

Union Calendar No. 201

107TH CONGRESS
1ST SESSION

H. R. 3295

[Report No. 107-329, Part I]

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.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2001

Mr. NEY (for himself, Mr. HOYER, Mr. BLUNT, Mr. FATTAH, Mr. EHLERS, Mr. PRICE of North Carolina, Mr. MICA, Mr. LANGEVIN, Mr. LINDER, Mr. HASTINGS of Florida, Mr. DOOLITTLE, Mr. DAVIS of Florida, Mr. REYNOLDS, Mr. REYES, Mr. BUYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOEHLERT, Mr. LEWIS of Georgia, Mr. CASTLE, Mr. HINOJOSA, Mr. PORTMAN, Mrs. MEEK of Florida, Mr. ENGLISH, Mrs. THURMAN, Mr. LATOURETTE, Mr. WYNN, Mr. KING, Mr. SPRATT, Mr. TIBERI, Mr. RUSH, Mr. DIAZ-BALART, Mr. THOMPSON of Mississippi, Mr. HORN, Ms. MCKINNEY, Mr. HAYES, Mrs. JONES of Ohio, Mr. COOKSEY, Mr. DINGELL, Mr. WALDEN, Mr. CUMMINGS, Mr. FOLEY, Mr. ACKERMAN, Mr. GREENWOOD, Ms. BROWN of Florida, Mr. WOLF, Mr. CARDIN, Mr. BALLENGER, Mr. ANDREWS, Mr. FORBES, Mr. BAIRD, Ms. HART, Mrs. CAPPS, Mr. LAHOOD, Mr. BARCIA, Mr. FLETCHER, Mr. CARSON of Oklahoma, Mr. GRUCCI, Mr. HILL, Mr. AKIN, Mr. ETHERIDGE, Mr. PLATTS, Mr. CROWLEY, Mr. TERRY, Mr. HOLT, Mr. MATHESON, Ms. MCCARTHY of Missouri, Mr. MOORE, Mr. PASCARELL, Mrs. TAUSCHER, Mr. STARK, Mr. POMEROY, Mr. LARSEN of Washington, Mr. HOEFFEL, Mr. GANSKE, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. WELDON of Pennsylvania, and Mr. LEWIS of California) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on the Judiciary, Science, Government Reform, and Armed Services, for a period to be subsequently de-

terminated by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 10, 2001

Additional sponsors: Mrs. BIGGERT, Mr. BURR of North Carolina, Mr. FERGUSON, Mr. GIBBONS, Mr. GILMAN, Mr. HOBSON, Mr. ISAKSON, Mr. KENNEDY of Minnesota, Mr. KIRK, Mr. MCHUGH, Mr. RAMSTAD, Mr. WALSH, Mr. WELLER, Mr. WICKER, Mr. ABERCROMBIE, Mr. BALDACCI, Mr. BENTSEN, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. BORSKI, Mr. BOSWELL, Mr. BOYD, Mr. BRADY of Pennsylvania, Ms. CARSON of Indiana, Mr. CLAY, Mr. CLYBURN, Ms. DEGETTE, Mr. DEUTSCH, Mr. DICKS, Mr. DOOLEY of California, Mr. ENGEL, Ms. ESHOO, Mr. FORD, Mr. FROST, Mr. GORDON, Mr. GREEN of Texas, Ms. HOOLEY of Oregon, Mr. INSLEE, Mr. ISRAEL, Mr. JEFFERSON, Mr. JOHN, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. LANTOS, Mr. LARSON of Connecticut, Mr. LIPINSKI, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MASCARA, Ms. MCCOLLUM, Mr. MORAN of Virginia, Mr. OBERSTAR, Mr. PASTOR, Mr. ROTHMAN, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. STENHOLM, Mr. THOMPSON of California, Mr. TOWNS, Mr. WEXLER, Mr. GILLMOR, Mr. OSE, Mr. PALLONE, Mr. LUTHER, Ms. HARMAN, Mr. TIAHRT, Mr. SAWYER, Mr. ROSS, Mr. TURNER, Mr. KANJORSKI, Mr. CANTOR, Ms. PRYCE of Ohio, Mr. BOEHNER, Ms. MILLENDER-MCDONALD, Mrs. CHRISTENSEN, Mr. LUCAS of Kentucky, Mr. TANNER, Mr. NEAL of Massachusetts, Mr. CRAMER, Mr. SABO, Mr. ADERHOLT, Mrs. CAPITO, Mr. DREIER, Mr. GUTKNECHT, Mr. HAYWORTH, Mr. OTTER, Mr. SWEENEY, Mr. NADLER, Mr. MCINTYRE, and Mr. SIMMONS

DECEMBER 10, 2001

Reported from the Committee on House Administration with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 10, 2001

Referral to the Committees on the Judiciary, Science, Government Reform, and Armed Services extended for a period ending not later than December 10, 2001

DECEMBER 10, 2001

The Committees on the Judiciary, Science, Government Reform, and Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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.

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—REDUCED POSTAGE RATES FOR OFFICIAL ELECTION
MAIL*

Sec. 701. Reduced postage rates for official election mail.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

Sec. 801. Federal Election Campaign Act of 1971.

Sec. 802. National Voter Registration Act of 1993.

Sec. 803. Transfer of property, records, and personnel.

Sec. 804. Effective date; transition.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

Sec. 811. Treatment of Commission personnel under certain civil service laws.

Sec. 812. Coverage under Inspector General Act of 1978.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. State defined.

Sec. 902. Miscellaneous provisions to protect integrity of election process.

Sec. 903. 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 Gen-
 8 eral Services (hereafter in this title referred to as the “Ad-
 9 ministrator”) shall establish a program under which the
 10 Administrator shall make a one-time payment to each eligi-
 11 ble State or unit of local government which used a punch
 12 card voting system to administer the regularly scheduled
 13 general election for Federal office held in November 2000.

14 (b) *USE OF FUNDS.*—A State or unit of local govern-
 15 ment shall use the funds provided under a payment under
 16 this subtitle (either directly or as reimbursement) to replace
 17 its punch card voting system with a voting system which
 18 does not use punch cards (by purchase, lease, or such other
 19 arrangement as may be appropriate).

20 (c) *DEADLINE.*—

21 (1) *IN GENERAL.*—A State or unit of local gov-
 22 ernment receiving a payment under the program
 23 under this subtitle shall—

1 (A) obligate the funds provided for the uses
2 described in subsection (b) not later than the
3 date of the regularly scheduled general election
4 for Federal office to be held in November 2002;
5 and

6 (B) ensure that all of the punch card voting
7 systems under its jurisdiction have been replaced
8 in time for the regularly scheduled general elec-
9 tion for Federal office to be held in November
10 2004.

11 (2) *WAIVER.*—If a State or unit of local govern-
12 ment provides the Election Assistance Commission
13 (established under section 201) (not later than the
14 date of the regularly scheduled general election for
15 Federal office to be held in November 2002) with a
16 notice that the State or unit will not meet the dead-
17 lines described in paragraph (1) and includes in the
18 notice the reasons for the failure to meet such dead-
19 lines, and the Commission finds that there is good
20 cause for the failure to meet such deadlines, para-
21 graph (1) shall apply to the State or unit as if—

22 (A) the reference in paragraph (1)(A) to
23 “November 2002” were a reference to “November
24 2004”; and

1 (B) the reference in paragraph (1)(B) to
2 “November 2004” were a reference to “November
3 2006”.

4 **SEC. 102. ELIGIBILITY.**

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

10 (1) assurances that the State will use the pay-
11 ment (either directly or as reimbursement) to replace
12 punch card voting systems in jurisdictions within the
13 State which used such systems to carry out the gen-
14 eral Federal election held in November 2000;

15 (2) assurances that in replacing punch card vot-
16 ing systems the State will continue to meet its duties
17 under the Voting Accessibility for the Elderly and
18 Handicapped Act (42 U.S.C. 1973ee et seq.) and the
19 Americans With Disabilities Act;

20 (3) assurances that in replacing punch card vot-
21 ing systems the State will provide for alternative lan-
22 guage accessibility for individuals with limited
23 English proficiency, consistent with the requirements
24 of the Voting Rights Act of 1965 and any other appli-
25 cable provisions of law; and

1 (4) *such other information and assurances as the*
2 *Administrator may require which are necessary for*
3 *the administration of the program.*

4 (b) *UNIT OF LOCAL GOVERNMENT.—A unit of local*
5 *government is eligible to receive a payment under the pro-*
6 *gram under this subtitle if it submits to the*
7 *Administrator—*

8 (1) *not later than the date of the regularly sched-*
9 *uled general election for Federal office to be held in*
10 *November 2002, a statement of its intent to partici-*
11 *pate in the program, including assurances that the*
12 *State in which the unit is located—*

13 (A) *failed to submit an application under*
14 *subsection (a) within the deadline specified*
15 *under such subsection,*

16 (B) *is otherwise not eligible to receive a*
17 *payment under the program, or*

18 (C) *will not use the payment to replace*
19 *punch card voting systems in the unit; and*

20 (2) *an application (at such time and in such*
21 *form as the Administrator may require) which con-*
22 *tains similar assurances to those required to be pro-*
23 *vided by a State in its application under subsection*
24 *(a).*

1 **SEC. 103. AMOUNT OF PAYMENT.**

2 (a) *IN GENERAL.*—*The amount of payment made to*
3 *a State or unit of local government under the program*
4 *under this subtitle shall be equal to the applicable per pre-*
5 *inct matching rate of the cost to the State or unit (as the*
6 *case may be) of replacing the punch card voting systems*
7 *used in each precinct in the State or unit (as the case may*
8 *be), except that in no case may the amount of the payment*
9 *exceed the product of—*

10 (1) *the number of voting precincts administered*
11 *by the State or unit which used a punch card voting*
12 *system to carry out the general Federal election held*
13 *in November 2000; and*

14 (2) *\$6,000.*

15 (b) *APPLICABLE PER PRECINCT MATCHING RATE DE-*
16 *FINED.*—*In subsection (a), the “applicable per precinct*
17 *matching rate” is—*

18 (1) *90 percent; or*

19 (2) *95 percent, in the case of a precinct whose*
20 *average per capita income is within the lowest quar-*
21 *tile of average per capita incomes for all precincts in*
22 *the United States (as determined by the 2000 decen-*
23 *nal census).*

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

25 (a) *AUDIT.*—*Funds provided under the program under*
26 *this subtitle shall be subject to audit by the Administrator.*

1 (b) *REPAYMENT FOR FAILURE TO MEET DEAD-*
 2 *LINES.—If a State or unit of local government (as the case*
 3 *may be) receiving funds under the program under this sub-*
 4 *title fails to meet the deadlines applicable to the State or*
 5 *unit under section 101(c), the State or unit shall pay to*
 6 *the Administrator an amount equal to the amount of the*
 7 *funds provided to the State or unit under the program.*

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

9 *For purposes of this subtitle, a “punch card voting sys-*
 10 *tem” means any of the following voting systems:*

- 11 (1) *C.E.S.*
 12 (2) *Datavote.*
 13 (3) *PBC Counter.*
 14 (4) *Pollstar.*
 15 (5) *Punch Card.*
 16 (6) *Vote Recorder.*
 17 (7) *Votomatic.*

18 ***Subtitle B—Enhancing***
 19 ***Performance of Existing Systems***

20 **SEC. 111. ESTABLISHMENT OF PROGRAM.**

21 (a) *IN GENERAL.—Not later than 30 days after the*
 22 *date of the enactment of this Act, the Administrator shall*
 23 *establish a program under which the Administrator shall*
 24 *make a one-time payment to each eligible State or unit of*
 25 *local government which used a punch card voting system*

1 *to administer the regularly scheduled general election for*
2 *Federal office held in November 2000.*

3 **(b) USE OF FUNDS.**—*A State or unit of local govern-*
4 *ment shall use the funds provided under a payment under*
5 *this subtitle (either directly or as reimbursement) to make*
6 *technical enhancements to the performance of its punch*
7 *card voting system (by any arrangement as may be appro-*
8 *priate).*

9 **(c) DEADLINE.**—

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

13 **(A)** *obligate the funds provided for the uses*
14 *described in subsection (b) not later than the*
15 *date of the regularly scheduled general election*
16 *for Federal office to be held in November 2002;*
17 *and*

18 **(B)** *ensure that technical enhancements*
19 *have been made to the performance of all of the*
20 *punch card voting systems under its jurisdiction*
21 *in time for the regularly scheduled general elec-*
22 *tion for Federal office to be held in November*
23 *2004.*

24 **(2) WAIVER.**—*If a State or unit of local govern-*
25 *ment provides the Election Assistance Commission*

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

10 (A) *the reference in paragraph (1)(A) to*
11 *“November 2002” were a reference to “November*
12 *2004”;* and

13 (B) *the reference in paragraph (1)(B) to*
14 *“November 2004” were a reference to “November*
15 *2006”.*

