (III) *an analysis of the impact of*
4 *such section on existing State prac-*
5 *tices, such as the use of signature*
6 *verification or attestation procedures to*
7 *verify the identity of voters in elections*
8 *for Federal office, and an analysis of*
9 *other changes that may be made to im-*
10 *prove the voter registration process,*
11 *such as verification or additional in-*
12 *formation on the registration card.*

13 (B) *REPORT.*—*Not later than 18 months*
14 *after the date on which section 103(b)(2)(A)*
15 *takes effect, the Commission shall submit a re-*
16 *port to the President and Congress on the study*
17 *conducted under subparagraph (A)(i) together*
18 *with such recommendations for administrative*
19 *and legislative action as the Commission deter-*
20 *mines is appropriate.*

21 (2) *STUDIES.*—*The Commission shall conduct*
22 *periodic studies of—*

23 (A) *methods of election technology and vot-*
24 *ing systems in elections for Federal office, in-*

1 *cluding the over-vote and under-vote notification*
2 *capabilities of such technology and systems;*

3 *(B) ballot designs for elections for Federal*
4 *office;*

5 *(C) methods of ensuring the accessibility of*
6 *voting, registration, polling places, and voting*
7 *equipment to all voters, including blind and dis-*
8 *abled voters, and voters with limited proficiency*
9 *in the English language;*

10 *(D) nationwide statistics and methods of*
11 *identifying, deterring, and investigating voting*
12 *fraud in elections for Federal office;*

13 *(E) methods of voter intimidation;*

14 *(F) the recruitment and training of poll*
15 *workers;*

16 *(G) the feasibility and advisability of con-*
17 *ducting elections for Federal office on different*
18 *days, at different places, and during different*
19 *hours, including the advisability of establishing*
20 *a uniform poll closing time and establishing elec-*
21 *tion day as a Federal holiday;*

22 *(H) ways that the Federal Government can*
23 *best assist State and local authorities to improve*
24 *the administration of elections for Federal office*

1 *and what levels of funding would be necessary to*
2 *provide such assistance;*

3 *(I)(i) the laws and procedures used by each*
4 *State that govern—*

5 *(I) recounts of ballots cast in elections*
6 *for Federal office;*

7 *(II) contests of determinations regard-*
8 *ing whether votes are counted in such elec-*
9 *tions; and*

10 *(III) standards that define what will*
11 *constitute a vote on each type of voting*
12 *equipment used in the State to conduct elec-*
13 *tions for Federal office;*

14 *(ii) the best practices (as identified by the*
15 *Commission) that are used by States with re-*
16 *spect to the recounts and contests described in*
17 *clause (i); and*

18 *(iii) whether or not there is a need for more*
19 *consistency among State recount and contest*
20 *procedures used with respect to elections for Fed-*
21 *eral office;*

22 *(J) such other matters as the Commission*
23 *determines are appropriate; and*

24 *(K) the technical feasibility of providing*
25 *voting materials in 8 or more languages for vot-*

1 *ers who speak those languages and who are lim-*
2 *ited English proficient.*

3 (3) *REPORTS.*—*The Commission shall submit to*
4 *the President and Congress a report on each study*
5 *conducted under paragraph (2) together with such*
6 *recommendations for administrative and legislative*
7 *action as the Commission determines is appropriate.*

8 **SEC. 304. MEETINGS OF THE COMMISSION.**

9 *The Commission shall meet at the call of any member*
10 *of the Commission, but may not meet less often than month-*
11 *ly.*

12 **SEC. 305. POWERS OF THE COMMISSION.**

13 (a) *HEARINGS.*—*The Commission or, at its direction,*
14 *any subcommittee or member of the Commission, may, for*
15 *the purpose of carrying out this subtitle hold such hearings,*
16 *sit and act at such times and places, take such testimony,*
17 *receive such evidence, administer such oaths as the Commis-*
18 *sion or such subcommittee or member considers advisable.*

19 (b) *VOTING.*—

20 (1) *IN GENERAL.*—*Each action of the Commis-*
21 *sion shall be approved by a majority vote of the mem-*
22 *bers of the Commission and each member of the Com-*
23 *mission shall have 1 vote.*

24 (2) *SPECIAL RULES.*—

1 (A) *UNIFORM AND NONDISCRIMINATORY*
2 *ELECTION TECHNOLOGY AND ADMINISTRATION*
3 *REQUIREMENTS.*—

4 (i) *ADOPTION OR REVISION OF STAND-*
5 *ARDS AND GUIDELINES.*—*If standards or*
6 *guidelines have been promulgated under sec-*
7 *tion 101, 102, or 103 as of the transition*
8 *date (as defined in section 316(a)(2)), not*
9 *later than 30 days after the transition date,*
10 *the Commission shall—*

11 (I) *adopt such standards or guide-*
12 *lines by a majority vote of the members*
13 *of the Commission; or*

14 (II) *promulgate revisions to such*
15 *standards or guidelines and such revi-*
16 *sions shall take effect only upon the*
17 *approval of a majority of the members*
18 *of the Commission.*

19 (ii) *ESTABLISHMENT OF STANDARDS*
20 *AND GUIDELINES.*—

21 (I) *If standards or guidelines have*
22 *not been promulgated under section*
23 *101, 102, or 103 as of the transition*
24 *date (as defined in section 316(a)(2)),*
25 *the Commission shall promulgate such*

1 standards or guidelines not later than
2 the date described in subclause (II)
3 and such standards or guidelines shall
4 take effect only upon the approval of a
5 majority of the members of the Com-
6 mission.

7 (II) The date described this sub-
8 clause is the later of—

9 (aa) the date described in
10 section 101(c)(1), 102(c), or
11 103(c) (as applicable); or

12 (bb) the date that is 30 days
13 after the transition date (as de-
14 fined in section 316(a)(2)).

15 (B) GRANT PROGRAMS.—

16 (i) APPROVAL OR DENIAL.—The grants
17 shall be approved or denied under sections
18 204, 213, and 223 by a majority vote of the
19 members of the Commission not later than
20 the date that is 30 days after the date on
21 which the application is submitted to the
22 Commission under section 203, 212, or 222.

23 (ii) ADOPTION OR REVISION OF GEN-
24 ERAL POLICIES AND CRITERIA.—If general
25 policies and criteria for the approval of ap-

1 *plications have been established under sec-*
2 *tion 204, 213, or 223 as of the transition*
3 *date (as defined in section 316(a)(2)), not*
4 *later than 30 days after the transition date,*
5 *the Commission shall—*

6 *(I) adopt such general policies*
7 *and criteria by a majority vote of the*
8 *members of the Commission; or*

9 *(II) promulgate revisions to such*
10 *general policies and criteria and such*
11 *revisions shall take effect only upon the*
12 *approval of a majority of the members*
13 *of the Commission.*

14 *(iii) ESTABLISHMENT OF GENERAL*
15 *POLICIES AND CRITERIA.—*

16 *(I) If general policies and criteria*
17 *for the approval of applications have*
18 *been established under section 204,*
19 *213, or 223 as of the transition date*
20 *(as defined in section 316(a)(2)), the*
21 *Commission shall promulgate such gen-*
22 *eral policies and criteria not later than*
23 *the date described in subclause (II)*
24 *and such general policies and criteria*
25 *shall take effect only upon the approval*

1 of a majority of the members of the
2 Commission.

3 (II) The date described this sub-
4 clause is the later of—

5 (aa) the date described in
6 section 101(c)(1), 102(c), or
7 103(c) (as applicable); or

8 (bb) the date that is 30 days
9 after the transition date (as de-
10 fined in section 316(a)(2)).

11 (c) *INFORMATION FROM FEDERAL AGENCIES.*—The
12 Commission may secure directly from any Federal depart-
13 ment or agency such information as the Commission con-
14 siderers necessary to carry out this subtitle. Upon request of
15 the Commission, the head of such department or agency
16 shall furnish such information to the Commission.

17 (d) *POSTAL SERVICES.*—The Commission may use the
18 United States mails in the same manner and under the
19 same conditions as other departments and agencies of the
20 Federal Government.

21 **SEC. 306. COMMISSION PERSONNEL MATTERS.**

22 (a) *COMPENSATION OF MEMBERS.*—Each member of
23 the Commission shall be compensated at the annual rate
24 of basic pay prescribed for level IV of the Executive Schedule
25 under section 5315 of title 5, United States Code.

