

108TH CONGRESS
2D SESSION

H. R. 5171

To amend the Help America Vote Act of 2002 to ensure the same requirements that apply to voters who register by mail also apply to voters who do not register in person with an officer or employee of a State or local government entity, and to provide for increased penalties for fraudulent registration in cases involving 10 or more violations.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2004

Mr. PEARCE introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Help America Vote Act of 2002 to ensure the same requirements that apply to voters who register by mail also apply to voters who do not register in person with an officer or employee of a State or local government entity, and to provide for increased penalties for fraudulent registration in cases involving 10 or more violations.

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

1 **SECTION 1. FINDINGS.**

2 Congress makes the following findings:

3 (1) The right to vote is a fundamental and in-
4 controvertible right under the Constitution.

5 (2) There is a need for Congress to encourage
6 and enable every eligible American to vote by re-
7 affirming that the right to vote is a fundamental
8 right under the Constitution.

9 (3) There is a need for Congress to encourage
10 and enable every eligible American to vote by re-
11 affirming that the United States is a democratic
12 government “of the people, by the people, and for
13 the people” in which every vote counts.

14 (4) There is a need for Congress to encourage
15 and enable every eligible American to vote by elimi-
16 nating procedural obstacles to voting.

17 (5) There is a need to counter discrimination in
18 voting by removing barriers to the exercise of the
19 constitutionally protected right to vote.

20 (6) There is a need to ensure that voter reg-
21 istration processes fairly incorporate every eligible
22 American seeking to exercise the right to vote.

23 (7) Participation in the electoral process is a
24 fundamental civic responsibility in which all eligible
25 Americans should be encouraged to actively partici-
26 pate.

1 (8) There is a need to ensure that every eligible
2 American seeking to exercise the right to vote has
3 access to the electoral process through a uniform
4 system of voter registration that includes each vot-
5 er's personal registration with an appropriate State
6 or local government election entity.

7 (9) Congress has authority under section 4 of
8 Article I of the Constitution of the United States,
9 section 5 of the Fourteenth Amendment to the Con-
10 stitution of the United States, and section 2 of the
11 Fifteenth Amendment to the Constitution of the
12 United States to enact legislation to address the
13 equal protection violations that may be caused by
14 unfair voting systems.

15 (10) Congress has an obligation to ensure that
16 the States and localities improve election administra-
17 tion and to ensure the integrity of full participation
18 of all Americans in the democratic election process.

19 (11) Congress has an obligation to ensure that
20 the States and localities improve election administra-
21 tion and to ensure the integrity of full participation
22 of all Americans in the democratic election process.

1 **SEC. 2. REQUIREMENTS FOR VOTERS WHO DO NOT REG-**
2 **ISTER IN PERSON WITH AN OFFICER OR EM-**
3 **PLOYEE OF A STATE OR LOCAL GOVERN-**
4 **MENT ENTITY.**

5 (a) IN GENERAL.—

6 (1) APPLICATION OF REQUIREMENTS TO VOT-
7 ERS NOT REGISTERING IN PERSON.—Section
8 303(b)(1)(A) of the Help America Vote Act of 2002
9 (42 U.S.C. 15483(b)(1)(A)) is amended to read as
10 follows:

11 “(A) the individual—

12 “(i) registered to vote in a jurisdiction
13 by mail; or

14 “(ii) did not register to vote in a ju-
15 risdiction in person with an officer or em-
16 ployee of a State or local government enti-
17 ty; and”.

18 (2) MEANING OF IN PERSON.—Section
19 303(b)(1) of such Act is amended by inserting at the
20 end the following: “For purposes of subparagraph
21 (A)(ii), an individual shall not be considered to have
22 registered in person if the registration is made by a
23 person other than the person whose name appears
24 on the voter registration form.”.

1 (b) CONFORMING AMENDMENT.—The heading for
2 section 303(b) of such Act is amended by inserting “AND
3 WHO DO NOT REGISTER IN PERSON” after “MAIL”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect as if included in the enact-
6 ment of section 303 of the Help America Vote Act of
7 2002.

8 **SEC. 3. INCREASED PENALTIES RELATING TO FRAUDU-**
9 **LENT VOTER REGISTRATION IN CASES IN-**
10 **VOLVING 10 OR MORE VIOLATIONS.**

11 (a) FALSE INFORMATION IN REGISTERING OR VOT-
12 ING.—Section 11(c) of the Voting Rights Act of 1965 (42
13 U.S.C. 1973i(c)) is amended by inserting at the end the
14 following: “In the case of any person who is found to have
15 been in violation of this section with respect to 10 or more
16 voter registrations, this section shall be applied by sub-
17 stituting ‘\$20,000’ for ‘\$10,000’ and by substituting ‘ten
18 years’ for ‘five years’ with respect to each such violation.”.

19 (b) PENALTY UNDER NATIONAL VOTER REGISTRA-
20 TION ACT OF 1993.—Section 12 of the National Voter
21 Registration Act of 1993 (42 U.S.C. 1973gg–10) is
22 amended by inserting at the end the following: “In the
23 case of any person who is found to have been in violation
24 of paragraph (2)(A) with respect to 10 or more registra-
25 tion applications, such person shall be fined not less than

1 \$500,000 (\$1,000,000 in the case of an organization) or
2 shall be imprisoned not more than 10 years, or both, and
3 any such fine shall be paid into the general fund of the
4 Treasury as provided in the preceding sentence.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to violations occurring after the
7 date of the enactment of this Act.

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