

109TH CONGRESS
1ST SESSION

S. 414

To amend the Help America Vote Act of 2002 to protect the right of Americans to vote through the prevention of voter fraud, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2005

Mr. McCONNELL (for himself and Mr. BOND) 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 the right of Americans to vote through the prevention of voter fraud, 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 “Voter Protection Act of 2005”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—VOTER REGISTRATION AND MAINTENANCE OF
OFFICIAL LISTS OF REGISTERED VOTERS

- Sec. 101. Requirements for voters who register other than in person with an officer or employee of a State or local government entity.
- Sec. 102. Removal of registrants from voting rolls for failure to vote.
- Sec. 103. Use of social security numbers for voter registration and election administration.
- Sec. 104. Synchronization of State databases.
- Sec. 105. Incomplete registration forms.
- Sec. 106. Requirements for submission of registration forms by third parties.

TITLE II—VOTING

- Sec. 201. Voter rolls.
- Sec. 202. Return of absentee ballots.
- Sec. 203. Identification requirement.
- Sec. 204. Clarification of counting of provisional ballots.
- Sec. 205. Applications for absentee ballots.
- Sec. 206. Pilot program for use of indelible ink at polling places.

TITLE III—CRIMINAL PENALTIES

- Sec. 301. Penalty for making expenditures to persons to register.
- Sec. 302. Penalty for conspiracy to influence voting.
- Sec. 303. Penalty for destruction of property with intent to impede the act of voting.

1 SEC. 2. FINDINGS.

2 Congress makes the following findings:

3 (1) There is a need for Congress to encourage
4 and enable every eligible and registered American to
5 vote.

6 (2) There is a need for Congress to protect the
7 franchise of all Americans by rooting out the poten-
8 tial for fraud in the electoral system.

9 (3) There is a need for Congress to provide
10 States the tools necessary to protect against fraud in
11 multiple, fictitious, and ineligible voter registrations.

12 (4) There is a need for Congress to ensure com-
13 pleted and valid voter registration forms are re-

1 turned for processing so as to not disenfranchise
 2 voters who believe they have been properly reg-
 3 istered.

4 (5) There is a need for Congress to provide
 5 States the tools necessary to protect against any
 6 American casting more than one ballot and ensuring
 7 poll workers are equipped to identify those who
 8 voted prior to election day.

9 (6) There is a need for Congress to ensure the
 10 accuracy, integrity, and fairness of every American
 11 election.

12 (7) There is a need for Congress to ensure the
 13 protection of every American's franchise is carried
 14 out in a uniform and nondiscriminatory manner.

15 **TITLE I—VOTER REGISTRATION**
 16 **AND MAINTENANCE OF OFFI-**
 17 **CIAL LISTS OF REGISTERED**
 18 **VOTERS**

19 **SEC. 101. REQUIREMENTS FOR VOTERS WHO REGISTER**
 20 **OTHER THAN IN PERSON WITH AN OFFICER**
 21 **OR EMPLOYEE OF A STATE OR LOCAL GOV-**
 22 **ERNMENT ENTITY.**

23 (a) IN GENERAL.—

24 (1) APPLICATION OF REQUIREMENTS TO VOT-
 25 ERS REGISTERING OTHER THAN IN PERSON.—Sub-

paragraph (A) of section 303(b)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(1)(A)) is amended to read as follows:

“(A) the individual registered to vote in a jurisdiction in a manner other than appearing in person before an officer or employee of a State or local government entity; and”.

(2) MEANING OF IN PERSON.—Paragraph (1) of section 303(b) of such Act is amended by inserting at the end the following:

“For purposes of subparagraph (A), an individual shall not be considered to have registered in person if the registration is submitted to an officer or employee of a State or local government entity by a person other than the person whose name appears on the voter registration form.”.

(3) CONFORMING AMENDMENTS.—

(A) The heading for subsection (b) of section 303 of such Act is amended by striking “WHO REGISTER BY MAIL” and inserting “WHO DO NOT REGISTER IN PERSON”.