1 **(b) STAFF.**—

2 **(1) APPOINTMENT AND TERMINATION.**—*Subject*
3 *to paragraph (2), the Commission may, without re-*
4 *gard to the provisions of title 5, United States Code,*
5 *governing appointments in the competitive service,*
6 *appoint and terminate an Executive Director, a Gen-*
7 *eral Counsel, and such other personnel as may be nec-*
8 *essary to enable the Commission to perform its duties.*

9 **(2) EXECUTIVE DIRECTOR; GENERAL COUN-**
10 **SEL.**—

11 **(A) APPOINTMENT AND TERMINATION.**—*The*
12 *appointment and termination of the Executive*
13 *Director and General Counsel under paragraph*
14 *(1) shall be approved by a majority of the mem-*
15 *bers of the Commission.*

16 **(B) INITIAL APPOINTMENT.**—*Beginning on*
17 *the transition date (as defined in section*
18 *316(a)(2)), the Director of the Office of Election*
19 *Administration of the Federal Election Commis-*
20 *sion shall serve as the Executive Director of the*
21 *Commission until such date as a successor is ap-*
22 *pointed under paragraph (1).*

23 **(C) TERM.**—*The term of the Executive Di-*
24 *rector and the General Counsel shall be for a pe-*
25 *riod of 6 years. An individual may not serve for*

1 *more than 2 terms as the Executive Director or*
2 *the General Counsel. The appointment of an in-*
3 *dividual with respect to each term shall be ap-*
4 *proved by a majority of the members of the Com-*
5 *mission.*

6 (D) *CONTINUANCE IN OFFICE.*—*Notwith-*
7 *standing subparagraph (C), the Executive Direc-*
8 *tor and General Counsel shall continue in office*
9 *until a successor is appointed under paragraph*
10 *(1).*

11 (3) *COMPENSATION.*—*The Commission may fix*
12 *the compensation of the Executive Director, General*
13 *Counsel, and other personnel without regard to chap-*
14 *ter 51 and subchapter III of chapter 53 of title 5,*
15 *United States Code, relating to classification of posi-*
16 *tions and General Schedule pay rates, except that the*
17 *rate of pay for the Executive Director, General Coun-*
18 *sel, and other personnel may not exceed the rate pay-*
19 *able for level V of the Executive Schedule under sec-*
20 *tion 5316 of such title.*

21 (c) *DETAIL OF GOVERNMENT EMPLOYEES.*—*Any Fed-*
22 *eral Government employee may be detailed to the Commis-*
23 *sion without reimbursement, and such detail shall be with-*
24 *out interruption or loss of civil service status or privilege.*

1 (d) *PROCUREMENT OF TEMPORARY AND INTERMIT-*
2 *TENT SERVICES.*—*The Commission may procure temporary*
3 *and intermittent services under section 3109(b) of title 5,*
4 *United States Code, at rates for individuals which do not*
5 *exceed the daily equivalent of the annual rate of basic pay*
6 *prescribed for level V of the Executive Schedule under sec-*
7 *tion 5316 of such title.*

8 **SEC. 307. AUTHORIZATION OF APPROPRIATIONS.**

9 *There are authorized to be appropriated to the Com-*
10 *mission such sums as may be necessary to carry out this*
11 *subtitle.*

12 ***Subtitle B—Transition Provisions***

13 **SEC. 311. EQUAL PROTECTION OF VOTING RIGHTS ACT OF**
14 **2001.**

15 (a) *TRANSFER OF CERTAIN FUNCTIONS OF FEDERAL*
16 *ELECTION COMMISSION.*—*There are transferred to the Elec-*
17 *tion Administration Commission established under section*
18 *301 all functions of the Federal Election Commission under*
19 *section 101 and under subtitles A and B of title II before*
20 *the transition date (as defined in section 316(a)(2)).*

21 (b) *TRANSFER OF CERTAIN FUNCTIONS OF THE AT-*
22 *TORNEY GENERAL.*—

23 (1) *TITLE I FUNCTIONS.*—*There are transferred*
24 *to the Election Administration Commission estab-*
25 *lished under section 301 all functions of the Assistant*

1 *Attorney General in charge of the Civil Rights Divi-*
2 *sion of the Department of Justice under sections 102*
3 *and 103 before the transition date (as defined in sec-*
4 *tion 316(a)(2)).*

5 (2) *GRANTMAKING FUNCTIONS.—*

6 (A) *IN GENERAL.—Except as provided in*
7 *paragraph (2), there are transferred to the Elec-*
8 *tion Administration Commission established*
9 *under section 301 all functions of the Attorney*
10 *General, the Assistant Attorney General in*
11 *charge of the Office of Justice Programs of the*
12 *Department of Justice, and the Assistant Attor-*
13 *ney General in charge of the Civil Rights Divi-*
14 *sion of the Department of Justice under subtitles*
15 *A, B, and C of title II before the transition date*
16 *(as defined in section 316(a)(2)).*

17 (B) *EXCEPTION.—The functions of the At-*
18 *torney General relating to the review of State*
19 *plans under section 204 and the certification re-*
20 *quirements under section 213 shall not be trans-*
21 *ferred under paragraph (1).*

22 (3) *ENFORCEMENT.—The Attorney General shall*
23 *remain responsible for any enforcement action re-*
24 *quired under this Act, including the enforcement of*
25 *the voting systems standards through the Assistant*

1 *Attorney General in charge of the Civil Rights Divi-*
2 *sion of the Department of Justice under section 104*
3 *and the criminal penalties under section 502.*

4 *(c) TRANSFER OF CERTAIN FUNCTIONS OF THE AC-*
5 *CESS BOARD.—There are transferred to the Election Ad-*
6 *ministration Commission established under section 301 all*
7 *functions of the Architectural and Transportation Barriers*
8 *Compliance Board (as established under section 502 of the*
9 *Rehabilitation Act of 1973 (29 U.S.C. 792)) under section*
10 *101 and under subtitles A, B, and C of title II before the*
11 *transition date (as defined in section 316(a)(2)), except*
12 *that—*

13 *(1) the Architectural and Transportation Bar-*
14 *riers Compliance Board shall remain responsible*
15 *under section 223 for the general policies and criteria*
16 *for the approval of applications submitted under sec-*
17 *tion 222(a); and*

18 *(2) in revising the voting systems standards*
19 *under section 101(c)(2) the Commission shall consult*
20 *with the Architectural and Transportation Barriers*
21 *Compliance Board.*

22 **SEC. 312. FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

23 *(a) TRANSFER OF FUNCTIONS OF OFFICE OF ELEC-*
24 *TION ADMINISTRATION.—There are transferred to the Elec-*
25 *tion Administration Commission established under section*

1 *301 all functions of the Director of the Office of the Election*
2 *Administration of the Federal Election Commission before*
3 *the transition date (as defined in section 316(a)(2)).*

4 (b) *CONFORMING AMENDMENT.*—Section 311(a) of the
5 *Federal Election Campaign Act of 1971 (2 U.S.C. 438(a))*
6 *is amended—*

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

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

11 (3) *by striking paragraph (10) and the second*
12 *and third sentences.*

13 **SEC. 313. NATIONAL VOTER REGISTRATION ACT OF 1993.**

14 (a) *TRANSFER OF FUNCTIONS.*—There are transferred
15 *to the Election Administration Commission established*
16 *under section 301 all functions of the Federal Election Com-*
17 *mission under the National Voter Registration Act of 1993*
18 *before the transition date (as defined in section 316(a)(2)).*

19 (b) *CONFORMING AMENDMENT.*—For purposes of sec-
20 *tion 9(a) of the National Voter Registration Act of 1993*
21 *(42 U.S.C. 1973gg–7(a)), the reference to the Federal Elec-*
22 *tion Commission shall be deemed to be a reference to the*
23 *Election Administration Commission.*

1 **SEC. 314. TRANSFER OF PROPERTY, RECORDS, AND PER-**
2 **SONNEL.**

3 (a) *PROPERTY AND RECORDS.*—*The contracts, liabil-*
4 *ities, records, property, and other assets and interests of,*
5 *or made available in connection with, the offices and func-*
6 *tions of the Federal Election Commission which are trans-*
7 *ferred by this subtitle are transferred to the Election Ad-*
8 *ministration Commission for appropriate allocation.*

9 (b) *PERSONNEL.*—*The personnel employed in connec-*
10 *tion with the offices and functions of the Federal Election*
11 *Commission which are transferred by this subtitle are*
12 *transferred to the Election Administration Commission.*

13 **SEC. 315. COVERAGE OF ELECTION ADMINISTRATION COM-**
14 **MISSION UNDER CERTAIN LAWS AND PRO-**
15 **GRAMS.**

16 (a) *TREATMENT OF COMMISSION PERSONNEL UNDER*
17 *CERTAIN CIVIL SERVICE LAWS.*—

18 (1) *COVERAGE UNDER HATCH ACT.*—*Section*
19 *7323(b)(2)(B)(i)(I) of title 5, United States Code, is*
20 *amended by inserting “or the Election Administra-*
21 *tion Commission” after “Commission”.*

