

FEBRUARY 26, 2019

**RULES COMMITTEE PRINT 116-7**  
**TEXT OF H.R. 1, THE FOR THE PEOPLE ACT OF**  
**2019**

**[Showing the text of the bill as ordered reported by the  
Committee on House Administration, with modifications]**

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “For the People Act  
3 of 2019”.

4 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**  
5 **CONTENTS.**

6 (a) DIVISIONS.—This Act is organized into 3 divi-  
7 sions as follows:

8 (1) Division A—Voting.

9 (2) Division B—Campaign Finance.

10 (3) Division C—Ethics.

11 (b) TABLE OF CONTENTS.—The table of contents of  
12 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—ELECTION ACCESS

TITLE I—ELECTION ACCESS

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

PART 1—PROMOTING INTERNET REGISTRATION

- Sec. 1001. Requiring availability of Internet for voter registration.
- Sec. 1002. Use of Internet to update registration information.
- Sec. 1003. Provision of election information by electronic mail to individuals registered to vote.
- Sec. 1004. Clarification of requirement regarding necessary information to show eligibility to vote.
- Sec. 1005. Effective date.

PART 2—AUTOMATIC VOTER REGISTRATION

- Sec. 1011. Short title; findings and purpose.
- Sec. 1012. Automatic registration of eligible individuals.
- Sec. 1013. Contributing agency assistance in registration.
- Sec. 1014. One-time contributing agency assistance in registration of eligible voters in existing records.
- Sec. 1015. Voter protection and security in automatic registration.
- Sec. 1016. Registration portability and correction.
- Sec. 1017. Payments and grants.
- Sec. 1018. Treatment of exempt States.
- Sec. 1019. Miscellaneous provisions.
- Sec. 1020. Definitions.
- Sec. 1021. Effective date.

PART 3—SAME DAY VOTER REGISTRATION

- Sec. 1031. Same day registration.

PART 4—CONDITIONS ON REMOVAL ON BASIS OF INTERSTATE CROSS-CHECKS

- Sec. 1041. Conditions on removal of registrants from official list of eligible voters on basis of interstate cross-checks.

PART 5—OTHER INITIATIVES TO PROMOTE VOTER REGISTRATION

- Sec. 1051. Annual reports on voter registration statistics.

PART 6—AVAILABILITY OF HAVA REQUIREMENTS PAYMENTS

- Sec. 1061. Availability of requirements payments under HAVA to cover costs of compliance with new requirements.

PART 7—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

- Sec. 1071. Prohibiting hindering, interfering with, or preventing voter registration.
- Sec. 1072. Establishment of best practices.

Subtitle B—Access to Voting for Individuals With Disabilities

- Sec. 1101. Requirements for States to promote access to voter registration and voting for individuals with disabilities.
- Sec. 1102. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.

Subtitle C—Prohibiting Voter Caging

- Sec. 1201. Voter caging and other questionable challenges prohibited.
- Sec. 1202. Development and adoption of best practices for preventing voter caging.

Subtitle D—Prohibiting Deceptive Practices and Preventing Voter Intimidation

- Sec. 1301. Short title.
- Sec. 1302. Prohibition on deceptive practices in Federal elections.
- Sec. 1303. Corrective action.
- Sec. 1304. Reports to Congress.

Subtitle E—Democracy Restoration

- Sec. 1401. Short title.
- Sec. 1402. Rights of citizens.
- Sec. 1403. Enforcement.
- Sec. 1404. Notification of restoration of voting rights.
- Sec. 1405. Definitions.
- Sec. 1406. Relation to other laws.
- Sec. 1407. Federal prison funds.
- Sec. 1408. Effective date.

Subtitle F—Promoting Accuracy, Integrity, and Security Through Voter-Verified Permanent Paper Ballot

- Sec. 1501. Short title.
- Sec. 1502. Paper ballot and manual counting requirements.
- Sec. 1503. Accessibility and ballot verification for individuals with disabilities.
- Sec. 1504. Durability and readability requirements for ballots.
- Sec. 1505. Effective date for new requirements.

Subtitle G—Provisional Ballots

- Sec. 1601. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards.

Subtitle H—Early Voting

- Sec. 1611. Early voting.

Subtitle I—Voting by Mail

- Sec. 1621. Voting by Mail.

Subtitle J—Absent Uniformed Services Voters and Overseas Voters

- Sec. 1701. Pre-election reports on availability and transmission of absentee ballots.
- Sec. 1702. Enforcement.
- Sec. 1703. Revisions to 45-day absentee ballot transmission rule.
- Sec. 1704. Use of single absentee ballot application for subsequent elections.
- Sec. 1705. Effective date.

Subtitle K—Poll Worker Recruitment and Training

- Sec. 1801. Grants to States for poll worker recruitment and training.
- Sec. 1802. State defined.

Subtitle L—Enhancement of Enforcement

Sec. 1811. Enhancement of enforcement of Help America Vote Act of 2002.

Subtitle M—Federal Election Integrity

Sec. 1821. Prohibition on campaign activities by chief State election administration officials.

Subtitle N—Promoting Voter Access Through Election Administration Improvements

PART 1—PROMOTING VOTER ACCESS

- Sec. 1901. Treatment of institutions of higher education.
- Sec. 1902. Minimum notification requirements for voters affected by polling place changes.
- Sec. 1903. Election Day holiday.
- Sec. 1904. Permitting use of sworn written statement to meet identification requirements for voting.
- Sec. 1905. Postage-free ballots.
- Sec. 1906. Reimbursement for costs incurred by States in establishing program to track and confirm receipt of absentee ballots.
- Sec. 1907. Voter information response systems and hotline.

PART 2—IMPROVEMENTS IN OPERATION OF ELECTION ASSISTANCE COMMISSION

- Sec. 1911. Reauthorization of Election Assistance Commission.
- Sec. 1913. Requiring states to participate in post-general election surveys.
- Sec. 1914. Reports by National Institute of Standards and Technology on use of funds transferred from Election Assistance Commission.
- Sec. 1915. Recommendations to improve operations of Election Assistance Commission.
- Sec. 1916. Repeal of exemption of Election Assistance Commission from certain government contracting requirements.

PART 3—MISCELLANEOUS PROVISIONS

- Sec. 1921. Application of laws to Commonwealth of Northern Mariana Islands.
- Sec. 1922. No effect on other laws.

Subtitle O—Severability

Sec. 1931. Severability.

TITLE II—ELECTION INTEGRITY

Subtitle A—Findings Reaffirming Commitment of Congress to Restore the Voting Rights Act

Sec. 2001. Findings reaffirming commitment of Congress to restore the Voting Rights Act.

Subtitle B—Findings Relating to Native American Voting Rights

Sec. 2101. Findings relating to Native American voting rights.

Subtitle C—Findings Relating to District of Columbia Statehood

Sec. 2201. Findings relating to District of Columbia statehood.

Subtitle D—Findings Relating to Territorial Voting Rights

Sec. 2301. Findings relating to territorial voting rights.

Subtitle E—Redistricting Reform

Sec. 2400. Short title; finding of constitutional authority.

PART 1—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

Sec. 2401. Requiring congressional redistricting to be conducted through plan of independent State commission.

Sec. 2402. Ban on mid-decade redistricting.

PART 2—INDEPENDENT REDISTRICTING COMMISSIONS

Sec. 2411. Independent redistricting commission.

Sec. 2412. Establishment of selection pool of individuals eligible to serve as members of commission.

Sec. 2413. Criteria for redistricting plan by independent commission; public notice and input.

Sec. 2414. Establishment of related entities.

PART 3—ROLE OF COURTS IN DEVELOPMENT OF REDISTRICTING PLANS

Sec. 2421. Enactment of plan developed by 3-judge court.

Sec. 2422. Special rule for redistricting conducted under order of Federal court.

PART 4—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 2431. Payments to States for carrying out redistricting.

Sec. 2432. Civil enforcement.

Sec. 2433. State apportionment notice defined.

Sec. 2434. No effect on elections for State and local office.

Sec. 2435. Effective date.

Subtitle F—Saving Eligible Voters From Voter Purging

Sec. 2501. Short title.

Sec. 2502. Conditions for removal of voters from list of registered voters.

Subtitle G—No Effect on Authority of States to Provide Greater Opportunities for Voting

Sec. 2601. No effect on authority of States to provide greater opportunities for voting.

Subtitle H—Severability

Sec. 2701. Severability.

TITLE III—ELECTION SECURITY

Sec. 3000. Short title; sense of Congress.

Subtitle A—Financial Support for Election Infrastructure

PART 1—VOTING SYSTEM SECURITY IMPROVEMENT GRANTS

- Sec. 3001. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.
- Sec. 3002. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.
- Sec. 3003. Incorporation of definitions.

PART 2—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

- Sec. 3011. Grants to States for conducting risk-limiting audits of results of elections.
- Sec. 3012. GAO analysis of effects of audits.

PART 3—ELECTION INFRASTRUCTURE INNOVATION GRANT PROGRAM

- Sec. 3021. Election infrastructure innovation grant program.

Subtitle B—Security Measures

- Sec. 3101. Election infrastructure designation.
- Sec. 3102. Timely threat information.
- Sec. 3103. Security clearance assistance for election officials.
- Sec. 3104. Security risk and vulnerability assessments.
- Sec. 3105. Annual reports.

Subtitle C—Enhancing Protections for United States Democratic Institutions

- Sec. 3201. National strategy to protect United States democratic institutions.
- Sec. 3202. National Commission to Protect United States Democratic Institutions.

Subtitle D—Promoting Cybersecurity Through Improvements in Election Administration

- Sec. 3301. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.
- Sec. 3302. Treatment of electronic poll books as part of voting systems.
- Sec. 3303. Pre-election reports on voting system usage.
- Sec. 3304. Streamlining collection of election information.

Subtitle E—Preventing Election Hacking

- Sec. 3401. Short title.
- Sec. 3402. Election Security Bug Bounty Program.
- Sec. 3403. Definitions.

Subtitle F—Miscellaneous Provisions

- Sec. 3501. Definitions.
- Sec. 3502. Initial report on adequacy of resources available for implementation.

Subtitle G—Severability

- Sec. 3601. Severability.

DIVISION B—CAMPAIGN FINANCE

TITLE IV—CAMPAIGN FINANCE TRANSPARENCY

## Subtitle A—Findings Relating to Illicit Money Undermining Our Democracy

Sec. 4001. Findings relating to illicit money undermining our democracy.

## Subtitle B—DISCLOSE Act

Sec. 4100. Short title.

## PART 1—REGULATION OF CERTAIN POLITICAL SPENDING

Sec. 4101. Application of ban on contributions and expenditures by foreign nationals to domestic corporations, limited liability corporations, and partnerships that are foreign-controlled, foreign-influenced, and foreign-owned.

Sec. 4102. Clarification of application of foreign money ban to certain disbursements and activities.

## PART 2—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

Sec. 4111. Reporting of campaign-related disbursements.

Sec. 4112. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.

Sec. 4113. Effective date.

## PART 3—OTHER ADMINISTRATIVE REFORMS

Sec. 4121. Petition for certiorari.

Sec. 4122. Judicial review of actions related to campaign finance laws.

## Subtitle C—Honest Ads

Sec. 4201. Short title.

Sec. 4202. Purpose.

Sec. 4203. Findings.

Sec. 4204. Sense of Congress.

Sec. 4205. Expansion of definition of public communication.

Sec. 4206. Expansion of definition of electioneering communication.

Sec. 4207. Application of disclaimer statements to online communications.

Sec. 4208. Political record requirements for online platforms.

Sec. 4209. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.

## Subtitle D—Stand By Every Ad

Sec. 4301. Short title.

Sec. 4302. Stand By Every Ad.

Sec. 4303. Disclaimer requirements for communications made through prerecorded telephone calls.

Sec. 4304. No expansion of persons subject to disclaimer requirements on Internet communications.

Sec. 4305. Effective date.

## Subtitle E—Secret Money Transparency

Sec. 4401. Repeal of restriction of use of funds by Internal Revenue Service to bring transparency to political activity of certain nonprofit organizations.

Subtitle F—Shareholder Right-to-Know

Sec. 4501. Repeal of restriction on use of funds by Securities and Exchange Commission to ensure shareholders of corporations have knowledge of corporation political activity.

Subtitle G—Disclosure of Political Spending by Government Contractors

Sec. 4601. Repeal of restriction on use of funds to require disclosure of political spending by government contractors.

Subtitle H—Limitation and Disclosure Requirements for Presidential Inaugural Committees

Sec. 4701. Short title.  
Sec. 4702. Limitations and disclosure of certain donations to, and disbursements by, Inaugural Committees.

Subtitle I—Severability

Sec. 4801. Severability.

TITLE V—CAMPAIGN FINANCE EMPOWERMENT

Subtitle A—Findings Relating to *Citizens United* Decision

Sec. 5001. Findings relating to *Citizens United* decision.

Subtitle B—Congressional Elections

Sec. 5100. Short title.

PART 1—MY VOICE VOUCHER PILOT PROGRAM

Sec. 5101. Establishment of pilot program.  
Sec. 5102. Voucher program described.  
Sec. 5103. Reports.  
Sec. 5104. Definitions.

PART 2—SMALL DOLLAR FINANCING OF CONGRESSIONAL ELECTION CAMPAIGNS

Sec. 5111. Benefits and eligibility requirements for candidates.  
Sec. 5112. Contributions and expenditures by multicandidate and political party committees on behalf of participating candidates.  
Sec. 5113. Prohibiting use of contributions by participating candidates for purposes other than campaign for election.  
Sec. 5114. Effective date.

Subtitle C—Presidential Elections

Sec. 5200. Short title.

PART 1—PRIMARY ELECTIONS

Sec. 5201. Increase in and modifications to matching payments.  
Sec. 5202. Eligibility requirements for matching payments.  
Sec. 5203. Repeal of expenditure limitations.  
Sec. 5204. Period of availability of matching payments.  
Sec. 5205. Examination and audits of matchable contributions.



- Sec. 5206. Modification to limitation on contributions for Presidential primary candidates.
- Sec. 5207. Use of Freedom From Influence Fund as source of payments.

PART 2—GENERAL ELECTIONS

- Sec. 5211. Modification of eligibility requirements for public financing.
- Sec. 5212. Repeal of expenditure limitations and use of qualified campaign contributions.
- Sec. 5213. Matching payments and other modifications to payment amounts.
- Sec. 5214. Increase in limit on coordinated party expenditures.
- Sec. 5215. Establishment of uniform date for release of payments.
- Sec. 5216. Amounts in Presidential Election Campaign Fund.
- Sec. 5217. Use of general election payments for general election legal and accounting compliance.
- Sec. 5218. Use of Freedom From Influence Fund as source of payments.

PART 3—EFFECTIVE DATE

- Sec. 5221. Effective date.

Subtitle D—Personal Use Services as Authorized Campaign Expenditures

- Sec. 5301. Short title; findings; purpose.
- Sec. 5302. Treatment of payments for child care and other personal use services as authorized campaign expenditure.

Subtitle E—Severability

- Sec. 5401. Severability.

TITLE VI—CAMPAIGN FINANCE OVERSIGHT

Subtitle A—Restoring Integrity to America’s Elections

- Sec. 6001. Short title.
- Sec. 6002. Membership of Federal Election Commission.
- Sec. 6003. Assignment of powers to Chair of Federal Election Commission.
- Sec. 6004. Revision to enforcement process.
- Sec. 6005. Permitting appearance at hearings on requests for advisory opinions by persons opposing the requests.
- Sec. 6006. Permanent extension of administrative penalty authority.
- Sec. 6007. Restrictions on ex parte communications.
- Sec. 6008. Effective date; transition.

Subtitle B—Stopping Super PAC-Candidate Coordination

- Sec. 6101. Short title.
- Sec. 6102. Clarification of treatment of coordinated expenditures as contributions to candidates.
- Sec. 6103. Clarification of ban on fundraising for super PACs by Federal candidates and officeholders.

Subtitle C—Severability

- Sec. 6201. Severability.

DIVISION C—ETHICS

TITLE VII—ETHICAL STANDARDS

Subtitle A—Supreme Court Ethics

Sec. 7001. Code of conduct for Federal judges.

Subtitle B—Foreign Agents Registration

Sec. 7101. Establishment of FARA investigation and enforcement unit within Department of Justice.

Sec. 7102. Authority to impose civil money penalties.

Sec. 7103. Disclosure of transactions involving things of financial value conferred on officeholders.

Sec. 7104. Ensuring online access to registration statements.

Subtitle C—Lobbying Disclosure Reform

Sec. 7201. Expanding scope of individuals and activities subject to requirements of Lobbying Disclosure Act of 1995.

Subtitle D—Recusal of Presidential Appointees

Sec. 7301. Recusal of appointees.

Subtitle E—Severability

Sec. 7401. Severability.

TITLE VIII—ETHICS REFORMS FOR THE PRESIDENT, VICE PRESIDENT, AND FEDERAL OFFICERS AND EMPLOYEES

Subtitle A—Executive Branch Conflict of Interest

Sec. 8001. Short title.

Sec. 8002. Restrictions on private sector payment for government service.

Sec. 8003. Requirements relating to slowing the revolving door.

Sec. 8004. Prohibition of procurement officers accepting employment from government contractors.

Sec. 8005. Revolving door restrictions on employees moving into the private sector.

Subtitle B—Presidential Conflicts of Interest

Sec. 8011. Short title.

Sec. 8012. Divestiture of personal financial interests of the President and Vice President that pose a potential conflict of interest.

Sec. 8013. Initial financial disclosure.

Sec. 8014. Contracts by the President or Vice President.

Subtitle C—White House Ethics Transparency

Sec. 8021. Short title.

Sec. 8022. Procedure for waivers and authorizations relating to ethics requirements.

Subtitle D—Executive Branch Ethics Enforcement

Sec. 8031. Short title.

Sec. 8032. Reauthorization of the Office of Government Ethics.

Sec. 8033. Tenure of the Director of the Office of Government Ethics.

Sec. 8034. Duties of Director of the Office of Government Ethics.

Sec. 8035. Agency Ethics Officials Training and Duties.

Subtitle E—Conflicts From Political Fundraising

Sec. 8041. Short title.

Sec. 8042. Disclosure of certain types of contributions.

Subtitle F—Transition Team Ethics

Sec. 8051. Short title.

Sec. 8052. Presidential transition ethics programs.

Subtitle G—Ethics Pledge For Senior Executive Branch Employees

Sec. 8061. Short title.

Sec. 8062. Ethics pledge requirement for senior executive branch employees.

Subtitle H—Severability

Sec. 8071. Severability.

TITLE IX—CONGRESSIONAL ETHICS REFORM

Subtitle A—Requiring Members of Congress to Reimburse Treasury for Amounts Paid as Settlements and Awards Under Congressional Accountability Act of 1995

Sec. 9001. Requiring Members of Congress to reimburse Treasury for amounts paid as settlements and awards under Congressional Accountability Act of 1995 in all cases of employment discrimination acts by Members.

Subtitle B—Conflicts of Interests

Sec. 9101. Prohibiting Members of House of Representatives from serving on boards of for-profit entities.

Sec. 9102. Conflict of interest rules for Members of Congress and congressional staff.

Sec. 9103. Exercise of rulemaking powers.

Subtitle C—Campaign Finance and Lobbying Disclosure

Sec. 9201. Short title.

Sec. 9202. Requiring disclosure in certain reports filed with Federal Election Commission of persons who are registered lobbyists.

Sec. 9203. Effective date.

Subtitle D—Access to Congressionally Mandated Reports

Sec. 9301. Short title.

Sec. 9302. Definitions.

Sec. 9303. Establishment of online portal for congressionally mandated reports.

Sec. 9304. Federal agency responsibilities.

Sec. 9305. Removing and altering reports.

Sec. 9306. Relationship to the Freedom of Information Act.

Sec. 9307. Implementation.

Subtitle E—Severability

Sec. 9401. Severability.

TITLE X—PRESIDENTIAL AND VICE PRESIDENTIAL TAX  
TRANSPARENCY

Sec. 10001. Presidential and Vice Presidential tax transparency.

**1 DIVISION A—ELECTION ACCESS**

**2 TITLE I—ELECTION ACCESS**

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

PART 1—PROMOTING INTERNET REGISTRATION

Sec. 1001. Requiring availability of Internet for voter registration.

Sec. 1002. Use of Internet to update registration information.

Sec. 1003. Provision of election information by electronic mail to individuals registered to vote.

Sec. 1004. Clarification of requirement regarding necessary information to show eligibility to vote.

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Sec. 1011. Short title; findings and purpose.

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CHECKS

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Sec. 1703. Revisions to 45-day absentee ballot transmission rule.

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Sec. 1904. Permitting use of sworn written statement to meet identification requirements for voting.

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Sec. 1921. Application of laws to Commonwealth of Northern Mariana Islands.

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## Subtitle O—Severability

Sec. 1931. Severability.

1 **SEC. 1000. SHORT TITLE; STATEMENT OF POLICY.**

2 (a) **SHORT TITLE.**—This title may be cited as the  
3 “Voter Empowerment Act of 2019”.

4 (b) **STATEMENT OF POLICY.**—It is the policy of the  
5 United States that—

6 (1) all eligible citizens of the United States  
7 should access and exercise their constitutional right  
8 to vote in a free, fair, and timely manner; and

9 (2) the integrity, security, and accountability of  
10 the voting process must be vigilantly protected,  
11 maintained, and enhanced in order to protect and  
12 preserve electoral and participatory democracy in the  
13 United States.

14 **Subtitle A—Voter Registration**  
15 **Modernization**

16 **SEC. 1000A. SHORT TITLE.**

17 This subtitle may be cited as the “Voter Registration  
18 Modernization Act of 2019”.

19 **PART 1—PROMOTING INTERNET REGISTRATION**

20 **SEC. 1001. REQUIRING AVAILABILITY OF INTERNET FOR**  
21 **VOTER REGISTRATION.**

22 (a) **REQUIRING AVAILABILITY OF INTERNET FOR**  
23 **REGISTRATION.**—The National Voter Registration Act of

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

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

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

6 “(1) AVAILABILITY OF ONLINE REGISTRATION  
7 AND CORRECTION OF EXISTING REGISTRATION IN-  
8 FORMATION.—Each State, acting through the chief  
9 State election official, shall ensure that the following  
10 services are available to the public at any time on  
11 the official public websites of the appropriate State  
12 and local election officials in the State, in the same  
13 manner and subject to the same terms and condi-  
14 tions as the services provided by voter registration  
15 agencies under section 7(a):

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

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

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



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

3           “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—

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

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

14                  “(2) the individual meets the requirements of  
15                  subsection (c) to provide a signature in electronic  
16                  form (but only in the case of applications submitted  
17                  during or after the second year in which this section  
18                  is in effect in the State).

19           “(c) SIGNATURE REQUIREMENTS.—

20                  “(1) IN GENERAL.—For purposes of this sec-  
21                  tion, an individual meets the requirements of this  
22                  subsection as follows:

23                               “(A) In the case of an individual who has  
24                               a signature on file with a State agency, includ-  
25                               ing the State motor vehicle authority, that is

1 required to provide voter registration services  
2 under this Act or any other law, the individual  
3 consents to the transfer of that electronic signa-  
4 ture.

5 “(B) If subparagraph (A) does not apply,  
6 the individual submits with the application an  
7 electronic copy of the individual’s handwritten  
8 signature through electronic means.

9 “(C) If subparagraph (A) and subpara-  
10 graph (B) do not apply, the individual executes  
11 a computerized mark in the signature field on  
12 an online voter registration application, in ac-  
13 cordance with reasonable security measures es-  
14 tablished by the State, but only if the State ac-  
15 cepts such mark from the individual.

16 “(2) TREATMENT OF INDIVIDUALS UNABLE TO  
17 MEET REQUIREMENT.—If an individual is unable to  
18 meet the requirements of paragraph (1), the State  
19 shall—

20 “(A) permit the individual to complete all  
21 other elements of the online voter registration  
22 application;

23 “(B) permit the individual to provide a sig-  
24 nature at the time the individual requests a bal-  
25 lot in an election (whether the individual re-

1           requests the ballot at a polling place or requests  
2           the ballot by mail); and

3                   “(C) if the individual carries out the steps  
4           described in subparagraph (A) and subpara-  
5           graph (B), ensure that the individual is reg-  
6           istered to vote in the State.

7                   “(3) NOTICE.—The State shall ensure that in-  
8           dividuals applying to register to vote online are noti-  
9           fied of the requirements of paragraph (1) and of the  
10          treatment of individuals unable to meet such re-  
11          quirements, as described in paragraph (2).

12          “(d) CONFIRMATION AND DISPOSITION.—

13                   “(1) CONFIRMATION OF RECEIPT.—Upon the  
14          online submission of a completed voter registration  
15          application by an individual under this section, the  
16          appropriate State or local election official shall send  
17          the individual a notice confirming the State’s receipt  
18          of the application and providing instructions on how  
19          the individual may check the status of the applica-  
20          tion.

21                   “(2) NOTICE OF DISPOSITION.—Not later than  
22          7 days after the appropriate State or local election  
23          official has approved or rejected an application sub-  
24          mitted by an individual under this section, the offi-

1           cial shall send the individual a notice of the disposi-  
2           tion of the application.

3           “(3) METHOD OF NOTIFICATION.—The appro-  
4           priate State or local election official shall send the  
5           notices required under this subsection by regular  
6           mail, and, in the case of an individual who has pro-  
7           vided the official with an electronic mail address, by  
8           both electronic mail and regular mail.

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

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

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

21           “(f) PROTECTION OF SECURITY OF INFORMATION.—  
22          In meeting the requirements of this section, the State shall  
23          establish appropriate technological security measures to  
24          prevent to the greatest extent practicable any unauthor-

1 ized access to information provided by individuals using  
2 the services made available under subsection (a).

