

109TH CONGRESS
1ST SESSION

S. 17

To amend the Help America Vote Act of 2002 to protect voting rights and to improve the administration of Federal elections, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. DODD (for himself, Ms. MIKULSKI, Ms. STABENOW, Mr. ROCKEFELLER, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Help America Vote Act of 2002 to protect voting rights and to improve 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 “Voting Opportunity and Technology Enhancement
6 Rights Act of 2005”.

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

Sec. 1. Short title; table of contents.

- Sec. 2. Findings and purposes.
- Sec. 3. National Federal write-in absentee ballot.
- Sec. 4. Voter verified ballots.
- Sec. 5. Requirements for counting provisional ballots.
- Sec. 6. Minimum required voting systems and poll workers in polling places.
- Sec. 7. Election day registration.
- Sec. 8. Integrity of voter registration list.
- Sec. 9. Early voting.
- Sec. 10. Acceleration of study on election day as a public holiday.
- Sec. 11. Improvements to voting systems.
- Sec. 12. Voter registration.
- Sec. 13. Establishing voter identification.
- Sec. 14. Impartial administration of elections.
- Sec. 15. Strengthening the election assistance commission.
- Sec. 16. Authorization of appropriations.
- Sec. 17. Effective date.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) The right of all eligible citizens to vote and
5 have their vote counted is the cornerstone of a demo-
6 cratic form of government and the core precondition
7 of government of the people, by the people, and for
8 the people.

9 (2) The right of citizens of the United States
10 to vote is a fundamental civil right guaranteed under
11 the United States Constitution.

12 (3) Congress has an obligation to reaffirm the
13 right of each American to have an equal opportunity
14 to vote and have that vote counted in Federal elec-
15 tions, regardless of color, ethnicity, disability, lan-
16 guage, or the resources of the community in which
17 they live.

1 (4) Congress has an obligation to ensure the
2 uniform and nondiscriminatory exercise of that right
3 by removing barriers in the form of election adminis-
4 tration procedures and technology and insufficient
5 and unequal resources of State and local govern-
6 ments.

7 (b) PURPOSES.—The purposes of this Act are as fol-
8 lows:

9 (1) To secure the opportunity to participate in
10 democracy for all eligible American citizens by estab-
11 lishing a national Federal write-in absentee ballot
12 for Federal elections.

13 (2) To expand and establish uniform and non-
14 discriminatory requirements and standards to re-
15 move administrative procedural barriers and techno-
16 logical obstacles to casting a vote and having that
17 vote counted in Federal elections.

18 (3) To expand and establish uniform and non-
19 discriminatory requirements and standards to pro-
20 vide for the accessibility, accuracy, verifiability, pri-
21 vacy, and security of all voting systems and tech-
22 nology used in Federal elections.

23 (4) To provide a Federal funding mechanism
24 for the States to implement the requirements and
25 standards to preserve and protect voting rights and

1 the integrity of Federal elections in the United
2 States.

3 **SEC. 3. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.**

4 (a) IN GENERAL.—

5 (1) IN GENERAL.—Title III of the Help Amer-
6 ica Vote Act of 2002 (42 U.S.C. 15481 et seq.) is
7 amended by adding at the end the following new
8 subtitle:

9 **“Subtitle C—Additional**
10 **Requirements**

11 **“SEC. 321. USE OF NATIONAL FEDERAL WRITE-IN ABSEN-**
12 **TEE BALLOT.**

13 “(a) IN GENERAL.—Any person who is otherwise
14 qualified to vote in a Federal election in a State shall be
15 permitted to use the national Federal write-in absentee
16 ballot prescribed by the Election Assistance Commission
17 under section 298 to cast a vote in an election for Federal
18 office.

19 “(b) SUBMISSION AND PROCESSING.—

20 “(1) IN GENERAL.—Except as otherwise pro-
21 vided in this section, a national Federal write-in ab-
22 sentee ballot shall be submitted and processed in the
23 manner provided by law for absentee ballots in the
24 State involved.

