

107TH CONGRESS  
1ST SESSION

# S. 216

To establish a Commission for the comprehensive study of voting procedures in Federal, State, and local elections, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2001

Mr. SPECTER (for himself, Mr. HARKIN, Mr. BIDEN, Mr. JEFFORDS, and Mr. CHAFEE) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To establish a Commission for the comprehensive study of voting procedures in Federal, State, and local 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.**

4 This Act may be cited as the “Commission on the  
5 Comprehensive Study of Voting Procedures Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) Americans are increasingly concerned about  
9 current voting procedures;

1           (2) Americans are increasingly concerned about  
2 the speed and timeliness of vote counts;

3           (3) Americans are increasingly concerned about  
4 the accuracy of vote counts;

5           (4) Americans are increasingly concerned about  
6 the security of voting procedures;

7           (5) the shift in the United States is to the in-  
8 creasing use of technology which calls for a reassess-  
9 ment of the use of standardized technology for Fed-  
10 eral elections; and

11           (6) there is a need for Congress to establish a  
12 method for standardizing voting procedures in order  
13 to ensure the integrity of Federal elections.

14 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

15           There is established the Commission on the Com-  
16 prehensive Study of Voting Procedures (in this Act re-  
17 ferred to as the “Commission”).

18 **SEC. 4. DUTIES OF THE COMMISSION; MATCHING GRANT**  
19 **PROGRAM.**

20           (a) STUDY.—Not later than 1 year after the date on  
21 which all of the members of the Commission have been  
22 appointed under section 5, the Commission shall complete  
23 a thorough study of all issues relating to voting procedures  
24 in Federal, State, and local elections, including the fol-  
25 lowing:

1           (1) Voting procedures in Federal, State, and  
2 local government elections.

3           (2) Voting procedures that represent the best  
4 practices in Federal, State, and local government  
5 elections.

6           (3) Legislation and regulatory efforts that af-  
7 fect voting procedures issues.

8           (4) The implementation of standardized voting  
9 procedures, including standardized technology, for  
10 Federal, State, and local government elections.

11          (5) The speed and timeliness of vote counts in  
12 Federal, State and local elections.

13          (6) The accuracy of vote counts in Federal,  
14 State and local elections.

15          (7) The security of voting procedures in Fed-  
16 eral, State and local elections.

17          (8) The accessibility of voting procedures for in-  
18 dividuals with disabilities and the elderly.

19          (9) The level of matching grant funding nec-  
20 essary to enable States and localities to implement  
21 the recommendations made by the Commission  
22 under subsection (b) for the modernization of State  
23 and local voting procedures.

1 (b) RECOMMENDATIONS.—The Commission shall de-  
2 velop recommendations with respect to Federal elections  
3 matters.

4 (c) REPORTS.—

5 (1) FINAL REPORT.—Not later than 180 days  
6 after the expiration of the period referred to in sub-  
7 section (a), the Commission shall submit a report,  
8 that has been approved by a majority of the mem-  
9 bers of the Commission, to the President and Con-  
10 gress which shall contain a detailed statement of the  
11 findings and conclusions of the Commission, to-  
12 gether with its recommendations for such legislation  
13 and administrative actions as it considers appro-  
14 priate.

15 (2) INTERIM REPORTS.—The Commission may  
16 submit to the President and Congress any interim  
17 reports that are approved by a majority of the mem-  
18 bers of the Commission.

19 (3) ADDITIONAL REPORTS.—The Commission  
20 may, together with the report submitted under para-  
21 graph (1), submit additional reports that contain  
22 any dissenting or minority opinions of the members  
23 of the Commission.

24 (d) MATCHING GRANT PROGRAM.—

1           (1) **AUTHORITY.**—After the submission of the  
2 final report under subsection (c)(1), the Attorney  
3 General, acting through the Assistant Attorney Gen-  
4 eral for the Office of Justice Programs, shall award  
5 grants to State and local governments to enable  
6 such governments to implement the recommenda-  
7 tions made by the Commission under subsection (b).