(B) The heading for section 303 of such Act is amended by striking “**REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL**” and

1 inserting “**VOTER REGISTRATION REQUIRE-**
 2 **MENTS**”.

3 (b) EFFECTIVE DATE.—

4 (1) IN GENERAL.—The amendments made by
 5 this section shall apply on and after January 1,
 6 2006.

7 (2) CONFORMING AMENDMENTS.—

8 (A) Paragraph (2) of section 303(d) of the
 9 Help America Vote Act of 2002 (42 U.S.C.
 10 15483(d)(2)) is amended by inserting at the
 11 end the following new subparagraph:

12 “(C) APPLICABILITY WITH RESPECT TO
 13 INDIVIDUALS WHO REGISTER OTHER THAN IN
 14 PERSON.—Notwithstanding subparagraphs (A)
 15 and (B)—

16 “(i) each State and jurisdiction shall
 17 be required to comply with the provisions
 18 of subsection (b) with respect to individ-
 19 uals who register to vote in a jurisdiction
 20 in a manner other than appearing in per-
 21 son before an officer or employee of a
 22 State or local government entity on and
 23 after January 1, 2006; and

24 “(ii) the provisions of subsection (b)
 25 shall apply to any individual who registers

1 to vote in a jurisdiction in a manner other
 2 than appearing in person before an officer
 3 or employee of a State or local government
 4 on and after January 1, 2006.”.

5 (B) The heading for paragraph (2) of sec-
 6 tion 303(d) of such Act is amended by striking
 7 “WHO REGISTER BY MAIL”.

8 (C) Subparagraph (A) of section 303(d)(2)
 9 of such Act is amended by inserting “with re-
 10 spect to individuals who register by mail” after
 11 “subsection (b)”.

12 (D) Subparagraph (B) of section 303(d)(2)
 13 of such Act is amended by inserting “by mail”
 14 after “registers to vote”.

15 **SEC. 102. REMOVAL OF REGISTRANTS FROM VOTING ROLLS**
 16 **FOR FAILURE TO VOTE.**

17 (a) IN GENERAL.—Section 8 of the National Voter
 18 Registration Act of 1994 (42 U.S.C. 1973gg–6) is amend-
 19 ed by redesignating subsections (h), (i), and (j) as sub-
 20 sections (i), (j), and (k), respectively, and by inserting
 21 after subsection (g) the following new subsection:

22 “(h) FAILURE TO VOTE.—Except as otherwise pro-
 23 vided in subsection (d), a State shall not remove the name
 24 of a registrant from the official list of eligible voters in

1 elections for Federal office on the ground that the reg-
 2 istrant has failed to vote unless—

3 “(1) the registrant has not voted or appeared to
 4 vote in 2 consecutive general elections for Federal
 5 office; and

6 “(2)(A) the registrant has not notified the ap-
 7 plicable registrar (in person or in writing) during the
 8 period described in subparagraph (A) that the indi-
 9 vidual intends to remain registered in the registrar’s
 10 jurisdiction; and

11 “(B) the applicable registrar has sent a notice
 12 which meets the requirements of paragraph (d)(2)
 13 and the notice is undeliverable.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) Section 8(a)(4) of the National Voter Reg-
 16 istration Act of 1993 (42 U.S.C. 1973gg–6(a)(4)) is
 17 amended by striking “or” at the end of subpara-
 18 graph (A), by inserting “or” at the end of subpara-
 19 graph (B), and by adding at the end the following
 20 new subparagraph:

21 “(C) a failure to vote in 2 consecutive gen-
 22 eral elections for Federal office, in accordance
 23 with subsection (h) of this section;”.

24 (2) Section 8(b) of the National Voter Registra-
 25 tion Act of 1993 (42 U.S.C. 1973gg–6(b)) is amend-

1 ed by striking “roll for elections for Federal office”
 2 and all that follows and inserting the following “roll
 3 for elections for Federal office shall be uniform, non-
 4 discriminatory, and in compliance with the Voting
 5 Rights Act of 1965 (42 U.S.C. 1973 et seq.).”.

