

116TH CONGRESS
2D SESSION

H. R. 7755

To amend the Help America Vote Act of 2002 to increase voting accessibility for individuals with disabilities and older individuals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2020

Ms. SCANLON (for herself and Mr. RASKIN) introduced the following bill;
which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to increase voting accessibility for individuals with disabilities and older individuals, 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 “Accessible Voting Act of 2020”.

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; purpose.

TITLE I—ELECTION ASSISTANCE COMMISSION OFFICE OF
ACCESSIBILITY

- Sec. 101. Establishment of the Election Assistance Commission Office of Accessibility.
- Sec. 102. National Resource Center on Accessible Voting.
- Sec. 103. Establishment of national voter accessibility website.

TITLE II—STATE REQUIREMENTS AND PAYMENTS

- Sec. 201. Establishment and maintenance of State accessible election websites.
- Sec. 202. Designation of single State office.
- Sec. 203. Transparency regarding changes.
- Sec. 204. Access to absentee registration procedures and no-excuse absentee voting for all voters.
- Sec. 205. Protections for in-person voting for individuals with disabilities and older individuals.
- Sec. 206. Protections for individuals subject to guardianship.
- Sec. 207. Payments to States for implementation of accessibility requirements.
- Sec. 208. Technical and conforming amendments relating to issuance of voluntary guidance and enforcement.

TITLE III—FEDERAL ASSISTANCE

- Sec. 301. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities and older individuals.
- Sec. 302. Appointments to EAC Board of Advisors.
- Sec. 303. Removal of limitation on use of funds for participation of protection and advocacy systems in litigation related to election-related disability access.
- Sec. 304. Funding for protection and advocacy systems.

1 SEC. 2. FINDINGS; PURPOSE.

2 (a) FINDINGS.—Congress finds the following:

3 (1) Since its founding, America has steadily
 4 worked to ensure the right to vote for all through
 5 State law, Federal law, and constitutional amend-
 6 ments.

7 (2) Almost a quarter of the electorate will be 65
 8 years old or older in 2020.

9 (3) Of the 37,000,000 voting age individuals
 10 with disabilities in America, an estimated
 11 14,300,000 citizens with disabilities reported voting
 12 in the November 2018 election.

1 (4) Older individuals who have been lifelong
2 voters and who now find it difficult to leave their
3 home often cannot vote in person.

4 (5) Despite Federal laws requiring fully acces-
5 sible voting places, barriers to vote for people with
6 disabilities and older individuals still exist.

7 (6) In 2016 only 40 percent of polling places
8 were architecturally accessible and only 45 percent
9 of voting booths were accessible.

10 (7) Combining deficiencies in architectural and
11 voting booth access, only 17 percent of polling places
12 could be considered fully accessible in 2016.

13 (8) People with disabilities voted at a rate of
14 4.7 percent less than non-disabled individuals in
15 2016.

16 (9) In 2017, the Native American Voting
17 Rights Coalition found that the distance needed to
18 travel to polling locations and drop off boxes for ab-
19 sentee ballots greatly affected the ability of Native
20 Americans to cast ballots.

21 (10) The National Congress of American Indi-
22 ans found that the turnout rate for Native Ameri-
23 cans and Alaska Native registered voters is between
24 5 to 14 percent lower than turnout rates of other ra-
25 cial and ethnic groups.

1 (11) According to the United States Census
2 Bureau, there are nearly 26,000,000 individuals in
3 the United States with limited English proficiency
4 and more than 66,000,000 who speak a language
5 other than English at home. Americans with limited
6 English proficiency can face challenges when at-
7 tempting to register to vote and cast a ballot.

8 (12) A strong legislative focus on the needs of
9 older individuals, individuals with disabilities, Native
10 Americans, Alaska Natives, and individuals with lim-
11 ited proficiency in the English language is necessary
12 to remove obstacles to vote and ensure they can ex-
13 ercise their right to vote.

14 (b) PURPOSE.—The purpose of this Act is to improve
15 access for older individuals, individuals with disabilities,
16 Native Americans, Alaska Natives, and individuals with
17 limited proficiency in the English language to register to
18 vote and to cast a ballot by—

19 (1) providing States and local governments with
20 resources to improve accessibility when registering to
21 vote, voting by absentee, and casting a ballot in per-
22 son; and

23 (2) expanding Federal oversight and support to
24 ensure greater accessibility to State voting systems.

1 **TITLE I—ELECTION ASSISTANCE**
2 **COMMISSION OFFICE OF AC-**
3 **CESSIBILITY**

4 **SEC. 101. ESTABLISHMENT OF THE ELECTION ASSISTANCE**
5 **COMMISSION OFFICE OF ACCESSIBILITY.**

6 (a) IN GENERAL.—Subtitle A of title II of the Help
7 America Vote Act of 2002 (52 U.S.C. 20921) is amended
8 by adding at the end the following new part:

9 **“PART 4—ELECTION ASSISTANCE COMMISSION**
10 **OFFICE OF ACCESSIBILITY**
11 **“SEC. 223. ELECTION ASSISTANCE COMMISSION OFFICE OF**
12 **ACCESSIBILITY.**

13 “(a) ESTABLISHMENT.—There is hereby established
14 the Election Assistance Commission Office of Accessibility
15 (hereinafter in this part referred to as the ‘Office of Acces-
16 sibility’).

17 “(b) DUTIES.—The Office of Accessibility shall—

18 “(1) serve as the effective and visible advocate
19 on behalf of voters with access needs, including older
20 individuals, individuals with disabilities, Native
21 Americans, Alaska Native citizens, and individuals
22 with limited proficiency in the English language—

23 “(A) within the Election Assistance Com-
24 mission and with other departments and agen-

1 cies of the Federal Government regarding all
2 Federal policies affecting such individuals; and

3 “(B) in the States to promote the en-
4 hanced accessibility of voting systems and com-
5 pliance with this Act and other Federal law and
6 regulations;

7 “(2) ensure State and local election officials are
8 taking steps to maintain voting systems that meet
9 Department of Justice accessibility standards;

10 “(3) if the Director of the Office of Accessibility
11 finds that a State has not taken steps to meet such
12 standards, refer the finding to the Department of
13 Justice for enforcement;

14 “(4) evaluate State proposals to expand voter
15 accessibility in order to meet the requirements of
16 sections 304 through 309;

17 “(5) ensure State and local governments meet
18 the requirements of sections 304 through 309 (relat-
19 ing to accessible election websites and other accessi-
20 bility requirements), including through referral to
21 the Attorney General for action under section 401 as
22 appropriate;

23 “(6) administer and evaluate payments to
24 States for the establishment and maintenance of ac-
25 cessible election websites under section 297;

1 “(7) establish and operate the National Re-
2 source Center on Accessible Voting under section
3 224;

4 “(8) establish the national voter accessibility
5 website under section 225;

6 “(9) collect and disseminate information related
7 to challenges experienced by older individuals, indi-
8 viduals with disabilities, Native Americans, Alaska
9 Natives, and individuals with limited proficiency in
10 the English language when registering to vote or
11 casting a ballot; and

12 “(10) recommend policies and priorities to im-
13 prove the accessibility of State voter registration sys-
14 tems, voting systems, the casting of ballots, and the
15 application for and casting of absentee ballots.

16 “(c) OBJECTIVES.—The Office of Accessibility shall
17 have the following primary objectives:

18 “(1) Educating State and local election officials
19 on the challenges faced by older individuals, individ-
20 uals with disabilities, Native Americans, Alaska Na-
21 tives, and individuals with limited proficiency in the
22 English language when voting, and teaching evi-
23 dence-based strategies for overcoming those chal-
24 lenges.

1 “(2) Educating State and local election officials
2 regarding the needs of individuals with disabilities
3 and older individuals.

4 “(3) Providing educational resources in plain
5 language to older individuals and individuals with
6 disabilities on their rights and resources when reg-
7 istering to vote and voting.

8 “(4) Providing translated educational resources
9 for Native Americans, Alaska Natives, and individ-
10 uals with limited proficiency in the English language
11 on their rights and resources when registering to
12 vote and voting.

