

112TH CONGRESS  
1ST SESSION

# H. R. 3463

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IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2011

Received; read twice and referred to the Committee on Rules and  
Administration

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## AN ACT

To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission.

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

1 **TITLE I—TERMINATION OF TAX-**  
2 **PAYER FINANCING OF PRESI-**  
3 **DENTIAL ELECTION CAM-**  
4 **PAIGNS**

5 **SECTION 101. TERMINATION OF TAXPAYER FINANCING OF**  
6 **PRESIDENTIAL ELECTION CAMPAIGNS.**

7 (a) **TERMINATION OF DESIGNATION OF INCOME TAX**  
8 **PAYMENTS.**—Section 6096 of the Internal Revenue Code  
9 of 1986 is amended by adding at the end the following  
10 new subsection:

11 “(d) **TERMINATION.**—This section shall not apply to  
12 taxable years beginning after December 31, 2010.”.

13 (b) **TERMINATION OF FUND AND ACCOUNT.**—

14 (1) **TERMINATION OF PRESIDENTIAL ELECTION**  
15 **CAMPAIGN FUND.**—

16 (A) **IN GENERAL.**—Chapter 95 of subtitle  
17 H of such Code is amended by adding at the  
18 end the following new section:

19 **“SEC. 9014. TERMINATION.**

20 “The provisions of this chapter shall not apply with  
21 respect to any presidential election (or any presidential  
22 nominating convention) after the date of the enactment  
23 of this section, or to any candidate in such an election.”.

24 (B) **TRANSFER OF EXCESS FUNDS TO GEN-**  
25 **ERAL FUND.**—Section 9006 of such Code is

1           amended by adding at the end the following  
2           new subsection:

3           “(d) **TRANSFER OF FUNDS REMAINING AFTER TER-**  
4 **MINATION.**—The Secretary shall transfer all amounts in  
5 the fund after the date of the enactment of this section  
6 to the general fund of the Treasury, to be used only for  
7 reducing the deficit.”.

8           (2) **TERMINATION OF ACCOUNT.**—Chapter 96  
9           of subtitle H of such Code is amended by adding at  
10          the end the following new section:

11         **“SEC. 9043. TERMINATION.**

12           “The provisions of this chapter shall not apply to any  
13 candidate with respect to any presidential election after  
14 the date of the enactment of this section.”.

15          (c) **CLERICAL AMENDMENTS.**—

16           (1) The table of sections for chapter 95 of sub-  
17          title H of such Code is amended by adding at the  
18          end the following new item:

“Sec. 9014. Termination.”.

19           (2) The table of sections for chapter 96 of sub-  
20          title H of such Code is amended by adding at the  
21          end the following new item:

“Sec. 9043. Termination.”.

1 **TITLE II—TERMINATION OF**  
 2 **ELECTION ASSISTANCE COM-**  
 3 **MISSION**

4 **SEC. 201. TERMINATION OF ELECTION ASSISTANCE COM-**  
 5 **MISSION.**

6 (a) TERMINATION.—The Help America Vote Act of  
 7 2002 (42 U.S.C. 15301 et seq.) is amended by adding at  
 8 the end the following new title:

9 **“TITLE X—TERMINATION OF**  
 10 **COMMISSION**  
 11 **“Subtitle A—Termination**

12 **“SEC. 1001. TERMINATION.**

13 “Effective on the Commission termination date, the  
 14 Commission (including the Election Assistance Commis-  
 15 sion Standards Board and the Election Assistance Com-  
 16 mission Board of Advisors under part 2 of subtitle A of  
 17 title II) is terminated and may not carry out any programs  
 18 or activities.

19 **“SEC. 1002. TRANSFER OF OPERATIONS TO OFFICE OF MAN-**  
 20 **AGEMENT AND BUDGET DURING TRANSI-**  
 21 **TION.**

22 “(a) IN GENERAL.—The Director of the Office of  
 23 Management and Budget shall, effective upon the Com-  
 24 mission termination date—

1           “(1) perform the functions of the Commission  
2           with respect to contracts and agreements described  
3           in subsection 1003(a) until the expiration of such  
4           contracts and agreements, but shall not renew any  
5           such contract or agreement; and

6           “(2) shall take the necessary steps to wind up  
7           the affairs of the Commission.

8           “(b) EXCEPTION FOR FUNCTIONS TRANSFERRED TO  
9           OTHER AGENCIES.—Subsection (a) does not apply with  
10          respect to any functions of the Commission that are trans-  
11          ferred under subtitle B.