3 “(g) ACCESSIBILITY OF SERVICES.—A state shall en-  
4 sure that the services made available under this section  
5 are made available to individuals with disabilities to the  
6 same extent as services are made available to all other in-  
7 dividuals.

8 “(h) USE OF ADDITIONAL TELEPHONE-BASED SYS-  
9 TEM.—A State shall make the services made available on-  
10 line under subsection (a) available through the use of an  
11 automated telephone-based system, subject to the same  
12 terms and conditions applicable under this section to the  
13 services made available online, in addition to making the  
14 services available online in accordance with the require-  
15 ments of this section.

16 “(i) NONDISCRIMINATION AMONG REGISTERED VOT-  
17 ERS USING MAIL AND ONLINE REGISTRATION.—In car-  
18 rying out this Act, the Help America Vote Act of 2002,  
19 or any other Federal, State, or local law governing the  
20 treatment of registered voters in the State or the adminis-  
21 tration of elections for public office in the State, a State  
22 shall treat a registered voter who registered to vote online  
23 in accordance with this section in the same manner as the  
24 State treats a registered voter who registered to vote by  
25 mail.”.

1 (b) SPECIAL REQUIREMENTS FOR INDIVIDUALS  
2 USING ONLINE REGISTRATION.—

3 (1) TREATMENT AS INDIVIDUALS REGISTERING  
4 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME  
5 VOTER IDENTIFICATION REQUIREMENTS.—Section  
6 303(b)(1)(A) of the Help America Vote Act of 2002  
7 (52 U.S.C. 21083(b)(1)(A)) is amended by striking  
8 “by mail” and inserting “by mail or online under  
9 section 6A of the National Voter Registration Act of  
10 1993”.

11 (2) REQUIRING SIGNATURE FOR FIRST-TIME  
12 VOTERS IN JURISDICTION.—Section 303(b) of such  
13 Act (52 U.S.C. 21083(b)) is amended—

14 (A) by redesignating paragraph (5) as  
15 paragraph (6); and

16 (B) by inserting after paragraph (4) the  
17 following new paragraph:

18 “(5) SIGNATURE REQUIREMENTS FOR FIRST-  
19 TIME VOTERS USING ONLINE REGISTRATION.—

20 “(A) IN GENERAL.—A State shall, in a  
21 uniform and nondiscriminatory manner, require  
22 an individual to meet the requirements of sub-  
23 paragraph (B) if—

24 “(i) the individual registered to vote  
25 in the State online under section 6A of the

1 National Voter Registration Act of 1993;  
2 and

3 “(ii) the individual has not previously  
4 voted in an election for Federal office in  
5 the State.

6 “(B) REQUIREMENTS.—An individual  
7 meets the requirements of this subparagraph  
8 if—

9 “(i) in the case of an individual who  
10 votes in person, the individual provides the  
11 appropriate State or local election official  
12 with a handwritten signature; or

13 “(ii) in the case of an individual who  
14 votes by mail, the individual submits with  
15 the ballot a handwritten signature.

16 “(C) INAPPLICABILITY.—Subparagraph  
17 (A) does not apply in the case of an individual  
18 who is—

19 “(i) entitled to vote by absentee ballot  
20 under the Uniformed and Overseas Citi-  
21 zens Absentee Voting Act (52 U.S.C.  
22 20302 et seq.);

23 “(ii) provided the right to vote other-  
24 wise than in person under section  
25 3(b)(2)(B)(ii) of the Voting Accessibility

1 for the Elderly and Handicapped Act (52  
2 U.S.C. 20102(b)(2)(B)(ii)); or

3 “(iii) entitled to vote otherwise than  
4 in person under any other Federal law.”.

5 (3) CONFORMING AMENDMENT RELATING TO  
6 EFFECTIVE DATE.—Section 303(d)(2)(A) of such  
7 Act (52 U.S.C. 21083(d)(2)(A)) is amended by  
8 striking “Each State” and inserting “Except as pro-  
9 vided in subsection (b)(5), each State”.

10 (c) CONFORMING AMENDMENTS.—

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

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

16 (B) by redesignating subparagraph (D) as  
17 subparagraph (E); and

18 (C) by inserting after subparagraph (C)  
19 the following new subparagraph:

20 “(D) in the case of online registration  
21 through the official public website of an election  
22 official under section 6A, if the valid voter reg-  
23 istration application is submitted online not  
24 later than the lesser of 30 days, or the period  
25 provided by State law, before the date of the



1 election (as determined by treating the date on  
2 which the application is sent electronically as  
3 the date on which it is submitted); and”.

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

8 **SEC. 1002. USE OF INTERNET TO UPDATE REGISTRATION**  
9 **INFORMATION.**

10 (a) IN GENERAL.—

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

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

18 “(A) IN GENERAL.—The appropriate State  
19 or local election official shall ensure that any  
20 registered voter on the computerized list may at  
21 any time update the voter’s registration infor-  
22 mation, including the voter’s address and elec-  
23 tronic mail address, online through the official  
24 public website of the election official responsible  
25 for the maintenance of the list, so long as the

1 voter attests to the contents of the update by  
2 providing a signature in electronic form in the  
3 same manner required under section 6A(c) of  
4 the National Voter Registration Act of 1993.

5 “(B) PROCESSING OF UPDATED INFORMA-  
6 TION BY ELECTION OFFICIALS.—If a registered  
7 voter updates registration information under  
8 subparagraph (A), the appropriate State or  
9 local election official shall—

10 “(i) revise any information on the  
11 computerized list to reflect the update  
12 made by the voter; and

13 “(ii) if the updated registration infor-  
14 mation affects the voter’s eligibility to vote  
15 in an election for Federal office, ensure  
16 that the information is processed with re-  
17 spect to the election if the voter updates  
18 the information not later than the lesser of  
19 7 days, or the period provided by State  
20 law, before the date of the election.

21 “(C) CONFIRMATION AND DISPOSITION.—

22 “(i) CONFIRMATION OF RECEIPT.—  
23 Upon the online submission of updated  
24 registration information by an individual  
25 under this paragraph, the appropriate

1 State or local election official shall send  
2 the individual a notice confirming the  
3 State's receipt of the updated information  
4 and providing instructions on how the indi-  
5 vidual may check the status of the update.

6 “(ii) NOTICE OF DISPOSITION.—Not  
7 later than 7 days after the appropriate  
8 State or local election official has accepted  
9 or rejected updated information submitted  
10 by an individual under this paragraph, the  
11 official shall send the individual a notice of  
12 the disposition of the update.

13 “(iii) METHOD OF NOTIFICATION.—  
14 The appropriate State or local election offi-  
15 cial shall send the notices required under  
16 this subparagraph by regular mail, and, in  
17 the case of an individual who has re-  
18 quested that the State provide voter reg-  
19 istration and voting information through  
20 electronic mail, by both electronic mail and  
21 regular mail.”.

22 (2) CONFORMING AMENDMENT RELATING TO  
23 EFFECTIVE DATE.—Section 303(d)(1)(A) of such  
24 Act (52 U.S.C. 21083(d)(1)(A)) is amended by

1 striking “subparagraph (B)” and inserting “sub-  
2 paragraph (B) and subsection (a)(6)”.

3 (b) ABILITY OF REGISTRANT TO USE ONLINE UP-  
4 DATE TO PROVIDE INFORMATION ON RESIDENCE.—Sec-  
5 tion 8(d)(2)(A) of the National Voter Registration Act of  
6 1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

7 (1) in the first sentence, by inserting after “re-  
8 turn the card” the following: “or update the reg-  
9 istrant’s information on the computerized Statewide  
10 voter registration list using the online method pro-  
11 vided under section 303(a)(6) of the Help America  
12 Vote Act of 2002”; and

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

18 **SEC. 1003. PROVISION OF ELECTION INFORMATION BY**  
19 **ELECTRONIC MAIL TO INDIVIDUALS REG-**  
20 **ISTERED TO VOTE.**

21 (a) INCLUDING OPTION ON VOTER REGISTRATION  
22 APPLICATION TO PROVIDE E-MAIL ADDRESS AND RE-  
23 CEIVE INFORMATION.—

1           (1) IN GENERAL.—Section 9(b) of the National  
2 Voter Registration Act of 1993 (52 U.S.C.  
3 20508(b)) is amended—

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

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

8           (C) by adding at the end the following new  
9 paragraph:

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

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

1           “(c) PROHIBITING USE OF ELECTRONIC MAIL AD-  
2 DRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The  
3 chief State election official shall ensure that any electronic  
4 mail address provided by an applicant under subsection  
5 (b)(5) is used only for purposes of carrying out official  
6 duties of election officials and is not transmitted by any  
7 State or local election official (or any agent of such an  
8 official, including a contractor) to any person who does  
9 not require the address to carry out such official duties  
10 and who is not under the direct supervision and control  
11 of a State or local election official.”.

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

16           “(3) PROVISION OF OTHER INFORMATION BY  
17 ELECTRONIC MAIL.—If an individual who is a reg-  
18 istered voter has provided the State or local election  
19 official with an electronic mail address for the pur-  
20 pose of receiving voting information (as described in  
21 section 9(b)(5) of the National Voter Registration  
22 Act of 1993), the appropriate State or local election  
23 official, through electronic mail transmitted not later  
24 than 7 days before the date of the election for Fed-  
25 eral office involved, shall provide the individual with

1 information on how to obtain the following informa-  
2 tion by electronic means:

3 “(A) The name and address of the polling  
4 place at which the individual is assigned to vote  
5 in the election.

6 “(B) The hours of operation for the polling  
7 place.

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

11 **SEC. 1004. CLARIFICATION OF REQUIREMENT REGARDING**  
12 **NECESSARY INFORMATION TO SHOW ELIGI-**  
13 **BILITY TO VOTE.**

14 Section 8 of the National Voter Registration Act of  
15 1993 (52 U.S.C. 20507) is amended—

16 (1) by redesignating subsection (j) as sub-  
17 section (k); and

18 (2) by inserting after subsection (i) the fol-  
19 lowing new subsection:

20 “(j) REQUIREMENT FOR STATE TO REGISTER APPLI-  
21 CANTS PROVIDING NECESSARY INFORMATION TO SHOW  
22 ELIGIBILITY TO VOTE.—For purposes meeting the re-  
23 quirement of subsection (a)(1) that an eligible applicant  
24 is registered to vote in an election for Federal office within  
25 the deadlines required under such subsection, the State

1 shall consider an applicant to have provided a ‘valid voter  
2 registration form’ if—

3 “(1) the applicant has substantially completed  
4 the application form and attested to the statement  
5 required by section 9(b)(2); and

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

10 **SEC. 1005. EFFECTIVE DATE.**

11 (a) IN GENERAL.—Except as provided in subsection  
12 (b), the amendments made by this part (other than the  
13 amendments made by section 1004) shall take effect Jan-  
14 uary 1, 2020.

15 (b) WAIVER.—Subject to the approval of the Election  
16 Assistance Commission, if a State certifies to the Election  
17 Assistance Commission that the State will not meet the  
18 deadline referred to in subsection (a) because of extraor-  
19 dinary circumstances and includes in the certification the  
20 reasons for the failure to meet the deadline, subsection  
21 (a) shall apply to the State as if the reference in such  
22 subsection to “January 1, 2020” were a reference to  
23 “January 1, 2022”.



1       **PART 2—AUTOMATIC VOTER REGISTRATION**

2       **SEC. 1011. SHORT TITLE; FINDINGS AND PURPOSE.**

3           (a) **SHORT TITLE.**—This part may be cited as the  
4 “Automatic Voter Registration Act of 2019”.

5           (b) **FINDINGS AND PURPOSE.**—

6               (1) **FINDINGS.**—Congress finds that—

7                   (A) the right to vote is a fundamental  
8 right of citizens of the United States;

9                   (B) it is the responsibility of the State and  
10 Federal Governments to ensure that every eligi-  
11 ble citizen is registered to vote;

12                   (C) existing voter registration systems can  
13 be inaccurate, costly, inaccessible and con-  
14 fusing, with damaging effects on voter partici-  
15 pation in elections and disproportionate impacts  
16 on young people, persons with disabilities, and  
17 racial and ethnic minorities; and

18                   (D) voter registration systems must be up-  
19 dated with 21st Century technologies and pro-  
20 cedures to maintain their security.

21               (2) **PURPOSE.**—It is the purpose of this part—

22                   (A) to establish that it is the responsibility  
23 of government at every level to ensure that all  
24 eligible citizens are registered to vote;

25                   (B) to enable the State and Federal Gov-  
26 ernments to register all eligible citizens to vote

1 with accurate, cost-efficient, and up-to-date pro-  
2 cedures;

3 (C) to modernize voter registration and list  
4 maintenance procedures with electronic and  
5 Internet capabilities; and

6 (D) to protect and enhance the integrity,  
7 accuracy, efficiency, and accessibility of the  
8 electoral process for all eligible citizens.

9 **SEC. 1012. AUTOMATIC REGISTRATION OF ELIGIBLE INDI-**  
10 **VIDUALS.**

11 (a) **REQUIRING STATES TO ESTABLISH AND OPER-**  
12 **ATE AUTOMATIC REGISTRATION SYSTEM.—**

13 (1) **IN GENERAL.—**The chief State election offi-  
14 cial of each State shall establish and operate a sys-  
15 tem of automatic registration for the registration of  
16 eligible individuals to vote for elections for Federal  
17 office in the State, in accordance with the provisions  
18 of this part.

19 (2) **DEFINITION.—**The term “automatic reg-  
20 istration” means a system that registers an indi-  
21 vidual to vote in elections for Federal office in a  
22 State, if eligible, by electronically transferring the  
23 information necessary for registration from govern-  
24 ment agencies to election officials of the State so  
25 that, unless the individual affirmatively declines to

1 be registered, the individual will be registered to vote  
2 in such elections.

3 (b) REGISTRATION OF VOTERS BASED ON NEW  
4 AGENCY RECORDS.—The chief State election official  
5 shall—

6 (1) not later than 15 days after a contributing  
7 agency has transmitted information with respect to  
8 an individual pursuant to section 1013, ensure that  
9 the individual is registered to vote in elections for  
10 Federal office in the State if the individual is eligible  
11 to be registered to vote in such elections; and

12 (2) not later than 120 days after a contributing  
13 agency has transmitted such information with re-  
14 spect to the individual, send written notice to the in-  
15 dividual, in addition to other means of notice estab-  
16 lished by this part, of the individual's voter registra-  
17 tion status.

18 (c) ONE-TIME REGISTRATION OF VOTERS BASED ON  
19 EXISTING CONTRIBUTING AGENCY RECORDS.—The chief  
20 State election official shall—

21 (1) identify all individuals whose information is  
22 transmitted by a contributing agency pursuant to  
23 section 1014 and who are eligible to be, but are not  
24 currently, registered to vote in that State;

1           (2) promptly send each such individual written  
2 notice, in addition to other means of notice estab-  
3 lished by this part, which shall not identify the con-  
4 tributing agency that transmitted the information  
5 but shall include—

6           (A) an explanation that voter registration  
7 is voluntary, but if the individual does not de-  
8 cline registration, the individual will be reg-  
9 istered to vote;

10           (B) a statement offering the opportunity to  
11 decline voter registration through means con-  
12 sistent with the requirements of this part;

13           (C) in the case of a State in which affili-  
14 ation or enrollment with a political party is re-  
15 quired in order to participate in an election to  
16 select the party's candidate in an election for  
17 Federal office, a statement offering the indi-  
18 vidual the opportunity to affiliate or enroll with  
19 a political party or to decline to affiliate or en-  
20 roll with a political party, through means con-  
21 sistent with the requirements of this part;

22           (D) the substantive qualifications of an  
23 elector in the State as listed in the mail voter  
24 registration application form for elections for  
25 Federal office prescribed pursuant to section 9

1 of the National Voter Registration Act of 1993,  
2 the consequences of false registration, and a  
3 statement that the individual should decline to  
4 register if the individual does not meet all those  
5 qualifications;

6 (E) instructions for correcting any erro-  
7 neous information; and

8 (F) instructions for providing any addi-  
9 tional information which is listed in the mail  
10 voter registration application form for elections  
11 for Federal office prescribed pursuant to section  
12 9 of the National Voter Registration Act of  
13 1993;

14 (3) ensure that each such individual who is eli-  
15 gible to register to vote in elections for Federal of-  
16 fice in the State is promptly registered to vote not  
17 later than 45 days after the official sends the indi-  
18 vidual the written notice under paragraph (2), un-  
19 less, during the 30-day period which begins on the  
20 date the election official sends the individual such  
21 written notice, the individual declines registration in  
22 writing, through a communication made over the  
23 Internet, or by an officially-logged telephone commu-  
24 nication; and



1 or change of address, or, in the case of an institu-  
2 tion of higher education, with each registration of a  
3 student for enrollment in a course of study, each  
4 contributing agency that (in the normal course of its  
5 operations) requests individuals to affirm United  
6 States citizenship (either directly or as part of the  
7 overall application for service or assistance) shall in-  
8 form each such individual who is a citizen of the  
9 United States of the following:

10 (A) Unless that individual declines to reg-  
11 ister to vote, or is found ineligible to vote, the  
12 individual will be registered to vote or, if appli-  
13 cable, the individual's registration will be up-  
14 dated.

15 (B) The substantive qualifications of an  
16 elector in the State as listed in the mail voter  
17 registration application form for elections for  
18 Federal office prescribed pursuant to section 9  
19 of the National Voter Registration Act of 1993,  
20 the consequences of false registration, and the  
21 individual should decline to register if the indi-  
22 vidual does not meet all those qualifications.

23 (C) In the case of a State in which affili-  
24 ation or enrollment with a political party is re-  
25 quired in order to participate in an election to

1 select the party's candidate in an election for  
2 Federal office, the requirement that the indi-  
3 vidual must affiliate or enroll with a political  
4 party in order to participate in such an election.

5 (D) Voter registration is voluntary, and  
6 neither registering nor declining to register to  
7 vote will in any way affect the availability of  
8 services or benefits, nor be used for other pur-  
9 poses.

10 (2) OPPORTUNITY TO DECLINE REGISTRATION  
11 REQUIRED.—Each contributing agency shall ensure  
12 that each application for service or assistance, and  
13 each related recertification, renewal, or change of  
14 address, or, in the case of an institution of higher  
15 education, each registration of a student for enroll-  
16 ment in a course of study, cannot be completed until  
17 the individual is given the opportunity to decline to  
18 be registered to vote.

19 (3) INFORMATION TRANSMITTAL.—Upon the  
20 expiration of the 30-day period which begins on the  
21 date the contributing agency informs the individual  
22 of the information described in paragraph (1), each  
23 contributing agency shall electronically transmit to  
24 the appropriate State election official, in a format  
25 compatible with the statewide voter database main-



1           tained under section 303 of the Help America Vote  
2           Act of 2002 (52 U.S.C. 21083), the following infor-  
3           mation, unless during such 30-day period the indi-  
4           vidual declined to be registered to vote:

5                   (A) The individual's given name(s) and  
6                   surname(s).

7                   (B) The individual's date of birth.

8                   (C) The individual's residential address.

9                   (D) Information showing that the indi-  
10           vidual is a citizen of the United States.

11                   (E) The date on which information per-  
12           taining to that individual was collected or last  
13           updated.

14                   (F) If available, the individual's signature  
15           in electronic form.

16                   (G) Information regarding the individual's  
17           affiliation or enrollment with a political party,  
18           if the individual provides such information.

19                   (H) Any additional information listed in  
20           the mail voter registration application form for  
21           elections for Federal office prescribed pursuant  
22           to section 9 of the National Voter Registration  
23           Act of 1993, including any valid driver's license  
24           number or the last 4 digits of the individual's

1 social security number, if the individual pro-  
2 vided such information.

3 (c) ALTERNATE PROCEDURE FOR CERTAIN CON-  
4 TRIBUTING AGENCIES.—With each application for service  
5 or assistance, and with each related recertification, re-  
6 newal, or change of address, any contributing agency that  
7 in the normal course of its operations does not request  
8 individuals applying for service or assistance to affirm  
9 United States citizenship (either directly or as part of the  
10 overall application for service or assistance) shall—

11 (1) complete the requirements of section 7(a)(6)  
12 of the National Voter Registration Act of 1993 (52  
13 U.S.C. 20506(a)(6));

14 (2) ensure that each applicant’s transaction  
15 with the agency cannot be completed until the appli-  
16 cant has indicated whether the applicant wishes to  
17 register to vote or declines to register to vote in elec-  
18 tions for Federal office held in the State; and

19 (3) for each individual who wishes to register to  
20 vote, transmit that individual’s information in ac-  
21 cordance with subsection (b)(3).

22 (d) REQUIRED AVAILABILITY OF AUTOMATIC REG-  
23 ISTRATION OPPORTUNITY WITH EACH APPLICATION FOR  
24 SERVICE OR ASSISTANCE.—Each contributing agency  
25 shall offer each individual, with each application for serv-

1 ice or assistance, and with each related recertification, re-  
2 newal, or change of address, or in the case of an institu-  
3 tion of higher education, with each registration of a stu-  
4 dent for enrollment in a course of study, the opportunity  
5 to register to vote as prescribed by this section without  
6 regard to whether the individual previously declined a reg-  
7 istration opportunity.

8 (e) CONTRIBUTING AGENCIES.—

9 (1) STATE AGENCIES.—In each State, each of  
10 the following agencies shall be treated as a contrib-  
11 uting agency:

12 (A) Each agency in a State that is re-  
13 quired by Federal law to provide voter registra-  
14 tion services, including the State motor vehicle  
15 authority and other voter registration agencies  
16 under the National Voter Registration Act of  
17 1993.

18 (B) Each agency in a State that admin-  
19 isters a program pursuant to title III of the So-  
20 cial Security Act (42 U.S.C. 501 et seq.), title  
21 XIX of the Social Security Act (42 U.S.C. 1396  
22 et seq.), or the Patient Protection and Afford-  
23 able Care Act (Public Law 111–148).

1           (C) Each State agency primarily respon-  
2           sible for regulating the private possession of  
3           firearms.

4           (D) Each State agency primarily respon-  
5           sible for maintaining identifying information for  
6           students enrolled at public secondary schools,  
7           including, where applicable, the State agency  
8           responsible for maintaining the education data  
9           system described in section 6201(e)(2) of the  
10          America COMPETES Act (20 U.S.C.  
11          9871(e)(2)).

12          (E) In the case of a State in which an in-  
13          dividual disenfranchised by a criminal convic-  
14          tion may become eligible to vote upon comple-  
15          tion of a criminal sentence or any part thereof,  
16          or upon formal restoration of rights, the State  
17          agency responsible for administering that sen-  
18          tence, or part thereof, or that restoration of  
19          rights.

20          (F) Any other agency of the State which is  
21          designated by the State as a contributing agen-  
22          cy.

23          (2) FEDERAL AGENCIES.—In each State, each  
24          of the following agencies of the Federal government  
25          shall be treated as a contributing agency with re-

1       spect to individuals who are residents of that State  
2       (except as provided in subparagraph (C)):

3               (A) The Social Security Administration,  
4               the Department of Veterans Affairs, the De-  
5               fense Manpower Data Center of the Depart-  
6               ment of Defense, the Employee and Training  
7               Administration of the Department of Labor,  
8               and the Center for Medicare & Medicaid Serv-  
9               ices of the Department of Health and Human  
10              Services.

11             (B) The Bureau of Citizenship and Immi-  
12             gration Services, but only with respect to indi-  
13             viduals who have completed the naturalization  
14             process.

15             (C) In the case of an individual who is a  
16             resident of a State in which an individual  
17             disenfranchised by a criminal conviction under  
18             Federal law may become eligible to vote upon  
19             completion of a criminal sentence or any part  
20             thereof, or upon formal restoration of rights,  
21             the Federal agency responsible for admin-  
22             istering that sentence or part thereof (without  
23             regard to whether the agency is located in the  
24             same State in which the individual is a resi-  
25             dent), but only with respect to individuals who

1 have completed the criminal sentence or any  
2 part thereof.

3 (D) Any other agency of the Federal gov-  
4 ernment which the State designates as a con-  
5 tributing agency, but only if the State and the  
6 head of the agency determine that the agency  
7 collects information sufficient to carry out the  
8 responsibilities of a contributing agency under  
9 this section.

10 (3) SPECIAL RULE FOR INSTITUTIONS OF HIGH-  
11 ER EDUCATION.—

12 (A) SPECIAL RULE.—For purposes of this  
13 part, each institution of higher education de-  
14 scribed in subparagraph (B) shall be treated as  
15 a contributing agency in the State in which it  
16 is located, except that—

17 (i) the institution shall be treated as  
18 a contributing agency only if, in its normal  
19 course of operations, the institution re-  
20 quests each student registering for enroll-  
21 ment in a course of study, including enroll-  
22 ment in a program of distance education,  
23 as defined in section 103(7) of the Higher  
24 Education Act of 1965 (20 U.S.C.

1           1003(7)), to affirm whether or not the stu-  
2           dent is a United States citizen; and

3           (ii) if the institution is treated as a  
4           contributing agency in a State pursuant to  
5           clause (i), the institution shall serve as a  
6           contributing agency only with respect to  
7           students, including students enrolled in a  
8           program of distance education, as defined  
9           in section 103(7) of the Higher Education  
10          Act of 1965 (20 U.S.C. 1003(7)), who re-  
11          side in the State.

12          (B) INSTITUTIONS DESCRIBED.—An insti-  
13          tution described in this subparagraph is an in-  
14          stitution of higher education which has a pro-  
15          gram participation agreement in effect with the  
16          Secretary of Education under section 487 of the  
17          Higher Education Act of 1965 (20 U.S.C.  
18          1094) and which is located in a State to which  
19          section 4(b) of the National Voter Registration  
20          Act of 1993 (52 U.S.C. 20503(b)) does not  
21          apply.

22          (4) PUBLICATION.—Not later than 180 days  
23          prior to the date of each election for Federal office  
24          held in the State, the chief State election official  
25          shall publish on the public website of the official an

1 updated list of all contributing agencies in that  
2 State.

