

107TH CONGRESS
1ST SESSION

H. R. 3295

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2001

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

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.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Help America Vote Act of 2001”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PUNCH CARD VOTING MACHINES

Subtitle A—Replacement of Machines

- Sec. 101. Establishment of program.
- Sec. 102. Eligibility.
- Sec. 103. Amount of payment.
- Sec. 104. Audit and repayment of funds.
- Sec. 105. Punch card voting system defined.

Subtitle B—Enhancing Performance of Existing Systems

- Sec. 111. Establishment of program.
- Sec. 112. Eligibility.
- Sec. 113. Amount of payment.
- Sec. 114. Audit and repayment of funds.

Subtitle C—General Provisions

- Sec. 121. Authorization of appropriations.
- Sec. 122. Punch card voting system defined.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

- Sec. 201. Establishment.
- Sec. 202. Duties.
- Sec. 203. Membership and appointment.
- Sec. 204. Staff.
- Sec. 205. Powers.
- Sec. 206. Limitation on rulemaking authority.
- Sec. 207. Authorization of appropriations.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND
 BOARD OF ADVISORS

- Sec. 211. Establishment.
- Sec. 212. Duties.

- Sec. 213. Membership of Standards Board.
- Sec. 214. Membership of Board of Advisors.
- Sec. 215. Powers of boards; no compensation for service.
- Sec. 216. Status of boards and members for purposes of claims against board.

Subtitle B—Voluntary Election Standards

- Sec. 221. Development of voluntary election standards.
- Sec. 222. Technical standards development committee.
- Sec. 223. Process for adoption of voluntary standards.
- Sec. 224. Certification and testing of voting systems.
- Sec. 225. Dissemination of information.

Subtitle C—Election Assistance

PART 1—ELECTION FUND PAYMENTS TO STATES FOR VOTING SYSTEM IMPROVEMENTS

- Sec. 231. Election fund payments to States for voting system improvements.
- Sec. 232. Allocation of funds.
- Sec. 233. Conditions for receipt of funds.
- Sec. 234. Authorization of appropriations.
- Sec. 235. Reports.

PART 2—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

- Sec. 241. Grants for research on voting technology improvements.
- Sec. 242. Report.
- Sec. 243. Authorization of appropriations.

PART 3—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

- Sec. 251. Pilot program.
- Sec. 252. Report.
- Sec. 253. Authorization of appropriations.

PART 4—MISCELLANEOUS

- Sec. 261. Role of National Institute of Standards and Technology.
- Sec. 262. Reports.
- Sec. 263. Audit.

TITLE III—HELP AMERICA VOTE COLLEGE PROGRAM

- Sec. 301. Establishment of Program.
- Sec. 302. Activities under Program.
- Sec. 303. Authorization of appropriations.

TITLE IV—HELP AMERICA VOTE FOUNDATION

- Sec. 401. Help America Vote Foundation.

TITLE V—MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS

- Sec. 501. Minimum standards for State election systems.
- Sec. 502. Standards described.
- Sec. 503. Enforcement.
- Sec. 504. Effective date.

TITLE VI—VOTING RIGHTS OF MILITARY MEMBERS AND
OVERSEAS CITIZENS

- Sec. 601. Voting assistance programs.
- Sec. 602. Designation of single State office to provide information on registration and absentee ballots for all voters in State.
- Sec. 603. Report on absentee ballots transmitted and received after general elections.
- Sec. 604. Simplification of voter registration and absentee ballot application procedures for absent uniformed services and overseas voters.
- Sec. 605. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act.
- Sec. 606. Use of buildings on military installations and reserve component facilities as polling places.

TITLE VII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

- Sec. 701. Federal Election Campaign Act of 1971.
- Sec. 702. National Voter Registration Act of 1993.
- Sec. 703. Transfer of property, records, and personnel.
- Sec. 704. Effective date; transition.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

- Sec. 711. Treatment of Commission personnel under certain civil service laws.
- Sec. 712. Coverage under Inspector General Act of 1978.

TITLE VIII—MISCELLANEOUS PROVISIONS

- Sec. 801. State defined.
- Sec. 802. Miscellaneous provisions to protect integrity of election process.
- Sec. 803. No effect on other laws.

1 **TITLE I—PUNCH CARD VOTING**
2 **MACHINES**

3 **Subtitle A—Replacement of**
4 **Machines**

5 **SEC. 101. ESTABLISHMENT OF PROGRAM.**

- 6 (a) IN GENERAL.—Not later than 30 days after the
7 date of the enactment of this Act, the Administrator of
8 General Services (hereafter in this title referred to as the
9 “Administrator”) shall establish a program under which
10 the Administrator shall make a one-time payment to each

1 eligible State or unit of local government which used a
2 punch card voting system to administer the regularly
3 scheduled general election for Federal office held in No-
4 vember 2000.

5 (b) USE OF FUNDS.—A State or unit of local govern-
6 ment shall use the funds provided under a payment under
7 this subtitle (either directly or as reimbursement) to re-
8 place its punch card voting system with a voting system
9 which does not use punch cards (by purchase, lease, or
10 such other arrangement as may be appropriate).

11 (c) DEADLINE.—

12 (1) IN GENERAL.—A State or unit of local gov-
13 ernment receiving a payment under the program
14 under this subtitle shall—

15 (A) obligate the funds provided for the
16 uses described in subsection (b) not later than
17 the date of the regularly scheduled general elec-
18 tion for Federal office to be held in November
19 2002; and

20 (B) ensure that all of the punch card vot-
21 ing systems under its jurisdiction have been re-
22 placed in time for the regularly scheduled gen-
23 eral election for Federal office to be held in No-
24 vember 2004.

1 (2) WAIVER.—If a State or unit of local govern-
2 ment provides the Election Assistance Commission
3 (established under section 201) (not later than the
4 date of the regularly scheduled general election for
5 Federal office to be held in November 2002) with a
6 notice that the State or unit will not meet the dead-
7 lines described in paragraph (1) and includes in the
8 notice the reasons for the failure to meet such dead-
9 lines, and the Commission finds that there is good
10 cause for the failure to meet such deadlines, para-
11 graph (1) shall apply to the State or unit as if—

12 (A) the reference in paragraph (1)(A) to
13 “November 2002” were a reference to “Novem-
14 ber 2004”; and

15 (B) the reference in paragraph (1)(B) to
16 “November 2004” were a reference to “Novem-
17 ber 2006”.

18 **SEC. 102. ELIGIBILITY.**

19 (a) STATES.—A State is eligible to receive a payment
20 under the program under this subtitle if it submits to the
21 Administrator an application not later than 120 days after
22 the date of the enactment of this Act (in such form as
23 the Administrator may require) which contains—

24 (1) assurances that the State will use the pay-
25 ment (either directly or as reimbursement) to re-

1 place punch card voting systems in jurisdictions
2 within the State which used such systems to carry
3 out the general Federal election held in November
4 2000;

5 (2) assurances that in replacing punch card vot-
6 ing systems the State will continue to meet its du-
7 ties under the Voting Accessibility for the Elderly
8 and Handicapped Act (42 U.S.C. 1973ee et seq.)
9 and the Americans With Disabilities Act, and will
10 consider the use of new technology by individuals
11 with disabilities (including blindness);

12 (3) assurances that in replacing punch card vot-
13 ing systems the State will provide for alternative
14 language accessibility for individuals with limited
15 English proficiency, consistent with the requirements
16 of the Voting Rights Act of 1965 and any other ap-
17 plicable provisions of law; and

18 (4) such other information and assurances as
19 the Administrator may require which are necessary
20 for the administration of the program.

21 (b) UNIT OF LOCAL GOVERNMENT.—A unit of local
22 government is eligible to receive a payment under the pro-
23 gram under this subtitle if it submits to the
24 Administrator—

1 (1) not later than the date of the regularly
2 scheduled general election for Federal office to be
3 held in November 2002, a statement of its intent to
4 participate in the program, including assurances
5 that the State in which the unit is located—

6 (A) failed to submit an application under
7 subsection (a) within the deadline specified
8 under such subsection,

9 (B) is otherwise not eligible to receive a
10 payment under the program, or

11 (C) will not use the payment to replace
12 punch card voting systems in the unit; and

13 (2) an application (at such time and in such
14 form as the Administrator may require) which con-
15 tains similar assurances to those required to be pro-
16 vided by a State in its application under subsection
17 (a).

18 **SEC. 103. AMOUNT OF PAYMENT.**

19 (a) IN GENERAL.—The amount of payment made to
20 a State or unit of local government under the program
21 under this subtitle shall be equal to the applicable per pre-
22 cinct matching rate of the cost to the State or unit (as
23 the case may be) of replacing the punch card voting sys-
24 tems used in each precinct in the State or unit (as the

1 case may be), except that in no case may the amount of
2 the payment exceed the product of—

3 (1) the number of voting precincts administered
4 by the State or unit which used a punch card voting
5 system to carry out the general Federal election held
6 in November 2000; and

7 (2) \$6,000.

8 (b) **APPLICABLE PER PRECINCT MATCHING RATE**
9 **DEFINED.**—In subsection (a), the “applicable per precinct
10 matching rate” is—

11 (1) 90 percent; or

12 (2) 95 percent, in the case of a precinct whose
13 average per capita income is within the lowest quar-
14 tile of average per capita incomes for all precincts in
15 the United States (as determined by the 2000 decen-
16 nial census).

17 **SEC. 104. AUDIT AND REPAYMENT OF FUNDS.**

18 (a) **AUDIT.**—Funds provided under the program
19 under this subtitle shall be subject to audit by the Admin-
20 istrator.

21 (b) **REPAYMENT FOR FAILURE TO MEET DEAD-**
22 **LINES.**—If a State or unit of local government (as the case
23 may be) receiving funds under the program under this
24 subtitle fails to meet the deadlines applicable to the State
25 or unit under section 101(c), the State or unit shall pay

1 to the Administrator an amount equal to the amount of
2 the funds provided to the State or unit under the program.

3 **SEC. 105. PUNCH CARD VOTING SYSTEM DEFINED.**

4 For purposes of this subtitle, a “punch card voting
5 system” means any of the following voting systems:

6 (1) C.E.S.

7 (2) Datavote.

8 (3) PBC Counter.

9 (4) Pollstar.

10 (5) Punch Card.

11 (6) Vote Recorder.

12 (7) Votomatic.

13 **Subtitle B—Enhancing**
14 **Performance of Existing Systems**

15 **SEC. 111. ESTABLISHMENT OF PROGRAM.**

16 (a) IN GENERAL.—Not later than 30 days after the
17 date of the enactment of this Act, the Administrator shall
18 establish a program under which the Administrator shall
19 make a one-time payment to each eligible State or unit
20 of local government which used a punch card voting sys-
21 tem to administer the regularly scheduled general election
22 for Federal office held in November 2000.

23 (b) USE OF FUNDS.—A State or unit of local govern-
24 ment shall use the funds provided under a payment under
25 this subtitle (either directly or as reimbursement) to make

1 technical enhancements to the performance of its punch
2 card voting system (by any arrangement as may be appro-
3 priate).

4 (c) DEADLINE.—

5 (1) IN GENERAL.—A State or unit of local gov-
6 ernment receiving a payment under the program
7 under this subtitle shall—

8 (A) obligate the funds provided for the
9 uses described in subsection (b) not later than
10 the date of the regularly scheduled general elec-
11 tion for Federal office to be held in November
12 2002; and

13 (B) ensure that technical enhancements
14 have been made to the performance of all of the
15 punch card voting systems under its jurisdiction
16 in time for the regularly scheduled general elec-
17 tion for Federal office to be held in November
18 2004.

19 (2) WAIVER.—If a State or unit of local govern-
20 ment provides the Election Assistance Commission
21 (established under section 201) (not later than the
22 date of the regularly scheduled general election for
23 Federal office to be held in November 2002) with a
24 notice that the State or unit will not meet the dead-
25 lines described in paragraph (1) and includes in the

1 notice the reasons for the failure to meet such dead-
2 lines, and the Commission finds that there is good
3 cause for the failure to meet such deadlines, para-
4 graph (1) shall apply to the State or unit as if—

5 (A) the reference in paragraph (1)(A) to
6 “November 2002” were a reference to “Novem-
7 ber 2004”; and

8 (B) the reference in paragraph (1)(B) to
9 “November 2004” were a reference to “Novem-
10 ber 2006”.

11 **SEC. 112. ELIGIBILITY.**

12 (a) STATES.—Subject to subsection (c), a State is eli-
13 gible to receive a payment under the program under this
14 subtitle if it submits to the Administrator an application
15 not later than 120 days after the date of the enactment
16 of this Act (in such form as the Administrator may re-
17 quire) which contains—

18 (1) assurances that the State will use the pay-
19 ment (either directly or as reimbursement) to make
20 technical enhancements to the performance of punch
21 card voting systems in jurisdictions within the State
22 which used such systems to carry out the general
23 Federal election held in November 2000;

24 (2) assurances that in enhancing the perform-
25 ance of such voting systems the State will continue

1 to meets its duties under the Voting Accessibility for
2 the Elderly and Handicapped Act (42 U.S.C. 1973ee
3 et seq.) and the Americans With Disabilities Act;
4 and

5 (3) such other information and assurances as
6 the Administrator may require which are necessary
7 for the administration of the program.

8 (b) UNITS OF LOCAL GOVERNMENT.—Subject to
9 subsection (c), a unit of local government is eligible to re-
10 ceive a payment under the program under this subtitle if
11 it submits to the Administrator—

12 (1) not later than the date of the regularly
13 scheduled general election for Federal office to be
14 held in November 2002, a statement of its intent to
15 participate in the program, including assurances
16 that the State in which the unit is located—

17 (A) failed to submit an application under
18 subsection (a) within the deadline specified
19 under such subsection,

20 (B) is otherwise not eligible to receive a
21 payment under the program, or

22 (C) will not use the payment to enhance
23 the performance of punch card voting systems
24 in the unit; and

1 (2) an application (at such time and in such
2 form as the Administrator may require) which con-
3 tains similar assurances to those required to be pro-
4 vided by a State in its application under subsection
5 (a).

6 (c) PROHIBITING PARTICIPATION IN PUNCH CARD
7 REPLACEMENT PROGRAM.—A State or unit of local gov-
8 ernment is not eligible to receive a payment under the pro-
9 gram under this subtitle if the State or unit receives a
10 payment under the program under subtitle A.

11 **SEC. 113. AMOUNT OF PAYMENT.**

12 (a) IN GENERAL.—The amount of payment made to
13 a State or unit of local government under the program
14 under this subtitle shall be equal to the applicable per pre-
15 cinct matching rate of the cost to the State or unit (as
16 the case may be) of the activities to be funded with the
17 payment under the program in each precinct in the State
18 or unit (as the case may be), except that in no case may
19 the amount of the payment exceed the product of—

20 (1) the number of voting precincts administered
21 by the State or unit which used a punch card voting
22 system to carry out the general Federal election held
23 in November 2000; and

24 (2) \$2,000.

