

116TH CONGRESS  
2D SESSION

# S. 3206

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

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## IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2020

Mr. CASEY (for himself, Ms. KLOBUCHAR, and Mrs. GILLIBRAND) 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 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

1 14,300,000 citizens with disabilities reported voting  
2 in the November 2018 election.

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

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

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

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

15 (8) People with disabilities voted at a rate of  
16 4.7 percent less than non-disabled individuals in  
17 2016.

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

23 (10) The National Congress of American Indi-  
24 ans found that the turnout rate for Native Ameri-  
25 cans and Alaska Native registered voters is between

1 5 to 14 percent lower than turnout rates of other ra-  
2 cial and ethnic groups.

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

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

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

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

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

3 **TITLE I—ELECTION ASSISTANCE**  
4 **COMMISSION OFFICE OF AC-**  
5 **CESSIBILITY**

6 **SEC. 101. ESTABLISHMENT OF THE ELECTION ASSISTANCE**  
7 **COMMISSION OFFICE OF ACCESSIBILITY.**

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

11 **“PART 4—ELECTION ASSISTANCE COMMISSION**  
12 **OFFICE OF ACCESSIBILITY**

13 **“SEC. 223. ELECTION ASSISTANCE COMMISSION OFFICE OF**  
14 **ACCESSIBILITY.**

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

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

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

1           “(A) within the Election Assistance Com-  
2           mission and with other departments and agen-  
3           cies of the Federal Government regarding all  
4           Federal policies affecting such individuals; and

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

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

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

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

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

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

4           “(7) establish and operate the National Re-  
5 source Center on Accessible Voting under section  
6 224;

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

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

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

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

21           “(1) Educating State and local election officials  
22 on the challenges faced by older individuals, individ-  
23 uals with disabilities, Native Americans, Alaska Na-  
24 tives, and individuals with limited proficiency in the  
25 English language when voting, and teaching evi-

1        dence-based strategies for overcoming those chal-  
2        lenges.

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

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

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

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

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



1 “(i) strategies to reduce adversely  
2 long wait times for casting ballots;

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

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

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

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

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

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

1                   “(iii) ensuring the process for mark-  
2                   ing an absentee ballot is accessible to indi-  
3                   viduals with disabilities and older individ-  
4                   uals; and

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

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

12                  “(d) DIRECTOR OF ACCESSIBILITY.—

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

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

25                  “(3) PROCEDURE FOR APPOINTMENT.—

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

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

19           “(4) PROCEDURE FOR REAPPOINTMENT.—

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

24           “(B) TIMING OF RECOMMENDATION.—The  
25 Standards Board and the Board of Advisors

1           may recommend such reappointment for an ad-  
2           ditional term before the date on which the cur-  
3           rent term of the Director expires, but not more  
4           than 3 months before such date.

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

9           “(e) DEPUTY DIRECTOR.—

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

12                   “(A) be appointed by the Director;

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

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

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

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

1       “(f) OTHER STAFF.—Subject to rules prescribed by  
2 the Commission, the Director may appoint and fix the pay  
3 of such additional personnel as the Director considers ap-  
4 propriate.

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

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

14       “(i) AUTHORIZATION.—There are authorized to be  
15 appropriated to the Office of Accessibility to carry out the  
16 provisions of this part \$500,000 for each of fiscal years  
17 2021 and 2022 and such sums as may be necessary for  
18 each succeeding year.”.

19       (b) CONFORMING AMENDMENTS.—

20               (1) CONFORMING AMENDMENT TO DUTIES OF  
21 EAC.—Section 202 of the Help America Vote Act of  
22 2002 (52 U.S.C. 20922) is amended—

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

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

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

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

7 (2) CLERICAL AMENDMENT.—The table of con-  
 8 tents of such Act is amended by inserting after the  
 9 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.”.

10 **SEC. 102. NATIONAL RESOURCE CENTER ON ACCESSIBLE**  
 11 **VOTING.**

12 (a) IN GENERAL.—Part 4 of subtitle A of title II of  
 13 the Help America Vote Act of 2002, as added by section  
 14 101, is amended by adding at the end the following new  
 15 section:

16 **“SEC. 224. NATIONAL RESOURCE CENTER ON ACCESSIBLE**  
 17 **VOTING.**

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

23 “(b) ACTIVITIES.—In order to address the unique  
 24 challenges faced by older individuals, individuals with dis-

1 abilities, Native Americans, Alaska Natives, and individ-  
2 uals with limited proficiency in the English language, the  
3 Center shall provide State and local election officials, poll  
4 workers, and volunteers with the information and tech-  
5 nical assistance needed to effectively provide accessible  
6 voting, and ensure that individuals with disabilities and  
7 older individuals are given an equivalent opportunity to  
8 vote, including with privacy and independence.

