

113TH CONGRESS  
2D SESSION

# S. 2865

To amend the National Voter Registration Act of 1993 to provide for voter registration through the Internet, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2014

Mrs. GILLIBRAND (for herself, Mr. MERKLEY, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To amend the National Voter Registration Act of 1993 to provide for voter registration through the Internet, 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.**

4 This Act may be cited as the “Voter Registration  
5 Modernization Act”.

6 **SEC. 2. REQUIRING AVAILABILITY OF INTERNET FOR**  
7 **VOTER REGISTRATION.**

8 (a) REQUIRING AVAILABILITY OF INTERNET FOR  
9 REGISTRATION.—The National Voter Registration Act of

1 1993 (52 U.S.C. 20501 et seq.) is amended by inserting  
2 after section 6 the following new section:

3 **“SEC. 6A. INTERNET REGISTRATION.**

4 “(a) REQUIRING AVAILABILITY OF INTERNET FOR  
5 ONLINE REGISTRATION.—

6 “(1) AVAILABILITY OF ONLINE REGISTRA-  
7 TION.—Each State, acting through the chief State  
8 election official, shall ensure that the following serv-  
9 ices are available to the public at any time on the  
10 official public websites of the appropriate State and  
11 local election officials in the State, in the same man-  
12 ner and subject to the same terms and conditions as  
13 the services provided by voter registration agencies  
14 under section 7(a):

15 “(A) Online application for voter registra-  
16 tion.

17 “(B) Online assistance to applicants in ap-  
18 plying to register to vote.

19 “(C) Online completion and submission by  
20 applicants of the mail voter registration applica-  
21 tion form prescribed by the Election Assistance  
22 Commission pursuant to section 9(a)(2), includ-  
23 ing assistance with providing a signature in  
24 electronic form as required under subsection  
25 (c).

1                   “(D) Online receipt of completed voter reg-  
2                   istration applications.

3           “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—

4 A State shall accept an online voter registration applica-  
5 tion provided by an individual under this section, and en-  
6 sure that the individual is registered to vote in the State,  
7 if—

8                   “(1) the individual meets the same voter reg-  
9                   istration requirements applicable to individuals who  
10                  register to vote by mail in accordance with section  
11                  6(a)(1) using the mail voter registration application  
12                  form prescribed by the Election Assistance Commis-  
13                  sion pursuant to section 9(a)(2); and

14                  “(2)(A) in the case of an individual who has a  
15                  signature on file with the State motor vehicle au-  
16                  thority, the information provided in the application  
17                  matches the records of such State motor vehicle au-  
18                  thority; and

19                  “(B) in any other case, the individual provides  
20                  a signature in electronic form in accordance with  
21                  subsection (c).

22           “(c) SIGNATURES IN ELECTRONIC FORM.—For pur-  
23 poses of this section, an individual provides a signature  
24 in electronic form by—

1           “(1) executing a computerized mark in the sig-  
2           nature field on an online voter registration applica-  
3           tion; or

4           “(2) submitting with the application an elec-  
5           tronic copy of the individual’s handwritten signature  
6           through electronic means.

7           “(d) PROVISION OF SERVICES IN NONPARTISAN  
8 MANNER.—The services made available under subsection  
9 (a) shall be provided in a manner that ensures that, con-  
10 sistent with section 7(a)(5)—

11           “(1) the online application does not seek to in-  
12           fluence an applicant’s political preference or party  
13           registration; and

14           “(2) there is no display on the website pro-  
15           moting any political preference or party allegiance,  
16           except that nothing in this paragraph may be con-  
17           strued to prohibit an applicant from registering to  
18           vote as a member of a political party.

19           “(e) PROTECTION OF SECURITY OF INFORMATION.—  
20 In meeting the requirements of this section, the State shall  
21 establish appropriate technological security measures to  
22 prevent to the greatest extent practicable any unauthor-  
23 ized access to information provided by individuals using  
24 the services made available under subsection (a).

1       “(f) NONDISCRIMINATION AMONG REGISTERED VOT-  
2   ERS USING MAIL AND ONLINE REGISTRATION.—In car-  
3   rying out this Act, the Help America Vote Act of 2002,  
4   or any other Federal, State, or local law governing the  
5   treatment of registered voters in the State or the adminis-  
6   tration of elections for public office in the State, a State  
7   shall treat a registered voter who registered to vote online  
8   in accordance with this section in the same manner as the  
9   State treats a registered voter who registered to vote by  
10  mail.

11       “(g) ACCESSIBILITY OF ONLINE REGISTRATION.—  
12  The services provided under subsection (a) shall be pro-  
13  vided in a manner that is accessible to individuals with  
14  disabilities, including those that are blind and visually im-  
15  paired, in a manner that provides the same opportunity  
16  for access and participation (including privacy and inde-  
17  pendence) as for other voters.”.