1 (b) APPLICABLE PER PRECINCT MATCHING RATE
2 DEFINED.—In subsection (a), the “applicable per precinct
3 matching rate” is—

4 (1) 90 percent; or

5 (2) 95 percent, in the case of a precinct whose
6 average per capita income is within the lowest quar-
7 tile of average per capita incomes for all precincts in
8 the United States (as determined by the 2000 decen-
9 nial census).

10 **SEC. 114. AUDIT AND REPAYMENT OF FUNDS.**

11 (a) AUDIT.—Funds provided under the program
12 under this subtitle shall be subject to audit by the Admin-
13 istrator.

14 (b) REPAYMENT FOR FAILURE TO MEET REQUIRE-
15 MENTS.—If a State or unit of local government (as the
16 case may be) receiving funds under the program under
17 this subtitle fails to meet the deadlines applicable to the
18 State or unit under section 111(c), the State or unit shall
19 pay to the Administrator an amount equal to the amount
20 of the funds provided to the State or unit under the pro-
21 gram.

1 **Subtitle C—General Provisions**

2 **SEC. 121. AUTHORIZATION OF APPROPRIATIONS.**

3 (a) IN GENERAL.—There are authorized to be appro-
4 priated for payments under this title \$400,000,000, to re-
5 main available until expended (subject to subsection (b)).

6 (b) USE OF RETURNED FUNDS AND FUNDS REMAIN-
7 ING UNEXPENDED FOR ELECTION FUND PAYMENTS.—

8 (1) IN GENERAL.—The amounts referred to in
9 paragraph (2) shall be transferred to the Election
10 Assistance Commission (established under title II)
11 and used by the Commission to make Election Fund
12 payments under part 1 of subtitle C of title II.

13 (2) AMOUNTS DESCRIBED.—The amounts re-
14 ferred to in this paragraph are as follows:

15 (A) Any amounts appropriated pursuant to
16 the authorization under this section which re-
17 main unobligated as of the date of the regularly
18 scheduled general election for Federal office
19 held in November 2002.

20 (B) Any amounts paid to the Adminis-
21 trator by a State or unit of local government
22 under section 104(b).

23 (C) Any amounts paid to the Adminis-
24 trator by a State or unit of local government
25 under section 114(b).

1 **SEC. 122. PUNCH CARD VOTING SYSTEM DEFINED.**

2 For purposes of this title, a “punch card voting sys-
3 tem” means any of the following voting systems:

- 4 (1) C.E.S.
- 5 (2) Datavote.
- 6 (3) PBC Counter.
- 7 (4) Pollstar.
- 8 (5) Punch Card.
- 9 (6) Vote Recorder.
- 10 (7) Votomatic.

11 **TITLE II—COMMISSION**
12 **Subtitle A—Establishment and**
13 **General Organization**

14 **PART 1—ELECTION ASSISTANCE COMMISSION**

15 **SEC. 201. ESTABLISHMENT.**

16 There is hereby established as an independent entity
17 in the executive branch the Election Assistance Commis-
18 sion (hereafter in this title referred to as the “Commis-
19 sion”), consisting of the members appointed under this
20 part. Additionally, there is established the Election Assist-
21 ance Commission Standards Board (including the Execu-
22 tive Board of such Board) under part 2 and the Election
23 Assistance Commission Board of Advisors under part 2.

24 **SEC. 202. DUTIES.**

25 The Commission shall serve as a national clearing-
26 house and resource for the compilation of information and

1 review of procedures with respect to the administration of
2 Federal elections by—

3 (1) carrying out the duties described in subtitle
4 B (relating to voluntary election standards);

5 (2) carrying out the duties described in subtitle
6 C (relating to election assistance), and providing in-
7 formation and training on the management of the
8 grants provided under such subtitle; and

9 (3) developing and carrying out the Help Amer-
10 ica Vote College Program under title III.

11 **SEC. 203. MEMBERSHIP AND APPOINTMENT.**

12 (a) MEMBERSHIP.—

13 (1) IN GENERAL.—The Commission shall have
14 4 members appointed by the President, by and with
15 the consent of the Senate, of whom—

16 (A) 1 shall be appointed from among a list
17 of nominees submitted by the majority leader of
18 the Senate;

19 (B) 1 shall be appointed from among a list
20 of nominees submitted by the minority leader of
21 the Senate;

22 (C) 1 shall be appointed from among a list
23 of nominees submitted by the Speaker of the
24 House of Representatives; and

1 (D) 1 shall be appointed from among a list
2 of nominees submitted by the minority leader of
3 the House of Representatives.

4 (2) QUALIFICATIONS.—Each member of the
5 Commission shall have experience with or expertise
6 in election administration or the study of elections,
7 except that no individual may serve as a member of
8 the Commission if the individual is an officer or em-
9 ployee of the Federal Government at any time dur-
10 ing the period of service on the Commission.

11 (3) DATE OF APPOINTMENT.—The appoint-
12 ments of the members of the Commission shall be
13 made not later than 30 days after the date of enact-
14 ment of this Act.

15 (b) TERM OF SERVICE.—

16 (1) IN GENERAL.—Except as provided in para-
17 graphs (2) and (3), members shall serve for a term
18 of 4 years and may be reappointed for not more
19 than one additional term.

20 (2) TERMS OF INITIAL APPOINTEES.—As des-
21 ignated by the President at the time of appointment,
22 of the members first appointed—

23 (A) 2 of the members (not more than 1 of
24 whom may be affiliated with the same political

1 party) shall be appointed for a term of 2 years;
2 and

3 (B) 2 of the members (not more than 1 of
4 whom may be affiliated with the same political
5 party) shall be appointed for a term of 4 years.

6 (3) VACANCIES.—

7 (A) IN GENERAL.—A vacancy on the Com-
8 mission shall be filled in the manner in which
9 the original appointment was made and shall be
10 subject to any conditions which applied with re-
11 spect to the original appointment.

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

17 (C) UNEXPIRED TERMS.—An individual
18 chosen to fill a vacancy shall be appointed for
19 the unexpired term of the member replaced.

20 (e) CHAIR AND VICE CHAIR.—The Commission shall
21 select a chair and vice chair from among its members for
22 a term of 1 year, except that the chair and vice chair may
23 not be affiliated with the same political party.

24 (d) COMPENSATION.—

1 (1) IN GENERAL.—Members of the Commission
2 shall each be paid at an annual rate equal to
3 \$30,000.

4 (2) TRAVEL EXPENSES.—Members of the Com-
5 mission shall each receive travel expenses, including
6 per diem in lieu of subsistence, at rates authorized
7 for employees of agencies under subchapter I of
8 chapter 57 of title 5, United States Code, while
9 away from their homes or regular places of business
10 in the performance of services for the Commission.

11 (3) OUTSIDE EMPLOYMENT PERMITTED.—A
12 member of the Commission may hold any other of-
13 fice or employment not inconsistent or in conflict
14 with the member’s duties, responsibilities, and pow-
15 ers as a member of the Commission.

16 **SEC. 204. STAFF.**

17 (a) EXECUTIVE DIRECTOR AND OTHER STAFF.—

18 (1) IN GENERAL.—The Commission shall have
19 an Executive Director, who shall be paid at a rate
20 not to exceed the rate of basic pay for level V of the
21 Executive Schedule.

22 (2) TERM OF SERVICE FOR EXECUTIVE DIREC-
23 TOR.—Except as provided in paragraph (3)(C), the
24 Executive Director shall serve for a term of 4 years.

1 An Executive Director may be reappointed for addi-
2 tional terms.

3 (3) PROCEDURE FOR APPOINTMENT.—

4 (A) IN GENERAL.—When a vacancy exists
5 in the position of the Executive Director, the
6 Election Assistance Commission Standards
7 Board and the Election Assistance Commission
8 Board of Advisors (described in part 2) shall
9 each appoint a search committee to recommend
10 not fewer than 3 nominees for the position.

11 (B) REQUIRING CONSIDERATION OF NOMI-
12 NEES.—Except as provided in subparagraph
13 (C), the Commission shall consider the nomi-
14 nees recommended by the Standards Board and
15 the Board of Advisors in appointing the Execu-
16 tive Director.

17 (C) SPECIAL RULES FOR FIRST EXECUTIVE
18 DIRECTOR.—

19 (i) CONVENING OF SEARCH COMMIT-
20 TEES.—The Standards Board and the
21 Board of Advisors shall each appoint a
22 search committee and recommend nomi-
23 nees for the position of Executive Director
24 in accordance with subparagraph (A) as

1 soon as practicable after the appointment
2 of their members.

3 (ii) INTERIM INITIAL APPOINT-
4 MENT.—Notwithstanding subparagraph
5 (B), the Commission may appoint an indi-
6 vidual to serve as the first Executive Di-
7 rector prior to the recommendation of
8 nominees for the position by the Standards
9 Board or the Board of Advisors, except
10 that such individual's term of service may
11 not exceed 6 months. Nothing in the pre-
12 vious sentence may be construed to pro-
13 hibit the individual serving as the first Ex-
14 ecutive Director from serving any addi-
15 tional term.

16 (4) OTHER STAFF.—Subject to rules prescribed
17 by the Commission, the Executive Director may ap-
18 point and fix the pay of such additional personnel as
19 the Executive Director considers appropriate.

20 (5) APPLICABILITY OF CERTAIN CIVIL SERVICE
21 LAWS.—The Executive Director and staff of the
22 Commission may be appointed without regard to the
23 provisions of title 5, United States Code, governing
24 appointments in the competitive service, and may be
25 paid without regard to the provisions of chapter 51

1 and subchapter III of chapter 53 of that title relat-
2 ing to classification and General Schedule pay rates,
3 except that an individual so appointed may not re-
4 ceive pay in excess of the annual rate of basic pay
5 for level V of the Executive Schedule.

6 (b) EXPERTS AND CONSULTANTS.—Subject to rules
7 prescribed by the Commission, the Executive Director may
8 procure temporary and intermittent services under section
9 3109(b) of title 5, United States Code, with the approval
10 of a majority of the members of the Commission.

11 (c) STAFF OF FEDERAL AGENCIES.—Upon request
12 of the Chair, the head of any Federal department or agen-
13 cy may detail, on a reimbursable basis, any of the per-
14 sonnel of that department or agency to the Commission
15 to assist it in carrying out its duties under this Act.

16 (d) ARRANGING FOR ASSISTANCE FOR BOARD OF AD-
17 VISORS AND STANDARDS BOARD.—At the request of the
18 Election Assistance Commission Board of Advisors or the
19 Election Assistance Commission Standards Board estab-
20 lished under part 2, the Executive Director shall enter into
21 such arrangements as the Executive Director considers
22 appropriate to make personnel available to assist the
23 Boards with carrying out their duties under this title (in-
24 cluding contracts with private individuals for providing

1 temporary personnel services or the temporary detailing
2 of personnel of the Commission).

3 (e) CONSULTATION WITH BOARD OF ADVISORS AND
4 STANDARDS BOARD ON CERTAIN MATTERS.—In pre-
5 paring the program goals, long-term plans, mission state-
6 ments, and related matters for the Commission, the Exec-
7 utive Director and staff of the Commission shall consult
8 with the Election Assistance Commission Board of Advi-
9 sors and the Election Assistance Commission Standards
10 Board established under part 2.

11 **SEC. 205. POWERS.**

12 (a) HEARINGS AND SESSIONS.—The Commission
13 may hold such hearings for the purpose of carrying out
14 this Act, sit and act at such times and places, take such
15 testimony, and receive such evidence as the Commission
16 considers advisable to carry out this Act. The Commission
17 may administer oaths and affirmations to witnesses ap-
18 pearing before the Commission.

19 (b) INFORMATION FROM FEDERAL AGENCIES.—The
20 Commission may secure directly from any Federal depart-
21 ment or agency such information as the Commission con-
22 siders necessary to carry out this Act. Upon request of
23 the Chair of the Commission, the head of such department
24 or agency shall furnish such information to the Commis-
25 sion.

1 (c) POSTAL SERVICES.—The Commission may use
2 the United States mails in the same manner and under
3 the same conditions as other departments and agencies of
4 the Federal Government.

5 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
6 the request of the Chair of the Commission, the Adminis-
7 trator of General Services shall provide to the Commis-
8 sion, on a reimbursable basis, the administrative support
9 services that are necessary to enable the Commission to
10 carry out its duties under this Act.

11 (e) CONTRACTS.—The Commission may contract
12 with and compensate persons and Federal agencies for
13 supplies and services without regard to section 3709 of
14 the Revised Statutes of the United States (41 U.S.C. 5).

15 **SEC. 206. LIMITATION ON RULEMAKING AUTHORITY.**

16 The Commission shall not have any authority to issue
17 any rule, promulgate any regulation, or take any other ac-
18 tion which imposes any requirement on any State or unit
19 of local government, except to the extent permitted under
20 the National Voter Registration Act of 1993.

21 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

22 In addition to the amounts authorized for payments
23 and grants under subtitle C and the amounts authorized
24 to be appropriated for the program under section 303,
25 there are authorized to be appropriated for each of the

1 fiscal years 2002 through 2004 such sums as may be nec-
2 essary (but not to exceed \$10,000,000 for each such year)
3 for the Commission to carry out its duties under this title.

4 **PART 2—ELECTION ASSISTANCE COMMISSION**
5 **STANDARDS BOARD AND BOARD OF ADVISORS**

6 **SEC. 211. ESTABLISHMENT.**

7 There are hereby established the Election Assistance
8 Commission Standards Board (hereafter in this title re-
9 ferred to as the “Standards Board”) and the Election As-
10 sistance Commission Board of Advisors (hereafter in this
11 title referred to as the “Board of Advisors”).

12 **SEC. 212. DUTIES.**

13 The Standards Board and the Board of Advisors
14 shall each, in accordance with the procedures described in
15 section 223, review any of the voluntary engineering and
16 procedural performance standards described in section
17 221(a)(1), any of the voluntary standards described in sec-
18 tion 221(a)(4), and any of the voluntary election manage-
19 ment practice standards described in section 221(a)(6)
20 (and any modifications to such standards) which are rec-
21 ommended by the Commission under subtitle B.

22 **SEC. 213. MEMBERSHIP OF STANDARDS BOARD.**

23 (a) COMPOSITION.—

24 (1) IN GENERAL.—Subject to certification by
25 the chair of the Federal Election Commission under

1 subsection (b), the Standards Board shall be com-
2 posed of 110 members as follows:

3 (A) 55 shall be State election officials se-
4 lected by the chief State election officials of
5 each State.

6 (B) 55 shall be local election officials se-
7 lected in accordance with paragraph (2).