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

12 “(d) ELIGIBLE ENTITIES.—

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

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

20 “(B) meet the criteria described in para-  
21 graph (2).

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

1           “(A) has demonstrated expertise in work-  
2           ing with organizations or individuals on issues  
3           affecting individuals with disabilities and older  
4           individuals;

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

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

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

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

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

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



1 to section 223, as added by section 101(b)(2), the fol-  
 2 lowing new item:

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

3 **SEC. 103. ESTABLISHMENT OF NATIONAL VOTER ACCESSI-**  
 4 **BILITY WEBSITE.**

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

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

13 **“SEC. 225. ESTABLISHMENT OF NATIONAL VOTER ACCESSI-**  
 14 **BILITY WEBSITE.**

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

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

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

- 1           “(B) information on voting timelines for  
2 each State, including deadlines to—
- 3           “(i) register to vote;
- 4           “(ii) update voter registration infor-  
5 mation;
- 6           “(iii) submit an application to run for  
7 elected office;
- 8           “(iv) apply for an absentee ballot; and
- 9           “(v) submit an absentee ballot; and
- 10          “(C) a plain language description of the  
11 voting laws of each State, including information  
12 on—
- 13          “(i) voter identification requirements;
- 14          “(ii) how to register to vote, update  
15 registration info, and confirm an individual  
16 is registered to vote in the State;
- 17          “(iii) the location and operating hours  
18 of polling places and the accessibility of  
19 polling places;
- 20          “(iv) the availability of aid or assist-  
21 ance for individuals with disabilities and  
22 older individuals to cast their vote in a  
23 manner that provides the same opportunity  
24 for access and participation (including pri-

1 vacy and independence) as for other voters  
2 at polling places;

3 “(v) the availability of aid or assist-  
4 ance from State and local agencies for in-  
5 dividuals with disabilities or older individ-  
6 uals who are not able to travel to the poll-  
7 ing place;

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

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

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

21 “(II) information on how to ob-  
22 tain transportation to the polls from  
23 State or local agencies; and

24 “(2) provide a description of resources for local  
25 election officials to use in providing guidance to poll

1 workers in order to ensure that polling places are ac-  
2 cessible for individuals with disabilities and older in-  
3 dividuals in a manner that provides the same oppor-  
4 tunity for access and participation (including privacy  
5 and independence) as for other voters.

6 “(b) DATABASE.—

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

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

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

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

1 (c) CLERICAL AMENDMENT.—The table of contents  
 2 of such Act is amended by inserting after the item relating  
 3 to section 224, as added by section 102(b), the following  
 4 new item:

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

5 **TITLE II—STATE**  
 6 **REQUIREMENTS AND PAYMENTS**

7 **SEC. 201. ESTABLISHMENT AND MAINTENANCE OF STATE**  
 8 **ACCESSIBLE ELECTION WEBSITES.**

9 (a) IN GENERAL.—Title III of the Help America  
 10 Vote Act of 2002 (52 U.S.C. 21018 et seq.) is amended—

11 (1) by redesignating sections 304 and 305 as  
 12 sections 305 and 306; and

13 (2) by inserting after section 303 the following:

14 **“SEC. 304. ESTABLISHMENT AND MAINTENANCE OF ACCES-**  
 15 **SIBLE ELECTION WEBSITES.**

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

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

22 “(A) guidance to ensure that polling places  
 23 are accessible for individuals with disabilities  
 24 and older individuals in a manner that provides  
 25 the same opportunity for access and participa-

1 tion (including privacy and independence) as for  
2 other voters; and

3 “(B) online training and resources on—

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

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

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

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

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

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

21 “(D) the availability of aid or assistance  
22 for individuals with disabilities and older indi-  
23 viduals to cast their vote in a manner that pro-  
24 vides the same opportunity for access and par-

1           ticipation (including privacy and independence)  
2           as for other voters at polling places;

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

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

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

17          “(b) PARTNERSHIP WITH OUTSIDE TECHNICAL OR-  
18          GANIZATION.—

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

1           “(A) update an existing election website to  
2           make it fully accessible in accordance with this  
3           section; or

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

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

12          “(c) STATE PLAN.—

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

19           “(2) COMMITTEE MEMBERSHIP.—The com-  
20           mittee shall comprise at least the following individ-  
21           uals:

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

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



1           “(C) Representatives from two disability  
2           advocacy groups, including at least one such  
3           representative who is an individual with a dis-  
4           ability.