16 **SEC. 112. ELIGIBILITY.**

17 (a) *STATES.—Subject to subsection (c), a State is eligi-*
18 *ble to receive a payment under the program under this sub-*
19 *title if it submits to the Administrator an application not*
20 *later than 120 days after the date of the enactment of this*
21 *Act (in such form as the Administrator may require) which*
22 *contains—*

23 (1) *assurances that the State will use the pay-*
24 *ment (either directly or as reimbursement) to make*
25 *technical enhancements to the performance of punch*

1 *card voting systems in jurisdictions within the State*
2 *which used such systems to carry out the general Fed-*
3 *eral election held in November 2000;*

4 (2) *assurances that in enhancing the perform-*
5 *ance of such voting systems the State will continue to*
6 *meets its duties under the Voting Accessibility for the*
7 *Elderly and Handicapped Act (42 U.S.C. 1973ee et*
8 *seq.) and the Americans With Disabilities Act; and*

9 (3) *such other information and assurances as the*
10 *Administrator may require which are necessary for*
11 *the administration of the program.*

12 (b) *UNITS OF LOCAL GOVERNMENT.*—*Subject to sub-*
13 *section (c), a unit of local government is eligible to receive*
14 *a payment under the program under this subtitle if it sub-*
15 *mits to the Administrator—*

16 (1) *not later than the date of the regularly sched-*
17 *uled general election for Federal office to be held in*
18 *November 2002, a statement of its intent to partici-*
19 *rate in the program, including assurances that the*
20 *State in which the unit is located—*

21 (A) *failed to submit an application under*
22 *subsection (a) within the deadline specified*
23 *under such subsection,*

24 (B) *is otherwise not eligible to receive a*
25 *payment under the program, or*

1 (C) will not use the payment to enhance the
2 performance of punch card voting systems in the
3 unit; and

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

9 (c) **PROHIBITING PARTICIPATION IN PUNCH CARD RE-**
10 **PLACEMENT PROGRAM.**—A State or unit of local govern-
11 ment is not eligible to receive a payment under the program
12 under this subtitle if the State or unit receives a payment
13 under the program under subtitle A.

14 **SEC. 113. AMOUNT OF PAYMENT.**

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

23 (1) the number of voting precincts administered
24 by the State or unit which used a punch card voting

1 *system to carry out the general Federal election held*
2 *in November 2000; and*

3 (2) \$2,000.

4 (b) *APPLICABLE PER PRECINCT MATCHING RATE DE-*
5 *FINED.—In subsection (a), the “applicable per precinct*
6 *matching rate” is—*

7 (1) 90 percent; or

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

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

14 (a) *AUDIT.—Funds provided under the program under*
15 *this subtitle shall be subject to audit by the Administrator.*

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

1 **Subtitle C—General Provisions**

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

3 (a) *IN GENERAL.*—*There are authorized to be appro-*
4 *riated 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 As-*
10 *sistance Commission (established under title II) and*
11 *used by the Commission to make Election Fund pay-*
12 *ments 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 held*
19 *in November 2002.*

20 (B) *Any amounts paid to the Administrator*
21 *by a State or unit of local government under sec-*
22 *tion 104(b).*

23 (C) *Any amounts paid to the Administrator*
24 *by a State or unit of local government under sec-*
25 *tion 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 Commission*
 18 *(hereafter in this title referred to as the “Commission”),*
 19 *consisting of—*

- 20 (1) *the members appointed under this part;*
 21 (2) *the Election Assistance Commission Stand-*
 22 *ards Board established under part 2 (including the*
 23 *Executive Board of such Board); and*
 24 (3) *the Election Assistance Commission Board of*
 25 *Advisors established under part 2.*

1 **SEC. 202. DUTIES.**

2 *The Commission shall serve as a national clearing-*
3 *house and resource for the compilation of information and*
4 *review of procedures with respect to the administration of*
5 *Federal elections by—*

6 *(1) carrying out the duties described in subtitle*
7 *B (relating to voluntary election standards);*

8 *(2) carrying out the duties described in subtitle*
9 *C (relating to election assistance); and*

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

12 **SEC. 203. MEMBERSHIP AND APPOINTMENT.**

13 *(a) MEMBERSHIP.—*

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

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

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

23 *(C) 1 shall be appointed from among a list*
24 *of nominees submitted by the Speaker of the*
25 *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 Com-
5 mission shall have experience with or expertise in
6 election administration or the study of elections, ex-
7 cept that no individual may serve as a member of the
8 Commission if the individual is an officer or em-
9 ployee of the Federal Government at any time during
10 the period of service on the Commission.

11 (3) DATE OF APPOINTMENT.—The appointments
12 of the members of the Commission shall be made not
13 later than 30 days after the date of enactment of this
14 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 of
18 4 years and may be reappointed for not more than
19 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 *(c) 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 for*
7 *employees of agencies under subchapter I of chapter*
8 *57 of title 5, United States Code, while away from*
9 *their homes or regular places of business in the per-*
10 *formance of services for the Commission.*

11 (3) *OUTSIDE EMPLOYMENT PERMITTED.*—*A*
12 *member of the Commission may hold any other office*
13 *or employment not inconsistent or in conflict with the*
14 *member's duties, responsibilities, and powers as a*
15 *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 (C),*
13 *the Commission shall consider the nominees rec-*
14 *ommended by the Standards Board and the*
15 *Board of Advisors in appointing the Executive*
16 *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 nominees*
23 *for the position of Executive Director in ac-*
24 *cordance with subparagraph (A) as soon as*

1 *practicable after the appointment of their*
2 *members.*

3 (ii) *INTERIM INITIAL APPOINTMENT.*—

4 *Notwithstanding subparagraph (B), the*
5 *Commission may appoint an individual to*
6 *serve as the first Executive Director prior to*
7 *the recommendation of nominees for the po-*
8 *sition by the Standards Board or the Board*
9 *of Advisors, except that such individual's*
10 *term of service may not exceed 6 months.*
11 *Nothing in the previous sentence may be*
12 *construed to prohibit the individual serving*
13 *as the first Executive Director from serving*
14 *any additional term.*

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

19 (5) *APPLICABILITY OF CERTAIN CIVIL SERVICE*
20 *LAWS.*—*The Executive Director and staff of the Com-*
21 *mission may be appointed without regard to the pro-*
22 *visions of title 5, United States Code, governing ap-*
23 *pointments in the competitive service, and may be*
24 *paid without regard to the provisions of chapter 51*
25 *and subchapter III of chapter 53 of that title relating*

1 to classification and General Schedule pay rates, ex-
2 cept that an individual so appointed may not receive
3 pay in excess of the annual rate of basic pay for level
4 V of the Executive Schedule.

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

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

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

1 (e) *CONSULTATION WITH BOARD OF ADVISORS AND*
2 *STANDARDS BOARD ON CERTAIN MATTERS.*—*In preparing*
3 *the program goals, long-term plans, mission statements,*
4 *and related matters for the Commission, the Executive Di-*
5 *rector and staff of the Commission shall consult with the*
6 *Election Assistance Commission Board of Advisors and the*
7 *Election Assistance Commission Standards Board estab-*
8 *lished under part 2.*

9 **SEC. 205. POWERS.**

10 (a) *HEARINGS AND SESSIONS.*—*The Commission may*
11 *hold such hearings for the purpose of carrying out this Act,*
12 *sit and act at such times and places, take such testimony,*
13 *and receive such evidence as the Commission considers ad-*
14 *visable to carry out this Act. The Commission may admin-*
15 *ister oaths and affirmations to witnesses appearing before*
16 *the Commission.*

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

23 (c) *POSTAL SERVICES.*—*The Commission may use the*
24 *United States mails in the same manner and under the*

1 *same conditions as other departments and agencies of the*
2 *Federal Government.*

3 (d) *ADMINISTRATIVE SUPPORT SERVICES.*—*Upon the*
4 *request of the Chair of the Commission, the Administrator*
5 *of General Services shall provide to the Commission, on a*
6 *reimbursable basis, the administrative support services that*
7 *are necessary to enable the Commission to carry out its du-*
8 *ties under this Act.*

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

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

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

19 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

20 *In addition to the amounts authorized for payments*
21 *and grants under subtitle C and the amounts authorized*
22 *to be appropriated for the program under section 303, there*
23 *are authorized to be appropriated for each of the fiscal years*
24 *2002 through 2004 such sums as may be necessary (but not*

1 to exceed \$10,000,000 for each such year) for the Commis-
 2 sion to carry out its duties under this title.

3 **PART 2—ELECTION ASSISTANCE COMMISSION**

4 **STANDARDS BOARD AND BOARD OF ADVISORS**

5 **SEC. 211. ESTABLISHMENT.**

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

11 **SEC. 212. DUTIES.**

12 *The Standards Board and the Board of Advisors shall*
 13 *each, in accordance with the procedures described in section*
 14 *223, review any of the voluntary engineering and proce-*
 15 *dural performance standards described in section 221(a)(1),*
 16 *any of the voluntary standards described in section*
 17 *221(a)(4), and any of the voluntary election management*
 18 *practice standards described in section 221(a)(6) (and any*
 19 *modifications to such standards) which are recommended*
 20 *by the Commission under subtitle B.*

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

22 *(a) COMPOSITION.—*

23 *(1) IN GENERAL.—Subject to certification by the*
 24 *chair of the Federal Election Commission under sub-*

1 *section (b), the Standards Board shall be composed of*
2 *110 members as follows:*

3 *(A) 55 shall be the chief State election offi-*
4 *cial of each State.*

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

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

19 *(3) REQUIRING MIX OF POLITICAL PARTIES REP-*
20 *RESENTED.—The 2 members of the Standards Board*
21 *who represent the same State may not be members of*
22 *the same political party.*

23 *(b) PROCEDURES FOR NOTICE AND CERTIFICATION OF*
24 *APPOINTMENT.—*

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

6 (A) *a statement that the chief election offi-*
7 *cial of the State agrees to serve on the Standards*
8 *Board under this title; and*

9 (B) *the name of the representative local elec-*
10 *tion official from the State selected under sub-*
11 *section (a)(2) who will serve on the Standards*
12 *Board under this title.*

13 (2) *CERTIFICATION.—Upon receiving a notice*
14 *from a State under paragraph (1), the chair of the*
15 *Federal Election Commission shall publish a certifi-*
16 *cation that the chief election official and the rep-*
17 *resentative local election official are appointed as*
18 *members of the Standards Board under this title.*

19 (3) *EFFECT OF FAILURE TO PROVIDE NOTICE.—*
20 *If a State does not transmit a notice to the chair of*
21 *the Federal Election Commission under paragraph*
22 *(1) within the deadline described in such paragraph,*
23 *no representative from the State may participate in*
24 *the selection of the Executive Board under subsection*
25 *(c).*

1 (4) *ROLE OF COMMISSION.*—Upon the appoint-
2 ment of the members of the Election Assistance Com-
3 mission, the Election Assistance Commission shall
4 carry out the duties of the Federal Election Commis-
5 sion under this subsection.

6 (c) *EXECUTIVE BOARD.*—

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

13 (A) not more than 5 may be chief State
14 election officials;

15 (B) not more than 5 may be local election
16 officials; and

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

19 (2) *TERMS.*—Except as provided in paragraph
20 (3), members of the Executive Board of the Standards
21 Board shall serve for a term of 2 years and may not
22 serve for more than 3 consecutive terms.

23 (3) *STAGGERING OF INITIAL TERMS.*—Of the
24 members first selected to serve on the Executive Board
25 of the Standards Board—

1 (A) 3 shall serve for one term;

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

3 and

4 (C) 3 shall serve for 3 consecutive terms,

5 as determined by lot at the time the members are first
6 appointed.

7 (4) *DUTIES.*—In addition to any other duties as-
8 signed under this title, the Executive Board of the
9 Standards Board may carry out such duties of the
10 Standards Board as the Standards Board may dele-
11 gate.

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

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

15 (1) 2 members appointed by the United States
16 Commission on Civil Rights.

17 (2) 2 members appointed by the Architectural
18 and Transportation Barrier Compliance Board under
19 section 502 of the Rehabilitation Act of 1973 (29
20 U.S.C. 792).

21 (3) 2 members appointed by the National Gov-
22 ernors Association.

23 (4) 2 members appointed by the National Con-
24 ference of State Legislatures.

1 (5) 2 members appointed by the National Asso-
2 ciation of Secretaries of State.

3 (6) 2 members appointed by the National Asso-
4 ciation of State Election Directors.

5 (7) 2 members appointed by the National Asso-
6 ciation of Counties.

7 (8) 2 members appointed by the National Asso-
8 ciation of County Recorders, Election Administrators,
9 and Clerks.

10 (9) 2 members appointed by the United States
11 Conference of Mayors.

12 (10) 2 members appointed by the Election Cen-
13 ter.

14 (11) 2 members appointed by the International
15 Association of County Recorders, Election Officials,
16 and Treasurers.