18       (b) TREATMENT AS INDIVIDUALS REGISTERING TO  
19  VOTE BY MAIL FOR PURPOSES OF FIRST-TIME VOTER  
20  IDENTIFICATION REQUIREMENTS.—Section 303(b)(1)(A)  
21  of the Help America Vote Act of 2002 (52 U.S.C.  
22  21083(b)(1)(A)) is amended by striking “by mail” and in-  
23  serting “by mail or online under section 6A of the Na-  
24  tional Voter Registration Act of 1993”.

25       (c) CONFORMING AMENDMENTS.—

1 (1) TIMING OF REGISTRATION.—Section 8(a)(1)  
2 of the National Voter Registration Act of 1993 (52  
3 U.S.C. 20507(a)(1)) is amended—

4 (A) by striking “and” at the end of sub-  
5 paragraph (C);

6 (B) by redesignating subparagraph (D) as  
7 subparagraph (E); and

8 (C) by inserting after subparagraph (C)  
9 the following new subparagraph:

10 “(D) in the case of online registration  
11 through the official public website of an election  
12 official under section 6A, if the valid voter reg-  
13 istration application is submitted online not  
14 later than the lesser of 30 days, or the period  
15 provided by State law, before the date of the  
16 election (as determined by treating the date on  
17 which the application is sent electronically as  
18 the date on which it is submitted); and”.

19 (2) INFORMING APPLICANTS OF ELIGIBILITY  
20 REQUIREMENTS AND PENALTIES.—Section 8(a)(5)  
21 of such Act (52 U.S.C. 20507(a)(5)) is amended by  
22 striking “and 7” and inserting “6A, and 7”.

23 **SEC. 3. USE OF INTERNET TO UPDATE REGISTRATION IN-**  
24 **FORMATION.**

25 (a) IN GENERAL.—

1           (1) UPDATES TO INFORMATION CONTAINED ON  
2           COMPUTERIZED STATEWIDE VOTER REGISTRATION  
3           LIST.—Section 303(a) of the Help America Vote Act  
4           of 2002 (52 U.S.C. 21083(a)) is amended by adding  
5           at the end the following new paragraph:

6           “(6) USE OF INTERNET BY REGISTERED VOT-  
7           ERS TO UPDATE INFORMATION.—

8           “(A) IN GENERAL.—The appropriate State  
9           or local election official shall ensure that any  
10          registered voter on the computerized list may at  
11          any time update the voter’s registration infor-  
12          mation, including the voter’s address and elec-  
13          tronic mail address, online through the official  
14          public website of the election official responsible  
15          for the maintenance of the list, so long as the  
16          voter attests to the contents of the update by  
17          providing a signature in electronic form in the  
18          same manner required under section 6A(c) of  
19          the National Voter Registration Act of 1993.

20          “(B) PROCESSING OF UPDATED INFORMA-  
21          TION BY ELECTION OFFICIALS.—If a registered  
22          voter updates registration information under  
23          subparagraph (A), the appropriate State or  
24          local election official shall—

1           “(i) revise any information on the  
2           computerized list to reflect the update  
3           made by the voter; and

4           “(ii) if the updated registration infor-  
5           mation affects the voter’s eligibility to vote  
6           in an election for Federal office, ensure  
7           that the information is processed with re-  
8           spect to the election if the voter updates  
9           the information not later than the lesser of  
10          30 days, or the period provided by State  
11          law, before the date of the election.”.

12           (2) CONFORMING AMENDMENT RELATING TO  
13          EFFECTIVE DATE.—Section 303(d)(1)(A) of such  
14          Act (52 U.S.C. 21083(d)(1)(A)) is amended by  
15          striking “subparagraph (B)” and inserting “sub-  
16          paragraph (B) and subsection (a)(6)”.

17          (b) ABILITY OF REGISTRANT TO USE ONLINE UP-  
18          DATE TO PROVIDE INFORMATION ON RESIDENCE.—Sec-  
19          tion 8(d)(2)(A) of the National Voter Registration Act of  
20          1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

21           (1) in the first sentence, by inserting after “re-  
22          turn the card” the following: “or update the reg-  
23          istrant’s information on the computerized Statewide  
24          voter registration list using the online method pro-



1 vided under section 303(a)(6) of the Help America  
2 Vote Act of 2002”; and

3 (2) in the second sentence, by striking “re-  
4 turned,” and inserting the following: “returned or if  
5 the registrant does not update the registrant’s infor-  
6 mation on the computerized Statewide voter reg-  
7 istration list using such online method,”.