3 (5) PUBLIC EDUCATION.—The chief State elec-  
4 tion official of each State, in collaboration with each  
5 contributing agency, shall take appropriate measures  
6 to educate the public about voter registration under  
7 this section.

8 **SEC. 1014. ONE-TIME CONTRIBUTING AGENCY ASSISTANCE**  
9 **IN REGISTRATION OF ELIGIBLE VOTERS IN**  
10 **EXISTING RECORDS.**

11 (a) INITIAL TRANSMITTAL OF INFORMATION.—For  
12 each individual already listed in a contributing agency's  
13 records as of the date of enactment of this Act, and for  
14 whom the agency has the information listed in section  
15 1013(b)(3), the agency shall promptly transmit that infor-  
16 mation to the appropriate State election official in accord-  
17 ance with section 1013(b)(3) not later than the effective  
18 date described in section 1011(a).

19 (b) TRANSITION.—For each individual listed in a con-  
20 tributing agency's records as of the effective date de-  
21 scribed in section 1011(a) (but who was not listed in a  
22 contributing agency's records as of the date of enactment  
23 of this Act), and for whom the agency has the information  
24 listed in section 1013(b)(3), the Agency shall promptly  
25 transmit that information to the appropriate State election



1 official in accordance with section 1013(b)(3) not later  
2 than 6 months after the effective date described in section  
3 1011(a).

4 **SEC. 1015. VOTER PROTECTION AND SECURITY IN AUTO-**  
5 **MATIC REGISTRATION.**

6 (a) PROTECTIONS FOR ERRORS IN REGISTRATION.—

7 An individual shall not be prosecuted under any Federal  
8 or State law, adversely affected in any civil adjudication  
9 concerning immigration status or naturalization, or sub-  
10 ject to an allegation in any legal proceeding that the indi-  
11 vidual is not a citizen of the United States on any of the  
12 following grounds:

13 (1) The individual notified an election office of  
14 the individual's automatic registration to vote under  
15 this part.

16 (2) The individual is not eligible to vote in elec-  
17 tions for Federal office but was automatically reg-  
18 istered to vote under this part.

19 (3) The individual was automatically registered  
20 to vote under this part at an incorrect address.

21 (4) The individual declined the opportunity to  
22 register to vote or did not make an affirmation of  
23 citizenship, including through automatic registration,  
24 under this part.

1 (b) LIMITS ON USE OF AUTOMATIC REGISTRA-  
2 TION.—The automatic registration of any individual or the  
3 fact that an individual declined the opportunity to register  
4 to vote or did not make an affirmation of citizenship (in-  
5 cluding through automatic registration) under this part  
6 may not be used as evidence against that individual in any  
7 State or Federal law enforcement proceeding, and an indi-  
8 vidual’s lack of knowledge or willfulness of such registra-  
9 tion may be demonstrated by the individual’s testimony  
10 alone.

11 (c) PROTECTION OF ELECTION INTEGRITY.—Noth-  
12 ing in subsections (a) or (b) may be construed to prohibit  
13 or restrict any action under color of law against an indi-  
14 vidual who—

15 (1) knowingly and willfully makes a false state-  
16 ment to effectuate or perpetuate automatic voter  
17 registration by any individual; or

18 (2) casts a ballot knowingly and willfully in vio-  
19 lation of State law or the laws of the United States.

20 (d) CONTRIBUTING AGENCIES’ PROTECTION OF IN-  
21 FORMATION.—Nothing in this part authorizes a contrib-  
22 uting agency to collect, retain, transmit, or publicly dis-  
23 close any of the following:

24 (1) An individual’s decision to decline to reg-  
25 ister to vote or not to register to vote.

1           (2) An individual's decision not to affirm his or  
2 her citizenship.

3           (3) Any information that a contributing agency  
4 transmits pursuant to section 1013(b)(3), except in  
5 pursuing the agency's ordinary course of business.

6           (e) ELECTION OFFICIALS' PROTECTION OF INFOR-  
7 MATION.—

8           (1) PUBLIC DISCLOSURE PROHIBITED.—

9           (A) IN GENERAL.—Subject to subpara-  
10 graph (B), with respect to any individual for  
11 whom any State election official receives infor-  
12 mation from a contributing agency, the State  
13 election officials shall not publicly disclose any  
14 of the following:

15                   (i) The identity of the contributing  
16 agency.

17                   (ii) Any information not necessary to  
18 voter registration.

19                   (iii) Any voter information otherwise  
20 shielded from disclosure under State law or  
21 section 8(a) of the National Voter Reg-  
22 istration Act of 1993 (52 U.S.C.  
23 20507(a)).

24                   (iv) Any portion of the individual's so-  
25 cial security number.

1 (v) Any portion of the individual's  
2 motor vehicle driver's license number.

3 (vi) The individual's signature.

4 (vii) The individual's telephone num-  
5 ber.

6 (viii) The individual's email address.

7 (B) SPECIAL RULE FOR INDIVIDUALS REG-  
8 ISTERED TO VOTE.—With respect to any indi-  
9 vidual for whom any State election official re-  
10 ceives information from a contributing agency  
11 and who, on the basis of such information, is  
12 registered to vote in the State under this part,  
13 the State election officials shall not publicly dis-  
14 close any of the following:

15 (i) The identity of the contributing  
16 agency.

17 (ii) Any information not necessary to  
18 voter registration.

19 (iii) Any voter information otherwise  
20 shielded from disclosure under State law or  
21 section 8(a) of the National Voter Reg-  
22 istration Act of 1993 (52 U.S.C.  
23 20507(a)).

24 (iv) Any portion of the individual's so-  
25 cial security number.

1 (v) Any portion of the individual's  
2 motor vehicle driver's license number.

3 (vi) The individual's signature.

4 (2) VOTER RECORD CHANGES.—Each State  
5 shall maintain for at least 2 years and shall make  
6 available for public inspection (and, where available,  
7 photocopying at a reasonable cost), including in elec-  
8 tronic form and through electronic methods, all  
9 records of changes to voter records, including remov-  
10 als, the reasons for removals, and updates.

11 (3) DATABASE MANAGEMENT STANDARDS.—  
12 The Director of the National Institute of Standards  
13 and Technology shall, after providing the public with  
14 notice and the opportunity to comment—

15 (A) establish standards governing the com-  
16 parison of data for voter registration list main-  
17 tenance purposes, identifying as part of such  
18 standards the specific data elements, the  
19 matching rules used, and how a State may use  
20 the data to determine and deem that an indi-  
21 vidual is ineligible under State law to vote in an  
22 election, or to deem a record to be a duplicate  
23 or outdated;

24 (B) ensure that the standards developed  
25 pursuant to this paragraph are uniform and

1 nondiscriminatory and are applied in a uniform  
2 and nondiscriminatory manner; and

3 (C) not later than 45 days after the dead-  
4 line for public notice and comment, publish the  
5 standards developed pursuant to this paragraph  
6 on the Director's website and make those  
7 standards available in written form upon re-  
8 quest.

9 (4) SECURITY POLICY.—The Director of the  
10 National Institute of Standards and Technology  
11 shall, after providing the public with notice and the  
12 opportunity to comment, publish privacy and secu-  
13 rity standards for voter registration information not  
14 later than 45 days after the deadline for public no-  
15 tice and comment. The standards shall require the  
16 chief State election official of each State to adopt a  
17 policy that shall specify—

18 (A) each class of users who shall have au-  
19 thorized access to the computerized statewide  
20 voter registration list, specifying for each class  
21 the permission and levels of access to be grant-  
22 ed, and setting forth other safeguards to pro-  
23 tect the privacy, security, and accuracy of the  
24 information on the list; and

1 (B) security safeguards to protect personal  
2 information transmitted through the informa-  
3 tion transmittal processes of section 1013 or  
4 section 1014, the online system used pursuant  
5 to section 1017, any telephone interface, the  
6 maintenance of the voter registration database,  
7 and any audit procedure to track access to the  
8 system.

9 (5) STATE COMPLIANCE WITH NATIONAL  
10 STANDARDS.—

11 (A) CERTIFICATION.—The chief executive  
12 officer of the State shall annually file with the  
13 Election Assistance Commission a statement  
14 certifying to the Director of the National Insti-  
15 tute of Standards and Technology that the  
16 State is in compliance with the standards re-  
17 ferred to in paragraphs (3) and (4). A State  
18 may meet the requirement of the previous sen-  
19 tence by filing with the Commission a statement  
20 which reads as follows: “\_\_\_\_\_ hereby  
21 certifies that it is in compliance with the stand-  
22 ards referred to in paragraphs (3) and (4) of  
23 section 1015(e) of the Automatic Voter Reg-  
24 istration Act of 2019.” (with the blank to be  
25 filled in with the name of the State involved).

1 (B) PUBLICATION OF POLICIES AND PRO-  
2 CEDURES.—The chief State election official of a  
3 State shall publish on the official’s website the  
4 policies and procedures established under this  
5 section, and shall make those policies and pro-  
6 cedures available in written form upon public  
7 request.

8 (C) FUNDING DEPENDENT ON CERTIFI-  
9 CATION.—If a State does not timely file the cer-  
10 tification required under this paragraph, it shall  
11 not receive any payment under this part for the  
12 upcoming fiscal year.

13 (D) COMPLIANCE OF STATES THAT RE-  
14 QUIRE CHANGES TO STATE LAW.—In the case  
15 of a State that requires State legislation to  
16 carry out an activity covered by any certifi-  
17 cation submitted under this paragraph, for a  
18 period of not more than 2 years the State shall  
19 be permitted to make the certification notwith-  
20 standing that the legislation has not been en-  
21 acted at the time the certification is submitted,  
22 and such State shall submit an additional cer-  
23 tification once such legislation is enacted.

24 (f) RESTRICTIONS ON USE OF INFORMATION.—No  
25 person acting under color of law may discriminate against



1 any individual based on, or use for any purpose other than  
2 voter registration, election administration, or enforcement  
3 relating to election crimes, any of the following:

4 (1) Voter registration records.

5 (2) An individual's declination to register to  
6 vote or complete an affirmation of citizenship under  
7 section 1013(b).

8 (3) An individual's voter registration status.

9 (g) PROHIBITION ON THE USE OF VOTER REGISTRA-  
10 TION INFORMATION FOR COMMERCIAL PURPOSES.—In-  
11 formation collected under this part shall not be used for  
12 commercial purposes. Nothing in this subsection may be  
13 construed to prohibit the transmission, exchange, or dis-  
14 semination of information for political purposes, including  
15 the support of campaigns for election for Federal, State,  
16 or local public office or the activities of political commit-  
17 tees (including committees of political parties) under the  
18 Federal Election Campaign Act of 1971.

19 **SEC. 1016. REGISTRATION PORTABILITY AND CORRECTION.**

20 (a) CORRECTING REGISTRATION INFORMATION AT  
21 POLLING PLACE.—Notwithstanding section 302(a) of the  
22 Help America Vote Act of 2002 (52 U.S.C. 21082(a)), if  
23 an individual is registered to vote in elections for Federal  
24 office held in a State, the appropriate election official at  
25 the polling place for any such election (including a location

1 used as a polling place on a date other than the date of  
2 the election) shall permit the individual to—

3 (1) update the individual's address for purposes  
4 of the records of the election official;

5 (2) correct any incorrect information relating to  
6 the individual, including the individual's name and  
7 political party affiliation, in the records of the elec-  
8 tion official; and

9 (3) cast a ballot in the election on the basis of  
10 the updated address or corrected information, and to  
11 have the ballot treated as a regular ballot and not  
12 as a provisional ballot under section 302(a) of such  
13 Act.

14 (b) **UPDATES TO COMPUTERIZED STATEWIDE VOTER**  
15 **REGISTRATION LISTS.**—If an election official at the poll-  
16 ing place receives an updated address or corrected infor-  
17 mation from an individual under subsection (a), the offi-  
18 cial shall ensure that the address or information is  
19 promptly entered into the computerized Statewide voter  
20 registration list in accordance with section  
21 303(a)(1)(A)(vi) of the Help America Vote Act of 2002  
22 (52 U.S.C. 21083(a)(1)(A)(vi)).

23 **SEC. 1017. PAYMENTS AND GRANTS.**

24 (a) **IN GENERAL.**—The Election Assistance Commis-  
25 sion shall make grants to each eligible State to assist the

1 State in implementing the requirements of this part (or,  
2 in the case of an exempt State, in implementing its exist-  
3 ing automatic voter registration program).

4 (b) ELIGIBILITY; APPLICATION.—A State is eligible  
5 to receive a grant under this section if the State submits  
6 to the Commission, at such time and in such form as the  
7 Commission may require, an application containing—

8 (1) a description of the activities the State will  
9 carry out with the grant;

10 (2) an assurance that the State shall carry out  
11 such activities without partisan bias and without  
12 promoting any particular point of view regarding  
13 any issue; and

14 (3) such other information and assurances as  
15 the Commission may require.

16 (c) AMOUNT OF GRANT; PRIORITIES.—The Commis-  
17 sion shall determine the amount of a grant made to an  
18 eligible State under this section. In determining the  
19 amounts of the grants, the Commission shall give priority  
20 to providing funds for those activities which are most like-  
21 ly to accelerate compliance with the requirements of this  
22 part (or, in the case of an exempt State, which are most  
23 likely to enhance the ability of the State to automatically  
24 register individuals to vote through its existing automatic  
25 voter registration program), including—

1           (1) investments supporting electronic informa-  
2           tion transfer, including electronic collection and  
3           transfer of signatures, between contributing agencies  
4           and the appropriate State election officials;

5           (2) updates to online or electronic voter reg-  
6           istration systems already operating as of the date of  
7           the enactment of this Act;

8           (3) introduction of online voter registration sys-  
9           tems in jurisdictions in which those systems did not  
10          previously exist; and

11          (4) public education on the availability of new  
12          methods of registering to vote, updating registration,  
13          and correcting registration.

14          (d) AUTHORIZATION OF APPROPRIATIONS.—

15           (1) AUTHORIZATION.—There are authorized to  
16          be appropriated to carry out this section—

17                   (A) \$500,000,000 for fiscal year 2019; and

18                   (B) such sums as may be necessary for  
19          each succeeding fiscal year.

20          (2) CONTINUING AVAILABILITY OF FUNDS.—

21          Any amounts appropriated pursuant to the authority  
22          of this subsection shall remain available without fis-  
23          cal year limitation until expended.

1 **SEC. 1018. TREATMENT OF EXEMPT STATES.**

2 (a) WAIVER OF REQUIREMENTS.—Except as pro-  
3 vided in subsection (b), this part does not apply with re-  
4 spect to an exempt State.

5 (b) EXCEPTIONS.—The following provisions of this  
6 part apply with respect to an exempt State:

7 (1) section 1016 (relating to registration port-  
8 ability and correction).

9 (2) section 1017 (relating to payments and  
10 grants).

11 (3) Section 1019(e) (relating to enforcement).

12 (4) Section 1019(f) (relating to relation to  
13 other laws).

14 **SEC. 1019. MISCELLANEOUS PROVISIONS.**

15 (a) ACCESSIBILITY OF REGISTRATION SERVICES.—  
16 Each contributing agency shall ensure that the services  
17 it provides under this part are made available to individ-  
18 uals with disabilities to the same extent as services are  
19 made available to all other individuals.

20 (b) TRANSMISSION THROUGH SECURE THIRD PARTY  
21 PERMITTED.—Nothing in this part shall be construed to  
22 prevent a contributing agency from contracting with a  
23 third party to assist the agency in meeting the information  
24 transmittal requirements of this part, so long as the data  
25 transmittal complies with the applicable requirements of

1 this part, including the privacy and security provisions of  
2 section 1015.

3 (c) NONPARTISAN, NONDISCRIMINATORY PROVISION  
4 OF SERVICES.—The services made available by contrib-  
5 uting agencies under this part and by the State under sec-  
6 tions 1015 and 1016 shall be made in a manner consistent  
7 with paragraphs (4), (5), and (6)(C) of section 7(a) of  
8 the National Voter Registration Act of 1993 (52 U.S.C.  
9 20506(a)).

10 (d) NOTICES.—Each State may send notices under  
11 this part via electronic mail if the individual has provided  
12 an electronic mail address and consented to electronic mail  
13 communications for election-related materials. All notices  
14 sent pursuant to this part that require a response must  
15 offer the individual notified the opportunity to respond at  
16 no cost to the individual.

17 (e) ENFORCEMENT.—Section 11 of the National  
18 Voter Registration Act of 1993 (52 U.S.C. 20510), relat-  
19 ing to civil enforcement and the availability of private  
20 rights of action, shall apply with respect to this part in  
21 the same manner as such section applies to such Act.

22 (f) RELATION TO OTHER LAWS.—Except as pro-  
23 vided, nothing in this part may be construed to authorize  
24 or require conduct prohibited under, or to supersede, re-  
25 strict, or limit the application of any of the following:

1           (1) The Voting Rights Act of 1965 (52 U.S.C.  
2           10301 et seq.).

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

5           (3) The National Voter Registration Act of  
6           1993 (52 U.S.C. 20501 et seq.).

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

9   **SEC. 1020. DEFINITIONS.**

10          In this part, the following definitions apply:

11           (1) The term “chief State election official”  
12           means, with respect to a State, the individual des-  
13           ignated by the State under section 10 of the Na-  
14           tional Voter Registration Act of 1993 (52 U.S.C.  
15           20509) to be responsible for coordination of the  
16           State’s responsibilities under such Act.

17           (2) The term “Commission” means the Election  
18           Assistance Commission.

19           (3) The term “exempt State” means a State  
20           which, under law which is in effect continuously on  
21           and after the date of the enactment of this Act, op-  
22           erates an automatic voter registration program  
23           under which an individual is automatically registered  
24           to vote in elections for Federal office in the State if  
25           the individual provides the motor vehicle authority of

1 the State (or, in the case of a State in which an in-  
2 dividual is automatically registered to vote at the  
3 time the individual applies for benefits or services  
4 with a Permanent Dividend Fund of the State, pro-  
5 vides the appropriate official of such Fund) with  
6 such identifying information as the State may re-  
7 quire.

8 (4) The term “State” means each of the several  
9 States and the District of Columbia.

10 **SEC. 1021. EFFECTIVE DATE.**

11 (a) IN GENERAL.—Except as provided in subsection  
12 (b), this part and the amendments made by this part shall  
13 apply with respect to a State beginning January 1, 2021.

14 (b) WAIVER.—Subject to the approval of the Com-  
15 mission, if a State certifies to the Commission that the  
16 State will not meet the deadline referred to in subsection  
17 (a) because of extraordinary circumstances and includes  
18 in the certification the reasons for the failure to meet the  
19 deadline, subsection (a) shall apply to the State as if the  
20 reference in such subsection to “January 1, 2021” were  
21 a reference to “January 1, 2023”.

22 **PART 3—SAME DAY VOTER REGISTRATION**

23 **SEC. 1031. SAME DAY REGISTRATION.**

24 (a) IN GENERAL.—Title III of the Help America  
25 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—



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

3           (2) by inserting after section 303 the following  
4 new section:

5 **“SEC. 304. SAME DAY REGISTRATION.**

6       “(a) IN GENERAL.—

7           “(1) REGISTRATION.—Notwithstanding section  
8 8(a)(1)(D) of the National Voter Registration Act of  
9 1993 (52 U.S.C. 20507(a)(1)(D)), each State shall  
10 permit any eligible individual on the day of a Fed-  
11 eral election and on any day when voting, including  
12 early voting, is permitted for a Federal election—

13           “(A) to register to vote in such election at  
14 the polling place using a form that meets the  
15 requirements under section 9(b) of the National  
16 Voter Registration Act of 1993 (or, if the indi-  
17 vidual is already registered to vote, to revise  
18 any of the individual’s voter registration infor-  
19 mation); and

20           “(B) to cast a vote in such election.

21       “(2) EXCEPTION.—The requirements under  
22 paragraph (1) shall not apply to a State in which,  
23 under a State law in effect continuously on and after  
24 the date of the enactment of this section, there is no

1 voter registration requirement for individuals in the  
2 State with respect to elections for Federal office.

3 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this  
4 section, the term ‘eligible individual’ means, with respect  
5 to any election for Federal office, an individual who is oth-  
6 erwise qualified to vote in that election.

7 “(c) EFFECTIVE DATE.—Each State shall be re-  
8 quired to comply with the requirements of subsection (a)  
9 for the regularly scheduled general election for Federal of-  
10 fice occurring in November 2020 and for any subsequent  
11 election for Federal office.”.

12 (b) CONFORMING AMENDMENT RELATING TO EN-  
13 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)  
14 is amended by striking “sections 301, 302, and 303” and  
15 inserting “subtitle A of title III”.

16 (c) CLERICAL AMENDMENT.—The table of contents  
17 of such Act is amended—

18 (1) by redesignating the items relating to sec-  
19 tions 304 and 305 as relating to sections 305 and  
20 306; and

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

“Sec. 304. Same day registration.”.

1 **PART 4—CONDITIONS ON REMOVAL ON BASIS OF**  
2 **INTERSTATE CROSS-CHECKS**

3 **SEC. 1041. CONDITIONS ON REMOVAL OF REGISTRANTS**  
4 **FROM OFFICIAL LIST OF ELIGIBLE VOTERS**  
5 **ON BASIS OF INTERSTATE CROSS-CHECKS.**

6 (a) MINIMUM INFORMATION REQUIRED FOR RE-  
7 MOVAL UNDER CROSS-CHECK.—Section 8(c)(2) of the  
8 National Voter Registration Act of 1993 (52 U.S.C.  
9 20507(c)(2)) is amended—

10 (1) by redesignating subparagraph (B) as sub-  
11 paragraph (D); and

12 (2) by inserting after subparagraph (A) the fol-  
13 lowing new subparagraphs:

14 “(B) To the extent that the program carried out by  
15 a State under subparagraph (A) to systematically remove  
16 the names of ineligible voters from the official lists of eligi-  
17 ble voters uses information obtained in an interstate cross-  
18 check, in addition to any other conditions imposed under  
19 this Act on the authority of the State to remove the name  
20 of the voter from such a list, the State may not remove  
21 the name of the voter from such a list unless—

22 “(i) the State obtained the voter’s full name  
23 (including the voter’s middle name, if any) and date  
24 of birth, and the last 4 digits of the voter’s social  
25 security number, in the interstate cross-check; or

1           “(ii) the State obtained documentation from the  
2       ERIC system that the voter is no longer a resident  
3       of the State.

4       “(C) In this paragraph—

5           “(i) the term ‘interstate cross-check’ means the  
6       transmission of information from an election official  
7       in one State to an election official of another State;  
8       and

9           “(ii) the term ‘ERIC system’ means the system  
10      operated by the Electronic Registration Information  
11      Center to share voter registration information and  
12      voter identification information among participating  
13      States.”.

14      (b) REQUIRING COMPLETION OF CROSS-CHECKS NOT  
15      LATER THAN 6 MONTHS PRIOR TO ELECTION.—Sub-  
16      paragraph (A) of section 8(c)(2) of such Act (52 U.S.C.  
17      20507(c)(2)) is amended by striking “not later than 90  
18      days” and inserting the following: “not later than 90 days  
19      (or, in the case of a program in which the State uses inter-  
20      state cross-checks, not later than 6 months)”.

21      (c) CONFORMING AMENDMENT.—Subparagraph (D)  
22      of section 8(c)(2) of such Act (52 U.S.C. 20507(c)(2)),  
23      as redesignated by subsection (a)(1), is amended by strik-  
24      ing “Subparagraph (A)” and inserting “This paragraph”.

1 (d) EFFECTIVE DATE.—The amendments made by  
2 this Act shall apply with respect to elections held on or  
3 after the expiration of the 6-month period which begins  
4 on the date of the enactment of this Act.

5 **PART 5—OTHER INITIATIVES TO PROMOTE**  
6 **VOTER REGISTRATION**

7 **SEC. 1051. ANNUAL REPORTS ON VOTER REGISTRATION**  
8 **STATISTICS.**

9 (a) ANNUAL REPORT.—Not later than 90 days after  
10 the end of each year, each State shall submit to the Elec-  
11 tion Assistance Commission and Congress a report con-  
12 taining the following categories of information for the  
13 year:

14 (1) The number of individuals who were reg-  
15 istered under part 2.

16 (2) The number of voter registration applica-  
17 tion forms completed by individuals that were trans-  
18 mitted by motor vehicle authorities in the State  
19 (pursuant to section 5(d) of the National Voter Reg-  
20 istration Act of 1993) and voter registration agen-  
21 cies in the State (as designated under section 7 of  
22 such Act) to the chief State election official of the  
23 State, broken down by each such authority and  
24 agency.

1           (3) The number of such individuals whose voter  
2 registration application forms were accepted and  
3 who were registered to vote in the State and the  
4 number of such individuals whose forms were re-  
5 jected and who were not registered to vote in the  
6 State, broken down by each such authority and  
7 agency.

8           (4) The number of change of address forms and  
9 other forms of information indicating that an indi-  
10 vidual's identifying information has been changed  
11 that were transmitted by such motor vehicle authori-  
12 ties and voter registration agencies to the chief State  
13 election official of the State, broken down by each  
14 such authority and agency and the type of form  
15 transmitted.

16           (5) The number of individuals on the Statewide  
17 computerized voter registration list (as established  
18 and maintained under section 303 of the Help  
19 America Vote Act of 2002) whose voter registration  
20 information was revised by the chief State election  
21 official as a result of the forms transmitted to the  
22 official by such motor vehicle authorities and voter  
23 registration agencies (as described in paragraph  
24 (3)), broken down by each such authority and agen-  
25 cy and the type of form transmitted.

1           (6) The number of individuals who requested  
2           the chief State election official to revise voter reg-  
3           istration information on such list, and the number of  
4           individuals whose information was revised as a result  
5           of such a request.