1 “(2) DEADLINE.—An otherwise eligible national
2 Federal write-in absentee ballot shall be counted if
3 postmarked or signed before the close of the polls on
4 election day and received by the appropriate State
5 election official on or before the date which is 10
6 days after the date of the election or the date pro-
7 vided for receipt of absentee ballots under State law,
8 whichever is later.

9 “(c) SPECIAL RULES.—The following rules shall
10 apply with respect to national Federal write-in absentee
11 ballots:

12 “(1) In completing the ballot, the voter may
13 designate a candidate by writing in the name of the
14 candidate or by writing in the name of a political
15 party (in which case the ballot shall be counted for
16 the candidate of that political party).

17 “(2) In the case of the offices of President and
18 Vice President, a vote for a named candidate or a
19 vote by writing in the name of a political party shall
20 be counted as a vote for the electors supporting the
21 candidate involved.

22 “(3) Any abbreviation, misspelling, or other
23 minor variation in the form of the name of a can-
24 didate or a political party shall be disregarded in de-
25 termining the validity of the ballot.

1 “(d) EFFECTIVE DATE.—Each State shall be re-
2 quired to comply with the requirements of this section on
3 and after January 1, 2007.”.

4 (2) CONFORMING AMENDMENT.—Section 401
5 of the Help America Vote Act of 2002 (42 U.S.C.
6 15511) is amended by striking “and 303” and in-
7 serting “303, and subtitle C”.

8 (b) NATIONAL FEDERAL WRITE-IN ABSENTEE BAL-
9 LOT.—

10 (1) IN GENERAL.—Title II of the Help America
11 Vote Act of 2002 (42 U.S.C. 15321 et seq.) is
12 amended by adding at the end the following new
13 subtitle:

14 **“Subtitle E—Guidance and**
15 **Standards**

16 **“SEC. 297. NATIONAL FEDERAL WRITE-IN ABSENTEE BAL-**
17 **LOT.**

18 “(a) FORM OF BALLOT.—The Commission shall pre-
19 scribe a national Federal write-in absentee ballot (includ-
20 ing a secrecy envelope and mailing envelope for such bal-
21 lot) for use in elections for Federal office.

22 “(b) STANDARDS.—The Commission shall prescribe
23 standards for—

1 “(1) distributing the national Federal write-in
2 absentee ballot, including standards for distributing
3 such ballot through the Internet; and

4 “(2) processing and submission of the national
5 Federal write-in absentee ballot.”.

6 (2) CONFORMING AMENDMENT.—Section 202
7 of the Help America Vote Act of 2002 (42 U.S.C.
8 15322) is amended by redesignating paragraphs (5)
9 and (6) as paragraphs (6) and (7), respectively, and
10 by inserting after paragraph (4) the following new
11 paragraph:

12 “(5) carrying out the duties described in sub-
13 title E.”.

14 (c) COORDINATION WITH UNIFORMED AND OVER-
15 SEAS CITIZENS ABSENTEE VOTING ACT.—

16 (1) IN GENERAL.—The Presidential designee
17 under the Uniformed and Overseas Absentee Voting
18 Act, in consultation with the Election Assistance
19 Commission, shall facilitate the use and return of
20 the national Federal write-in ballot for absent uni-
21 formed services voters and overseas voters.

22 (2) DEFINITIONS.—The terms “absent uni-
23 formed service voter” and “overseas voter” shall
24 have the meanings given such terms by section 107

1 of the Uniformed and Overseas Citizens Absentee
2 Voting Act (42 U.S.C. 1973gg-6).

3 **SEC. 4. VOTER VERIFIED BALLOTS.**

4 (a) VERIFICATION.—

5 (1) IN GENERAL.—Section 301(a) of the Help
6 America Vote Act of 2002 (42 U.S.C. 15481(a)) is
7 amended by adding at the end the following new
8 paragraph:

9 “(7) VOTER VERIFIED BALLOTS.—In order to
10 meet the requirements of paragraph (1)(A)(i), on
11 and after January 1, 2009:

12 “(A) The voting system shall provide an
13 independent means of voter verification which
14 meets the requirements of subparagraph (B)
15 and which allows each voter to verify the ballot
16 before it is cast and counted.

17 “(B) A means of voter verification meets
18 the requirements of this subparagraph if the
19 voting system allows the voter to choose from
20 one of the following options to verify the voter’s
21 vote selection:

22 “(i) A paper record.