6 **SEC. 103. USE OF SOCIAL SECURITY NUMBERS FOR VOTER**
 7 **REGISTRATION AND ELECTION ADMINISTRA-**
 8 **TION.**

9 (a) IN GENERAL.—Section 205(c)(2) of the Social
 10 Security Act (42 U.S.C. 405(c)(2)) is amended by adding
 11 at the end the following new subparagraph:

12 “(I)(i) It is the policy of the United States
 13 that any State (or political subdivision thereof)
 14 may, in the administration of any voter reg-
 15 istration or other election law, use the social se-
 16 curity account numbers issued by the Commis-
 17 sioner of Social Security for the purpose of es-
 18 tablishing the identification of individuals af-
 19 fected by such law, and may require any indi-
 20 vidual who is, or appears to be, so affected to
 21 furnish to such State (or political subdivision
 22 thereof) or any agency thereof having adminis-
 23 trative responsibility for the law involved, the
 24 social security account number (or numbers, if
 25 such individual has more than one such num-

1 ber) issued to such individual by the Commis-
2 sioner of Social Security.

3 “(ii) For purposes of clause (i), an agency
4 of a State (or political subdivision thereof)
5 charged with the administration of any voter
6 registration or other election law that did not
7 use the social security account number for iden-
8 tification under a law or regulation adopted be-
9 fore January 1, 2005, may require an indi-
10 vidual to disclose his or her social security num-
11 ber to such agency solely for the purpose of ad-
12 ministering the laws referred to in such clause.

13 “(iii) If, and to the extent that, any provi-
14 sion of Federal law enacted before the date of
15 enactment of the Voter Protection Act of 2005
16 is inconsistent with the policy set forth in
17 clause (i), such provision shall, on and after the
18 date of the enactment of such Act, be null, void,
19 and of no effect.”.

20 (b) CONSTRUCTION.—Nothing in this section or the
21 amendment made by this section may be construed to su-
22 persede any privacy guarantee under any Federal or State
23 law that applies with respect to a social security number.

1 **SEC. 104. SYNCHRONIZATION OF STATE DATABASES.**

2 (a) IN GENERAL.—Subparagraph (A) of section
3 303(a)(1) of the Help America Vote Act of 2002 (42
4 U.S.C. 15483(a)(1)(A)) is amended by adding at the end
5 the following:

6 “(ix) The computerized list shall be in
7 a format which allows for sharing and syn-
8 chronization with other State computerized
9 lists.”.

10 (b) EFFECTIVE DATE.—

11 (1) IN GENERAL.—Paragraph (1) of section
12 303(d) of the Help America Vote Act of 2002 (42
13 U.S.C. 15483(d)(1)) is amended by adding at the
14 end the following:

15 “(C) SYNCHRONIZATION OF DATABASES.—
16 Each State and jurisdiction shall be required to
17 comply with the requirements of subsection
18 (a)(1)(A)(ix) on and after January 1, 2007.”.

19 (2) CONFORMING AMENDMENT.—Subparagraph
20 (A) of section 303(d)(1) of the Help America Vote
21 Act of 2002 (42 U.S.C. 15483(d)(1)(A)) is amended
22 by striking “subparagraph (B)” and inserting “sub-
23 paragraphs (B) and (C)”.

1 **SEC. 105. INCOMPLETE REGISTRATION FORMS.**

2 (a) IN GENERAL.—Subparagraph (B) of section
3 303(b)(4) of the Help America Vote Act of 2002 (42
4 U.S.C. 15483(b)(4)(B)) is amended to read as follows:

5 “(B) INCOMPLETE FORMS.—If an appli-
6 cant for voter registration fails to answer the
7 question included on the mail voter registration
8 form pursuant to subparagraph (A)(i), the reg-
9 istrar shall return the incomplete voter registra-
10 tion form to the applicant and provide the ap-
11 plicant with an opportunity to complete the reg-
12 istration form.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section shall apply to any individual who registers to
15 vote on or after January 1, 2006.