13 “(5) Studying potential improvements and pro-
14 viding strategies that State and local election offi-
15 cials may implement, and encouraging the enact-
16 ment of State or local laws as necessary for such im-
17 plementation, with the goal of—

18 “(A) ensuring that individuals with disabil-
19 ities and older individuals are provided the op-
20 portunity to cast a private and independent bal-
21 lot in person in an election for Federal office,
22 including—

23 “(i) strategies to reduce adversely
24 long wait times for casting ballots;

1 “(ii) alternative options to cast a bal-
2 lot on the day of an election, such as pro-
3 viding the option to cast a ballot outside of
4 the polling place or from a vehicle;

5 “(iii) strategies and criteria to create
6 expedited voting lines for those needing
7 such service; or

8 “(iv) the ability for an individual who
9 cannot physically wait in line to exit the
10 line without losing their place;

11 “(B) ensuring that individuals with disabil-
12 ities and older individuals are provided the op-
13 portunity to cast a private and independent ab-
14 sentee ballot, including—

15 “(i) ensuring the process for request-
16 ing and securing an absentee ballot is ac-
17 cessible to individuals with disabilities and
18 older individuals;

19 “(ii) ensuring the process for submit-
20 ting an absentee ballot is accessible to indi-
21 viduals with disabilities and older individ-
22 uals; and

23 “(iii) ensuring the process for mark-
24 ing an absentee ballot is accessible to indi-

1 viduals with disabilities and older individ-
2 uals; and

3 “(C) implementing policies that encourage
4 more individuals with disabilities and older indi-
5 viduals to serve as poll workers.

6 “(6) Promoting research into the use of acces-
7 sible ballot marking devices and educating State and
8 local election officials on the secure use of accessible
9 ballot marking devices.

10 “(d) DIRECTOR OF ACCESSIBILITY.—

11 “(1) IN GENERAL.—The Office of Accessibility
12 shall be headed by a Director of Accessibility (re-
13 ferred to in this part as the ‘Director’) who shall be
14 appointed by the Executive Director of the Election
15 Assistance Commission.

16 “(2) TERM OF SERVICE FOR THE DIRECTOR.—
17 The Director shall serve for a term of 4 years. The
18 term of the first individual appointed to the position
19 of Director shall end on January 3, 2025, and the
20 term of each individual appointed for a full term to
21 the position of Director thereafter shall end on Jan-
22 uary 3 of each fourth year thereafter.

23 “(3) PROCEDURE FOR APPOINTMENT.—

24 “(A) IN GENERAL.—On the date that is 6
25 months prior to the date on which a vacancy is

1 scheduled to occur in the position of the Direc-
2 tor or the date on which the Director submits
3 a Letter of Resignation, the Election Assistance
4 Commission Standards Board and Election As-
5 sistance Commission Board of Advisors under
6 part 2 of this subtitle (hereafter in this part re-
7 ferred to as the ‘Standards Board’ and the
8 ‘Board of Advisors’, respectively), shall each ap-
9 point a search committee to recommend at least
10 three nominees for the position.

11 “(B) REQUIRING CONSIDERATION OF
12 NOMINEES.—The Executive Director of the
13 Election Assistance Commission shall consider
14 the nominees recommended by the Standards
15 Board and the Board of Advisors in appointing
16 the Director.

17 “(4) PROCEDURE FOR REAPPOINTMENT.—

18 “(A) IN GENERAL.—The Director may be
19 reappointed for one or more additional full
20 terms if the Standards Board and the Board of
21 Advisors recommends such reappointment.

22 “(B) TIMING OF RECOMMENDATION.—The
23 Standards Board and the Board of Advisors
24 may recommend such reappointment for an ad-
25 ditional term before the date on which the cur-

1 rent term of the Director expires, but not more
2 than 3 months before such date.

3 “(5) CONTINUATION IN OFFICE.—An individual
4 serving in the position of Director at the end of the
5 term of the individual as Director may continue to
6 serve until a successor is appointed.

7 “(e) DEPUTY DIRECTOR.—

8 “(1) IN GENERAL.—There shall be a Deputy
9 Director of the Office who shall—

10 “(A) be appointed by the Director;

11 “(B) perform such duties as may be as-
12 signed by the Director; and

13 “(C) during the absence or incapacity of
14 the Director or during a vacancy in that office,
15 act as the Director.

16 “(2) TERM.—The term of an individual ap-
17 pointed to the position of Deputy Director shall end
18 on the date on which the term of the Director ap-
19 pointing the Deputy Director ends.

20 “(3) CONTINUATION IN OFFICE.—An individual
21 serving in the position of Deputy Director at the end
22 of the term of the individual as Deputy Director
23 may continue to serve until a successor is appointed.

24 “(f) OTHER STAFF.—Subject to rules prescribed by
25 the Commission, the Director may appoint and fix the pay

1 of such additional personnel as the Director considers ap-
 2 propriate.

3 “(g) REPORTS TO CONGRESS.—Not later than 2
 4 years after the date of enactment of this part, and every
 5 2 years thereafter, the Director shall submit to Congress
 6 a report describing the activities carried out under this
 7 part during the period since the last report was submitted
 8 under this subsection.

9 “(h) DEFINITIONS.—In this part, the term ‘acces-
 10 sible’, ‘individual with a disability’, ‘older individual’, and
 11 ‘State’ have the meaning given those terms in section 304.

12 “(i) AUTHORIZATION.—There are authorized to be
 13 appropriated to the Office of Accessibility to carry out the
 14 provisions of this part \$500,000 for each of fiscal years
 15 2021 and 2022 and such sums as may be necessary for
 16 each succeeding year.”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) CONFORMING AMENDMENT TO DUTIES OF
 19 EAC.—Section 202 of the Help America Vote Act of
 20 2002 (52 U.S.C. 20922) is amended—

21 (A) in paragraph (5), by striking “and” at
 22 the end;

23 (B) in paragraph (6), by striking the pe-
 24 riod at the end and inserting “; and”; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(7) establishing the Election Assistance Com-
4 mission Office of Accessibility under section 223.”.

5 (2) CLERICAL AMENDMENT.—The table of con-
6 tents of such Act is amended by inserting after the
7 item relating to section 222 the following new items:

“PART 4—ELECTION ASSISTANCE COMMISSION OFFICE OF ACCESSIBILITY

“Sec. 223. Election Assistance Commission Office of Accessibility.”.

8 **SEC. 102. NATIONAL RESOURCE CENTER ON ACCESSIBLE**
9 **VOTING.**

10 (a) IN GENERAL.—Part 4 of subtitle A of title II of
11 the Help America Vote Act of 2002, as added by section
12 101, is amended by adding at the end the following new
13 section:

14 **“SEC. 224. NATIONAL RESOURCE CENTER ON ACCESSIBLE**
15 **VOTING.**

16 “(a) IN GENERAL.—Not later than January 1, 2021,
17 the Office of Accessibility shall, directly or by grant or
18 contract with eligible entities described in subsection (d),
19 establish and operate a National Resource Center on Ac-
20 cessible Voting (in this section referred to as the ‘Center’).

21 “(b) ACTIVITIES.—In order to address the unique
22 challenges faced by older individuals, individuals with dis-
23 abilities, Native Americans, Alaska Natives, and individ-
24 uals with limited proficiency in the English language, the

1 Center shall provide State and local election officials, poll
2 workers, and volunteers with the information and tech-
3 nical assistance needed to effectively provide accessible
4 voting, and ensure that individuals with disabilities and
5 older individuals are given an equivalent opportunity to
6 vote, including with privacy and independence.

7 “(c) OBJECTIVES.—The Center shall assist the Office
8 of Accessibility in carrying out the primary objectives of
9 the Office as described in section 223(c).

10 “(d) ELIGIBLE ENTITIES.—

11 “(1) IN GENERAL.—To be eligible to receive a
12 grant or contract under this subsection, an entity
13 shall—

14 “(A) submit an application to the Office of
15 Accessibility at such time, in such manner, and
16 containing such information as the Office of Ac-
17 cessibility may reasonably require; and

18 “(B) meet the criteria described in para-
19 graph (2).

20 “(2) CRITERIA DESCRIBED.—The criteria de-
21 scribed in this paragraph, with respect to an entity,
22 are that the entity—

23 “(A) has demonstrated expertise in work-
24 ing with organizations or individuals on issues

1 affecting individuals with disabilities and older
2 individuals;

3 “(B) has documented experience in pro-
4 viding training and technical assistance on a
5 national basis or a formal relationship with an
6 organization that has such experience;

7 “(C) partners with an organization that
8 has demonstrated expertise in election security;
9 and

10 “(D) meets such other criteria as deter-
11 mined appropriate by the Office of Accessibility.

12 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 not less than \$5,000,000 for fiscal year 2021 and each
15 succeeding fiscal year. Amounts appropriated under the
16 preceding sentence shall remain available until expended.

17 “(f) OPERATING STANDARDS AND REPORTING RE-
18 QUIREMENTS.—The Office of Accessibility shall develop
19 and issue operating standards and reporting requirements
20 for the Center.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 of such Act is amended by inserting after the item relating
23 to section 223, as added by section 101(b)(2), the fol-
24 lowing new item:

“Sec. 224. National Resource Center on Accessible Voting.”.