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

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

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

15          “(G) Representatives from State protection  
16          and advocacy systems as defined in section 102  
17          of the Developmental Disabilities Assistance  
18          and Bill of Rights Act of 2000 (42 U.S.C.  
19          15002).

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

1 ness of the election information and the accuracy of the  
2 disability information provided on such website:

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

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

11 “(3) A State Council on Developmental Disabil-  
12 ities described in section 125 of the Developmental  
13 Disabilities Assistance and Bill of Rights Act of  
14 2000 (42 U.S.C. 15025).

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

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

22 “(6) State Assistive Technology Act Programs.

23 “(7) A visual access advocacy organization.

24 “(8) An organization for the deaf.

25 “(9) A mental health organization.

1 “(e) DEFINITIONS.—In this subtitle:

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

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

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

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

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

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

1 the 2010 ADA Standards for Accessible Design  
2 adopted by the Department of Justice (or any  
3 successor standards).

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

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

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

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

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

22 (1) by redesignating the items relating to sec-  
23 tions 304 and 305 as relating to sections 305 and  
24 306, respectively; and

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

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

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

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

7           (1) by redesignating sections 305 and 306 as  
8           sections 306 and 307; and

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

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

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

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

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

22           “(2) Providing information regarding voter reg-  
23 istration, absentee ballots, and in-person voting pro-  
24 cedures to be used by individuals with disabilities

1 and older individuals with respect to elections for  
2 Federal office.

3 “(3) Regularly auditing polling places to ensure  
4 they are accessible, as defined in section 304, and  
5 publicly posting the results of such audits no later  
6 than 6 months after the completion of the audit.

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

13 “(5) Working with—

14 “(A) community members with disabilities  
15 and disability advocacy groups year round; and

16 “(B) older individuals and advocacy groups  
17 for older individuals year round.

18 “(6) Integrating information on accessibility,  
19 accommodations, disability, and older individuals  
20 into regular training materials for poll workers and  
21 election administration officials.

22 “(7) Training poll workers on how to make poll-  
23 ing places accessible for individuals with disabilities  
24 and older individuals.



1       tion, the State or political subdivision must provide  
2       reasonable public notice in such State or political  
3       subdivision and on the accessible State election  
4       website as described in section 304, containing a  
5       concise description of the change, including the dif-  
6       ference between the changed prerequisite, standard,  
7       practice, or procedure and the prerequisite, stand-  
8       ard, practice, or procedure which was previously in  
9       effect.

10           “(2) FORMAT.—The public notice described in  
11       paragraph (1) shall be provided in a format that is  
12       convenient and accessible to individuals with disabil-  
13       ities and older individuals.

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

15           “(A) IN GENERAL.—A State or political  
16       subdivision shall send out an accessible elec-  
17       tronic mail or mail notice to any voter who re-  
18       quest to be notified of any changes described in  
19       paragraph (1).

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

24           “(4) DEADLINE FOR NOTICE.—A State or polit-  
25       ical subdivision shall provide the public notice re-



1       quired under paragraph (1) not later than 7 days  
2       after making the change involved.

3       “(b) TRANSPARENCY REGARDING POLLING PLACE  
4 RESOURCES.—

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

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

20           “(A) The name or number of the precinct  
21      or polling place.

22           “(B) In the case of a polling place, the lo-  
23      cation, including the street address, and con-  
24      firmation that the polling place is accessible to

1 individuals with disabilities and older individ-  
2 uals.

3 “(C) The number of voting machines as-  
4 signed, including the number of voting ma-  
5 chines accessible to individuals with disabilities  
6 and older individuals and the number of poll  
7 workers who have received training on how to  
8 set up and operate the accessible voting sys-  
9 tems.

10 “(D) The total number of poll workers of-  
11 ficially assigned to the polling place, including  
12 the number of such poll workers who have re-  
13 ceived training to assist individuals with disabil-  
14 ities and older individuals.