12          **“SEC. 1003. SAVINGS PROVISIONS.**

13          “(a) PRIOR CONTRACTS.—The termination of the  
14          Commission under this subtitle shall not affect any con-  
15          tract that has been entered into by the Commission before  
16          the Commission termination date. All such contracts shall  
17          continue in effect until modified, superseded, terminated,  
18          set aside, or revoked in accordance with law by an author-  
19          ized Federal official, a court of competent jurisdiction, or  
20          operation of law.

21          “(b) OBLIGATIONS OF RECIPIENTS OF PAYMENTS.—

22                  “(1) IN GENERAL.—The termination of the  
23          Commission under this subtitle shall not affect the  
24          authority of any recipient of a payment made by the  
25          Commission under this Act prior to the Commission

1 termination date to use any portion of the payment  
2 that remains unobligated as of the Commission ter-  
3 mination date, and the terms and conditions that  
4 applied to the use of the payment at the time the  
5 payment was made shall continue to apply.

6 “(2) SPECIAL RULE FOR STATES RECEIVING  
7 REQUIREMENTS PAYMENTS.—In the case of a re-  
8 quirements payment made to a State under part 1  
9 of subtitle D of title II, the terms and conditions ap-  
10 plicable to the use of the payment for purposes of  
11 the State’s obligations under this subsection (as well  
12 as any obligations in effect prior to the termination  
13 of the Commission under this subtitle), and for pur-  
14 poses of any applicable requirements imposed by  
15 regulations promulgated by the Director of the Of-  
16 fice of Management and Budget, shall be the general  
17 terms and conditions applicable under Federal law,  
18 rules, and regulations to payments made by the Fed-  
19 eral government to a State, except that to the extent  
20 that such general terms and conditions are incon-  
21 sistent with the terms and conditions that are speci-  
22 fied under part 1 of subtitle D of title II or section  
23 902, the terms and conditions specified under such  
24 part and such section shall apply.

25 “(c) PENDING PROCEEDINGS.—

1           “(1) NO EFFECT ON PENDING PROCEEDINGS.—  
2           The termination of the Commission under this sub-  
3           title shall not affect any proceeding to which the  
4           Commission is a party that is pending on such date,  
5           including any suit to which the Commission is a  
6           party that is commenced prior to such date, and the  
7           applicable official shall be substituted or added as a  
8           party to the proceeding.

9           “(2) TREATMENT OF ORDERS.—In the case of  
10          a proceeding described in paragraph (1), an order  
11          may be issued, an appeal may be taken, judgments  
12          may be rendered, and payments may be made as if  
13          the Commission had not been terminated. Any such  
14          order shall continue in effect until modified, termi-  
15          nated, superseded, or revoked by an authorized Fed-  
16          eral official, a court of competent jurisdiction, or op-  
17          eration of law.

18          “(3) CONSTRUCTION RELATING TO DIS-  
19          CONTINUANCE OR MODIFICATION.—Nothing in this  
20          subsection shall be deemed to prohibit the dis-  
21          continuance or modification of any proceeding de-  
22          scribed in paragraph (1) under the same terms and  
23          conditions and to the same extent that such pro-  
24          ceeding could have been discontinued or modified if  
25          the Commission had not been terminated.

1           “(4) REGULATIONS FOR TRANSFER OF PRO-  
2           CEEDINGS.—The Director of the Office of Manage-  
3           ment and Budget may issue regulations providing  
4           for the orderly transfer of proceedings described in  
5           paragraph (1).

6           “(d) JUDICIAL REVIEW.—Orders and actions of the  
7           applicable official in the exercise of functions of the Com-  
8           mission shall be subject to judicial review to the same ex-  
9           tent and in the same manner as if such orders and actions  
10          had been issued or taken by the Commission. Any require-  
11          ments relating to notice, hearings, action upon the record,  
12          or administrative review that apply to any function of the  
13          Commission shall apply to the exercise of such function  
14          by the applicable official.

15          “(e) APPLICABLE OFFICIAL DEFINED.—In this sec-  
16          tion, the ‘applicable official’ means, with respect to any  
17          proceeding, order, or action—

18                 “(1) the Director of the Office of Management  
19                 and Budget, to the extent that the proceeding,  
20                 order, or action relates to functions performed by  
21                 the Director of the Office of Management and Budg-  
22                 et under section 1002; or

23                 “(2) the Federal Election Commission, to the  
24                 extent that the proceeding, order, or action relates  
25                 to a function transferred under subtitle B.



1 **“SEC. 1004. COMMISSION TERMINATION DATE.**

2 “The ‘Commission termination date’ is the first date  
3 following the expiration of the 60-day period that begins  
4 on the date of the enactment of this subtitle.