6           (b) BREAKDOWN OF INFORMATION BY RACE AND  
7           ETHNICITY OF INDIVIDUALS.—In preparing the report  
8           under this section, the State shall, for each category of  
9           information described in subsection (a), include a break-  
10          down by race and ethnicity of the individuals whose infor-  
11          mation is included in the category, to the extent that infor-  
12          mation on the race and ethnicity of such individuals is  
13          available to the State.

14          (c) CONFIDENTIALITY OF INFORMATION.—In pre-  
15          paring and submitting a report under this section, the  
16          chief State election official shall ensure that no informa-  
17          tion regarding the identification of any individual is re-  
18          vealed.

19          (d) STATE DEFINED.—In this section, a “State” in-  
20          cludes the District of Columbia, the Commonwealth of  
21          Puerto Rico, the United States Virgin Islands, Guam,  
22          American Samoa, and the Commonwealth of the Northern  
23          Mariana Islands, but does not include any State in which,  
24          under a State law in effect continuously on and after the  
25          date of the enactment of this Act, there is no voter reg-

1 istration requirement for individuals in the State with re-  
2 spect to elections for Federal office.

3 **PART 6—AVAILABILITY OF HAVA REQUIREMENTS**

4 **PAYMENTS**

5 **SEC. 1061. AVAILABILITY OF REQUIREMENTS PAYMENTS**

6 **UNDER HAVA TO COVER COSTS OF COMPLI-**

7 **ANCE WITH NEW REQUIREMENTS.**

8 (a) IN GENERAL.—Section 251(b) of the Help Amer-  
9 ica Vote Act of 2002 (52 U.S.C. 21001(b)) is amended—

10 (1) in paragraph (1), by striking “as provided  
11 in paragraphs (2) and (3)” and inserting “as other-  
12 wise provided in this subsection”; and

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

15 “(4) CERTAIN VOTER REGISTRATION ACTIVI-  
16 TIES.—A State may use a requirements payment to  
17 carry out any of the requirements of the Voter Reg-  
18 istration Modernization Act of 2019, including the  
19 requirements of the National Voter Registration Act  
20 of 1993 which are imposed pursuant to the amend-  
21 ments made to such Act by the Voter Registration  
22 Modernization Act of 2019.”.

23 (b) CONFORMING AMENDMENT.—Section 254(a)(1)  
24 of such Act (52 U.S.C. 21004(a)(1)) is amended by strik-



1 ing “section 251(a)(2)” and inserting “section  
2 251(b)(2)”.

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply with respect to fiscal year 2018  
5 and each succeeding fiscal year.

6 **PART 7—PROHIBITING INTERFERENCE WITH**  
7 **VOTER REGISTRATION**

8 **SEC. 1071. PROHIBITING HINDERING, INTERFERING WITH,**  
9 **OR PREVENTING VOTER REGISTRATION.**

10 (a) IN GENERAL.—Chapter 29 of title 18, United  
11 States Code is amended by adding at the end the following  
12 new section:

13 **“§ 612. Hindering, interfering with, or preventing**  
14 **registering to vote**

15 “(a) PROHIBITION.—It shall be unlawful for any per-  
16 son, whether acting under color of law or otherwise, to  
17 corruptly hinder, interfere with, or prevent another person  
18 from registering to vote or to corruptly hinder, interfere  
19 with, or prevent another person from aiding another per-  
20 son in registering to vote.

21 “(b) ATTEMPT.—Any person who attempts to commit  
22 any offense described in subsection (a) shall be subject to  
23 the same penalties as those prescribed for the offense that  
24 the person attempted to commit.

1           “(c) PENALTY.—Any person who violates subsection  
2 (a) shall be fined under this title, imprisoned not more  
3 than 5 years, or both.”.

4           (b) CLERICAL AMENDMENT.—The table of sections  
5 for chapter 29 of title 18, United States Code is amended  
6 by adding at the end the following new item:

“612. Hindering, interfering with, or preventing registering to vote.”.

7           (c) EFFECTIVE DATE.—The amendments made by  
8 this section shall apply with respect to elections held on  
9 or after the date of the enactment of this Act, except that  
10 no person may be found to have violated section 612 of  
11 title 18, United States Code (as added by subsection (a)),  
12 on the basis of any act occurring prior to the date of the  
13 enactment of this Act.

14 **SEC. 1072. ESTABLISHMENT OF BEST PRACTICES.**

15           (a) BEST PRACTICES.—Not later than 180 days after  
16 the date of the enactment of this Act, the Election Assist-  
17 ance Commission shall develop and publish recommenda-  
18 tions for best practices for States to use to deter and pre-  
19 vent violations of section 612 of title 18, United States  
20 Code (as added by section 1071), and section 12 of the  
21 National Voter Registration Act of 1993 (52 U.S.C.  
22 20511) (relating to the unlawful interference with reg-  
23 istering to vote, or voting, or attempting to register to vote  
24 or vote), including practices to provide for the posting of  
25 relevant information at polling places and voter registra-

1 tion agencies under such Act, the training of poll workers  
2 and election officials, and relevant educational materials.  
3 For purposes of this subsection, the term “State” includes  
4 the District of Columbia, the Commonwealth of Puerto  
5 Rico, Guam, American Samoa, the United States Virgin  
6 Islands, and the Commonwealth of the Northern Mariana  
7 Islands.

8 (b) INCLUSION IN VOTER INFORMATION REQUIRE-  
9 MENTS.—Section 302(b)(2) of the Help America Vote Act  
10 of 2002 (52 U.S.C. 21082(b)(2)) is amended—

11 (1) by striking “and” at the end of subpara-  
12 graph (E);

13 (2) by striking the period at the end of sub-  
14 paragraph (F) and inserting “; and”; and

15 (3) by adding at the end the following new sub-  
16 paragraph:

17 “(G) information relating to the prohibi-  
18 tions of section 612 of title 18, United States  
19 Code, and section 12 of the National Voter  
20 Registration Act of 1993 (52 U.S.C. 20511)  
21 (relating to the unlawful interference with reg-  
22 istering to vote, or voting, or attempting to reg-  
23 ister to vote or vote), including information on  
24 how individuals may report allegations of viola-  
25 tions of such prohibitions.”.

1       **Subtitle B—Access to Voting for**  
2       **Individuals With Disabilities**

3       **SEC. 1101. REQUIREMENTS FOR STATES TO PROMOTE AC-**  
4                               **CESS TO VOTER REGISTRATION AND VOTING**  
5                               **FOR INDIVIDUALS WITH DISABILITIES.**

6       (a) REQUIREMENTS.—Subtitle A of title III of the  
7 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),  
8 as amended by section 1031(a), is amended—

9               (1) by redesignating sections 305 and 306 as  
10 sections 306 and 307; and

11              (2) by inserting after section 304 the following  
12 new section:

13       **“SEC. 305. ACCESS TO VOTER REGISTRATION AND VOTING**  
14                               **FOR INDIVIDUALS WITH DISABILITIES.**

15       “(a) TREATMENT OF APPLICATIONS AND BAL-  
16 LOTS.—Each State shall—

17              “(1) permit individuals with disabilities to use  
18 absentee registration procedures and to vote by ab-  
19 santee ballot in elections for Federal office;

20              “(2) accept and process, with respect to any  
21 election for Federal office, any otherwise valid voter  
22 registration application and absentee ballot applica-  
23 tion from an individual with a disability if the appli-  
24 cation is received by the appropriate State election

1 official within the deadline for the election which is  
2 applicable under Federal law;

3 “(3) in addition to any other method of reg-  
4 istering to vote or applying for an absentee ballot in  
5 the State, establish procedures—

6 “(A) for individuals with disabilities to re-  
7 quest by mail and electronically voter registra-  
8 tion applications and absentee ballot applica-  
9 tions with respect to elections for Federal office  
10 in accordance with subsection (c);

11 “(B) for States to send by mail and elec-  
12 tronically (in accordance with the preferred  
13 method of transmission designated by the indi-  
14 vidual under subparagraph (C)) voter registra-  
15 tion applications and absentee ballot applica-  
16 tions requested under subparagraph (A) in ac-  
17 cordance with subsection (c); and

18 “(C) by which such an individual can des-  
19 ignate whether the individual prefers that such  
20 voter registration application or absentee ballot  
21 application be transmitted by mail or electroni-  
22 cally;

23 “(4) in addition to any other method of trans-  
24 mitting blank absentee ballots in the State, establish  
25 procedures for transmitting by mail and electroni-

1 cally blank absentee ballots to individuals with dis-  
2 abilities with respect to elections for Federal office  
3 in accordance with subsection (d);

4 “(5) transmit a validly requested absentee bal-  
5 lot to an individual with a disability—

6 “(A) except as provided in subsection (e),  
7 in the case in which the request is received at  
8 least 45 days before an election for Federal of-  
9 fice, not later than 45 days before the election;  
10 and

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

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

15 “(ii) if practicable and as determined  
16 appropriate by the State, in a manner that  
17 expedites the transmission of such absen-  
18 tee ballot; and

19 “(6) if the State declares or otherwise holds a  
20 runoff election for Federal office, establish a written  
21 plan that provides absentee ballots are made avail-  
22 able to individuals with disabilities in a manner that  
23 gives them sufficient time to vote in the runoff elec-  
24 tion.

1           “(b) DESIGNATION OF SINGLE STATE OFFICE TO  
2 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-  
3 TEE BALLOT PROCEDURES FOR ALL DISABLED VOTERS  
4 IN STATE.—Each State shall designate a single office  
5 which shall be responsible for providing information re-  
6 garding voter registration procedures and absentee ballot  
7 procedures to be used by individuals with disabilities with  
8 respect to elections for Federal office to all individuals  
9 with disabilities who wish to register to vote or vote in  
10 any jurisdiction in the State.

11           “(c) DESIGNATION OF MEANS OF ELECTRONIC COM-  
12 MUNICATION FOR INDIVIDUALS WITH DISABILITIES TO  
13 REQUEST AND FOR STATES TO SEND VOTER REGISTRA-  
14 TION APPLICATIONS AND ABSENTEE BALLOT APPLICA-  
15 TIONS, AND FOR OTHER PURPOSES RELATED TO VOTING  
16 INFORMATION.—

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

21           “(A) for use by individuals with disabilities  
22 who wish to register to vote or vote in any ju-  
23 risdiction in the State to request voter registra-  
24 tion applications and absentee ballot applica-  
25 tions under subsection (a)(3);

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

4           “(C) for the purpose of providing related  
5           voting, balloting, and election information to in-  
6           dividuals with disabilities.

7           “(2) CLARIFICATION REGARDING PROVISION OF  
8           MULTIPLE MEANS OF ELECTRONIC COMMUNICA-  
9           TION.—A State may, in addition to the means of  
10          electronic communication so designated, provide  
11          multiple means of electronic communication to indi-  
12          viduals with disabilities, including a means of elec-  
13          tronic communication for the appropriate jurisdic-  
14          tion of the State.

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

23          “(4) TRANSMISSION IF NO PREFERENCE INDI-  
24          CATED.—In the case where an individual with a dis-  
25          ability does not designate a preference under sub-



1 section (a)(3)(C), the State shall transmit the voter  
2 registration application or absentee ballot application  
3 by any delivery method allowable in accordance with  
4 applicable State law, or if there is no applicable  
5 State law, by mail.

6 “(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS  
7 BY MAIL AND ELECTRONICALLY.—

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

10 “(A) to securely transmit blank absentee  
11 ballots by mail and electronically (in accordance  
12 with the preferred method of transmission des-  
13 ignated by the individual with a disability under  
14 subparagraph (B)) to individuals with disabili-  
15 ties for an election for Federal office; and

16 “(B) by which the individual with a dis-  
17 ability can designate whether the individual pre-  
18 fers that such blank absentee ballot be trans-  
19 mitted by mail or electronically.

20 “(2) TRANSMISSION IF NO PREFERENCE INDI-  
21 CATED.—In the case where an individual with a dis-  
22 ability does not designate a preference under para-  
23 graph (1)(B), the State shall transmit the ballot by  
24 any delivery method allowable in accordance with ap-

1 applicable State law, or if there is no applicable State  
2 law, by mail.

3 “(3) APPLICATION OF METHODS TO TRACK DE-  
4 LIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL  
5 REQUESTING BALLOT.—Under the procedures estab-  
6 lished under paragraph (1), the State shall apply  
7 such methods as the State considers appropriate,  
8 such as assigning a unique identifier to the ballot,  
9 to ensure that if an individual with a disability re-  
10 quests the State to transmit a blank absentee ballot  
11 to the individual in accordance with this subsection,  
12 the voted absentee ballot which is returned by the  
13 individual is the same blank absentee ballot which  
14 the State transmitted to the individual.

15 “(e) HARDSHIP EXEMPTION.—

16 “(1) IN GENERAL.—If the chief State election  
17 official determines that the State is unable to meet  
18 the requirement under subsection (a)(5)(A) with re-  
19 spect to an election for Federal office due to an  
20 undue hardship described in paragraph (2)(B), the  
21 chief State election official shall request that the At-  
22 torney General grant a waiver to the State of the  
23 application of such subsection. Such request shall in-  
24 clude—

1           “(A) a recognition that the purpose of  
2 such subsection is to individuals with disabil-  
3 ities enough time to vote in an election for Fed-  
4 eral office;

5           “(B) an explanation of the hardship that  
6 indicates why the State is unable to transmit  
7 such individuals an absentee ballot in accord-  
8 ance with such subsection;

9           “(C) the number of days prior to the elec-  
10 tion for Federal office that the State requires  
11 absentee ballots be transmitted to such individ-  
12 uals; and

13           “(D) a comprehensive plan to ensure that  
14 such individuals are able to receive absentee  
15 ballots which they have requested and submit  
16 marked absentee ballots to the appropriate  
17 State election official in time to have that ballot  
18 counted in the election for Federal office, which  
19 includes—

20                   “(i) the steps the State will undertake  
21 to ensure that such individuals have time  
22 to receive, mark, and submit their ballots  
23 in time to have those ballots counted in the  
24 election;

1                   “(ii) why the plan provides such indi-  
2                   viduals sufficient time to vote as a sub-  
3                   stitute for the requirements under such  
4                   subsection; and

5                   “(iii) the underlying factual informa-  
6                   tion which explains how the plan provides  
7                   such sufficient time to vote as a substitute  
8                   for such requirements.

9                   “(2) APPROVAL OF WAIVER REQUEST.—The  
10                  Attorney General shall approve a waiver request  
11                  under paragraph (1) if the Attorney General deter-  
12                  mines each of the following requirements are met:

13                  “(A) The comprehensive plan under sub-  
14                  paragraph (D) of such paragraph provides indi-  
15                  viduals with disabilities sufficient time to re-  
16                  ceive absentee ballots they have requested and  
17                  submit marked absentee ballots to the appro-  
18                  priate State election official in time to have that  
19                  ballot counted in the election for Federal office.

20                  “(B) One or more of the following issues  
21                  creates an undue hardship for the State:

22                  “(i) The State’s primary election date  
23                  prohibits the State from complying with  
24                  subsection (a)(5)(A).

1                   “(ii) The State has suffered a delay in  
2                   generating ballots due to a legal contest.

3                   “(iii) The State Constitution prohibits  
4                   the State from complying with such sub-  
5                   section.

6                   “(3) TIMING OF WAIVER.—

7                   “(A) IN GENERAL.—Except as provided  
8                   under subparagraph (B), a State that requests  
9                   a waiver under paragraph (1) shall submit to  
10                  the Attorney General the written waiver request  
11                  not later than 90 days before the election for  
12                  Federal office with respect to which the request  
13                  is submitted. The Attorney General shall ap-  
14                  prove or deny the waiver request not later than  
15                  65 days before such election.

16                  “(B) EXCEPTION.—If a State requests a  
17                  waiver under paragraph (1) as the result of an  
18                  undue hardship described in paragraph  
19                  (2)(B)(ii), the State shall submit to the Attor-  
20                  ney General the written waiver request as soon  
21                  as practicable. The Attorney General shall ap-  
22                  prove or deny the waiver request not later than  
23                  5 business days after the date on which the re-  
24                  quest is received.

1           “(4) APPLICATION OF WAIVER.—A waiver ap-  
2           proved under paragraph (2) shall only apply with re-  
3           spect to the election for Federal office for which the  
4           request was submitted. For each subsequent election  
5           for Federal office, the Attorney General shall only  
6           approve a waiver if the State has submitted a re-  
7           quest under paragraph (1) with respect to such elec-  
8           tion.

9           “(f) RULE OF CONSTRUCTION.—Nothing in this sec-  
10          tion may be construed to allow the marking or casting of  
11          ballots over the internet.

12          “(g) INDIVIDUAL WITH A DISABILITY DEFINED.—  
13          In this section, an ‘individual with a disability’ means an  
14          individual with an impairment that substantially limits  
15          any major life activities and who is otherwise qualified to  
16          vote in elections for Federal office.

17          “(h) EFFECTIVE DATE.—This section shall apply  
18          with respect to elections for Federal office held on or after  
19          January 1, 2020.”.

20          (b) CONFORMING AMENDMENT RELATING TO  
21          ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-  
22          SISTANCE COMMISSION.—Section 311(b) of such Act (52  
23          U.S.C. 21101(b)) is amended—

24                  (1) by striking “and” at the end of paragraph  
25                  (2);

1           (2) by striking the period at the end of para-  
2           graph (3) and inserting “; and”; and

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

5           “(4) in the case of the recommendations with  
6           respect to section 305, January 1, 2020.”.

7           (c) CLERICAL AMENDMENT.—The table of contents  
8           of such Act, as amended by section 1031(c), is amended—

9           (1) by redesignating the items relating to sec-  
10          tions 305 and 306 as relating to sections 306 and  
11          307; and

12          (2) by inserting after the item relating to sec-  
13          tion 304 the following new item:

          “Sec. 305. Access to voter registration and voting for individuals with disabili-  
          ties.”.

14   **SEC. 1102. EXPANSION AND REAUTHORIZATION OF GRANT**  
15                           **PROGRAM TO ASSURE VOTING ACCESS FOR**  
16                           **INDIVIDUALS WITH DISABILITIES.**

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 at  
22               home accessible to individuals with the full range of  
23               disabilities (including impairments involving vision,  
24               hearing, mobility, or dexterity) through the imple-

1       mentation of accessible absentee voting systems that  
2       work in conjunction with assistive technologies for  
3       which individuals have access at their homes, inde-  
4       pendent living centers, or other facilities;

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

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

17      (b) REAUTHORIZATION.—Section 264(a) of such Act  
18      (52 U.S.C. 21024(a)) is amended by adding at the end  
19      the following new paragraph:

20              “(4) For fiscal year 2020 and each succeeding  
21      fiscal year, such sums as may be necessary to carry  
22      out this part.”.

23      (c) PERIOD OF AVAILABILITY OF FUNDS.—Section  
24      264 of such Act (52 U.S.C. 21024) is amended—



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

4           (2) by adding at the end the following new sub-  
5 section:

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

7           “(1) DEADLINE FOR OBLIGATION AND EXPEND-  
8 ITURE.—In the case of any amounts appropriated  
9 pursuant to the authority of subsection (a) for a  
10 payment to a State or unit of local government for  
11 fiscal year 2020 or any succeeding fiscal year, any  
12 portion of such amounts which have not been obli-  
13 gated or expended by the State or unit of local gov-  
14 ernment prior to the expiration of the 4-year period  
15 which begins on the date the State or unit of local  
16 government first received the amounts shall be  
17 transferred to the Commission.

18           “(2) REALLOCATION OF TRANSFERRED  
19 AMOUNTS.—

20           “(A) IN GENERAL.—The Commission shall  
21 use the amounts transferred under paragraph  
22 (1) to make payments on a pro rata basis to  
23 each covered payment recipient described in  
24 subparagraph (B), which may obligate and ex-  
25 pend such payment for the purposes described

1 in section 261(b) during the 1-year period  
2 which begins on the date of receipt.

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

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

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

## 12 **Subtitle C—Prohibiting Voter** 13 **Caging**

### 14 **SEC. 1201. VOTER CAGING AND OTHER QUESTIONABLE** 15 **CHALLENGES PROHIBITED.**

16 (a) IN GENERAL.—Chapter 29 of title 18, United  
17 States Code, as amended by section 1071(a), is amended  
18 by adding at the end the following:

#### 19 **“§ 613. Voter caging and other questionable chal-** 20 **lenges**

21 “(a) DEFINITIONS.—In this section—

22 “(1) the term ‘voter caging document’ means—

23 “(A) a nonforwardable document that is  
24 returned to the sender or a third party as unde-  
25 livered or undeliverable despite an attempt to

1 deliver such document to the address of a reg-  
2 istered voter or applicant; or

3 “(B) any document with instructions to an  
4 addressee that the document be returned to the  
5 sender or a third party but is not so returned,  
6 despite an attempt to deliver such document to  
7 the address of a registered voter or applicant,  
8 unless at least two Federal election cycles have  
9 passed since the date of the attempted delivery;

10 “(2) the term ‘voter caging list’ means a list of  
11 individuals compiled from voter caging documents;  
12 and

13 “(3) the term ‘unverified match list’ means a  
14 list produced by matching the information of reg-  
15 istered voters or applicants for voter registration to  
16 a list of individuals who are ineligible to vote in the  
17 registrar’s jurisdiction, by virtue of death, convic-  
18 tion, change of address, or otherwise; unless one of  
19 the pieces of information matched includes a signa-  
20 ture, photograph, or unique identifying number en-  
21 suring that the information from each source refers  
22 to the same individual.

23 “(b) PROHIBITION AGAINST VOTER CAGING.—No  
24 State or local election official shall prevent an individual  
25 from registering or voting in any election for Federal of-

1 fice, or permit in connection with any election for Federal  
2 office a formal challenge under State law to an individual's  
3 registration status or eligibility to vote, if the basis for  
4 such decision is evidence consisting of—

5           “(1) a voter caging document or voter caging  
6 list;

7           “(2) an unverified match list;

8           “(3) an error or omission on any record or  
9 paper relating to any application, registration, or  
10 other act requisite to voting, if such error or omis-  
11 sion is not material to an individual's eligibility to  
12 vote under section 2004 of the Revised Statutes, as  
13 amended (52 U.S.C. 10101(a)(2)(B)); or

14           “(4) any other evidence so designated for pur-  
15 poses of this section by the Election Assistance Com-  
16 mission,

17 except that the election official may use such evidence if  
18 it is corroborated by independent evidence of the individ-  
19 ual's ineligibility to register or vote.

20           “(c) REQUIREMENTS FOR CHALLENGES BY PERSONS  
21 OTHER THAN ELECTION OFFICIALS.—

22           “(1) REQUIREMENTS FOR CHALLENGES.—No  
23 person, other than a State or local election official,  
24 shall submit a formal challenge to an individual's eli-  
25 gibility to register to vote in an election for Federal

1 office or to vote in an election for Federal office un-  
2 less that challenge is supported by personal knowl-  
3 edge regarding the grounds for ineligibility which  
4 is—

5 “(A) documented in writing; and

6 “(B) subject to an oath or attestation  
7 under penalty of perjury that the challenger has  
8 a good faith factual basis to believe that the in-  
9 dividual who is the subject of the challenge is  
10 ineligible to register to vote or vote in that elec-  
11 tion, except a challenge which is based on the  
12 race, ethnicity, or national origin of the indi-  
13 vidual who is the subject of the challenge may  
14 not be considered to have a good faith factual  
15 basis for purposes of this paragraph.

16 “(2) PROHIBITION ON CHALLENGES ON OR  
17 NEAR DATE OF ELECTION.—No person, other than  
18 a State or local election official, shall be permitted—

19 “(A) to challenge an individual’s eligibility  
20 to vote in an election for Federal office on Elec-  
21 tion Day, or

22 “(B) to challenge an individual’s eligibility  
23 to register to vote in an election for Federal of-  
24 fice or to vote in an election for Federal office  
25 less than 10 days before the election unless the

1 individual registered to vote less than 20 days  
2 before the election.

3 “(d) PENALTIES FOR KNOWING MISCONDUCT.—  
4 Whoever knowingly challenges the eligibility of one or  
5 more individuals to register or vote or knowingly causes  
6 the eligibility of such individuals to be challenged in viola-  
7 tion of this section with the intent that one or more eligi-  
8 ble voters be disqualified, shall be fined under this title  
9 or imprisoned not more than 1 year, or both, for each such  
10 violation. Each violation shall be a separate offense.

11 “(e) NO EFFECT ON RELATED LAWS.—Nothing in  
12 this section is intended to override the protections of the  
13 National Voter Registration Act of 1993 (52 U.S.C.  
14 20501 et seq.) or to affect the Voting Rights Act of 1965  
15 (52 U.S.C. 10301 et seq.).”

16 (b) CLERICAL AMENDMENT.—The table of sections  
17 for chapter 29 of title 18, United States Code, as amended  
18 by section 1071(b), is amended by adding at the end the  
19 following:

“613. Voter caging and other questionable challenges.”

20 **SEC. 1202. DEVELOPMENT AND ADOPTION OF BEST PRAC-**  
21 **TICES FOR PREVENTING VOTER CAGING.**

22 (a) BEST PRACTICES.—Not later than 180 days after  
23 the date of the enactment of this Act, the Election Assist-  
24 ance Commission shall develop and publish for the use of  
25 States recommendations for best practices to deter and

1 prevent violations of section 613 of title 18, United States  
2 Code, as added by section 1201(a), including practices to  
3 provide for the posting of relevant information at polling  
4 places and voter registration agencies, the training of poll  
5 workers and election officials, and relevant educational  
6 measures. For purposes of this subsection, the term  
7 “State” includes the District of Columbia, the Common-  
8 wealth of Puerto Rico, Guam, American Samoa, the  
9 United States Virgin Islands, and the Commonwealth of  
10 the Northern Mariana Islands.