15 “(E) The number of official volunteer poll  
16 workers assigned who have received training to  
17 assist individuals with disabilities and older in-  
18 dividuals.

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

21 “(3) UPDATES IN INFORMATION REPORTED.—  
22 If a State or political subdivision makes any change  
23 in any of the information described in paragraph (2)  
24 with respect to which a notice is provided pursuant  
25 to paragraph (1), the State or political subdivision

1 shall provide reasonable public notice in such State  
2 or political subdivision and on the accessible State  
3 election website as described in section 304, of the  
4 change in the information not later than 48 hours  
5 after the change occurs or, if the change occurs  
6 fewer than 48 hours before the date of the election  
7 for Federal office, as soon as practicable after the  
8 change occurs.

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

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

14 “(A) IN GENERAL.—A State or political  
15 subdivision shall send out an accessible elec-  
16 tronic mail and mail notice to any voter who re-  
17 quests to be notified of any changes described  
18 in paragraph (1) and to the State protection  
19 and advocacy systems (as defined in section 102  
20 of the Developmental Disabilities Assistance  
21 and Bill of Rights Act of 2000 (42 U.S.C.  
22 15002)).

23 “(B) ESTABLISHMENT OF PROCESS.—A  
24 State or political subdivision shall establish a

1 process under which a voter may request to be  
2 notified of any such changes.

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

6 (b) CLERICAL AMENDMENTS.—The table of contents  
7 of such Act is amended by inserting after the item relating  
8 to section 305, as added by section 202(b), the following:  
“Sec. 306. Transparency regarding changes.”.

9 **SEC. 204. ACCESS TO ABSENTEE REGISTRATION PROCE-**  
10 **DURES AND NO-EXCUSE ABSENTEE VOTING**  
11 **FOR ALL VOTERS.**

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

15 (1) by redesignating sections 307 and 308 as  
16 sections 308 and 309; and

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

18 **“SEC. 307. ACCESS TO ABSENTEE REGISTRATION PROCE-**  
19 **DURES AND NO-EXCUSE ABSENTEE VOTING**  
20 **FOR ALL VOTERS.**

21 “(a) IN GENERAL.—Notwithstanding section 6(c)  
22 and subparagraph (B) or (D) of section 8(a)(1) of the Na-  
23 tional Voter Registration Act of 1993 (52 U.S.C.  
24 20505(c); 20507(a)(1)), each State shall—

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

4           “(2) accept and process, with respect to any  
5 election for Federal office, any otherwise valid voter  
6 registration application and absentee ballot applica-  
7 tion from any eligible voter if the application is re-  
8 ceived by the appropriate State election official not  
9 less than 7 days before the election;

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

12           “(A) for States to send voter registration  
13 applications to eligible voters in accordance with  
14 the eligible voter’s preferred method of trans-  
15 mission as designated under subparagraph (B);

16           “(B) by which an eligible voter may des-  
17 ignate whether the eligible voter prefers that  
18 such voter registration applications be trans-  
19 mitted by mail or electronically; and

20           “(C) to allow eligible voters to electroni-  
21 cally submit the mail voter registration applica-  
22 tion form prescribed under section 9(a)(2) of  
23 the National Voter Registration Act of 1993  
24 (52 U.S.C. 20508(a)(2));

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

4                   “(A) for States to send absentee ballot ap-  
5                   plications to eligible voters in accordance with  
6                   the eligible voter’s preferred method of trans-  
7                   mission as designated under subparagraph (B);  
8                   and

9                   “(B) by which an eligible voter may des-  
10                  ignate whether the eligible voter prefers that  
11                  such absentee ballot registration be transmitted  
12                  by mail or electronically;

13           “(5) establish procedures to allow eligible voters  
14           to establish a permanent absentee voter status until  
15           the voter submits an application to terminate their  
16           permanent absentee voter status;

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

19                   “(A) in the case in which the request is re-  
20                   ceived at least 45 days before an election for  
21                   Federal office, not later than 45 days before the  
22                   election; and

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

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

2 “(ii) if practicable and as determined  
3 appropriate by the State, in a manner that  
4 expedites the transmission of such absen-  
5 tee ballot; and