22 (2) *EXCLUSION FROM SENIOR EXECUTIVE SERV-*
23 *ICE.*—*Section 3132(a)(1)(C) of title 5, United States*
24 *Code, is amended by inserting “or the Election Ad-*
25 *ministration Commission” after “Commission”.*

1 (b) *COVERAGE UNDER INSPECTOR GENERAL ACT OF*
2 *1978.—Section 8G(a)(2) of the Inspector General Act of*
3 *1978 (5 U.S.C. App.) is amended by inserting “, the Elec-*
4 *tion Administration Commission,” after “Federal Election*
5 *Commission,”.*

6 **SEC. 316. EFFECTIVE DATE; TRANSITION.**

7 (a) *EFFECTIVE DATE.—*

8 (1) *IN GENERAL.—This subtitle and the amend-*
9 *ments made by this subtitle shall take effect on the*
10 *transition date (as defined in paragraph (2)).*

11 (2) *TRANSITION DATE DEFINED.—In this section,*
12 *the term “transition date” means the earlier of—*

13 (A) *the date that is 1 year after the date of*
14 *enactment of this Act; or*

15 (B) *the date that is 60 days after the first*
16 *date on which all of the members of the Election*
17 *Administration Commission have been appointed*
18 *under section 302.*

19 (b) *TRANSITION.—With the consent of the entity in-*
20 *volved, the Election Administration Commission is author-*
21 *ized to utilize the services of such officers, employees, and*
22 *other personnel of the entities from which functions have*
23 *been transferred to the Commission under this title or the*
24 *amendments made by this title for such period of time as*

1 *may reasonably be needed to facilitate the orderly transfer*
2 *of such functions.*

3 ***Subtitle C—Advisory Committee on***
4 ***Electronic Voting and the Elec-***
5 ***toral Process***

6 **SEC. 321. ESTABLISHMENT OF COMMITTEE.**

7 (a) *ESTABLISHMENT.*—*There is established the Advi-*
8 *sory Committee on Electronic Voting and the Electoral*
9 *Process (in this subtitle referred to as the “Committee”).*

10 (b) *MEMBERSHIP.*—

11 (1) *COMPOSITION.*—*The Committee shall be com-*
12 *posed of 16 members as follows:*

13 (A) *FEDERAL REPRESENTATIVES.*—*Four*
14 *representatives of the Federal Government, com-*
15 *prised of the Attorney General, the Secretary of*
16 *Defense, the Director of the Federal Bureau of*
17 *Investigation, and the Chairman of the Federal*
18 *Election Commission, or an individual des-*
19 *ignated by the respective representative.*

20 (B) *INTERNET REPRESENTATIVES.*—*Four*
21 *representatives of the Internet and information*
22 *technology industries (at least 2 of whom shall*
23 *represent a company that is engaged in the pro-*
24 *vision of electronic voting services on the date on*
25 *which the representative is appointed, and at*

1 *least 2 of whom shall possess special expertise in*
2 *Internet or communications systems security).*

3 (C) *STATE AND LOCAL REPRESENTA-*
4 *TIVES.—Four representatives from State and*
5 *local governments (2 of whom shall be from*
6 *States that have made preliminary inquiries*
7 *into the use of the Internet in the electoral proc-*
8 *ess).*

9 (D) *PRIVATE SECTOR REPRESENTATIVES.—*
10 *Four representatives not affiliated with the Gov-*
11 *ernment (2 of whom shall have expertise in elec-*
12 *tion law, and 2 of whom shall have expertise in*
13 *political speech).*

14 (2) *APPOINTMENTS.—Appointments to the Com-*
15 *mittee shall be made not later than the date that is*
16 *30 days after the date of enactment of this Act and*
17 *such appointments shall be made in the following*
18 *manner:*

19 (A) *SENATE MAJORITY LEADER.—Two indi-*
20 *viduals shall be appointed by the Majority Lead-*
21 *er of the Senate, of whom 1 shall be an indi-*
22 *vidual described in paragraph (1)(B) and 1 shall*
23 *be an individual described in paragraph (1)(C).*

24 (B) *SENATE MINORITY LEADER.—Two indi-*
25 *viduals shall be appointed by the Minority Lead-*

1 *er of the Senate, of whom 1 shall be an indi-*
2 *vidual described in paragraph (1)(B) and 1 shall*
3 *be an individual described in paragraph (1)(C).*

4 *(C) SPEAKER OF THE HOUSE.—Two indi-*
5 *viduals shall be appointed by the Speaker of the*
6 *House of Representatives, of whom 1 shall be an*
7 *individual described in paragraph (1)(B) and 1*
8 *shall be an individual described in paragraph*
9 *(1)(C).*

10 *(D) HOUSE MINORITY LEADER.—Two indi-*
11 *viduals shall be appointed by the Minority Lead-*
12 *er of the House of Representatives, of whom 1*
13 *shall be an individual described in paragraph*
14 *(1)(B) and 1 shall be an individual described in*
15 *paragraph (1)(C).*

16 *(E) SENATE MAJORITY AND HOUSE MINOR-*
17 *ITY JOINTLY.—Two individuals described in*
18 *paragraph (1)(D) shall be appointed jointly by*
19 *the Majority Leader of the Senate and the Mi-*
20 *nority Leader of the House of Representatives.*

21 *(F) HOUSE MAJORITY AND SENATE MINOR-*
22 *ITY JOINTLY.—Two individuals described in*
23 *paragraph (1)(D) shall be appointed jointly by*
24 *the Speaker of the House of Representatives and*
25 *the Minority Leader of the Senate.*

1 (3) *DATE.*—*The appointments of the members of*
2 *the Committee shall be made not later than the date*
3 *that is 30 days after the date of enactment of this Act.*

4 (c) *PERIOD OF APPOINTMENT; VACANCIES.*—*Members*
5 *shall be appointed for the life of the Committee. Any va-*
6 *cancy in the Committee shall not affect its powers, but shall*
7 *be filled in the same manner as the original appointment.*

8 (d) *INITIAL MEETING.*—*Not later than 30 days after*
9 *the date on which all of the members of the Committee have*
10 *been appointed, the Committee shall hold its first meeting.*

11 (e) *MEETINGS.*—

12 (1) *IN GENERAL.*—*The Committee shall meet at*
13 *the call of the Chairperson or upon the written re-*
14 *quest of a majority of the members of the Committee.*

15 (2) *NOTICE.*—*Not later than the date that is 14*
16 *days before the date of each meeting of the Committee,*
17 *the Chairperson shall cause notice thereof to be pub-*
18 *lished in the Federal Register.*

19 (3) *OPEN MEETINGS.*—*Each Committee meeting*
20 *shall be open to the public.*

21 (f) *QUORUM.*—*Eight members of the Committee shall*
22 *constitute a quorum, but a lesser number of members may*
23 *hold hearings.*

1 (g) *CHAIRPERSON.*—*The Committee shall select a*
2 *Chairperson from among its members by a majority vote*
3 *of the members of the Committee.*

4 (h) *ADDITIONAL RULES.*—*The Committee may adopt*
5 *such other rules as the Committee determines to be appro-*
6 *priate by a majority vote of the members of the Committee.*

7 **SEC. 322. DUTIES OF THE COMMITTEE.**

8 (a) *STUDY.*—

9 (1) *IN GENERAL.*—*The Committee shall conduct*
10 *a thorough study of issues and challenges, specifically*
11 *to include the potential for election fraud, presented*
12 *by incorporating communications and Internet tech-*
13 *nologies in the Federal, State, and local electoral*
14 *process.*

15 (2) *ISSUES TO BE STUDIED.*—*The Committee*
16 *may include in the study conducted under paragraph*
17 *(1) an examination of—*

18 (A) *the appropriate security measures re-*
19 *quired and minimum standards for certification*
20 *of systems or technologies in order to minimize*
21 *the potential for fraud in voting or in the reg-*
22 *istration of qualified citizens to register and*
23 *vote;*

24 (B) *the possible methods, such as Internet or*
25 *other communications technologies, that may be*

1 *utilized in the electoral process, including the use*
2 *of those technologies to register voters and enable*
3 *citizens to vote online, and recommendations*
4 *concerning statutes and rules to be adopted in*
5 *order to implement an online or Internet system*
6 *in the electoral process;*

7 *(C) the impact that new communications or*
8 *Internet technology systems for use in the elec-*
9 *toral process could have on voter participation*
10 *rates, voter education, public accessibility, poten-*
11 *tial external influences during the elections proc-*
12 *ess, voter privacy and anonymity, and other*
13 *issues related to the conduct and administration*
14 *of elections;*

15 *(D) whether other aspects of the electoral*
16 *process, such as public availability of candidate*
17 *information and citizen communication with*
18 *candidates, could benefit from the increased use*
19 *of online or Internet technologies;*

20 *(E) the requirements for authorization of*
21 *collection, storage, and processing of electroni-*
22 *cally generated and transmitted digital messages*
23 *to permit any eligible person to register to vote*
24 *or vote in an election, including applying for*
25 *and casting an absentee ballot;*

1 (F) the implementation cost of an online or
2 Internet voting or voter registration system and
3 the costs of elections after implementation (in-
4 cluding a comparison of total cost savings for the
5 administration of the electoral process by using
6 Internet technologies or systems);

7 (G) identification of current and foreseeable
8 online and Internet technologies for use in the
9 registration of voters, for voting, or for the pur-
10 pose of reducing election fraud, currently avail-
11 able or in use by election authorities;

12 (H) the means by which to ensure and
13 achieve equity of access to online or Internet vot-
14 ing or voter registration systems and address the
15 fairness of such systems to all citizens; and

16 (I) the impact of technology on the speed,
17 timeliness, and accuracy of vote counts in Fed-
18 eral, State, and local elections.