8 (2) LIST OF LOCAL ELECTION OFFICIALS.—
9 Each State’s local election officials shall select
10 (under a process supervised by the chief election of-
11 ficial of the State) a representative local election of-
12 ficial from the State for purposes of paragraph
13 (1)(B). In the case of the District of Columbia,
14 Guam, and American Samoa, the chief election offi-
15 cial shall establish a procedure for selecting an indi-
16 vidual to serve as a local election official for pur-
17 poses of such paragraph, except that under such a
18 procedure the individual selected may not be a mem-
19 ber of the same political party as the chief election
20 official.

21 (3) REQUIRING MIX OF POLITICAL PARTIES
22 REPRESENTED.—The 2 members of the Standards
23 Board who represent the same State may not be
24 members of the same political party.

1 (b) PROCEDURES FOR NOTICE AND CERTIFICATION
2 OF APPOINTMENT.—

3 (1) NOTICE TO CHAIR OF FEDERAL ELECTION
4 COMMISSION.—Not later than 90 days after the date
5 of the enactment of this Act, the chief State election
6 official of the State shall transmit a notice to chair
7 of the Federal Election Commission containing—

8 (A) a statement that the selected State
9 election official agrees to serve on the Stand-
10 ards Board under this title; and

11 (B) the name of the representative local
12 election official from the State selected under
13 subsection (a)(2) who will serve on the Stand-
14 ards Board under this title.

15 (2) CERTIFICATION.—Upon receiving a notice
16 from a State under paragraph (1), the chair of the
17 Federal Election Commission shall publish a certifi-
18 cation that the selected State election official and
19 the representative local election official are ap-
20 pointed as members of the Standards Board under
21 this title.

22 (3) EFFECT OF FAILURE TO PROVIDE NO-
23 TICE.—If a State does not transmit a notice to the
24 chair of the Federal Election Commission under
25 paragraph (1) within the deadline described in such

1 paragraph, no representative from the State may
2 participate in the selection of the Executive Board
3 under subsection (c).

4 (4) ROLE OF COMMISSION.—Upon the appoint-
5 ment of the members of the Election Assistance
6 Commission, the Election Assistance Commission
7 shall carry out the duties of the Federal Election
8 Commission under this subsection.

9 (c) EXECUTIVE BOARD.—

10 (1) IN GENERAL.—Not later than 60 days after
11 the last day on which the appointment of any of its
12 members may be certified under subsection (b), the
13 Standards Board shall select 9 of its members to
14 serve as the Executive Board of the Standards
15 Board, of whom—

16 (A) not more than 5 may be State election
17 officials;

18 (B) not more than 5 may be local election
19 officials; and

20 (C) not more than 5 may be members of
21 the same political party.

22 (2) TERMS.—Except as provided in paragraph
23 (3), members of the Executive Board of the Stand-
24 ards Board shall serve for a term of 2 years and
25 may not serve for more than 3 consecutive terms.

1 (3) STAGGERING OF INITIAL TERMS.—Of the
2 members first selected to serve on the Executive
3 Board of the Standards Board—

4 (A) 3 shall serve for one term;

5 (B) 3 shall serve for 2 consecutive terms;

6 and

7 (C) 3 shall serve for 3 consecutive terms,
8 as determined by lot at the time the members are
9 first appointed.

10 (4) DUTIES.—In addition to any other duties
11 assigned under this title, the Executive Board of the
12 Standards Board may carry out such duties of the
13 Standards Board as the Standards Board may dele-
14 gate.

15 **SEC. 214. MEMBERSHIP OF BOARD OF ADVISORS.**

16 (a) IN GENERAL.—The Board of Advisors shall be
17 composed of 25 members appointed as follows:

18 (1) 2 members appointed by the United States
19 Commission on Civil Rights.

20 (2) 2 members appointed by the Architectural
21 and Transportation Barrier Compliance Board
22 under section 502 of the Rehabilitation Act of 1973
23 (29 U.S.C. 792).

24 (3) 2 members appointed by the National Gov-
25 ernors Association.

1 (4) 2 members appointed by the National Con-
2 ference of State Legislatures.

3 (5) 2 members appointed by the National Asso-
4 ciation of Secretaries of State.

5 (6) 2 members appointed by the National Asso-
6 ciation of State Election Directors.

7 (7) 2 members appointed by the National Asso-
8 ciation of Counties.

9 (8) 2 members appointed by the National Asso-
10 ciation of County Recorders, Election Administra-
11 tors, and Clerks.

12 (9) 2 members appointed by the United States
13 Conference of Mayors.

14 (10) 2 members appointed by the Election Cen-
15 ter.

16 (11) 2 members appointed by the International
17 Association of County Recorders, Election Officials,
18 and Treasurers.

19 (12) 2 members representing professionals in
20 the field of science and technology, of whom 1 shall
21 be appointed by the Speaker of the House of Rep-
22 resentatives and 1 shall be appointed by the majority
23 leader of the Senate (or, if the majority leader is a
24 member of the same political party as the Speaker,
25 by the minority leader of the Senate).

1 visible to carry out this title, except that the Boards
2 may not issue subpoenas requiring the attendance
3 and testimony of witnesses or the production of any
4 evidence.

5 (2) MEETINGS.—The Standards Board and the
6 Board of Advisors shall each hold a meeting of its
7 members—

8 (A) not less frequently than once every
9 year for purposes of voting on the standards re-
10 ferred to it under section 223;

11 (B) in the case of the Standards Board,
12 not less frequently than once every 2 years for
13 purposes of selecting the Executive Board; and

14 (C) at such other times as it considers ap-
15 propriate for purposes of conducting such other
16 business as it considers appropriate consistent
17 with this title.

18 (b) INFORMATION FROM FEDERAL AGENCIES.—The
19 Standards Board and the Board of Advisors may each se-
20 cure directly from any Federal department or agency such
21 information as the Board considers necessary to carry out
22 this Act. Upon request of the Executive Board (in the case
23 of the Standards Board) or the Chair (in the case of the
24 Board of Advisors), the head of such department or agen-
25 cy shall furnish such information to the Board.

1 (c) POSTAL SERVICES.—The Standards Board and
2 the Board of Advisors may use the United States mails
3 in the same manner and under the same conditions as a
4 department or agency of the Federal Government.

5 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
6 the request of the Executive Board (in the case of the
7 Standards Board) or the Chair (in the case of the Board
8 of Advisors), the Administrator of the General Services
9 Administration shall provide to the Board, on a reimburs-
10 able basis, the administrative support services that are
11 necessary to enable the Board to carry out its duties under
12 this title.

13 (e) NO COMPENSATION FOR SERVICE.—Members of
14 the Standards Board and members of the Board of Advi-
15 sors shall not receive any compensation for their service,
16 but shall be paid travel expenses, including per diem in
17 lieu of subsistence, at rates authorized for employees of
18 agencies under subchapter I of chapter 57 of title 5,
19 United States Code, while away from their homes or reg-
20 ular places of business in the performance of services for
21 the Board.

22 **SEC. 216. STATUS OF BOARDS AND MEMBERS FOR PUR-**
23 **POSES OF CLAIMS AGAINST BOARD.**

24 (a) IN GENERAL.—The provisions of chapters 161
25 and 171 of title 28, United States Code, shall apply with

1 respect to the liability of the Standards Board, the Board
2 of Advisors, and their members for acts or omissions per-
3 formed pursuant to and in the course of the duties and
4 responsibilities of the Board.

5 (b) EXCEPTION FOR CRIMINAL ACTS AND OTHER
6 WILLFUL CONDUCT.—Subsection (a) may not be con-
7 strued to limit personal liability for criminal acts or omis-
8 sions, willful or malicious misconduct, acts or omissions
9 for private gain, or any other act or omission outside the
10 scope of the service of a member of the Standards Board
11 or the Board of Advisors.

12 **Subtitle B—Voluntary Election** 13 **Standards**

14 **SEC. 221. DEVELOPMENT OF VOLUNTARY ELECTION** 15 **STANDARDS.**

16 (a) IN GENERAL.—The Commission shall:

17 (1) In accordance with section 223, develop
18 (through the Executive Director of the Commission),
19 adopt, and update (not less often than every 4 years
20 thereafter) voluntary engineering and procedural
21 performance standards for voting systems used in
22 Federal elections which shall meet the following re-
23 quirements:

24 (A) The scope of the standards should in-
25 clude security (including a documentary audit

1 for non-ballot systems), the procedures for cer-
2 tification and decertification of software and
3 hardware, the assessment of usability, and oper-
4 ational guidelines for the proper use and main-
5 tenance of equipment.

6 (B) The standards should provide that vot-
7 ers have the opportunity to correct errors at the
8 precinct or other polling place, either within the
9 voting equipment itself or in the operational
10 guidelines to administrators for using the
11 equipment, under conditions which assure pri-
12 vacy to the voter.

13 (C) Each voting tally system certified for
14 use should include as part of the certification a
15 proposed statement of what constitutes a prop-
16 er vote in the design and operation of the sys-
17 tem.

18 (D) New voting equipment systems cer-
19 tified either by the Federal government or by
20 any State should provide a practical and effec-
21 tive means for voters with physical disabilities
22 (including blindness) to cast a secret ballot.

23 (2) Maintain a clearinghouse of information on
24 the experiences of State and local governments in
25 implementing the voluntary standards described in

1 paragraph (1) and in operating voting systems in
2 general.

3 (3) In accordance with section 224, provide for
4 the voluntary testing, certification, decertification,
5 and recertification of voting systems.

6 (4) Advise States and units of local government
7 regarding compliance with the requirements of the
8 Voting Accessibility for the Elderly and Handi-
9 capped Act (42 U.S.C. 1973ee et seq.) and compli-
10 ance with other Federal laws regarding accessibility
11 of registration facilities and polling places. Addition-
12 ally, in accordance with section 223, the Commission
13 shall develop (through the Executive Director of the
14 Commission), adopt, and update (not less often than
15 every 4 years thereafter) voluntary standards for
16 maintaining and enhancing the accessibility and pri-
17 vacy of registration facilities, polling places, and vot-
18 ing methods with the goal of promoting for all indi-
19 viduals, including the elderly and individuals with
20 disabilities (including blindness), the accessibility of
21 polling places and the effective use of voting systems
22 and voting equipment which provide the opportunity
23 for casting a secure and secret ballot, and shall in-
24 clude in such standards voluntary guidelines regard-
25 ing accessibility and ease-of-use for States and units

1 of local government to use when obtaining voting
2 equipment and selecting polling places. In carrying
3 out this paragraph, the Commission shall consult
4 with the Architectural and Transportation Barrier
5 Compliance Board under section 502 of the Reha-
6 bilitation Act of 1973 (29 U.S.C. 792) and other in-
7 dividuals and entities with expertise in the accessi-
8 bility of facilities for individuals with disabilities.

9 (5) Make periodic studies available to the public
10 regarding the election administration issues de-
11 scribed in subsection (b), with the goal of promoting
12 methods of voting and administering elections
13 which—

14 (A) will be the most convenient, accessible,
15 and easy to use for voters, including members
16 of the uniformed services, blind and disabled
17 voters, and voters with limited English pro-
18 ficiency;

19 (B) will yield the most accurate, secure,
20 and expeditious system for voting and tab-
21 ulating election results;

22 (C) will be nondiscriminatory and afford
23 each registered and eligible voter an equal op-
24 portunity to vote; and

1 (D) will be efficient and cost-effective for
2 use.

3 (6) In accordance with section 223, develop
4 (through the Executive Director of the Commission),
5 adopt, and update (not less often than every 4
6 years) voluntary election management practice
7 standards for State and local election officials to
8 maintain and enhance the administration of Federal
9 elections, including standards developed in consulta-
10 tion with the Secretary of Defense to govern the
11 treatment of absent uniformed services voters (as
12 defined in section 107(1) of the Uniformed and
13 Overseas Citizens Absentee Voting Act) and overseas
14 voters (as defined in section 107(5) of such Act)
15 which will include provisions to address each of the
16 following:

17 (A) The rights of residence of uniformed
18 services voters absent due to military orders.

19 (B) The rights of absent uniformed serv-
20 ices voters and overseas voters to register to
21 vote and cast absentee ballots.

22 (C) The rights of absent uniformed serv-
23 ices voters and overseas voters to submit absen-
24 tee ballot applications early during an election
25 year.

1 (D) The appropriate pre-election deadline
2 for mailing absentee ballots to absent uniformed
3 services voters and overseas voters.

4 (E) The appropriate minimum period be-
5 tween the mailing of absentee ballots to absent
6 uniformed services voters and overseas voters
7 and the deadline for receipt of such ballots.

8 (F) The timely transmission of balloting
9 materials to absent uniformed services voters
10 and overseas voters.

11 (G) Security and privacy concerns in the
12 transmission, receipt, and processing of ballots
13 from absent uniformed services voters and over-
14 seas voters, including the need to protect
15 against fraud.

16 (H) The use of a single application by ab-
17 sent uniformed services voters and overseas vot-
18 ers for absentee ballots for all Federal elections
19 occurring during a year.

20 (I) The use of a single application for voter
21 registration and absentee ballots by absent uni-
22 formed services voters and overseas voters.

23 (J) The use of facsimile machines and elec-
24 tronic means of transmission of absentee ballot

1 applications and absentee ballots to absent uni-
2 formed services voters and overseas voters.

3 (K) Other issues related to the rights of
4 absent uniformed services voters and overseas
5 voters to participate in elections.

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

9 (8) Make information on the Federal election
10 system available to the public and the media.

11 (9) At the request of State officials, assist such
12 officials in the review of election or vote counting
13 procedures in Federal elections, through bipartisan
14 panels of election professionals assembled by the
15 Commission for such purpose.

16 (10) Compile and make available to the public
17 the official certified results of general elections for
18 Federal office and reports comparing the rates of
19 voter registration, voter turnout, voting system func-
20 tions, and ballot errors among jurisdictions in the
21 United States.

22 (11) Gather information and serve as a clear-
23 inghouse concerning issues relating to Federal,
24 State, and local elections.

1 (b) ELECTION ADMINISTRATION ISSUES DE-
2 SCRIBED.—The election administration issues described in
3 this subsection are as follows:

4 (1) Current and alternate methods and mecha-
5 nisms of voting and counting votes in elections for
6 Federal office.

7 (2) Current and alternate ballot designs for
8 elections for Federal office.

9 (3) Current and alternate methods of voter reg-
10 istration, maintaining secure and accurate lists of
11 registered voters (including the establishment of a
12 centralized, interactive, statewide voter registration
13 list linked to relevant agencies and all polling sites),
14 and ensuring that all registered voters appear on the
15 polling list at the appropriate polling site.

16 (4) Current and alternate methods of con-
17 ducting provisional voting.