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

11 “(b) DESIGNATION OF MEANS OF ELECTRONIC COM-  
12 MUNICATION FOR ELIGIBLE VOTERS TO REQUEST AND  
13 FOR STATES TO SEND VOTER REGISTRATION APPLICA-  
14 TIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR  
15 OTHER PURPOSES RELATED TO VOTING INFORMA-  
16 TION.—

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

21 “(A) for use by eligible voters who wish to  
22 register to vote or vote in any jurisdiction in the  
23 State to request voter registration applications  
24 and absentee ballot applications under para-

1 graphs (3) and (4), respectively, of subsection  
2 (a);

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

6 “(C) for the purpose of providing related  
7 voting, balloting, and election information to eli-  
8 gible voters; and

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

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

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



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

9           “(5) COORDINATION WITH STATES.—The Elec-  
10          tion Assistance Commission shall work with States  
11          to ensure the mail voter registration application  
12          form prescribed under section 9(a)(2) of the Na-  
13          tional Voter Registration Act of 1993 (52 U.S.C.  
14          20508(a)(2)) is accessible as defined in section 304  
15          and capable of being submitted electronically to  
16          State election offices by individuals.

17          “(c) TRANSMISSION AND MARKING OF BLANK AB-  
18          SENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—

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

21                         “(A) to securely transmit blank absentee  
22                         ballots by mail and electronically (in accordance  
23                         with the preferred method of transmission des-  
24                         ignated by the eligible voter under subpara-

1 graph (B)) to eligible voters for an election for  
2 Federal office; and

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

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

13 “(3) MARKING OF BLANK ABSENTEE BAL-  
14 LOTS.—Each State shall establish procedures to  
15 allow voters to securely mark blank absentee ballots  
16 through assistive technology for an election for Fed-  
17 eral office.

18 “(4) APPLICATION OF METHODS TO TRACK DE-  
19 LIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL  
20 REQUESTING BALLOT.—

21 “(A) IN GENERAL.—Subject to subpara-  
22 graph (B), under the procedures established  
23 under paragraph (1), the State may apply such  
24 methods as the State considers appropriate  
25 which are in accordance with paragraph (1),

1           such as assigning a unique identifier to the bal-  
2           lot, to ensure that if an eligible voter requests  
3           the State to transmit a blank absentee ballot to  
4           the individual in accordance with this sub-  
5           section, the voted absentee ballot which is re-  
6           turned by the individual is the same blank ab-  
7           sentee ballot which the State transmitted to the  
8           individual.

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

17          “(d) ACCESSIBILITY REQUIREMENT FOR ELEC-  
18          TRONIC COMMUNICATIONS.—Any electronic communica-  
19          tion under this section, including any application, ballot,  
20          or instructional material sent electronically, shall be acces-  
21          sible as defined in section 304.

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

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

4       (b) CONFORMING AMENDMENTS.—

5           (1) TECHNICAL AMENDMENT.—Section 906(a)  
6 of the Help America Vote Act of 2002 (52 U.S.C.  
7 21145(a)) is amended, in the matter preceding para-  
8 graph (1), by striking “section 303(b)” and insert-  
9 ing “sections 303(b) and 307(a)”.

10          (2) CLERICAL AMENDMENT.—The table of con-  
11 tents of such Act is amended by inserting after the  
12 item relating to section 306, as added by section  
13 203(b), the following:

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

14 **SEC. 205. PROTECTIONS FOR IN-PERSON VOTING FOR INDI-**  
15 **VIDUALS WITH DISABILITIES AND OLDER IN-**  
16 **DIVIDUALS.**

17       (a) REQUIREMENT.—

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

22           (A) by redesignating sections 308 and 309  
23 as sections 309 and 310; and

1 (B) by inserting after section 307 the fol-  
2 lowing:

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

5 “(a) IN GENERAL.—Each State shall—

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

8 “(2) consider procedures to address long wait  
9 times at polling places that allow individuals with  
10 disabilities and older individuals alternate options to  
11 cast a ballot in person in an election for Federal of-  
12 fice, such as the option to cast a ballot outside of  
13 the polling place or from a vehicle, or providing an  
14 expedited voting line; and

15 “(3) consider options to establish ‘mobile poll-  
16 ing sites’ to allow election officials or volunteers to  
17 travel to long-term care facilities and assist residents  
18 who request assistance in casting a ballot in order  
19 to maintain the privacy and independence of voters  
20 in these facilities.