23 “(ii) An audio record.

24 “(iii) A pictorial record.

1 “(iv) An electronic record or other
2 means that provides for voter verification
3 that is accessible for individuals with dis-
4 abilities, including nonvisual accessibility
5 for the blind and visually impaired, in a
6 manner that provides privacy and inde-
7 pendence equal to that provided for other
8 voters.

9 “(C) Any means of verification described
10 in clause (ii), (iii), or (iv) of subparagraph (B)
11 must provide verification which is equal or su-
12 perior to verification through the use of a paper
13 record.

14 “(D) The requirements of this paragraph
15 shall not apply to any voting system purchased
16 before January 1, 2009, in order to meet the
17 requirements of paragraph (3)(B).”.

18 (2) CONFORMING AMENDMENT.—Clause (i) of
19 section 301(a)(1)(A) of the Help America Vote Act
20 of 2002 (42 U.S.C. 15481(a)(1)(A)(i)) is amended
21 by inserting “and consistent with the requirements
22 of paragraphs (2), (4), and (7)” after “independent
23 manner”.

1 (b) GUIDANCE.—Subtitle E of title II of the Help
2 America Vote Act of 2002, as added by this Act, is amend-
3 ed by adding at the end the following new section:

4 **“SEC. 298. VOTER VERIFIED BALLOTS.**

5 “The Commission shall issue uniform and non-
6 discriminatory standards—

7 “(1) for voter verified ballots required under
8 section 301(a)(7); and

9 “(2) for meeting the audit requirements of sec-
10 tion 301(a)(2).”.

11 (c) REPORTS.—

12 (1) ELECTION ASSISTANCE COMMISSION.—Sec-
13 tion 207 of the Help America Vote Act of 2002 (42
14 U.S.C. 15327) is amended by redesignating para-
15 graph (5) as paragraph (6) and by inserting after
16 paragraph (4) the following new paragraph:

17 “(5) A description of the progress on imple-
18 menting the voter verified ballot requirements of sec-
19 tion 301(a)(7) and the impact of the use of such re-
20 quirements on the accessibility, privacy, security,
21 usability, and auditability of voting systems.”.

22 (2) STATE REPORTS.—Section 258 of the Help
23 America Vote Act of 2002 (42 U.S.C. 15408) is
24 amended by striking “and” at the end of paragraph
25 (2), by striking the period at the end of paragraph

1 (3) and inserting “; and”, and by adding at the end
2 the following new paragraph:

3 “(4) an analysis and description in the form
4 and manner prescribed by the Commission of the
5 progress on implementing the voter verified ballot
6 requirements of section 301(a)(7).”.

7 **SEC. 5. REQUIREMENTS FOR COUNTING PROVISIONAL BAL-**
8 **LOTS.**

9 (a) **IN GENERAL.**—Section 302 of the Help America
10 Vote Act of 2002 (42 U.S.C. 15482) is amended by redese-
11 ignating subsection (d) as subsection (e) and by inserting
12 after subsection (e) the following new subsection:

13 “(d) **STATEWIDE COUNTING OF PROVISIONAL BAL-**
14 **LOTS.**—For purposes of subsection (a)(4), notwith-
15 standing at which polling place a provisional ballot is cast
16 within the State, the State shall count such ballot if the
17 individual who cast such ballot is otherwise eligible to
18 vote.”.

19 (b) **EFFECTIVE DATE.**—

20 (1) **IN GENERAL.**—Subsection (e) of section
21 302 of the Help America Vote Act of 2002 (42
22 U.S.C. 15482(e)), as redesignated under subsection
23 (a), is amended by adding at the end the following:

24 “(2) **EFFECTIVE DATE FOR STATEWIDE COUNT-**
25 **ING OF PROVISIONAL BALLOTS.**—Each State shall be

1 required to comply with the requirements of sub-
2 section (d) on and after January 1, 2007.”.

3 (2) CONFORMING AMENDMENT.—Subsection (e)
4 of section 302 of the Help America Vote Act of
5 2002 (42 U.S.C. 15482(e)), as redesignated under
6 subsection (a), is amended by striking “Each” and
7 inserting the following:

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), each”.