18 (5) Current and alternate methods of ensuring
19 the accessibility of voting, registration, polling
20 places, and voting equipment to all voters, including
21 disabled voters and voters with limited English pro-
22 ficiency.

23 (6) Current and alternate methods of voter reg-
24 istration for members of the uniformed services and
25 overseas voters, and methods of ensuring that such

1 voters receive timely ballots that will be properly and
2 expeditiously handled and counted.

3 (7) Current and alternate methods of recruiting
4 and improving the performance of poll workers.

5 (8) Federal and State laws governing the eligi-
6 bility of persons to vote.

7 (9) Current and alternate methods of educating
8 voters about the process of registering to vote and
9 voting, the operation of voting mechanisms, the loca-
10 tion of polling places, and all other aspects of par-
11 ticipating in elections.

12 (10) Matters particularly relevant to voting and
13 administering elections in rural and urban areas.

14 (11) Conducting elections for Federal office on
15 different days, at different places, and during dif-
16 ferent hours, including the advisability of estab-
17 lishing a uniform poll closing time.

18 (12) The ways that the Federal Government
19 can best assist State and local authorities to improve
20 the administration of elections for Federal office and
21 what levels of funding would be necessary to provide
22 such assistance.

23 (c) CONSULTATION WITH STANDARDS BOARD AND
24 BOARD OF ADVISORS.—The Commission shall carry out

1 its duties under this subtitle in consultation with the
2 Standards Board and the Board of Advisors.

3 **SEC. 222. TECHNICAL STANDARDS DEVELOPMENT COM-**
4 **MITTEE.**

5 (a) ESTABLISHMENT.—There is hereby established
6 the Technical Standards Development Committee (here-
7 after in this subtitle referred to as the “Development Com-
8 mittee”).

9 (b) DUTIES.—

10 (1) IN GENERAL.—The Development Committee
11 shall assist the Executive Director of the Commis-
12 sion in the development of voluntary standards
13 under this subtitle by recommending standards (and
14 modifications to standards) to ensure the usability,
15 accuracy, security, accessibility, and integrity of vot-
16 ing systems and voting equipment.

17 (2) DEADLINE FOR INITIAL SET OF REC-
18 OMMENDATIONS.—The Development Committee
19 shall provide its first set of recommendations under
20 this section to the Executive Director of the Com-
21 mission not later than 9 months after all of its mem-
22 bers have been appointed.

23 (c) MEMBERSHIP.—

24 (1) IN GENERAL.—The Development Committee
25 shall be composed of the Director of the National

1 Institute of Standards and Technology (who shall
2 serve as its chair), together with a group of 14 other
3 individuals appointed jointly by the Commission and
4 the Director of the National Institute of Standards
5 and Technology, consisting of the following:

6 (A) An equal number of each of the fol-
7 lowing:

8 (i) Members of the Standards Board.

9 (ii) Members of the Board of Advi-
10 sors.

11 (iii) Members of the Architectural and
12 Transportation Barrier Compliance Board
13 under section 502 of the Rehabilitation Act
14 of 1973 (29 U.S.C. 792).

15 (B) A representative of the American Na-
16 tional Standards Institute.

17 (C) Other individuals with technical and
18 scientific expertise relating to voting systems
19 and voting equipment.

20 (2) QUORUM.—A majority of the members of
21 the Development Committee shall constitute a
22 quorum, except that the Development Committee
23 may not conduct any business prior to the appoint-
24 ment of all of its members.

1 (d) NO COMPENSATION FOR SERVICE.—Members of
2 the Development Committee shall not receive any com-
3 pensation for their service, but shall be paid travel ex-
4 penses, including per diem in lieu of subsistence, at rates
5 authorized for employees of agencies under subchapter I
6 of chapter 57 of title 5, United States Code, while away
7 from their homes or regular places of business in the per-
8 formance of services for the Development Committee.

9 (e) TECHNICAL SUPPORT FROM NATIONAL INSTI-
10 TUTE OF STANDARDS AND TECHNOLOGY.—At the request
11 of the Development Committee, the Director of the Na-
12 tional Institute of Standards and Technology shall provide
13 the Development Committee with technical support nec-
14 essary for the Development Committee to carry out its du-
15 ties under this subtitle.

16 (f) PUBLICATION OF RECOMMENDATIONS IN FED-
17 ERAL REGISTER.—At the time the Commission adopts any
18 standard pursuant to section 223, the Development Com-
19 mittee shall cause to have published in the Federal Reg-
20 ister the recommendations it provided under this section
21 to the Executive Director of the Commission concerning
22 the standard adopted.

1 **SEC. 223. PROCESS FOR ADOPTION OF VOLUNTARY STAND-**
2 **ARDS.**

3 (a) CONSIDERATION OF RECOMMENDATIONS OF DE-
4 VELOPMENT COMMITTEE; SUBMISSION OF PROPOSED
5 VOLUNTARY STANDARDS TO BOARD OF ADVISORS AND
6 STANDARDS BOARD.—

7 (1) CONSIDERATION OF RECOMMENDATIONS OF
8 DEVELOPMENT COMMITTEE.—In developing stand-
9 ards and modifications for purposes of this section,
10 the Executive Director of the Commission shall take
11 into consideration the recommendations provided by
12 the Technical Standards Development Committee
13 under section 222.

14 (2) BOARD OF ADVISORS.—The Executive Di-
15 rector of the Commission shall submit each of the
16 voluntary engineering and procedural performance
17 standards (described in section 221(a)(1)), each of
18 the voluntary standards described in section
19 221(a)(4), and each of the voluntary election man-
20 agement practice standards (described in section
21 221(a)(6)) developed by the Executive Director (or
22 any modifications to such standards) to the Board
23 of Advisors.

24 (3) STANDARDS BOARD.—The Executive Direc-
25 tor of the Commission shall submit each of the vol-
26 untary engineering and procedural performance

1 standards (described in section 221(a)(1)), each of
2 the voluntary standards described in section
3 221(a)(4), and each of the voluntary election man-
4 agement practice standards (described in section
5 221(a)(6)) developed by the Executive Director (or
6 any modifications to such standards) to the Execu-
7 tive Board of the Standards Board, who shall review
8 the standard (or modification) and forward its rec-
9 ommendations to the Standards Board.

10 (b) REVIEW.—Upon receipt of a voluntary standard
11 described in subsection (a) (or modification of such a
12 standard) from the Executive Director of the Commission,
13 the Board of Advisors and the Standards Board shall each
14 review and submit comments and recommendations re-
15 garding the standard (or modification) to the Commission.

16 (c) FINAL APPROVAL.—

17 (1) IN GENERAL.—A voluntary standard de-
18 scribed in subsection (a) (or modification of such a
19 standard) shall not be considered to be finally adopt-
20 ed by the Commission unless the majority of the
21 members of the Commission vote to approve the
22 final adoption of the standard (or modification), tak-
23 ing into consideration the comments and rec-
24 ommendations submitted by the Board of Advisors
25 and the Standards Board under subsection (b).

1 (2) MINIMUM PERIOD FOR CONSIDERATION OF
2 COMMENTS AND RECOMMENDATIONS.—The Commis-
3 sion may not vote on the final adoption of a vol-
4 untary standard described in subsection (a) (or
5 modification of such a standard) until the expiration
6 of the 90-day period which begins on the date the
7 Executive Director of the Commission submits the
8 standard (or modification) to the Board of Advisors
9 and the Standards Board under subsection (a).

10 **SEC. 224. CERTIFICATION AND TESTING OF VOTING SYS-**
11 **TEMS.**

12 (a) CERTIFICATION AND TESTING.—

13 (1) IN GENERAL.—The Commission shall pro-
14 vide for the testing, certification, decertification, and
15 recertification of voting system hardware and soft-
16 ware by accredited laboratories.

17 (2) OPTIONAL USE BY STATES.—At the option
18 of a State, the State may provide for the testing,
19 certification, decertification, or recertification of its
20 voting system hardware and software by the labora-
21 tories accredited by the Commission under this sec-
22 tion.

23 (b) LABORATORY ACCREDITATION.—

24 (1) RECOMMENDATIONS BY NATIONAL INSTI-
25 TUTE OF STANDARDS AND TECHNOLOGY.—Not later

1 than 6 months after the Commission first adopts
2 voluntary engineering and procedural performance
3 standards under this subtitle, the Director of the
4 National Institute of Standards and Technology
5 shall conduct an evaluation of independent, non-Fed-
6 eral laboratories and shall submit to the Commission
7 a list of those laboratories the Director proposes to
8 be accredited to carry out the testing, certification,
9 decertification, and recertification provided for under
10 this section.

11 (2) APPROVAL BY COMMISSION.—The Commis-
12 sion shall vote on the proposed accreditation of each
13 laboratory on the list submitted under paragraph
14 (1), and no laboratory may be accredited for pur-
15 poses of this section unless its accreditation is ap-
16 proved by a majority vote of the members of the
17 Commission.

18 (c) CONTINUING REVIEW BY NATIONAL INSTITUTE
19 OF STANDARDS AND TECHNOLOGY.—

20 (1) IN GENERAL.—In cooperation with the
21 Commission and in consultation with the Standards
22 Board and the Board of Advisors, the Director of
23 the National Institute of Standards and Technology
24 shall monitor and review, on an ongoing basis, the
25 performance of the laboratories accredited by the

1 Commission under this section, and shall make such
2 recommendations to the Commission as it considers
3 appropriate with respect to the continuing accredita-
4 tion of such laboratories, including recommendations
5 to revoke the accreditation of any such laboratory.

6 (2) APPROVAL BY COMMISSION REQUIRED FOR
7 REVOCATION.—The accreditation of a laboratory for
8 purposes of this section may not be revoked unless
9 the revocation is approved by a majority vote of the
10 members of the Commission.

11 **SEC. 225. DISSEMINATION OF INFORMATION.**

12 On an ongoing basis, the Commission shall dissemi-
13 nate to the public (through the Internet, published re-
14 ports, and such other methods as the Commission con-
15 siders appropriate) information on the activities carried
16 out under this subtitle, including—

17 (1) the voluntary election standards adopted by
18 the Commission, together with guidelines for apply-
19 ing the standards and other information to assist in
20 their implementation;

21 (2) the list of laboratories accredited to carry
22 out testing, certification, decertification, and recer-
23 tification of voting system hardware and software
24 under section 224; and

1 (3) a list of voting system hardware and soft-
2 ware products which have been certified pursuant to
3 section 224 as meeting the applicable voluntary
4 standards adopted by the Commission under this
5 subtitle.

6 **Subtitle C—Election Assistance**

7 **PART 1—ELECTION FUND PAYMENTS TO STATES**

8 **FOR VOTING SYSTEM IMPROVEMENTS**

9 **SEC. 231. ELECTION FUND PAYMENTS TO STATES FOR VOT-** 10 **ING SYSTEM IMPROVEMENTS.**

11 (a) IN GENERAL.—The Commission shall make an
12 Election Fund payment each year in an amount deter-
13 mined under section 232 to each State which meets the
14 requirements described in section 233 for the year.

15 (b) USE OF FUNDS.—A State receiving an Election
16 Fund payment shall use the payment for any or all of the
17 following activities:

18 (1) Establishing and maintaining accurate lists
19 of eligible voters.

20 (2) Encouraging eligible voters to vote.

21 (3) Improving verification and identification of
22 voters at the polling place.

23 (4) Improving equipment and methods for cast-
24 ing and counting votes.

1 (5) Recruiting and training election official and
2 poll workers.

3 (6) Improving the quantity and quality of avail-
4 able polling places.

5 (7) Educating voters about their rights and re-
6 sponsibilities.

7 (8) Assuring access for voters with physical dis-
8 abilities (including blindness).

9 (9) Carrying out other activities to improve the
10 administration of elections in the State.

11 (c) ADOPTION OF COMMISSION STANDARDS NOT RE-
12 QUIRED TO RECEIVE PAYMENT.—Nothing in this part
13 may be construed to require a State to implement any of
14 the voluntary standards adopted by the Commission with
15 respect to any matter as a condition for receiving an Elec-
16 tion Fund payment.

17 (d) SCHEDULE OF PAYMENTS.—As soon as prac-
18 ticable after all members of the Commission are appointed
19 (but in no event later than 6 months thereafter), and not
20 less frequently than once each calendar year thereafter,
21 the Commission shall make Election Fund payments to
22 States under this part.

1 **SEC. 232. ALLOCATION OF FUNDS.**

2 (a) IN GENERAL.—Subject to subsection (c), the
3 amount of an Election Fund payment made to a State
4 for a year shall be equal to the product of—

5 (1) the total amount appropriated for Election
6 Fund payments for the year under section 234; and

7 (2) the State allocation percentage for the State
8 (as determined under subsection (b)).

9 (b) STATE ALLOCATION PERCENTAGE DEFINED.—
10 The “State allocation percentage” for a State is the
11 amount (expressed as a percentage) equal to the quotient
12 of—

13 (1) the voting age population of the State; and

14 (2) the total voting age population of all States.

15 (c) MINIMUM AMOUNT OF PAYMENT.—The amount
16 of an Election Fund payment made to a State for a year
17 may not be less than—

18 (1) in the case of any of the several States or
19 the District of Columbia, $\frac{1}{2}$ of 1 percent of the total
20 amount appropriated for Election Fund payments
21 for the year under section 234; or

22 (2) in the case of the Commonwealth of Puerto
23 Rico, Guam, American Samoa, or the United States
24 Virgin Islands, 20 percent of the amount described
25 in paragraph (1).

1 (d) CONTINUING AVAILABILITY OF FUNDS AFTER
2 APPROPRIATION.—An Election Fund payment made to a
3 State under this part shall be available to the State with-
4 out fiscal year limitation.

5 **SEC. 233. CONDITIONS FOR RECEIPT OF FUNDS.**

6 (a) IN GENERAL.—In order to receive an Election
7 Fund payment for a fiscal year, the chief State election
8 official of the State shall provide the Commission with the
9 following certifications:

10 (1) A certification that the State has authorized
11 and appropriated funds for carrying out the activi-
12 ties for which the Election Fund payment is made
13 in an amount equal to 25 percent of the total
14 amount to be spent for such activities (taking into
15 account the Election Fund payment and the amount
16 spent by the State).

17 (2) A certification that the State has set a uni-
18 form Statewide benchmark for voting system per-
19 formance in each local jurisdiction administering
20 elections, expressed as a percentage of residual vote
21 in the contest at the top of the ballot, and requires
22 local jurisdictions to report data relevant to this
23 benchmark after each general election for Federal
24 office.

1 (3) A certification that the State is in compli-
2 ance with the voluntary voting system standards and
3 certification processes adopted by the Commission or
4 that the State has enacted legislation establishing its
5 own State voting system standards and processes
6 which (at a minimum) ensure that new voting mech-
7 anisms have the audit capacity to produce a record
8 for each ballot cast.