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

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

4           (2) CLERICAL AMENDMENT.—The table of con-  
5 tents of such Act is amended by inserting after the  
6 item relating to section 307, as added by section  
7 204(b), the following:

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

8           (b) REVISIONS TO VOTING ACCESSIBILITY FOR THE  
9 ELDERLY AND HANDICAPPED ACT.—

10           (1) REPORTS TO ELECTION ASSISTANCE COM-  
11 MISSION.—Section 3(c) of the Voting Accessibility  
12 for the Elderly and Handicapped Act (52 U.S.C.  
13 20102(c)) is amended—

14           (A) in the subsection heading, by striking  
15 “FEDERAL ELECTION COMMISSION” and in-  
16 serting “ELECTION ASSISTANCE COMMISSION”;

17           (B) in each of paragraphs (1) and (2), by  
18 striking “Federal Election Commission” and in-  
19 serting “Election Assistance Commission”; and

20           (C) by striking paragraph (3).

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

1 (A) by striking “handicapped and elderly  
2 individuals” each place it appears and inserting  
3 “individuals with disabilities and older individ-  
4 uals”;

5 (B) by striking “handicapped and elderly  
6 voters” each place it appears and inserting “in-  
7 dividuals with disabilities and older individ-  
8 uals”;

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

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

16 (E) in section 8—

17 (i) by striking paragraphs (1) and (2)

18 and inserting the following:

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

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

1 (ii) by striking paragraph (4), and in-  
2 serting the following:

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

5 (3) SHORT TITLE AMENDMENT.—

6 (A) IN GENERAL.—Section 1 of the “Vot-  
7 ing Accessibility for the Elderly and Handi-  
8 capped Act” (Public Law 98–435; 42 U.S.C.  
9 1973ee note) is amended by striking “for the  
10 Elderly and Handicapped” and inserting “for  
11 Individuals with Disabilities and Older Individ-  
12 uals”.

13 (B) REFERENCES.—Any reference in any  
14 other provision of law, regulation, document,  
15 paper, or other record of the United States to  
16 the “Voting Accessibility for the Elderly and  
17 Handicapped Act” shall be deemed to be a ref-  
18 erence to the “Voting Accessibility for Individ-  
19 uals with Disabilities and Older Individuals  
20 Act”.

21 (4) EFFECTIVE DATE.—The amendments made  
22 by this subsection shall take effect on January 1,  
23 2021, and apply to with respect to elections for Fed-  
24 eral office held on or after that date.



1 **SEC. 206. PROTECTIONS FOR INDIVIDUALS SUBJECT TO**  
2 **GUARDIANSHIP.**

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

6 (1) by redesignating sections 309 and 310 as  
7 sections 310 and 310A; and

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

9 **“SEC. 309. PROTECTIONS FOR INDIVIDUALS SUBJECT TO**  
10 **GUARDIANSHIP.**

11 “(a) IN GENERAL.—A State shall not determine that  
12 an individual lacks the capacity to vote in an election for  
13 Federal office on the ground that the individual is subject  
14 to guardianship, unless a court of competent jurisdiction  
15 issues a court order finding by clear and convincing evi-  
16 dence that the individual cannot communicate, with or  
17 without accommodations, a desire to participate in the vot-  
18 ing process.

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

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

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

1 **SEC. 207. PAYMENTS TO STATES FOR IMPLEMENTATION OF**  
2 **ACCESSIBILITY REQUIREMENTS.**

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

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

8 **“SEC. 297. PAYMENTS TO STATES FOR IMPLEMENTATION**  
9 **OF ACCESSIBILITY REQUIREMENTS.**

10 “(a) PAYMENTS.—

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

18 “(2) ALLOCATION OF FUNDS.—

19 “(A) IN GENERAL.—Subject to subpara-  
20 graph (C), the amount of a payment made to  
21 a State for an applicable period shall be equal  
22 to the product of—

23 “(i) the total amount appropriated for  
24 requirements payments for the applicable  
25 period pursuant to the authorization under  
26 subsection (g); and

1           “(ii) the State allocation percentage  
2           for the State (as determined under sub-  
3           paragraph (B)).

4           “(B) STATE ALLOCATION PERCENTAGE  
5           DEFINED.—The ‘State allocation percentage’  
6           for a State is the amount (expressed as a per-  
7           centage) equal to the quotient of—

8                   “(i) the voting age population of the  
9                   State (as reported in the most recent de-  
10                  cennial census); and

11                   “(ii) the total voting age population of  
12                  all States (as reported in the most recent  
13                  decennial census).