5 **“Subtitle B—Transfer of Certain**  
6 **Authorities**

7 **“SEC. 1011. TRANSFER OF ELECTION ADMINISTRATION**  
8 **FUNCTIONS TO FEDERAL ELECTION COMMIS-**  
9 **SION.**

10 “There are transferred to the Federal Election Com-  
11 mission (hereafter in this section referred to as the ‘FEC’)  
12 the following functions of the Commission:

13 “(1) The adoption of voluntary voting system  
14 guidelines, in accordance with part 3 of subtitle A  
15 of title II.

16 “(2) The testing, certification, decertification,  
17 and recertification of voting system hardware and  
18 software by accredited laboratories, in accordance  
19 with subtitle B of title II.

20 “(3) The maintenance of a clearinghouse of in-  
21 formation on the experiences of State and local gov-  
22 ernments in implementing voluntary voting system  
23 guidelines and in operating voting systems in gen-  
24 eral.

25 “(4) The development of a standardized format  
26 for reports submitted by States under section 102(c)

1 of the Uniformed and Overseas Citizens Absentee  
2 Voting Act, and the making of such format available  
3 to States and units of local government submitting  
4 such reports, in accordance with section 703(b).

5 “(5) Any functions transferred to the Commis-  
6 sion under section 801 (relating to functions of the  
7 former Office of Election Administration of the  
8 FEC).

9 “(6) Any functions transferred to the Commis-  
10 sion under section 802 (relating to functions de-  
11 scribed in section 9(a) of the National Voter Reg-  
12 istration Act of 1993).

13 “(7) Any functions of the Commission under  
14 section 1604(a) of the National Defense Authoriza-  
15 tion Act for Fiscal Year 2002 (Public Law 107–107;  
16 115 Stat. 1277; 42 U.S.C. 1977ff note) (relating to  
17 establishing guidelines and providing technical as-  
18 sistance with respect to electronic voting demonstra-  
19 tion projects of the Secretary of Defense).

20 “(8) Any functions of the Commission under  
21 section 589(e)(1) of the Military and Overseas Voter  
22 Empowerment Act (42 U.S.C. 1973ff–7(e)(1)) (re-  
23 lating to providing technical assistance with respect  
24 to technology pilot programs for the benefit of ab-  
25 sent uniformed services voters and overseas voters).

1 **“SEC. 1012. EFFECTIVE DATE.**

2 “The transfers under this subtitle shall take effect  
3 on the Commission termination date described in section  
4 1004.”.

5 (b) **CLERICAL AMENDMENT.**—The table of contents  
6 of such Act is amended by adding at the end the following:

“TITLE X—TERMINATION OF COMMISSION

“Subtitle A—Termination

“Sec. 1001. Termination.

“Sec. 1002. Transfer of operations to Office of Management and Budget during transition.

“Sec. 1003. Savings provisions.

“Sec. 1004. Commission termination date.

“Subtitle B—Transfer of Certain Authorities

“Sec. 1011. Transfer of election administration functions to Federal Election Commission.

“Sec. 1012. Effective date.”.

7 **SEC. 202. REPLACEMENT OF STANDARDS BOARD AND**  
8 **BOARD OF ADVISORS WITH GUIDELINES RE-**  
9 **VIEW BOARD.**

10 (a) **REPLACEMENT.**—Part 2 of subtitle A of title II  
11 of the Help America Vote Act of 2002 (42 U.S.C. 15341  
12 et seq.) is amended to read as follows:

13 **“PART 2—GUIDELINES REVIEW BOARD**

14 **“SEC. 211. ESTABLISHMENT.**

15 “There is established the Guidelines Review Board  
16 (hereafter in this part referred to as the ‘Board’).

1 **“SEC. 212. DUTIES.**

2 “The Board shall, in accordance with the procedures  
3 described in part 3, review the voluntary voting system  
4 guidelines under such part.

5 **“SEC. 213. MEMBERSHIP.**

6 “(a) IN GENERAL.—The Board shall be composed of  
7 82 members appointed as follows:

8 “(1) One State or local election official from  
9 each State, to be selected by the chief State election  
10 official of the State, who shall take into account the  
11 needs of both State and local election officials in  
12 making the selection.

13 “(2) Two members appointed by the National  
14 Conference of State Legislatures.

15 “(3) Two members appointed by the National  
16 Association of Secretaries of State.

17 “(4) Two members appointed by the National  
18 Association of State Election Directors.

19 “(5) Two members appointed by the National  
20 Association of County Recorders, Election Adminis-  
21 trators, and Clerks.

22 “(6) Two members appointed by the Election  
23 Center.

24 “(7) Two members appointed by the Inter-  
25 national Association of County Recorders, Election  
26 Officials, and Treasurers.

1           “(8) Two members appointed by the United  
2 States Commission on Civil Rights.