16 **SEC. 106. REQUIREMENTS FOR SUBMISSION OF REGISTRA-**
17 **TION FORMS BY THIRD PARTIES.**

18 (a) IN GENERAL.—Section 303 of the Help America
19 Vote Act of 2002 (42 U.S.C. 15483(b)), as amended by
20 this Act, is amended by redesignating subsection (d) as
21 subsection (e) and by inserting after subsection (c) the fol-
22 lowing new subsection:

23 “(d) REQUIREMENTS FOR SUBMISSION OR REG-
24 ISTRATION FORMS BY THIRD PARTIES.—Notwithstanding
25 section 8(a) of the National Voter Registration Act of
26 1993 (42 U.S.C. 1973gg–6(a)), no State shall register any

1 person to vote in an election for Federal office if the reg-
 2 istration form is submitted—

3 “(1) by a person other than the person whose
 4 name appears on such form; and

5 “(2) more than 3 days after the date on which
 6 such form was signed by the registrant.”.

7 (b) CONFORMING AMENDMENT.—Section 906(a) of
 8 the Help America Vote Act of 2002 (42 U.S.C. 15545(a))
 9 is amended by striking “section 303(b)” and inserting
 10 “subsections (b) and (d) of section 303”.

11 (c) EFFECTIVE DATE.—Subsection (e) of section 303
 12 of the Help America Vote Act of 2002 (42 U.S.C.
 13 15483(d)), as redesignated by subsection (a), is amended
 14 by adding at the end the following new paragraph:

15 “(3) REQUIREMENT FOR SUBMISSION OF REG-
 16 ISTRATION FORMS BY THIRD PARTIES.—Each State
 17 shall be required to comply with the requirements of
 18 subsection (d) on and after January 1, 2006.”.

19 **TITLE II—VOTING**

20 **SEC. 201. VOTER ROLLS.**

21 (a) IN GENERAL.—Title III of the Help America
 22 Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended
 23 by redesignating sections 304 and 305 as sections 305 and
 24 306, respectively, and by inserting after section 303 the
 25 following new section:

1 **“SEC. 304. VOTER ROLLS.**

2 “(a) IN GENERAL.—If a State allows early voting or
3 absentee voting for a Federal office, then such State shall
4 be required to ensure that the voter rolls at each polling
5 location on the day of the election accurately and affirma-
6 tively indicate—

7 “(1) which individuals have voted prior to such
8 day; and

9 “(2) which individuals have requested an absen-
10 tee ballot for such election.

11 “(b) RULE FOR PERSONS NOT VOTING IN PER-
12 SON.—For purposes of subsection (a)(1), a State shall af-
13 firmatively indicate that an individual who has not voted
14 in person has voted if the State has received a ballot from
15 such individual prior to the day of the election.

16 “(c) EFFECTIVE DATE.—Each State and jurisdiction
17 shall be required to comply with the requirements of this
18 section on and after January 1, 2006.”.

19 (b) CONFORMING AMENDMENT.—Section 401 of the
20 Help America Vote Act of 2002 (42 U.S.C. 15511) is
21 amended by striking “and 303” and inserting “303, and
22 304”.

23 **SEC. 202. RETURN OF ABSENTEE BALLOTS.**

24 (a) IN GENERAL.—Title III of the Help America
25 Vote Act of 2002 (42 U.S.C. 15481 et seq.), as amended
26 by this Act, is amended by redesignating sections 305 and

1 306 as sections 306 and 307, respectively, and by insert-
 2 ing after section 304 the following new section.

3 **“SEC. 305. RETURN OF ABSENTEE BALLOTS.**

4 “(a) IN GENERAL.—Except as provided in the Uni-
 5 formed and Overseas Citizens Absentee Voting Act, each
 6 absentee ballot cast for a Federal office must be received
 7 by the State by the close of business on the day of the
 8 election in order to be counted as a valid ballot.