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

17           “(D) PRO RATA REDUCTIONS.—The Direc-  
18           tor shall make such pro rata reductions to the  
19           allocations determined under subparagraph (A)  
20           as are necessary to comply with the require-  
21           ments of subparagraph (C).

22           “(E) CONTINUING AVAILABILITY OF  
23           FUNDS AFTER APPROPRIATION.—A payment  
24           made to a State under this section shall be

1           available to the State without fiscal year limita-  
2           tion.

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

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

13          “(b) USE OF FUNDS.—

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

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

1 “(c) REQUIREMENTS FOR ELIGIBILITY.—

2 “(1) IN GENERAL.—Each State that desires to  
3 receive a payment under this section for an applica-  
4 ble period shall submit an application for such pay-  
5 ment to the Director at such time and in such man-  
6 ner and containing such information as the Director  
7 shall require.

8 “(2) CONTENTS OF APPLICATION.—Each appli-  
9 cation submitted under paragraph (1) shall in-  
10 clude—

11 “(A) with respect to the requirements  
12 under section 304 (relating to accessible elec-  
13 tion websites)—

14 “(i) a description of the State plan as  
15 developed by the committee of appropriate  
16 individuals under subsection (c) of such  
17 section;

18 “(ii) an assurance that the State will  
19 work with State and local disability and  
20 aging advocates to ensure the election  
21 website is accessible to individuals with  
22 disabilities and older individuals;

23 “(iii) a description of how the State  
24 will ensure the election website maintains  
25 accessibility;

1           “(iv) a description of how the State  
2           will ensure information on the election  
3           website is accessible to local election offi-  
4           cials; and

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

11          “(B) with respect to the requirements  
12          under sections 305 through 309, a description  
13          of how the State will meet such requirements;  
14          and

15          “(C) such other information as the Direc-  
16          tor determines appropriate to ensure compli-  
17          ance with the requirements of such sections 304  
18          through 309.

19          “(d) REPORTS.—

20                 “(1) REPORTS BY RECIPIENTS.—

21                         “(A) IN GENERAL.—Not later than the 6  
22                         months after the end of each applicable period  
23                         for which an eligible State received a payment  
24                         under this section, the State shall submit a re-  
25                         port to the Director on the activities conducted

1 using such payments during the applicable pe-  
2 riod, and shall include in the report a list of ex-  
3 penditures during such applicable period.

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

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

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

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

4       “(g) AUTHORIZATION OF APPROPRIATIONS.—

5           “(1) IN GENERAL.—There are authorized to be  
6 appropriated to carry out the provisions of this sec-  
7 tion—

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

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

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

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

19          “(h) RELATIONSHIP TO REQUIREMENTS PAY-  
20 MENTS.—Any payment to a State under this section shall  
21 be in addition to any requirements payment under section  
22 251 and shall not be taken into account in determining  
23 the amount of such payment under section 252.”.



1 (b) CLERICAL AMENDMENTS.—The table of contents  
 2 of such Act is amended by inserting after the item relating  
 3 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.”.

4 **SEC. 208. TECHNICAL AND CONFORMING AMENDMENTS RE-**  
 5 **LATING TO ISSUANCE OF VOLUNTARY GUID-**  
 6 **ANCE AND ENFORCEMENT.**

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

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

13 (2) in subsection (b)—

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

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

18 (C) by adding at the end the following new  
 19 paragraph:

20 “(4) in the case of the recommendations with  
 21 respect to sections 304 through 309, January 1,  
 22 2021.”; and

1           (3) by adding at the end the following new sub-  
2           section:

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

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

11                           **TITLE III—FEDERAL**  
12                           **ASSISTANCE**

13   **SEC. 301. EXPANSION AND REAUTHORIZATION OF GRANT**  
14                           **PROGRAM TO ASSURE VOTING ACCESS FOR**  
15                           **INDIVIDUALS WITH DISABILITIES AND OLDER**  
16                           **INDIVIDUALS.**

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

21                       “(1) making absentee voting and voting in an  
22                       individual’s place of residence accessible to individ-  
23                       uals with the full range of disabilities (including im-  
24                       pairments involving vision, hearing, mobility, cog-  
25                       nition, or dexterity) through the implementation of