10 **SEC. 6. MINIMUM REQUIRED VOTING SYSTEMS AND POLL**
11 **WORKERS IN POLLING PLACES.**

12 (a) IN GENERAL.—Subtitle C of title III of the Help
13 America Vote Act of 2002, as added by this Act, is amend-
14 ed by adding at the end the following new section:

15 **“SEC. 322. MINIMUM REQUIRED VOTING SYSTEMS AND**
16 **POLL WORKERS.**

17 “(a) IN GENERAL.—Each State shall provide for the
18 minimum required number of voting systems and poll
19 workers for each polling place on the day of any Federal
20 election and on any days during which such State allows
21 early voting for a Federal election in accordance with the
22 standards determined under section 299A.

23 “(b) EFFECTIVE DATE.—Each State shall be re-
24 quired to comply with the requirements of this section on
25 and after January 1, 2007.”.

1 (b) STANDARDS.—Subtitle E of the Help America
2 Vote Act of 2002, as added and amended by this Act, is
3 amended by adding at the end the following new section:

4 **“SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM**
5 **REQUIRED VOTING SYSTEMS AND POLL**
6 **WORKERS.**

7 “(a) IN GENERAL.—The Commission shall issue
8 standards regarding the minimum number of voting sys-
9 tems and poll workers required in each polling place on
10 the day of any Federal election and on any days during
11 which early voting is allowed for a Federal election.

12 “(b) DISTRIBUTION.—The standards described in
13 subsection (a) shall provide for a uniform and nondiscrim-
14 inatory geographic distribution of such systems and work-
15 ers.

16 “(c) DEVIATION.—The standards described in sub-
17 section (a) shall permit States, upon providing adequate
18 public notice, to deviate from any allocation requirements
19 in the case of unforeseen circumstances such as a natural
20 disaster, terrorist attack, or a change in voter turnout.”.

21 **SEC. 7. ELECTION DAY REGISTRATION.**

22 (a) REQUIREMENT.—Subtitle C of title III of the
23 Help America Vote Act of 2002, as added and amended
24 by this Act, is amended by adding at the end the following
25 new section:

1 **“SEC. 323. ELECTION DAY REGISTRATION.**

2 “(a) IN GENERAL.—

3 “(1) REGISTRATION.—Notwithstanding section
4 8(a)(1)(D) of the National Voter Registration Act of
5 1993 (42 U.S.C. 1973gg-6), each State shall permit
6 any individual on the day of a Federal election—

7 “(A) to register to vote in such election at
8 the polling place using the form established by
9 the Election Assistance Commission pursuant
10 to section 297; and

11 “(B) to cast a vote in such election.

12 “(2) EXCEPTION.—The requirements under
13 paragraph (1) shall not apply to a State in which,
14 under a State law in effect continuously on and after
15 the date of the enactment of this Act, there is no
16 voter registration requirement for individuals in the
17 State with respect to elections for Federal office.

18 “(b) EFFECTIVE DATE.—Each State shall be re-
19 quired to comply with the requirements of subsection (a)
20 on and after January 1, 2007.”.

21 (b) ELECTION DAY REGISTRATION FORM.—Subtitle
22 E of title II of the Help America Vote Act of 2002, as
23 added and amended by this Act, is amended by adding
24 at the end the following new section:

1 **“SEC. 299A. ELECTION DAY REGISTRATION FORM.**

2 “The Commission shall develop an election day reg-
3 istration form for elections for Federal office.”.

4 **SEC. 8. INTEGRITY OF VOTER REGISTRATION LIST.**

5 Subtitle C of title III of the Help America Vote Act
6 of 2002, as added and amended by this Act, is amended
7 by adding at the end the following new section:

8 **“SEC. 324. REMOVAL FROM VOTER REGISTRATION LIST.**

9 “(a) PUBLIC NOTICE.—Not later than 45 days before
10 any Federal election, each State shall provide public notice
11 of all names which have been removed from the voter reg-
12 istration list of such State under section 303 since the
13 later of the most recent election for Federal office or the
14 day of the most recent previous public notice provided
15 under this section.