17 (12) 2 members representing professionals in the
18 field of science and technology, of whom 1 shall be ap-
19 pointed by the Speaker of the House of Representa-
20 tives and 1 shall be appointed by the majority leader
21 of the Senate (or, if the majority leader is a member
22 of the same political party as the Speaker, by the mi-
23 nority leader of the Senate).

24 (13) The chief of the Office of Public Integrity of
25 the Department of Justice, or the chief's designee.

1 (b) *DIVERSITY IN APPOINTMENTS.*—*Appointments*
2 *shall be made to the Board of Advisors under subsection*
3 *(a) in a manner which ensures that the Board of Advisors*
4 *will be bipartisan in nature and will reflect the various*
5 *geographic regions of the United States.*

6 (c) *TERM OF SERVICE; VACANCY.*—*Members of the*
7 *Board of Advisors shall serve for a term of 2 years, and*
8 *may be reappointed. Any vacancy in the Board of Advisors*
9 *shall be filled in the manner in which the original appoint-*
10 *ment was made.*

11 (d) *CHAIR.*—*The Board of Advisors shall elect a Chair*
12 *from among its members.*

13 **SEC. 215. POWERS OF BOARDS; NO COMPENSATION FOR**
14 **SERVICE.**

15 (a) *HEARINGS AND SESSIONS.*—

16 (1) *IN GENERAL.*—*To the extent that funds are*
17 *made available by the Commission, the Standards*
18 *Board (acting through the Executive Board) and the*
19 *Board of Advisors may each hold such hearings for*
20 *the purpose of carrying out this Act, sit and act at*
21 *such times and places, take such testimony, and re-*
22 *ceive such evidence as each such Board considers ad-*
23 *visable to carry out this title, except that the Boards*
24 *may not issue subpoenas requiring the attendance*

1 *and testimony of witnesses or the production of any*
2 *evidence.*

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

6 (A) *not less frequently than once every year*
7 *for purposes of voting on the standards referred*
8 *to it under section 223;*

9 (B) *in the case of the Standards Board, not*
10 *less frequently than once every 2 years for pur-*
11 *poses of selecting the Executive Board; and*

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

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

24 (c) *POSTAL SERVICES.—The Standards Board and the*
25 *Board of Advisors may use the United States mails in the*

1 *same manner and under the same conditions as a depart-*
2 *ment or agency of the Federal Government.*

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

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

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

20 (a) *IN GENERAL.*—*The provisions of chapters 161 and*
21 *171 of title 28, United States Code, shall apply with respect*
22 *to the liability of the Standards Board, the Board of Advi-*
23 *sors, and their members for acts or omissions performed*
24 *pursuant to and in the course of the duties and responsibil-*
25 *ities of the Board.*

1 (b) *EXCEPTION FOR CRIMINAL ACTS AND OTHER*
2 *WILLFUL CONDUCT.*—*Subsection (a) may not be construed*
3 *to limit personal liability for criminal acts or omissions,*
4 *willful or malicious misconduct, acts or omissions for pri-*
5 *vate gain, or any other act or omission outside the scope*
6 *of the service of a member of the Standards Board or the*
7 *Board of Advisors.*

8 ***Subtitle B—Voluntary Election***
9 ***Standards***

10 ***SEC. 221. DEVELOPMENT OF VOLUNTARY ELECTION STAND-***
11 ***ARDS.***

12 (a) *IN GENERAL.*—*The Commission shall:*

13 (1) *In accordance with section 223, develop*
14 *(through the Executive Director of the Commission),*
15 *adopt, and update (not less often than every 4 years*
16 *thereafter) voluntary engineering and procedural per-*
17 *formance standards for voting systems used in Fed-*
18 *eral elections which shall meet the following require-*
19 *ments:*

20 (A) *The scope of the standards should in-*
21 *clude security (including a documentary audit*
22 *for non-ballot systems), the procedures for certifi-*
23 *cation and decertification of software and hard-*
24 *ware, the assessment of usability, and oper-*

1 *ational guidelines for the proper use and mainte-*
2 *nance of equipment.*

3 *(B) The standards should provide that vot-*
4 *ers have the opportunity to correct errors at the*
5 *precinct or other polling place, either within the*
6 *voting equipment itself or in the operational*
7 *guidelines to administrators for using the equip-*
8 *ment, under conditions which assure privacy to*
9 *the voter.*

10 *(C) Each voting tally system certified for*
11 *use should include as part of the certification a*
12 *proposed statement of what constitutes a proper*
13 *vote in the design and operation of the system.*

14 *(D) New voting equipment systems certified*
15 *either by the Federal government or by any State*
16 *should provide a practical and effective means*
17 *for voters with physical disabilities to cast a se-*
18 *cret ballot.*

19 *(2) Maintain a clearinghouse of information on*
20 *the experiences of State and local governments in im-*
21 *plementing the voluntary standards described in*
22 *paragraph (1) and in operating voting systems in*
23 *general.*

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

4 (4) *Advise States and units of local government*
5 *regarding compliance with the requirements of the*
6 *Voting Accessibility for the Elderly and Handicapped*
7 *Act (42 U.S.C. 1973ee et seq.) and compliance with*
8 *other Federal laws regarding accessibility of registra-*
9 *tion facilities and polling places. Additionally, in ac-*
10 *cordance with section 223, the Commission shall de-*
11 *velop (through the Executive Director of the Commis-*
12 *sion), adopt, and update (not less often than every 4*
13 *years thereafter) voluntary standards for maintaining*
14 *and enhancing the accessibility and privacy of reg-*
15 *istration facilities, polling places, and voting methods*
16 *with the goal of promoting for all individuals, includ-*
17 *ing the elderly and individuals with disabilities, the*
18 *accessibility of polling places and the effective use of*
19 *voting systems and voting equipment which provide*
20 *the opportunity for casting a secure and secret ballot,*
21 *and shall include in such standards voluntary guide-*
22 *lines regarding accessibility and ease-of-use for States*
23 *and units of local government to use when obtaining*
24 *voting equipment and selecting polling places. In car-*
25 *rying out this paragraph, the Commission shall con-*

1 *sult with the Architectural and Transportation Bar-*
2 *rier Compliance Board under section 502 of the Reha-*
3 *ilitation Act of 1973 (29 U.S.C. 792) and other indi-*
4 *viduals and entities with expertise in the accessibility*
5 *of facilities for individuals with disabilities.*

6 (5) *Make periodic studies available to the public*
7 *regarding the election administration issues described*
8 *in subsection (b), with the goal of promoting methods*
9 *of voting and administering elections which—*

10 (A) *will be the most convenient, accessible,*
11 *and easy to use for voters, including members of*
12 *the uniformed services, blind and disabled voters,*
13 *and voters with limited English proficiency;*

14 (B) *will yield the most accurate, secure, and*
15 *expeditious system for voting and tabulating*
16 *election results;*

17 (C) *will be nondiscriminatory and afford*
18 *each registered and eligible voter an equal oppor-*
19 *tunity to vote; and*

20 (D) *will be efficient and cost-effective for*
21 *use.*

22 (6) *In accordance with section 223, develop*
23 *(through the Executive Director of the Commission),*
24 *adopt, and update (not less often than every 4 years)*
25 *voluntary election management practice standards for*

1 *State and local election officials to maintain and en-*
2 *hance the administration of Federal elections, includ-*
3 *ing standards developed in consultation with the Sec-*
4 *retary of Defense to govern the treatment of absent*
5 *uniformed services voters (as defined in section 107(1)*
6 *of the Uniformed and Overseas Citizens Absentee Vot-*
7 *ing Act) and overseas voters (as defined in section*
8 *107(5) of such Act) which will include provisions to*
9 *address each of the following:*

10 *(A) The rights of residence of uniformed*
11 *services voters absent due to military orders.*

12 *(B) The rights of absent uniformed services*
13 *voters and overseas voters to register to vote and*
14 *cast absentee ballots.*

15 *(C) The rights of absent uniformed services*
16 *voters and overseas voters to submit absentee bal-*
17 *lot applications early during an election year.*

18 *(D) The appropriate pre-election deadline*
19 *for mailing absentee ballots to absent uniformed*
20 *services voters and overseas voters.*

21 *(E) The appropriate minimum period be-*
22 *tween the mailing of absentee ballots to absent*
23 *uniformed services voters and overseas voters and*
24 *the deadline for receipt of such ballots.*

1 (F) *The timely transmission of balloting*
2 *materials to absent uniformed services voters and*
3 *overseas voters.*

4 (G) *Security and privacy concerns in the*
5 *transmission, receipt, and processing of ballots*
6 *from absent uniformed services voters and over-*
7 *seas voters, including the need to protect against*
8 *fraud.*

9 (H) *The use of a single application by ab-*
10 *sent uniformed services voters and overseas voters*
11 *for absentee ballots for all Federal elections oc-*
12 *curring during a year.*

13 (I) *The use of a single application for voter*
14 *registration and absentee ballots by absent uni-*
15 *formed services voters and overseas voters.*

16 (J) *The use of facsimile machines and elec-*
17 *tronic means of transmission of absentee ballot*
18 *applications and absentee ballots to absent uni-*
19 *formed services voters and overseas voters.*

20 (K) *Other issues related to the rights of ab-*
21 *sent uniformed services voters and overseas voters*
22 *to participate in elections.*

23 (7) *Carry out the provisions of section 9 of the*
24 *National Voter Registration Act of 1993 (42 U.S.C.*
25 *1973gg-7) regarding mail voter registration.*

1 (8) *Make information on the Federal election*
2 *system available to the public and the media.*

3 (9) *At the request of State officials, assist such*
4 *officials in the review of election or vote counting pro-*
5 *cedures in Federal elections, through bipartisan pan-*
6 *els of election professionals assembled by the Commis-*
7 *sion for such purpose.*

8 (10) *Compile and make available to the public*
9 *the official certified results of general elections for*
10 *Federal office and reports comparing the rates of*
11 *voter registration, voter turnout, voting system func-*
12 *tions, and ballot errors among jurisdictions in the*
13 *United States.*

14 (11) *Gather information and serve as a clearing-*
15 *house concerning issues relating to Federal, State,*
16 *and local elections.*

17 (b) *ELECTION ADMINISTRATION ISSUES DE-*
18 *SCRIBED.—The election administration issues described in*
19 *this subsection are as follows:*

20 (1) *Current and alternate methods and mecha-*
21 *nisms of voting and counting votes in elections for*
22 *Federal office.*

23 (2) *Current and alternate ballot designs for elec-*
24 *tions for Federal office.*

1 (3) *Current and alternate methods of voter reg-*
2 *istration, maintaining secure and accurate lists of*
3 *registered voters (including the establishment of a cen-*
4 *tralized, interactive, statewide voter registration list*
5 *linked to relevant agencies and all polling sites), and*
6 *ensuring that all registered voters appear on the poll-*
7 *ing list at the appropriate polling site.*

8 (4) *Current and alternate methods of conducting*
9 *provisional voting.*

10 (5) *Current and alternate methods of ensuring*
11 *the accessibility of voting, registration, polling places,*
12 *and voting equipment to all voters, including disabled*
13 *voters and voters with limited English proficiency.*

14 (6) *Current and alternate methods of voter reg-*
15 *istration for members of the uniformed services and*
16 *overseas voters, and methods of ensuring that such*
17 *voters receive timely ballots that will be properly and*
18 *expeditiously handled and counted.*

19 (7) *Current and alternate methods of recruiting*
20 *and improving the performance of poll workers.*

21 (8) *Federal and State laws governing the eligi-*
22 *bility of persons to vote.*

23 (9) *Current and alternate methods of educating*
24 *voters about the process of registering to vote and vot-*
25 *ing, the operation of voting mechanisms, the location*

1 *in the development of voluntary standards under this*
2 *subtitle by recommending standards (and modifica-*
3 *tions to standards) to ensure the usability, accuracy,*
4 *security, accessibility, and integrity of voting systems*
5 *and voting equipment.*

6 (2) *DEADLINE FOR INITIAL SET OF REC-*
7 *COMMENDATIONS.—The Development Committee shall*
8 *provide its first set of recommendations under this*
9 *section to the Executive Director of the Commission*
10 *not later than 9 months after all of its members have*
11 *been appointed.*

12 (c) *MEMBERSHIP.—*

13 (1) *IN GENERAL.—The Development Committee*
14 *shall be composed of the Director of the National In-*
15 *stitute of Standards and Technology (who shall serve*
16 *as its chair), together with a group of 14 other indi-*
17 *viduals appointed jointly by the Commission and the*
18 *Director of the National Institute of Standards and*
19 *Technology, consisting of the following:*

20 (A) *An equal number of each of the fol-*
21 *lowing:*

22 (i) *Members of the Standards Board.*

23 (ii) *Members of the Board of Advisors.*

24 (iii) *Members of the Architectural and*
25 *Transportation Barrier Compliance Board*

1 *under section 502 of the Rehabilitation Act*
2 *of 1973 (29 U.S.C. 792).*

3 *(B) A representative of the American Na-*
4 *tional Standards Institute.*

5 *(C) Other individuals with technical and*
6 *scientific expertise relating to voting systems and*
7 *voting equipment.*