3           “(9) Two members appointed by the Architec-  
4 tural and Transportation Barrier Compliance Board  
5 under section 502 of the Rehabilitation Act of 1973  
6 (29 U.S.C. 792).

7           “(10) The chief of the Voting Section of the  
8 Civil Rights Division of the Department of Justice  
9 or the chief’s designee.

10           “(11) The director of the Federal Voting As-  
11 sistance Program of the Department of Defense.

12           “(12) The Director of the National Institute of  
13 Standards and Technology or the Director’s des-  
14 ignee.

15           “(13) Four members representing professionals  
16 in the field of science and technology, of whom—

17                   “(A) one each shall be appointed by the  
18 Speaker and the minority leader of the House  
19 of Representatives; and

20                   “(B) one each shall be appointed by the  
21 majority leader and the minority leader of the  
22 Senate.

23           “(14) Four members representing voter inter-  
24 ests, of whom—

1           “(A) one each shall be appointed by the  
2 chair and ranking minority member of the  
3 Committee on House Administration of the  
4 House of Representatives; and

5           “(B) one each shall be appointed by the  
6 chair and ranking minority member of the  
7 Committee on Rules and Administration of the  
8 Senate.

9           “(b) MANNER OF APPOINTMENTS.—

10           “(1) IN GENERAL.—Appointments shall be  
11 made to the Board under subsection (a) in a manner  
12 which ensures that the Board will be bipartisan in  
13 nature and will reflect the various geographic re-  
14 gions of the United States.

15           “(2) SPECIAL RULE FOR CERTAIN APPOINT-  
16 MENTS.—The two individuals who are appointed as  
17 members of the Board under each of the paragraphs  
18 (2) through (9) of subsection (a) may not be mem-  
19 bers of the same political party.

20           “(c) TERM OF SERVICE; VACANCY.—Members of the  
21 Board shall serve for a term of 2 years, and may be re-  
22 appointed. Any vacancy in the Board shall be filled in the  
23 manner in which the original appointment was made.

24           “(d) EXECUTIVE BOARD.—

1           “(1) IN GENERAL.—Not later than 60 days  
2 after the day on which the appointment of its mem-  
3 bers is completed, the Board shall select nine of its  
4 members to serve as the Executive Board of the  
5 Guidelines Review Board, of whom—

6                   “(A) not more than five may be State elec-  
7 tion officials;

8                   “(B) not more than five may be local elec-  
9 tion officials; and

10                   “(C) not more than five may be members  
11 of the same political party.

12           “(2) TERMS.—Except as provided in paragraph  
13 (3), members of the Executive Board of the Board  
14 shall serve for a term of 2 years and may not serve  
15 for more than 3 consecutive terms.

16           “(3) STAGGERING OF INITIAL TERMS.—Of the  
17 members first selected to serve on the Executive  
18 Board of the Board—

19                   “(A) three shall serve for 1 term;

20                   “(B) three shall serve for 2 consecutive  
21 terms; and

22                   “(C) three shall serve for 3 consecutive  
23 terms,

24 as determined by lot at the time the members are  
25 first appointed.

1           “(4) DUTIES.—The Executive Board of the  
2           Board shall carry out such duties of the Board as  
3           the Board may delegate.

4           “(e) BYLAWS; DELEGATION OF AUTHORITY.—The  
5           Board may promulgate such bylaws as it considers appro-  
6           priate to provide for the operation of the Board, including  
7           bylaws that permit the Executive Board to grant to any  
8           of its members the authority to act on behalf of the Execu-  
9           tive Board.

10       **“SEC. 214. POWERS; NO COMPENSATION FOR SERVICE.**

11           “(a) HEARINGS AND SESSIONS.—

12           “(1) IN GENERAL.—To the extent that funds  
13           are made available by the Federal Election Commis-  
14           sion, the Board may hold such hearings for the pur-  
15           pose of carrying out this Act, sit and act at such  
16           times and places, take such testimony, and receive  
17           such evidence as the Board considers advisable to  
18           carry out this title, except that the Board may not  
19           issue subpoenas requiring the attendance and testi-  
20           mony of witnesses or the production of any evidence.

21           “(2) MEETINGS.—The Board shall hold a meet-  
22           ing of its members—

23           “(A) not less frequently than once every 2  
24           years for purposes selecting the Executive  
25           Board and voting on the voluntary voting sys-



1           tem guidelines referred to it under section 222;  
2           and

3                   “(B) at such other times as it considers  
4           appropriate for purposes of conducting such  
5           other business as it considers appropriate con-  
6           sistent with this title.

7           “(b) INFORMATION FROM FEDERAL AGENCIES.—  
8           The Board may secure directly from any Federal depart-  
9           ment or agency such information as the Board considers  
10          necessary to carry out this Act. Upon request of the Exec-  
11          utive Board, the head of such department or agency shall  
12          furnish such information to the Board.