1 accessible absentee voting systems that work in con-  
2 junction with assistive technologies for which indi-  
3 viduals have access at their homes, independent liv-  
4 ing centers, long-term care facilities, or other facili-  
5 ties in a manner that provides the same opportunity  
6 for access and participation (including privacy and  
7 independence) as for other voters;

8 “(2) making polling places, including the path  
9 of travel, entrances, exits, and voting areas of each  
10 polling facility, accessible to individuals with disabil-  
11 ities, including the blind and visually impaired, in a  
12 manner that provides the same opportunity for ac-  
13 cess and participation (including privacy and inde-  
14 pendence) as for other voters; and

15 “(3) providing solutions to problems of access  
16 to voting and elections for individuals with disabil-  
17 ities that are universally designed and provide the  
18 same opportunities for individuals with and without  
19 disabilities.”.

20 (b) REAUTHORIZATION.—Section 264(a) of such Act  
21 (52 U.S.C. 21024(a)) is amended by adding at the end  
22 the following new paragraph:

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

1 (c) PERIOD OF AVAILABILITY OF FUNDS.—Section  
2 264 of such Act (52 U.S.C. 21024) is amended—

3 (1) in subsection (b), by striking “Any  
4 amounts” and inserting “Except as provided in sub-  
5 section (b), any amounts”; and

6 (2) by adding at the end the following new sub-  
7 section:

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

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

20 “(2) REALLOCATION OF TRANSFERRED  
21 AMOUNTS.—

22 “(A) IN GENERAL.—The Commission shall  
23 use the amounts transferred under paragraph  
24 (1) to make payments on a pro rata basis to  
25 each covered payment recipient described in

1           subparagraph (B), which may obligate and ex-  
2           pend such payment for the purposes described  
3           in section 261(b) during the 1-year period  
4           which begins on the date of receipt.

5           “(B) COVERED PAYMENT RECIPIENTS DE-  
6           SCRIBED.—In subparagraph (A), a ‘covered  
7           payment recipient’ is a State or unit of local  
8           government with respect to which—

9                   “(i) amounts were appropriated pur-  
10                   suant to the authority of subsection (a);  
11                   and

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

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

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

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

19                   (2) by adding at the end the following new  
20                   paragraphs:

21                   “(17) Two members appointed by the National  
22                   Council on Disability.

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

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

5           “(A) two members shall be appointed by  
6 the Committee on Education and Labor of the  
7 House of Representatives, of whom one shall be  
8 appointed by the chair and one shall be ap-  
9 pointed by the ranking minority member; and

10           “(B) two members shall be appointed by  
11 the Committee on Health, Education, Labor,  
12 and Pensions of the Senate, of whom one shall  
13 be appointed by the chair and one shall be ap-  
14 pointed by the ranking minority member.

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

17           “(A) two members shall be appointed by  
18 the Committee on Education and Labor of the  
19 House of Representatives, of whom one shall be  
20 appointed by the chair and one shall be ap-  
21 pointed by the ranking minority member; and

22           “(B) two members shall be appointed by  
23 the Special Committee on Aging of the Senate,  
24 of whom one shall be appointed by the chair

1 and one shall be appointed by the ranking mi-  
 2 nority member.”.

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

5 **SEC. 303. REMOVAL OF LIMITATION ON USE OF FUNDS FOR**  
 6 **PARTICIPATION OF PROTECTION AND ADVO-**  
 7 **CACY SYSTEMS IN LITIGATION RELATED TO**  
 8 **ELECTION-RELATED DISABILITY ACCESS.**

9 Section 292(a) of the Help America Vote Act of 2002  
 10 (52 U.S.C. 21062(a)) is amended by striking “; except  
 11 that” and all that follows and inserting a period.

12 **SEC. 304. FUNDING FOR PROTECTION AND ADVOCACY SYS-**  
 13 **TEMS.**

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

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

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

4           (2) by striking “except that” and all that fol-  
5           lows and inserting “except that the amount of the  
6           grants to systems referred to in subsection (c)(3)(B)  
7           of that section shall not be less than \$70,000 and  
8           the amount of the grants to systems referred to in  
9           subsections (c)(1)(B) and (c)(4)(B) of that section  
10          shall not be less than \$35,000.”.

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

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

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

17                 “(2) the Commonwealth of the Northern Mar-  
18          iana Islands.”.

○