19 (b) *REPORT.*—

20 (1) *TRANSMISSION.*—Not later than 20 months
21 after the date of enactment of this Act, the Committee
22 shall transmit to Congress and the Election Adminis-
23 tration Commission established under section 301, for
24 the consideration of such bodies, a report reflecting
25 the results of the study required by subsection (a), in-

1 *cluding such legislative recommendations or model*
2 *State laws as are required to address the findings of*
3 *the Committee.*

4 (2) *APPROVAL OF REPORT.*—*Any finding or rec-*
5 *ommendation included in the report shall be agreed*
6 *to by at least $\frac{2}{3}$ of the members of the Committee*
7 *serving at the time the finding or recommendation is*
8 *made.*

9 (3) *INTERNET POSTING.*—*The Election Adminis-*
10 *tration Commission shall post the report transmitted*
11 *under paragraph (1) on the Internet website estab-*
12 *lished under section 303(a)(5).*

13 **SEC. 323. POWERS OF THE COMMITTEE.**

14 (a) *HEARINGS.*—

15 (1) *IN GENERAL.*—*The Committee may hold such*
16 *hearings, sit and act at such times and places, take*
17 *such testimony, and receive such evidence as the Com-*
18 *mittee considers advisable to carry out this subtitle.*

19 (2) *OPPORTUNITIES TO TESTIFY.*—*The Com-*
20 *mittee shall provide opportunities for representatives*
21 *of the general public, State and local government offi-*
22 *cial, and other groups to testify at hearings.*

23 (b) *INFORMATION FROM FEDERAL AGENCIES.*—*The*
24 *Committee may secure directly from any Federal depart-*
25 *ment or agency such information as the Committee con-*

1 *siders necessary to carry out this subtitle. Upon request of*
2 *the Chairperson of the Committee, the head of such depart-*
3 *ment or agency shall furnish such information to the Com-*
4 *mittee.*

5 (c) *POSTAL SERVICES.*—*The Committee may use the*
6 *United States mails in the same manner and under the*
7 *same conditions as other departments and agencies of the*
8 *Federal Government.*

9 (d) *GIFTS.*—

10 (1) *IN GENERAL.*—*The Committee may accept,*
11 *use, and dispose of gifts or donations of services or*
12 *property.*

13 (2) *UNUSED GIFTS.*—*Gifts or grants not used at*
14 *the expiration of the Committee shall be returned to*
15 *the donor or grantor.*

16 **SEC. 324. COMMITTEE PERSONNEL MATTERS.**

17 (a) *COMPENSATION OF MEMBERS.*—*Each member of*
18 *the Committee shall serve without compensation.*

19 (b) *TRAVEL EXPENSES.*—*The members of the Com-*
20 *mittee shall be allowed travel expenses, including per diem*
21 *in lieu of subsistence, at rates authorized for employees of*
22 *agencies under subchapter I of chapter 57 of title 5, United*
23 *States Code, while away from their homes or regular places*
24 *of business in the performance of services for the Committee.*

25 (c) *STAFF.*—

1 (1) *IN GENERAL.*—*The Chairperson of the Com-*
2 *mittee may, without regard to the civil service laws*
3 *and regulations, appoint and terminate an executive*
4 *director and such other additional personnel as may*
5 *be necessary to enable the Committee to perform its*
6 *duties. The employment of an executive director shall*
7 *be subject to confirmation by the Committee.*

8 (2) *COMPENSATION.*—*The Chairperson of the*
9 *Committee may fix the compensation of the executive*
10 *director and other personnel without regard to chap-*
11 *ter 51 and subchapter III of chapter 53 of title 5,*
12 *United States Code, relating to classification of posi-*
13 *tions and General Schedule pay rates, except that the*
14 *rate of pay for the executive director and other per-*
15 *sonnel may not exceed the rate payable for level V of*
16 *the Executive Schedule under section 5316 of such*
17 *title.*

18 (3) *PERSONNEL AS FEDERAL EMPLOYEES.*—

19 (A) *IN GENERAL.*—*The executive director*
20 *and any personnel of the Committee who are em-*
21 *ployees shall be employees under section 2105 of*
22 *title 5, United States Code, for purposes of chap-*
23 *ters 63, 81, 83, 84, 85, 87, 89, and 90 of that*
24 *title.*

1 (B) *MEMBERS OF COMMITTEE.*—Subpara-
2 graph (A) shall not be construed to apply to
3 members of the Committee.

4 (d) *DETAIL OF GOVERNMENT EMPLOYEES.*—Any Fed-
5 eral Government employee may be detailed to the Com-
6 mittee without reimbursement, and such detail shall be
7 without interruption or loss of civil service status or privi-
8 lege.

9 (e) *PROCUREMENT OF TEMPORARY AND INTERMIT-*
10 *TENT SERVICES.*—The Chairperson of the Committee may
11 procure temporary and intermittent services under section
12 3109(b) of title 5, United States Code, at rates for individ-
13 uals which do not exceed the daily equivalent of the annual
14 rate of basic pay prescribed for level V of the Executive
15 Schedule under section 5316 of such title.

16 **SEC. 325. TERMINATION OF THE COMMITTEE.**

17 The Committee shall terminate 90 days after the date
18 on which the Committee transmits its report under section
19 322(b)(1).

20 **SEC. 326. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) *IN GENERAL.*—There are authorized to be appro-
22 priated to carry out this subtitle not less than \$2,000,000
23 from the funds appropriated under section 307.

1 (b) *AVAILABILITY.*—Any sums appropriated under the
2 authorization contained in this subtitle shall remain avail-
3 able, without fiscal year limitation, until expended.

4 **TITLE IV—UNIFORMED**
5 **SERVICES ELECTION REFORM**

6 **SEC. 401. STANDARD FOR INVALIDATION OF BALLOTS CAST**
7 **BY ABSENT UNIFORMED SERVICES VOTERS IN**
8 **FEDERAL ELECTIONS.**

9 (a) *IN GENERAL.*—Section 102 of the Uniformed and
10 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-
11 1), as amended by section 1606(a)(1) of the National De-
12 fense Authorization Act for Fiscal Year 2002 (Public Law
13 107–107; 115 Stat. 1278), is amended—

14 (1) by striking “Each State” and inserting “(a)
15 *IN GENERAL.*—Each State”; and

16 (2) by adding at the end the following:

17 “(b) *STANDARDS FOR INVALIDATION OF CERTAIN BAL-*
18 *LOTS.*—

19 “(1) *IN GENERAL.*—A State may not refuse to
20 count a ballot submitted in an election for Federal of-
21 fice by an absent uniformed services voter—

22 “(A) solely on the grounds that the ballot
23 lacked—

24 “(i) a notarized witness signature;

1 “(ii) an address (other than on a Fed-
2 eral write-in absentee ballot, commonly
3 known as ‘SF186’);

4 “(iii) a postmark if there are any other
5 indicia that the vote was cast in a timely
6 manner; or

7 “(iv) an overseas postmark; or

8 “(B) solely on the basis of a comparison of
9 signatures on ballots, envelopes, or registration
10 forms unless there is a lack of reasonable simi-
11 larity between the signatures.

12 “(2) NO EFFECT ON FILING DEADLINES UNDER
13 STATE LAW.—Nothing in this subsection may be con-
14 strued to affect the application to ballots submitted by
15 absent uniformed services voters of any ballot submis-
16 sion deadline applicable under State law.”.