11 (b) INCLUSION IN VOTING INFORMATION REQUIRE-  
12 MENTS.—Section 302(b)(2) of the Help America Vote Act  
13 of 2002 (52 U.S.C. 21082(b)(2)), as amended by section  
14 1072(b), is amended—

15 (1) by striking “and” at the end of subpara-  
16 graph (F);

17 (2) by striking the period at the end of sub-  
18 paragraph (G) and inserting “; and”; and

19 (3) by adding at the end the following new sub-  
20 paragraph:

21 “(H) information relating to the prohibi-  
22 tion against voter caging and other questionable  
23 challenges (as set forth in section 613 of title  
24 18, United States Code), including information

1 on how individuals may report allegations of  
2 violations of such prohibition.”.

3 **Subtitle D—Prohibiting Deceptive**  
4 **Practices and Preventing Voter**  
5 **Intimidation**

6 **SEC. 1301. SHORT TITLE.**

7 This subtitle may be cited as the “Deceptive Prac-  
8 tices and Voter Intimidation Prevention Act of 2019”.

9 **SEC. 1302. PROHIBITION ON DECEPTIVE PRACTICES IN**  
10 **FEDERAL ELECTIONS.**

11 (a) PROHIBITION.—Subsection (b) of section 2004 of  
12 the Revised Statutes (52 U.S.C. 10101(b)) is amended—

13 (1) by striking “No person” and inserting the  
14 following:

15 “(1) IN GENERAL.—No person”; and

16 (2) by inserting at the end the following new  
17 paragraphs:

18 “(2) FALSE STATEMENTS REGARDING FEDERAL  
19 ELECTIONS.—

20 “(A) PROHIBITION.—No person, whether  
21 acting under color of law or otherwise, shall,  
22 within 60 days before an election described in  
23 paragraph (5), by any means, including by  
24 means of written, electronic, or telephonic com-  
25 munications, communicate or cause to be com-



1           municated information described in subpara-  
2           graph (B), or produce information described in  
3           subparagraph (B) with the intent that such in-  
4           formation be communicated, if such person—

5                     “(i) knows such information to be ma-  
6                     terially false; and

7                     “(ii) has the intent to impede or pre-  
8                     vent another person from exercising the  
9                     right to vote in an election described in  
10                    paragraph (5).

11                   “(B) INFORMATION DESCRIBED.—Infor-  
12                   mation is described in this subparagraph if such  
13                   information is regarding—

14                             “(i) the time, place, or manner of  
15                             holding any election described in para-  
16                             graph (5); or

17                             “(ii) the qualifications for or restric-  
18                             tions on voter eligibility for any such elec-  
19                             tion, including—

20                                     “(I) any criminal penalties asso-  
21                                     ciated with voting in any such elec-  
22                                     tion; or

23                                     “(II) information regarding a  
24                                     voter’s registration status or eligi-  
25                                     bility.

1           “(3) FALSE STATEMENTS REGARDING PUBLIC  
2           ENDORSEMENTS.—

3           “(A) PROHIBITION.—No person, whether  
4           acting under color of law or otherwise, shall,  
5           within 60 days before an election described in  
6           paragraph (5), by any means, including by  
7           means of written, electronic, or telephonic com-  
8           munications, communicate, or cause to be com-  
9           municated, a materially false statement about  
10          an endorsement, if such person—

11                   “(i) knows such statement to be false;

12                   and

13                   “(ii) has the intent to impede or pre-  
14                   vent another person from exercising the  
15                   right to vote in an election described in  
16                   paragraph (5).

17          “(B) DEFINITION OF ‘MATERIALLY  
18          FALSE’.—For purposes of subparagraph (A), a  
19          statement about an endorsement is ‘materially  
20          false’ if, with respect to an upcoming election  
21          described in paragraph (5)—

22                   “(i) the statement states that a spe-  
23                   cifically named person, political party, or  
24                   organization has endorsed the election of a

1 specific candidate for a Federal office de-  
2 scribed in such paragraph; and

3 “(ii) such person, political party, or  
4 organization has not endorsed the election  
5 of such candidate.

6 “(4) HINDERING, INTERFERING WITH, OR PRE-  
7 VENTING VOTING OR REGISTERING TO VOTE.—No  
8 person, whether acting under color of law or other-  
9 wise, shall intentionally hinder, interfere with, or  
10 prevent another person from voting, registering to  
11 vote, or aiding another person to vote or register to  
12 vote in an election described in paragraph (5).

13 “(5) ELECTION DESCRIBED.—An election de-  
14 scribed in this paragraph is any general, primary,  
15 run-off, or special election held solely or in part for  
16 the purpose of nominating or electing a candidate  
17 for the office of President, Vice President, presi-  
18 dential elector, Member of the Senate, Member of  
19 the House of Representatives, or Delegate or Com-  
20 missioner from a Territory or possession.”.

21 (b) PRIVATE RIGHT OF ACTION.—

22 (1) IN GENERAL.—Subsection (c) of section  
23 2004 of the Revised Statutes (52 U.S.C. 10101(e))  
24 is amended—

1 (A) by striking “Whenever any person”  
2 and inserting the following:

3 “(1) Whenever any person”; and

4 (B) by adding at the end the following new  
5 paragraph:

6 “(2) Any person aggrieved by a violation of  
7 subsection (b)(2), (b)(3), or (b)(4) may institute a  
8 civil action for preventive relief, including an appli-  
9 cation in a United States district court for a perma-  
10 nent or temporary injunction, restraining order, or  
11 other order. In any such action, the court, in its dis-  
12 cretion, may allow the prevailing party a reasonable  
13 attorney’s fee as part of the costs.”.

14 (2) CONFORMING AMENDMENTS.—

15 (A) Subsection (e) of section 2004 of the  
16 Revised Statutes (52 U.S.C. 10101(e)) is  
17 amended by striking “subsection (e)” and in-  
18 serting “subsection (e)(1)”.

19 (B) Subsection (g) of section 2004 of the  
20 Revised Statutes (52 U.S.C. 10101(g)) is  
21 amended by striking “subsection (e)” and in-  
22 serting “subsection (e)(1)”.

23 (c) CRIMINAL PENALTIES.—

24 (1) DECEPTIVE ACTS.—Section 594 of title 18,  
25 United States Code, is amended—

1 (A) by striking “Whoever” and inserting  
2 the following:

3 “(a) INTIMIDATION.—Whoever”;

4 (B) in subsection (a), as inserted by sub-  
5 paragraph (A), by striking “at any election”  
6 and inserting “at any general, primary, run-off,  
7 or special election”; and

8 (C) by adding at the end the following new  
9 subsections:

10 “(b) DECEPTIVE ACTS.—

11 “(1) FALSE STATEMENTS REGARDING FEDERAL  
12 ELECTIONS.—

13 “(A) PROHIBITION.—It shall be unlawful  
14 for any person, whether acting under color of  
15 law or otherwise, within 60 days before an elec-  
16 tion described in subsection (e), by any means,  
17 including by means of written, electronic, or tel-  
18 ephonic communications, to communicate or  
19 cause to be communicated information de-  
20 scribed in subparagraph (B), or produce infor-  
21 mation described in subparagraph (B) with the  
22 intent that such information be communicated,  
23 if such person—

24 “(i) knows such information to be ma-  
25 terially false; and

1           “(ii) has the intent to mislead voters,  
2           or the intent to impede or prevent another  
3           person from exercising the right to vote in  
4           an election described in subsection (e).

5           “(B) INFORMATION DESCRIBED.—Infor-  
6           mation is described in this subparagraph if such  
7           information is regarding—

8                   “(i) the time or place of holding any  
9                   election described in subsection (e); or

10                   “(ii) the qualifications for or restric-  
11                   tions on voter eligibility for any such elec-  
12                   tion, including—

13                           “(I) any criminal penalties asso-  
14                           ciated with voting in any such elec-  
15                           tion; or

16                           “(II) information regarding a  
17                           voter’s registration status or eligi-  
18                           bility.

19           “(2) PENALTY.—Any person who violates para-  
20           graph (1) shall be fined not more than \$100,000,  
21           imprisoned for not more than 5 years, or both.

22           “(c) HINDERING, INTERFERING WITH, OR PRE-  
23           VENTING VOTING OR REGISTERING TO VOTE.—

24                   “(1) PROHIBITION.—It shall be unlawful for  
25           any person, whether acting under color of law or

1 otherwise, to intentionally hinder, interfere with, or  
2 prevent another person from voting, registering to  
3 vote, or aiding another person to vote or register to  
4 vote in an election described in subsection (e).

5 “(2) PENALTY.—Any person who violates para-  
6 graph (1) shall be fined not more than \$100,000,  
7 imprisoned for not more than 5 years, or both.

8 “(d) ATTEMPT.—Any person who attempts to commit  
9 any offense described in subsection (a), (b)(1), or (c)(1)  
10 shall be subject to the same penalties as those prescribed  
11 for the offense that the person attempted to commit.

12 “(e) ELECTION DESCRIBED.—An election described  
13 in this subsection is any general, primary, run-off, or spe-  
14 cial election held solely or in part for the purpose of nomi-  
15 nating or electing a candidate for the office of President,  
16 Vice President, presidential elector, Member of the Senate,  
17 Member of the House of Representatives, or Delegate or  
18 Commissioner from a Territory or possession.”.

19 (2) MODIFICATION OF PENALTY FOR VOTER IN-  
20 TIMIDATION.—Section 594(a) of title 18, United  
21 States Code, as amended by paragraph (1), is  
22 amended by striking “fined under this title or im-  
23 prisoned not more than one year” and inserting  
24 “fined not more than \$100,000, imprisoned for not  
25 more than 5 years”.

1 (3) SENTENCING GUIDELINES.—

2 (A) REVIEW AND AMENDMENT.—Not later  
3 than 180 days after the date of enactment of  
4 this Act, the United States Sentencing Commis-  
5 sion, pursuant to its authority under section  
6 994 of title 28, United States Code, and in ac-  
7 cordance with this section, shall review and, if  
8 appropriate, amend the Federal sentencing  
9 guidelines and policy statements applicable to  
10 persons convicted of any offense under section  
11 594 of title 18, United States Code, as amend-  
12 ed by this section.

13 (B) AUTHORIZATION.—The United States  
14 Sentencing Commission may amend the Federal  
15 Sentencing Guidelines in accordance with the  
16 procedures set forth in section 21(a) of the Sen-  
17 tencing Act of 1987 (28 U.S.C. 994 note) as  
18 though the authority under that section had not  
19 expired.

20 (4) PAYMENTS FOR REFRAINING FROM VOT-  
21 ING.—Subsection (c) of section 11 of the Voting  
22 Rights Act of 1965 (52 U.S.C. 10307) is amended  
23 by striking “either for registration to vote or for vot-  
24 ing” and inserting “for registration to vote, for vot-  
25 ing, or for not voting”.



1 **SEC. 1303. CORRECTIVE ACTION.**

2 (a) CORRECTIVE ACTION.—

3 (1) IN GENERAL.—If the Attorney General re-  
4 ceives a credible report that materially false informa-  
5 tion has been or is being communicated in violation  
6 of paragraphs (2) and (3) of section 2004(b) of the  
7 Revised Statutes (52 U.S.C. 10101(b)), as added by  
8 section 1302(a), and if the Attorney General deter-  
9 mines that State and local election officials have not  
10 taken adequate steps to promptly communicate accu-  
11 rate information to correct the materially false infor-  
12 mation, the Attorney General shall, pursuant to the  
13 written procedures and standards under subsection  
14 (b), communicate to the public, by any means, in-  
15 cluding by means of written, electronic, or telephonic  
16 communications, accurate information designed to  
17 correct the materially false information.

18 (2) COMMUNICATION OF CORRECTIVE INFORMA-  
19 TION.—Any information communicated by the Attor-  
20 ney General under paragraph (1)—

21 (A) shall—

22 (i) be accurate and objective;

23 (ii) consist of only the information  
24 necessary to correct the materially false in-  
25 formation that has been or is being com-  
26 municated; and

1 (iii) to the extent practicable, be by a  
2 means that the Attorney General deter-  
3 mines will reach the persons to whom the  
4 materially false information has been or is  
5 being communicated; and

6 (B) shall not be designed to favor or dis-  
7 favor any particular candidate, organization, or  
8 political party.

9 (b) WRITTEN PROCEDURES AND STANDARDS FOR  
10 TAKING CORRECTIVE ACTION.—

11 (1) IN GENERAL.—Not later than 180 days  
12 after the date of enactment of this Act, the Attorney  
13 General shall publish written procedures and stand-  
14 ards for determining when and how corrective action  
15 will be taken under this section.

16 (2) INCLUSION OF APPROPRIATE DEADLINES.—  
17 The procedures and standards under paragraph (1)  
18 shall include appropriate deadlines, based in part on  
19 the number of days remaining before the upcoming  
20 election.

21 (3) CONSULTATION.—In developing the proce-  
22 dures and standards under paragraph (1), the Attor-  
23 ney General shall consult with the Election Assist-  
24 ance Commission, State and local election officials,  
25 civil rights organizations, voting rights groups, voter

1 protection groups, and other interested community  
2 organizations.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to the Attorney General  
5 such sums as may be necessary to carry out this subtitle.

6 **SEC. 1304. REPORTS TO CONGRESS.**

7 (a) IN GENERAL.—Not later than 180 days after  
8 each general election for Federal office, the Attorney Gen-  
9 eral shall submit to Congress a report compiling all allega-  
10 tions received by the Attorney General of deceptive prac-  
11 tices described in paragraphs (2), (3), and (4) of section  
12 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as  
13 added by section 1302(a), relating to the general election  
14 for Federal office and any primary, run-off, or a special  
15 election for Federal office held in the 2 years preceding  
16 the general election.

17 (b) CONTENTS.—

18 (1) IN GENERAL.—Each report submitted  
19 under subsection (a) shall include—

20 (A) a description of each allegation of a  
21 deceptive practice described in subsection (a),  
22 including the geographic location, racial and  
23 ethnic composition, and language minority-  
24 group membership of the persons toward whom  
25 the alleged deceptive practice was directed;

1 (B) the status of the investigation of each  
2 allegation described in subparagraph (A);

3 (C) a description of each corrective action  
4 taken by the Attorney General under section  
5 4(a) in response to an allegation described in  
6 subparagraph (A);

7 (D) a description of each referral of an al-  
8 legation described in subparagraph (A) to other  
9 Federal, State, or local agencies;

10 (E) to the extent information is available,  
11 a description of any civil action instituted under  
12 section 2004(c)(2) of the Revised Statutes (52  
13 U.S.C. 10101(c)(2)), as added by section  
14 1302(b), in connection with an allegation de-  
15 scribed in subparagraph (A); and

16 (F) a description of any criminal prosecu-  
17 tion instituted under section 594 of title 18,  
18 United States Code, as amended by section  
19 3(e), in connection with the receipt of an allega-  
20 tion described in subparagraph (A) by the At-  
21 torney General.

22 (2) EXCLUSION OF CERTAIN INFORMATION.—

23 (A) IN GENERAL.—The Attorney General  
24 shall not include in a report submitted under  
25 subsection (a) any information protected from

1 disclosure by rule 6(e) of the Federal Rules of  
2 Criminal Procedure or any Federal criminal  
3 statute.

4 (B) EXCLUSION OF CERTAIN OTHER IN-  
5 FORMATION.—The Attorney General may deter-  
6 mine that the following information shall not be  
7 included in a report submitted under subsection  
8 (a):

9 (i) Any information that is privileged.

10 (ii) Any information concerning an  
11 ongoing investigation.

12 (iii) Any information concerning a  
13 criminal or civil proceeding conducted  
14 under seal.

15 (iv) Any other nonpublic information  
16 that the Attorney General determines the  
17 disclosure of which could reasonably be ex-  
18 pected to infringe on the rights of any in-  
19 dividual or adversely affect the integrity of  
20 a pending or future criminal investigation.

21 (c) REPORT MADE PUBLIC.—On the date that the  
22 Attorney General submits the report under subsection (a),  
23 the Attorney General shall also make the report publicly  
24 available through the Internet and other appropriate  
25 means.

## 1 **Subtitle E—Democracy Restoration**

### 2 **SEC. 1401. SHORT TITLE.**

3 This subtitle may be cited as the “Democracy Res-  
4 toration Act of 2019”.

### 5 **SEC. 1402. RIGHTS OF CITIZENS.**

6 The right of an individual who is a citizen of the  
7 United States to vote in any election for Federal office  
8 shall not be denied or abridged because that individual has  
9 been convicted of a criminal offense unless such individual  
10 is serving a felony sentence in a correctional institution  
11 or facility at the time of the election.

### 12 **SEC. 1403. ENFORCEMENT.**

13 (a) **ATTORNEY GENERAL.**—The Attorney General  
14 may, in a civil action, obtain such declaratory or injunctive  
15 relief as is necessary to remedy a violation of this subtitle.

16 (b) **PRIVATE RIGHT OF ACTION.**—

17 (1) **IN GENERAL.**—A person who is aggrieved  
18 by a violation of this subtitle may provide written  
19 notice of the violation to the chief election official of  
20 the State involved.

21 (2) **RELIEF.**—Except as provided in paragraph  
22 (3), if the violation is not corrected within 90 days  
23 after receipt of a notice under paragraph (1), or  
24 within 20 days after receipt of the notice if the viola-  
25 tion occurred within 120 days before the date of an

1 election for Federal office, the aggrieved person  
2 may, in a civil action, obtain declaratory or injunc-  
3 tive relief with respect to the violation.

4 (3) EXCEPTION.—If the violation occurred  
5 within 30 days before the date of an election for  
6 Federal office, the aggrieved person need not provide  
7 notice to the chief election official of the State under  
8 paragraph (1) before bringing a civil action to obtain  
9 declaratory or injunctive relief with respect to the  
10 violation.

11 **SEC. 1404. NOTIFICATION OF RESTORATION OF VOTING**  
12 **RIGHTS.**

13 (a) STATE NOTIFICATION.—

14 (1) NOTIFICATION.—On the date determined  
15 under paragraph (2), each State shall notify in writ-  
16 ing any individual who has been convicted of a  
17 criminal offense under the law of that State that  
18 such individual has the right to vote in an election  
19 for Federal office pursuant to the Democracy Res-  
20 toration Act of 2019 and may register to vote in any  
21 such election.

22 (2) DATE OF NOTIFICATION.—

23 (A) FELONY CONVICTION.—In the case of  
24 such an individual who has been convicted of a  
25 felony, the notification required under para-

1 graph (1) shall be given on the date on which  
2 the individual—

3 (i) is sentenced to serve only a term  
4 of probation; or

5 (ii) is released from the custody of  
6 that State (other than to the custody of  
7 another State or the Federal Government  
8 to serve a term of imprisonment for a fel-  
9 ony conviction).

10 (B) MISDEMEANOR CONVICTION.—In the  
11 case of such an individual who has been con-  
12 victed of a misdemeanor, the notification re-  
13 quired under paragraph (1) shall be given on  
14 the date on which such individual is sentenced  
15 by a State court.

16 (b) FEDERAL NOTIFICATION.—

17 (1) NOTIFICATION.—Any individual who has  
18 been convicted of a criminal offense under Federal  
19 law shall be notified in accordance with paragraph  
20 (2) that such individual has the right to vote in an  
21 election for Federal office pursuant to the Democ-  
22 racy Restoration Act of 2019 and may register to  
23 vote in any such election.

24 (2) DATE OF NOTIFICATION.—



1 (A) FELONY CONVICTION.—In the case of  
2 such an individual who has been convicted of a  
3 felony, the notification required under para-  
4 graph (1) shall be given—

5 (i) in the case of an individual who is  
6 sentenced to serve only a term of proba-  
7 tion, by the Assistant Director for the Of-  
8 fice of Probation and Pretrial Services of  
9 the Administrative Office of the United  
10 States Courts on the date on which the in-  
11 dividual is sentenced; or

12 (ii) in the case of any individual com-  
13 mitted to the custody of the Bureau of  
14 Prisons, by the Director of the Bureau of  
15 Prisons, during the period beginning on  
16 the date that is 6 months before such indi-  
17 vidual is released and ending on the date  
18 such individual is released from the cus-  
19 tody of the Bureau of Prisons.

20 (B) MISDEMEANOR CONVICTION.—In the  
21 case of such an individual who has been con-  
22 victed of a misdemeanor, the notification re-  
23 quired under paragraph (1) shall be given on  
24 the date on which such individual is sentenced  
25 by a court established by an Act of Congress.

1 **SEC. 1405. DEFINITIONS.**

2 For purposes of this subtitle:

3 (1) **CORRECTIONAL INSTITUTION OR FACIL-**  
4 **ITY.**—The term “correctional institution or facility”  
5 means any prison, penitentiary, jail, or other institu-  
6 tion or facility for the confinement of individuals  
7 convicted of criminal offenses, whether publicly or  
8 privately operated, except that such term does not  
9 include any residential community treatment center  
10 (or similar public or private facility).

11 (2) **ELECTION.**—The term “election” means—

12 (A) a general, special, primary, or runoff  
13 election;

14 (B) a convention or caucus of a political  
15 party held to nominate a candidate;

16 (C) a primary election held for the selec-  
17 tion of delegates to a national nominating con-  
18 vention of a political party; or

19 (D) a primary election held for the expres-  
20 sion of a preference for the nomination of per-  
21 sons for election to the office of President.

22 (3) **FEDERAL OFFICE.**—The term “Federal of-  
23 fice” means the office of President or Vice President  
24 of the United States, or of Senator or Representa-  
25 tive in, or Delegate or Resident Commissioner to,  
26 the Congress of the United States.

1           (4) PROBATION.—The term “probation” means  
2           probation, imposed by a Federal, State, or local  
3           court, with or without a condition on the individual  
4           involved concerning—

5                   (A) the individual’s freedom of movement;

6                   (B) the payment of damages by the indi-  
7           vidual;

8                   (C) periodic reporting by the individual to  
9           an officer of the court; or

10                   (D) supervision of the individual by an of-  
11          ficer of the court.

12 **SEC. 1406. RELATION TO OTHER LAWS.**

13          (a) STATE LAWS RELATING TO VOTING RIGHTS.—  
14          Nothing in this subtitle be construed to prohibit the States  
15          from enacting any State law which affords the right to  
16          vote in any election for Federal office on terms less restric-  
17          tive than those established by this subtitle.

18          (b) CERTAIN FEDERAL ACTS.—The rights and rem-  
19          edies established by this subtitle are in addition to all  
20          other rights and remedies provided by law, and neither  
21          rights and remedies established by this Act shall super-  
22          sede, restrict, or limit the application of the Voting Rights  
23          Act of 1965 (52 U.S.C. 10301 et seq.) or the National  
24          Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.).

1 **SEC. 1407. FEDERAL PRISON FUNDS.**

2 No State, unit of local government, or other person  
3 may receive or use, to construct or otherwise improve a  
4 prison, jail, or other place of incarceration, any Federal  
5 funds unless that person has in effect a program under  
6 which each individual incarcerated in that person's juris-  
7 diction who is a citizen of the United States is notified,  
8 upon release from such incarceration, of that individual's  
9 rights under section 1402.

10 **SEC. 1408. EFFECTIVE DATE.**

11 This subtitle shall apply to citizens of the United  
12 States voting in any election for Federal office held after  
13 the date of the enactment of this Act.

14 **Subtitle F—Promoting Accuracy,**  
15 **Integrity, and Security Through**  
16 **Voter-Verified Permanent Paper**  
17 **Ballot**

18 **SEC. 1501. SHORT TITLE.**

19 This subtitle may be cited as the “Voter Confidence  
20 and Increased Accessibility Act of 2019”.

21 **SEC. 1502. PAPER BALLOT AND MANUAL COUNTING RE-**  
22 **QUIREMENTS.**

23 (a) IN GENERAL.—Section 301(a)(2) of the Help  
24 America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is  
25 amended to read as follows:

26 “(2) PAPER BALLOT REQUIREMENT.—

1 “(A) VOTER-VERIFIED PAPER BALLOTS.—

2 “(i) PAPER BALLOT REQUIREMENT.—

3 (I) The voting system shall require the use  
4 of an individual, durable, voter-verified  
5 paper ballot of the voter’s vote that shall  
6 be marked and made available for inspec-  
7 tion and verification by the voter before  
8 the voter’s vote is cast and counted, and  
9 which shall be counted by hand or read by  
10 an optical character recognition device or  
11 other counting device. For purposes of this  
12 subclause, the term ‘individual, durable,  
13 voter-verified paper ballot’ means a paper  
14 ballot marked by the voter by hand or a  
15 paper ballot marked through the use of a  
16 nontabulating ballot marking device or sys-  
17 tem, so long as the voter shall have the op-  
18 tion to mark his or her ballot by hand.

19 “(II) The voting system shall provide  
20 the voter with an opportunity to correct  
21 any error on the paper ballot before the  
22 permanent voter-verified paper ballot is  
23 preserved in accordance with clause (ii).

24 “(III) The voting system shall not  
25 preserve the voter-verified paper ballots in

1 any manner that makes it possible, at any  
2 time after the ballot has been cast, to asso-  
3 ciate a voter with the record of the voter's  
4 vote without the voter's consent.

5 “(ii) PRESERVATION AS OFFICIAL  
6 RECORD.—The individual, durable, voter-  
7 verified paper ballot used in accordance  
8 with clause (i) shall constitute the official  
9 ballot and shall be preserved and used as  
10 the official ballot for purposes of any re-  
11 count or audit conducted with respect to  
12 any election for Federal office in which the  
13 voting system is used.

14 “(iii) MANUAL COUNTING REQUIRE-  
15 MENTS FOR RECOUNTS AND AUDITS.—(I)  
16 Each paper ballot used pursuant to clause  
17 (i) shall be suitable for a manual audit,  
18 and shall be counted by hand in any re-  
19 count or audit conducted with respect to  
20 any election for Federal office.