13          “(c) POSTAL SERVICES.—The Board may use the  
14          United States mails in the same manner and under the  
15          same conditions as a department or agency of the Federal  
16          Government.

17          “(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon  
18          the request of the Executive Board, the Administrator of  
19          the General Services Administration shall provide to the  
20          Board, on a reimbursable basis, the administrative sup-  
21          port services that are necessary to enable the Board to  
22          carry out its duties under this title.

23          “(e) NO COMPENSATION FOR SERVICE.—Members of  
24          the Board shall not receive any compensation for their  
25          service, but shall be paid travel expenses, including per

1 diem in lieu of subsistence, at rates authorized for employ-  
 2 ees of agencies under subchapter I of chapter 57 of title  
 3 5, United States Code, while away from their homes or  
 4 regular places of business in the performance of services  
 5 for the Board.

6 **“SEC. 215. STATUS OF BOARD AND MEMBERS FOR PUR-  
 7 POSES OF CLAIMS AGAINST BOARD.**

8 “(a) IN GENERAL.—The provisions of chapters 161  
 9 and 171 of title 28, United States Code, shall apply with  
 10 respect to the liability of the Board and its members for  
 11 acts or omissions performed pursuant to and in the course  
 12 of the duties and responsibilities of the Board.

13 “(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER  
 14 WILLFUL CONDUCT.—Subsection (a) may not be con-  
 15 strued to limit personal liability for criminal acts or omis-  
 16 sions, willful or malicious misconduct, acts or omissions  
 17 for private gain, or any other act or omission outside the  
 18 scope of the service of a member of the Board.”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) MEMBERSHIP ON TECHNICAL GUIDELINES  
 21 DEVELOPMENT COMMITTEE.—Section 221(c)(1) of  
 22 such Act (42 U.S.C. 15361(c)(1)) is amended—

23 (A) in subparagraph (A), by striking  
 24 clauses (i) and (ii) and inserting the following:

1                   “(i) Members of the Guidelines Re-  
2                   view Board.”;

3                   (B) by redesignating clause (iii) of sub-  
4                   paragraph (A) as clause (ii); and

5                   (C) in subparagraph (D), by striking  
6                   “Standards Board or Board of Advisors” and  
7                   inserting “Guidelines Review Board”.

8                   (2) CONSIDERATION OF PROPOSED GUIDE-  
9                   LINES.—Section 222(b) of such Act (42 U.S.C.  
10                  15362(b)) is amended—

11                  (A) in the heading, by striking “BOARD OF  
12                  ADVISORS AND STANDARDS BOARD” and in-  
13                  serting “GUIDELINES REVIEW BOARD”; and

14                  (B) by striking paragraphs (2) and (3) and  
15                  inserting the following:

16                  “(2) GUIDELINES REVIEW BOARD.—The Execu-  
17                  tive Director of the Commission shall submit the  
18                  guidelines proposed to be adopted under this part  
19                  (or any modifications to such guidelines) to the  
20                  Guidelines Review Board.”.

21                  (3) REVIEW OF PROPOSED GUIDELINES.—Sec-  
22                  tion 222(c) of such Act (42 U.S.C. 15362(c)) is  
23                  amended by striking “the Board of Advisors and the  
24                  Standards Board shall each review” and inserting  
25                  “the Guidelines Review Board shall review”.

1           (4) FINAL ADOPTION OF PROPOSED GUIDE-  
2           LINES.—Section 222(d) of such Act (42 U.S.C.  
3           15362(d)) is amended by striking “the Board of Ad-  
4           visors and the Standards Board” each place it ap-  
5           pears in paragraphs (1) and (2) and inserting “the  
6           Guidelines Review Board”.

7           (5) ASSISTANCE WITH NIST REVIEW OF TEST-  
8           ING LABORATORIES.—Section 231(c)(1) of such Act  
9           (42 U.S.C. 15371(c)(1)) is amended by striking “the  
10          Standards Board and the Board of Advisors” and  
11          inserting “the Guidelines Review Board”.

12          (6) ASSISTING FEC WITH DEVELOPMENT OF  
13          STANDARDIZED FORMAT FOR REPORTS ON ABSEN-  
14          TEE BALLOTS OF ABSENT UNIFORMED SERVICES  
15          AND OVERSEAS VOTERS.—Section 703(b) of such  
16          Act (42 U.S.C. 1973ff–1 note) is amended by strik-  
17          ing “the Election Assistance Commission Board of  
18          Advisors and the Election Assistance Commission  
19          Standards Board” and inserting “the Guidelines Re-  
20          view Board”.