8 *(2) QUORUM.—A majority of the members of the*
9 *Development Committee shall constitute a quorum,*
10 *except that the Development Committee may not con-*
11 *duct any business prior to the appointment of all of*
12 *its members.*

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

21 *(e) TECHNICAL SUPPORT FROM NATIONAL INSTITUTE*
22 *OF STANDARDS AND TECHNOLOGY.—At the request of the*
23 *Development Committee, the Director of the National Insti-*
24 *tute of Standards and Technology shall provide the Develop-*
25 *ment Committee with technical support necessary for the*

1 *Development Committee to carry out its duties under this*
2 *subtitle.*

3 (f) *PUBLICATION OF RECOMMENDATIONS IN FEDERAL*
4 *REGISTER.—At the time the Commission adopts any stand-*
5 *ard pursuant to section 223, the Development Committee*
6 *shall cause to have published in the Federal Register the*
7 *recommendations it provided under this section to the Exec-*
8 *utive Director of the Commission concerning the standard*
9 *adopted.*

10 **SEC. 223. PROCESS FOR ADOPTION OF VOLUNTARY STAND-**
11 **ARDS.**

12 (a) *CONSIDERATION OF RECOMMENDATIONS OF DE-*
13 *VELOPMENT COMMITTEE; SUBMISSION OF PROPOSED VOL-*
14 *UNTARY STANDARDS TO BOARD OF ADVISORS AND STAND-*
15 *ARDS BOARD.—*

16 (1) *CONSIDERATION OF RECOMMENDATIONS OF*
17 *DEVELOPMENT COMMITTEE.—In developing standards*
18 *and modifications for purposes of this section, the Ex-*
19 *ecutive Director of the Commission shall take into*
20 *consideration the recommendations provided by the*
21 *Technical Standards Development Committee under*
22 *section 222.*

23 (2) *BOARD OF ADVISORS.—The Executive Direc-*
24 *tor of the Commission shall submit each of the vol-*
25 *untary engineering and procedural performance*

1 standards (described in section 221(a)(1)), each of the
2 voluntary standards described in section 221(a)(4),
3 and each of the voluntary election management prac-
4 tice standards (described in section 221(a)(6)) devel-
5 oped by the Executive Director (or any modifications
6 to such standards) to the Board of Advisors.

7 (3) *STANDARDS BOARD.*—The Executive Director
8 of the Commission shall submit each of the voluntary
9 engineering and procedural performance standards
10 (described in section 221(a)(1)), each of the voluntary
11 standards described in section 221(a)(4), and each of
12 the voluntary election management practice standards
13 (described in section 221(a)(6)) developed by the Ex-
14 ecutive Director (or any modifications to such stand-
15 ards) to the Executive Board of the Standards Board,
16 who shall review the standard (or modification) and
17 forward its recommendations to the Standards Board.

18 (b) *REVIEW.*—Upon receipt of a voluntary standard
19 described in subsection (a) (or modification of such a stand-
20 ard) from the Executive Director of the Commission, the
21 Board of Advisors and the Standards Board shall each re-
22 view and submit comments and recommendations regarding
23 the standard (or modification) to the Commission.

24 (c) *FINAL APPROVAL.*—

1 (1) *IN GENERAL.*—A voluntary standard de-
2 scribed in subsection (a) (or modification of such a
3 standard) shall not be considered to be finally adopt-
4 ed by the Commission unless the majority of the mem-
5 bers of the Commission vote to approve the final
6 adoption of the standard (or modification), taking
7 into consideration the comments and recommenda-
8 tions submitted by the Board of Advisors and the
9 Standards Board under subsection (b).

10 (2) *MINIMUM PERIOD FOR CONSIDERATION OF*
11 *COMMENTS AND RECOMMENDATIONS.*—The Commis-
12 sion may not vote on the final adoption of a vol-
13 untary standard described in subsection (a) (or modi-
14 fication of such a standard) until the expiration of
15 the 90-day period which begins on the date the Execu-
16 tive Director of the Commission submits the standard
17 (or modification) to the Board of Advisors and the
18 Standards Board under subsection (a).

19 **SEC. 224. CERTIFICATION AND TESTING OF VOTING SYS-**
20 **TEMS.**

21 (a) *CERTIFICATION AND TESTING.*—

22 (1) *IN GENERAL.*—The Commission shall provide
23 for the testing, certification, decertification, and recer-
24 tification of voting system hardware and software by
25 accredited laboratories.

1 (2) *OPTIONAL USE BY STATES.*—*At the option of*
2 *a State, the State may provide for the testing, certifi-*
3 *cation, decertification, or recertification of its voting*
4 *system hardware and software by the laboratories ac-*
5 *credited by the Commission under this section.*

6 (b) *LABORATORY ACCREDITATION.*—

7 (1) *RECOMMENDATIONS BY NATIONAL INSTITUTE*
8 *OF STANDARDS AND TECHNOLOGY.*—*Not later than 6*
9 *months after the Commission first adopts voluntary*
10 *engineering and procedural performance standards*
11 *under this subtitle, the Director of the National Insti-*
12 *tute of Standards and Technology shall conduct an*
13 *evaluation of independent, non-Federal laboratories*
14 *and shall submit to the Commission a list of those*
15 *laboratories the Director proposes to be accredited to*
16 *carry out the testing, certification, decertification,*
17 *and recertification provided for under this section.*

18 (2) *APPROVAL BY COMMISSION.*—*The Commis-*
19 *sion shall vote on the proposed accreditation of each*
20 *laboratory on the list submitted under paragraph (1),*
21 *and no laboratory may be accredited for purposes of*
22 *this section unless its accreditation is approved by a*
23 *majority vote of the members of the Commission.*

24 (c) *CONTINUING REVIEW BY NATIONAL INSTITUTE OF*
25 *STANDARDS AND TECHNOLOGY.*—

1 (1) *IN GENERAL.*—*In cooperation with the Com-*
2 *mission and in consultation with the Standards*
3 *Board and the Board of Advisors, the Director of the*
4 *National Institute of Standards and Technology shall*
5 *monitor and review, on an ongoing basis, the per-*
6 *formance of the laboratories accredited by the Com-*
7 *mission under this section, and shall make such rec-*
8 *ommendations to the Commission as it considers ap-*
9 *propriate with respect to the continuing accreditation*
10 *of such laboratories, including recommendations to re-*
11 *voke the accreditation of any such laboratory.*

12 (2) *APPROVAL BY COMMISSION REQUIRED FOR*
13 *REVOCAION.*—*The accreditation of a laboratory for*
14 *purposes of this section may not be revoked unless the*
15 *revocation is approved by a majority vote of the mem-*
16 *bers of the Commission.*

17 **SEC. 225. DISSEMINATION OF INFORMATION.**

18 *On an ongoing basis, the Commission shall dissemi-*
19 *nate to the public (through the Internet, published reports,*
20 *and such other methods as the Commission considers appro-*
21 *priate) information on the activities carried out under this*
22 *subtitle, including—*

23 (1) *the voluntary election standards adopted by*
24 *the Commission, together with guidelines for applying*

1 *the standards and other information to assist in their*
2 *implementation;*

3 (2) *the list of laboratories accredited to carry out*
4 *testing, certification, decertification, and recertifi-*
5 *cation of voting system hardware and software under*
6 *section 224; and*

7 (3) *a list of voting system hardware and soft-*
8 *ware products which have been certified pursuant to*
9 *section 224 as meeting the applicable voluntary*
10 *standards adopted by the Commission under this sub-*
11 *title.*

12 ***Subtitle C—Election Assistance***

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

14 ***FOR VOTING SYSTEM IMPROVEMENTS***

15 ***SEC. 231. ELECTION FUND PAYMENTS TO STATES FOR VOT-*** 16 ***ING SYSTEM IMPROVEMENTS.***

17 (a) *IN GENERAL.*—*The Commission shall make an*
18 *Election Fund payment each year in an amount deter-*
19 *mined under section 232 to each State which meets the re-*
20 *quirements described in section 233 for the year.*

21 (b) *USE OF FUNDS.*—*A State receiving an Election*
22 *Fund payment shall use the payment for any or all of the*
23 *following activities:*

24 (1) *Establishing and maintaining accurate lists*
25 *of eligible voters.*

1 (2) *Encouraging eligible voters to vote.*

2 (3) *Improving verification and identification of*
3 *voters at the polling place.*

4 (4) *Improving equipment and methods for cast-*
5 *ing and counting votes.*

6 (5) *Recruiting and training election official and*
7 *poll workers.*

8 (6) *Improving the quantity and quality of avail-*
9 *able polling places.*

10 (7) *Educating voters about their rights and re-*
11 *sponsibilities.*

12 (8) *Assuring access for voters with physical dis-*
13 *abilities.*

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

16 (c) *ADOPTION OF COMMISSION STANDARDS NOT RE-*
17 *QUIRED TO RECEIVE PAYMENT.*—*Nothing in this part may*
18 *be construed to require a State to implement any of the*
19 *voluntary standards adopted by the Commission with re-*
20 *spect to any matter as a condition for receiving an Election*
21 *Fund payment.*

22 (d) *SCHEDULE OF PAYMENTS.*—*As soon as practicable*
23 *after all members of the Commission are appointed (but in*
24 *no event later than 6 months thereafter), and not less fre-*
25 *quently than once each calendar year thereafter, the Com-*

1 mission shall make Election Fund payments to States
2 under this part.

3 **SEC. 232. ALLOCATION OF FUNDS.**

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

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

9 (2) the State allocation percentage for the State
10 (as determined under subsection (b)).

11 (b) *STATE ALLOCATION PERCENTAGE DEFINED.*—The
12 “State allocation percentage” for a State is the amount (ex-
13 pressed as a percentage) equal to the quotient of—

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

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

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

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

23 (2) in the case of the Commonwealth of Puerto
24 Rico, Guam, American Samoa, or the United States

1 *Virgin Islands, 20 percent of the amount described in*
2 *paragraph (1).*

3 *(d) CONTINUING AVAILABILITY OF FUNDS AFTER AP-*
4 *PROPRIATION.—An Election Fund payment made to a*
5 *State under this part shall be available to the State without*
6 *fiscal year limitation.*

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

8 *(a) IN GENERAL.—In order to receive an Election*
9 *Fund payment for a fiscal year, the chief State election offi-*
10 *cial of the State shall provide the Commission with the fol-*
11 *lowing certifications:*

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

19 *(2) A certification that the State has set a uni-*
20 *form Statewide benchmark for voting system perform-*
21 *ance in each local jurisdiction administering elec-*
22 *tions, expressed as a percentage of residual vote in the*
23 *contest at the top of the ballot, and requires local ju-*
24 *risdictions to report data relevant to this benchmark*
25 *after each general election for Federal 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; and*

14 (B) *if the State uses any portion of its Elec-*
15 *tion Fund payment to obtain new voting ma-*
16 *chines, at least one voting machine in each poll-*
17 *ing place in the State will be fully accessible to*
18 *individuals with physical disabilities.*

19 (5) *A certification that the State has established*
20 *a fund described in subsection (b) for purposes of ad-*
21 *ministering its activities under this part.*

22 (6) *A certification that, in administering elec-*
23 *tion systems, the State is in compliance with the ex-*
24 *isting applicable requirements of the Voting Rights*
25 *Act of 1965 (42 U.S.C. 1973 et seq.), the National*

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

6 (7) *A certification that the State provides for*
7 *voter education and poll worker training programs to*
8 *improve access to and participation in the electoral*
9 *process, and provides relevant training in the require-*
10 *ments of the National Voter Registration Act of 1993*
11 *for personnel of State motor vehicle authority offices*
12 *and other voter registration agencies designated by*
13 *the State under such Act.*

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

19 (b) *REQUIREMENTS FOR ELECTION FUND.—*

20 (1) *ELECTION FUND DESCRIBED.—For purposes*
21 *of subsection (a)(5), a fund described in this sub-*
22 *section with respect to a State is a fund which is es-*
23 *tablished in the treasury of the State government,*
24 *which is used in accordance with paragraph (2), and*
25 *which consists of the following amounts:*

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

5 (B) The Election Fund payment made to
6 the State under this part.

7 (C) Such other amounts as may be appro-
8 priated under law.

9 (D) Interest earned on deposits of the fund.

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

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

18 (d) CHIEF STATE ELECTION OFFICIAL DEFINED.—In
19 this subtitle, the “chief State election official” of a State
20 is the individual designated by the State under section 10
21 of the National Voter Registration Act of 1993 (42 U.S.C.
22 1973gg–8) to be responsible for coordination of the State’s
23 responsibilities under such Act.