9 “(b) EFFECTIVE DATE.—Each State and jurisdiction
 10 shall be required to comply with the requirements of sub-
 11 section (a) on and after January 1, 2006.”.

12 (b) CONFORMING AMENDMENT.—Section 401 of the
 13 Help America Vote Act of 2002 (42 U.S.C. 15511), as
 14 amended by this Act, is amended by striking “and 304”
 15 and inserting “304, and 305”.

16 **SEC. 203. IDENTIFICATION REQUIREMENT.**

17 (a) REQUIREMENT FOR VOTERS WHO REGISTER BY
 18 MAIL AND OTHER THAN IN PERSON.—

19 (1) IN GENERAL.—Subparagraph (A) of section
 20 303(b)(2) of the Help America Vote Act of 2002 (42
 21 U.S.C. 15483(b)(2)(A)) is amended—

22 (A) in clause (i)—

23 (i) by inserting “issued by a govern-
 24 ment entity” after “identification” in sub-
 25 clause (I); and

1 (ii) by striking “current utility bill,
 2 bank statement, government check, pay-
 3 check, or other” in subclause (II) and in-
 4 serting “recent”; and
 5 (B) in clause (ii) —

6 (i) by inserting “issued by a govern-
 7 ment entity” after “identification” in sub-
 8 clause (I); and

9 (ii) by striking “current utility bill,
 10 bank statement, government check, pay-
 11 check, or other” in subclause (II) and in-
 12 serting “recent”.

13 (2) INAPPLICABILITY.—Paragraph (3) of sec-
 14 tion 303(b) of the Help America Vote Act of 2002
 15 (42 U.S.C. 15483(b)(3)) is amended—

16 (A) in subparagraph (A)—

17 (i) by striking “part of such” and in-
 18 serting “a requirement for a valid”;

19 (ii) by inserting “issued by a govern-
 20 ment entity” after “identification” in
 21 clause (i); and

22 (iii) by striking “current utility bill,
 23 bank statement, government check, pay-
 24 check, or other” in clause (ii) and inserting
 25 “recent”; and

1 (B) in subparagraph (B)(i), by striking
 2 “with such” and inserting “as a requirement
 3 for a valid”.

4 (3) EFFECTIVE DATE.—The amendments made
 5 by this subsection shall apply to individuals who reg-
 6 ister to vote on and after January 1, 2006, and each
 7 State and jurisdiction shall be required to comply
 8 with the requirements of section 303(b) of the Help
 9 America Vote Act of 2002, as amended by this sec-
 10 tion, on and after January 1, 2006.

11 (b) NEW REQUIREMENT FOR INDIVIDUALS VOTING
 12 IN PERSON.—

13 (1) IN GENERAL.—Title III of the Help Amer-
 14 ica Vote Act of 2002 (42 U.S.C. 15481 et seq.), as
 15 amended by this Act, is amended by redesignating
 16 sections 306 and 307 as sections 307 and 308, re-
 17 spectively, and by inserting after section 305 the fol-
 18 lowing new section:

19 **“SEC. 306. IDENTIFICATION OF VOTERS AT THE POLLS.**

20 “(a) IN GENERAL.—Notwithstanding the require-
 21 ments of section 303(b), each State shall require individ-
 22 uals casting ballots in an election for Federal office in per-
 23 son to present a current valid photo identification issued
 24 by a governmental entity before voting.

1 “(b) EFFECTIVE DATE.—Each State shall be re-
 2 quired to comply with the requirements of subsection (a)
 3 on and after January 1, 2006.”.

4 (2) CONFORMING AMENDMENT.—Section 401
 5 of the Help America Vote Act of 2002 (42 U.S.C.
 6 15511), as amended by this Act, is amended by
 7 striking “and 305” and inserting “305, and 306”.

8 (c) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—
 9 Subtitle D of title II of the Help America Vote Act of
 10 2002 (42 U.S.C. 15401 et seq.) is amended by adding at
 11 the end the following:

12 **“PART 7—PHOTO IDENTIFICATION**

13 **“SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.**

14 “(a) IN GENERAL.—In addition to any other pay-
 15 ments made under this subtitle, the Election Assistance
 16 Commission shall make payments to States to promote the
 17 issuance to registered voters of free photo identifications
 18 for purposes of meeting the identification requirements of
 19 sections 303(b)(2) and 306.