17 (b) EFFECTIVE DATE.—The amendments made by sub-
18 section (a) shall apply with respect to ballots described in
19 section 102(b) of the Uniformed and Overseas Citizens Ab-
20 sentee Voting Act (as added by such subsection) that are
21 submitted with respect to elections that occur after the date
22 of enactment of this Act.

1 **SEC. 402. MAXIMIZATION OF ACCESS OF RECENTLY SEPA-**
2 **RATED UNIFORMED SERVICES VOTERS TO**
3 **THE POLLS.**

4 (a) *IN GENERAL.*—Section 102(a) of the Uniformed
5 and Overseas Citizens Absentee Voting Act (42 U.S.C.
6 1973ff-1), as amended by section 401(a) of this Act and
7 section 1606(a)(1) of the National Defense Authorization
8 Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat.
9 1278), is amended—

10 (1) in paragraph (3), by striking “and” after the
11 semicolon at the end;

12 (2) in paragraph (4), by striking the period at
13 the end and inserting a semicolon; and

14 (3) by adding at the end the following new para-
15 graphs:

16 “(5) in addition to using the postcard form for
17 the purpose described in paragraph (4), accept and
18 process any otherwise valid voter registration appli-
19 cation submitted by a uniformed service voter for the
20 purpose of voting in an election for Federal office;
21 and

22 “(6) permit each recently separated uniformed
23 services voter to vote in any election for which a voter
24 registration application has been accepted and proc-
25 essed under this section if that voter—

1 “(A) has registered to vote under this sec-
2 tion; and

3 “(B) is eligible to vote in that election
4 under State law.”.

5 (b) *DEFINITIONS.*—Section 107 of the Uniformed and
6 *Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-*
7 *6) is amended—*

8 (1) *by redesignating paragraphs (7) and (8) as*
9 *paragraphs (9) and (10), respectively;*

10 (2) *by inserting after paragraph (6) the fol-*
11 *lowing new paragraph:*

12 “(7) *The term ‘recently separated uniformed*
13 *services voter’ means any individual who was a uni-*
14 *formed services voter on the date that is 60 days be-*
15 *fore the date on which the individual seeks to vote*
16 *and who—*

17 “(A) *presents to the election official Depart-*
18 *ment of Defense form 214 evidencing their*
19 *former status as such a voter, or any other offi-*
20 *cial proof of such status;*

21 “(B) *is no longer such a voter; and*

22 “(C) *is otherwise qualified to vote in that*
23 *election.”;*

24 (3) *by redesignating paragraph (10) (as redesign-*
25 *ated by paragraph (1)) as paragraph (11); and*

1 (4) by inserting after paragraph (9) the fol-
2 lowing new paragraph:

3 “(10) The term ‘uniformed services voter’
4 means—

5 “(A) a member of a uniformed service in
6 active service;

7 “(B) a member of the merchant marine;
8 and

9 “(C) a spouse or dependent of a member re-
10 ferred to in subparagraph (A) or (B) who is
11 qualified to vote.”.

12 (c) *EFFECTIVE DATE.*—The amendments made by this
13 section shall apply with respect to elections for Federal of-
14 fice that occur after the date of enactment of this Act.

15 **SEC. 403. PROHIBITION OF REFUSAL OF VOTER REGISTRA-**
16 **TION AND ABSENTEE BALLOT APPLICATIONS**
17 **ON GROUNDS OF EARLY SUBMISSION.**

18 (a) *IN GENERAL.*—Section 104 of the Uniformed and
19 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-
20 3), as amended by section 1606(b) of the National Defense
21 Authorization Act for Fiscal Year 2002 (Public Law 107-
22 107; 115 Stat. 1279), is amended by adding at the end the
23 following new subsection:

24 “(e) *PROHIBITION OF REFUSAL OF APPLICATIONS ON*
25 *GROUNDS OF EARLY SUBMISSION.*—A State may not refuse

1 *to accept or process, with respect to any election for Federal*
2 *office, any otherwise valid voter registration application or*
3 *absentee ballot application (including the postcard form*
4 *prescribed under section 101) submitted by an absent uni-*
5 *formed services voter during a year on the grounds that the*
6 *voter submitted the application before the first date on*
7 *which the State otherwise accepts or processes such applica-*
8 *tions for that year submitted by absentee voters who are*
9 *not members of the uniformed services.”.*

10 *(b) EFFECTIVE DATE.—The amendment made by sub-*
11 *section (a) shall apply with respect to elections for Federal*
12 *office that occur after the date of enactment of this Act.*

13 **SEC. 404. DISTRIBUTION OF FEDERAL MILITARY VOTER**
14 **LAWS TO THE STATES.**

15 *Not later than the date that is 60 days after the date*
16 *of enactment of this Act, the Secretary of Defense (in this*
17 *section referred to as the “Secretary”), as part of any voting*
18 *assistance program conducted by the Secretary, shall dis-*
19 *tribute to each State (as defined in section 107 of the Uni-*
20 *formed and Overseas Citizens Absentee Voting Act (42*
21 *U.S.C. 1973ff–6) enough copies of the Federal military vot-*
22 *ing laws (as identified by the Secretary) so that the State*
23 *is able to distribute a copy of such laws to each jurisdiction*
24 *of the State.*

1 **SEC. 405. EFFECTIVE DATES.**

2 *Notwithstanding the preceding provisions of this title,*
3 *each effective date otherwise provided under this title shall*
4 *take effect 1 day after such effective date.*

5 **SEC. 406. STUDY AND REPORT ON PERMANENT REGISTRA-**
6 **TION OF OVERSEAS VOTERS; DISTRIBUTION**
7 **OF OVERSEAS VOTING INFORMATION BY A**
8 **SINGLE STATE OFFICE; STUDY AND REPORT**
9 **ON EXPANSION OF SINGLE STATE OFFICE DU-**
10 **TIES.**

11 *(a) STUDY AND REPORT ON PERMANENT REGISTRA-*
12 *TION OF OVERSEAS VOTERS.—*

13 *(1) STUDY.—The Election Administration Com-*
14 *mission established under section 301 (in this sub-*
15 *section referred to as the “Commission”), shall con-*
16 *duct a study on the feasibility and advisability of*
17 *providing for permanent registration of overseas vot-*
18 *ers under section 104 of the Uniformed and Overseas*
19 *Citizens Absentee Voting Act (42 U.S.C. 1973ff–3), as*
20 *amended by section 1606(b) of the National Defense*
21 *Authorization Act for Fiscal Year 2002 (Public Law*
22 *107–107; 115 Stat. 1279) and this title.*

23 *(2) REPORT.—The Commission shall submit a*
24 *report to Congress on the study conducted under*
25 *paragraph (1) together with such recommendations*

1 for legislative and administrative action as the Com-
2 mission determines appropriate.

3 (b) *DISTRIBUTION OF OVERSEAS VOTING INFORMA-*
4 *TION BY A SINGLE STATE OFFICE.*—Section 102 of the Uni-
5 *formed and Overseas Citizens Absentee Voting Act (42*
6 *U.S.C. 1973ff-1), as amended by section 1606(a)(1) of the*
7 *National Defense Authorization Act for Fiscal Year 2002*
8 *(Public Law 107-107; 115 Stat. 1278) and the preceding*
9 *provisions of this title, is amended by adding at the end*
10 *the following new subsection:*

11 “(c) *DESIGNATION OF SINGLE STATE OFFICE TO PRO-*
12 *VIDE INFORMATION ON REGISTRATION AND ABSENTEE BAL-*
13 *LOT PROCEDURES FOR ALL VOTERS IN THE STATE.*—Each
14 *State shall designate a single office which shall be respon-*
15 *sible for providing information regarding voter registration*
16 *procedures and absentee ballot procedures to be used by ab-*
17 *sent uniformed services voters and overseas voters with re-*
18 *spect to elections for Federal office (including procedures*
19 *relating to the use of the Federal write-in absentee ballot)*
20 *to all absent uniformed services voters and overseas voters*
21 *who wish to register to vote or vote in any jurisdiction in*
22 *the State.”.*

23 (c) *STUDY AND REPORT ON EXPANSION OF SINGLE*
24 *STATE OFFICE DUTIES.*—

1 (1) *STUDY.*—*The Election Administration Com-*
2 *mission established under section 301 (in this sub-*
3 *section referred to as the “Commission”), shall con-*
4 *duct a study on the feasibility and advisability of*
5 *making the State office designated under section*
6 *102(c) of the Uniformed and Overseas Citizens Absen-*
7 *tee Voting Act (as added by subsection (b)) responsible*
8 *for the acceptance of valid voter registration applica-*
9 *tions, absentee ballot applications, and absentee bal-*
10 *lots (including Federal write-in absentee ballots) from*
11 *each absent uniformed services voter or overseas voter*
12 *who wishes to register to vote or vote in any jurisdic-*
13 *tion in the State.*