21 “(II) In the event of any inconsist-  
22 encies or irregularities between any elec-  
23 tronic vote tallies and the vote tallies de-  
24 termined by counting by hand the indi-  
25 vidual, durable, voter-verified paper ballots

1 used pursuant to clause (i), and subject to  
2 subparagraph (B), the individual, durable,  
3 voter-verified paper ballots shall be the  
4 true and correct record of the votes cast.

5 “(iv) APPLICATION TO ALL BAL-  
6 LOTS.—The requirements of this subpara-  
7 graph shall apply to all ballots cast in elec-  
8 tions for Federal office, including ballots  
9 cast by absent uniformed services voters  
10 and overseas voters under the Uniformed  
11 and Overseas Citizens Absentee Voting Act  
12 and other absentee voters.

13 “(B) SPECIAL RULE FOR TREATMENT OF  
14 DISPUTES WHEN PAPER BALLOTS HAVE BEEN  
15 SHOWN TO BE COMPROMISED.—

16 “(i) IN GENERAL.—In the event  
17 that—

18 “(I) there is any inconsistency  
19 between any electronic vote tallies and  
20 the vote tallies determined by count-  
21 ing by hand the individual, durable,  
22 voter-verified paper ballots used pur-  
23 suant to subparagraph (A)(i) with re-  
24 spect to any election for Federal of-  
25 fice; and

1                   “(II) it is demonstrated by clear  
2                   and convincing evidence (as deter-  
3                   mined in accordance with the applica-  
4                   ble standards in the jurisdiction in-  
5                   volved) in any recount, audit, or con-  
6                   test of the result of the election that  
7                   the paper ballots have been com-  
8                   promised (by damage or mischief or  
9                   otherwise) and that a sufficient num-  
10                  ber of the ballots have been so com-  
11                  promised that the result of the elec-  
12                  tion could be changed,

13                  the determination of the appropriate rem-  
14                  edy with respect to the election shall be  
15                  made in accordance with applicable State  
16                  law, except that the electronic tally shall  
17                  not be used as the exclusive basis for de-  
18                  termining the official certified result.

19                  “(ii) RULE FOR CONSIDERATION OF  
20                  BALLOTS ASSOCIATED WITH EACH VOTING  
21                  MACHINE.—For purposes of clause (i),  
22                  only the paper ballots deemed com-  
23                  promised, if any, shall be considered in the  
24                  calculation of whether or not the result of



1                   the election could be changed due to the  
2                   compromised paper ballots.”.

3           (b) CONFORMING AMENDMENT CLARIFYING APPLI-  
4   CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—  
5   Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))  
6   is amended by inserting “(including the paper ballots re-  
7   quired to be used under paragraph (2))” after “voting sys-  
8   tem”.

9           (c) OTHER CONFORMING AMENDMENTS.—Section  
10   301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-  
11   ed—

12           (1) in subparagraph (A)(i), by striking “count-  
13   ed” and inserting “counted, in accordance with  
14   paragraphs (2) and (3)”;

15           (2) in subparagraph (A)(ii), by striking “count-  
16   ed” and inserting “counted, in accordance with  
17   paragraphs (2) and (3)”;

18           (3) in subparagraph (A)(iii), by striking “count-  
19   ed” each place it appears and inserting “counted, in  
20   accordance with paragraphs (2) and (3)”;

21           (4) in subparagraph (B)(ii), by striking “count-  
22   ed” and inserting “counted, in accordance with  
23   paragraphs (2) and (3)”.

1 **SEC. 1503. ACCESSIBILITY AND BALLOT VERIFICATION FOR**  
2 **INDIVIDUALS WITH DISABILITIES.**

3 (a) IN GENERAL.—Section 301(a)(3)(B) of the Help  
4 America Vote Act of 2002 (52 U.S.C. 21081(a)(3)(B)) is  
5 amended to read as follows:

6 “(B)(i) ensure that individuals with dis-  
7 abilities and others are given an equivalent op-  
8 portunity to vote, including with privacy and  
9 independence, in a manner that produces a  
10 voter-verified paper ballot as for other voters;

11 “(ii) satisfy the requirement of subpara-  
12 graph (A) through the use of at least one voting  
13 system equipped for individuals with disabili-  
14 ties, including nonvisual and enhanced visual  
15 accessibility for the blind and visually impaired,  
16 and nonmanual and enhanced manual accessi-  
17 bility for the mobility and dexterity impaired, at  
18 each polling place; and

19 “(iii) meet the requirements of subpara-  
20 graph (A) and paragraph (2)(A) by using a sys-  
21 tem that—

22 “(I) allows the voter to privately and  
23 independently verify the permanent paper  
24 ballot through the presentation, in acces-  
25 sible form, of the printed or marked vote  
26 selections from the same printed or

1 marked information that would be used for  
2 any vote counting or auditing; and

3 “(II) allows the voter to privately and  
4 independently verify and cast the perma-  
5 nent paper ballot without requiring the  
6 voter to manually handle the paper bal-  
7 lot.”.

8 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,  
9 AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT  
10 VERIFICATION MECHANISMS.—

11 (1) STUDY AND REPORTING.—Subtitle C of  
12 title II of such Act (52 U.S.C. 21081 et seq.) is  
13 amended—

14 (A) by redesignating section 247 as section  
15 248; and

16 (B) by inserting after section 246 the fol-  
17 lowing new section:

18 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER**  
19 **BALLOT VERIFICATION MECHANISMS.**

20 “(a) STUDY AND REPORT.—The Director of the Na-  
21 tional Science Foundation shall make grants to not fewer  
22 than 3 eligible entities to study, test, and develop acces-  
23 sible paper ballot voting, verification, and casting mecha-  
24 nisms and devices and best practices to enhance the acces-  
25 sibility of paper ballot voting and verification mechanisms

1 for individuals with disabilities, for voters whose primary  
2 language is not English, and for voters with difficulties  
3 in literacy, including best practices for the mechanisms  
4 themselves and the processes through which the mecha-  
5 nisms are used.

6 “(b) ELIGIBILITY.—An entity is eligible to receive a  
7 grant under this part if it submits to the Director (at such  
8 time and in such form as the Director may require) an  
9 application containing—

10 “(1) certifications that the entity shall specifi-  
11 cally investigate enhanced methods or devices, in-  
12 cluding non-electronic devices, that will assist such  
13 individuals and voters in marking voter-verified  
14 paper ballots and presenting or transmitting the in-  
15 formation printed or marked on such ballots back to  
16 such individuals and voters, and casting such ballots;

17 “(2) a certification that the entity shall com-  
18 plete the activities carried out with the grant not  
19 later than December 31, 2020; and

20 “(3) such other information and certifications  
21 as the Director may require.

22 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-  
23 nology developed with the grants made under this section  
24 shall be treated as non-proprietary and shall be made

1 available to the public, including to manufacturers of vot-  
2 ing systems.

3 “(d) COORDINATION WITH GRANTS FOR TECH-  
4 NOLOGY IMPROVEMENTS.—The Director shall carry out  
5 this section so that the activities carried out with the  
6 grants made under subsection (a) are coordinated with the  
7 research conducted under the grant program carried out  
8 by the Commission under section 271, to the extent that  
9 the Director and Commission determine necessary to pro-  
10 vide for the advancement of accessible voting technology.

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
12 is authorized to be appropriated to carry out subsection  
13 (a) \$5,000,000, to remain available until expended.”.

14 (2) CLERICAL AMENDMENT.—The table of con-  
15 tents of such Act is amended—

16 (A) by redesignating the item relating to  
17 section 247 as relating to section 248; and

18 (B) by inserting after the item relating to  
19 section 246 the following new item:

“Sec. 247. Study and report on accessible paper ballot verification mecha-  
nisms.”.

20 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS  
21 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In  
22 adopting any voluntary guidance under subtitle B of title  
23 III of the Help America Vote Act with respect to the ac-  
24 cessibility of the paper ballot verification requirements for

1 individuals with disabilities, the Election Assistance Com-  
2 mission shall include and apply the same accessibility  
3 standards applicable under the voluntary guidance adopt-  
4 ed for accessible voting systems under such subtitle.

5 (d) PERMITTING USE OF FUNDS FOR PROTECTION  
6 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-  
7 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-  
8 tion 292(a) of the Help America Vote Act of 2002 (52  
9 U.S.C. 21062(a)) is amended by striking “; except that”  
10 and all that follows and inserting a period.

11 **SEC. 1504. DURABILITY AND READABILITY REQUIREMENTS**  
12 **FOR BALLOTS.**

13 Section 301(a) of the Help America Vote Act of 2002  
14 (52 U.S.C. 21081(a)) is amended by adding at the end  
15 the following new paragraph:

16 “(7) DURABILITY AND READABILITY REQUIRE-  
17 MENTS FOR BALLOTS.—

18 “(A) DURABILITY REQUIREMENTS FOR  
19 PAPER BALLOTS.—

20 “(i) IN GENERAL.—All voter-verified  
21 paper ballots required to be used under  
22 this Act shall be marked or printed on du-  
23 rable paper.

24 “(ii) DEFINITION.—For purposes of  
25 this Act, paper is ‘durable’ if it is capable

1 of withstanding multiple counts and re-  
2 counts by hand without compromising the  
3 fundamental integrity of the ballots, and  
4 capable of retaining the information  
5 marked or printed on them for the full du-  
6 ration of a retention and preservation pe-  
7 riod of 22 months.

8 “(B) READABILITY REQUIREMENTS FOR  
9 PAPER BALLOTS MARKED BY BALLOT MARKING  
10 DEVICE.—All voter-verified paper ballots com-  
11 pleted by the voter through the use of a ballot  
12 marking device shall be clearly readable by the  
13 voter without assistance (other than eyeglasses  
14 or other personal vision enhancing devices) and  
15 by an optical character recognition device or  
16 other device equipped for individuals with dis-  
17 abilities.”.

18 **SEC. 1505. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

19 Section 301(d) of the Help America Vote Act of 2002  
20 (52 U.S.C. 21081(d)) is amended to read as follows:

21 “(d) EFFECTIVE DATE.—

22 “(1) IN GENERAL.—Except as provided in para-  
23 graph (2), each State and jurisdiction shall be re-  
24 quired to comply with the requirements of this sec-  
25 tion on and after January 1, 2006.

1           “(2) SPECIAL RULE FOR CERTAIN REQUIRE-  
2           MENTS.—

3           “(A) IN GENERAL.—Except as provided in  
4           subparagraphs (B) and (C), the requirements of  
5           this section which are first imposed on a State  
6           and jurisdiction pursuant to the amendments  
7           made by the Voter Confidence and Increased  
8           Accessibility Act of 2019 shall apply with re-  
9           spect to voting systems used for any election for  
10          Federal office held in 2020 or any succeeding  
11          year.

12          “(B) DELAY FOR JURISDICTIONS USING  
13          CERTAIN PAPER RECORD PRINTERS OR CERTAIN  
14          SYSTEMS USING OR PRODUCING VOTER-  
15          VERIFIABLE PAPER RECORDS IN 2018.—

16          “(i) DELAY.—In the case of a juris-  
17          diction described in clause (ii), subpara-  
18          graph (A) shall apply to a voting system in  
19          the jurisdiction as if the reference in such  
20          subparagraph to ‘2020’ were a reference to  
21          ‘2022’, but only with respect to the fol-  
22          lowing requirements of this section:

23                  “(I) Paragraph (2)(A)(i)(I) of  
24                  subsection (a) (relating to the use of  
25                  voter-verified paper ballots).



1                   “(II) Paragraph (3)(B)(ii)(I) and  
2                   (II) of subsection (a) (relating to ac-  
3                   cess to verification from and casting  
4                   of the durable paper ballot).

5                   “(III) Paragraph (7) of sub-  
6                   section (a) (relating to durability and  
7                   readability requirements for ballots).

8                   “(ii) JURISDICTIONS DESCRIBED.—A  
9                   jurisdiction described in this clause is a ju-  
10                  risdiction—

11                  “(I) which used voter verifiable  
12                  paper record printers attached to di-  
13                  rect recording electronic voting ma-  
14                  chines, or which used other voting  
15                  systems that used or produced paper  
16                  records of the vote verifiable by voters  
17                  but that are not in compliance with  
18                  paragraphs (2)(A)(i)(I), (3)(B)(iii)(I)  
19                  and (II), and (7) of subsection (a) (as  
20                  amended or added by the Voter Con-  
21                  fidence and Increased Accessibility  
22                  Act of 2019), for the administration  
23                  of the regularly scheduled general  
24                  election for Federal office held in No-  
25                  vember 2018; and

1                   “(II) which will continue to use  
2                   such printers or systems for the ad-  
3                   ministration of elections for Federal  
4                   office held in years before 2022.

5                   “(iii) MANDATORY AVAILABILITY OF  
6                   PAPER BALLOTS AT POLLING PLACES  
7                   USING GRANDFATHERED PRINTERS AND  
8                   SYSTEMS.—

9                   “(I) REQUIRING BALLOTS TO BE  
10                  OFFERED AND PROVIDED.—The ap-  
11                  propriate election official at each poll-  
12                  ing place that uses a printer or sys-  
13                  tem described in clause (ii)(I) for the  
14                  administration of elections for Federal  
15                  office shall offer each individual who  
16                  is eligible to cast a vote in the election  
17                  at the polling place the opportunity to  
18                  cast the vote using a blank pre-print-  
19                  ed paper ballot which the individual  
20                  may mark by hand and which is not  
21                  produced by the direct recording elec-  
22                  tronic voting machine or other such  
23                  system. The official shall provide the  
24                  individual with the ballot and the sup-  
25                  plies necessary to mark the ballot, and

1 shall ensure (to the greatest extent  
2 practicable) that the waiting period  
3 for the individual to cast a vote is the  
4 lesser of 30 minutes or the average  
5 waiting period for an individual who  
6 does not agree to cast the vote using  
7 such a paper ballot under this clause.

8 “(II) TREATMENT OF BALLOT.—  
9 Any paper ballot which is cast by an  
10 individual under this clause shall be  
11 counted and otherwise treated as a  
12 regular ballot for all purposes (includ-  
13 ing by incorporating it into the final  
14 unofficial vote count (as defined by  
15 the State) for the precinct) and not as  
16 a provisional ballot, unless the indi-  
17 vidual casting the ballot would have  
18 otherwise been required to cast a pro-  
19 visional ballot.

20 “(III) POSTING OF NOTICE.—  
21 The appropriate election official shall  
22 ensure there is prominently displayed  
23 at each polling place a notice that de-  
24 scribes the obligation of the official to  
25 offer individuals the opportunity to

1 cast votes using a pre-printed blank  
2 paper ballot.

3 “(IV) TRAINING OF ELECTION  
4 OFFICIALS.—The chief State election  
5 official shall ensure that election offi-  
6 cials at polling places in the State are  
7 aware of the requirements of this  
8 clause, including the requirement to  
9 display a notice under subclause (III),  
10 and are aware that it is a violation of  
11 the requirements of this title for an  
12 election official to fail to offer an indi-  
13 vidual the opportunity to cast a vote  
14 using a blank pre-printed paper ballot.

15 “(V) PERIOD OF APPLICA-  
16 BILITY.—The requirements of this  
17 clause apply only during the period in  
18 which the delay is in effect under  
19 clause (i).

20 “(C) SPECIAL RULE FOR JURISDICTIONS  
21 USING CERTAIN NONTABULATING BALLOT  
22 MARKING DEVICES.—In the case of a jurisdic-  
23 tion which uses a nontabulating ballot marking  
24 device which automatically deposits the ballot  
25 into a privacy sleeve, subparagraph (A) shall

1 apply to a voting system in the jurisdiction as  
2 if the reference in such subparagraph to ‘any  
3 election for Federal office held in 2020 or any  
4 succeeding year’ were a reference to ‘elections  
5 for Federal office occurring held in 2022 or  
6 each succeeding year’, but only with respect to  
7 paragraph (3)(B)(iii)(II) of subsection (a) (re-  
8 lating to nonmanual casting of the durable  
9 paper ballot).”.

## 10 **Subtitle G—Provisional Ballots**

### 11 **SEC. 1601. REQUIREMENTS FOR COUNTING PROVISIONAL** 12 **BALLOTS; ESTABLISHMENT OF UNIFORM AND** 13 **NONDISCRIMINATORY STANDARDS.**

14 (a) IN GENERAL.—Section 302 of the Help America  
15 Vote Act of 2002 (52 U.S.C. 21082) is amended—

16 (1) by redesignating subsection (d) as sub-  
17 section (f); and

18 (2) by inserting after subsection (c) the fol-  
19 lowing new subsections:

20 “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-  
21 LOTS.—

22 “(1) IN GENERAL.—For purposes of subsection  
23 (a)(4), notwithstanding the precinct or polling place  
24 at which a provisional ballot is cast within the State,  
25 the appropriate election official shall count each vote

1 on such ballot for each election in which the indi-  
2 vidual who cast such ballot is eligible to vote.

3 “(2) EFFECTIVE DATE.—This subsection shall  
4 apply with respect to elections held on or after Janu-  
5 ary 1, 2020.

6 “(e) UNIFORM AND NONDISCRIMINATORY STAND-  
7 ARDS.—

8 “(1) IN GENERAL.—Consistent with the re-  
9 quirements of this section, each State shall establish  
10 uniform and nondiscriminatory standards for the  
11 issuance, handling, and counting of provisional bal-  
12 lots.

13 “(2) EFFECTIVE DATE.—This subsection shall  
14 apply with respect to elections held on or after Janu-  
15 ary 1, 2020.”.

16 (b) CONFORMING AMENDMENT.—Section 302(f) of  
17 such Act (52 U.S.C. 21082(f)), as redesignated by sub-  
18 section (a), is amended by striking “Each State” and in-  
19 serting “Except as provided in subsections (d)(2) and  
20 (e)(2), each State”.

## 21 **Subtitle H—Early Voting**

### 22 **SEC. 1611. EARLY VOTING.**

23 (a) REQUIREMENTS.—Subtitle A of title III of the  
24 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),

1 as amended by section 1031(a) and section 1101(a), is  
2 amended—

3 (1) by redesignating sections 306 and 307 as  
4 sections 307 and 308; and

5 (2) by inserting after section 305 the following  
6 new section:

7 **“SEC. 306. EARLY VOTING.**

8 “(a) **REQUIRING VOTING PRIOR TO DATE OF ELEC-**  
9 **TION.—**

10 “(1) **IN GENERAL.—**Each State shall allow indi-  
11 viduals to vote in an election for Federal office dur-  
12 ing an early voting period which occurs prior to the  
13 date of the election, in the same manner as voting  
14 is allowed on such date.

15 “(2) **LENGTH OF PERIOD.—**The early voting  
16 period required under this subsection with respect to  
17 an election shall consist of a period of consecutive  
18 days (including weekends) which begins on the 15th  
19 day before the date of the election (or, at the option  
20 of the State, on a day prior to the 15th day before  
21 the date of the election) and ends on the date of the  
22 election.

23 “(b) **MINIMUM EARLY VOTING REQUIREMENTS.—**  
24 Each polling place which allows voting during an early vot-  
25 ing period under subsection (a) shall—

1           “(1) allow such voting for no less than 4 hours  
2           on each day, except that the polling place may allow  
3           such voting for fewer than 4 hours on Sundays; and

4           “(2) have uniform hours each day for which  
5           such voting occurs.

6           “(c) LOCATION OF POLLING PLACES NEAR PUBLIC  
7           TRANSPORTATION.—To the greatest extent practicable, a  
8           State shall ensure that each polling place which allows vot-  
9           ing during an early voting period under subsection (a) is  
10          located within walking distance of a stop on a public trans-  
11          portation route.

12          “(d) STANDARDS.—

13                 “(1) IN GENERAL.—The Commission shall issue  
14                 standards for the administration of voting prior to  
15                 the day scheduled for a Federal election. Such  
16                 standards shall include the nondiscriminatory geo-  
17                 graphic placement of polling places at which such  
18                 voting occurs.

19                 “(2) DEVIATION.—The standards described in  
20                 paragraph (1) shall permit States, upon providing  
21                 adequate public notice, to deviate from any require-  
22                 ment in the case of unforeseen circumstances such  
23                 as a natural disaster, terrorist attack, or a change  
24                 in voter turnout.



1       “(e) EFFECTIVE DATE.—This section shall apply  
2 with respect to elections held on or after January 1,  
3 2020.”.

4       (b) CONFORMING AMENDMENT RELATING TO  
5 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-  
6 SISTANCE COMMISSION.—Section 311(b) of such Act (52  
7 U.S.C. 21101(b)), as amended by section 1101(b), is  
8 amended—

9           (1) by striking “and” at the end of paragraph  
10       (3);

11           (2) by striking the period at the end of para-  
12       graph (4) and inserting “; and”; and

13           (3) by adding at the end the following new  
14       paragraph:

15           “(5) in the case of the recommendations with  
16       respect to section 306, June 30, 2020.”.

17       (c) CLERICAL AMENDMENT.—The table of contents  
18 of such Act, as amended by section 1031(c) and section  
19 1101(d), is amended—

20           (1) by redesignating the items relating to sec-  
21       tions 306 and 307 as relating to sections 307 and  
22       308; and

23           (2) by inserting after the item relating to sec-  
24       tion 305 the following new item:

“Sec. 306. Early voting.”.

1           **Subtitle I—Voting by Mail**

2   **SEC. 1621. VOTING BY MAIL.**

3           (a) **REQUIREMENTS.**—Subtitle A of title III of the  
4 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),  
5 as amended by section 1031(a), section 1101(a), and sec-  
6 tion 1611(a), is amended—

7           (1) by redesignating sections 307 and 308 as  
8 sections 308 and 309; and

9           (2) by inserting after section 306 the following  
10 new section:

11   **“SEC. 307. PROMOTING ABILITY OF VOTERS TO VOTE BY**  
12           **MAIL.**

13           “(a) **IN GENERAL.**—If an individual in a State is eli-  
14 gible to cast a vote in an election for Federal office, the  
15 State may not impose any additional conditions or require-  
16 ments on the eligibility of the individual to cast the vote  
17 in such election by absentee ballot by mail, except as re-  
18 quired under subsection (b) and except to the extent that  
19 the State imposes a deadline for requesting the ballot and  
20 related voting materials from the appropriate State or  
21 local election official and for returning the ballot to the  
22 appropriate State or local election official.

23           “(b) **REQUIRING SIGNATURE VERIFICATION.**—

24           “(1) **REQUIREMENT.**—A State may not accept  
25 and process an absentee ballot submitted by any in-

1       dividual with respect to an election for Federal office  
2       unless the State verifies the identification of the in-  
3       dividual by comparing the individual’s signature on  
4       the absentee ballot with the individual’s signature on  
5       the official list of registered voters in the State, in  
6       accordance with such procedures as the State may  
7       adopt (subject to the requirements of paragraph  
8       (2)).

9               “(2) DUE PROCESS REQUIREMENTS.—

10               “(A) NOTICE AND OPPORTUNITY TO CURE  
11       DISCREPANCY.—If an individual submits an ab-  
12       sentee ballot and the appropriate State or local  
13       election official determines that a discrepancy  
14       exists between the signature on such ballot and  
15       the signature of such individual on the official  
16       list of registered voters in the State, such elec-  
17       tion official, prior to making a final determina-  
18       tion as to the validity of such ballot, shall make  
19       a good faith effort to immediately notify such  
20       individual by mail, telephone, and (if available)  
21       electronic mail that—

22               “(i) a discrepancy exists between the  
23       signature on such ballot and the signature  
24       of such individual on the official list of reg-  
25       istered voters in the State;

1           “(ii) such individual may provide the  
2           official with information to cure such dis-  
3           crepancy, either in person, by telephone, or  
4           by electronic methods; and

5           “(iii) if such discrepancy is not cured  
6           prior to the expiration of the 7-day period  
7           which begins on the date of the election,  
8           such ballot will not be counted.

9           “(B) OTHER REQUIREMENTS.—An election  
10          official may not make a determination that a  
11          discrepancy exists between the signature on an  
12          absentee ballot and the signature of the indi-  
13          vidual who submits the ballot on the official list  
14          of registered voters in the State unless—

15                 “(i) at least 2 election officials make  
16                 the determination; and

17                 “(ii) each official who makes the de-  
18                 termination has received training in proce-  
19                 dures used to verify signatures.

20          “(c) DEADLINE FOR PROVIDING BALLOTING MATE-  
21          RIALS.—If an individual requests to vote by absentee bal-  
22          lot in an election for Federal office, the appropriate State  
23          or local election official shall ensure that the ballot and  
24          relating voting materials are received by the individual—

1           “(1) not later than 2 weeks before the date of  
2           the election; or

3           “(2) in the case of a State which imposes a  
4           deadline for requesting an absentee ballot and re-  
5           lated voting materials which is less than 2 weeks be-  
6           fore the date of the election, as expeditiously as pos-  
7           sible before the date of the election.

8           “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-  
9           ABILITIES.—Consistent with section 305, the State shall  
10          ensure that all absentee ballots and related voting mate-  
11          rials in elections for Federal office are accessible to indi-  
12          viduals with disabilities in a manner that provides the  
13          same opportunity for access and participation (including  
14          with privacy and independence) as for other voters.

15          “(e) PAYMENT OF POSTAGE ON BALLOTS.—Con-  
16          sistent with regulations of the United States Postal Serv-  
17          ice, the State or the unit of local government responsible  
18          for the administration of an election for Federal office  
19          shall prepay the postage on any ballot in the election which  
20          is cast by mail.

21          “(f) UNIFORM DEADLINE FOR ACCEPTANCE OF  
22          MAILED BALLOTS.—If a ballot submitted by an individual  
23          by mail with respect to an election for Federal office in  
24          a State is postmarked on or before the date of the election,  
25          the State may not refuse to accept or process the ballot

1 on the grounds that the individual did not meet a deadline  
2 for returning the ballot to the appropriate State or local  
3 election official.

