

112TH CONGRESS
2D SESSION

S. 3635

To provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2012

Mr. COONS (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Louis L. Redding Fair,
5 Accurate, Secure, and Timely Voting Act of 2012” or the
6 “FAST Voting Act of 2012”.

1 **SEC. 2. INCENTIVES FOR STATES TO INVEST IN PRACTICES**
2 **AND TECHNOLOGY THAT ARE DESIGNED TO**
3 **EXPEDITE VOTING AT THE POLLS AND SIM-**
4 **PLIFY VOTER REGISTRATION.**

5 (a) **PURPOSES.**—The purposes of this section are
6 to—

7 (1) provide incentives for States to invest in
8 practices and technology that are designed to expe-
9 dite voting at the polls; and

10 (2) provide incentives for States to simplify
11 voter registration.

12 (b) **RESERVATION OF FUNDS.**—From the amount
13 made available to carry out this section for a fiscal year,
14 the Attorney General may reserve not more than 10 per-
15 cent of such amount to carry out activities related to—

16 (1) technical assistance; and

17 (2) outreach and dissemination.

18 (c) **PROGRAM AUTHORIZED.**—

19 (1) **IN GENERAL.**—From the amounts made
20 available under subsection (h) for a fiscal year and
21 not reserved under subsection (b), the Attorney Gen-
22 eral shall award grants, on a competitive basis, to
23 States in accordance with subsection (d)(2), to en-
24 able the States to carry out the purposes of this sec-
25 tion.

1 (2) NUMBER OF GRANTS.—A State may not re-
2 ceive more than 1 grant under this section per grant
3 period.

4 (3) DURATION OF GRANTS.—

5 (A) IN GENERAL.—A grant under this sec-
6 tion shall be awarded for a period of not more
7 than 4 years.

8 (B) CONTINUATION OF GRANTS.—A State
9 that is awarded a grant under this section shall
10 not receive grant funds under this section for
11 the second or any subsequent year of the grant
12 unless the State demonstrates to the Attorney
13 General, at such time and in such manner as
14 determined by the Attorney General, that the
15 State is—

16 (i) making progress in implementing
17 the plan under subsection (d)(1)(C) at a
18 rate that the Attorney General determines
19 will result in the State fully implementing
20 such plan during the remainder of the
21 grant period; or

22 (ii) making progress against the per-
23 formance measures set forth in subsection
24 (e) at a rate that the Attorney General de-
25 termines will result in the State reaching

1 its targets and achieving the objectives of
2 the grant during the remainder of the
3 grant period.

4 (d) APPLICATIONS.—

5 (1) APPLICATIONS.—Each State that desires to
6 receive a grant under this section shall submit an
7 application to the Attorney General at such time, in
8 such manner, and containing such information as
9 the Attorney General may reasonably require. At a
10 minimum, each such application shall include—

11 (A) documentation of the applicant's
12 record, as applicable—

13 (i) in providing various voter registra-
14 tion opportunities;

15 (ii) in providing early voting;

16 (iii) in providing absentee voting;

17 (iv) in providing assistance to voters
18 who do not speak English as a primary
19 language;

20 (v) in providing assistance to voters
21 with disabilities;

22 (vi) in providing effective access to
23 voting for members of the armed services;

24 (vii) in providing formal training of
25 election officials;

1 (viii) in auditing or otherwise docu-
2 menting waiting times at polling stations;

3 (ix) in allocating polling locations,
4 equipment, and staff to match population
5 distribution;

6 (x) in responding to voting irregular-
7 ities and concerns raised at polling sta-
8 tions;

9 (xi) in creating and adhering to con-
10 tingency voting plans in the event of a nat-
11 ural or other disaster; and

12 (xii) with respect to any other per-
13 formance measure described in subsection
14 (e) that is not included in clauses (i)
15 through (xi);

16 (B) evidence of conditions of innovation
17 and reform that the applicant has established
18 and the applicant's proposed plan for imple-
19 menting additional conditions for innovation
20 and reform, including—

21 (i) a description of how the applicant
22 has identified and eliminated ineffective
23 practices in the past and the applicant's
24 plan for doing so in the future;

1 (ii) a description of how the applicant
2 has identified and promoted effective prac-
3 tices in the past and the applicant's plan
4 for doing so in the future; and

5 (iii) steps the applicant has taken and
6 will take to eliminate statutory, regulatory,
7 procedural, or other barriers and to facili-
8 tate the full implementation of the pro-
9 posed plan under this subparagraph;