8           (2) **APPLICATION.**—To be eligible to receive a  
9 grant under paragraph (1), a State or local govern-  
10 ment shall prepare and submit to the Attorney Gen-  
11 eral an application at such time, in such manner,  
12 and containing such information as the Attorney  
13 General may require including an assurance that the  
14 applicant will comply with the requirements of para-  
15 graph (3).

16           (3) **MATCHING FUNDS.**—The Attorney General  
17 may not award a grant to a State or local govern-  
18 ment under this subsection unless the government  
19 agrees to make available (directly or through dona-  
20 tions from public or private entities) non-Federal  
21 contributions toward the activities to be conducted  
22 under the grant in an amount equal to not less than  
23 \$1 for each \$1 of Federal funds provided under the  
24 grant.

1           (4) AMOUNT OF GRANT.—The Attorney General  
2 shall determine the amount of each grant under this  
3 subsection based on the recommendations made by  
4 the Commission under subsection (b).

5           (5) AUTHORIZATION OF APPROPRIATIONS.—  
6 There is authorized to be appropriated to carry out  
7 this subsection, the amounts recommended for each  
8 fiscal year by the Commission under subsection (b)  
9 as being necessary for the modernization of State  
10 and local voting procedures with respect to Federal  
11 elections.

12 **SEC. 5. MEMBERSHIP.**

13           (a) NUMBER AND APPOINTMENT.—The Commission  
14 shall be composed of—

15           (1) five voting members of whom—

16                   (A) one shall be appointed by the Presi-  
17 dent;

18                   (B) one shall be appointed by the majority  
19 leader of the Senate;

20                   (C) one shall be appointed by the minority  
21 leader of the Senate;

22                   (D) one shall be appointed by the Speaker  
23 of the House of Representatives; and

24                   (E) one shall be appointed by the minority  
25 leader of the House of Representatives; and

1           (2) the Director of the Office of Election Ad-  
2           ministration of the Federal Election Commission  
3           who shall be an advisory, nonvoting member.

4           (b) DATE OF APPOINTMENT.—The appointments of  
5           the members of the Commission shall be made not later  
6           than 30 days after the date of enactment of this Act.

7           (c) TERMS.—Each member of the Commission shall  
8           be appointed for the life of the Commission.

9           (d) VACANCIES.—A vacancy in the Commission shall  
10          not affect its powers, but shall be filled in the same man-  
11          ner in which the original appointment was made.

12          (e) MEETINGS.—

13           (1) IN GENERAL.—The Commission shall meet  
14           at the call of the Chairperson or a majority of its  
15           members.

16           (2) INITIAL MEETING.—Not later than 30 days  
17           after the date on which all members of the Commis-  
18           sion have been appointed, the Commission shall hold  
19           its first meeting.

20          (f) QUORUM.—A majority of the members of the  
21          Commission shall constitute a quorum, but a lesser num-  
22          ber of members may hold hearings.

23          (g) CHAIRPERSON AND VICE CHAIRPERSON.—The  
24          Commission shall select a Chairperson and Vice Chair-  
25          person from among its members.

1 **SEC. 6. POWERS OF THE COMMISSION.**

2 (a) HEARINGS AND SESSIONS.—The Commission  
3 may hold such hearings for the purpose of carrying out  
4 this Act, sit and act at such times and places, take such  
5 testimony, and receive such evidence as the Commission  
6 considers advisable to carry out this Act. The Commission  
7 may administer oaths and affirmations to witnesses ap-  
8 pearing before the Commission.

9 (b) INFORMATION FROM FEDERAL AGENCIES.—The  
10 Commission may secure directly from any Federal depart-  
11 ment or agency such information as the Commission con-  
12 sidered necessary to carry out this Act. Upon request of  
13 the Chairperson of the Commission, the head of such de-  
14 partment or agency shall furnish such information to the  
15 Commission.