1 **SEC. 103. ESTABLISHMENT OF NATIONAL VOTER ACCESSI-**
2 **BILITY WEBSITE.**

3 (a) PURPOSE.—The purpose of this section is to cre-
4 ate an accessible national website to provide support and
5 information to State and local election officials, individuals
6 with disabilities, and older individuals.

7 (b) ESTABLISHMENT.—Part 4 of subtitle A of title
8 II of the Help America Vote Act of 2002, as added by
9 section 101 and amended by section 102, is amended by
10 adding at the end the following new section:

11 **“SEC. 225. ESTABLISHMENT OF NATIONAL VOTER ACCESSI-**
12 **BILITY WEBSITE.**

13 “(a) IN GENERAL.—The Office of Accessibility shall
14 work with State and local election officials to collect data
15 and administer a public national voter accessibility website
16 to—

17 “(1) ensure individuals with disabilities and
18 older individuals are provided easy access to clear
19 and understandable voter information for each
20 State, including—

21 “(A) a link to each State accessible elec-
22 tion website as described in section 304;

23 “(B) information on voting timelines for
24 each State, including deadlines to—

25 “(i) register to vote;

1 “(ii) update voter registration infor-
2 mation;

3 “(iii) submit an application to run for
4 elected office;

5 “(iv) apply for an absentee ballot; and

6 “(v) submit an absentee ballot; and

7 “(C) a plain language description of the
8 voting laws of each State, including information
9 on—

10 “(i) voter identification requirements;

11 “(ii) how to register to vote, update
12 registration info, and confirm an individual
13 is registered to vote in the State;

14 “(iii) the location and operating hours
15 of polling places and the accessibility of
16 polling places;

17 “(iv) the availability of aid or assist-
18 ance for individuals with disabilities and
19 older individuals to cast their vote in a
20 manner that provides the same opportunity
21 for access and participation (including pri-
22 vacy and independence) as for other voters
23 at polling places;

24 “(v) the availability of aid or assist-
25 ance from State and local agencies for in-

1 individuals with disabilities or older individ-
2 uals who are not able to travel to the poll-
3 ing place;

4 “(vi) how to contact State, local, and
5 Federal officials with complaints or griev-
6 ances if individuals with disabilities and
7 older individuals feel their ability to reg-
8 ister to vote or vote has been blocked or
9 delayed; and

10 “(vii) access to aging and disability
11 support resources in the State, including—

12 “(I) protection and advocacy sys-
13 tems (as defined in section 102 of the
14 Developmental Disabilities Assistance
15 and Bill of Rights Act of 2000 (42
16 U.S.C. 15002)); and

17 “(II) information on how to ob-
18 tain transportation to the polls from
19 State or local agencies; and

20 “(2) provide a description of resources for local
21 election officials to use in providing guidance to poll
22 workers in order to ensure that polling places are ac-
23 cessible for individuals with disabilities and older in-
24 dividuals in a manner that provides the same oppor-

1 tunity for access and participation (including privacy
2 and independence) as for other voters.

3 “(b) DATABASE.—

4 “(1) IN GENERAL.—The Office of Accessibility
5 shall maintain a database of complaints or griev-
6 ances from individuals who feel their ability to reg-
7 ister to vote or vote has been blocked or delayed,
8 and the outcome of their complaints (as reported by
9 States pursuant to section 297(d)).

10 “(2) PUBLIC AVAILABILITY.—The Office of Ac-
11 cessibility shall make such complaints and a descrip-
12 tion of the outcomes of such complaints available to
13 the public, while maintaining the anonymity of any
14 individual who submits a complaint.

15 “(3) REFERRAL OF COMPLAINTS TO DEPART-
16 MENT OF JUSTICE.—The Office of Accessibility shall
17 refer any complaints or grievances which violate
18 Federal law to the Department of Justice.

19 “(c) DEFINITIONS.—In this section, the terms ‘acces-
20 sible’, ‘individual with a disability’, ‘older individual’, and
21 ‘State’ have the meaning given those terms in section
22 304.”.

23 (c) CLERICAL AMENDMENT.—The table of contents
24 of such Act is amended by inserting after the item relating

1 to section 224, as added by section 102(b), the following
 2 new item:

“Sec. 225. Establishment of national voter accessibility website.”.

3 **TITLE II—STATE** 4 **REQUIREMENTS AND PAYMENTS**

5 **SEC. 201. ESTABLISHMENT AND MAINTENANCE OF STATE** 6 **ACCESSIBLE ELECTION WEBSITES.**

7 (a) IN GENERAL.—Title III of the Help America
 8 Vote Act of 2002 (52 U.S.C. 21018 et seq.) is amended—
 9 (1) by redesignating sections 304 and 305 as
 10 sections 305 and 306; and

11 (2) by inserting after section 303 the following:
 12 **“SEC. 304. ESTABLISHMENT AND MAINTENANCE OF ACCES-**
 13 **SIBLE ELECTION WEBSITES.**

14 “(a) IN GENERAL.—Each State shall ensure their
 15 election websites are accessible and meet the following re-
 16 quirements:

17 “(1) LOCAL ELECTION OFFICIALS.—The
 18 website shall provide local election officials, poll
 19 workers, and volunteers with—

20 “(A) guidance to ensure that polling places
 21 are accessible for individuals with disabilities
 22 and older individuals in a manner that provides
 23 the same opportunity for access and participa-
 24 tion (including privacy and independence) as for
 25 other voters; and

1 “(B) online training and resources on—

2 “(i) how best to promote the access
3 and participation of individuals with dis-
4 abilities and older individuals in elections
5 for public office; and

6 “(ii) the voting rights and protections
7 for individuals with disabilities and older
8 individuals under State and Federal law.

9 “(2) VOTERS.—The website shall provide infor-
10 mation about voting, including—

11 “(A) the accessibility of all polling places
12 within the State, including outreach programs
13 to inform individuals about the availability of
14 accessible polling places;

15 “(B) how to register to vote and confirm
16 voter registration in the State;

17 “(C) the location and operating hours of
18 all polling places in the State;

19 “(D) the availability of aid or assistance
20 for individuals with disabilities and older indi-
21 viduals to cast their vote in a manner that pro-
22 vides the same opportunity for access and par-
23 ticipation (including privacy and independence)
24 as for other voters at polling places;

1 “(E) the availability of transportation aid
2 or assistance to the polling place for individuals
3 with disabilities or older individuals;

4 “(F) the rights and protections under
5 State and Federal law for individuals with dis-
6 abilities and older individuals to participate in
7 elections; and

8 “(G) how to contact State, local, and Fed-
9 eral officials with complaints or grievances if in-
10 dividuals with disabilities, older individuals, Na-
11 tive Americans, Alaska Natives, and individuals
12 with limited proficiency in the English language
13 feel their ability to register to vote or vote has
14 been blocked or delayed.

15 “(b) PARTNERSHIP WITH OUTSIDE TECHNICAL OR-
16 GANIZATION.—

17 “(1) IN GENERAL.—The chief State election of-
18 ficial of each State, through the committee of appro-
19 priate individuals under subsection (c)(2), shall part-
20 ner with an outside technical organization with dem-
21 onstrated experience in establishing accessible and
22 easy to use accessible election websites to—

23 “(A) update an existing election website to
24 make it fully accessible in accordance with this
25 section; or

1 “(B) develop an election website that is
2 fully accessible in accordance with this section.

3 “(2) IN-HOUSE TRAINING.—Under such part-
4 nership, the outside technical organization shall also
5 be required to provide training to in-house personnel
6 of the State or units of local government to maintain
7 and update election websites in an accessible man-
8 ner.

9 “(c) STATE PLAN.—

10 “(1) DEVELOPMENT.—The chief State election
11 official of each State shall, through a committee of
12 appropriate individuals as described in paragraph
13 (2), develop a State plan that describes how the
14 State and local governments will meet the require-
15 ments under this section.

16 “(2) COMMITTEE MEMBERSHIP.—The com-
17 mittee shall comprise at least the following individ-
18 uals:

19 “(A) The chief election officials of the four
20 most populous jurisdictions within the State.

21 “(B) The chief election officials of the four
22 least populous jurisdictions within the State.

23 “(C) Representatives from two disability
24 advocacy groups, including at least one such

1 representative who is an individual with a dis-
2 ability.

3 “(D) Representatives from two older indi-
4 vidual advocacy groups, including at least one
5 such representative who is an older individual.

6 “(E) Representatives from two inde-
7 pendent non-governmental organizations with
8 expertise in establishing and maintaining acces-
9 sible websites.

10 “(F) Representatives from two inde-
11 pendent non-governmental voting rights organi-
12 zations.

13 “(G) Representatives from State protection
14 and advocacy systems as defined in section 102
15 of the Developmental Disabilities Assistance
16 and Bill of Rights Act of 2000 (42 U.S.C.
17 15002).