21          (c) CLERICAL AMENDMENT.—The table of contents  
22          of such Act is amended by amending the item relating to  
23          part 2 of subtitle A of title II to read as follows:

“PART 2—GUIDELINES REVIEW BOARD

“Sec. 211. Establishment.

“Sec. 212. Duties.

“Sec. 213. Membership.

“Sec. 214. Powers; no compensation for service.

“Sec. 215. Status of Board and members for purposes of claims against Board.”.

1 (d) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on the Commission termi-  
3 nation date described in section 1004 of the Help America  
4 Vote Act of 2002 (as added by section 201(a)).

5 **SEC. 203. SPECIAL REQUIREMENTS RELATING TO TRANS-**  
6 **FER OF CERTAIN AUTHORITIES TO FEDERAL**  
7 **ELECTION COMMISSION.**

8 (a) DEVELOPMENT AND ADOPTION OF VOLUNTARY  
9 VOTING SYSTEM GUIDELINES.—

10 (1) IN GENERAL.—Part 3 of subtitle A of title  
11 II of the Help America Vote Act of 2002 (42 U.S.C.  
12 15361 et seq.) is amended by adding at the end the  
13 following new section:

14 **“SEC. 223. TRANSFER OF AUTHORITY TO FEDERAL ELEC-**  
15 **TION COMMISSION.**

16 “(a) TRANSFER.—Effective on the Commission ter-  
17 mination date described in section 1004, the Federal Elec-  
18 tion Commission (hereafter in this section referred to as  
19 the ‘FEC’) shall be responsible for carrying out the duties  
20 and functions of the Commission under this part.

21 “(b) ROLE OF STAFF DIRECTOR.—The FEC shall  
22 carry out the operation and management of its duties and  
23 functions under this part through the Office of the Staff  
24 Director of the FEC.”.

1           (2) CLERICAL AMENDMENT.—The table of con-  
 2           tents of such Act is amended by adding at the end  
 3           of the item relating to part 3 of subtitle A of title  
 4           II the following:

“Sec. 223. Transfer of authority to Federal Election Commission.”.

5           (b) TESTING, CERTIFICATION, DECERTIFICATION,  
 6 AND RECERTIFICATION OF VOTING SYSTEM HARDWARE  
 7 AND SOFTWARE.—

8           (1) IN GENERAL.—Subtitle B of title II of such  
 9           Act (42 U.S.C. 15371 et seq.) is amended by adding  
 10          at the end the following new section:

11 **“SEC. 232. TRANSFER OF AUTHORITY TO FEDERAL ELEC-**  
 12 **TION COMMISSION.**

13          “(a) TRANSFER.—

14           “(1) IN GENERAL.—Effective on the Commis-  
 15          sion termination date described in section 1004, the  
 16          Federal Election Commission (hereafter in this sec-  
 17          tion referred to as the ‘FEC’) shall be responsible  
 18          for carrying out the duties and functions of the  
 19          Commission under this subtitle.

20           “(2) ROLE OF STAFF DIRECTOR.—The FEC  
 21          shall carry out the operation and management of its  
 22          duties and functions under this subtitle through the  
 23          Office of the Staff Director of the FEC.

24          “(b) TRANSFER OF OFFICE OF VOTING SYSTEM  
 25 TESTING AND CERTIFICATION.—

1           “(1) IN GENERAL.—There are transferred to  
2 the FEC all functions that the Office of Voting Sys-  
3 tem Testing and Certification of the Commission  
4 (hereafter in this section referred to as the ‘Office’)  
5 exercised under this subtitle before the Commission  
6 termination date.

7           “(2) TRANSFER OF PROPERTY, RECORDS, AND  
8 PERSONNEL.—

9           “(A) PROPERTY AND RECORDS.—The con-  
10 tracts, liabilities, records, property, appropria-  
11 tions, and other assets and interests of the Of-  
12 fice, together with the unexpended balances of  
13 any appropriations or other funds available to  
14 the Office, are transferred and made available  
15 to the FEC.

16           “(B) PERSONNEL.—

17           “(i) IN GENERAL.—The personnel of  
18 the Office are transferred to the FEC, ex-  
19 cept that the number of full-time equiva-  
20 lent personnel so transferred may not ex-  
21 ceed the number of full-time equivalent  
22 personnel of the Office as of January 1,  
23 2011.

24           “(ii) TREATMENT OF EMPLOYEES AT  
25 TIME OF TRANSFER.—An individual who is

1 an employee of the Office who is trans-  
2 ferred under this section shall not be sepa-  
3 rated or reduced in grade or compensation  
4 because of the transfer during the 1-year  
5 period that begins on the date of the trans-  
6 fer.”.