8 **SEC. 4. STUDY ON BEST PRACTICES FOR INTERNET REG-**  
9 **ISTRATION.**

10 (a) IN GENERAL.—The Director of the National In-  
11 stitute of Standards and Technology shall conduct an on-  
12 going study on best practices for implementing the re-  
13 quirements for Internet registration under section 6A of  
14 the National Voter Registration Act of 1993 (as added  
15 by section 2) and the requirement to permit voters to up-  
16 date voter registration information online under section  
17 303(a)(6) of the Help America Vote Act of 2002 (as added  
18 by section 3) in a fully accessible manner.

19 (b) REPORT.—

20 (1) IN GENERAL.—Not later than 4 months  
21 after the date of the enactment of this Act, the Di-  
22 rector of the National Institute of Standards and  
23 Technology shall make publicly available a report on  
24 the study conducted under subsection (a).

1           (2) QUADRENNIAL UPDATE.—The Director of  
2           the National Institute of Standards and Technology  
3           shall review and update the report made under para-  
4           graph (1).

5           (c) USE OF BEST PRACTICES IN EAC VOLUNTARY  
6 GUIDANCE.—Subsection (a) of section 311 of the Help  
7 America Vote Act of 2002 (52 U.S.C. 21101(a)) is amend-  
8 ed by adding at the end the following new sentence: “Such  
9 voluntary guidance shall utilize the best practices devel-  
10 oped by the Director of the National Institute of Stand-  
11 ards and Technology under section 4 of the Voter Reg-  
12 istration Modernization Act for the use of the Internet in  
13 voter registration.”.

14 **SEC. 5. PROVISION OF ELECTION INFORMATION BY ELEC-**  
15 **TRONIC MAIL TO INDIVIDUALS REGISTERED**  
16 **TO VOTE.**

17           (a) INCLUDING OPTION ON VOTER REGISTRATION  
18 APPLICATION TO PROVIDE E-MAIL ADDRESS AND RE-  
19 CEIVE INFORMATION.—

20           (1) IN GENERAL.—Section 9(b) of the National  
21 Voter Registration Act of 1993 (52 U.S.C.  
22 20508(b)) is amended—

23                   (A) by striking “and” at the end of para-  
24 graph (3);

1 (B) by striking the period at the end of  
2 paragraph (4) and inserting “; and”; and

3 (C) by adding at the end the following new  
4 paragraph:

5 “(5) shall include a space for the applicant to  
6 provide (at the applicant’s option) an electronic mail  
7 address, together with a statement that, if the appli-  
8 cant so requests, instead of using regular mail the  
9 appropriate State and local election officials shall  
10 provide to the applicant, through electronic mail sent  
11 to that address, the same voting information (as de-  
12 fined in section 302(b)(2) of the Help America Vote  
13 Act of 2002) which the officials would provide to the  
14 applicant through regular mail.”.

15 (2) PROHIBITING USE FOR PURPOSES UNRE-  
16 LATED TO OFFICIAL DUTIES OF ELECTION OFFI-  
17 CIALS.—Section 9 of such Act (52 U.S.C. 20508) is  
18 amended by adding at the end the following new  
19 subsection:

20 “(c) PROHIBITING USE OF ELECTRONIC MAIL AD-  
21 DRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The  
22 chief State election official shall ensure that any electronic  
23 mail address provided by an applicant under subsection  
24 (b)(5) is used only for purposes of carrying out official  
25 duties of election officials and is not transmitted by any

1 State or local election official (or any agent of such an  
2 official, including a contractor) to any person who does  
3 not require the address to carry out such official duties  
4 and who is not under the direct supervision and control  
5 of a State or local election official.”.

6 (b) REQUIRING PROVISION OF INFORMATION BY  
7 ELECTION OFFICIALS.—Section 302(b) of the Help Amer-  
8 ica Vote Act of 2002 (52 U.S.C. 21082(b)) is amended  
9 by adding at the end the following new paragraph:

10 “(3) PROVISION OF OTHER INFORMATION BY  
11 ELECTRONIC MAIL.—If an individual who is a reg-  
12 istered voter has provided the State or local election  
13 official with an electronic mail address for the pur-  
14 pose of receiving voting information (as described in  
15 section 9(b)(5) of the National Voter Registration  
16 Act of 1993), the appropriate State or local election  
17 official, through electronic mail transmitted not later  
18 than 30 days before the date of the election involved,  
19 shall provide the individual with information on how  
20 to obtain the following information by electronic  
21 means:

22 “(A) The name and address of the polling  
23 place at which the individual is assigned to vote  
24 in the election.

1           “(B) The hours of operation for the polling  
2           place.