1 **SEC. 234. AUTHORIZATION OF APPROPRIATIONS.**

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

5 **PART 2—GRANTS FOR RESEARCH ON VOTING**

6 **TECHNOLOGY IMPROVEMENTS**

7 **SEC. 241. GRANTS FOR RESEARCH ON VOTING TECH-**
8 **NOLOGY IMPROVEMENTS.**

9 *(a) IN GENERAL.—The Commission shall make grants*
10 *to assist entities in carrying out research and development*
11 *to improve the quality, reliability, accuracy, accessibility,*
12 *affordability, and security of voting equipment, election sys-*
13 *tems, and voting technology.*

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

18 *(1) assurances that the research and development*
19 *funded with the grant will take into account the need*
20 *to make voting equipment fully accessible for individ-*
21 *uals with disabilities (including blind individuals),*
22 *the need to ensure that such individuals can vote*
23 *independently and with privacy, and the need to pro-*
24 *vide alternative language accessibility for individuals*
25 *with limited proficiency in the English language*

1 *(consistent with the requirements of the Voting Rights*
2 *Act of 1965); and*

3 *(2) such other information and assurances as the*
4 *Commission may require.*

5 *(c) APPLICABILITY OF REGULATIONS GOVERNING PAT-*
6 *ENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSIST-*
7 *ANCE.—Any invention made by the recipient of a grant*
8 *under this part using funds provided under this part shall*
9 *be subject to chapter 18 of title 35, United States Code (re-*
10 *lating to patent rights in inventions made with Federal as-*
11 *sistance).*

12 **SEC. 242. REPORT.**

13 *(a) IN GENERAL.—Each entity which receives a grant*
14 *under this part shall submit to the Commission, Congress,*
15 *and the President a report describing the activities carried*
16 *out with the funds provided under the grant.*

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

21 **SEC. 243. AUTHORIZATION OF APPROPRIATIONS.**

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

1 **PART 3—PILOT PROGRAM FOR TESTING OF**
2 **EQUIPMENT AND TECHNOLOGY**

3 **SEC. 251. PILOT PROGRAM.**

4 (a) *IN GENERAL.*—*The Commission shall make grants*
5 *to carry out pilot programs under which new technologies*
6 *in voting systems and equipment are implemented on a*
7 *trial basis.*

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

12 (1) *assurances that the pilot programs funded*
13 *with the grant will take into account the need to*
14 *make voting equipment fully accessible for individuals*
15 *with disabilities (including blind individuals), the*
16 *need to ensure that such individuals can vote inde-*
17 *pendently and with privacy, and the need to provide*
18 *alternative language accessibility for individuals with*
19 *limited proficiency in the English language (con-*
20 *sistent with the requirements of the Voting Rights Act*
21 *of 1965); and*

22 (2) *such other information and assurances as the*
23 *Commission may require.*

24 **SEC. 252. REPORT.**

25 (a) *IN GENERAL.*—*Each entity which receives a grant*
26 *under this part shall submit to the Commission, Congress,*

1 *and the President a report describing the activities carried*
2 *out with the funds provided under the grant.*

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

7 **SEC. 253. AUTHORIZATION OF APPROPRIATIONS.**

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

10 **PART 4—MISCELLANEOUS**

11 **SEC. 261. ROLE OF NATIONAL INSTITUTE OF STANDARDS**
12 **AND TECHNOLOGY.**

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

21 (b) *REVIEW OF GRANT APPLICATIONS RECEIVED BY*
22 *COMMISSION.*—*The Commission shall submit each applica-*
23 *tion it receives for a grant under part 2 or part 3 to the*
24 *Director, who shall review the application and provide the*

1 *Commission with such comments as the Director considers*
2 *appropriate.*

3 (c) *MONITORING AND ADJUSTMENT OF GRANT ACTIVI-*
4 *TIES.—After the Commission has awarded a grant under*
5 *part 2 or part 3, the Director shall monitor the grant and*
6 *(to the extent permitted under the terms of the grant as*
7 *awarded) may recommend to the Commission that the re-*
8 *recipient of the grant modify and adjust the activities carried*
9 *out under the grant.*

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

11 (1) *IN GENERAL.—After the recipient of a grant*
12 *awarded by the Commission has completed the terms*
13 *of the grant, the Director shall prepare and submit to*
14 *the Commission an evaluation of the grant and the*
15 *activities carried out under the grant.*

16 (2) *INCLUSION IN REPORTS.—The Commission*
17 *shall include the evaluations submitted under para-*
18 *graph (1) for a year in the report submitted for the*
19 *year under section 262.*

20 (e) *INTRAMURAL RESEARCH AND DEVELOPMENT.—*
21 *The Director shall establish a program for intramural re-*
22 *search and development in areas to support the development*
23 *of voluntary technical standards for voting products and*
24 *systems, including—*

1 (1) *the security of computers, computer networks,*
2 *and computer data storage used in voting products*
3 *and systems, including the Statewide voter registra-*
4 *tion networks required under the minimum standard*
5 *described in section 502(1);*

6 (2) *methods to detect and prevent fraud;*

7 (3) *the protection of voter privacy;*

8 (4) *the role of human factors in the design and*
9 *application of voting products and systems, including*
10 *assistive technologies for individuals with disabilities*
11 *and varying levels of literacy; and*

12 (5) *remote access voting, including voting*
13 *through the Internet.*

14 **SEC. 262. REPORTS.**

15 (a) *ANNUAL REPORTS ON ACTIVITIES.*—*Not later than*
16 *90 days after the end of each fiscal year, the Commission*
17 *shall submit a report to the Committee on House Adminis-*
18 *tration of the House of Representatives and the Committee*
19 *on Rules and Administration of the Senate on the activities*
20 *carried out by the Commission under this subtitle during*
21 *the previous fiscal year, and shall include in the report a*
22 *description of all applications for Election Fund payments*
23 *and grants received by the Commission during the year*
24 *under this subtitle and the disposition of such applications.*

1 (b) *REPORT ON HUMAN FACTOR RESEARCH.*—Not
2 later than 1 year after the date of the enactment of this
3 Act, the Commission, in consultation with the Director of
4 the National Institute of Standards and Technology, shall
5 submit a report to Congress which assesses the areas of
6 human factor research, including usability engineering and
7 human-computer and human-machine interaction, which
8 feasibly could be applied to voting products and systems
9 design to ensure the usability and accuracy of voting prod-
10 ucts and systems, including methods to improve access for
11 individuals with disabilities and to reduce voter error and
12 the number of spoiled ballots in elections.

13 **SEC. 263. AUDIT.**

14 (a) *IN GENERAL.*—As a condition of receiving funds
15 under this subtitle, a State or entity described in part 2
16 or part 3 shall agree that such funds shall be subject to
17 audit if 2 or more members of the Commission vote to re-
18 quire an audit.

19 (b) *MANDATORY AUDIT.*—In addition to audits con-
20 ducted pursuant to subsection (a), all funds provided under
21 this subtitle shall be subject to mandatory audit at least
22 once during the lifetime of the programs under this subtitle.

1 **TITLE III—HELP AMERICA VOTE**
2 **COLLEGE PROGRAM**

3 **SEC. 301. ESTABLISHMENT OF PROGRAM.**

4 (a) *IN GENERAL.*—Not later than 1 year after the ap-
5 pointment of its members, the Election Assistance Commis-
6 sion shall develop a program to be known as the “Help
7 America Vote College Program” (hereafter in this title re-
8 ferred to as the “Program”).

9 (b) *PURPOSES OF PROGRAM.*—The purpose of the Pro-
10 gram shall be—

11 (1) *to encourage students enrolled at institutions*
12 *of higher education (including community colleges) to*
13 *assist State and local governments in the administra-*
14 *tion of elections by serving as nonpartisan poll work-*
15 *ers or assistants; and*

16 (2) *to encourage State and local governments to*
17 *use the services of the students participating in the*
18 *Program.*

19 **SEC. 302. ACTIVITIES UNDER PROGRAM.**

20 (a) *IN GENERAL.*—In carrying out the Program, the
21 Commission (in consultation with the chief election official
22 of each State) shall develop materials, sponsor seminars and
23 workshops, engage in advertising targeted at students, make
24 grants, and take such other actions as it considers appro-
25 priate to meet the purposes described in section 301(b).

1 (b) *REQUIREMENTS FOR GRANT RECIPIENTS.*—In
2 *making grants under the Program, the Commission shall*
3 *ensure that the funds provided are spent for projects and*
4 *activities which are carried out without partisan bias or*
5 *without promoting any particular point of view regarding*
6 *any issue, and that each recipient is governed in a balanced*
7 *manner which does not reflect any partisan bias.*

8 (c) *COORDINATION WITH INSTITUTIONS OF HIGHER*
9 *EDUCATION.*—*The Commission shall encourage institutions*
10 *of higher education (including community colleges) to par-*
11 *ticipate in the Program, and shall make all necessary mate-*
12 *rials and other assistance (including materials and assist-*
13 *ance to enable the institution to hold workshops and poll*
14 *worker training sessions) available without charge to any*
15 *institution which desires to participate in the Program.*

16 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

17 *In addition to any funds authorized to be appro-*
18 *priated to the Commission under section 207, there are au-*
19 *thorized to be appropriated to carry out this title—*

20 (1) *\$5,000,000 for fiscal year 2002; and*

21 (2) *such sums as may be necessary for each suc-*
22 *ceeding fiscal year.*

1 **TITLE IV—HELP AMERICA VOTE**
 2 **FOUNDATION**

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

4 (a) *IN GENERAL.*—Part B of subtitle II of title 36,
 5 *United States Code*, is amended by inserting after chapter
 6 1525 the following:

7 **“CHAPTER 1526—HELP AMERICA VOTE**
 8 **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.*

9 **“§ 152601. Organization**

10 “(a) *FEDERAL CHARTER.*—*The Help America Vote*
 11 *Foundation (in this chapter, the ‘foundation’)* is a federally
 12 chartered corporation.

13 “(b) *NATURE OF FOUNDATION.*—*The foundation is a*
 14 *charitable and nonprofit corporation and is not an agency*
 15 *or establishment of the United States Government.*

16 “(c) *PERPETUAL EXISTENCE.*—*Except as otherwise*
 17 *provided, the foundation has perpetual existence.*

1 **“§ 152602. Purposes**

2 “(a) *IN GENERAL.*—*The purposes of the foundation*
3 *are to—*

4 “(1) *mobilize secondary school students (includ-*
5 *ing students educated in the home) in the United*
6 *States to participate in the election process in a non-*
7 *partisan manner as poll workers or assistants;*

8 “(2) *place secondary school students (including*
9 *students educated in the home) as nonpartisan poll*
10 *workers or assistants to local election officials in pre-*
11 *inct polling places across the United States; and*

12 “(3) *establish cooperative efforts with State and*
13 *local election officials, local educational agencies, su-*
14 *perintendents and principals of public and private*
15 *secondary schools, and other appropriate nonprofit*
16 *charitable and educational organizations exempt from*
17 *taxation under section 501(a) of the Internal Revenue*
18 *Code of 1986 as an organization described in section*
19 *501(c)(3) of such Code to further the purposes of the*
20 *foundation.*

21 “(b) *REQUIRING ACTIVITIES TO BE CARRIED OUT ON*
22 *NONPARTISAN BASIS.*—*The foundation shall carry out its*
23 *purposes without partisan bias or without promoting any*
24 *particular point of view regarding any issue, and shall en-*
25 *sure that each participant in its activities is governed in*
26 *a balanced manner which does not reflect any partisan bias.*

1 “(c) *CONSULTATION WITH STATE ELECTION OFFI-*
2 *CIALS.—The foundation shall carry out its purposes under*
3 *this section in consultation with the chief election officials*
4 *of the States, the District of Columbia, the Commonwealth*
5 *of Puerto Rico, Guam, American Samoa, and the United*
6 *States Virgin Islands.*

7 “**§ 152603. Board of directors**

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

10 “(b) *MEMBERS AND APPOINTMENT.—(1) The board*
11 *consists of 12 directors, who shall be appointed not later*
12 *than 60 days after the date of the enactment of this chapter*
13 *as follows:*

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

17 “(B) *2 directors shall be appointed by the Speak-*
18 *er of the House of Representatives.*

19 “(C) *2 directors shall be appointed by the minor-*
20 *ity leader of the House of Representatives.*

21 “(D) *2 directors shall be appointed by the major-*
22 *ity leader of the Senate.*

23 “(E) *2 directors shall be appointed by the minor-*
24 *ity leader of the Senate.*

1 “(2) *In addition to the directors described in para-*
2 *graph (1), the chair and ranking minority member of the*
3 *Committee on House Administration of the House of Rep-*
4 *resentatives (or their designees) and the chair and ranking*
5 *minority member of the Committee on Rules and Adminis-*
6 *tration of the Senate (or their designees) shall each serve*
7 *as an ex officio nonvoting member of the board.*

8 “(3) *A director is not an employee of the Federal gov-*
9 *ernment and appointment to the board does not constitute*
10 *appointment as an officer or employee of the United States*
11 *Government for the purpose of any law of the United States*
12 *(except as may otherwise be provided in this chapter).*

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

14 “(5) *A vacancy on the board shall be filled in the man-*
15 *ner in which the original appointment was made.*