14 (2) *REPORT.*—*The Commission shall submit a*
15 *report to Congress on the study conducted under*
16 *paragraph (1) together with such recommendations*
17 *for legislative and administrative action as the Com-*
18 *mission determines appropriate.*

19 **SEC. 407. REPORT ON ABSENTEE BALLOTS TRANSMITTED**
20 **AND RECEIVED AFTER GENERAL ELECTIONS.**

21 (a) *IN GENERAL.*—*Section 102 of the Uniformed and*
22 *Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–*
23 *1), as amended by the preceding provisions of this title, is*
24 *amended by adding at the end the following new subsection:*

1 “(d) *REPORT ON NUMBER OF ABSENTEE BALLOTS*
2 *TRANSMITTED AND RECEIVED.*—Not later than 120 days
3 after the date of each regularly scheduled general election
4 for Federal office, each State and unit of local government
5 that administered the election shall (through the State, in
6 the case of a unit of local government) submit a report to
7 the Election Administration Commission (established under
8 the Martin Luther King, Jr. Equal Protection of Voting
9 Rights Act of 2002) on the number of absentee ballots trans-
10 mitted to absent uniformed services voters and overseas vot-
11 ers for the election and the number of such ballots that were
12 returned by such voters and cast in the election, and shall
13 make such report available to the general public.”.

14 (b) *DEVELOPMENT OF STANDARDIZED FORMAT FOR*
15 *REPORTS.*—The Election Administration Commission shall
16 develop a standardized format for the reports submitted by
17 States and units of local government under section 102(d)
18 of the Uniformed and Overseas Citizens Absentee Voting Act
19 (as added by subsection (a)), and shall make the format
20 available to the States and units of local government sub-
21 mitting such reports.

1 **SEC. 408. OTHER REQUIREMENTS TO PROMOTE PARTICIPA-**
2 **TION OF OVERSEAS AND ABSENT UNIFORMED**
3 **SERVICES VOTERS.**

4 *Section 102 of the Uniformed and Overseas Citizens*
5 *Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by*
6 *the preceding provisions of this title, is amended by adding*
7 *at the end the following new subsection:*

8 “(e) *REGISTRATION NOTIFICATION.*—*With respect to*
9 *each absent uniformed services voter and each overseas voter*
10 *who submits a voter registration application or an absentee*
11 *ballot request, if the State rejects the application or request,*
12 *the State shall provide the voter with the reasons for the*
13 *rejection.”*

14 **SEC. 409. STUDY AND REPORT ON THE DEVELOPMENT OF A**
15 **STANDARD OATH FOR USE WITH OVERSEAS**
16 **VOTING MATERIALS.**

17 (a) *STUDY.*—*The Election Administration Commis-*
18 *sion established under section 301 (in this section referred*
19 *to as the “Commission”), shall conduct a study on the feasi-*
20 *bility and advisability of—*

21 (1) *prescribing a standard oath for use with any*
22 *document under the Uniformed and Overseas Citizens*
23 *Absentee Voting Act (42 U.S.C. 1973ff et seq) affirm-*
24 *ing that a material misstatement of fact in the com-*
25 *pletion of such a document may constitute grounds*
26 *for a conviction for perjury; and*

1 (2) *if the State requires an oath or affirmation*
2 *to accompany any document under such Act, to re-*
3 *quire the State to use the standard oath described in*
4 *paragraph (1).*

5 (b) *REPORT.—The Commission shall submit a report*
6 *to Congress on the study conducted under subsection (a) to-*
7 *gether with such recommendations for legislative and ad-*
8 *ministrative action as the Commission determines appro-*
9 *priate.*

10 **SEC. 410. STUDY AND REPORT ON PROHIBITING NOTARIZA-**
11 **TION REQUIREMENTS.**

12 (a) *STUDY.—The Election Administration Commis-*
13 *sion established under section 301 (in this section referred*
14 *to as the “Commission”), shall conduct a study on the feasi-*
15 *bility and advisability of prohibiting a State from refusing*
16 *to accept any voter registration application, absentee ballot*
17 *request, or absentee ballot submitted by an absent uniformed*
18 *services voter or overseas voter on the grounds that the docu-*
19 *ment involved is not notarized.*

20 (b) *REPORT.—The Commission shall submit a report*
21 *to Congress on the study conducted under subsection (a) to-*
22 *gether with such recommendations for legislative and ad-*
23 *ministrative action as the Commission determines appro-*
24 *priate.*

1 **TITLE V—CRIMINAL PENALTIES;**
2 **MISCELLANEOUS**

3 **SEC. 501. REVIEW AND REPORT ON ADEQUACY OF EXISTING**
4 **ELECTORAL FRAUD STATUTES AND PEN-**
5 **ALTIES.**

6 (a) *REVIEW.*—*The Attorney General shall conduct a*
7 *review of existing criminal statutes concerning election of*
8 *fenses to determine—*

9 (1) *whether additional statutory offenses are*
10 *needed to secure the use of the Internet for election*
11 *purposes; and*

12 (2) *whether existing penalties provide adequate*
13 *punishment and deterrence with respect to such of-*
14 *fenses.*

15 (b) *REPORT.*—*The Attorney General shall submit a re-*
16 *port to the Judiciary Committees of the Senate and the*
17 *House of Representatives, the Senate Committee on Rules*
18 *and Administration, and the House Committee on Admin-*
19 *istration on the review conducted under subsection (a) to-*
20 *gether with such recommendations for legislative and ad-*
21 *ministrative action as the Attorney General determines ap-*
22 *propriate.*

23 **SEC. 502. OTHER CRIMINAL PENALTIES.**

24 (a) *CONSPIRACY TO DEPRIVE VOTERS OF A FAIR*
25 *ELECTION.*—*Any individual who knowingly and willfully*

1 *gives false information in registering or voting in violation*
2 *of section 11(c) of the National Voting Rights Act of 1965*
3 *(42 U.S.C. 1973i(c)), or conspires with another to violate*
4 *such section, shall be fined or imprisoned, or both, in ac-*
5 *cordance with such section.*

6 (b) *FALSE INFORMATION IN REGISTERING AND VOT-*
7 *ING.—Any individual who knowingly commits fraud or*
8 *knowingly makes a false statement with respect to the natu-*
9 *ralization, citizenry, or alien registry of such individual*
10 *in violation of section 1015 of title 18, United States Code,*
11 *shall be fined or imprisoned, or both, in accordance with*
12 *such section.*

13 **SEC. 503. USE OF SOCIAL SECURITY NUMBERS FOR VOTER**
14 **REGISTRATION AND ELECTION ADMINISTRA-**
15 **TION.**

16 (a) *IN GENERAL.—Section 205(c)(2) of the Social Se-*
17 *curity Act (42 U.S.C. 405(c)(2)) is amended by adding at*
18 *the end the following new subparagraph:*

19 “(I)(i) *It is the policy of the United States that any*
20 *State (or political subdivision thereof) may, in the adminis-*
21 *tration of any voter registration or other election law, use*
22 *the social security account numbers issued by the Commis-*
23 *sioner of Social Security for the purpose of establishing the*
24 *identification of individuals affected by such law, and may*
25 *require any individual who is, or appears to be, so affected*

1 to furnish to such State (or political subdivision thereof)
2 or any agency thereof having administrative responsibility
3 for the law involved, the social security account number (or
4 numbers, if such individual has more than one such num-
5 ber) issued to such individual by the Commissioner of So-
6 cial Security.

7 “(ii) For purposes of clause (i), an agency of a State
8 (or political subdivision thereof) charged with the adminis-
9 tration of any voter registration or other election law that
10 did not use the social security account number for identi-
11 fication under a law or regulation adopted before January
12 1, 2002, may require an individual to disclose his or her
13 social security number to such agency solely for the purpose
14 of administering the laws referred to in such clause.

15 “(iii) If, and to the extent that, any provision of Fed-
16 eral law enacted before the date of enactment of the Equal
17 Protection of Voting Rights Act of 2002 is inconsistent with
18 the policy set forth in clause (i), such provision shall, on
19 and after the date of the enactment of such Act, be null,
20 void, and of no effect.”.

21 (b) CONSTRUCTION.—Nothing in this section may be
22 construed to supersede any privacy guarantee under any
23 Federal or State law that applies with respect to a social
24 security number.

