

115TH CONGRESS
1ST SESSION

S. 2106

To require States to automatically register eligible voters at the time they turn 18 to vote in Federal elections, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2017

Ms. KLOBUCHAR (for herself, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. MARKEY, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To require States to automatically register eligible voters at the time they turn 18 to vote in Federal elections, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Register America to
5 Vote Act”.

6 **SEC. 2. PURPOSE.**

7 The purposes of this Act are—

8 (1) to require every State to develop and imple-
9 ment a system to ensure that every eligible person

1 is automatically registered to vote when they turn 18
2 years old; and

3 (2) to protect the right to vote by allowing vot-
4 ers who are automatically registered or had pre-
5 viously registered in a State to update their address
6 through the day of the election.

7 **SEC. 3. AUTOMATIC VOTER REGISTRATION.**

8 (a) REQUIREMENT.—

9 (1) IN GENERAL.—Not later than November 6,
10 2018, the chief State election official of each State
11 shall establish and operate a system of automatic
12 registration for the registration of any eligible indi-
13 vidual at the time the individual turns 18 to vote for
14 elections for Federal office in the State.

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

21 (3) LIMITS ON USE OF AUTOMATIC REGISTRA-
22 TION.—The registration of any individual under this
23 subsection, and any action by an individual to opt-
24 out of such automatic registration, may not be used

1 as evidence against that individual in any State or
 2 Federal law enforcement proceeding.

3 (b) SAME DAY REGISTRATION.—

4 (1) IN GENERAL.—Notwithstanding section
 5 8(a)(1)(D) of the National Voter Registration Act of
 6 1993 (42 U.S.C. 1973gg–6), each noncomplying
 7 State shall permit any eligible individual on the day
 8 of a Federal election—

9 (A) to register to vote in such election at
 10 the polling place using a form that meets the
 11 requirements under section 9(b) of the National
 12 Voter Registration Act of 1993 (52 U.S.C.
 13 20509(b)); and

14 (B) to cast a vote in such election.

15 (2) NONCOMPLYING STATE.—For purposes of
 16 paragraph (1), the term “noncomplying State”
 17 means, with respect to any Federal election occur-
 18 ring on or after November 6, 2018, any State which
 19 is required to meet the requirements of subsection
 20 (a) and which does not have a system described in
 21 subsection (a) established and operated before the
 22 date of such Federal election.

23 (c) AUTOMATIC VOTER REGISTRATION GRANTS.—

1 (1) IN GENERAL.—The Commission shall make
2 a payment in an amount determined under para-
3 graph (3) to each State.

4 (2) USE OF FUNDS.—A State receiving a pay-
5 ment under this subsection shall use the payment—

6 (A) to implement automatic voter registra-
7 tion in accordance with subsection (a); and

8 (B) to improve election security systems
9 related to voter registration.

10 (3) ALLOCATION OF FUNDS.—

11 (A) IN GENERAL.—Subject to subpara-
12 graph (C), the amount of a payment made to
13 a State under this subsection shall be equal to
14 the product of—

15 (i) the total amount appropriated for
16 payments pursuant to the authorization
17 under paragraph (4); and

18 (ii) the State allocation percentage for
19 the State (as determined under subpara-
20 graph (B)).

21 (B) STATE ALLOCATION PERCENTAGE DE-
22 FINED.—The “State allocation percentage” for
23 a State is the amount (expressed as a percent-
24 age) equal to the quotient of—

1 (i) the voting age population of the
2 State (as reported in the most recent de-
3 cennial census); and

4 (ii) the total voting age population of
5 all States (as reported in the most recent
6 decennial census).

7 (C) MINIMUM AMOUNT OF PAYMENT.—The
8 amount of a payment made to a State under
9 this subsection may not be less than one-half of
10 1 percent of the total amount appropriated for
11 payments under this subsection under para-
12 graph (4).

13 (D) PRO RATA REDUCTIONS.—The Com-
14 mission shall make such pro rata reductions to
15 the allocations determined under subparagraph
16 (A) as are necessary to comply with the require-
17 ments of subparagraph (C).

18 (E) CONTINUING AVAILABILITY OF FUNDS
19 AFTER APPROPRIATION.—A payment to a State
20 under this subsection shall be available to the
21 State without fiscal year limitation.

22 (4) AUTHORIZATION OF APPROPRIATIONS.—

23 (A) IN GENERAL.—There are authorized to
24 be appropriated \$325,000,000 for payments
25 under this subsection.

1 (B) AVAILABILITY.—Any amounts appro-
2 priated pursuant to the authority of subpara-
3 graph (A) shall remain available without fiscal
4 year limitation until expended.

5 (d) ENFORCEMENT.—Section 11 of the National
6 Voter Registration Act of 1993 (52 U.S.C. 20510), relat-
7 ing to civil enforcement and the availability of private
8 rights of action, shall apply with respect to subsections
9 (a) and (b) in the same manner as such section applies
10 to such Act.

11 (e) RELATION TO OTHER LAWS.—Except as pro-
12 vided, nothing in this Act may be construed to authorize
13 or require conduct prohibited under, or to supersede, re-
14 strict, or limit the application of any of the following:

15 (1) The Voting Rights Act of 1965 (52 U.S.C.
16 10301 et seq.).

17 (2) The Uniformed and Overseas Citizens Ab-
18 sentee Voting Act (52 U.S.C. 20301 et seq.).

19 (3) The National Voter Registration Act of
20 1993 (52 U.S.C. 20501 et seq.).

21 (4) The Help America Vote Act of 2002 (52
22 U.S.C. 20901 et seq.).

23 (f) DEFINITIONS.—In this Act, the following defini-
24 tions apply:

1 (1) CHIEF STATE ELECTION OFFICIAL.—The
 2 term “chief State election official” means, with re-
 3 spect to a State, the individual designated by the
 4 State under section 10 of the National Voter Reg-
 5 istration Act of 1993 (52 U.S.C. 20509) to be re-
 6 sponsible for coordination of the State’s responsibil-
 7 ities under such Act.

8 (2) COMMISSION.—The term “Commission”
 9 means the Election Assistance Commission.

10 (3) ELECTION.—The term “election” has the
 11 meaning given such term under section 301(1) of
 12 the Federal Election Campaign Act of 1971.

13 (4) FEDERAL OFFICE.—The term “Federal of-
 14 fice” has the meaning given such term under section
 15 301(3) of the Federal Election Campaign Act of
 16 1971.

17 (5) STATE.—The term “State” means each of
 18 the several States and the District of Columbia.

19 **SEC. 4. STATE REGISTRATION PORTABILITY.**

20 (a) IN GENERAL.—Section 8(e) of the National Voter
 21 Registration Act of 1993 (52 U.S.C. 20507(e)) is amend-
 22 ed to read as follows:

23 “(e) PROCEDURE FOR VOTING FOLLOWING FAILURE
 24 TO RETURN CARD.—Notwithstanding failure to notify the
 25 registrar of the change of address prior to the date of an

1 election, a registrant who has moved from an address in
2 the State to an address in the same State shall, upon oral
3 or written affirmation by the registrant of the change of
4 address before an election official, be permitted to vote
5 (at the option of the voter)—

6 “(1) at the polling place of the registrant’s cur-
7 rent address; or

8 “(2) at a central location within the same reg-
9 istrar’s jurisdiction.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 this section shall take effect on January 1, 2019.

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