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

1 “(1) a statement that the State intends to com-
 2 ply with the requirements of section 303(b) and sec-
 3 tion 306; and

4 “(2) a description of how the State intends to
 5 use the payment under this part to provide reg-
 6 istered voters with free photo identifications to meet
 7 the requirements of such sections.

8 “(c) USE OF FUNDS.—A State receiving a payment
 9 under this part shall use the payment only to provide free
 10 photo identification cards to registered voters who do not
 11 have an identification card that meets the requirements
 12 of sections 303(b) and 306.

13 “(d) ALLOCATION OF FUNDS.—

14 “(1) IN GENERAL.—The amount of the grant
 15 made to a State under this part for a year shall be
 16 equal to the product of—

17 “(A) the total amount appropriated for
 18 payments under this part for the year under
 19 section 298; and

20 “(B) an amount equal to—

21 “(i) the voting age population of the
 22 State (as reported in the most recent de-
 23 cennial census); divided by

24 “(ii) the total voting age of all eligible
 25 States which submit an application for

1 payments under this part (as reported in
2 the most recent decennial census).

3 **“SEC. 298. AUTHORIZATION OF APPROPRIATIONS.**

4 “(a) IN GENERAL.—In addition to any other
5 amounts authorized to be appropriated under this subtitle,
6 there are authorized to be appropriated \$25,000,000 for
7 fiscal year 2006 and such sums as are necessary for each
8 subsequent fiscal year for the purpose of making payments
9 under section 297.

10 “(b) AVAILABILITY.—Any amounts appropriated
11 pursuant to the authority of this section shall remain
12 available until expended.”.

13 **SEC. 204. CLARIFICATION OF COUNTING OF PROVISIONAL**
14 **BALLOTS.**

15 (a) IN GENERAL.—Paragraph (4) of section 302(a)
16 of the Help America Vote Act of 2002 (42 U.S.C.
17 15482(a)(4)) is amended by adding at the end the fol-
18 lowing new sentence: “For purposes of this paragraph, the
19 determination of whether an individual is eligible under
20 State law to vote shall take into account any provision of
21 State law with respect to the polling site at which the indi-
22 vidual is required to vote.”.

23 (b) CONFORMING AMENDMENT.—

1 (1) Paragraph (1) of section 302(a) of the Help
 2 America Vote Act of 2002 (42 U.S.C. 15482(a)(1))
 3 is amended to read as follows:

4 “(1) An election official at the polling place
 5 shall—

6 “(A) notify the individual that the indi-
 7 vidual may cast a provisional ballot in that elec-
 8 tion; and

9 “(B) in the case of an individual who the
 10 election official asserts is not eligible to vote
 11 under State law because the individual is at an
 12 incorrect polling site, direct the individual to
 13 the appropriate polling site.”.

14 (2) Paragraph (2) of section 302(a) of the Help
 15 America Vote Act of 2002 (42 U.S.C. 15482(a)(2))
 16 is amended by striking “The individual” and insert-
 17 ing “Notwithstanding the requirement of paragraph
 18 (1)(B), the individual”.

19 **SEC. 205. APPLICATIONS FOR ABSENTEE BALLOTS.**

20 (a) IN GENERAL.—Title III of the Help America
 21 Vote Act of 2002 (42 U.S.C. 15481 et seq.), as amended
 22 by this Act, is amended by redesignating sections 307 and
 23 308 as sections 308 and 309, respectively, and by insert-
 24 ing after section 306 the following new section:

1 **“SEC. 307. APPLICATIONS FOR ABSENTEE BALLOTS.**

2 “(a) IN GENERAL.—An application for an absentee
3 ballot for an election for Federal office may not be accept-
4 ed and processed by a State unless the application in-
5 cludes—

6 “(1) in the case of an applicant who has been
7 issued a current and valid driver’s license, the appli-
8 cant’s driver’s license number; or

9 “(2) in the case of any other applicant—

10 “(A) a photo copy of a current and valid
11 photo identification issued by a government en-
12 tity;

13 “(B) at least the last 4 digits of the appli-
14 cant’s social security number; or

15 “(C) the number assigned to such indi-
16 vidual under section 303(a)(5)(A)(ii).