1 **SEC. 504. DELIVERY OF MAIL FROM OVERSEAS PRECEDING**
2 **FEDERAL ELECTIONS.**

3 (a) *RESPONSIBILITIES OF SECRETARY OF DEFENSE.*—

4 (1) *ADDITIONAL DUTIES.*—Section 1566(g) of
5 title 10, United States Code, as added by section
6 1602(a)(1) of the National Defense Authorization Act
7 for Fiscal Year 2002 (Public Law 107–107; 115 Stat.
8 1274), is amended—

9 (A) by redesignating paragraph (3) as
10 paragraph (4); and

11 (B) by striking paragraph (2) and inserting
12 the following new paragraphs:

13 “(2) *The Secretary shall ensure that voting materials*
14 *are transmitted expeditiously by military postal authorities*
15 *at all times. The Secretary shall, to the maximum extent*
16 *practicable, implement measures to ensure that a postmark*
17 *or other official proof of mailing date is provided on each*
18 *absentee ballot collected at any overseas location or vessel*
19 *at sea whenever the Department of Defense is responsible*
20 *for collecting mail for return shipment to the United States.*
21 *The Secretary shall ensure that the measures implemented*
22 *under the preceding sentence do not result in the delivery*
23 *of absentee ballots to the final destination of such ballots*
24 *after the date on which the election for Federal office is held.*

25 “(3) *The Secretary of each military department shall,*
26 *to the maximum extent practicable, provide notice to mem-*

1 *bers of the armed forces stationed at that installation of*
2 *the last date before a general Federal election for which ab-*
3 *sentee ballots mailed from a postal facility located at that*
4 *installation can reasonably be expected to be timely deliv-*
5 *ered to the appropriate State and local election officials.”.*

6 (2) *REPORT.—The Secretary of Defense shall*
7 *submit to Congress a report describing the measures*
8 *to be implemented under section 1566(g)(2) of title*
9 *10, United States Code (as added by paragraph (1)),*
10 *to ensure the timely transmittal and postmarking of*
11 *voting materials and identifying the persons respon-*
12 *sible for implementing such measures.*

13 (b) *EFFECTIVE DATE.—The amendments made by this*
14 *section shall take effect as if included in section 1602 of*
15 *the National Defense Authorization Act for Fiscal Year*
16 *2002 (Public Law 107–107; 115 Stat. 1274) upon the enact-*
17 *ment of that Act.*

18 **SEC. 505. STATE RESPONSIBILITY TO GUARANTEE MILI-**
19 **TARY VOTING RIGHTS.**

20 (a) *REGISTRATION AND BALLOTING.—Section 102 of*
21 *the Uniformed and Overseas Absentee Voting Act (42 U.S.C.*
22 *1973ff–1), as amended by section 1606(a)(1) of the National*
23 *Defense Authorization Act for Fiscal Year 2002 (Public*
24 *Law 107–107; 115 Stat. 1278), is amended—*

1 (1) by inserting “(a) *ELECTIONS FOR FEDERAL*
2 *OFFICES.—*” before “Each State shall—”; and

3 (2) by adding at the end the following:

4 “(b) *ELECTIONS FOR STATE AND LOCAL OFFICES.—*
5 *Each State shall—*

6 “(1) permit absent uniformed services voters to
7 use absentee registration procedures and to vote by
8 absentee ballot in general, special, primary, and run-
9 off elections for State and local offices; and

10 “(2) accept and process, with respect to any elec-
11 tion described in paragraph (1), any otherwise valid
12 voter registration application from an absent uni-
13 formed services voter if the application is received by
14 the appropriate State election official not less than 30
15 days before the election.”.

16 (b) *CONFORMING AMENDMENT.—*The heading for title
17 I of such Act is amended by striking “**FOR FEDERAL**
18 **OFFICE**”.

19 **SEC. 506. SENSE OF THE SENATE REGARDING STATE AND**
20 **LOCAL INPUT INTO CHANGES MADE TO THE**
21 **ELECTORAL PROCESS.**

22 (a) *FINDINGS.—*Congress finds the following:

23 (1) Although Congress has the responsibility to
24 ensure that our citizens’ right to vote is protected, and
25 that votes are counted in a fair and accurate manner,

1 *States and localities have a vested interest in the elec-*
2 *toral process.*

3 *(2) The Federal Government should ensure that*
4 *States and localities have some say in any election*
5 *mandates placed upon the States and localities.*

6 *(3) Congress should ensure that any election re-*
7 *form laws contain provisions for input by State and*
8 *local election officials.*

9 *(b) SENSE OF THE SENATE.—It is the sense of the Sen-*
10 *ate that the Department of Justice and the Committee on*
11 *Election Reform should take steps to ensure that States and*
12 *localities are allowed some input into any changes that are*
13 *made to the electoral process, preferably through some type*
14 *of advisory committee or commission.*

15 **SEC. 507. STUDY AND REPORT ON FREE ABSENTEE BALLOT**
16 **POSTAGE.**

17 *(a) STUDY ON THE ESTABLISHMENT OF A FREE AB-*
18 *SENTEE BALLOT POSTAGE PROGRAM.—*

19 *(1) IN GENERAL.—The Election Administration*
20 *Commission established under section 301 shall con-*
21 *duct a study on the feasibility and advisability of the*
22 *establishment by the Federal Election Commission*
23 *and the Postal Service of a program under which the*
24 *Postal Service shall waive the amount of postage ap-*
25 *plicable with respect to absentee ballots submitted by*

1 voters in general elections for Federal office (other
2 than balloting materials mailed under section 3406 of
3 title 39, United States Code) that does not apply with
4 respect to the postage required to send the absentee
5 ballots to voters.

6 (2) *PUBLIC SURVEY.*—As part of the study con-
7 ducted under paragraph (1), the Election Administra-
8 tion Commission shall conduct a survey of potential
9 beneficiaries under the program described in such
10 paragraph, including the elderly and disabled, and
11 shall take into account the results of such survey in
12 determining the feasibility and advisability of estab-
13 lishing such a program.

14 (b) *REPORT.*—

15 (1) *SUBMISSION.*—Not later than the date that is
16 1 year after the date of enactment of this Act, the
17 Election Administration Commission shall submit to
18 Congress a report on the study conducted under sub-
19 section (a)(1) together with recommendations for such
20 legislative and administrative action as the Commis-
21 sion determines appropriate.

22 (2) *COSTS.*—The report submitted under para-
23 graph (1) shall contain an estimate of the costs of es-
24 tablishing the program described in subsection (a)(1).

1 (3) *IMPLEMENTATION.*—*The report submitted*
2 *under paragraph (1) shall contain an analysis of the*
3 *feasibility of implementing the program described in*
4 *subsection (a)(1) with respect to the absentee ballots*
5 *submitted in the general election for Federal office*
6 *held in 2004.*

7 (4) *RECOMMENDATIONS REGARDING THE ELDER-*
8 *LY AND DISABLED.*—*The report submitted under*
9 *paragraph (1) shall—*

10 (A) *include recommendations of the Federal*
11 *Election Commission on ways that program de-*
12 *scribed in subsection (a)(1) would target elderly*
13 *individuals and individuals with disabilities;*
14 *and*

15 (B) *identify methods to increase the number*
16 *of such individuals who vote in elections for Fed-*
17 *eral office.*

18 (c) *POSTAL SERVICE DEFINED.*—*The term “Postal*
19 *Service” means the United States Postal Service established*
20 *under section 201 of title 39, United States Code.*

21 **SEC. 508. HELP AMERICA VOTE COLLEGE PROGRAM.**

22 (a) *ESTABLISHMENT OF PROGRAM.*—

23 (1) *IN GENERAL.*—*Not later than 1 year after*
24 *the appointment of its members, the Election Admin-*
25 *istration Commission (in this section referred to as*

1 the “Commission”) shall develop a program to be
2 known as the “Help America Vote College Program”
3 (in this section referred to as the “Program”).

4 (2) *PURPOSES OF PROGRAM.*—The purpose of the
5 Program shall be—

6 (A) to encourage students enrolled at insti-
7 tutions of higher education (including commu-
8 nity colleges) to assist State and local govern-
9 ments in the administration of elections by serv-
10 ing as nonpartisan poll workers or assistants;
11 and

12 (B) to encourage State and local govern-
13 ments to use the services of the students partici-
14 pating in the Program.

15 (b) *ACTIVITIES UNDER PROGRAM.*—

16 (1) *IN GENERAL.*—In carrying out the Program,
17 the Commission (in consultation with the chief elec-
18 tion official of each State) shall develop materials,
19 sponsor seminars and workshops, engage in adver-
20 tising targeted at students, make grants, and take
21 such other actions as it considers appropriate to meet
22 the purposes described in subsection (a)(2).