18 “(d) PARTNERSHIP TO MONITOR AND VERIFY AC-
19 CESSIBILITY.—The chief State election official of each eli-
20 gible State, through the committee of appropriate individ-
21 uals under subsection (c)(2), shall partner with at least
22 two of the following organizations to monitor and verify
23 the accessibility of the election website and the complete-
24 ness of the election information and the accuracy of the
25 disability information provided on such website:

1 “(1) University Centers for Excellence in Devel-
2 opmental Disabilities Education, Research, and
3 Services designated under section 151(a) of the De-
4 velopmental Disabilities Assistance and Bill of
5 Rights Act of 2000 (42 U.S.C. 15061(a)).

6 “(2) Centers for Independent Living, as de-
7 scribed in part C of title VII of the Rehabilitation
8 Act of 1973 (29 U.S.C. 796f et seq.).

9 “(3) A State Council on Developmental Disabil-
10 ities described in section 125 of the Developmental
11 Disabilities Assistance and Bill of Rights Act of
12 2000 (42 U.S.C. 15025).

13 “(4) State protection and advocacy systems as
14 defined in section 102 of the Developmental Disabil-
15 ities Assistance and Bill of Rights Act of 2000 (42
16 U.S.C. 15002).

17 “(5) Statewide Independent Living Councils es-
18 tablished under section 705 of the Rehabilitation Act
19 of 1973 (29 U.S.C. 796d).

20 “(6) State Assistive Technology Act Programs.

21 “(7) A visual access advocacy organization.

22 “(8) An organization for the deaf.

23 “(9) A mental health organization.

24 “(e) DEFINITIONS.—In this subtitle:

1 “(1) ACCESSIBLE.—The term ‘accessible’
2 means—

3 “(A) in the case of the election website
4 under subsection (a) or section 225, or an elec-
5 tronic communication under section 307—

6 “(i) that the functions and content of
7 the website or electronic communication,
8 including all text, visual, and aural con-
9 tent, are as accessible to people with dis-
10 abilities as to those without disabilities;

11 “(ii) that the functions and content of
12 the website or electronic communication
13 are accessible to individuals with limited
14 proficiency in the English language; and

15 “(iii) that the website or electronic
16 communication meets, at a minimum, con-
17 formance to Level AA of the Web Content
18 Accessibility Guidelines 2.0 of the Web Ac-
19 cessibility Initiative (or any successor
20 guidelines); and

21 “(B) in the case of a facility (including a
22 polling place), that the facility is readily acces-
23 sible to and usable by individuals with disabil-
24 ities and older individuals, as determined under
25 the 2010 ADA Standards for Accessible Design

1 adopted by the Department of Justice (or any
2 successor standards).

3 “(2) INDIVIDUAL WITH A DISABILITY.—The
4 term ‘individual with a disability’ means an indi-
5 vidual with a disability, as defined in section 3 of the
6 Americans with Disabilities Act of 1990 (42 U.S.C.
7 12102), and who is otherwise qualified to vote in
8 elections for Federal office.

9 “(3) OLDER INDIVIDUAL.—The term ‘older in-
10 dividual’ means an individual who is 60 years of age
11 or older and who is otherwise qualified to vote in
12 elections for Federal office.

13 “(4) STATE.—The term ‘State’ means a State
14 of the United States, the District of Columbia, the
15 Commonwealth of Puerto Rico, and any territory or
16 possession of the United States.

17 “(f) EFFECTIVE DATE.—This section shall apply on
18 or after January 1, 2021.”.

19 (b) CLERICAL AMENDMENTS.—The table of contents
20 of such Act is amended—

21 (1) by redesignating the items relating to sec-
22 tions 304 and 305 as relating to sections 305 and
23 306, respectively; and

24 (2) by inserting after the item relating to sec-
25 tion 303 the following new item:

“Sec. 304. Establishment and maintenance of accessible election websites.”.

1 **SEC. 202. DESIGNATION OF SINGLE STATE OFFICE.**

2 (a) IN GENERAL.—Title III of the Help America
3 Vote Act of 2002 (52 U.S.C. 21018 et seq.), as amended
4 by section 201, is amended—

5 (1) by redesignating sections 305 and 306 as
6 sections 306 and 307; and

7 (2) by inserting after section 304 the following:

8 **“SEC. 305. DESIGNATION OF SINGLE STATE OFFICE TO PRO-**
9 **VIDE INFORMATION FOR ALL INDIVIDUALS**
10 **WITH DISABILITIES AND OLDER INDIVIDUALS**
11 **IN THE STATE.**

12 “(a) IN GENERAL.—Each State shall designate a sin-
13 gle office which shall be responsible for providing informa-
14 tion with respect to Federal elections to all individuals
15 with disabilities or older individuals.

16 “(b) RESPONSIBILITIES.—Such office shall be re-
17 sponsible for the following:

18 “(1) Maintaining the accessible State election
19 website as described in section 304.

20 “(2) Providing information regarding voter reg-
21 istration, absentee ballots, and in-person voting pro-
22 cedures to be used by individuals with disabilities
23 and older individuals with respect to elections for
24 Federal office.

25 “(3) Regularly auditing polling places to ensure
26 they are accessible, as defined in section 304, and

1 publicly posting the results of such audits no later
2 than 6 months after the completion of the audit.

3 “(4) Providing information to State and local
4 election officials on how to set up and operate acces-
5 sible voting systems and information regarding the
6 accessibility of voting procedures, including guidance
7 on compatibility with assistive technologies such as
8 screen readers and ballot marking devices.

9 “(5) Working with—

10 “(A) community members with disabilities
11 and disability advocacy groups year round; and

12 “(B) older individuals and advocacy groups
13 for older individuals year round.

14 “(6) Integrating information on accessibility,
15 accommodations, disability, and older individuals
16 into regular training materials for poll workers and
17 election administration officials.

18 “(7) Training poll workers on how to make poll-
19 ing places accessible for individuals with disabilities
20 and older individuals.

21 “(8) Promoting the hiring of individuals with
22 disabilities and older individuals as poll workers and
23 election staff.

24 “(c) EFFECTIVE DATE.—This section shall apply on
25 or after January 1, 2021.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 of such Act is amended by inserting after the item relating
 3 to section 304, as added by section 201(b), the following:

“Sec. 305. Designation of single State office to provide information for all individuals with disabilities and older individuals in the State.”.

4 **SEC. 203. TRANSPARENCY REGARDING CHANGES.**

5 (a) IN GENERAL.—Title III of the Help America
 6 Vote Act of 2002 (52 U.S.C. 21018 et seq.), as amended
 7 by sections 201 and 202, is amended—

8 (1) by redesignating sections 306 and 307 as
 9 sections 307 and 308; and

10 (2) by inserting after section 305 the following:

11 **“SEC. 306. TRANSPARENCY REGARDING CHANGES.**

12 “(a) NOTICE OF ENACTED CHANGES.—

13 “(1) IN GENERAL.—If a State or political sub-
 14 division makes any change in any prerequisite to
 15 voting or standard, practice, or procedure with re-
 16 spect to voting in any election for Federal office that
 17 will result in the prerequisite, standard, practice, or
 18 procedure being different from that which was in ef-
 19 fect as of the date that is 180 days before the elec-
 20 tion, the State or political subdivision must provide
 21 reasonable public notice in such State or political
 22 subdivision and on the accessible State election
 23 website as described in section 304, containing a
 24 concise description of the change, including the dif-

1 ference between the changed prerequisite, standard,
2 practice, or procedure and the prerequisite, stand-
3 ard, practice, or procedure which was previously in
4 effect.

5 “(2) FORMAT.—The public notice described in
6 paragraph (1) shall be provided in a format that is
7 convenient and accessible to individuals with disabil-
8 ities and older individuals.

9 “(3) ACCESSIBLE EMAIL AND MAIL NOTICES.—

10 “(A) IN GENERAL.—A State or political
11 subdivision shall send out an accessible elec-
12 tronic mail or mail notice to any voter who re-
13 quest to be notified of any changes described in
14 paragraph (1).

15 “(B) ESTABLISHMENT OF PROCESS.—A
16 State or political subdivision shall establish a
17 process under which a voter may request to be
18 notified of any such changes.

19 “(4) DEADLINE FOR NOTICE.—A State or polit-
20 ical subdivision shall provide the public notice re-
21 quired under paragraph (1) not later than 7 days
22 after making the change involved.

23 “(b) TRANSPARENCY REGARDING POLLING PLACE
24 RESOURCES.—

1 “(1) IN GENERAL.—In order to identify any
2 changes that may impact the right to vote of any in-
3 dividual, prior to the 30th day before the date of an
4 election, each State or political subdivision with re-
5 sponsibility for allocating registered voters, voting
6 machines, and official poll workers to particular pre-
7 cincts and polling places shall provide reasonable
8 public notice in such State or political subdivision
9 and on the accessible State election website as de-
10 scribed in section 304, of the information described
11 in paragraph (2) for precincts and polling places
12 within such State or political subdivision.