4 “(g) NO EFFECT ON BALLOTS SUBMITTED BY AB-  
5 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in  
6 this section may be construed to affect the treatment of  
7 any ballot submitted by an individual who is entitled to  
8 vote by absentee ballot under the Uniformed and Overseas  
9 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

10 “(h) EFFECTIVE DATE.—This section shall apply  
11 with respect to elections held on or after January 1,  
12 2020.”.

13 (b) CONFORMING AMENDMENT RELATING TO  
14 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-  
15 SISTANCE COMMISSION.—Section 311(b) of such Act (52  
16 U.S.C. 21101(b)), as amended by section 1101(b) and sec-  
17 tion 1611(b), is amended—

18 (1) by striking “and” at the end of paragraph

19 (4);

20 (2) by striking the period at the end of para-  
21 graph (5) and inserting “; and”; and

22 (3) by adding at the end the following new  
23 paragraph:

24 “(6) in the case of the recommendations with  
25 respect to section 307, June 30, 2020.”.

1 (c) CLERICAL AMENDMENT.—The table of contents  
2 of such Act, as amended by section 1031(c), section  
3 1101(d), and section 1611(c), is amended—

4 (1) by redesignating the items relating to sec-  
5 tions 307 and 308 as relating to sections 308 and  
6 309; and

7 (2) by inserting after the item relating to sec-  
8 tion 306 the following new item:

“Sec. 307. Promoting ability of voters to vote by mail.”.

9 (d) DEVELOPMENT OF BIOMETRIC VERIFICATION.—

10 (1) DEVELOPMENT OF STANDARDS.—The Na-  
11 tional Institute of Standards, in consultation with  
12 the Election Assistance Commission, shall develop  
13 standards for the use of biometric methods which  
14 could be used voluntarily in place of the signature  
15 verification requirements of section 307(b) of the  
16 Help America Vote Act of 2002 (as added by sub-  
17 section (a)) for purposes of verifying the identifica-  
18 tion of an individual voting by absentee ballot in  
19 elections for Federal office.

20 (2) PUBLIC NOTICE AND COMMENT.—The Na-  
21 tional Institute of Standards shall solicit comments  
22 from the public in the development of standards  
23 under paragraph (1).

24 (3) DEADLINE.—Not later than one year after  
25 the date of the enactment of this Act, the National

1 Institute of Standards shall publish the standards  
2 developed under paragraph (1).

3 **Subtitle J—Absent Uniformed**  
4 **Services Voters and Overseas**  
5 **Voters**

6 **SEC. 1701. PRE-ELECTION REPORTS ON AVAILABILITY AND**  
7 **TRANSMISSION OF ABSENTEE BALLOTS.**

8 Section 102(c) of the Uniformed and Overseas Citi-  
9 zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-  
10 ed to read as follows:

11 “(c) REPORTS ON AVAILABILITY, TRANSMISSION,  
12 AND RECEIPT OF ABSENTEE BALLOTS.—

13 “(1) PRE-ELECTION REPORT ON ABSENTEE  
14 BALLOT AVAILABILITY.—Not later than 55 days be-  
15 fore any regularly scheduled general election for  
16 Federal office, each State shall submit a report to  
17 the Attorney General, the Election Assistance Com-  
18 mission (hereafter in this subsection referred to as  
19 the ‘Commission’), and the Presidential Designee,  
20 and make that report publicly available that same  
21 day, certifying that absentee ballots for the election  
22 are or will be available for transmission to absent  
23 uniformed services voters and overseas voters by not  
24 later than 45 days before the election. The report  
25 shall be in a form prescribed jointly by the Attorney



1 General and the Commission and shall require the  
2 State to certify specific information about ballot  
3 availability from each unit of local government which  
4 will administer the election.

5 “(2) PRE-ELECTION REPORT ON ABSENTEE  
6 BALLOT TRANSMISSION.—Not later than 43 days be-  
7 fore any regularly scheduled general election for  
8 Federal office, each State shall submit a report to  
9 the Attorney General, the Commission, and the  
10 Presidential Designee, and make that report publicly  
11 available that same day, certifying whether all ab-  
12 sentee ballots have been transmitted by not later  
13 than 45 days before the election to all qualified ab-  
14 sent uniformed services and overseas voters whose  
15 requests were received at least 45 days before the  
16 election. The report shall be in a form prescribed  
17 jointly by the Attorney General and the Commission,  
18 and shall require the State to certify specific infor-  
19 mation about ballot transmission, including the total  
20 numbers of ballot requests received and ballots  
21 transmitted, from each unit of local government  
22 which will administer the election.

23 “(3) POST-ELECTION REPORT ON NUMBER OF  
24 ABSENTEE BALLOTS TRANSMITTED AND RE-  
25 CEIVED.—Not later than 90 days after the date of

1 each regularly scheduled general election for Federal  
2 office, each State and unit of local government  
3 which administered the election shall (through the  
4 State, in the case of a unit of local government) sub-  
5 mit a report to the Attorney General, the Commis-  
6 sion, and the Presidential Designee on the combined  
7 number of absentee ballots transmitted to absent  
8 uniformed services voters and overseas voters for the  
9 election and the combined number of such ballots  
10 which were returned by such voters and cast in the  
11 election, and shall make such report available to the  
12 general public that same day.”.

13 **SEC. 1702. ENFORCEMENT.**

14 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-  
15 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed  
16 and Overseas Citizens Absentee Voting Act (52 U.S.C.  
17 20307) is amended to read as follows:

18 **“SEC. 105. ENFORCEMENT.**

19 “(a) ACTION BY ATTORNEY GENERAL.—

20 “(1) IN GENERAL.—The Attorney General may  
21 bring civil action in an appropriate district court for  
22 such declaratory or injunctive relief as may be nec-  
23 essary to carry out this title.

24 “(2) PENALTY.—In a civil action brought under  
25 paragraph (1), if the court finds that the State vio-

1 lated any provision of this title, it may, to vindicate  
2 the public interest, assess a civil penalty against the  
3 State—

4 “(A) in an amount not to exceed \$110,000  
5 for each such violation, in the case of a first  
6 violation; or

7 “(B) in an amount not to exceed \$220,000  
8 for each such violation, for any subsequent vio-  
9 lation.

10 “(3) REPORT TO CONGRESS.—Not later than  
11 December 31 of each year, the Attorney General  
12 shall submit to Congress an annual report on any  
13 civil action brought under paragraph (1) during the  
14 preceding year.

15 “(b) PRIVATE RIGHT OF ACTION.—A person who is  
16 aggrieved by a State’s violation of this title may bring a  
17 civil action in an appropriate district court for such declar-  
18 atory or injunctive relief as may be necessary to carry out  
19 this title.

20 “(c) STATE AS ONLY NECESSARY DEFENDANT.—In  
21 any action brought under this section, the only necessary  
22 party defendant is the State, and it shall not be a defense  
23 to any such action that a local election official or a unit  
24 of local government is not named as a defendant, notwith-  
25 standing that a State has exercised the authority described

1 in section 576 of the Military and Overseas Voter Em-  
2 powerment Act to delegate to another jurisdiction in the  
3 State any duty or responsibility which is the subject of  
4 an action brought under this section.”.

5 (b) EFFECTIVE DATE.—The amendments made by  
6 this section shall apply with respect to violations alleged  
7 to have occurred on or after the date of the enactment  
8 of this Act.

9 **SEC. 1703. REVISIONS TO 45-DAY ABSENTEE BALLOT**  
10 **TRANSMISSION RULE.**

11 (a) REPEAL OF WAIVER AUTHORITY.—

12 (1) IN GENERAL.—Section 102 of the Uni-  
13 formed and Overseas Citizens Absentee Voting Act  
14 (52 U.S.C. 20302) is amended by striking sub-  
15 section (g).

16 (2) CONFORMING AMENDMENT.—Section  
17 102(a)(8)(A) of such Act (52 U.S.C.  
18 20302(a)(8)(A)) is amended by striking “except as  
19 provided in subsection (g),”.

20 (b) REQUIRING USE OF EXPRESS DELIVERY IN CASE  
21 OF FAILURE TO MEET REQUIREMENT.—Section 102 of  
22 such Act (52 U.S.C. 20302), as amended by subsection  
23 (a), is amended by inserting after subsection (f) the fol-  
24 lowing new subsection:

1       “(g) REQUIRING USE OF EXPRESS DELIVERY IN  
2 CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN  
3 DEADLINES.—

4               “(1) TRANSMISSION OF BALLOT BY EXPRESS  
5 DELIVERY.—If a State fails to meet the requirement  
6 of subsection (a)(8)(A) to transmit a validly re-  
7 quired absentee ballot to an absent uniformed serv-  
8 ices voter or overseas voter not later than 45 days  
9 before the election (in the case in which the request  
10 is received at least 45 days before the election)—

11               “(A) the State shall transmit the ballot to  
12 the voter by express delivery; or

13               “(B) in the case of a voter who has des-  
14 igned that absentee ballots be transmitted  
15 electronically in accordance with subsection  
16 (f)(1), the State shall transmit the ballot to the  
17 voter electronically.

18               “(2) SPECIAL RULE FOR TRANSMISSION FEWER  
19 THAN 40 DAYS BEFORE THE ELECTION.—If, in car-  
20 rying out paragraph (1), a State transmits an ab-  
21 sentee ballot to an absent uniformed services voter  
22 or overseas voter fewer than 40 days before the elec-  
23 tion, the State shall enable the ballot to be returned  
24 by the voter by express delivery, except that in the  
25 case of an absentee ballot of an absent uniformed

1 services voter for a regularly scheduled general elec-  
2 tion for Federal office, the State may satisfy the re-  
3 quirement of this paragraph by notifying the voter  
4 of the procedures for the collection and delivery of  
5 such ballots under section 103A.

6 “(3) PAYMENT FOR USE OF EXPRESS DELIV-  
7 ERY.—The State shall be responsible for the pay-  
8 ment of the costs associated with the use of express  
9 delivery for the transmittal of ballots under this sub-  
10 section.”.

11 (c) CLARIFICATION OF TREATMENT OF WEEK-  
12 ENDS.—Section 102(a)(8)(A) of such Act (52 U.S.C.  
13 20302(a)(8)(A)) is amended by striking “the election;”  
14 and inserting the following: “the election (or, if the 45th  
15 day preceding the election is a weekend or legal public hol-  
16 iday, not later than the most recent weekday which pre-  
17 cedes such 45th day and which is not a legal public holi-  
18 day, but only if the request is received by at least such  
19 most recent weekday);”.

20 **SEC. 1704. USE OF SINGLE ABSENTEE BALLOT APPLICA-**  
21 **TION FOR SUBSEQUENT ELECTIONS.**

22 (a) IN GENERAL.—Section 104 of the Uniformed and  
23 Overseas Citizens Absentee Voting Act (52 U.S.C. 20306)  
24 is amended to read as follows:

1 **“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT**  
2 **ELECTIONS.**

3 “(a) IN GENERAL.—If a State accepts and processes  
4 an official post card form (prescribed under section 101)  
5 submitted by an absent uniformed services voter or over-  
6 seas voter for simultaneous voter registration and absen-  
7 tee ballot application (in accordance with section  
8 102(a)(4)) and the voter requests that the application be  
9 considered an application for an absentee ballot for each  
10 subsequent election for Federal office held in the State  
11 through the next regularly scheduled general election for  
12 Federal office (including any runoff elections which may  
13 occur as a result of the outcome of such general election),  
14 the State shall provide an absentee ballot to the voter for  
15 each such subsequent election.

16 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-  
17 TION.—Subsection (a) shall not apply with respect to a  
18 voter registered to vote in a State for any election held  
19 after the voter notifies the State that the voter no longer  
20 wishes to be registered to vote in the State or after the  
21 State determines that the voter has registered to vote in  
22 another State or is otherwise no longer eligible to vote in  
23 the State.

24 “(c) PROHIBITION OF REFUSAL OF APPLICATION ON  
25 GROUNDS OF EARLY SUBMISSION.—A State may not  
26 refuse to accept or to process, with respect to any election

1 for Federal office, any otherwise valid voter registration  
2 application or absentee ballot application (including the  
3 postcard form prescribed under section 101) submitted by  
4 an absent uniformed services voter or overseas voter on  
5 the grounds that the voter submitted the application be-  
6 fore the first date on which the State otherwise accepts  
7 or processes such applications for that election which are  
8 submitted by absentee voters who are not members of the  
9 uniformed services or overseas citizens.”.

10 (b) EFFECTIVE DATE.—The amendment made by  
11 subsection (a) shall apply with respect to voter registration  
12 and absentee ballot applications which are submitted to  
13 a State or local election official on or after the date of  
14 the enactment of this Act.

15 **SEC. 1705. EFFECTIVE DATE.**

16 The amendments made by this subtitle shall apply  
17 with respect to elections occurring on or after January 1,  
18 2020.

19 **Subtitle K—Poll Worker**  
20 **Recruitment and Training**

21 **SEC. 1801. GRANTS TO STATES FOR POLL WORKER RE-**  
22 **CRUITMENT AND TRAINING.**

23 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-  
24 SION.—



1           (1) IN GENERAL.—The Election Assistance  
2 Commission (hereafter referred to as the “Commis-  
3 sion”) shall make a grant to each eligible State for  
4 recruiting and training individuals to serve as poll  
5 workers on dates of elections for public office.

6           (2) USE OF COMMISSION MATERIALS.—In car-  
7 rying out activities with a grant provided under this  
8 section, the recipient of the grant shall use the man-  
9 ual prepared by the Commission on successful prac-  
10 tices for poll worker recruiting, training and reten-  
11 tion as an interactive training tool, and shall develop  
12 training programs with the participation and input  
13 of experts in adult learning.

14 (b) REQUIREMENTS FOR ELIGIBILITY.—

15           (1) APPLICATION.—Each State that desires to  
16 receive a payment under this section shall submit an  
17 application for the payment to the Commission at  
18 such time and in such manner and containing such  
19 information as the Commission shall require.

20           (2) CONTENTS OF APPLICATION.—Each appli-  
21 cation submitted under paragraph (1) shall—

22                   (A) describe the activities for which assist-  
23 ance under this section is sought;

24                   (B) provide assurances that the funds pro-  
25 vided under this section will be used to supple-

1           ment and not supplant other funds used to  
2           carry out the activities;

3           (C) provide assurances that the State will  
4           furnish the Commission with information on the  
5           number of individuals who served as poll work-  
6           ers after recruitment and training with the  
7           funds provided under this section; and

8           (D) provide such additional information  
9           and certifications as the Commission deter-  
10          mines to be essential to ensure compliance with  
11          the requirements of this section.

12       (c) AMOUNT OF GRANT.—

13           (1) IN GENERAL.—The amount of a grant  
14          made to a State under this section shall be equal to  
15          the product of—

16           (A) the aggregate amount made available  
17          for grants to States under this section; and

18           (B) the voting age population percentage  
19          for the State.

20       (2) VOTING AGE POPULATION PERCENTAGE DE-  
21       FINED.—In paragraph (1), the “voting age popu-  
22       lation percentage” for a State is the quotient of—

23           (A) the voting age population of the State  
24          (as determined on the basis of the most recent

1 information available from the Bureau of the  
2 Census); and

3 (B) the total voting age population of all  
4 States (as determined on the basis of the most  
5 recent information available from the Bureau of  
6 the Census).

7 (d) REPORTS TO CONGRESS.—

8 (1) REPORTS BY RECIPIENTS OF GRANTS.—Not  
9 later than 6 months after the date on which the  
10 final grant is made under this section, each recipient  
11 of a grant shall submit a report to the Commission  
12 on the activities conducted with the funds provided  
13 by the grant.

14 (2) REPORTS BY COMMISSION.—Not later than  
15 1 year after the date on which the final grant is  
16 made under this section, the Commission shall sub-  
17 mit a report to Congress on the grants made under  
18 this section and the activities carried out by recipi-  
19 ents with the grants, and shall include in the report  
20 such recommendations as the Commission considers  
21 appropriate.

22 (e) FUNDING.—

23 (1) CONTINUING AVAILABILITY OF AMOUNT AP-  
24 PROPRIATED.—Any amount appropriated to carry

1 out this section shall remain available without fiscal  
2 year limitation until expended.

3 (2) ADMINISTRATIVE EXPENSES.—Of the  
4 amount appropriated for any fiscal year to carry out  
5 this section, not more than 3 percent shall be avail-  
6 able for administrative expenses of the Commission.

7 **SEC. 1802. STATE DEFINED.**

8 In this subtitle, the term “State” includes the Dis-  
9 trict of Columbia, the Commonwealth of Puerto Rico,  
10 Guam, American Samoa, the United States Virgin Is-  
11 lands, and the Commonwealth of the Northern Mariana  
12 Islands.

13 **Subtitle L—Enhancement of**  
14 **Enforcement**

15 **SEC. 1811. ENHANCEMENT OF ENFORCEMENT OF HELP**  
16 **AMERICA VOTE ACT OF 2002.**

17 (a) COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT  
18 OF ACTION.—Section 401 of the Help America Vote Act  
19 of 2002 (52 U.S.C. 21111) is amended—

20 (1) by striking “The Attorney General” and in-  
21 serting “(a) IN GENERAL.—The Attorney General”;  
22 and

23 (2) by adding at the end the following new sub-  
24 sections:

1       “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-  
2 SONS.—

3           “(1) IN GENERAL.—A person who is aggrieved  
4 by a violation of title III which has occurred, is oc-  
5 ccurring, or is about to occur may file a written,  
6 signed, notarized complaint with the Attorney Gen-  
7 eral describing the violation and requesting the At-  
8 torney General to take appropriate action under this  
9 section. The Attorney General shall immediately pro-  
10 vide a copy of a complaint filed under the previous  
11 sentence to the entity responsible for administering  
12 the State-based administrative complaint procedures  
13 described in section 402(a) for the State involved.

14           “(2) RESPONSE BY ATTORNEY GENERAL.—The  
15 Attorney General shall respond to each complaint  
16 filed under paragraph (1), in accordance with proce-  
17 dures established by the Attorney General that re-  
18 quire responses and determinations to be made with-  
19 in the same (or shorter) deadlines which apply to a  
20 State under the State-based administrative com-  
21 plaint procedures described in section 402(a)(2).  
22 The Attorney General shall immediately provide a  
23 copy of the response made under the previous sen-  
24 tence to the entity responsible for administering the

1 State-based administrative complaint procedures de-  
2 scribed in section 402(a) for the State involved.

3 “(c) AVAILABILITY OF PRIVATE RIGHT OF AC-  
4 TION.—Any person who is authorized to file a complaint  
5 under subsection (b)(1) (including any individual who  
6 seeks to enforce the individual’s right to a voter-verified  
7 paper ballot, the right to have the voter-verified paper bal-  
8 lot counted in accordance with this Act, or any other right  
9 under title III) may file an action under section 1979 of  
10 the Revised Statutes of the United States (42 U.S.C.  
11 1983) to enforce the uniform and nondiscriminatory elec-  
12 tion technology and administration requirements under  
13 subtitle A of title III.

14 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing  
15 in this section may be construed to affect the availability  
16 of the State-based administrative complaint procedures re-  
17 quired under section 402 to any person filing a complaint  
18 under this subsection.”.

19 (b) EFFECTIVE DATE.—The amendments made by  
20 this section shall apply with respect to violations occurring  
21 with respect to elections for Federal office held in 2020  
22 or any succeeding year.

1           **Subtitle M—Federal Election**  
2                           **Integrity**

3   **SEC. 1821. PROHIBITION ON CAMPAIGN ACTIVITIES BY**  
4                   **CHIEF STATE ELECTION ADMINISTRATION**  
5                   **OFFICIALS.**

6           (a) IN GENERAL.—Title III of the Federal Election  
7 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is  
8 amended by inserting after section 319 the following new  
9 section:

10           “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION  
11                           ADMINISTRATION OFFICIALS

12           “SEC. 319A. (a) PROHIBITION.—It shall be unlawful  
13 for a chief State election administration official to take  
14 an active part in political management or in a political  
15 campaign with respect to any election for Federal office  
16 over which such official has supervisory authority.

17           “(b) CHIEF STATE ELECTION ADMINISTRATION OF-  
18 FICIAL.—The term ‘chief State election administration of-  
19 ficial’ means the highest State official with responsibility  
20 for the administration of Federal elections under State  
21 law.

22           “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR  
23 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-  
24 litical management or in a political campaign’ means—

1           “(1) serving as a member of an authorized com-  
2           mittee of a candidate for Federal office;

3           “(2) the use of official authority or influence  
4           for the purpose of interfering with or affecting the  
5           result of an election for Federal office;

6           “(3) the solicitation, acceptance, or receipt of a  
7           contribution from any person on behalf of a can-  
8           didate for Federal office; and

9           “(4) any other act which would be prohibited  
10          under paragraph (2) or (3) of section 7323(b) of  
11          title 5, United States Code, if taken by an individual  
12          to whom such paragraph applies (other than any  
13          prohibition on running for public office).

14          “(d) EXCEPTION IN CASE OF RECUSAL FROM AD-  
15          MINISTRATION OF ELECTIONS INVOLVING OFFICIAL OR  
16          IMMEDIATE FAMILY MEMBER.—

17                 “(1) IN GENERAL.—This section does not apply  
18                 to a chief State election administration official with  
19                 respect to an election for Federal office in which the  
20                 official or an immediate family member of the offi-  
21                 cial is a candidate, but only if—

22                         “(A) such official recuses himself or herself  
23                         from all of the official’s responsibilities for the  
24                         administration of such election; and



1           “(B) the official who assumes responsi-  
2           bility for supervising the administration of the  
3           election does not report directly to such official.

4           “(2) IMMEDIATE FAMILY MEMBER DEFINED.—  
5           In paragraph (1), the term ‘immediate family mem-  
6           ber’ means, with respect to a candidate, a father,  
7           mother, son, daughter, brother, sister, husband,  
8           wife, father-in-law, or mother-in-law.”.

9           (b) EFFECTIVE DATE.—The amendments made by  
10          subsection (a) shall apply with respect to elections for  
11          Federal office held after December 2019.

12          **Subtitle N—Promoting Voter Ac-**  
13          **cess Through Election Adminis-**  
14          **tration Improvements**

15                 **PART 1—PROMOTING VOTER ACCESS**

16          **SEC. 1901. TREATMENT OF INSTITUTIONS OF HIGHER EDU-**  
17                         **CATION.**

18           (a) TREATMENT OF CERTAIN INSTITUTIONS AS  
19          VOTER REGISTRATION AGENCIES UNDER NATIONAL  
20          VOTER REGISTRATION ACT OF 1993.—Section 7(a) of the  
21          National Voter Registration Act of 1993 (52 U.S.C.  
22          20506(a)) is amended—

23                         (1) in paragraph (2)—

24                                 (A) by striking “and” at the end of sub-  
25                         paragraph (A);

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

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

5 “(C) each institution of higher education  
6 which has a program participation agreement in  
7 effect with the Secretary of Education under  
8 section 487 of the Higher Education Act of  
9 1965 (20 U.S.C. 1094), other than an institu-  
10 tion which is treated as a contributing agency  
11 under the Automatic Voter Registration Act of  
12 2019.”; and

13 (2) in paragraph (6)(A), by inserting “or, in  
14 the case of an institution of higher education, with  
15 each registration of a student for enrollment in a  
16 course of study, including enrollment in a program  
17 of distance education, as defined in section 103(7)  
18 of the Higher Education Act of 1965 (20 U.S.C.  
19 1003(7)),” after “assistance,”.

20 (b) RESPONSIBILITIES OF INSTITUTIONS UNDER  
21 HIGHER EDUCATION ACT OF 1965.—

22 (1) IN GENERAL.—Section 487(a)(23) of the  
23 Higher Education Act of 1965 (20 U.S.C.  
24 1094(a)(23)) is amended to read as follows:

1           “(23)(A)(i) The institution will ensure that an  
2           appropriate staff person or office is designated pub-  
3           licly as a ‘Campus Vote Coordinator’ and will ensure  
4           that such person’s or office’s contact information is  
5           included on the institution’s website.

6           “(ii) Not fewer than twice during each calendar  
7           year (beginning with 2020), the Campus Vote Coor-  
8           dinator shall transmit electronically to each student  
9           enrolled in the institution (including students en-  
10          rolled in distance education programs) a message  
11          containing the following information:

12                 “(I) Information on the location of polling  
13                 places in the jurisdiction in which the institu-  
14                 tion is located, together with information on  
15                 available methods of transportation to and from  
16                 such polling places.

17                 “(II) A referral to a government-affiliated  
18                 website or online platform which provides cen-  
19                 tralized voter registration information for all  
20                 States, including access to applicable voter reg-  
21                 istration forms and information to assist indi-  
22                 viduals who are not registered to vote in reg-  
23                 istering to vote.

24                 “(III) Any additional voter registration  
25                 and voting information the Coordinator con-

1           siders appropriate, in consultation with the ap-  
2           propriate State election official.

3           “(iii) In addition to transmitting the message  
4           described in clause (ii) not fewer than twice during  
5           each calendar year, the Campus Vote Coordinator  
6           shall transmit the message under such clause not  
7           fewer than 30 days prior to the deadline for reg-  
8           istering to vote for any election for Federal, State,  
9           or local office in the State.

10          “(B) If the institution in its normal course of  
11          operations requests each student registering for en-  
12          rollment in a course of study, including students  
13          registering for enrollment in a program of distance  
14          education, to affirm whether or not the student is a  
15          United States citizen, the institution will comply  
16          with the applicable requirements for a contributing  
17          agency under the Automatic Voter Registration Act  
18          of 2019.

19          “(C) If the institution is not described in sub-  
20          paragraph (B), the institution will comply with the  
21          requirements for a voter registration agency in the  
22          State in which it is located in accordance with sec-  
23          tion 7 of the National Voter Registration Act of  
24          1993 (52 U.S.C. 20506).