7 (2) CLERICAL AMENDMENT.—The table of con-  
8 tents of such Act is amended by adding at the end  
9 of the items relating to subtitle B of title II the fol-  
10 lowing:

“Sec. 232. Transfer of authority to Federal Election Commission.”.

11 (c) DEVELOPMENT OF STANDARDIZED FORMAT FOR  
12 REPORTS ON ABSENTEE BALLOTING BY ABSENT UNI-  
13 FORMED SERVICES VOTERS AND OVERSEAS VOTERS.—  
14 Section 703(b) of such Act (42 U.S.C. 1973ff–1 note) is  
15 amended by adding at the end the following: “Effective  
16 on the Commission termination date described in section  
17 1004, the Federal Election Commission shall be respon-  
18 sible for carrying out the duties and functions of the Com-  
19 mission under this subsection.”.

20 **SEC. 204. CONFORMING AMENDMENTS TO OTHER LAWS.**

21 (a) FEDERAL ELECTION CAMPAIGN ACT OF 1971.—

22 (1) DUTIES OF FEC.—Section 311(a) of the  
23 Federal Election Campaign Act of 1971 (2 U.S.C.  
24 438(a)) is amended—



1 (A) by striking “and” at the end of para-  
2 graph (8);

3 (B) by striking the period at the end of  
4 paragraph (9) and inserting a semicolon; and

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

7 “(10) provide for the adoption of voluntary vot-  
8 ing system guidelines, in accordance with part 3 of  
9 subtitle A of title II of the Help America Vote Act  
10 of 2002 (42 U.S.C. 15361 et seq.);

11 “(11) provide for the testing, certification, de-  
12 certification, and recertification of voting system  
13 hardware and software by accredited laboratories, in  
14 accordance with subtitle B of title II of the Help  
15 America Vote Act of 2002 (42 U.S.C. 15371 et  
16 seq.);

17 “(12) maintain a clearinghouse of information  
18 on the experiences of State and local governments in  
19 implementing voluntary voting system guidelines and  
20 in operating voting systems in general;

21 “(13) carry out the duties described in section  
22 9(a) of the National Voter Registration Act of 1993;

23 “(14) develop a standardized format for reports  
24 submitted by States under section 102(c) of the Uni-  
25 formed and Overseas Citizens Absentee Voting Act,

1 make such format available to States and units of  
2 local government submitting such reports, and re-  
3 ceive such reports in accordance with section 102(c)  
4 of such Act, in accordance with section 703(b) of the  
5 Help America Vote Act of 2002;

6 “(15) carry out the duties described in section  
7 1604(a)(2) of the National Defense Authorization  
8 Act for Fiscal Year 2002 (Public Law 107–107; 115  
9 Stat. 1277; 42 U.S.C. 1977ff note); and

10 “(16) carry out the duties described in section  
11 589(e)(1) of the Military and Overseas Voter Em-  
12 powerment Act (42 U.S.C. 1973ff–7(e)(1)).”.

13 (2) AUTHORIZATION TO ENTER INTO PRIVATE  
14 CONTRACTS TO CARRY OUT FUNCTIONS.—Section  
15 311 of such Act (2 U.S.C. 438) is amended by add-  
16 ing at the end the following new subsection:

17 “(g) Subject to applicable laws, the Commission may  
18 enter into contracts with private entities to carry out any  
19 of the authorities that are the responsibility of the Com-  
20 mission under paragraphs (10) through (16) of subsection  
21 (a).”.

22 (3) LIMITATION ON AUTHORITY TO IMPOSE RE-  
23 QUIREMENTS ON STATES AND UNITS OF LOCAL GOV-  
24 ERNMENT.—Section 311 of such Act (2 U.S.C.  
25 438), as amended by paragraph (2), is further

1 amended by adding at the end the following new  
2 subsection:

3 “(h) Nothing in paragraphs (10) through (16) of sub-  
4 section (a) or any other provision of this Act shall be con-  
5 strued to grant the Commission the authority to issue any  
6 rule, promulgate any regulation, or take any other actions  
7 that imposes any requirement on any State or unit of local  
8 government, except to the extent that the Commission had  
9 such authority prior to the enactment of this subsection  
10 or to the extent permitted under section 9(a) of the Na-  
11 tional Voter Registration Act of 1993 (42 U.S.C. 1973gg-  
12 7(a)).”.

13 (b) NATIONAL VOTER REGISTRATION ACT OF  
14 1993.—Section 9(a) of the National Voter Registration  
15 Act of 1993 (42 U.S.C. 1973gg-7(a)) is amended by strik-  
16 ing “Election Assistance Commission” and inserting  
17 “Federal Election Commission”.