16 “(c) *CHAIR.*—*The directors shall select one of the direc-*
17 *tors as the chair of the board. The individual selected may*
18 *not be a current or former holder of any partisan elected*
19 *office or a current or former officer of any national com-*
20 *mittee of a political party.*

21 “(d) *QUORUM.*—*The number of directors constituting*
22 *a quorum of the board shall be established under the bylaws*
23 *of the foundation.*

1 “(e) *MEETINGS.*—*The board shall meet at the call of*
 2 *the chair of the board for regularly scheduled meetings, ex-*
 3 *cept that the board shall meet not less often than annually.*

4 “(f) *REIMBURSEMENT OF EXPENSES.*—*Directors shall*
 5 *serve without compensation but may receive travel expenses,*
 6 *including per diem in lieu of subsistence, in accordance*
 7 *with sections 5702 and 5703 of title 5.*

8 “(g) *LIABILITY OF DIRECTORS.*—*Directors are not*
 9 *personally liable, except for gross negligence.*

10 **“§ 152604. Officers and employees**

11 “(a) *APPOINTMENT OF OFFICERS AND EMPLOYEES.*—
 12 *The board of directors appoints, removes, and replaces offi-*
 13 *cers and employees of the foundation.*

14 “(b) *STATUS AND COMPENSATION OF EMPLOYEES.*—

15 “(1) *IN GENERAL.*—*Officers and employees of the*
 16 *foundation—*

17 “(A) *are not employees of the Federal gov-*
 18 *ernment (except as may otherwise be provided in*
 19 *this chapter);*

20 “(B) *shall be appointed and removed with-*
 21 *out regard to the provisions of title 5 governing*
 22 *appointments in the competitive service; and*

23 “(C) *may be paid without regard to chapter*
 24 *51 and subchapter III of chapter 53 of title 5.*

1 “(2) *AVAILABILITY OF FEDERAL EMPLOYEE*
2 *RATES FOR TRAVEL.*—*For purposes of any schedules*
3 *of rates negotiated by the Administrator of General*
4 *Services for the use of employees of the Federal gov-*
5 *ernment who travel on official business, officers and*
6 *employees of the foundation who travel while engaged*
7 *in the performance of their duties under this chapter*
8 *shall be deemed to be employees of the Federal govern-*
9 *ment.*

10 **“§ 152605. Powers**

11 “(a) *GENERAL.*—*The foundation may—*

12 “(1) *adopt a constitution and bylaws;*

13 “(2) *adopt a seal which shall be judicially no-*
14 *ticed; and*

15 “(3) *do any other act necessary to carry out this*
16 *chapter.*

17 “(b) *POWERS AS TRUSTEE.*—*To carry out its pur-*
18 *poses, the foundation has the usual powers of a corporation*
19 *acting as a trustee in the District of Columbia, including*
20 *the power—*

21 “(1) *to accept, receive, solicit, hold, administer,*
22 *and use any gift, devise, or bequest, either absolutely*
23 *or in trust, of property or any income from or other*
24 *interest in property;*

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

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

6 “(4) to borrow money and issue instruments of
7 indebtedness;

8 “(5) to make contracts and other arrangements
9 with public agencies and private organizations and
10 persons and to make payments necessary to carry out
11 its functions;

12 “(6) to sue and be sued; and

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

15 “(c) *ENCUMBERED OR RESTRICTED GIFTS.*—A gift,
16 devise, or bequest may be accepted by the foundation even
17 though it is encumbered, restricted, or subject to beneficial
18 interests of private persons, if any current or future interest
19 is for the benefit of the foundation.

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

23 “(e) *ANNUAL CONFERENCE IN WASHINGTON METRO-*
24 *POLITAN AREA.*—During each year (beginning with 2003),
25 the foundation may sponsor a conference in the Wash-

1 ington, D.C., metropolitan area to honor secondary school
2 students and other individuals who have served (or plan
3 to serve) as poll workers and assistants and who have other-
4 wise participated in the programs and activities of the
5 foundation.

6 **“§ 152606. Principal office**

7 *“The principal office of the foundation shall be in the*
8 *District of Columbia unless the board of directors deter-*
9 *mines otherwise. However, the foundation may conduct*
10 *business throughout the States, territories, and possessions*
11 *of the United States.*

12 **“§ 152607. Service of process**

13 *“The foundation shall have a designated agent to re-*
14 *ceive service of process for the foundation. Notice to or serv-*
15 *ice on the agent, or mailed to the business address of the*
16 *agent, is notice to or service on the foundation.*

17 **“§ 152608. Annual audit**

18 *“The foundation shall enter into a contract with an*
19 *independent auditor to conduct an annual audit of the*
20 *foundation.*

21 **“§ 152609. Civil action by Attorney General for equi-**
22 **table relief**

23 *“The Attorney General may bring a civil action in the*
24 *United States District Court for the District of Columbia*
25 *for appropriate equitable relief if the foundation—*

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

4 “(2) refuses, fails, or neglects to carry out its ob-
5 ligations under this chapter or threatens to do so.

6 **“§ 152610. Immunity of United States Government**

7 “The United States Government is not liable for any
8 debts, defaults, acts, or omissions of the foundation. The full
9 faith and credit of the Government does not extend to any
10 obligation of the foundation.

11 **“§ 152611. Authorization of appropriations**

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

14 “(1) \$5,000,000 for fiscal year 2002; and

15 “(2) such sums as may be necessary for each suc-
16 ceeding fiscal year.

17 **“§ 152612. Annual report**

18 “As soon as practicable after the end of each fiscal
19 year, the foundation shall submit a report to the Commis-
20 sion, the President, and Congress on the activities of the
21 foundation during the prior fiscal year, including a com-
22 plete statement of its receipts, expenditures, and invest-
23 ments. Such report shall contain information gathered from
24 participating secondary school students describing the na-
25 ture of the work they performed in assisting local election

1 *officials and the value they derived from the experience of*
 2 *educating participants about the electoral process.”.*

3 (b) *CLERICAL AMENDMENT.*—*The table of chapters for*
 4 *part B of subtitle II of title 36, United States Code, is*
 5 *amended by inserting after the item relating to chapter*
 6 *1525 the following new item:*

“1526. Help America Vote Foundation152601”.

7 ***TITLE V—MINIMUM STANDARDS***
 8 ***FOR STATE ELECTION SYSTEMS***

9 ***SEC. 501. MINIMUM STANDARDS FOR STATE ELECTION SYS-***
 10 ***TEMS.***

11 (a) *IN GENERAL.*—*The chief State election official of*
 12 *each State shall certify in writing to the Election Assistance*
 13 *Commission that—*

14 (1) *in administering election systems, the State*
 15 *is in compliance with the existing applicable require-*
 16 *ments of the Voting Rights Act of 1965, the National*
 17 *Voter Registration Act of 1993, the Uniformed and*
 18 *Overseas Citizens Absentee Voting Act, the Voting Ac-*
 19 *cessibility for the Elderly and Handicapped Act, and*
 20 *the Americans With Disabilities Act of 1990; and*

21 (2) *the State has enacted legislation to enable the*
 22 *State to meet each of the minimum standards for*
 23 *State election systems described in section 502.*

1 (b) *METHODS OF IMPLEMENTATION LEFT TO DISCRE-*
2 *TION OF STATE.*—*The specific choices on the methods of im-*
3 *plementing the legislation enacted pursuant to subsection*
4 *(a)(2) shall be left to the discretion of the State.*

5 (c) *CHIEF STATE ELECTION OFFICIAL DEFINED.*—*In*
6 *this title, the “chief State election official” of a State is*
7 *the individual designated by the State under section 10 of*
8 *the National Voter Registration Act of 1993 (42 U.S.C.*
9 *1973gg–8) to be responsible for coordination of the State’s*
10 *responsibilities under such Act.*

11 **SEC. 502. STANDARDS DESCRIBED.**

12 *The minimum standards for State election systems de-*
13 *scribed in this section are as follows:*

14 (1) *The State will implement a Statewide voter*
15 *registration system networked to every local jurisdic-*
16 *tion in the State, with provisions for sharing data*
17 *with other States, except that this paragraph shall not*
18 *apply in the case of a State in which, under law in*
19 *effect continuously on and after the date of the enact-*
20 *ment of this Act, there is no voter registration re-*
21 *quirement for any voter in the State with respect to*
22 *an election for Federal office.*

23 (2) *The State election system includes provisions*
24 *to ensure that voter registration records in the State*

1 *are accurate and are updated regularly, including the*
2 *following:*

3 *(A) A system of file maintenance which re-*
4 *moves registrants who are ineligible to vote from*
5 *the official list of eligible voters. Under such sys-*
6 *tem, consistent with the National Voter Registra-*
7 *tion Act of 1993, registrants who have not voted*
8 *in 2 or more consecutive general elections for*
9 *Federal office and who have not responded to a*
10 *notice shall be removed from the official list of*
11 *eligible voters, except that no registrant may be*
12 *removed solely by reason of a failure to vote.*

13 *(B) Safeguards to ensure that eligible voters*
14 *are not removed in error from the official list of*
15 *eligible voters.*

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

1 (4) *The State has adopted uniform standards*
2 *that define what will constitute a vote on each cat-*
3 *egory of voting equipment certified for use in the*
4 *State.*

5 (5) *The State has implemented safeguards to en-*
6 *sure that absent uniformed services voters (as defined*
7 *in section 107(1) of the Uniformed and Overseas Citi-*
8 *zens Absentee Voting Act) and overseas voters (as de-*
9 *defined in section 107(5) of such Act) in the jurisdiction*
10 *have the opportunity to vote and to have their votes*
11 *counted.*

12 (6) *The State requires new voting systems to*
13 *provide a practical and effective means for voters*
14 *with physical disabilities to cast a secret ballot.*

15 (7) *If the State uses voting systems which give*
16 *voters the opportunity to correct errors, the State*
17 *shall ensure that voters are able to check for and cor-*
18 *rect errors under conditions which assure privacy.*
19 *States, and units of local government within the*
20 *States, replacing all voting machines within their ju-*
21 *risdiction shall ensure that the new voting system*
22 *gives voters the opportunity to correct errors before*
23 *the vote is cast.*

1 **SEC. 503. ENFORCEMENT.**

2 (a) *REPORT BY COMMISSION TO ATTORNEY GEN-*
3 *ERAL.*—*If a State does not provide a certification under*
4 *section 501 to the Election Assistance Commission, or if the*
5 *Commission has credible evidence that a State’s certifi-*
6 *cation is false or that a State is carrying out activities in*
7 *violation of the terms of the certification, the Commission*
8 *shall notify the Attorney General.*

9 (b) *ACTION BY ATTORNEY GENERAL.*—*After receiving*
10 *notice from the Commission under subsection (a), the Attor-*
11 *ney General may bring a civil action against a State in*
12 *an appropriate district court for such declaratory or in-*
13 *junction relief as may be necessary to remedy a violation*
14 *of this title.*

15 **SEC. 504. EFFECTIVE DATE.**

16 (a) *IN GENERAL.*—*Except as provided in subsection*
17 *(b), the requirements of this title shall take effect upon the*
18 *expiration of the 2-year period which begins on the date*
19 *of the enactment of this Act, except that if the chief State*
20 *election official of a State certifies that good cause exists*
21 *to waive the requirements of this title with respect to the*
22 *State until the date of the regularly scheduled general elec-*
23 *tion for Federal office held in November 2004, the require-*
24 *ments shall apply with respect to the State beginning on*
25 *the date of such election.*

1 (b) *DEADLINES FOR IMPLEMENTATION OF PROVI-*
 2 *SIONAL VOTING.*—*The minimum standard described in sec-*
 3 *tion 502(3) (relating to permitting in-precinct provisional*
 4 *voting) shall apply with respect to the regularly scheduled*
 5 *general election for Federal office held in November 2002*
 6 *and each succeeding election for Federal office, except that*
 7 *if the chief State election official of a State certifies that*
 8 *good cause exists to delay the implementation of such stand-*
 9 *ard in the State, the standard shall apply in the State with*
 10 *respect to the regularly scheduled general election for Fed-*
 11 *eral office held in November 2004 and each succeeding elec-*
 12 *tion for Federal office held in the State.*

13 **TITLE VI—VOTING RIGHTS OF**
 14 **MILITARY MEMBERS AND**
 15 **OVERSEAS CITIZENS**

16 **SEC. 601. VOTING ASSISTANCE PROGRAMS.**

17 (a) *IN GENERAL.*—(1) *Chapter 80 of title 10, United*
 18 *States Code, is amended by adding at the end the following*
 19 *new section:*

20 **“§ 1566. Voting assistance: compliance assessments;**
 21 **assistance**

22 “(a) *REGULATIONS.*—*The Secretary of Defense shall*
 23 *prescribe regulations to require that the Army, Navy, Air*
 24 *Force, and Marine Corps ensure their compliance with any*

1 *directives issued by the Secretary of Defense in imple-*
2 *menting any voting assistance program.*

3 “(b) *VOTING ASSISTANCE PROGRAMS DEFINED.*—*In*
4 *this section, the term ‘voting assistance programs’ means—*