16 “(b) NOTICE TO INDIVIDUAL VOTERS.—

17 “(1) IN GENERAL.—No individual shall be re-
18 moved from the voter registration list under section
19 303 unless such individual is first provided with a
20 notice which meets the requirements of paragraph
21 (2).

22 “(2) REQUIREMENTS OF NOTICE.—The notice
23 required under paragraph (1) shall be—

24 “(A) provided to each voter in a uniform
25 and nondiscriminatory manner;

1 “(B) consistent with the requirements of
2 the National Voter Registration Act of 1993
3 (42 U.S.C. 1973gg et seq.); and

4 “(C) in the form and manner prescribed by
5 the Election Assistance Commission.

6 “(c) EFFECTIVE DATE.—Each State shall be re-
7 quired to comply with the requirements of this section on
8 and after January 1, 2007.”.

9 **SEC. 9. EARLY VOTING.**

10 (a) IN GENERAL.—Subtitle C of title III of the Help
11 America Vote Act of 2002, as added and amended by this
12 Act, is amended by adding at the end the following new
13 section:

14 **“SEC. 325. EARLY VOTING.**

15 “(a) IN GENERAL.—Each State shall allow individ-
16 uals to vote in an election for Federal office not less than
17 15 days prior to the day scheduled for such election in
18 the same manner as voting is allowed on such day.

19 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—
20 Each polling place which allows voting prior to the day
21 of a Federal election pursuant to subsection (a) shall—

22 “(1) allow such voting for no less than 4 hours
23 on each day (other than Sunday); and

24 “(2) have uniform hours each day for which
25 such voting occurs.

1 “(c) EFFECTIVE DATE.—Each State shall be re-
2 quired to comply with the requirements of this section on
3 and after January 1, 2007.”.

4 (b) STANDARDS FOR EARLY VOTING.—Subtitle E of
5 the Help America Vote Act of 2002, as added and amend-
6 ed by this Act, is amended by adding at the end the fol-
7 lowing new section:

8 **“SEC. 299B. STANDARDS FOR EARLY VOTING.**

9 “(a) IN GENERAL.—The Commission shall issue
10 standards for the administration of voting prior to the day
11 scheduled for a Federal election. Such standards shall in-
12 clude the nondiscriminatory geographic placement of poll-
13 ing places at which such voting occurs.

14 “(b) DEVIATION.—The standards described in sub-
15 section (a) shall permit States, upon providing adequate
16 public notice, to deviate from any requirement in the case
17 of unforeseen circumstances such as a natural disaster, ter-
18 rorist attack, or a change in voter turnout.”.

19 **SEC. 10. ACCELERATION OF STUDY ON ELECTION DAY AS A**
20 **PUBLIC HOLIDAY.**

21 (a) IN GENERAL.—Section 241 of the Help America
22 Vote Act of 2002 (42 U.S.C. 15381) is amended by adding
23 at the end the following new subsection:

24 “(d) REPORT ON ELECTION DAY.—

1 “(1) IN GENERAL.—The report required under
2 subsection (a) with respect to election administration
3 issues described in subsection (b)(10) shall be sub-
4 mitted not later than 6 months after the date of the
5 enactment of the Voting Enhancement and Tech-
6 nology Accuracy Rights Act of 2005.

7 “(2) AUTHORIZATION OF APPROPRIATIONS.—Of
8 the amount authorized to be appropriated under sec-
9 tion 210 for fiscal year 2006, \$100,000 shall be au-
10 thorized solely to carry out the purposes of this sub-
11 section.”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 this section shall take effect on the date of the enactment
14 of this Act.

15 **SEC. 11. IMPROVEMENTS TO VOTING SYSTEMS.**

16 (a) IN GENERAL.—Subparagraph (B) of section
17 301(a)(1) of the Help America Vote Act of 2002 (42
18 U.S.C. 15481(a)(1)(B)) is amended by striking “, a punch
19 card voting system, or a central count voting system”.

20 (b) CLARIFICATION OF REQUIREMENTS FOR PUNCH
21 CARD SYSTEMS.—Subparagraph (A) of section 301(a)(1)
22 of the Help America Vote Act of 2002 (42 U.S.C.
23 15481(a)(1)(A)) is amended by inserting “punch card vot-
24 ing system,” after “any”.