16 (c) WEBSITE.—For purposes of conducting the study  
17 under section 4(a), the Commission shall establish a  
18 website to facilitate public comment and participation.

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

23 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon  
24 the request of the Chairperson of the Commission, the Ad-  
25 ministrator of the General Services Administration shall  
26 provide to the Commission, on a reimbursable basis, the

1 administrative support services that are necessary to en-  
2 able the Commission to carry out its duties under this Act.

3 (f) CONTRACTS.—The Commission may contract with  
4 and compensate persons and Federal agencies for supplies  
5 and services without regard to section 3709 of the Revised  
6 Statutes (42 U.S.C. 5).

7 (g) GIFTS AND DONATIONS.—The Commission may  
8 accept, use, and dispose of gifts or donations of services  
9 or property to carry out this Act.

10 **SEC. 7. COMMISSION PERSONNEL MATTERS.**

11 (a) COMPENSATION OF MEMBERS.—Each member of  
12 the Commission who is not an officer or employee of the  
13 Federal Government shall be compensated at a rate equal  
14 to the daily equivalent of the annual rate of basic pay pre-  
15 scribed for level IV of the Executive Schedule under sec-  
16 tion 5315 of title 5, United States Code, for each day (in-  
17 cluding travel time) during which such member is engaged  
18 in the performance of the duties of the Commission. All  
19 members of the Commission who are officers or employees  
20 of the United States shall serve without compensation in  
21 addition to that received for their services as officers or  
22 employees of the United States.

23 (b) TRAVEL EXPENSES.—The members of the Com-  
24 mission shall be allowed travel expenses, including per  
25 diem in lieu of subsistence, at rates authorized for employ-

1 ees of agencies under subchapter I of chapter 57 of title  
2 5, United States Code, while away from their homes or  
3 regular places of business in the performance of services  
4 for the Commission.

5 (c) STAFF.—

6 (1) IN GENERAL.—The Chairperson of the  
7 Commission may, without regard to the civil service  
8 laws and regulations, appoint and terminate an execu-  
9 tive director and such other additional personnel as  
10 may be necessary to enable the Commission to per-  
11 form its duties. The employment of an executive di-  
12 rector shall be subject to confirmation by the Com-  
13 mission.

14 (2) COMPENSATION.—The Chairperson of the  
15 Commission may fix the compensation of the execu-  
16 tive director and other personnel without regard to  
17 chapter 51 and subchapter III of chapter 53 of title  
18 5, United States Code, relating to classification of  
19 positions and General Schedule pay rates, except  
20 that the rate of pay for the executive director and  
21 other personnel may not exceed the rate payable for  
22 level V of the Executive Schedule under section 5316  
23 of such title.

24 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
25 Federal Government employee may be detailed to the

1 Commission without reimbursement, and such detail shall  
2 be without interruption or loss of civil service status or  
3 privilege.

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

11 **SEC. 8. LIMITATION ON CONTRACTING AUTHORITY.**

12 Any new contracting authority provided for in this  
13 Act shall be effective only to the extent, or in the amounts,  
14 provided for in advance in appropriations Acts.

15 **SEC. 9. TERMINATION OF THE COMMISSION.**

16 The Commission shall terminate 30 days after the  
17 date on which the Commission submits its report under  
18 section 4.

19 **SEC. 10. RULE OF CONSTRUCTION.**

20 Nothing in this Act shall be construed to prohibit the  
21 enactment of an Act with respect to voting procedures  
22 during the period in which the Commission is carrying out  
23 its duties under this Act.

1 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-  
3 priated such sums as may be necessary to the Commission  
4 to carry out this Act.

5 (b) AVAILABILITY.—Any sums appropriated under  
6 the authorization contained in this section shall remain  
7 available, without fiscal year limitation, until expended.

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