5 “(1) *the Federal Voting Assistance Program car-*
6 *ried out under the Uniformed and Overseas Citizens*
7 *Absentee Voting Act (42 U.S.C. 1973ff et seq.); and*

8 “(2) *any similar program.*

9 “(c) *ANNUAL EFFECTIVENESS AND COMPLIANCE RE-*
10 *VIEWES.*—(1) *The Inspector General of each of the Army,*
11 *Navy, Air Force, and Marine Corps shall conduct—*

12 “(A) *an annual review of the effectiveness of vot-*
13 *ing assistance programs; and*

14 “(B) *an annual review of the compliance with*
15 *voting assistance programs of that armed force.*

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

23 “(3) *Not later than March 31 each year, the Inspector*
24 *General of the Department of Defense shall submit to Con-*
25 *gress a report on—*

1 “(A) *the effectiveness during the preceding cal-*
2 *endar year of voting assistance programs; and*

3 “(B) *the level of compliance during the preceding*
4 *calendar year with voting assistance programs of each*
5 *of the Army, Navy, Air Force, and Marine Corps.*

6 “(d) *INSPECTOR GENERAL ASSESSMENTS.—(1) The*
7 *Inspector General of the Department of Defense shall peri-*
8 *odically conduct at Department of Defense installations un-*
9 *announced assessments of the compliance at those installa-*
10 *tions with—*

11 “(A) *the requirements of the Uniformed and*
12 *Overseas Citizens Absentee Voting Act (42 U.S.C.*
13 *1973ff et seq.);*

14 “(B) *Department of Defense regulations regard-*
15 *ing that Act and the Federal Voting Assistance Pro-*
16 *gram carried out under that Act; and*

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

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

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

1 “(A) *within units to which are assigned, in the*
2 *aggregate, not less than 20 percent of the personnel*
3 *assigned to duty at that installation;*

4 “(B) *within a representative survey of members*
5 *of the armed forces assigned to that installation and*
6 *their dependents; and*

7 “(C) *within unit voting assistance officers to*
8 *measure program effectiveness.*

9 “(e) *REGULAR MILITARY DEPARTMENT ASSESS-*
10 *MENTS.—The Secretary of each military department shall*
11 *include in the set of issues and programs to be reviewed*
12 *during any management effectiveness review or inspection*
13 *at the installation level an assessment of compliance with*
14 *the Uniformed and Overseas Citizens Absentee Voting Act*
15 *(42 U.S.C. 1973ff et seq.) and with Department of Defense*
16 *regulations regarding the Federal Voting Assistance Pro-*
17 *gram.*

18 “(f) *VOTING ASSISTANCE OFFICERS.—(1) Voting as-*
19 *sistance officers shall be appointed or assigned under De-*
20 *partment of Defense regulations. Commanders at all levels*
21 *are responsible for ensuring that unit voting officers are*
22 *trained and equipped to provide information and assistance*
23 *to members of the armed forces on voting matters. Perform-*
24 *ance evaluation reports pertaining to a member who has*
25 *been assigned to serve as a voting assistance officer shall*

1 *comment on the performance of the member as a voting as-*
2 *sistance officer. The Secretary of each military department*
3 *shall certify to Congress that (at a minimum) a voting as-*
4 *sistance officer has been appointed or assigned for each*
5 *military installation and major command under the juris-*
6 *diction of the department and that a replacement will be*
7 *appointed if the original officer is no longer able to serve.*

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

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

19 “(A) *specify the number of members of the armed*
20 *forces under the jurisdiction of the Secretary who are*
21 *appointed or assigned to duty as voting assistance of-*
22 *ficers;*

23 “(B) *specify the ratio of voting assistance officers*
24 *to active duty members of the armed forces under the*
25 *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 receive
5 to perform their duties as voting assistance officers.

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

18 “(2) *The Secretary of each military department shall*
19 *make the national voter registration form prepared for pur-*
20 *poses of the Uniformed and Overseas Citizens Absentee Vot-*
21 *ing Act by the Federal Election Commission available so*
22 *that each person who enlists, reenlists, or voluntarily ex-*
23 *tends an enlistment or who completes a permanent change*
24 *of station in an active or reserve component of the Army,*
25 *Navy, Air Force, or Marine Corps shall receive such form*

1 *at the time of the enlistment, reenlistment, extension, or*
2 *completion of the permanent change of station, or as soon*
3 *thereafter as practicable.*

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

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

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

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

22 “(4) *In this section, the term ‘general Federal election*
23 *month’ means November in an even-numbered year.’.*”

24 (2) *The table of sections at the beginning of such chap-*
25 *ter is amended by adding at the end the following new item:*

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

1 (b) *INITIAL REPORT.*—*The first report under section*
 2 *1566(c)(3) of title 10, United States Code, as added by sub-*
 3 *section (a), shall be submitted not later than March 31,*
 4 *2003.*

5 **SEC. 602. DESIGNATION OF SINGLE STATE OFFICE TO PRO-**
 6 **VIDE INFORMATION ON REGISTRATION AND**
 7 **ABSENTEE BALLOTS FOR ALL VOTERS IN**
 8 **STATE.**

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

11 (1) *by inserting “(a) IN GENERAL.—” before*
 12 *“Each State”; and*

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

15 “(b) *DESIGNATION OF SINGLE STATE OFFICE TO PRO-*
 16 *VIDE INFORMATION ON REGISTRATION AND ABSENTEE BAL-*
 17 *LOT PROCEDURES FOR ALL VOTERS IN STATE.—*

18 “(1) *IN GENERAL.—Each State shall designate a*
 19 *single office which shall be responsible for providing*
 20 *information regarding voter registration procedures*
 21 *and absentee ballot procedures (including procedures*
 22 *relating to the use of the Federal write-in absentee*
 23 *ballot) to all absent uniformed services voters and*
 24 *overseas voters who wish to register to vote or vote in*
 25 *any jurisdiction in the State.*

1 “(2) *RECOMMENDATION REGARDING USE OF OF-*
2 *FICE TO ACCEPT AND PROCESS MATERIALS.*—Congress
3 *recommends that the State office designated under*
4 *paragraph (1) be responsible for carrying out the*
5 *State’s duties under this Act, including accepting*
6 *valid voter registration applications, absentee ballot*
7 *applications, and absentee ballots (including Federal*
8 *write-in absentee ballots) from all absent uniformed*
9 *services voters and overseas voters who wish to reg-*
10 *ister to vote or vote in any jurisdiction in the State.”.*

11 **SEC. 603. REPORT ON ABSENTEE BALLOTS TRANSMITTED**
12 **AND RECEIVED AFTER GENERAL ELECTIONS.**

13 (a) *IN GENERAL.*—Section 102 of the Uniformed and
14 *Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–*
15 *1), as amended by section 602, is amended by adding at*
16 *the end the following new subsection:*

17 “(c) *REPORT ON NUMBER OF ABSENTEE BALLOTS*
18 *TRANSMITTED AND RECEIVED.*—Not later than 90 days
19 *after the date of each regularly scheduled general election*
20 *for Federal office, each State and unit of local government*
21 *which administered the election shall (through the State, in*
22 *the case of a unit of local government) submit a report to*
23 *the Election Assistance Commission (established under the*
24 *Help America Vote Act of 2001) on the number of absentee*
25 *ballots transmitted to absent uniformed services voters and*

1 *overseas voters for the election and the number of such bal-*
 2 *lots which were returned by such voters and cast in the elec-*
 3 *tion, and shall make such report available to the general*
 4 *public.”.*

5 **(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR**
 6 **REPORTS.**—*The Election Assistance Commission, working*
 7 *with the Election Assistance Commission Board of Advisors*
 8 *and the Election Assistance Commission Standards Board,*
 9 *shall develop a standardized format for the reports sub-*
 10 *mitted by States and units of local government under sec-*
 11 *tion 102(c) of the Uniformed and Overseas Citizens Absen-*
 12 *tee Voting Act (as added by subsection (a)), and shall make*
 13 *the format available to the States and units of local govern-*
 14 *ment submitting such reports.*

15 **SEC. 604. SIMPLIFICATION OF VOTER REGISTRATION AND**
 16 **ABSENTEE BALLOT APPLICATION PROCES-**
 17 **DURES FOR ABSENT UNIFORMED SERVICES**
 18 **AND OVERSEAS VOTERS.**

19 **(a) REQUIRING STATES TO ACCEPT OFFICIAL FORM**
 20 **FOR SIMULTANEOUS VOTER REGISTRATION AND ABSENTEE**
 21 **BALLOT APPLICATION; DEADLINE FOR PROCESSING APPLI-**
 22 **CATION.**—

23 **(1) IN GENERAL.**—*Section 102(a) of the Uni-*
 24 *formed and Overseas Citizens Absentee Voting Act (42*

1 *U.S.C. 1973ff-1), as amended by section 602, is*
2 *amended—*

3 *(A) by amending paragraph (2) to read as*
4 *follows:*

5 *“(2) accept and process, with respect to any elec-*
6 *tion for Federal office, any otherwise valid voter reg-*
7 *istration application and absentee ballot application*
8 *from an absent uniformed services voter or overseas*
9 *voter, if the application is received by the appropriate*
10 *State election official not less than 30 days before the*
11 *election;”;*

12 *(B) by striking the period at the end of*
13 *paragraph (3) and inserting “; and”; and*

14 *(C) by adding at the end the following new*
15 *paragraph:*

16 *“(4) use the official post card form (prescribed*
17 *under section 101) for simultaneous voter registration*
18 *application and absentee ballot application.”.*

19 (2) *CONFORMING AMENDMENTS.—Section*
20 *101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2)) is*
21 *amended by striking “as recommended in section*
22 *104” and inserting “as required under section*
23 *102(4)”.*

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

4 **“SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSE-**
5 **QUENT ELECTIONS.**

6 “(a) *IN GENERAL.*—If a State accepts and processes
7 an official post card form (prescribed under section 101)
8 submitted by an absent uniformed services voter or overseas
9 voter for simultaneous voter registration and absentee ballot
10 application (in accordance with section 102(a)(4)) and the
11 voter requests that the application be considered an applica-
12 tion for an absentee ballot for each subsequent election for
13 Federal office held in the State during that year, the State
14 shall provide an absentee ballot to the voter for each subse-
15 quent election for Federal office held in the State during
16 that year.

17 “(b) *EXCEPTION FOR VOTERS CHANGING REGISTRA-*
18 *TION.*—Subsection (a) shall not apply with respect to a
19 voter registered to vote in a State for any election held after
20 the voter notifies the State that the voter no longer wishes
21 to be registered to vote in the State or after the State deter-
22 mines that the voter has registered to vote in another State.

23 “(c) *REVISION OF OFFICIAL POST CARD FORM.*—The
24 Presidential designee shall revise the official post card form

1 *(prescribed under section 101) to enable a voter using the*
 2 *form to—*

3 “(1) *request an absentee ballot for each election*
 4 *for Federal office held in a State during a year; or*

5 “(2) *request an absentee ballot for only the next*
 6 *scheduled election for Federal office held in a State.*

7 “(d) **NO EFFECT ON VOTER REMOVAL PROGRAMS.—**
 8 *Nothing in this section may be construed to prevent a State*
 9 *from removing any voter from the rolls of registered voters*
 10 *in the State under any program or method permitted under*
 11 *section 8 of the National Voter Registration Act of 1993.”.*

12 **SEC. 605. ADDITIONAL DUTIES OF PRESIDENTIAL DES-**
 13 **IGNEE UNDER UNIFORMED AND OVERSEAS**
 14 **CITIZENS ABSENTEE VOTING ACT.**

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

21 (b) **DEVELOPMENT OF STANDARD OATH FOR USE**
 22 **WITH MATERIALS.—**

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

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

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

5 (C) by adding at the end the following new
6 paragraph:

7 “(7) prescribe a standard oath for use with any
8 document under this title affirming that a material
9 misstatement of fact in the completion of such a docu-
10 ment may constitute grounds for a conviction for per-
11 jury.”.

12 (2) *REQUIRING STATES TO USE STANDARD*
13 *OATH.*—Section 102(a) of such Act (42 U.S.C. 1973ff-
14 1(b)), as amended by sections 603 and 605(a), is
15 amended—

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

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

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

22 “(5) if the State requires an oath or affirmation
23 to accompany any document under this title, use the
24 standard oath prescribed by the Presidential designee
25 under section 101(b)(7).”.