1 **SEC. 12. VOTER REGISTRATION.**

2 (a) IN GENERAL.—Paragraph (4) of section 303(b)
3 of the Help America Vote Act of 2002 (42 U.S.C.
4 15483(b)(4)) is amended by adding at the end the fol-
5 lowing new subparagraph:

6 “(C) EXCEPTION.—On and after January
7 1, 2007—

8 “(i) in lieu of the questions and state-
9 ments required under subparagraph (A),
10 such mail voter registration form shall in-
11 clude an affidavit to be signed by the reg-
12 istrant attesting both to citizenship and
13 age; and

14 “(ii) subparagraph (B) shall not
15 apply.”.

16 (b) INTERNET REGISTRATION.—Subtitle C of title
17 III of the Help America Vote Act of 2002, as added and
18 amended by this Act, is amended by adding at the end
19 the following new section:

20 **“SEC. 326. INTERNET REGISTRATION.**

21 “(a) INTERNET REGISTRATION.—Each State shall
22 establish a program under which individuals may access
23 and submit voter registration forms electronically through
24 the Internet.

1 “(b) EFFECTIVE DATE.—Each State shall be re-
2 quired to comply with the requirements of this section on
3 and after January 1, 2009.”.

4 (c) STANDARDS FOR INTERNET REGISTRATION.—
5 Subtitle E of the Help America Vote Act of 2002, as
6 added and amended by this Act, is amended by adding
7 at the end the following new section:

8 “**SEC. 299C. STANDARDS FOR INTERNET REGISTRATION**
9 **PROGRAMS.**”

10 “The Commission shall establish standards regarding
11 the design and operation of programs which allow elec-
12 tronic voter registration through the Internet.”.

13 **SEC. 13. ESTABLISHING VOTER IDENTIFICATION.**

14 (a) IN GENERAL.—

15 (1) IN PERSON VOTING.—Clause (i) of section
16 303(b)(2)(A) of the Help America Vote Act of 2002
17 (42 U.S.C. 15483(b)(2)(A)(i)) is amended by strik-
18 ing “or” at the end of subclause (I) and by adding
19 at the end the following new subclause:

20 “(III) executes a written affidavit
21 attesting to such individual’s identity;
22 or”.

23 (2) VOTING BY MAIL.—Clause (ii) of section
24 303(b)(2)(A) of the Help America Vote Act of 2002
25 (42 U.S.C. 15483(b)(2)(A)(ii)) is amended by strik-

1 ing “or” at the end of subclause (I), by striking the
 2 period at the end of subclause (II) and inserting “;
 3 or”, and by adding at the end the following new sub-
 4 clause:

5 “(III) a written affidavit, exe-
 6 cuted by such individual, attesting to
 7 such individual’s identity.”.

8 (b) STANDARDS FOR VERIFYING VOTER INFORMA-
 9 TION.—Subtitle E of the Help America Vote Act of 2002,
 10 as added and amended by this Act, is amended by adding
 11 at the end the following new section:

12 **“SEC. 299D. VOTER IDENTIFICATION.**

13 “The Commission shall develop standards for
 14 verifying the identification information required under sec-
 15 tion 303(a)(5) in connection with the registration of an
 16 individual to vote in a Federal election.”.

17 **SEC. 14. IMPARTIAL ADMINISTRATION OF ELECTIONS.**

18 Subtitle C of title III of the Help America Vote Act
 19 of 2002, as added and amended by this Act, is amended
 20 by adding at the end the following new section:

21 **“SEC. 327. ELECTION ADMINISTRATION REQUIREMENTS.**

22 “(a) NOTICE OF CHANGES IN STATE ELECTION
 23 LAWS.—Not later than 15 days prior to any Federal elec-
 24 tion, each State shall issue a public notice describing all

1 changes in State law affecting the administration of Fed-
2 eral elections since the most recent prior election.