13 “(2) INFORMATION DESCRIBED.—The informa-
14 tion described in this paragraph with respect to a
15 precinct or polling place is each of the following:

16 “(A) The name or number of the precinct
17 or polling place.

18 “(B) In the case of a polling place, the lo-
19 cation, including the street address, and con-
20 firmation that the polling place is accessible to
21 individuals with disabilities and older individ-
22 uals.

23 “(C) The number of voting machines as-
24 signed, including the number of voting ma-
25 chines accessible to individuals with disabilities

1 and older individuals and the number of poll
2 workers who have received training on how to
3 set up and operate the accessible voting sys-
4 tems.

5 “(D) The total number of poll workers of-
6 ficially assigned to the polling place, including
7 the number of such poll workers who have re-
8 ceived training to assist individuals with disabil-
9 ities and older individuals.

10 “(E) The number of official volunteer poll
11 workers assigned who have received training to
12 assist individuals with disabilities and older in-
13 dividuals.

14 “(F) In the case of a polling place, the
15 dates and hours of operation.

16 “(3) UPDATES IN INFORMATION REPORTED.—
17 If a State or political subdivision makes any change
18 in any of the information described in paragraph (2)
19 with respect to which a notice is provided pursuant
20 to paragraph (1), the State or political subdivision
21 shall provide reasonable public notice in such State
22 or political subdivision and on the accessible State
23 election website as described in section 304, of the
24 change in the information not later than 48 hours
25 after the change occurs or, if the change occurs

1 fewer than 48 hours before the date of the election
2 for Federal office, as soon as practicable after the
3 change occurs.

4 “(4) FORMAT.—The public notice described in
5 paragraph (1) or (3) shall be provided in a format
6 that is reasonably convenient and accessible to indi-
7 viduals with disabilities and older individuals.

8 “(5) ACCESSIBLE EMAIL AND MAIL NOTICES.—

9 “(A) IN GENERAL.—A State or political
10 subdivision shall send out an accessible elec-
11 tronic mail and mail notice to any voter who re-
12 quests to be notified of any changes described
13 in paragraph (1) and to the State protection
14 and advocacy systems (as defined in section 102
15 of the Developmental Disabilities Assistance
16 and Bill of Rights Act of 2000 (42 U.S.C.
17 15002)).

18 “(B) ESTABLISHMENT OF PROCESS.—A
19 State or political subdivision shall establish a
20 process under which a voter may request to be
21 notified of any such changes.

22 “(c) EFFECTIVE DATE.—This section shall apply
23 with respect to elections for Federal office held on or after
24 January 1, 2021.”.

1 (b) CLERICAL AMENDMENTS.—The table of contents
 2 of such Act is amended by inserting after the item relating
 3 to section 305, as added by section 202(b), the following:

“Sec. 306. Transparency regarding changes.”.

4 **SEC. 204. ACCESS TO ABSENTEE REGISTRATION PROCE-**
 5 **DURES AND NO-EXCUSE ABSENTEE VOTING**
 6 **FOR ALL VOTERS.**

7 (a) IN GENERAL.—Title III of the Help America
 8 Vote Act of 2002 (52 U.S.C. 21018 et seq.), as amended
 9 by sections 201, 202, and 203, is amended—

10 (1) by redesignating sections 307 and 308 as
 11 sections 308 and 309; and

12 (2) by inserting after section 306 the following:

13 **“SEC. 307. ACCESS TO ABSENTEE REGISTRATION PROCE-**
 14 **DURES AND NO-EXCUSE ABSENTEE VOTING**
 15 **FOR ALL VOTERS.**

16 “(a) IN GENERAL.—Notwithstanding section 6(c)
 17 and subparagraph (B) or (D) of section 8(a)(1) of the Na-
 18 tional Voter Registration Act of 1993 (52 U.S.C.
 19 20505(c); 20507(a)(1)), each State shall—

20 “(1) permit any eligible voter to use absentee
 21 registration procedures and to vote by absentee bal-
 22 lot in elections for Federal office;

23 “(2) accept and process, with respect to any
 24 election for Federal office, any otherwise valid voter
 25 registration application and absentee ballot applica-

1 tion from any eligible voter if the application is re-
2 ceived by the appropriate State election official not
3 less than 7 days before the election;

4 “(3) in addition to any other method of reg-
5 istering to vote in the State, establish procedures—

6 “(A) for States to send voter registration
7 applications to eligible voters in accordance with
8 the eligible voter’s preferred method of trans-
9 mission as designated under subparagraph (B);

10 “(B) by which an eligible voter may des-
11 ignate whether the eligible voter prefers that
12 such voter registration applications be trans-
13 mitted by mail or electronically; and

14 “(C) to allow eligible voters to electroni-
15 cally submit the mail voter registration applica-
16 tion form prescribed under section 9(a)(2) of
17 the National Voter Registration Act of 1993
18 (52 U.S.C. 20508(a)(2));

19 “(4) in addition to any other method of apply-
20 ing for an absentee ballot in the State, establish pro-
21 cedures—

22 “(A) for States to send absentee ballot ap-
23 plications to eligible voters in accordance with
24 the eligible voter’s preferred method of trans-

1 mission as designated under subparagraph (B);
2 and

3 “(B) by which an eligible voter may des-
4 ignate whether the eligible voter prefers that
5 such absentee ballot registration be transmitted
6 by mail or electronically;

7 “(5) establish procedures to allow eligible voters
8 to establish a permanent absentee voter status until
9 the voter submits an application to terminate their
10 permanent absentee voter status;

11 “(6) transmit a validly requested absentee bal-
12 lot to any eligible voter—

13 “(A) in the case in which the request is re-
14 ceived at least 45 days before an election for
15 Federal office, not later than 45 days before the
16 election; and

17 “(B) in the case in which the request is re-
18 ceived less than 45 days before an election for
19 Federal office—

20 “(i) in accordance with State law; and

21 “(ii) if practicable and as determined
22 appropriate by the State, in a manner that
23 expedites the transmission of such absen-
24 tee ballot; and

1 “(7) if the State declares or otherwise holds a
2 runoff election for Federal office, establish a written
3 plan which provides that absentee ballots are made
4 available to eligible voters in a manner that gives
5 them sufficient time to vote in the runoff election.

6 “(b) DESIGNATION OF MEANS OF ELECTRONIC COM-
7 MUNICATION FOR ELIGIBLE VOTERS TO REQUEST AND
8 FOR STATES TO SEND VOTER REGISTRATION APPLICA-
9 TIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR
10 OTHER PURPOSES RELATED TO VOTING INFORMA-
11 TION.—

12 “(1) IN GENERAL.—Each State shall, in addi-
13 tion to the designation of a single State office under
14 section 305, designate not less than 1 means of elec-
15 tronic communication—

16 “(A) for use by eligible voters who wish to
17 register to vote or vote in any jurisdiction in the
18 State to request voter registration applications
19 and absentee ballot applications under para-
20 graphs (3) and (4) , respectively, of subsection
21 (a);

22 “(B) for use by States to send voter reg-
23 istration applications and absentee ballot appli-
24 cations requested under such paragraphs;

1 “(C) for the purpose of providing related
2 voting, balloting, and election information to eli-
3 gible voters; and

4 “(D) that meets the accessibility require-
5 ment as described in subsection (d).

6 “(2) CLARIFICATION REGARDING PROVISION OF
7 MULTIPLE MEANS OF ELECTRONIC COMMUNICA-
8 TION.—A State may, in addition to the means of
9 electronic communication so designated, provide
10 multiple means of electronic communication to eligi-
11 ble voters, including a means of electronic commu-
12 nication for the appropriate jurisdiction of the State.

13 “(3) INCLUSION OF DESIGNATED MEANS OF
14 ELECTRONIC COMMUNICATION WITH INFORMA-
15 TIONAL AND INSTRUCTIONAL MATERIALS THAT AC-
16 COMPANY BALLOTING MATERIALS.—Each State shall
17 include a means of electronic communication so des-
18 ignated with all informational and instructional ma-
19 terials that accompany balloting materials sent by
20 the State to eligible voters.

21 “(4) TRANSMISSION IF NO PREFERENCE INDI-
22 CATED.—In the case where an eligible voter does not
23 designate a preference under paragraph (3)(B) or
24 (4)(B), respectively, of subsection (a), the State
25 shall transmit the voter registration application or

absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(5) COORDINATION WITH STATES.—The Election Assistance Commission shall work with States to ensure the mail voter registration application form prescribed under section 9(a)(2) of the National Voter Registration Act of 1993 (52 U.S.C. 20508(a)(2)) is accessible as defined in section 304 and capable of being submitted electronically to State election offices by individuals.