9 (4) A certification that—

10 (A) in each precinct or polling place in the
11 State, there is at least one voting system avail-
12 able which is fully accessible to individuals with
13 physical disabilities (including blindness); and

14 (B) if the State uses any portion of its
15 Election Fund payment to obtain new voting
16 machines, at least one voting machine in each
17 polling place in the State will be fully accessible
18 to individuals with physical disabilities (includ-
19 ing blindness).

20 (5) A certification that the State has estab-
21 lished a fund described in subsection (b) for pur-
22 poses of administering its activities under this part.

23 (6) A certification that, in administering elec-
24 tion systems, the State is in compliance with the ex-
25 isting applicable requirements of the Voting Rights

1 Act of 1965 (42 U.S.C. 1973 et seq.), the National
2 Voter Registration Act of 1993 (42 U.S.C. 1973gg
3 et seq.), the Voting Accessibility for the Elderly and
4 Handicapped Act (42 U.S.C. 1973ee et seq.), and
5 the Americans With Disabilities Act of 1990 (42
6 U.S.C. 12101 et seq.).

7 (7) A certification that the State provides for
8 voter education and poll worker training programs
9 to improve access to and participation in the elec-
10 toral process, and provides relevant training in the
11 requirements of the National Voter Registration Act
12 of 1993 for personnel of State motor vehicle author-
13 ity offices and other voter registration agencies des-
14 ignated by the State under such Act.

15 (8) A certification that the Election Fund pay-
16 ment has not and will not supplant funds provided
17 under existing programs funded in the State for car-
18 rying out the activities for which the Election Fund
19 payment is made.

20 (b) REQUIREMENTS FOR ELECTION FUND.—

21 (1) ELECTION FUND DESCRIBED.—For pur-
22 poses of subsection (a)(5), a fund described in this
23 subsection with respect to a State is a fund which
24 is established in the treasury of the State govern-

1 ment, which is used in accordance with paragraph
2 (2), and which consists of the following amounts:

3 (A) Amounts appropriated or otherwise
4 made available by the State for carrying out the
5 activities for which the Election Fund payment
6 is made to the State under this part.

7 (B) The Election Fund payment made to
8 the State under this part.

9 (C) Such other amounts as may be appro-
10 priated under law.

11 (D) Interest earned on deposits of the
12 fund.

13 (2) USE OF FUND.—Amounts in the fund shall
14 be used by the State exclusively to carry out the ac-
15 tivities for which the Election Fund payment is
16 made to the State under this part.

17 (c) METHODS OF COMPLIANCE LEFT TO DISCRETION
18 OF STATE.—The specific choices on the methods of com-
19 plying with the requirements described in subsection (a)
20 shall be left to the discretion of the State.

21 (d) CHIEF STATE ELECTION OFFICIAL DEFINED.—
22 In this subtitle, the “chief State election official” of a
23 State is the individual designated by the State under sec-
24 tion 10 of the National Voter Registration Act of 1993

1 (42 U.S.C. 1973gg-8) to be responsible for coordination
2 of the State's responsibilities under such Act.

3 **SEC. 234. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated for Election
5 Fund payments under this part an aggregate amount of
6 \$2,250,000,000 for fiscal years 2002 through 2004.

7 **SEC. 235. REPORTS.**

8 Not later than the 6 months after the end of each
9 fiscal year for which a State received an Election Fund
10 payment under this part, the State shall submit a report
11 to the Commission on the activities conducted with the
12 funds provided during the year, and shall include in the
13 report—

14 (1) a list of expenditures made with respect to
15 each category of activities described in section
16 231(b); and

17 (2) the number and type of articles of voting
18 equipment obtained with the funds.

19 **PART 2—GRANTS FOR RESEARCH ON VOTING**
20 **TECHNOLOGY IMPROVEMENTS**

21 **SEC. 241. GRANTS FOR RESEARCH ON VOTING TECH-**
22 **NOLOGY IMPROVEMENTS.**

23 (a) **IN GENERAL.**—The Commission shall make
24 grants to assist entities in carrying out research and devel-
25 opment to improve the quality, reliability, accuracy, acces-

1 sibility, affordability, and security of voting equipment,
2 election systems, and voting technology.

3 (b) ELIGIBILITY.—An entity is eligible to receive a
4 grant under this part if it submits to the Commission (at
5 such time and in such form as the Commission may re-
6 quire) an application containing—

7 (1) assurances that the research and develop-
8 ment funded with the grant will take into account
9 the need to make voting equipment fully accessible
10 for individuals with disabilities (including blind indi-
11 viduals), the need to ensure that such individuals
12 can vote independently and with privacy, and the
13 need to provide alternative language accessibility for
14 individuals with limited proficiency in the English
15 language (consistent with the requirements of the
16 Voting Rights Act of 1965); and

17 (2) such other information and assurances as
18 the Commission may require.

19 (c) APPLICABILITY OF REGULATIONS GOVERNING
20 PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL
21 ASSISTANCE.—Any invention made by the recipient of a
22 grant under this part using funds provided under this part
23 shall be subject to chapter 18 of title 35, United States
24 Code (relating to patent rights in inventions made with
25 Federal assistance).

1 **SEC. 242. REPORT.**

2 (a) IN GENERAL.—Each entity which receives a
3 grant under this part shall submit to the Commission,
4 Congress, and the President a report describing the activi-
5 ties carried out with the funds provided under the grant.

6 (b) DEADLINE.—An entity shall submit a report re-
7 quired under subsection (a) not later than 60 days after
8 the end of the fiscal year for which the entity received
9 the grant which is the subject of the report.

10 **SEC. 243. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated for grants
12 under this part \$20,000,000 for fiscal year 2002.

13 **PART 3—PILOT PROGRAM FOR TESTING OF**
14 **EQUIPMENT AND TECHNOLOGY**

15 **SEC. 251. PILOT PROGRAM.**

16 (a) IN GENERAL.—The Commission shall make
17 grants to carry out pilot programs under which new tech-
18 nologies in voting systems and equipment are implemented
19 on a trial basis.

20 (b) ELIGIBILITY.—An entity is eligible to receive a
21 grant under this part if it submits to the Commission (at
22 such time and in such form as the Commission may re-
23 quire) an application containing—

24 (1) assurances that the pilot programs funded
25 with the grant will take into account the need to
26 make voting equipment fully accessible for individ-

1 uals with disabilities (including blind individuals),
2 the need to ensure that such individuals can vote
3 independently and with privacy, and the need to pro-
4 vide alternative language accessibility for individuals
5 with limited proficiency in the English language
6 (consistent with the requirements of the Voting
7 Rights Act of 1965); and

8 (2) such other information and assurances as
9 the Commission may require.

10 **SEC. 252. REPORT.**

11 (a) IN GENERAL.—Each entity which receives a
12 grant under this part shall submit to the Commission,
13 Congress, and the President a report describing the activi-
14 ties carried out with the funds provided under the grant.

15 (b) DEADLINE.—An entity shall submit a report re-
16 quired under subsection (a) not later than 60 days after
17 the end of the fiscal year for which the entity received
18 the grant which is the subject of the report.

19 **SEC. 253. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated for grants
21 under this part \$10,000,000 for fiscal year 2002.

1 **PART 4—MISCELLANEOUS**
2 **SEC. 261. ROLE OF NATIONAL INSTITUTE OF STANDARDS**
3 **AND TECHNOLOGY.**

4 (a) **RECOMMENDATION OF TOPICS FOR RESEARCH**
5 **UNDER VOTING RESEARCH GRANTS AND PILOT PRO-**
6 **GRAMS.**—The Director of the National Institute of Stand-
7 ards and Technology (hereafter in this section referred to
8 as the “Director”) shall submit to the Commission an an-
9 nual list of the Director’s suggestions for issues which may
10 be the subject of research funded with grants awarded
11 under part 2 and part 3 during the year.

12 (b) **REVIEW OF GRANT APPLICATIONS RECEIVED BY**
13 **COMMISSION.**—The Commission shall submit each appli-
14 cation it receives for a grant under part 2 or part 3 to
15 the Director, who shall review the application and provide
16 the Commission with such comments as the Director con-
17 siders appropriate.

18 (c) **MONITORING AND ADJUSTMENT OF GRANT AC-**
19 **TIVITIES.**—After the Commission has awarded a grant
20 under part 2 or part 3, the Director shall monitor the
21 grant and (to the extent permitted under the terms of the
22 grant as awarded) may recommend to the Commission
23 that the recipient of the grant modify and adjust the ac-
24 tivities carried out under the grant.

25 (d) **EVALUATION OF COMPLETED GRANTS.**—

1 (1) IN GENERAL.—After the recipient of a
2 grant awarded by the Commission has completed the
3 terms of the grant, the Director shall prepare and
4 submit to the Commission an evaluation of the grant
5 and the activities carried out under the grant.

6 (2) INCLUSION IN REPORTS.—The Commission
7 shall include the evaluations submitted under para-
8 graph (1) for a year in the report submitted for the
9 year under section 262.

10 (e) INTRAMURAL RESEARCH AND DEVELOPMENT.—
11 The Director shall establish a program for intramural re-
12 search and development in areas to support the develop-
13 ment of voluntary technical standards for voting products
14 and systems, including—

15 (1) the security of computers, computer net-
16 works, and computer data storage used in voting
17 products and systems, including the Statewide voter
18 registration networks required under the minimum
19 standard described in section 502(1);

20 (2) methods to detect and prevent fraud;

21 (3) the protection of voter privacy;

22 (4) the role of human factors in the design and
23 application of voting products and systems, including
24 assistive technologies for individuals with disabilities

1 (including blindness) and varying levels of literacy;
2 and

3 (5) remote access voting, including voting
4 through the Internet.

5 **SEC. 262. REPORTS.**

6 (a) ANNUAL REPORTS ON ACTIVITIES.—Not later
7 than 90 days after the end of each fiscal year, the Com-
8 mission shall submit a report to the Committee on House
9 Administration of the House of Representatives and the
10 Committee on Rules and Administration of the Senate on
11 the activities carried out by the Commission under this
12 subtitle during the previous fiscal year, and shall include
13 in the report a description of all applications for Election
14 Fund payments and grants received by the Commission
15 during the year under this subtitle and the disposition of
16 such applications.

17 (b) REPORT ON HUMAN FACTOR RESEARCH.—Not
18 later than 1 year after the date of the enactment of this
19 Act, the Commission, in consultation with the Director of
20 the National Institute of Standards and Technology, shall
21 submit a report to Congress which assesses the areas of
22 human factor research, including usability engineering
23 and human-computer and human-machine interaction,
24 which feasibly could be applied to voting products and sys-
25 tems design to ensure the usability and accuracy of voting

1 products and systems, including methods to improve ac-
2 cess for individuals with disabilities (including blindness)
3 and to reduce voter error and the number of spoiled ballots
4 in elections.

5 **SEC. 263. AUDIT.**

6 (a) IN GENERAL.—As a condition of receiving funds
7 under this subtitle, a State or entity described in part 2
8 or part 3 shall agree that such funds shall be subject to
9 audit if 2 or more members of the Commission vote to
10 require an audit.

11 (b) MANDATORY AUDIT.—In addition to audits con-
12 ducted pursuant to subsection (a), all funds provided
13 under this subtitle shall be subject to mandatory audit at
14 least once during the lifetime of the programs under this
15 subtitle.

16 **TITLE III—HELP AMERICA VOTE**
17 **COLLEGE PROGRAM**

18 **SEC. 301. ESTABLISHMENT OF PROGRAM.**

19 (a) IN GENERAL.—Not later than 1 year after the
20 appointment of its members, the Election Assistance Com-
21 mission shall develop a program to be known as the “Help
22 America Vote College Program” (hereafter in this title re-
23 ferred to as the “Program”).

24 (b) PURPOSES OF PROGRAM.—The purpose of the
25 Program shall be—

1 (1) to encourage students enrolled at institu-
2 tions of higher education (including community col-
3 leges) to assist State and local governments in the
4 administration of elections by serving as nonpartisan
5 poll workers or assistants; and

6 (2) to encourage State and local governments to
7 use the services of the students participating in the
8 Program.

9 **SEC. 302. ACTIVITIES UNDER PROGRAM.**

10 (a) IN GENERAL.—In carrying out the Program, the
11 Commission (in consultation with the chief election official
12 of each State) shall develop materials, sponsor seminars
13 and workshops, engage in advertising targeted at stu-
14 dents, make grants, and take such other actions as it con-
15 siders appropriate to meet the purposes described in sec-
16 tion 301(b).

17 (b) REQUIREMENTS FOR GRANT RECIPIENTS.—In
18 making grants under the Program, the Commission shall
19 ensure that the funds provided are spent for projects and
20 activities which are carried out without partisan bias or
21 without promoting any particular point of view regarding
22 any issue, and that each recipient is governed in a bal-
23 anced manner which does not reflect any partisan bias.

24 (c) COORDINATION WITH INSTITUTIONS OF HIGHER
25 EDUCATION.—The Commission shall encourage institu-

1 tions of higher education (including community colleges)
 2 to participate in the Program, and shall make all nec-
 3 essary materials and other assistance (including materials
 4 and assistance to enable the institution to hold workshops
 5 and poll worker training sessions) available without charge
 6 to any institution which desires to participate in the Pro-
 7 gram.

8 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

9 In addition to any funds authorized to be appro-
 10 priated to the Commission under section 207, there are
 11 authorized to be appropriated to carry out this title—

12 (1) \$5,000,000 for fiscal year 2002; and

13 (2) such sums as may be necessary for each
 14 succeeding fiscal year.

15 **TITLE IV—HELP AMERICA VOTE**
 16 **FOUNDATION**

17 **SEC. 401. HELP AMERICA VOTE FOUNDATION.**

18 (a) IN GENERAL.—Part B of subtitle II of title 36,
 19 United States Code, is amended by inserting after chapter
 20 1525 the following:

21 **“CHAPTER 1526—HELP AMERICA VOTE**
 22 **FOUNDATION**

“Sec.

“152601. Organization.

“152602. Purposes.

“152603. Board of directors.

“152604. Officers and employees.

“152605. Powers.

“152606. Principal office.

“152607. Service of process.

“152608. Annual audit.

“152609. Civil action by Attorney General for equitable relief.

“152610. Immunity of United States Government.

“152611. Authorization of appropriations.

“152612. Annual report.

1 **“§ 152601. Organization**

2 “(a) FEDERAL CHARTER.—The Help America Vote
3 Foundation (in this chapter, the ‘foundation’) is a feder-
4 ally chartered corporation.

5 “(b) NATURE OF FOUNDATION.—The foundation is
6 a charitable and nonprofit corporation and is not an agen-
7 cy or establishment of the United States Government.

8 “(c) PERPETUAL EXISTENCE.—Except as otherwise
9 provided, the foundation has perpetual existence.