3 “(b) OBSERVERS.—

4 “(1) IN GENERAL.—Each State shall allow uni-
5 form and nondiscriminatory access to any polling
6 place for purposes of observing a Federal election
7 to—

8 “(A) party challengers;

9 “(B) voting rights and civil rights organi-
10 zations; and

11 “(C) nonpartisan domestic observers and
12 international observers.

13 “(2) NOTICE OF DENIAL OF OBSERVATION RE-
14 QUEST.—Each State shall issue a public notice with
15 respect to any denial of a request by any observer
16 described in paragraph (1) for access to any polling
17 place for purposes of observing a Federal election.
18 Such notice shall be issued not later than 24 hours
19 after such denial.

20 “(c) EFFECTIVE DATE.—Each State shall be re-
21 quired to comply with the requirements of this section on
22 and after January 1, 2007.”.

1 **SEC. 15. STRENGTHENING THE ELECTION ASSISTANCE**
2 **COMMISSION.**

3 (a) BUDGET REQUESTS.—Part 1 of subtitle A of title
4 II of the Help America Vote Act of 2002 (42 U.S.C.
5 15321 et seq.) is amended by inserting after section 209
6 the following new section:

7 **“SEC. 209A. SUBMISSION OF BUDGET REQUESTS.**

8 “Whenever the Commission submits any budget esti-
9 mate or request to the President or the Office of Manage-
10 ment and Budget, it shall concurrently transmit a copy
11 of such estimate or request to the Congress and to the
12 Committee on House Administration of the House of Rep-
13 resentatives and the Committee on Rules and Administra-
14 tion of the Senate.”.

15 (b) EXEMPTION FROM PAPERWORK REDUCTION
16 ACT.—Paragraph (1) of section 3502 of title 44, United
17 States Code, is amended by redesignating subparagraphs
18 (B), (C), and (D) as subparagraphs (C), (D), and (E),
19 respectively, and by inserting after subparagraph (A) the
20 following new subparagraph:

21 “(B) the Election Assistance Commis-
22 sion;”.

23 (c) RULEMAKING.—Section 209 of the Help America
24 Vote Act of 2002 (42 U.S.C. 15239) is amended—

25 (1) by striking “The Commission” and insert-
26 ing the following:

1 “(a) IN GENERAL.—Except as provided in subsection
2 (b), the Commission”, and

3 (2) by inserting at the end the following new
4 subsection:

5 “(b) EXCEPTION.—On and after January 1, 2007,
6 subsection (a) shall not apply to any authority granted
7 under subtitle E of this title or subtitle C of title III.”.

8 (d) NIST AUTHORITY.—Subtitle E of title II of the
9 Help America Vote Act of 2002, as added and amended
10 by this Act, is amended by adding at the end the following
11 new section:

12 **“SEC. 299E. TECHNICAL SUPPORT.**

13 “‘At the request of the Commission, the Director of
14 the National Institute of Standards and Technology shall
15 provide the Commission with technical support necessary
16 for the Commission to carry out its duties under this
17 title.’”.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
19 210 of the Help America Vote Act of 2002 (42 U.S.C.
20 15330) is amended by striking “for each of fiscal years
21 2003 through 2005 such sums as may be necessary (but
22 not to exceed \$10,000,000 for each such year)” and in-
23 serting “\$23,000,000 for fiscal year 2006 (of which
24 \$3,000,000 are authorized solely to carry out the purposes

1 of section 299E) and such sums as may be necessary for
2 succeeding fiscal years”.

3 **SEC. 16. AUTHORIZATION OF APPROPRIATIONS.**

4 Subsection (a) of section 257 of the Help America
5 Vote Act of 2002 (42 U.S.C. 15408(a)) is amended by
6 adding at the end the following new paragraphs:

7 “(4) For fiscal year 2006, \$2,000,000,000.

8 “(5) For each fiscal year after 2006, such sums
9 as are necessary.”.

10 **SEC. 17. EFFECTIVE DATE.**

11 (a) IN GENERAL.—Except as provided by section 10
12 and subsection (b), the amendments made by this Act
13 shall take effect on January 1, 2007.

14 (b) EXCEPTIONS.—The amendments made by section
15 4, section 11, section 12(b), and subsections (a) and (b)
16 of section 15 shall take effect on January 1, 2009.

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