23 (2) *REQUIREMENTS FOR GRANT RECIPIENTS.*—
24 In making grants under the Program, the Commis-
25 sion shall ensure that the funds provided are spent for

1 *projects and activities which are carried out without*
2 *partisan bias or without promoting any particular*
3 *point of view regarding any issue, and that each re-*
4 *recipient is governed in a balanced manner which does*
5 *not reflect any partisan bias.*

6 (3) *COORDINATION WITH INSTITUTIONS OF HIGH-*
7 *ER EDUCATION.—The Commission shall encourage in-*
8 *stitutions of higher education (including community*
9 *colleges) to participate in the Program, and shall*
10 *make all necessary materials and other assistance (in-*
11 *cluding materials and assistance to enable the institu-*
12 *tion to hold workshops and poll worker training ses-*
13 *sions) available without charge to any institution*
14 *which desires to participate in the Program.*

15 (c) *AUTHORIZATION OF APPROPRIATIONS.—In addi-*
16 *tion to any other funds authorized to be appropriated to*
17 *the Commission, there are authorized to be appropriated to*
18 *carry out this section such sums as may be necessary for*
19 *fiscal year 2002 and each succeeding fiscal year.*

20 **SEC. 509. RELATIONSHIP TO OTHER LAWS.**

21 (a) *IN GENERAL.—Except as specifically provided in*
22 *section 103(b) of this Act with regard to the National Voter*
23 *Registration Act of 1993 (42 U.S.C. 1973gg et seq.), nothing*
24 *in this Act may be construed to authorize or require conduct*

1 *prohibited under the following laws, or supersede, restrict,*
2 *or limit such laws:*

3 (1) *The Voting Rights Act of 1965 (42 U.S.C.*
4 *1973 et seq.).*

5 (2) *The Voting Accessibility for the Elderly and*
6 *Handicapped Act (42 U.S.C. 1973ee et seq.).*

7 (3) *The Uniformed and Overseas Citizens Absen-*
8 *tee Voting Act (42 U.S.C. 1973ff et seq.).*

9 (4) *The National Voter Registration Act of 1993*
10 *(42 U.S.C. 1973gg et seq.).*

11 (5) *The Americans with Disabilities Act of 1990*
12 *(42 U.S.C. 1994 et seq.).*

13 (6) *The Rehabilitation Act of 1973 (29 U.S.C.*
14 *701 et seq.).*

15 (b) *NO EFFECT ON PRECLEARANCE OR OTHER RE-*
16 *QUIREMENTS UNDER VOTING RIGHTS ACT.—The approval*
17 *by the Attorney General of a State’s application for a grant*
18 *under title II, or any other action taken by the Attorney*
19 *General or a State under such title, shall not be considered*
20 *to have any effect on requirements for preclearance under*
21 *section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c)*
22 *or any other requirements of such Act.*

23 **SEC. 510. VOTERS WITH DISABILITIES.**

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

1 (1) *The Americans with Disabilities Act of 1990*
2 (42 U.S.C. 12101 et seq.) requires that people with
3 disabilities have the same kind of access to public
4 places as the general public.

5 (2) *The Voting Accessibility for the Elderly and*
6 *Handicapped Act (42 U.S.C. 1973ee et seq.)* requires
7 that all polling places for Federal elections be acces-
8 sible to the elderly and the handicapped.

9 (3) *The General Accounting Office in 2001*
10 *issued a report based on their election day random*
11 *survey of 496 polling places during the 2000 election*
12 *across the country and found that 84 percent of those*
13 *polling places had one or more potential impediments*
14 *that prevented individuals with disabilities, especially*
15 *those who use wheelchairs, from independently and*
16 *privately voting at the polling place in the same*
17 *manner as everyone else.*

18 (4) *The Department of Justice has interpreted*
19 *accessible voting to allow curbside voting or absentee*
20 *voting in lieu of making polling places physically ac-*
21 *cessible.*

22 (5) *Curbside voting does not allow the voter the*
23 *right to vote in privacy.*

24 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
25 *that the right to vote in a private and independent manner*

1 *is a right that should be afforded to all eligible citizens,*
2 *including citizens with disabilities, and that curbside vot-*
3 *ing should only be an alternative of the last resort in pro-*
4 *viding equal voting access to all eligible American citizens.*

5 **SEC. 511. ELECTION DAY HOLIDAY STUDY.**

6 (a) *IN GENERAL.*—*In carrying out its duty under sec-*
7 *tion 303(a)(1)(G), the Commission, within 6 months after*
8 *its establishment, shall provide a detailed report to the Con-*
9 *gress on the advisability of establishing an election day hol-*
10 *iday, including options for holding elections for Federal of-*
11 *fices on an existing legal public holiday such as Veterans*
12 *Day, as proclaimed by the President, or of establishing uni-*
13 *form weekend voting hours.*

14 (b) *FACTORS CONSIDERED.*—*In conducting that study,*
15 *the Commission shall take into consideration the following*
16 *factors:*

17 (1) *Only 51 percent of registered voters in the*
18 *United States turned out to vote during the November*
19 *2000 Presidential election—well-below the worldwide*
20 *turnout average of 72.9 percent for Presidential elec-*
21 *tions between 1999 and 2000. After the 2000 election,*
22 *the Census Bureau asked thousands of non-voters why*
23 *they did not vote. The top reason for not voting, given*
24 *by 22.6 percent of the respondents, was that they were*
25 *too busy or had a conflicting work or school schedule.*

1 (2) *One of the recommendations of the National*
2 *Commission on Election Reform led by former Presi-*
3 *dent's Carter and Ford is "Congress should enact leg-*
4 *islation to hold presidential and congressional elec-*
5 *tions on a national holiday". Holding elections on the*
6 *legal public holiday of Veterans Day, as proclaimed*
7 *by the President and observed by the Federal Govern-*
8 *ment or on the weekends, may allow election day to*
9 *be a national holiday without adding the cost and ad-*
10 *ministrative burden of an additional holiday.*

11 (3) *Holding elections on a holiday or weekend*
12 *could allow more working people to vote more easily,*
13 *potentially increasing voter turnout. It could increase*
14 *the pool of available poll workers and make public*
15 *buildings more available for use as polling places.*
16 *Holding elections over a weekend could provide flexi-*
17 *bility needed for uniform polling hours.*

18 (4) *Several proposals to make election day a hol-*
19 *iday or to shift election day to a weekend have been*
20 *offered in the 107th Congress. Any new voting day*
21 *options should be sensitive to the religious observances*
22 *of voters of all faiths and to our Nation's veterans.*

1 **SEC. 512. SENSE OF THE SENATE ON COMPLIANCE WITH**
2 **ELECTION TECHNOLOGY AND ADMINISTRA-**
3 **TION REQUIREMENTS.**

4 *It is the sense of the Senate that full funding shall be*
5 *provided to each State and locality to meet the requirements*
6 *relating to compliance with election technology and admin-*
7 *istration pursuant to this Act.*

8 **SEC. 513. BROADCASTING FALSE ELECTION INFORMATION.**

9 *In carrying out its duty under section 303(a)(1)(G),*
10 *the Commission, within 6 months after its establishment*
11 *shall provide a detailed report to the Congress on issues re-*
12 *garding the broadcasting or transmitting by cable of Fed-*
13 *eral election results including broadcasting practices that*
14 *may result in the broadcast of false information concerning*
15 *the location or time of operation of a polling place.*

16 **SEC. 514. SENSE OF THE SENATE REGARDING CHANGES**
17 **MADE TO THE ELECTORAL PROCESS AND**
18 **HOW SUCH CHANGES IMPACT STATES.**

19 *It is the sense of the Senate that—*

20 *(1) the provisions of this Act shall not prohibit*
21 *States to use curbside voting as a last resort to satisfy*
22 *the voter accessibility requirements under section*
23 *101(a)(3);*

24 *(2) the provisions of this Act permit States—*

25 *(A) to use Federal funds to purchase new*
26 *voting machines; and*

1 (B) to elect to retrofit existing voting ma-
2 chines in lieu of purchasing new machines to
3 meet the voting machine accessibility require-
4 ments under section 101(a)(3);

5 (3) nothing in this Act requires States to replace
6 existing voting machines;

7 (4) nothing under section 101(a) of this Act spe-
8 cifically requires States to install wheelchair ramps
9 or pave parking lots at each polling location for the
10 accessibility needs of individuals with disabilities;
11 and

12 (5) the Election Administration Commission, the
13 Attorney General, and the Architectural and Trans-
14 portation Barriers Compliance Board should recog-
15 nize the differences that exist between urban and
16 rural areas with respect to the administration of Fed-
17 eral elections under this Act.

Amend the title so as to read: “An Act to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to es-

tablish the Election Administration Commission, and for other purposes.”.

Attest:

Secretary.

107TH CONGRESS
2D SESSION

H. R. 3295

AMENDMENTS