17 “(b) EFFECTIVE DATE.—Each State shall be re-
18 quired to comply with the requirements of subsection (a)
19 on and after January 1, 2006.”.

20 (b) CONFORMING AMENDMENT.—Section 401 of the
21 Help America Vote Act of 2002 (42 U.S.C. 15511), as
22 amended by this Act, is amended by striking “and 306”
23 and inserting “306, and 307”.

1 **SEC. 206. PILOT PROGRAM FOR USE OF INDELIBLE INK AT**
 2 **POLLING PLACES.**

3 Subtitle D of title II of the Help America Vote Act
 4 of 2002 (42 U.S.C. 15401 et seq.), as amended by this
 5 Act, is amended by adding at the end the following:

6 **“PART 8—PILOT PROGRAM FOR USE OF**
 7 **INDELIBLE INK AT POLLING PLACES**

8 **“SEC. 299. PILOT PROGRAM.**

9 “(a) IN GENERAL.—The Commission shall make
 10 grants to States to carry out pilot programs under which
 11 each voter in an election for Federal office in a State is
 12 marked with indelible ink after submitting a ballot.

13 “(b) ELIGIBILITY.—A State is eligible to receive a
 14 grant under this part if it submits to the Commission, at
 15 such time and in such form as the Commission may re-
 16 quire, an application containing such information as the
 17 Commission may require.

18 “(c) REPORT.—

19 “(1) IN GENERAL.—Each State which receives
 20 a grant under this part shall submit to the Commis-
 21 sion a report describing the activities carried out
 22 with the funds provided under the grant.

23 “(2) DEADLINE.—A State shall submit the re-
 24 port required under paragraph (1) not later than 60
 25 days after the end of the fiscal year for which the

1 State received the grant which is the subject of the
2 report.

3 **“SEC. 300. AUTHORIZATION OF APPROPRIATIONS.**

4 “(a) IN GENERAL.—There are authorized to be ap-
5 propriated for grants under this part \$5,000,000 for fiscal
6 year 2006 and such sums as are necessary for each suc-
7 ceeding fiscal year.

8 “(b) AVAILABILITY.—Any amounts appropriated
9 pursuant to the authority of this section shall remain
10 available, without fiscal year limitation, until expended.”.

11 **TITLE III—CRIMINAL PENALTIES**

12 **SEC. 301. PENALTY FOR MAKING EXPENDITURES TO PER-**
13 **SONS TO REGISTER.**

14 Section 597 of title 18, United States Code, is
15 amended by inserting “to register him to vote,” after “ei-
16 ther”.

17 **SEC. 302. PENALTY FOR CONSPIRACY TO INFLUENCE VOT-**
18 **ING.**

19 Section 597 of title 18, United States Code, as
20 amended by this Act, is amended by striking “makes or
21 offers to make” and inserting “makes, offers to make, or
22 conspires to make”.

1 **SEC. 303. PENALTY FOR DESTRUCTION OF PROPERTY WITH**
2 **INTENT TO IMPEDE THE ACT OF VOTING.**

3 Section 594 of title 18, United States Code, is
4 amended—

5 (1) by inserting “(a)” before “Whoever”; and

6 (2) by adding at the end the following:

7 “(b) Whoever destroys or damages any property with
8 the intent to prevent or impede an individual from voting
9 in an election for the office of President, Vice President,
10 Presidential elector, Member of the Senate, Member of the
11 House of Representatives, Delegate from the District of
12 Columbia, or Resident Commissioner, shall be fined under
13 this title, imprisoned for not more than 2 years, or both.”.

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