“(c) TRANSMISSION AND MARKING OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—

“(1) IN GENERAL.—Each State shall establish procedures—

“(A) to securely transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the eligible voter under subparagraph (B)) to eligible voters for an election for Federal office; and

“(B) by which the eligible voter may designate whether the individual prefers that such blank absentee ballot be transmitted by mail or electronically.

1 “(2) TRANSMISSION IF NO PREFERENCE INDI-
2 CATED.—In the case where an eligible voter does not
3 designate a preference under paragraph (1)(B), the
4 State shall transmit the ballot by any delivery meth-
5 od allowable in accordance with applicable State law,
6 or if there is no applicable State law, by mail.

7 “(3) MARKING OF BLANK ABSENTEE BAL-
8 LOTS.—Each State shall establish procedures to
9 allow voters to securely mark blank absentee ballots
10 through assistive technology for an election for Fed-
11 eral office.

12 “(4) APPLICATION OF METHODS TO TRACK DE-
13 LIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL
14 REQUESTING BALLOT.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graph (B), under the procedures established
17 under paragraph (1), the State may apply such
18 methods as the State considers appropriate
19 which are in accordance with paragraph (1),
20 such as assigning a unique identifier to the bal-
21 lot, to ensure that if an eligible voter requests
22 the State to transmit a blank absentee ballot to
23 the individual in accordance with this sub-
24 section, the voted absentee ballot which is re-
25 turned by the individual is the same blank ab-

1 sentee ballot which the State transmitted to the
2 individual.

3 “(B) LIMITATION.—In carrying out this
4 paragraph, a State may not adopt a method of
5 tracking absentee ballots which would violate
6 the right of an individual to a private ballot. If
7 a unique identifier is assigned to an absentee
8 ballot, the State must adopt procedures to en-
9 sure the identity of the individual remains se-
10 cret.

11 “(d) ACCESSIBILITY REQUIREMENT FOR ELEC-
12 TRONIC COMMUNICATIONS.—Any electronic communica-
13 tion under this section, including any application, ballot,
14 or instructional material sent electronically, shall be acces-
15 sible as defined in section 304.

16 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion may be construed to allow the casting of ballots over
18 the internet.

19 “(f) EFFECTIVE DATE.—This section shall apply
20 with respect to elections for Federal office held on or after
21 January 1, 2021.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) TECHNICAL AMENDMENT.—Section 906(a)
24 of the Help America Vote Act of 2002 (52 U.S.C.
25 21145(a)) is amended, in the matter preceding para-

1 graph (1), by striking “section 303(b)” and insert-
 2 ing “sections 303(b) and 307(a)”.

3 (2) CLERICAL AMENDMENT.—The table of con-
 4 tents of such Act is amended by inserting after the
 5 item relating to section 306, as added by section
 6 203(b), the following:

“Sec. 307. Access to absentee registration procedures and no-excuse absentee
 voting for all voters.”.

7 **SEC. 205. PROTECTIONS FOR IN-PERSON VOTING FOR INDI-**
 8 **VIDUALS WITH DISABILITIES AND OLDER IN-**
 9 **DIVIDUALS.**

10 (a) REQUIREMENT.—

11 (1) IN GENERAL.—Title III of the Help Amer-
 12 ica Vote Act of 2002 (52 U.S.C. 21018 et seq.), as
 13 amended by sections 201, 202, 203, and 204, is
 14 amended—

15 (A) by redesignating sections 308 and 309
 16 as sections 309 and 310; and

17 (B) by inserting after section 307 the fol-
 18 lowing:

19 **“SEC. 308. ACCESS TO VOTING FOR INDIVIDUALS WITH DIS-**
 20 **ABILITIES AND OLDER INDIVIDUALS.**

21 “(a) IN GENERAL.—Each State shall—

22 “(1) ensure all polling places within the State
 23 are accessible, as defined in section 304;

1 “(2) consider procedures to address long wait
2 times at polling places that allow individuals with
3 disabilities and older individuals alternate options to
4 cast a ballot in person in an election for Federal of-
5 fice, such as the option to cast a ballot outside of
6 the polling place or from a vehicle, or providing an
7 expedited voting line; and

8 “(3) consider options to establish ‘mobile poll-
9 ing sites’ to allow election officials or volunteers to
10 travel to long-term care facilities and assist residents
11 who request assistance in casting a ballot in order
12 to maintain the privacy and independence of voters
13 in these facilities.

14 “(b) CLARIFICATION.—Nothing in this section may
15 be construed to alter the requirements under Federal law
16 that all polling places for Federal elections are accessible
17 to individuals with disabilities and older individuals.

18 “(c) EFFECTIVE DATE.—This section shall apply
19 with respect to elections for Federal office held on or after
20 January 1, 2021.”.

21 (2) CLERICAL AMENDMENT.—The table of con-
22 tents of such Act is amended by inserting after the
23 item relating to section 307, as added by section
24 204(b), the following:

“Sec. 308. Access to voting for individuals with disabilities and older individ-
uals.”.

1 (b) REVISIONS TO VOTING ACCESSIBILITY FOR THE
2 ELDERLY AND HANDICAPPED ACT.—

3 (1) REPORTS TO ELECTION ASSISTANCE COM-
4 MISSION.—Section 3(c) of the Voting Accessibility
5 for the Elderly and Handicapped Act (52 U.S.C.
6 20102(c)) is amended—

7 (A) in the subsection heading, by striking
8 “FEDERAL ELECTION COMMISSION” and in-
9 serting “ELECTION ASSISTANCE COMMISSION”;

10 (B) in each of paragraphs (1) and (2), by
11 striking “Federal Election Commission” and in-
12 serting “Election Assistance Commission”; and

13 (C) by striking paragraph (3).

14 (2) CONFORMING AMENDMENTS RELATING TO
15 REFERENCES.—The Voting Accessibility for the El-
16 derly and Handicapped Act (52 U.S.C. 20101 et
17 seq.), as amended by paragraph (1), is amended—

18 (A) by striking “handicapped and elderly
19 individuals” each place it appears and inserting
20 “individuals with disabilities and older individ-
21 uals”;

22 (B) by striking “handicapped and elderly
23 voters” each place it appears and inserting “in-
24 dividuals with disabilities and older individ-
25 uals”;

1 (C) in section 3(b)(2)(B), by striking
 2 “handicapped or elderly voter” and inserting
 3 “individual with a disability or older indi-
 4 vidual”;

5 (D) in section 5(b), by striking “handi-
 6 capped voter” and inserting “individual with a
 7 disability”; and

8 (E) in section 8—

9 (i) by striking paragraphs (1) and (2)
 10 and inserting the following:

11 “(1) ‘accessible’ has the meaning given that
 12 term in section 304 of the Help America Vote Act
 13 of 2002, as added by section 101(a) of the Acces-
 14 sible Voting Act of 2020;

15 “(2) ‘older individual’ has the meaning given
 16 that term in such section 304;”; and

17 (ii) by striking paragraph (4), and in-
 18 serting the following:

19 “(4) ‘individual with a disability’ has the mean-
 20 ing given that term in such section 304; and”.

21 (3) SHORT TITLE AMENDMENT.—

22 (A) IN GENERAL.—Section 1 of the “Vot-
 23 ing Accessibility for the Elderly and Handi-
 24 capped Act” (Public Law 98–435; 42 U.S.C.
 25 1973see note) is amended by striking “for the

1 Elderly and Handicapped” and inserting “for
 2 Individuals with Disabilities and Older Individ-
 3 uals”.

4 (B) REFERENCES.—Any reference in any
 5 other provision of law, regulation, document,
 6 paper, or other record of the United States to
 7 the “Voting Accessibility for the Elderly and
 8 Handicapped Act” shall be deemed to be a ref-
 9 erence to the “Voting Accessibility for Individ-
 10 uals with Disabilities and Older Individuals
 11 Act”.

12 (4) EFFECTIVE DATE.—The amendments made
 13 by this subsection shall take effect on January 1,
 14 2021, and apply to with respect to elections for Fed-
 15 eral office held on or after that date.