1 (c) *PROVIDING BREAKDOWN BETWEEN OVERSEAS*
2 *VOTERS AND ABSENT UNIFORMED SERVICES VOTERS IN*
3 *STATISTICAL ANALYSIS OF VOTER PARTICIPATION.*—*Sec-*
4 *tion 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is*
5 *amended by inserting after “participation” the following:*
6 *“(listed separately for overseas voters and absent uniformed*
7 *services voters)”.*

8 **SEC. 606. USE OF BUILDINGS ON MILITARY INSTALLATIONS**
9 **AND RESERVE COMPONENT FACILITIES AS**
10 **POLLING PLACES.**

11 (a) *LIMITED USE OF MILITARY INSTALLATIONS AU-*
12 *THORIZED.*—*Section 2670 of title 10, United States Code,*
13 *is amended—*

14 (1) *by striking “Under” and inserting “(a) USE*
15 *BY RED CROSS.—Under”;*

16 (2) *by striking “this section” and inserting “this*
17 *subsection”;* and

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

20 “(b) *USE AS POLLING PLACES.*—(1) *Notwithstanding*
21 *any other provision of law, the Secretary of a military de-*
22 *partment may make a building located on a military in-*
23 *stallation under the jurisdiction of the Secretary available*
24 *for use as a polling place in any Federal, State, or local*

1 public election, but only if such use is limited to eligible
2 voters who reside on that military installation.

3 “(2) If a building located on a military installation
4 is made available under paragraph (1) as the site of a poll-
5 ing place, the Secretary shall continue to make the building
6 available for subsequent elections unless the Secretary pro-
7 vides to the appropriate State or local election officials ad-
8 vance notice, in a reasonable and timely manner, of the
9 reasons why the building will no longer be made available
10 as a polling place.

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

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

17 “(c) Pursuant to a lease or other agreement under sub-
18 section (a)(2), the Secretary may make a facility covered
19 by subsection (a) available for use as a polling place in
20 any Federal, State, or local public election notwithstanding
21 any other provision of law. If a facility is made available
22 as the site of a polling place with respect to an election,
23 the Secretary shall continue to make the facility available
24 for subsequent elections unless the Secretary provides to the
25 appropriate State or local election officials advance notice,

1 *in a reasonable and timely manner, of the reasons why the*
2 *facility will no longer be made available as a polling*
3 *place.”.*

4 (2) *Section 18236 of such title is amended by adding*
5 *at the end the following:*

6 “(e) *Pursuant to a lease or other agreement under sub-*
7 *section (c)(1), a State may make a facility covered by sub-*
8 *section (c) available for use as a polling place in any Fed-*
9 *eral, State, or local public election notwithstanding any*
10 *other provision of law.”.*

11 (c) *CONFORMING AMENDMENTS TO TITLE 18.—(1)*
12 *Section 592 of title 18, United States Code, is amended by*
13 *adding at the end the following new sentence:*

14 “*This section shall not apply to the actions of members*
15 *of the Armed Forces at any polling place on a military*
16 *installation where a general or special election is held in*
17 *accordance with section 2670(b), 18235, or 18236 of title*
18 *10.”.*

19 (2) *Section 593 of such title is amended by adding at*
20 *the end the following new sentence:*

21 “*This section shall not apply to the actions of members*
22 *of the Armed Forces at any polling place on a military*
23 *installation where a general or special election is held in*
24 *accordance with section 2670(b), 18235, or 18236 of title*
25 *10.”.*

1 **TITLE VII—REDUCED POSTAGE**
2 **RATES FOR OFFICIAL ELEC-**
3 **TION MAIL**

4 **SEC. 701. REDUCED POSTAGE RATES FOR OFFICIAL ELEC-**
5 **TION MAIL.**

6 (a) *IN GENERAL.*—Section 3629 of title 39, United
7 States Code, is amended to read as follows:

8 **“§ 3629. Reduced rates for official election mail**

9 “(a) Notwithstanding any other provision of this title,
10 the rate of postage for any first-class mail matter shall, in
11 the case of official election mail, be equal to 50 percent of
12 the regular first-class rate, subject to subsection (c).

13 “(b) For purposes of this section, the term ‘official elec-
14 tion mail’ means any mailing by a State or local election
15 official that—

16 “(1) is mailed in the course of official business;

17 “(2) consists of voter registration or election in-
18 formation or assistance prepared and mailed in a
19 nonpartisan manner; and

20 “(3) bears such logo or other markings as the
21 Postal Service may require.

22 Such term does not include any mailing that includes any
23 mail matter intended to promote government action unre-
24 lated to the conduct of an election.

1 “(c) *Nothing in this section shall, with respect to any*
2 *official election mail, be considered to make unavailable—*

3 “(1) *any free mailing privilege under section*
4 *3406 or any other provision of law for which such*
5 *mail otherwise qualifies; or*

6 “(2) *any reduced rate of postage under section*
7 *3626 or any other provision of law for which such*
8 *mail otherwise qualifies, if lower than the rate that*
9 *would otherwise apply under subsection (a).”.*

10 (b) *CLERICAL AMENDMENT.—The table of sections for*
11 *chapter 36 of title 39, United States Code, is amended by*
12 *striking the item relating to section 3629 and inserting the*
13 *following:*

 “3629. *Reduced rates for official election mail.*”.

14 **TITLE VIII—TRANSITION**
15 **PROVISIONS**
16 **Subtitle A—Transfer to Commission**
17 **of Functions Under Certain Laws**

18 **SEC. 801. 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, established*

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

3 (b) *CONFORMING AMENDMENT.*—Section 311(a) of the
4 *Federal Election Campaign Act of 1971 (2 U.S.C. 438(a))*
5 *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. 802. NATIONAL VOTER REGISTRATION ACT OF 1993.**

13 (a) *TRANSFER OF FUNCTIONS.*—*There are transferred*
14 *to the Election Assistance Commission established under*
15 *section 201 all functions which the Federal Election Com-*
16 *mission exercised under the National Voter Registration Act*
17 *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. 1973gg-*
20 *7(a)) is amended by striking “Federal Election Commis-*
21 *sion” and inserting “Election Assistance Commission”.*

22 **SEC. 803. TRANSFER OF PROPERTY, RECORDS, AND PER-**
23 **SONNEL.**

24 (a) *PROPERTY AND RECORDS.*—*The contracts, liabil-*
25 *ities, records, property, and other assets and interests of,*

1 *or made available in connection with, the offices and func-*
2 *tions of the Federal Election Commission which are trans-*
3 *ferred by this subtitle are transferred to the Election Assist-*
4 *ance Commission for appropriate allocation.*

5 *(b) PERSONNEL.—*

6 *(1) IN GENERAL.—The personnel employed in*
7 *connection with the offices and functions of the Fed-*
8 *eral Election Commission which are transferred by*
9 *this subtitle are transferred to the Election Assistance*
10 *Commission.*

11 *(2) EFFECT.—Any full-time or part-time per-*
12 *sonnel employed in permanent positions shall not be*
13 *separated or reduced in grade or compensation be-*
14 *cause of the transfer under this subsection during the*
15 *1-year period beginning on the date of the enactment*
16 *of this Act.*

17 **SEC. 804. EFFECTIVE DATE; TRANSITION.**

18 *(a) EFFECTIVE DATE.—This title and the amendments*
19 *made by this title shall take effect upon the appointment*
20 *of all members of the Election Assistance Commission under*
21 *section 203.*

22 *(b) TRANSITION.—With the consent of the entity in-*
23 *volved, the Election Assistance Commission is authorized to*
24 *utilize the services of such officers, employees, and other per-*
25 *sonnel of the entities from which functions have been trans-*

1 *ferred to the Election Assistance Commission under this*
2 *title or the amendments made by this title for such period*
3 *of time as may reasonably be needed to facilitate the orderly*
4 *transfer of such functions.*

5 ***Subtitle B—Coverage of Commis-***
6 ***sion Under Certain Laws and***
7 ***Programs***

8 ***SEC. 811. TREATMENT OF COMMISSION PERSONNEL UNDER***
9 ***CERTAIN CIVIL SERVICE LAWS.***

10 (a) *COVERAGE UNDER HATCH ACT.*—Section
11 *7323(b)(2)(B)(i)(I) of title 5, United States Code, is amend-*
12 *ed by inserting “or the Election Assistance Commission”*
13 *after “Commission”.*

14 (b) *EXCLUSION FROM SENIOR EXECUTIVE SERVICE.*—
15 *Section 3132(a)(1)(C) of title 5, United States Code, is*
16 *amended by inserting “or the Election Assistance Commis-*
17 *sion” after “Commission”.*

18 ***SEC. 812. COVERAGE UNDER INSPECTOR GENERAL ACT OF***
19 ***1978.***

20 (a) *IN GENERAL.*—Section 8G(a)(2) of the *Inspector*
21 *General Act of 1978 (5 U.S.C. App.) is amended by insert-*
22 *ing “the Election Assistance Commission,” after “Federal*
23 *Election Commission,”.*

24 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
25 *section (a) shall take effect 180 days after the appointment*

1 *of all members of the Election Assistance Commission under*
2 *section 203.*

3 **TITLE IX—MISCELLANEOUS**
4 **PROVISIONS**

5 **SEC. 901. STATE DEFINED.**

6 *In this Act, the term “State” includes the District of*
7 *Columbia, the Commonwealth of Puerto Rico, Guam, Amer-*
8 *ican Samoa, and the United States Virgin Islands.*

9 **SEC. 902. MISCELLANEOUS PROVISIONS TO PROTECT IN-**
10 **TEGRITY OF ELECTION PROCESS.**

11 *(a) CLARIFICATION OF ABILITY OF ELECTION OFFI-*
12 *CIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF*
13 *VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.—Sec-*
14 *tion 8(b)(2) of the National Voter Registration Act of 1993*
15 *(42 U.S.C. 1973gg–6(b)(2)) is amended by striking the pe-*
16 *riod at the end and inserting the following: “, except that*
17 *nothing in this paragraph may be construed to prohibit a*
18 *State from using the procedures described in subsections (c)*
19 *and (d) to remove an individual from the official list of*
20 *eligible voters if the individual has not voted or appeared*
21 *to vote in 2 or more consecutive general elections for Federal*
22 *office and has not notified the applicable registrar (in per-*
23 *son or in writing) or responded to a notice sent by the ap-*
24 *plicable registrar during the period in which such elections*

1 *are held that the individual intends to remain registered*
2 *in the registrar’s jurisdiction.”.*

3 *(b) PROHIBITING EFFORTS BY POLL WORKERS TO CO-*
4 *ERCE VOTERS TO CAST VOTES FOR EVERY OFFICE ON BAL-*
5 *LOT.—Section 594 of title 18, United States Code, is*
6 *amended—*

7 *(1) by striking “Whoever” and inserting “(a)*
8 *Whoever”; and*

9 *(2) by adding at the end the following new sub-*
10 *section:*

11 *“(b) For purposes of subsection (a), a poll worker who*
12 *urges or encourages a voter who has not cast a vote for each*
13 *office listed on the ballot to return to the voting booth to*
14 *cast votes for every office, or who otherwise intimidates,*
15 *harasses, or coerces the voter to vote for each such office (or*
16 *who attempts to intimidate, harass, or coerce the voter to*
17 *vote for each such office), shall be considered to have intimi-*
18 *dated, threatened, or coerced (or to have attempted to in-*
19 *timidate, threaten, or coerce) the voter for the purpose of*
20 *interfering with the voter’s right to vote as the voter may*
21 *choose. Nothing in this subsection shall prohibit a poll*
22 *worker from providing information to a voter who requests*
23 *assistance.”.*

1 **SEC. 903. NO EFFECT ON OTHER LAWS.**

2 (a) *IN GENERAL.*—*Nothing in this Act and no action*
3 *taken pursuant to this Act shall supersede, restrict, or limit*
4 *the application of the Voting Rights Act of 1965, the Na-*
5 *tional Voter Registration Act of 1993, the Voting Accessi-*
6 *bility for the Elderly and Handicapped Act, or the Ameri-*
7 *cans with Disabilities Act of 1990.*

8 (b) *NO CONDUCT AUTHORIZED WHICH IS PROHIBITED*
9 *UNDER OTHER LAWS.*—*Nothing in this Act authorizes or*
10 *requires any conduct which is prohibited by the Voting*
11 *Rights Act of 1965, the National Voter Registration Act of*
12 *1993, or the Americans with Disabilities Act of 1990.*

13 (c) *APPLICATION TO STATES, LOCAL GOVERNMENTS,*
14 *AND COMMISSION.*—*Except as specifically provided in the*
15 *case of the National Voter Registration Act of 1993, nothing*
16 *in this Act may be construed to affect the application of*
17 *the Voting Rights Act of 1965, the National Voter Registra-*
18 *tion Act of 1993, or the Americans with Disabilities Act*
19 *of 1990 to any State, unit of local government, or other*
20 *person, or to grant to the Election Assistance Commission*
21 *the authority to carry out activities inconsistent with such*
22 *Acts.*

Union Calendar No. 201

107TH CONGRESS
1ST SESSION

H. R. 3295

[Report No. 107-329, Part I]

A BILL

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.

DECEMBER 10, 2001

Reported from the Committee on House Administration
with an amendment

DECEMBER 10, 2001

Referral to the Committees on the Judiciary, Science,
Government Reform, and Armed Services extended for
a period ending not later than December 10, 2001

DECEMBER 10, 2001

Committees discharged; committed to the Committee of
the Whole House on the State of the Union and ordered
to be printed