10 (C) a comprehensive and coherent plan for
11 using funds under this section, and other Fed-
12 eral, State, and local funds, to improve the ap-
13 plicant's performance on the measures de-
14 scribed in subsection (e), consistent with cri-
15 teria set forth by the Attorney General, includ-
16 ing how the applicant will, if applicable—

17 (i) provide flexible registration oppor-
18 tunities, including online and same-day
19 registration and registration updating;

20 (ii) provide early voting, at a min-
21 imum of 9 of the 10 calendar days pre-
22 ceding an election, at sufficient and flexible
23 hours;

24 (iii) provide absentee voting, including
25 no-excuse absentee voting;

- 1 (iv) provide assistance to voters who
2 do not speak English as a primary lan-
3 guage;
- 4 (v) provide assistance to voters with
5 disabilities, including visual impairment;
- 6 (vi) provide effective access to voting
7 for members of the armed services;
- 8 (vii) provide formal training of elec-
9 tion officials, including State and county
10 administrators and volunteers;
- 11 (viii) audit and reduce waiting times
12 at polling stations;
- 13 (ix) allocate polling locations, equip-
14 ment, and staff to match population dis-
15 tribution;
- 16 (x) respond to any reports of voting
17 irregularities or concerns raised at the poll-
18 ing station;
- 19 (xi) create contingency voting plans in
20 the event of a natural or other disaster;
21 and
- 22 (xii) improve the wait times at the
23 persistently poorest performing polling sta-
24 tions within the jurisdiction of the appli-
25 cant;

1 (D) evidence of collaboration between the
 2 State, local election officials, and other stake-
 3 holders, in developing the plan described in sub-
 4 paragraph (C), including evidence of the com-
 5 mitment and capacity to implement the plan;

6 (E) the applicant's annual performance
 7 measures and targets, consistent with the re-
 8 quirements of subsection (e); and

9 (F) a description of the applicant's plan to
 10 conduct a rigorous evaluation of the effective-
 11 ness of activities carried out with funds under
 12 this section.

13 (2) CRITERIA FOR EVALUATING APPLICA-
 14 TIONS.—

15 (A) AWARD BASIS.—The Attorney General
 16 shall award grants under this section on a com-
 17 petitive basis, based on the quality of the appli-
 18 cations submitted under paragraph (1), includ-
 19 ing—

20 (i) each applicant's record in the
 21 areas described in paragraph (1)(A);

22 (ii) each applicant's record of, and
 23 commitment to, establishing conditions for
 24 innovation and reform, as described in
 25 paragraph (1)(B);

1 (iii) the quality and likelihood of suc-
2 cess of each applicant's plan described in
3 paragraph (1)(C) in showing improvement
4 in the areas described in paragraph (1)(A),
5 including each applicant's capacity to im-
6 plement the plan and evidence of collabora-
7 tion as described in paragraph (1)(D); and
8 (iv) each applicant's evaluation plan
9 as described in paragraph (1)(F).

10 (B) EXPLANATION.—The Attorney General
11 shall publish an explanation of how the applica-
12 tion review process under this paragraph will
13 ensure an equitable and objective evaluation
14 based on the criteria described in subparagraph
15 (A).

16 (e) PERFORMANCE MEASURES.—Each State receiv-
17 ing a grant under this section shall establish performance
18 measures and targets, approved by the Attorney General,
19 for the programs and activities carried out under this sec-
20 tion. These measures shall, at a minimum, track the
21 State's progress—

22 (1) in implementing its plan described in sub-
23 section (d)(1)(C);

24 (2) in expediting voting at the polls or simpli-
25 fying voter registration, as applicable; and

1 (3) on any other measures identified by the At-
2 torney General.

3 (f) USES OF FUNDS.—Each State that receives a
4 grant under this section shall use the grant funds for any
5 purpose included in the State’s plan under subsection
6 (d)(1)(C).

7 (g) REPORTING.—A State that receives a grant under
8 this section shall submit to the Attorney General, at such
9 time and in such manner as the Attorney General may
10 require, an annual report including—

11 (1) data on the State’s progress in achieving
12 the targets for the performance measures established
13 under subsection (e);

14 (2) a description of the challenges the State has
15 faced in implementing its program and how it has
16 addressed or plans to address those challenges; and

17 (3) findings from the evaluation plan as de-
18 scribed in subsection (d)(1)(F).

19 (h) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated such sums as may be
21 necessary to carry out this section.

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