18 (c) UNIFORMED AND OVERSEAS CITIZENS ABSEN-  
19 TEE VOTING ACT.—

20 (1) DEVELOPMENT OF STANDARDS FOR STATE  
21 REPORTS.—Section 101(b)(11) of the Uniformed  
22 and Overseas Citizens Absentee Voting Act (42  
23 U.S.C. 1973ff(b)(11)) is amended by striking “the  
24 Election Assistance Commission” and inserting “the  
25 Federal Election Commission”.

1           (2) RECEIPT OF REPORTS ON NUMBER OF AB-  
2           SENTEE BALLOTS TRANSMITTED AND RECEIVED.—  
3           Section 102(c) of such Act (42 U.S.C. 1973ff–1(c))  
4           is amended by striking “the Election Assistance  
5           Commission (established under the Help America  
6           Vote Act of 2002)” and inserting “the Federal Elec-  
7           tion Commission”.

8           (d) ELECTRONIC VOTING DEMONSTRATION  
9           PROJECTS FOR SECRETARY OF DEFENSE.—Section  
10          1604(a)(2) of the National Defense Authorization Act for  
11          Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277;  
12          42 U.S.C. 1977ff note) is amended by striking “the Elec-  
13          tion Assistance Commission” and inserting “the Federal  
14          Election Commission”.

15          (e) TECHNOLOGY PILOT PROGRAM FOR ABSENT  
16          MILITARY AND OVERSEAS VOTERS.—Section 589(e)(1) of  
17          the Military and Overseas Voter Empowerment Act (42  
18          U.S.C. 1973ff–7(e)(1)) is amended by striking “Election  
19          Assistance Commission” and inserting “Federal Election  
20          Commission”.

21          (f) EFFECTIVE DATE.—The amendments made by  
22          this section shall take effect on the Commission termi-  
23          nation date described in section 1004 of the Help America  
24          Vote Act of 2002 (as added by section 201(a)).

1 **SEC. 205. OTHER CONFORMING AMENDMENTS RELATING**  
2 **TO TERMINATION.**

3 (a) HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title  
4 5, United States Code, is amended by striking “or the  
5 Election Assistance Commission”.

6 (b) SENIOR EXECUTIVE SERVICE.—Section  
7 3132(a)(1)(C) of title 5, United States Code, is amended  
8 by striking “or the Election Assistance Commission”.

9 (c) INSPECTOR GENERAL ACT OF 1978.—Section  
10 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C.  
11 App.) is amended by striking “the Election Assistance  
12 Commission,”.

13 (d) EFFECTIVE DATE.—The amendments made by  
14 this section shall take effect on the Commission termi-  
15 nation date described in section 1004 of the Help America  
16 Vote Act of 2002 (as added by section 201(a)).

17 **SEC. 206. STUDIES.**

18 (a) PROCEDURES FOR ADOPTION AND MODIFICATION  
19 OF VOLUNTARY VOTING SYSTEM GUIDELINES.—

20 (1) STUDY.—The Comptroller General shall  
21 conduct a study of the procedures used to adopt and  
22 modify the voluntary voting system guidelines appli-  
23 cable to the administration of elections for Federal  
24 office, and shall develop recommendations on meth-  
25 ods to improve such procedures, taking into account  
26 the needs of persons affected by such guidelines, in-

1 including State and local election officials, voters with  
2 disabilities, absent military and overseas voters, and  
3 the manufacturers of voting systems.

4 (2) REPORT.—Not later than 2 years after the  
5 date of the enactment of this Act, the Comptroller  
6 General shall submit a report to Congress on the  
7 study conducted under paragraph (1), and shall in-  
8 clude in the report the recommendations developed  
9 under such paragraph.

10 (b) PROCEDURES FOR VOTING SYSTEM TESTING AND  
11 CERTIFICATION.—

12 (1) STUDY.—The Federal Election Commission  
13 shall conduct a study of the procedures for the test-  
14 ing, certification, decertification, and recertification  
15 of voting system hardware and software used in elec-  
16 tions for Federal office, and shall develop a rec-  
17 ommendation on the entity that is best suited to  
18 oversee and carry out such procedures, taking into  
19 consideration the needs of persons affected by such  
20 procedures, including State and local election offi-  
21 cials, voters with disabilities, absent military and  
22 overseas voters, and the manufacturers of voting  
23 systems.

24 (2) REPORT.—Not later than 2 years after the  
25 date of the enactment of this Act, the Federal Elec-

1       tion Commission shall submit a report to Congress  
2       on the study conducted under paragraph (1), and  
3       shall include in the report the recommendation de-  
4       veloped under such paragraph.

Passed the House of Representatives December 1,  
2011.

Attest:

KAREN L. HAAS,  
*Clerk.*