10 **“§ 152602. Purposes**

11 “(a) IN GENERAL.—The purposes of the foundation
12 are to—

13 “(1) mobilize secondary school students (includ-
14 ing students educated in the home) in the United
15 States to participate in the election process in a non-
16 partisan manner as poll workers or assistants;

17 “(2) place secondary school students (including
18 students educated in the home) as nonpartisan poll
19 workers or assistants to local election officials in
20 precinct polling places across the United States; and

21 “(3) establish cooperative efforts with State and
22 local election officials, local educational agencies, su-

1 perintendents and principals of public and private
2 secondary schools, and other appropriate nonprofit
3 charitable and educational organizations exempt
4 from taxation under section 501(a) of the Internal
5 Revenue Code of 1986 as an organization described
6 in section 501(c)(3) of such Code to further the pur-
7 poses of the foundation.

8 “(b) **REQUIRING ACTIVITIES TO BE CARRIED OUT**
9 **ON NONPARTISAN BASIS.**—The foundation shall carry out
10 its purposes without partisan bias or without promoting
11 any particular point of view regarding any issue, and shall
12 ensure that each participant in its activities is governed
13 in a balanced manner which does not reflect any partisan
14 bias.

15 “(c) **CONSULTATION WITH STATE ELECTION OFFI-**
16 **CIALS.**—The foundation shall carry out its purposes under
17 this section in consultation with the chief election officials
18 of the States, the District of Columbia, the Commonwealth
19 of Puerto Rico, Guam, American Samoa, and the United
20 States Virgin Islands.

21 **“§ 152603. Board of directors**

22 “(a) **GENERAL.**—The board of directors is the gov-
23 erning body of the foundation.

24 “(b) **MEMBERS AND APPOINTMENT.**—(1) The board
25 consists of 12 directors, who shall be appointed not later

1 than 60 days after the date of the enactment of this chap-
2 ter as follows:

3 “(A) 4 directors (of whom not more than 2 may
4 be members of the same political party) shall be ap-
5 pointed by the President.

6 “(B) 2 directors shall be appointed by the
7 Speaker of the House of Representatives.

8 “(C) 2 directors shall be appointed by the mi-
9 nority leader of the House of Representatives.

10 “(D) 2 directors shall be appointed by the ma-
11 jority leader of the Senate.

12 “(E) 2 directors shall be appointed by the mi-
13 nority leader of the Senate.

14 “(2) In addition to the directors described in para-
15 graph (1), the chair and ranking minority member of the
16 Committee on House Administration of the House of Rep-
17 resentatives (or their designees) and the chair and ranking
18 minority member of the Committee on Rules and Adminis-
19 tration of the Senate (or their designees) shall each serve
20 as an ex officio nonvoting member of the board.

21 “(3) A director is not an employee of the Federal gov-
22 ernment and appointment to the board does not constitute
23 appointment as an officer or employee of the United
24 States Government for the purpose of any law of the

1 United States (except as may otherwise be provided in this
2 chapter).

3 “(4) The terms of office of the directors are 4 years.

4 “(5) A vacancy on the board shall be filled in the
5 manner in which the original appointment was made.

6 “(c) CHAIR.—The directors shall select one of the di-
7 rectors as the chair of the board. The individual selected
8 may not be a current or former holder of any partisan
9 elected office or a current or former officer of any national
10 committee of a political party.

11 “(d) QUORUM.—The number of directors constituting
12 a quorum of the board shall be established under the by-
13 laws of the foundation.

14 “(e) MEETINGS.—The board shall meet at the call
15 of the chair of the board for regularly scheduled meetings,
16 except that the board shall meet not less often than annu-
17 ally.

18 “(f) REIMBURSEMENT OF EXPENSES.—Directors
19 shall serve without compensation but may receive travel
20 expenses, including per diem in lieu of subsistence, in ac-
21 cordance with sections 5702 and 5703 of title 5.

22 “(g) LIABILITY OF DIRECTORS.—Directors are not
23 personally liable, except for gross negligence.

1 **“§ 152604. Officers and employees**

2 “(a) APPOINTMENT OF OFFICERS AND EMPLOY-
3 EES.—The board of directors appoints, removes, and re-
4 places officers and employees of the foundation.

5 “(b) STATUS AND COMPENSATION OF EMPLOYEES.—

6 “(1) IN GENERAL.—Officers and employees of
7 the foundation—

8 “(A) are not employees of the Federal gov-
9 ernment (except as may otherwise be provided
10 in this chapter);

11 “(B) shall be appointed and removed with-
12 out regard to the provisions of title 5 governing
13 appointments in the competitive service; and

14 “(C) may be paid without regard to chap-
15 ter 51 and subchapter III of chapter 53 of title
16 5.

17 “(2) AVAILABILITY OF FEDERAL EMPLOYEE
18 RATES FOR TRAVEL.—For purposes of any schedules
19 of rates negotiated by the Administrator of General
20 Services for the use of employees of the Federal gov-
21 ernment who travel on official business, officers and
22 employees of the foundation who travel while en-
23 gaged in the performance of their duties under this
24 chapter shall be deemed to be employees of the Fed-
25 eral government.

1 **“§ 152605. Powers**

2 “(a) GENERAL.—The foundation may—

3 “(1) adopt a constitution and bylaws;

4 “(2) adopt a seal which shall be judicially no-
5 ticed; and

6 “(3) do any other act necessary to carry out
7 this chapter.

8 “(b) POWERS AS TRUSTEE.—To carry out its pur-
9 poses, the foundation has the usual powers of a corpora-
10 tion acting as a trustee in the District of Columbia, includ-
11 ing the power—

12 “(1) to accept, receive, solicit, hold, administer,
13 and use any gift, devise, or bequest, either absolutely
14 or in trust, of property or any income from or other
15 interest in property;

16 “(2) to acquire property or an interest in prop-
17 erty by purchase or exchange;

18 “(3) unless otherwise required by an instrument
19 of transfer, to sell, donate, lease, invest, or otherwise
20 dispose of any property or income from property;

21 “(4) to borrow money and issue instruments of
22 indebtedness;

23 “(5) to make contracts and other arrangements
24 with public agencies and private organizations and
25 persons and to make payments necessary to carry
26 out its functions;

1 “(6) to sue and be sued; and

2 “(7) to do any other act necessary and proper
3 to carry out the purposes of the foundation.

4 “(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift,
5 devise, or bequest may be accepted by the foundation even
6 though it is encumbered, restricted, or subject to beneficial
7 interests of private persons, if any current or future inter-
8 est is for the benefit of the foundation.

9 “(d) CONTRACTS.—The foundation may enter into
10 such contracts with public and private entities as it con-
11 siders appropriate to carry out its purposes.

12 “(e) ANNUAL CONFERENCE IN WASHINGTON MET-
13 ROPOLITAN AREA.—During each year (beginning with
14 2003), the foundation may sponsor a conference in the
15 Washington, D.C., metropolitan area to honor secondary
16 school students and other individuals who have served (or
17 plan to serve) as poll workers and assistants and who have
18 otherwise participated in the programs and activities of
19 the foundation.

20 **“§ 152606. Principal office**

21 “The principal office of the foundation shall be in the
22 District of Columbia unless the board of directors deter-
23 mines otherwise. However, the foundation may conduct
24 business throughout the States, territories, and posses-
25 sions of the United States.

1 **“§ 152607. Service of process**

2 “The foundation shall have a designated agent to re-
3 ceive service of process for the foundation. Notice to or
4 service on the agent, or mailed to the business address
5 of the agent, is notice to or service on the foundation.

6 **“§ 152608. Annual audit**

7 “The foundation shall enter into a contract with an
8 independent auditor to conduct an annual audit of the
9 foundation.

10 **“§ 152609. Civil action by Attorney General for equi-
11 table relief**

12 “The Attorney General may bring a civil action in
13 the United States District Court for the District of Colum-
14 bia for appropriate equitable relief if the foundation—

15 “(1) engages or threatens to engage in any act,
16 practice, or policy that is inconsistent with the pur-
17 poses in section 152602 of this title; or

18 “(2) refuses, fails, or neglects to carry out its
19 obligations under this chapter or threatens to do so.

20 **“§ 152610. Immunity of United States Government**

21 “The United States Government is not liable for any
22 debts, defaults, acts, or omissions of the foundation. The
23 full faith and credit of the Government does not extend
24 to any obligation of the foundation.

1 **“§ 152611. Authorization of appropriations**

2 “There are authorized to be appropriated to the foun-
3 dation for carrying out the purposes of this chapter—

4 “(1) \$5,000,000 for fiscal year 2002; and

5 “(2) such sums as may be necessary for each
6 succeeding fiscal year.

7 **“§ 152612. Annual report**

8 “As soon as practicable after the end of each fiscal
9 year, the foundation shall submit a report to the Commis-
10 sion, the President, and Congress on the activities of the
11 foundation during the prior fiscal year, including a com-
12 plete statement of its receipts, expenditures, and invest-
13 ments. Such report shall contain information gathered
14 from participating secondary school students describing
15 the nature of the work they performed in assisting local
16 election officials and the value they derived from the expe-
17 rience of educating participants about the electoral proc-
18 ess.”.

19 (b) CLERICAL AMENDMENT.—The table of chapters
20 for part B of subtitle II of title 36, United States Code,
21 is amended by inserting after the item relating to chapter
22 1525 the following new item:

“1526. Help America Vote Foundation152601”.

1 **TITLE V—MINIMUM STANDARDS**
2 **FOR STATE ELECTION SYSTEMS**

3 **SEC. 501. MINIMUM STANDARDS FOR STATE ELECTION SYS-**
4 **TEMS.**

5 (a) IN GENERAL.—The chief State election official of
6 each State shall certify in writing to the Election Assist-
7 ance Commission that—

8 (1) in administering election systems, the State
9 is in compliance with the existing applicable require-
10 ments of the Voting Rights Act of 1965, the Na-
11 tional Voter Registration Act of 1993, the Uni-
12 formed and Overseas Citizens Absentee Voting Act,
13 the Voting Accessibility for the Elderly and Handi-
14 capped Act, and the Americans With Disabilities Act
15 of 1990; and

16 (2) the State has enacted legislation to enable
17 the State to meet each of the minimum standards
18 for State election systems described in section 502.

19 (b) METHODS OF IMPLEMENTATION LEFT TO DIS-
20 CRETION OF STATE.—The specific choices on the methods
21 of implementing the legislation enacted pursuant to sub-
22 section (a)(2) shall be left to the discretion of the State.

23 (c) CHIEF STATE ELECTION OFFICIAL DEFINED.—
24 In this title, the “chief State election official” of a State
25 is the individual designated by the State under section 10

1 of the National Voter Registration Act of 1993 (42 U.S.C.
2 1973gg-8) to be responsible for coordination of the State's
3 responsibilities under such Act.

4 **SEC. 502. STANDARDS DESCRIBED.**

5 The minimum standards for State election systems
6 described in this section are as follows:

7 (1) The State will implement an official State-
8 wide voter registration system networked to every
9 local jurisdiction in the State, with provisions for
10 sharing data with other States, except that this
11 paragraph shall not apply in the case of a State in
12 which, under law in effect continuously on and after
13 the date of the enactment of this Act, there is no
14 voter registration requirement for any voter in the
15 State with respect to an election for Federal office.

16 (2) The State election system includes provi-
17 sions to ensure that voter registration records in the
18 State are accurate and are updated regularly, in-
19 cluding the following:

20 (A) A system of file maintenance which re-
21 moves registrants who are ineligible to vote
22 from the official list of eligible voters. Under
23 such system, consistent with the National Voter
24 Registration Act of 1993, registrants who have
25 not voted in 2 or more consecutive general elec-

1 tions for Federal office and who have not re-
2 sponded to a notice shall be removed from the
3 official list of eligible voters, except that no reg-
4 istrant may be removed solely by reason of a
5 failure to vote.

6 (B) Safeguards to ensure that eligible vot-
7 ers are not removed in error from the official
8 list of eligible voters.

9 (3) The State permits, by the deadline required
10 under section 504(b), in-precinct provisional voting
11 by every voter who claims to be qualified to vote in
12 the State, or has adopted an alternative which
13 achieves the same objective, except that this para-
14 graph shall not apply in the case of a State in
15 which, under law in effect continuously on and after
16 the date of the enactment of this Act, all votes in
17 the State in general elections for Federal office are
18 cast by mail.

19 (4) The State has adopted uniform standards
20 that define what will constitute a vote on each cat-
21 egory of voting equipment certified for use in the
22 State.

23 (5) The State has implemented safeguards to
24 ensure that absent uniformed services voters (as de-
25 fined in section 107(1) of the Uniformed and Over-

1 seas Citizens Absentee Voting Act) and overseas vot-
2 ers (as defined in section 107(5) of such Act) in the
3 jurisdiction have the opportunity to vote and to have
4 their votes counted.

5 (6) The State requires new voting systems to
6 provide a practical and effective means for voters
7 with physical disabilities (including blindness) to
8 cast a secret ballot.

9 (7) If the State uses voting systems which give
10 voters the opportunity to correct errors, the State
11 shall ensure that voters are able to check for and
12 correct errors under conditions which assure privacy.
13 States, and units of local government within the
14 States, procuring new voting machines within their
15 jurisdiction, except for States and units replacing or
16 supplementing existing equipment (within the same
17 voting system), shall ensure that the new voting sys-
18 tem gives voters the opportunity to correct errors be-
19 fore the vote is cast.

20 **SEC. 503. ENFORCEMENT.**

21 (a) REPORT BY COMMISSION TO ATTORNEY GEN-
22 ERAL.—If a State does not provide a certification under
23 section 501 to the Election Assistance Commission, or if
24 the Commission has credible evidence that a State’s cer-
25 tification is false or that a State is carrying out activities

1 in violation of the terms of the certification, the Commis-
2 sion shall notify the Attorney General.

3 (b) ACTION BY ATTORNEY GENERAL.—After receiv-
4 ing notice from the Commission under subsection (a), the
5 Attorney General may bring a civil action against a State
6 in an appropriate district court for such declaratory or in-
7 junctive relief as may be necessary to remedy a violation
8 of this title.

9 **SEC. 504. EFFECTIVE DATE.**

10 (a) IN GENERAL.—Except as provided in subsection
11 (b), the requirements of this title shall take effect upon
12 the expiration of the 2-year period which begins on the
13 date of the enactment of this Act, except that if the chief
14 State election official of a State certifies that good cause
15 exists to waive the requirements of this title with respect
16 to the State until the date of the regularly scheduled gen-
17 eral election for Federal office held in November 2004,
18 the requirements shall apply with respect to the State be-
19 ginning on the date of such election.