16 **SEC. 206. PROTECTIONS FOR INDIVIDUALS SUBJECT TO**
 17 **GUARDIANSHIP.**

18 (a) IN GENERAL.—Title III of the Help America
 19 Vote Act of 2002 (52 U.S.C. 21018 et seq.), as amended
 20 by sections 201, 202, 203, 204, and 205, is amended—

21 (1) by redesignating sections 309 and 310 as
 22 sections 310 and 310A; and

23 (2) by inserting after section 308 the following:

1 **“SEC. 309. PROTECTIONS FOR INDIVIDUALS SUBJECT TO**
2 **GUARDIANSHIP.**

3 “(a) IN GENERAL.—A State shall not determine that
4 an individual lacks the capacity to vote in an election for
5 Federal office on the ground that the individual is subject
6 to guardianship, unless a court of competent jurisdiction
7 issues a court order finding by clear and convincing evi-
8 dence that the individual cannot communicate, with or
9 without accommodations, a desire to participate in the vot-
10 ing process.

11 “(b) EFFECTIVE DATE.—This section shall apply
12 with respect to elections for Federal office held on or after
13 January 1, 2021.”.

14 (b) CLERICAL AMENDMENTS.—The table of contents
15 of such Act is amended by inserting after the item relating
16 to section 308, as added by section 205(a)(2), the fol-
17 lowing:

 “Sec. 309. Protections for individuals subject to guardianship.”.

18 **SEC. 207. PAYMENTS TO STATES FOR IMPLEMENTATION OF**
19 **ACCESSIBILITY REQUIREMENTS.**

20 (a) IN GENERAL.—Subtitle D of title II of the Help
21 America Vote Act of 2002 (52 U.S.C. 21001) is amended
22 by adding at the end the following new part:

1 **“PART 7—PAYMENTS TO STATES FOR IMPLEMEN-**
2 **TATION OF ACCESSIBILITY REQUIREMENTS**

3 **“SEC. 297. PAYMENTS TO STATES FOR IMPLEMENTATION**
4 **OF ACCESSIBILITY REQUIREMENTS.**

5 “(a) PAYMENTS.—

6 “(1) IN GENERAL.—The Director of the Office
7 of Accessibility (hereinafter in this section referred
8 to as the ‘Director’) shall make payments to each el-
9 igible State (as described in subsection (c)) in an
10 amount determined under paragraph (2) for each
11 applicable period (as defined in paragraph (3)) be-
12 ginning on or after October 1, 2020.

13 “(2) ALLOCATION OF FUNDS.—

14 “(A) IN GENERAL.—Subject to subpara-
15 graph (C), the amount of a payment made to
16 a State for an applicable period shall be equal
17 to the product of—

18 “(i) the total amount appropriated for
19 requirements payments for the applicable
20 period pursuant to the authorization under
21 subsection (g); and

22 “(ii) the State allocation percentage
23 for the State (as determined under sub-
24 paragraph (B)).

25 “(B) STATE ALLOCATION PERCENTAGE
26 DEFINED.—The ‘State allocation percentage’

1 for a State is the amount (expressed as a per-
2 centage) equal to the quotient of—

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

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

9 “(C) MINIMUM PAYMENT.—The amount of
10 any payment made to an eligible State under
11 this section shall not be less than \$1,000,000.

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

17 “(E) CONTINUING AVAILABILITY OF
18 FUNDS AFTER APPROPRIATION.—A payment
19 made to a State under this section shall be
20 available to the State without fiscal year limita-
21 tion.

22 “(3) APPLICABLE PERIOD DEFINED.—The ‘ap-
23 plicable period’, with respect to a payment under
24 this section, is a period of 2 fiscal years.

1 “(4) DISTRIBUTION OF FUNDS TO UNITS OF
2 LOCAL GOVERNMENT.—At least 10 percent of funds
3 allocated to a State under this section shall be dis-
4 tributed to units of local government to develop or
5 upgrade accessible election websites and to share in-
6 formation with the statewide accessible election
7 website as described in section 304.

8 “(b) USE OF FUNDS.—

9 “(1) IN GENERAL.—An eligible State shall use
10 a payment under this section to meet the require-
11 ments of sections 304 through 309.

12 “(2) PROHIBITION ON USE OF FUNDS FOR SEP-
13 ARATE ACCESSIBLE ELECTION WEBSITES.—Funds
14 under this section may not be used to establish ac-
15 cessible election websites for individuals with disabil-
16 ities and older individuals under section 304 that are
17 separate from the election websites for the general
18 population. Funds must be used to make existing
19 election websites accessible, or to develop accessible
20 election websites where one does not already exist.

21 “(c) REQUIREMENTS FOR ELIGIBILITY.—

22 “(1) IN GENERAL.—Each State that desires to
23 receive a payment under this section for an applica-
24 ble period shall submit an application for such pay-
25 ment to the Director at such time and in such man-

1 ner and containing such information as the Director
2 shall require.

3 “(2) CONTENTS OF APPLICATION.—Each appli-
4 cation submitted under paragraph (1) shall in-
5 clude—

6 “(A) with respect to the requirements
7 under section 304 (relating to accessible elec-
8 tion websites)—

9 “(i) a description of the State plan as
10 developed by the committee of appropriate
11 individuals under subsection (c) of such
12 section;

13 “(ii) an assurance that the State will
14 work with State and local disability and
15 aging advocates to ensure the election
16 website is accessible to individuals with
17 disabilities and older individuals;

18 “(iii) a description of how the State
19 will ensure the election website maintains
20 accessibility;

21 “(iv) a description of how the State
22 will ensure information on the election
23 website is accessible to local election offi-
24 cials; and

1 “(v) identification of each organiza-
2 tion the State is partnering with pursuant
3 to subsection (d) of such section in order
4 to monitor and verify the accessibility of
5 the State election website, including the
6 written support of each such organization;

7 “(B) with respect to the requirements
8 under sections 305 through 309, a description
9 of how the State will meet such requirements;
10 and

11 “(C) such other information as the Direc-
12 tor determines appropriate to ensure compli-
13 ance with the requirements of such sections 304
14 through 309.

15 “(d) REPORTS.—

16 “(1) REPORTS BY RECIPIENTS.—

17 “(A) IN GENERAL.—Not later than the 6
18 months after the end of each applicable period
19 for which an eligible State received a payment
20 under this section, the State shall submit a re-
21 port to the Director on the activities conducted
22 using such payments during the applicable pe-
23 riod, and shall include in the report a list of ex-
24 penditures during such applicable period.

1 “(B) INCLUSION.—Each report submitted
2 under subparagraph (A) shall include the num-
3 ber and description of complaints and griev-
4 ances by individuals alleging their ability to reg-
5 ister to vote or vote was unfairly blocked or de-
6 layed.

7 “(2) REPORT BY DIRECTOR TO COMMITTEES.—
8 With respect to each applicable period for which the
9 Director makes payments under this section, the Di-
10 rector shall submit a report on the activities carried
11 out under this section to the Committee on House
12 Administration of the House of Representatives and
13 the Committee on Rules and Administration and the
14 Special Committee on Aging of the Senate.

15 “(e) STANDARDS AND GUIDELINES.—The Director
16 shall establish standards and guidelines for approved ac-
17 tivities supported by payments under this section. Such
18 standards and guidelines shall permit eligible States re-
19 ceiving such a payment to refine or adapt the standards
20 and guidelines for an individual project, where such a re-
21 finement or adaptation is made necessary by a local cir-
22 cumstance.

23 “(f) DEFINITIONS.—In this section, the terms ‘acces-
24 sible’, ‘individual with a disability’, ‘older individual’, and
25 ‘State’ have the meaning given those terms in section 304.

1 “(g) AUTHORIZATION OF APPROPRIATIONS.—

2 “(1) IN GENERAL.—There are authorized to be
3 appropriated to carry out the provisions of this sec-
4 tion—

5 “(A) \$100,000,000 for fiscal years 2021
6 and 2022;

7 “(B) \$100,000,000 for fiscal years 2023
8 and 2024; and

9 “(C) \$100,000,000 for fiscal years 2025
10 and 2026.

11 “(2) CONTINUING AVAILABILITY OF FUNDS
12 AFTER APPROPRIATION.—A payment made to an eli-
13 gible State under this section shall be available to
14 the State without fiscal year limitation, but shall
15 only be used for the purposes of this section.

16 “(h) RELATIONSHIP TO REQUIREMENTS PAY-
17 MENTS.—Any payment to a State under this section shall
18 be in addition to any requirements payment under section
19 251 and shall not be taken into account in determining
20 the amount of such payment under section 252.”.

21 (b) CLERICAL AMENDMENTS.—The table of contents
22 of such Act is amended by inserting after the item relating
23 to section 296 the following new item:

“PART 7—PAYMENTS TO STATES FOR IMPLEMENTATION OF ACCESSIBILITY
REQUIREMENTS

“Sec. 297. Payments to States for implementation of accessibility require-
ments.”.