3           “(C) A description of any identification or  
4           other information the individual may be re-  
5           quired to present at the polling place.”.

6 **SEC. 6. CLARIFICATION OF REQUIREMENT REGARDING**  
7           **NECESSARY INFORMATION TO SHOW ELIGI-**  
8           **BILITY TO VOTE.**

9           Section 8 of the National Voter Registration Act of  
10          1993 (52 U.S.C. 20507) is amended—

11           (1) by redesignating subsection (j) as sub-  
12          section (k); and

13           (2) by inserting after subsection (i) the fol-  
14          lowing new subsection:

15          “(j) REQUIREMENT FOR STATE TO REGISTER APPLI-  
16          CANTS PROVIDING NECESSARY INFORMATION TO SHOW  
17          ELIGIBILITY TO VOTE.—For purposes meeting the re-  
18          quirement of subsection (a)(1) that an eligible applicant  
19          is registered to vote in an election for Federal office within  
20          the deadlines required under such subsection, the State  
21          shall consider an applicant to have provided a ‘valid voter  
22          registration form’ if—

23           “(1) the applicant has accurately completed the  
24          application form and attested to the statement re-  
25          quired by section 9(b)(2); and

1           “(2) in the case of an applicant who registers  
2           to vote online in accordance with section 6A, the ap-  
3           plicant provides a signature in accordance with sub-  
4           section (c) of such section.”.

5 **SEC. 7. IMPLEMENTATION PAYMENTS.**

6           (a) IN GENERAL.—The Election Assistance Commis-  
7           sion shall make an implementation payment each year in  
8           an amount determined under subsection (c) to each State.

9           (b) USE OF FUNDS.—

10           (1) IN GENERAL.—Except as provided in para-  
11           graph (2), a State receiving a payment under sub-  
12           section (a) shall use the payment only to meet the  
13           requirements of this Act.

14           (2) OTHER ACTIVITIES.—A State may use im-  
15           plementation payments to carry out other activities  
16           to improve the administration of elections for Fed-  
17           eral office if the State certifies to the Commission  
18           that—

19                   (A) the State has implemented the require-  
20                   ments of this Act; and

21                   (B) the amount expended with respect to  
22                   such other activities does not exceed the an  
23                   amount equal to the minimum payment amount  
24                   applicable to the State under subsection (c)(3).

1           (3) LIMITATION.—Rules similar to the rules of  
2 section 251(f) of the Help America Vote Act of 2002  
3 (52 U.S.C. 21001(f)) shall apply for purposes of this  
4 section.

5 (c) ALLOCATION OF FUNDS.—

6           (1) IN GENERAL.—Subject to paragraph (3),  
7 the amount of an implementation payment made to  
8 a State for any year shall be equal to—

9                   (A) the total amount appropriated for im-  
10 plementation payments for the year pursuant to  
11 the authorization under subsection (d); and

12                   (B) the State allocation percentage for the  
13 State.

14           (2) STATE ALLOCATION PERCENTAGE.—The  
15 term “State allocation percentage” has the same  
16 meaning as given such term under section 252(b) of  
17 the Help America Vote Act of 2002 (52 U.S.C.  
18 21002(b)).

19           (3) MINIMUM AMOUNT OF PAYMENT; OTHER  
20 RULES.—Rules similar to the rules of subsections  
21 (c), (d), and (e) of section 252 of such Act (52  
22 U.S.C. 21002) shall apply for purposes of this sub-  
23 section.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—

1           (1) IN GENERAL.—There are authorized to be  
2           appropriated for implementation payments under  
3           this section \$15,000,000 for fiscal year 2015.

4           (2) AVAILABILITY.—Any amounts appropriated  
5           pursuant to the authority of paragraph (1) shall re-  
6           main available without fiscal year limitation until ex-  
7           pended.

8           (e) REPORTS.—Not later than April 1, 2017, each  
9           State which received an implementation payment under  
10          this section shall submit a report to the Commission on  
11          the activities conducted with funds provided under this  
12          section.

13   **SEC. 8. EFFECTIVE DATE.**

14          (a) IN GENERAL.—Except as provided in subsection  
15          (b), the amendments made by this Act (other than the  
16          amendments made by section 5) shall take effect January  
17          1, 2016.

18          (b) WAIVER.—If a State certifies to the Election As-  
19          sistance Commission not later than January 1, 2016, that  
20          the State will not meet the deadline referred to in sub-  
21          section (a) for good cause and includes in the certification  
22          the reasons for the failure to meet such deadline, sub-  
23          section (a) shall apply to the State as if the reference in



1 such subsection to “January 1, 2016” were a reference  
2 to “January 1, 2018”.

○