20 (b) DEADLINES FOR IMPLEMENTATION OF PROVI-
21 SIONAL VOTING.—The minimum standard described in
22 section 502(3) (relating to permitting in-precinct provi-
23 sional voting) shall apply with respect to the regularly
24 scheduled general election for Federal office held in No-
25 vember 2002 and each succeeding election for Federal of-

1 fice, except that if the chief State election official of a
 2 State certifies that good cause exists to delay the imple-
 3 mentation of such standard in the State, the standard
 4 shall apply in the State with respect to the regularly
 5 scheduled general election for Federal office held in No-
 6 vember 2004 and each succeeding election for Federal of-
 7 fice held in the State.

8 **TITLE VI—VOTING RIGHTS OF**
 9 **MILITARY MEMBERS AND**
 10 **OVERSEAS CITIZENS**

11 **SEC. 601. VOTING ASSISTANCE PROGRAMS.**

12 (a) IN GENERAL.—(1) Chapter 80 of title 10, United
 13 States Code, is amended by adding at the end the fol-
 14 lowing new section:

15 **“§ 1566. Voting assistance: compliance assessments;**
 16 **assistance**

17 “(a) REGULATIONS.—The Secretary of Defense shall
 18 prescribe regulations to require that the Army, Navy, Air
 19 Force, and Marine Corps ensure their compliance with any
 20 directives issued by the Secretary of Defense in imple-
 21 menting any voting assistance program.

22 “(b) VOTING ASSISTANCE PROGRAMS DEFINED.—In
 23 this section, the term ‘voting assistance programs’
 24 means—

1 “(1) the Federal Voting Assistance Program
2 carried out under the Uniformed and Overseas Citi-
3 zens Absentee Voting Act (42 U.S.C. 1973ff et
4 seq.); and

5 “(2) any similar program.

6 “(c) ANNUAL EFFECTIVENESS AND COMPLIANCE
7 REVIEWS.—(1) The Inspector General of each of the
8 Army, Navy, Air Force, and Marine Corps shall conduct—

9 “(A) an annual review of the effectiveness of
10 voting assistance programs; and

11 “(B) an annual review of the compliance with
12 voting assistance programs of that armed force.

13 “(2) Upon the completion of each annual review
14 under paragraph (1), each Inspector General specified in
15 that paragraph shall submit to the Inspector General of
16 the Department of Defense a report on the results of each
17 such review. Such report shall be submitted in time each
18 year to be reflected in the report of the Inspector General
19 of the Department of Defense under paragraph (3).

20 “(3) Not later than March 31 each year, the Inspec-
21 tor General of the Department of Defense shall submit
22 to Congress a report on—

23 “(A) the effectiveness during the preceding cal-
24 endar year of voting assistance programs; and

1 “(B) the level of compliance during the pre-
2 ceding calendar year with voting assistance pro-
3 grams of each of the Army, Navy, Air Force, and
4 Marine Corps.

5 “(d) INSPECTOR GENERAL ASSESSMENTS.—(1) The
6 Inspector General of the Department of Defense shall pe-
7 riodically conduct at Department of Defense installations
8 unannounced assessments of the compliance at those in-
9 stallations with—

10 “(A) the requirements of the Uniformed and
11 Overseas Citizens Absentee Voting Act (42 U.S.C.
12 1973ff et seq.);

13 “(B) Department of Defense regulations re-
14 garding that Act and the Federal Voting Assistance
15 Program carried out under that Act; and

16 “(C) other requirements of law regarding voting
17 by members of the armed forces.

18 “(2) The Inspector General shall conduct an assess-
19 ment under paragraph (1) at not less than 10 Department
20 of Defense installations each calendar year.

21 “(3) Each assessment under paragraph (1) shall in-
22 clude a review of such compliance—

23 “(A) within units to which are assigned, in the
24 aggregate, not less than 20 percent of the personnel
25 assigned to duty at that installation;

1 “(B) within a representative survey of members
2 of the armed forces assigned to that installation and
3 their dependents; and

4 “(C) within unit voting assistance officers to
5 measure program effectiveness.

6 “(e) REGULAR MILITARY DEPARTMENT ASSESS-
7 MENTS.—The Secretary of each military department shall
8 include in the set of issues and programs to be reviewed
9 during any management effectiveness review or inspection
10 at the installation level an assessment of compliance with
11 the Uniformed and Overseas Citizens Absentee Voting Act
12 (42 U.S.C. 1973ff et seq.) and with Department of De-
13 fense regulations regarding the Federal Voting Assistance
14 Program.

15 “(f) VOTING ASSISTANCE OFFICERS.—(1) Voting as-
16 sistance officers shall be appointed or assigned under De-
17 partment of Defense regulations. Commanders at all levels
18 are responsible for ensuring that unit voting officers are
19 trained and equipped to provide information and assist-
20 ance to members of the armed forces on voting matters.
21 Performance evaluation reports pertaining to a member
22 who has been assigned to serve as a voting assistance offi-
23 cer shall comment on the performance of the member as
24 a voting assistance officer. The Secretary of each military
25 department shall certify to Congress that (at a minimum)

1 a voting assistance officer has been appointed or assigned
2 for each military installation and major command under
3 the jurisdiction of the department and that a replacement
4 will be appointed if the original officer is no longer able
5 to serve.

6 “(2) Under regulations and procedures prescribed by
7 the Secretary, a member of the armed forces appointed
8 or assigned to duty as a voting assistance officer shall,
9 to the maximum extent practicable, be given the time and
10 resources needed to perform the member’s duties as a vot-
11 ing assistance officer during the period in advance of a
12 general election when members and their dependents are
13 preparing and submitting absentee ballots.

14 “(3) As part of each assessment prepared by the Sec-
15 retary of a military department under subsection (e), the
16 Secretary shall—

17 “(A) specify the number of members of the
18 armed forces under the jurisdiction of the Secretary
19 who are appointed or assigned to duty as voting as-
20 sistance officers;

21 “(B) specify the ratio of voting assistance offi-
22 cers to active duty members of the armed forces
23 under the jurisdiction of the Secretary;

1 “(C) indicate whether this number and ratio
2 comply with the requirements of the Federal Voting
3 Assistance Program; and

4 “(D) describe the training such members re-
5 ceive to perform their duties as voting assistance of-
6 ficers.

7 “(g) REGISTRATION AND VOTING INFORMATION FOR
8 MEMBERS AND DEPENDENTS.—(1) The Secretary of each
9 military department, using a variety of means including
10 both print and electronic media, shall, to the maximum
11 extent practicable, ensure that members of the armed
12 forces and their dependents who are qualified to vote have
13 ready access to information regarding voter registration
14 requirements and deadlines (including voter registration),
15 absentee ballot application requirements and deadlines,
16 and the availability of voting assistance officers to assist
17 members and dependents to understand and comply with
18 these requirements.

19 “(2) The Secretary of each military department shall
20 make the national voter registration form prepared for
21 purposes of the Uniformed and Overseas Citizens Absen-
22 tee Voting Act by the Federal Election Commission avail-
23 able so that each person who enlists, reenlists, or volun-
24 tarily extends an enlistment or who completes a perma-
25 nent change of station in an active or reserve component

1 of the Army, Navy, Air Force, or Marine Corps shall re-
2 ceive such form at the time of the enlistment, reenlist-
3 ment, extension, or completion of the permanent change
4 of station, or as soon thereafter as practicable.

5 “(3) Where practicable, a special day or days shall
6 be designated at each military installation for the purpose
7 of informing members of the armed forces and their de-
8 pendants of election timing, registration requirements, and
9 voting procedures.

10 “(h) DELIVERY OF MAIL FROM OVERSEAS PRE-
11 CEDING FEDERAL ELECTIONS.—(1) During the four
12 months preceding a general Federal election month, the
13 Secretary of Defense shall periodically conduct surveys of
14 all overseas locations and vessels at sea with military units
15 responsible for collecting mail for return shipment to the
16 United States and all port facilities in the United States
17 and overseas where military-related mail is collected for
18 shipment to overseas locations or to the United States.
19 The purpose of each survey shall be to determine if voting
20 materials are awaiting shipment at any such location and,
21 if so, the length of time that such materials have been
22 held at that location. During the fourth and third months
23 before a general Federal election month, such surveys
24 shall be conducted biweekly. During the second and first

1 months before a general Federal election month, such sur-
2 veys shall be conducted weekly.

3 “(2) The Secretary shall ensure that voting materials
4 are transmitted expeditiously by military postal authorities
5 at all times. The Secretary shall, to the maximum extent
6 practicable, implement measures to ensure that a post-
7 mark or other official proof of mailing date is provided
8 on each absentee ballot collected at any overseas location
9 or vessel at sea whenever the Department of Defense is
10 responsible for collecting mail for return shipment to the
11 United States. The Secretary shall submit to Congress a
12 report describing the measures to be implemented to en-
13 sure the timely transmittal and postmarking of voting ma-
14 terials and identifying the persons responsible for imple-
15 menting such measures.

16 “(3) The Secretary of each military department, uti-
17 lizing the voting assistance officer network established for
18 each military installation, shall, to the maximum extent
19 practicable, provide notice to members of the armed forces
20 stationed at that installation of the last date before a gen-
21 eral Federal election for which absentee ballots mailed
22 from a postal facility located at that installation can rea-
23 sonably be expected to be timely delivered to the appro-
24 priate State and local election officials.

1 “(4) In this section, the term ‘general Federal elec-
2 tion month’ means November in an even-numbered year.”.

3 (2) The table of sections at the beginning of such
4 chapter is amended by adding at the end the following
5 new item:

“1566. Voting assistance: compliance assessments; assistance.”.

6 (b) INITIAL REPORT.—The first report under section
7 1566(c)(3) of title 10, United States Code, as added by
8 subsection (a), shall be submitted not later than March
9 31, 2003.

10 **SEC. 602. DESIGNATION OF SINGLE STATE OFFICE TO PRO-**
11 **VIDE INFORMATION ON REGISTRATION AND**
12 **ABSENTEE BALLOTS FOR ALL VOTERS IN**
13 **STATE.**

14 Section 102 of the Uniformed and Overseas Citizens
15 Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

16 (1) by inserting “(a) IN GENERAL.—” before
17 “Each State”; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(b) DESIGNATION OF SINGLE STATE OFFICE TO
21 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-
22 TEE BALLOT PROCEDURES FOR ALL VOTERS IN
23 STATE.—

24 “(1) IN GENERAL.—Each State shall designate
25 a single office which shall be responsible for pro-

1 viding information regarding voter registration pro-
2 cedures and absentee ballot procedures (including
3 procedures relating to the use of the Federal write-
4 in absentee ballot) to all absent uniformed services
5 voters and overseas voters who wish to register to
6 vote or vote in any jurisdiction in the State.

7 “(2) RECOMMENDATION REGARDING USE OF
8 OFFICE TO ACCEPT AND PROCESS MATERIALS.—
9 Congress recommends that the State office des-
10 ignated under paragraph (1) be responsible for car-
11 rying out the State’s duties under this Act, including
12 accepting valid voter registration applications, absen-
13 tee ballot applications, and absentee ballots (includ-
14 ing Federal write-in absentee ballots) from all absent
15 uniformed services voters and overseas voters who
16 wish to register to vote or vote in any jurisdiction
17 in the State.”.

18 **SEC. 603. REPORT ON ABSENTEE BALLOTS TRANSMITTED**
19 **AND RECEIVED AFTER GENERAL ELECTIONS.**

20 (a) IN GENERAL.—Section 102 of the Uniformed and
21 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-
22 1), as amended by section 602, is amended by adding at
23 the end the following new subsection:

24 “(c) REPORT ON NUMBER OF ABSENTEE BALLOTS
25 TRANSMITTED AND RECEIVED.—Not later than 90 days

1 after the date of each regularly scheduled general election
2 for Federal office, each State and unit of local government
3 which administered the election shall (through the State,
4 in the case of a unit of local government) submit a report
5 to the Election Assistance Commission (established under
6 the Help America Vote Act of 2001) on the number of
7 absentee ballots transmitted to absent uniformed services
8 voters and overseas voters for the election and the number
9 of such ballots which were returned by such voters and
10 cast in the election, and shall make such report available
11 to the general public.”.

12 (b) DEVELOPMENT OF STANDARDIZED FORMAT FOR
13 REPORTS.—The Election Assistance Commission, working
14 with the Election Assistance Commission Board of Advi-
15 sors and the Election Assistance Commission Standards
16 Board, shall develop a standardized format for the reports
17 submitted by States and units of local government under
18 section 102(c) of the Uniformed and Overseas Citizens
19 Absentee Voting Act (as added by subsection (a)), and
20 shall make the format available to the States and units
21 of local government submitting such reports.

1 **SEC. 604. SIMPLIFICATION OF VOTER REGISTRATION AND**
2 **ABSENTEE BALLOT APPLICATION PROCE-**
3 **DURES FOR ABSENT UNIFORMED SERVICES**
4 **AND OVERSEAS VOTERS.**

5 (a) REQUIRING STATES TO ACCEPT OFFICIAL FORM
6 FOR SIMULTANEOUS VOTER REGISTRATION AND ABSEN-
7 TEE BALLOT APPLICATION; DEADLINE FOR PROCESSING
8 APPLICATION.—

9 (1) IN GENERAL.—Section 102(a) of the Uni-
10 formed and Overseas Citizens Absentee Voting Act
11 (42 U.S.C. 1973ff–1), as amended by section 602,
12 is amended—

13 (A) by amending paragraph (2) to read as
14 follows:

15 “(2) accept and process, with respect to any
16 election for Federal office, any otherwise valid voter
17 registration application and absentee ballot applica-
18 tion from an absent uniformed services voter or
19 overseas voter, if the application is received by the
20 appropriate State election official not less than 30
21 days before the election;”;

22 (B) by striking the period at the end of
23 paragraph (3) and inserting “; and”; and

24 (C) by adding at the end the following new
25 paragraph:

1 “(4) use the official post card form (prescribed
2 under section 101) for simultaneous voter registra-
3 tion application and absentee ballot application.”.

4 (2) CONFORMING AMENDMENTS.—Section
5 101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2)) is
6 amended by striking “as recommended in section
7 104” and inserting “as required under section
8 102(4)”.

9 (b) USE OF SINGLE APPLICATION FOR ALL SUBSE-
10 QUENT ELECTIONS.—Section 104 of such Act (42 U.S.C.
11 1973ff-3) is amended to read as follows:

12 **“SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSE-**
13 **QUENT ELECTIONS.**

14 “(a) IN GENERAL.—If a State accepts and processes
15 an official post card form (prescribed under section 101)
16 submitted by an absent uniformed services voter or over-
17 seas voter for simultaneous voter registration and absen-
18 tee ballot application (in accordance with section
19 102(a)(4)) and the voter requests that the application be
20 considered an application for an absentee ballot for each
21 subsequent election for Federal office held in the State
22 through the next 2 regularly scheduled general elections
23 for Federal office (including any runoff elections which
24 may occur as a result of the outcome of such general elec-

1 tions), the State shall provide an absentee ballot for each
2 such election.