1 **SEC. 208. TECHNICAL AND CONFORMING AMENDMENTS RE-**
2 **LATING TO ISSUANCE OF VOLUNTARY GUID-**
3 **ANCE AND ENFORCEMENT.**

4 (a) ISSUANCE OF VOLUNTARY GUIDANCE BY ELEC-
5 TION ASSISTANCE COMMISSION.—Section 311 of the Help
6 America Vote Act of 2002 (52 U.S.C. 21101) is amend-
7 ed—

8 (1) in subsection (a), by striking “subtitle A”
9 and inserting “subtitles A and B”; and

10 (2) in subsection (b)—

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

13 (B) by striking the period at the end of
14 paragraph (3) and inserting “; and”; and

15 (C) by adding at the end the following new
16 paragraph:

17 “(4) in the case of the recommendations with
18 respect to sections 304 through 309, January 1,
19 2021.”; and

20 (3) by adding at the end the following new sub-
21 section:

22 “(d) COORDINATION WITH OFFICE OF ACCESSI-
23 BILITY.—The Commission shall coordinate with the Elec-
24 tion Assistance Commission Office of Accessibility estab-
25 lished under section 223 in adopting recommendations
26 with respect to sections 304 through 309.”.

1 (b) ENFORCEMENT.—Section 401 of such Act (52
2 U.S.C. 21111) is amended by striking “sections 301, 302,
3 and 303” and inserting “subtitle A of title III”.

4 **TITLE III—FEDERAL** 5 **ASSISTANCE**

6 **SEC. 301. EXPANSION AND REAUTHORIZATION OF GRANT**
7 **PROGRAM TO ASSURE VOTING ACCESS FOR**
8 **INDIVIDUALS WITH DISABILITIES AND OLDER**
9 **INDIVIDUALS.**

10 (a) PURPOSES OF PAYMENTS.—Section 261(b) of the
11 Help America Vote Act of 2002 (52 U.S.C. 21021(b)) is
12 amended by striking paragraphs (1) and (2) and inserting
13 the following:

14 “(1) making absentee voting and voting in an
15 individual’s place of residence accessible to individ-
16 uals with the full range of disabilities (including im-
17 pairments involving vision, hearing, mobility, cog-
18 nition, or dexterity) through the implementation of
19 accessible absentee voting systems that work in con-
20 junction with assistive technologies for which indi-
21 viduals have access at their homes, independent liv-
22 ing centers, long-term care facilities, or other facili-
23 ties in a manner that provides the same opportunity
24 for access and participation (including privacy and
25 independence) as for other voters;

1 “(2) making polling places, including the path
2 of travel, entrances, exits, and voting areas of each
3 polling facility, accessible to individuals with disabili-
4 ties, including the blind and visually impaired, in a
5 manner that provides the same opportunity for ac-
6 cess and participation (including privacy and inde-
7 pendence) as for other voters; and

8 “(3) providing solutions to problems of access
9 to voting and elections for individuals with disabili-
10 ties that are universally designed and provide the
11 same opportunities for individuals with and without
12 disabilities.”.

13 (b) REAUTHORIZATION.—Section 264(a) of such Act
14 (52 U.S.C. 21024(a)) is amended by adding at the end
15 the following new paragraph:

16 “(4) For fiscal year 2021 and each succeeding
17 fiscal year, such sums as may be necessary to carry
18 out this part.”.

19 (c) PERIOD OF AVAILABILITY OF FUNDS.—Section
20 264 of such Act (52 U.S.C. 21024) is amended—

21 (1) in subsection (b), by striking “Any
22 amounts” and inserting “Except as provided in sub-
23 section (b), any amounts”; and

24 (2) by adding at the end the following new sub-
25 section:

1 “(c) RETURN AND TRANSFER OF CERTAIN FUNDS.—

2 “(1) DEADLINE FOR OBLIGATION AND EXPEND-
3 ITURE.—In the case of any amounts appropriated
4 pursuant to the authority of subsection (a) for a
5 payment to a State or unit of local government for
6 fiscal year 2021 or any succeeding fiscal year, any
7 portion of such amounts which have not been obli-
8 gated or expended by the State or unit of local gov-
9 ernment prior to the expiration of the 4-year period
10 which begins on the date the State or unit of local
11 government first received the amounts shall be
12 transferred to the Commission.

13 “(2) REALLOCATION OF TRANSFERRED
14 AMOUNTS.—

15 “(A) IN GENERAL.—The Commission shall
16 use the amounts transferred under paragraph
17 (1) to make payments on a pro rata basis to
18 each covered payment recipient described in
19 subparagraph (B), which may obligate and ex-
20 pend such payment for the purposes described
21 in section 261(b) during the 1-year period
22 which begins on the date of receipt.

23 “(B) COVERED PAYMENT RECIPIENTS DE-
24 SCRIBED.—In subparagraph (A), a ‘covered

1 payment recipient’ is a State or unit of local
2 government with respect to which—

3 “(i) amounts were appropriated pur-
4 suant to the authority of subsection (a);
5 and

6 “(ii) no amounts were transferred to
7 the Commission under paragraph (1).”.

8 **SEC. 302. APPOINTMENTS TO EAC BOARD OF ADVISORS.**

9 (a) IN GENERAL.—Section 214(a) of the Help Amer-
10 ica Vote Act of 2002 (52 U.S.C. 20944(a)) is amended—

11 (1) in the matter preceding paragraph (1), by
12 striking “37” and inserting “49”; and

13 (2) by adding at the end the following new
14 paragraphs:

15 “(17) Two members appointed by the National
16 Council on Disability.

17 “(18) Two members appointed by the Assistant
18 Secretary of Health and Human Services for Aging.

19 “(19) Four members from organizations, whose
20 executive leadership team consists of fifty-one per-
21 cent of individuals with disabilities, representing the
22 interests of voters with disabilities, of whom—

23 “(A) two members shall be appointed by
24 the Committee on Education and Labor of the
25 House of Representatives, of whom one shall be

1 appointed by the chair and one shall be ap-
2 pointed by the ranking minority member; and

3 “(B) two members shall be appointed by
4 the Committee on Health, Education, Labor,
5 and Pensions of the Senate, of whom one shall
6 be appointed by the chair and one shall be ap-
7 pointed by the ranking minority member.

8 “(20) Four members from organizations rep-
9 resenting the interests of older voters, of whom—

10 “(A) two members shall be appointed by
11 the Committee on Education and Labor of the
12 House of Representatives, of whom one shall be
13 appointed by the chair and one shall be ap-
14 pointed by the ranking minority member; and

15 “(B) two members shall be appointed by
16 the Special Committee on Aging of the Senate,
17 of whom one shall be appointed by the chair
18 and one shall be appointed by the ranking mi-
19 nority member.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 subsection (a) shall take effect on January 1, 2021.

1 **SEC. 303. REMOVAL OF LIMITATION ON USE OF FUNDS FOR**
 2 **PARTICIPATION OF PROTECTION AND ADVO-**
 3 **CACY SYSTEMS IN LITIGATION RELATED TO**
 4 **ELECTION-RELATED DISABILITY ACCESS.**

5 Section 292(a) of the Help America Vote Act of 2002
 6 (52 U.S.C. 21062(a)) is amended by striking “; except
 7 that” and all that follows and inserting a period.

8 **SEC. 304. FUNDING FOR PROTECTION AND ADVOCACY SYS-**
 9 **TEMS.**

10 (a) INCLUSION OF SYSTEM SERVING AMERICAN IN-
 11 DIAN CONSORTIUM.—Section 291(a) of the Help America
 12 Vote Act of 2002 (52 U.S.C. 21061(a)) is amended by
 13 striking “of each State” and inserting “of each State and
 14 the eligible system serving the American Indian consor-
 15 tium (within the meaning of section 509(c)(1)(B) of the
 16 Rehabilitation Act of 1973 (29 U.S.C. 794e(c)(1)(B)))”.

17 (b) GRANT AMOUNT.—Section 291(b) of the Help
 18 America Vote Act of 2002 (52 U.S.C. 21061(b)) is amend-
 19 ed—

20 (1) by striking “as set forth in subsections
 21 (c)(3)” and inserting “as set forth in subsections
 22 (c)(1)(B) (regardless of the fiscal year), (c)(3)”;

23 (2) by striking “except that” and all that fol-
 24 lows and inserting “except that the amount of the
 25 grants to systems referred to in subsection (c)(3)(B)
 26 of that section shall not be less than \$70,000 and

1 the amount of the grants to systems referred to in
2 subsections (c)(1)(B) and (c)(4)(B) of that section
3 shall not be less than \$35,000.”.

4 (c) DEFINITION.—Section 291 of the Help America
5 Vote Act of 2002 (52 U.S.C. 21061) is amended by adding
6 at the end the following:

7 “(d) STATE.—In this section, the term ‘State’
8 means—

9 “(1) a State as defined in section 901; and

10 “(2) the Commonwealth of the Northern Mar-
11 iana Islands.”.

○