3 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-
4 TION.—Subsection (a) shall not apply with respect to a
5 voter registered to vote in a State for any election held
6 after the voter notifies the State that the voter no longer
7 wishes to be registered to vote in the State or after the
8 State determines that the voter has registered to vote in
9 another State.

10 “(c) REVISION OF OFFICIAL POST CARD FORM.—
11 The Presidential designee shall revise the official post card
12 form (prescribed under section 101) to enable a voter
13 using the form to—

14 “(1) request an absentee ballot for each election
15 for Federal office held in a State for which the voter
16 may be provided an absentee ballot under subsection
17 (a); or

18 “(2) request an absentee ballot for only the
19 next scheduled election for Federal office held in a
20 State.

21 “(d) NO EFFECT ON VOTER REMOVAL PROGRAMS.—
22 Nothing in this section may be construed to prevent a
23 State from removing any voter from the rolls of registered
24 voters in the State under any program or method per-

1 mitted under section 8 of the National Voter Registration
2 Act of 1993.”.

3 **SEC. 605. ADDITIONAL DUTIES OF PRESIDENTIAL DES-**
4 **IGNEE UNDER UNIFORMED AND OVERSEAS**
5 **CITIZENS ABSENTEE VOTING ACT.**

6 (a) EDUCATING ELECTION OFFICIALS ON RESPON-
7 SIBILITIES UNDER ACT.—Section 101(b)(1) of the Uni-
8 formed and Overseas Citizens Absentee Voting Act (42
9 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon
10 at the end and inserting the following: “, and ensuring
11 that such officials are aware of the requirements of this
12 Act;”.

13 (b) DEVELOPMENT OF STANDARD OATH FOR USE
14 WITH MATERIALS.—

15 (1) IN GENERAL.—Section 101(b) of such Act
16 (42 U.S.C. 1973ff(b)) is amended—

17 (A) by striking “and” at the end of para-
18 graph (5);

19 (B) by striking the period at the end of
20 paragraph (6) and inserting “; and”; and

21 (C) by adding at the end the following new
22 paragraph:

23 “(7) prescribe a standard oath for use with any
24 document under this title affirming that a material
25 misstatement of fact in the completion of such a

1 document may constitute grounds for a conviction
2 for perjury.”.

3 (2) REQUIRING STATES TO USE STANDARD
4 OATH.—Section 102(a) of such Act (42 U.S.C.
5 1973ff–1(b)), as amended by sections 603 and
6 605(a), is amended—

7 (A) by striking “and” at the end of para-
8 graph (3);

9 (B) by striking the period at the end of
10 paragraph (4) and inserting “; and”; and

11 (C) by adding at the end the following new
12 paragraph:

13 “(5) if the State requires an oath or affirmation
14 to accompany any document under this title, use the
15 standard oath prescribed by the Presidential des-
16 ignee under section 101(b)(7).”.

17 (c) PROVIDING STATISTICAL ANALYSIS OF VOTER
18 PARTICIPATION FOR BOTH OVERSEAS VOTERS AND AB-
19 SENT UNIFORMED SERVICES VOTERS.—Section 101(b)(6)
20 of such Act (42 U.S.C. 1973ff(b)(6)) is amended by strik-
21 ing “a general assessment” and inserting “a separate sta-
22 tistical analysis”.

1 **SEC. 606. USE OF BUILDINGS ON MILITARY INSTALLATIONS**
2 **AND RESERVE COMPONENT FACILITIES AS**
3 **POLLING PLACES.**

4 (a) LIMITED USE OF MILITARY INSTALLATIONS AU-
5 THORIZED.—Section 2670 of title 10, United States Code,
6 is amended—

7 (1) by striking “Under” and inserting “(a) USE
8 BY RED CROSS.—Under”;

9 (2) by striking “this section” and inserting
10 “this subsection”; and

11 (3) by adding at the end the following new sub-
12 section:

13 “(b) USE AS POLLING PLACES.—(1) Notwith-
14 standing any other provision of law, the Secretary of a
15 military department may make a building located on a
16 military installation under the jurisdiction of the Secretary
17 available for use as a polling place in any Federal, State,
18 or local public election, but only if such use is limited to
19 eligible voters who reside on that military installation.

20 “(2) If a building located on a military installation
21 is made available under paragraph (1) as the site of a
22 polling place, the Secretary shall continue to make the
23 building available for subsequent elections unless the Sec-
24 retary provides to the appropriate State or local election
25 officials advance notice, in a reasonable and timely man-

1 ner, of the reasons why the building will no longer be made
2 available as a polling place.

3 “(3) In this section, the term ‘military installation’
4 has the meaning given the term in section 2687(e) of this
5 title.”.

6 (b) USE OF RESERVE COMPONENT FACILITIES.—(1)
7 Section 18235 of title 10, United States Code, is amended
8 by adding at the end the following new subsection:

9 “(c) Pursuant to a lease or other agreement under
10 subsection (a)(2), the Secretary may make a facility cov-
11 ered by subsection (a) available for use as a polling place
12 in any Federal, State, or local public election notwith-
13 standing any other provision of law. If a facility is made
14 available as the site of a polling place with respect to an
15 election, the Secretary shall continue to make the facility
16 available for subsequent elections unless the Secretary
17 provides to the appropriate State or local election officials
18 advance notice, in a reasonable and timely manner, of the
19 reasons why the facility will no longer be made available
20 as a polling place.”.

21 (2) Section 18236 of such title is amended by adding
22 at the end the following:

23 “(e) Pursuant to a lease or other agreement under
24 subsection (c)(1), a State may make a facility covered by
25 subsection (c) available for use as a polling place in any

1 Federal, State, or local public election notwithstanding
2 any other provision of law.”.

3 (c) CONFORMING AMENDMENTS TO TITLE 18.—(1)

4 Section 592 of title 18, United States Code, is amended
5 by adding at the end the following new sentence:

6 “This section shall not apply to the actions of mem-
7 bers of the Armed Forces at any polling place on a mili-
8 tary installation where a general or special election is held
9 in accordance with section 2670(b), 18235, or 18236 of
10 title 10.”.

11 (2) Section 593 of such title is amended by adding
12 at the end the following new sentence:

13 “This section shall not apply to the actions of mem-
14 bers of the Armed Forces at any polling place on a mili-
15 tary installation where a general or special election is held
16 in accordance with section 2670(b), 18235, or 18236 of
17 title 10.”.

18 (d) CONFORMING AMENDMENT TO VOTING RIGHTS
19 LAW.—Section 2003 of the Revised Statutes of the United
20 States (42 U.S.C. 1972) is amended by adding at the end
21 the following new sentence: “Making a military installa-
22 tion or reserve component facility available as a polling
23 place in a Federal, State, or local public election in accord-
24 ance with section 2670(b), 18235, or 18236 of title 10,

1 United States Code, is deemed to be consistent with this
2 section.”.

3 (e) CLERICAL AMENDMENTS.—(1) The heading of
4 section 2670 of title 10, United States Code, is amended
5 to read as follows:

6 **“§ 2670. Buildings on military installations: use by**
7 **American National Red Cross and as poll-**
8 **ing places in Federal, State, and local**
9 **elections”.**

10 (2) The item relating to such section in the table of
11 sections at the beginning of chapter 159 of such title is
12 amended to read as follows:

“2670. Buildings on military installations: use by American National Red Cross
and as polling places in Federal, State, and local elections.”.

13 **TITLE VII—TRANSITION**
14 **PROVISIONS**
15 **Subtitle A—Transfer to Commis-**
16 **sion of Functions Under Certain**
17 **Laws**

18 **SEC. 701. FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

19 (a) TRANSFER OF FUNCTIONS OF OFFICE OF ELEC-
20 TION ADMINISTRATION OF FEDERAL ELECTION COMMIS-
21 SION.—There are transferred to the Election Assistance
22 Commission established under section 201 all functions
23 which the Office of the Election Administration, estab-

1 lished within the Federal Election Commission, exercised
2 before the date of enactment of this Act.

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

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

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

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

12 **SEC. 702. NATIONAL VOTER REGISTRATION ACT OF 1993.**

13 (a) TRANSFER OF FUNCTIONS.—There are trans-
14 ferred to the Election Assistance Commission established
15 under section 201 all functions which the Federal Election
16 Commission exercised under the National Voter Registra-
17 tion Act of 1993 before the date of enactment of this Act.

18 (b) CONFORMING AMENDMENT.—Section 9(a) of the
19 National Voter Registration Act of 1993 (42 U.S.C.
20 1973gg-7(a)) is amended by striking “Federal Election
21 Commission” and inserting “Election Assistance Commis-
22 sion”.

1 **SEC. 703. 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 As-
8 sistance Commission for appropriate allocation.

9 (b) PERSONNEL.—

10 (1) IN GENERAL.—The personnel employed in
11 connection with the offices and functions of the Fed-
12 eral Election Commission which are transferred by
13 this subtitle are transferred to the Election Assist-
14 ance Commission.

15 (2) EFFECT.—Any full-time or part-time per-
16 sonnel employed in permanent positions shall not be
17 separated or reduced in grade or compensation be-
18 cause of the transfer under this subsection during
19 the 1-year period beginning on the date of the enact-
20 ment of this Act.

21 **SEC. 704. EFFECTIVE DATE; TRANSITION.**

22 (a) EFFECTIVE DATE.—This title and the amend-
23 ments made by this title shall take effect upon the ap-
24 pointment of all members of the Election Assistance Com-
25 mission under section 203.

1 (b) TRANSITION.—With the consent of the entity in-
2 volved, the Election Assistance Commission is authorized
3 to utilize the services of such officers, employees, and
4 other personnel of the entities from which functions have
5 been transferred to the Election Assistance Commission
6 under this title or the amendments made by this title for
7 such period of time as may reasonably be needed to facili-
8 tate the orderly transfer of such functions.

9 **Subtitle B—Coverage of Commis-**
10 **sion Under Certain Laws and**
11 **Programs**

12 **SEC. 711. TREATMENT OF COMMISSION PERSONNEL UNDER**
13 **CERTAIN CIVIL SERVICE LAWS.**

14 (a) COVERAGE UNDER HATCH ACT.—Section
15 7323(b)(2)(B)(i)(I) of title 5, United States Code, is
16 amended by inserting “or the Election Assistance Com-
17 mission” after “Commission”.

18 (b) EXCLUSION FROM SENIOR EXECUTIVE SERV-
19 ICE.—Section 3132(a)(1)(C) of title 5, United States
20 Code, is amended by inserting “or the Election Assistance
21 Commission” after “Commission”.

22 **SEC. 712. COVERAGE UNDER INSPECTOR GENERAL ACT OF**
23 **1978.**

24 (a) IN GENERAL.—Section 8G(a)(2) of the Inspector
25 General Act of 1978 (5 U.S.C. App.) is amended by insert-

1 ing “the Election Assistance Commission,” after “Federal
2 Election Commission,”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall take effect 180 days after the appoint-
5 ment of all members of the Election Assistance Commis-
6 sion under section 203.

7 **TITLE VIII—MISCELLANEOUS** 8 **PROVISIONS**

9 **SEC. 801. STATE DEFINED.**

10 In this Act, the term “State” includes the District
11 of Columbia, the Commonwealth of Puerto Rico, Guam,
12 American Samoa, and the United States Virgin Islands.

13 **SEC. 802. MISCELLANEOUS PROVISIONS TO PROTECT IN-** 14 **TEGRITY OF ELECTION PROCESS.**

15 (a) **CLARIFICATION OF ABILITY OF ELECTION OFFI-**
16 **CIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST**
17 **OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.**—
18 Section 8(b)(2) of the National Voter Registration Act of
19 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking
20 the period at the end and inserting the following: “, except
21 that nothing in this paragraph may be construed to pro-
22 hibit a State from using the procedures described in sub-
23 sections (c) and (d) to remove an individual from the offi-
24 cial list of eligible voters if the individual has not voted
25 or appeared to vote in 2 or more consecutive general elec-

1 tions for Federal office and has not either notified the ap-
2 plicable registrar (in person or in writing) or responded
3 to a notice sent by the applicable registrar during the pe-
4 riod in which such elections are held that the individual
5 intends to remain registered in the registrar’s jurisdic-
6 tion.”.

7 (b) PROHIBITING EFFORTS BY POLL WORKERS TO
8 COERCE VOTERS TO CAST VOTES FOR EVERY OFFICE ON
9 BALLOT.—Section 594 of title 18, United States Code, is
10 amended—

11 (1) by striking “Whoever” and inserting “(a)
12 Whoever”; and

13 (2) by adding at the end the following new sub-
14 section:

15 “(b) For purposes of subsection (a), a poll worker
16 who urges or encourages a voter who has not cast a vote
17 for each office listed on the ballot to return to the voting
18 booth to cast votes for every office, or who otherwise in-
19 timidates, harasses, or coerces the voter to vote for each
20 such office (or who attempts to intimidate, harass, or co-
21 erce the voter to vote for each such office), shall be consid-
22 ered to have intimidated, threatened, or coerced (or to
23 have attempted to intimidate, threaten, or coerce) the
24 voter for the purpose of interfering with the voter’s right
25 to vote as the voter may choose. Nothing in this subsection

1 shall prohibit a poll worker from providing information to
2 a voter who requests assistance.”.

3 **SEC. 803. NO EFFECT ON OTHER LAWS.**

4 (a) IN GENERAL.—Nothing in this Act and no action
5 taken pursuant to this Act shall supersede, restrict, or
6 limit the application of the Voting Rights Act of 1965,
7 the National Voter Registration Act of 1993, the Voting
8 Accessibility for the Elderly and Handicapped Act, or the
9 Americans with Disabilities Act of 1990.

10 (b) NO CONDUCT AUTHORIZED WHICH IS PROHIB-
11 ITED UNDER OTHER LAWS.—Nothing in this Act author-
12 izes or requires any conduct which is prohibited by the
13 Voting Rights Act of 1965, the National Voter Registra-
14 tion Act of 1993, or the Americans with Disabilities Act
15 of 1990.

16 (c) APPLICATION TO STATES, LOCAL GOVERNMENTS,
17 AND COMMISSION.—Except as specifically provided in the
18 case of the National Voter Registration Act of 1993, noth-
19 ing in this Act may be construed to affect the application
20 of the Voting Rights Act of 1965, the National Voter Reg-
21 istration Act of 1993, or the Americans with Disabilities
22 Act of 1990 to any State, unit of local government, or
23 other person, or to grant to the Election Assistance Com-

1 mission the authority to carry out activities inconsistent
2 with such Acts.

Passed the House of Representatives December 12,
2001.

Attest:

JEFF TRANDAHL,

Clerk.