1           “(D) This paragraph applies only with respect  
2           to an institution which is located in a State to which  
3           section 4(b) of the National Voter Registration Act  
4           of 1993 (52 U.S.C. 20503(b)) does not apply.”.

5           (2) EFFECTIVE DATE.—The amendments made  
6           by this subsection shall apply with respect to elec-  
7           tions held on or after January 1, 2020.

8           (c) GRANTS TO INSTITUTIONS DEMONSTRATING EX-  
9           CELLENCE IN STUDENT VOTER REGISTRATION.—

10           (1) GRANTS AUTHORIZED.—The Secretary of  
11           Education may award competitive grants to public  
12           and private nonprofit institutions of higher edu-  
13           cation that are subject to the requirements of sec-  
14           tion 487(a)(23) of the Higher Education Act of  
15           1965 (20 U.S.C. 1094(a)(23)), as amended by sub-  
16           section (a) and that the Secretary determines have  
17           demonstrated excellence in registering students to  
18           vote in elections for public office beyond meeting the  
19           minimum requirements of such section.

20           (2) ELIGIBILITY.—An institution of higher edu-  
21           cation is eligible to receive a grant under this sub-  
22           section if the institution submits to the Secretary of  
23           Education, at such time and in such form as the  
24           Secretary may require, an application containing  
25           such information and assurances as the Secretary

1       may require to make the determination described in  
2       paragraph (1), including information and assurances  
3       that the institution carried out activities to promote  
4       voter registration by students, such as the following:

5               (A) Sponsoring large on-campus voter mo-  
6               bilization efforts.

7               (B) Engaging the surrounding community  
8               in nonpartisan voter registration and get out  
9               the vote efforts.

10              (C) Creating a website for students with  
11              centralized information about voter registration  
12              and election dates.

13              (D) Inviting candidates to speak on cam-  
14              pus.

15              (E) Offering rides to students to the polls  
16              to increase voter education, registration, and  
17              mobilization.

18              (3) AUTHORIZATION OF APPROPRIATIONS.—

19              There are authorized to be appropriated for fiscal  
20              year 2020 and each succeeding fiscal year such sums  
21              as may be necessary to award grants under this sub-  
22              section.

23              (d) SENSE OF CONGRESS RELATING TO OPTION OF  
24              STUDENTS TO REGISTER IN JURISDICTION OF INSTITU-  
25              TION OF HIGHER EDUCATION OR JURISDICTION OF DOMI-

1 CILE.—It is the sense of Congress that, as provided under  
2 existing law, students who attend an institution of higher  
3 education and reside in the jurisdiction of the institution  
4 while attending the institution should have the option of  
5 registering to vote in elections for Federal office in that  
6 jurisdiction or in the jurisdiction of their own domicile.

7 **SEC. 1902. MINIMUM NOTIFICATION REQUIREMENTS FOR**  
8 **VOTERS AFFECTED BY POLLING PLACE**  
9 **CHANGES.**

10 (a) REQUIREMENTS.—Section 302 of the Help Amer-  
11 ica Vote Act of 2002 (52 U.S.C. 21082), as amended by  
12 section 1601(a), is amended—

13 (1) by redesignating subsection (f) as sub-  
14 section (g); and

15 (2) by inserting after subsection (e) the fol-  
16 lowing new subsection:

17 “(f) MINIMUM NOTIFICATION REQUIREMENTS FOR  
18 VOTERS AFFECTED BY POLLING PLACE CHANGES.—

19 “(1) IN GENERAL.—If a State assigns an indi-  
20 vidual who is a registered voter in a State to a poll-  
21 ing place with respect to an election for Federal of-  
22 fice which is not the same polling place to which the  
23 individual was previously assigned with respect to  
24 the most recent election for Federal office in the  
25 State in which the individual was eligible to vote—

1           “(A) the State shall notify the individual of  
2           the location of the polling place not later than  
3           7 days before the date of the election; or

4           “(B) if the State makes such an assign-  
5           ment fewer than 7 days before the date of the  
6           election and the individual appears on the date  
7           of the election at the polling place to which the  
8           individual was previously assigned, the State  
9           shall make every reasonable effort to enable the  
10          individual to vote on the date of the election.

11          “(2) **EFFECTIVE DATE.**—This subsection shall  
12          apply with respect to elections held on or after Janu-  
13          ary 1, 2020.”.

14          (b) **CONFORMING AMENDMENT.**—Section 302(g) of  
15          such Act (52 U.S.C. 21082(g)), as redesignated by sub-  
16          section (a) and as amended by section 1601(b), is amend-  
17          ed by striking “(d)(2) and (e)(2)” and inserting “(d)(2),  
18          (e)(2), and (f)(2)”.

19          **SEC. 1903. ELECTION DAY HOLIDAY.**

20          (a) **TREATMENT OF ELECTION DAY IN SAME MAN-**  
21          **NER AS LEGAL PUBLIC HOLIDAY FOR PURPOSES OF FED-**  
22          **ERAL EMPLOYMENT.**—For purposes of any law relating  
23          to Federal employment, the Tuesday next after the first  
24          Monday in November in 2020 and each even-numbered  
25          year thereafter shall be treated in the same manner as



1 a legal public holiday described in section 6103 of title  
2 5, United States Code.

3 (b) SENSE OF CONGRESS RELATING TO TREATMENT  
4 OF DAY BY PRIVATE EMPLOYERS.—It is the sense of Con-  
5 gress that private employers in the United States should  
6 give their employees a day off on the Tuesday next after  
7 the first Monday in November in 2020 and each even-  
8 numbered year thereafter to enable the employees to cast  
9 votes in the elections held on that day.

10 **SEC. 1904. PERMITTING USE OF SWORN WRITTEN STATE-**  
11 **MENT TO MEET IDENTIFICATION REQUIRE-**  
12 **MENTS FOR VOTING.**

13 (a) PERMITTING USE OF STATEMENT.—Title III of  
14 the Help America Vote Act of 2002 (52 U.S.C. 21081 et  
15 seq.) is amended by inserting after section 303 the fol-  
16 lowing new section:

17 **“SEC. 303A. PERMITTING USE OF SWORN WRITTEN STATE-**  
18 **MENT TO MEET IDENTIFICATION REQUIRE-**  
19 **MENTS.**

20 “(a) USE OF STATEMENT.—

21 “(1) IN GENERAL.—Except as provided in sub-  
22 section (c), if a State has in effect a requirement  
23 that an individual present identification as a condi-  
24 tion of receiving and casting a ballot in an election

1 for Federal office, the State shall permit the indi-  
2 vidual to meet the requirement—

3 “(A) in the case of an individual who de-  
4 sires to vote in person, by presenting the appro-  
5 priate State or local election official with a  
6 sworn written statement, signed by the indi-  
7 vidual under penalty of perjury, attesting to the  
8 individual’s identity and attesting that the indi-  
9 vidual is eligible to vote in the election; or

10 “(B) in the case of an individual who de-  
11 sires to vote by mail, by submitting with the  
12 ballot the statement described in subparagraph  
13 (A).

14 “(2) DEVELOPMENT OF PRE-PRINTED VERSION  
15 OF STATEMENT BY COMMISSION.—The Commission  
16 shall develop a pre-printed version of the statement  
17 described in paragraph (1)(A) which includes a  
18 blank space for an individual to provide a name and  
19 signature for use by election officials in States which  
20 are subject to paragraph (1).

21 “(3) PROVIDING PRE-PRINTED COPY OF STATE-  
22 MENT.—A State which is subject to paragraph (1)  
23 shall—

24 “(A) make copies of the pre-printed  
25 version of the statement described in paragraph

1 (1)(A) which is prepared by the Commission  
2 available at polling places for election officials  
3 to distribute to individuals who desire to vote in  
4 person; and

5 “(B) include a copy of such pre-printed  
6 version of the statement with each blank absen-  
7 tee or other ballot transmitted to an individual  
8 who desires to vote by mail.

9 “(b) REQUIRING USE OF BALLOT IN SAME MANNER  
10 AS INDIVIDUALS PRESENTING IDENTIFICATION.—An in-  
11 dividual who presents or submits a sworn written state-  
12 ment in accordance with subsection (a)(1) shall be per-  
13 mitted to cast a ballot in the election in the same manner  
14 as an individual who presents identification.

15 “(c) EXCEPTION FOR FIRST-TIME VOTERS REG-  
16 ISTERING BY MAIL.—Subsections (a) and (b) do not apply  
17 with respect to any individual described in paragraph (1)  
18 of section 303(b) who is required to meet the requirements  
19 of paragraph (2) of such section.”.

20 (b) REQUIRING STATES TO INCLUDE INFORMATION  
21 ON USE OF SWORN WRITTEN STATEMENT IN VOTING IN-  
22 FORMATION MATERIAL POSTED AT POLLING PLACES.—  
23 Section 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)),  
24 as amended by section 1072(b) and section 1202(b), is  
25 amended—

1 (1) by striking “and” at the end of subpara-  
2 graph (G);

3 (2) by striking the period at the end of sub-  
4 paragraph (H) and inserting “; and”; and

5 (3) by adding at the end the following new sub-  
6 paragraph:

7 “(I) in the case of a State that has in ef-  
8 fect a requirement that an individual present  
9 identification as a condition of receiving and  
10 casting a ballot in an election for Federal office,  
11 information on how an individual may meet  
12 such requirement by presenting a sworn written  
13 statement in accordance with section 303A.”.

14 (c) CLERICAL AMENDMENT.—The table of contents  
15 of such Act is amended by inserting after the item relating  
16 to section 303 the following new item:

“Sec. 303A. Permitting use of sworn written statement to meet identification requirements.”.

17 (e) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply with respect to elections occurring  
19 on or after the date of the enactment of this Act.

20 **SEC. 1905. POSTAGE-FREE BALLOTS.**

21 (a) IN GENERAL.—Chapter 34 of title 39, United  
22 States Code, is amended by adding after section 3406 the  
23 following:

1 **“§ 3407. Absentee ballots**

2 “(a) Any absentee ballot for any election for Federal  
3 office shall be carried expeditiously, with postage prepaid  
4 by the State or unit of local government responsible for  
5 the administration of the election.

6 “(b) As used in this section, the term ‘absentee ballot’  
7 means any ballot transmitted by a voter by mail in an  
8 election for Federal office, but does not include any ballot  
9 covered by section 3406.”.

10 (b) CLERICAL AMENDMENT.—The table of sections  
11 for chapter 34 of such title is amended by inserting after  
12 the item relating to section 3406 the following:

“3407. Absentee ballots carried free of postage.”.

13 **SEC. 1906. REIMBURSEMENT FOR COSTS INCURRED BY**  
14 **STATES IN ESTABLISHING PROGRAM TO**  
15 **TRACK AND CONFIRM RECEIPT OF ABSENTEE**  
16 **BALLOTS.**

17 (a) REIMBURSEMENT.—Subtitle D of title II of the  
18 Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.)  
19 is amended by adding at the end the following new part:

1 **“PART 7—PAYMENTS TO REIMBURSE STATES**  
2 **FOR COSTS INCURRED IN ESTABLISHING**  
3 **PROGRAM TO TRACK AND CONFIRM RE-**  
4 **CEIPT OF ABSENTEE BALLOTS**

5 **“SEC. 297. PAYMENTS TO STATES.**

6 “(a) PAYMENTS FOR COSTS OF ESTABLISHING PRO-  
7 GRAM.—In accordance with this section, the Commission  
8 shall make a payment to a State to reimburse the State  
9 for the costs incurred in establishing, if the State so choos-  
10 es to establish, an absentee ballot tracking program with  
11 respect to elections for Federal office held in the State  
12 (including costs incurred prior to the date of the enact-  
13 ment of this part).

14 “(b) ABSENTEE BALLOT TRACKING PROGRAM DE-  
15 SCRIBED.—

16 “(1) PROGRAM DESCRIBED.—

17 “(A) IN GENERAL.—In this part, an ‘ab-  
18 sentee ballot tracking program’ is a program to  
19 track and confirm the receipt of absentee bal-  
20 lots in an election for Federal office under  
21 which the State or local election official respon-  
22 sible for the receipt of voted absentee ballots in  
23 the election carries out procedures to track and  
24 confirm the receipt of such ballots, and makes  
25 information on the receipt of such ballots avail-  
26 able to the individual who cast the ballot, by

1 means of online access using the Internet site  
2 of the official's office.

3 “(B) INFORMATION ON WHETHER VOTE  
4 WAS COUNTED.—The information referred to  
5 under subparagraph (A) with respect to the re-  
6 ceipt of an absentee ballot shall include infor-  
7 mation regarding whether the vote cast on the  
8 ballot was counted, and, in the case of a vote  
9 which was not counted, the reasons therefor.

10 “(2) USE OF TOLL-FREE TELEPHONE NUMBER  
11 BY OFFICIALS WITHOUT INTERNET SITE.—A pro-  
12 gram established by a State or local election official  
13 whose office does not have an Internet site may  
14 meet the description of a program under paragraph  
15 (1) if the official has established a toll-free telephone  
16 number that may be used by an individual who cast  
17 an absentee ballot to obtain the information on the  
18 receipt of the voted absentee ballot as provided  
19 under such paragraph.

20 “(c) CERTIFICATION OF COMPLIANCE AND COSTS.—

21 “(1) CERTIFICATION REQUIRED.—In order to  
22 receive a payment under this section, a State shall  
23 submit to the Commission a statement containing—

24 “(A) a certification that the State has es-  
25 tablished an absentee ballot tracking program

1 with respect to elections for Federal office held  
2 in the State; and

3 “(B) a statement of the costs incurred by  
4 the State in establishing the program.

5 “(2) AMOUNT OF PAYMENT.—The amount of a  
6 payment made to a State under this section shall be  
7 equal to the costs incurred by the State in estab-  
8 lishing the absentee ballot tracking program, as set  
9 forth in the statement submitted under paragraph  
10 (1), except that such amount may not exceed the  
11 product of—

12 “(A) the number of jurisdictions in the  
13 State which are responsible for operating the  
14 program; and

15 “(B) \$3,000.

16 “(3) LIMIT ON NUMBER OF PAYMENTS RE-  
17 CEIVED.—A State may not receive more than one  
18 payment under this part.

19 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

20 “(a) AUTHORIZATION.—There are authorized to be  
21 appropriated to the Commission for fiscal year 2020 and  
22 each succeeding fiscal year such sums as may be necessary  
23 for payments under this part.



1 “(b) CONTINUING AVAILABILITY OF FUNDS.—Any  
2 amounts appropriated pursuant to the authorization under  
3 this section shall remain available until expended.”.

4 (b) CLERICAL AMENDMENT.—The table of contents  
5 of such Act is amended by adding at the end of the items  
6 relating to subtitle D of title II the following:

“PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ES-  
TABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE  
BALLOTS

“Sec. 297. Payments to States.

“Sec. 297A. Authorization of appropriations.”.

7 **SEC. 1907. VOTER INFORMATION RESPONSE SYSTEMS AND**  
8 **HOTLINE.**

9 (a) ESTABLISHMENT AND OPERATION OF SYSTEMS  
10 AND SERVICES.—

11 (1) STATE-BASED RESPONSE SYSTEMS.—The  
12 Attorney General shall coordinate the establishment  
13 of a State-based response system for responding to  
14 questions and complaints from individuals voting or  
15 seeking to vote, or registering to vote or seeking to  
16 register to vote, in elections for Federal office. Such  
17 system shall provide—

18 (A) State-specific, same-day, and imme-  
19 diate assistance to such individuals, including  
20 information on how to register to vote, the loca-  
21 tion and hours of operation of polling places,  
22 and how to obtain absentee ballots; and

1 (B) State-specific, same-day, and imme-  
2 diate assistance to individuals encountering  
3 problems with registering to vote or voting, in-  
4 cluding individuals encountering intimidation or  
5 deceptive practices.

6 (2) HOTLINE.—The Attorney General, in con-  
7 sultation with State election officials, shall establish  
8 and operate a toll-free telephone service, using a  
9 telephone number that is accessible throughout the  
10 United States and that uses easily identifiable nu-  
11 merals, through which individuals throughout the  
12 United States—

13 (A) may connect directly to the State-  
14 based response system described in paragraph  
15 (1) with respect to the State involved;

16 (B) may obtain information on voting in  
17 elections for Federal office, including informa-  
18 tion on how to register to vote in such elections,  
19 the locations and hours of operation of polling  
20 places, and how to obtain absentee ballots; and

21 (C) may report information to the Attor-  
22 ney General on problems encountered in reg-  
23 istering to vote or voting, including incidences  
24 of voter intimidation or suppression.

1           (3) COLLABORATION WITH STATE AND LOCAL  
2 ELECTION OFFICIALS.—

3           (A) COLLECTION OF INFORMATION FROM  
4 STATES.—The Attorney General shall coordi-  
5 nate the collection of information on State and  
6 local election laws and policies, including infor-  
7 mation on the Statewide computerized voter  
8 registration lists maintained under title III of  
9 the Help America Vote Act of 2002, so that in-  
10 dividuals who contact the free telephone service  
11 established under paragraph (2) on the date of  
12 an election for Federal office may receive an  
13 immediate response on that day.

14           (B) FORWARDING QUESTIONS AND COM-  
15 PLAINTS TO STATES.—If an individual contacts  
16 the free telephone service established under  
17 paragraph (2) on the date of an election for  
18 Federal office with a question or complaint with  
19 respect to a particular State or jurisdiction  
20 within a State, the Attorney General shall for-  
21 ward the question or complaint immediately to  
22 the appropriate election official of the State or  
23 jurisdiction so that the official may answer the  
24 question or remedy the complaint on that date.

1           (4) CONSULTATION REQUIREMENTS FOR DE-  
2           VELOPMENT OF SYSTEMS AND SERVICES.—The At-  
3           torney General shall ensure that the State-based re-  
4           sponse system under paragraph (1) and the free  
5           telephone service under paragraph (2) are each de-  
6           veloped in consultation with civil rights organiza-  
7           tions, voting rights groups, State and local election  
8           officials, voter protection groups, and other inter-  
9           ested community organizations, especially those that  
10          have experience in the operation of similar systems  
11          and services.

12          (b) USE OF SERVICE BY INDIVIDUALS WITH DIS-  
13          ABILITIES AND INDIVIDUALS WITH LIMITED ENGLISH  
14          LANGUAGE PROFICIENCY.—The Attorney General shall  
15          design and operate the telephone service established under  
16          this section in a manner that ensures that individuals with  
17          disabilities are fully able to use the service, and that as-  
18          sistance is provided in any language in which the State  
19          (or any jurisdiction in the State) is required to provide  
20          election materials under section 203 of the Voting Rights  
21          Act of 1965..

22          (c) VOTER HOTLINE TASK FORCE.—

23                 (1) APPOINTMENT BY ATTORNEY GENERAL.—  
24                 The Attorney General shall appoint individuals (in  
25                 such number as the Attorney General considers ap-

1       appropriate but in no event fewer than 3) to serve on  
2       a Voter Hotline Task Force to provide ongoing anal-  
3       ysis and assessment of the operation of the tele-  
4       phone service established under this section, and  
5       shall give special consideration in making appoint-  
6       ments to the Task Force to individuals who rep-  
7       resent civil rights organizations. At least one mem-  
8       ber of the Task Force shall be a representative of  
9       an organization promoting voting rights or civil  
10      rights which has experience in the operation of simi-  
11      lar telephone services or in protecting the rights of  
12      individuals to vote, especially individuals who are  
13      members of racial, ethnic, or linguistic minorities or  
14      of communities who have been adversely affected by  
15      efforts to suppress voting rights.

16           (2) ELIGIBILITY.—An individual shall be eligi-  
17      ble to serve on the Task Force under this subsection  
18      if the individual meets such criteria as the Attorney  
19      General may establish, except that an individual may  
20      not serve on the task force if the individual has been  
21      convicted of any criminal offense relating to voter in-  
22      timidation or voter suppression.

23           (3) TERM OF SERVICE.—An individual ap-  
24      pointed to the Task Force shall serve a single term  
25      of 2 years, except that the initial terms of the mem-

1       bers first appointed to the Task Force shall be stag-  
2       gered so that there are at least 3 individuals serving  
3       on the Task Force during each year. A vacancy in  
4       the membership of the Task Force shall be filled in  
5       the same manner as the original appointment.

6           (4) NO COMPENSATION FOR SERVICE.—Mem-  
7       bers of the Task Force shall serve without pay, but  
8       shall receive travel expenses, including per diem in  
9       lieu of subsistence, in accordance with applicable  
10      provisions under subchapter I of chapter 57 of title  
11      5, United States Code.

12      (d) BI-ANNUAL REPORT TO CONGRESS.—Not later  
13      than March 1 of each odd-numbered year, the Attorney  
14      General shall submit a report to Congress on the operation  
15      of the telephone service established under this section dur-  
16      ing the previous 2 years, and shall include in the report—

17           (1) an enumeration of the number and type of  
18      calls that were received by the service;

19           (2) a compilation and description of the reports  
20      made to the service by individuals citing instances of  
21      voter intimidation or suppression;

22           (3) an assessment of the effectiveness of the  
23      service in making information available to all house-  
24      holds in the United States with telephone service;

1           (4) any recommendations developed by the  
2           Task Force established under subsection (c) with re-  
3           spect to how voting systems may be maintained or  
4           upgraded to better accommodate voters and better  
5           ensure the integrity of elections, including but not  
6           limited to identifying how to eliminate coordinated  
7           voter suppression efforts and how to establish effec-  
8           tive mechanisms for distributing updates on changes  
9           to voting requirements; and

10           (5) any recommendations on best practices for  
11           the State-based response systems established under  
12           subsection (a)(1).

13           (e) AUTHORIZATION OF APPROPRIATIONS.—

14           (1) AUTHORIZATION.—There are authorized to  
15           be appropriated to the Attorney General for fiscal  
16           year 2019 and each succeeding fiscal year such sums  
17           as may be necessary to carry out this section.

18           (2) SET-ASIDE FOR OUTREACH.—Of the  
19           amounts appropriated to carry out this section for a  
20           fiscal year pursuant to the authorization under para-  
21           graph (1), not less than 15 percent shall be used for  
22           outreach activities to make the public aware of the  
23           availability of the telephone service established under  
24           this section, with an emphasis on outreach to indi-

1 individuals with disabilities and individuals with limited  
2 proficiency in the English language.

3 **PART 2—IMPROVEMENTS IN OPERATION OF**  
4 **ELECTION ASSISTANCE COMMISSION**

5 **SEC. 1911. REAUTHORIZATION OF ELECTION ASSISTANCE**  
6 **COMMISSION.**

7 Section 210 of the Help America Vote Act of 2002  
8 (52 U.S.C. 20930) is amended—

9 (1) by striking “for each of the fiscal years  
10 2003 through 2005” and inserting “for fiscal year  
11 2019 and each succeeding fiscal year”; and

12 (2) by striking “(but not to exceed \$10,000,000  
13 for each such year)”.

14 **SEC. 1913. REQUIRING STATES TO PARTICIPATE IN POST-**  
15 **GENERAL ELECTION SURVEYS.**

16 (a) REQUIREMENT.—Title III of the Help America  
17 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended  
18 by section 1904(a), is further amended by inserting after  
19 section 303A the following new section:

20 **“SEC. 303B. REQUIRING PARTICIPATION IN POST-GENERAL**  
21 **ELECTION SURVEYS.**

22 “(a) REQUIREMENT.—Each State shall furnish to the  
23 Commission such information as the Commission may re-  
24 quest for purposes of conducting any post-election survey



1 of the States with respect to the administration of a regu-  
2 larly scheduled general election for Federal office.

3 “(b) EFFECTIVE DATE.—This section shall apply  
4 with respect to the regularly scheduled general election for  
5 Federal office held in November 2020 and any succeeding  
6 election.”.

7 (b) CLERICAL AMENDMENT.—The table of contents  
8 of such Act, as amended by section 1904(c), is further  
9 amended by inserting after the item relating to section  
10 303A the following new item:

“Sec. 303B. Requiring participation in post-general election surveys.”.

11 **SEC. 1914. REPORTS BY NATIONAL INSTITUTE OF STAND-**  
12 **ARDS AND TECHNOLOGY ON USE OF FUNDS**  
13 **TRANSFERRED FROM ELECTION ASSISTANCE**  
14 **COMMISSION.**

15 (a) REQUIRING REPORTS ON USE FUNDS AS CONDI-  
16 TION OF RECEIPT.—Section 231 of the Help America  
17 Vote Act of 2002 (52 U.S.C. 20971) is amended by adding  
18 at the end the following new subsection:

19 “(e) REPORT ON USE OF FUNDS TRANSFERRED  
20 FROM COMMISSION.—To the extent that funds are trans-  
21 ferred from the Commission to the Director of the Na-  
22 tional Institute of Standards and Technology for purposes  
23 of carrying out this section during any fiscal year, the Di-  
24 rector may not use such funds unless the Director certifies  
25 at the time of transfer that the Director will submit a re-

1 port to the Commission not later than 90 days after the  
2 end of the fiscal year detailing how the Director used such  
3 funds during the year.”.

4 (b) EFFECTIVE DATE.—The amendment made by  
5 subsection (a) shall apply with respect to fiscal year 2020  
6 and each succeeding fiscal year.

7 **SEC. 1915. RECOMMENDATIONS TO IMPROVE OPERATIONS**  
8 **OF ELECTION ASSISTANCE COMMISSION.**

9 (a) ASSESSMENT OF INFORMATION TECHNOLOGY  
10 AND CYBERSECURITY.—Not later than December 31,  
11 2019, the Election Assistance Commission shall carry out  
12 an assessment of the security and effectiveness of the  
13 Commission’s information technology systems, including  
14 the cybersecurity of such systems.

15 (b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT  
16 PROCEDURES.—

17 (1) REVIEW OF PROCEDURES.—The Election  
18 Assistance Commission shall carry out a review of  
19 the effectiveness and efficiency of the State-based  
20 administrative complaint procedures established and  
21 maintained under section 402 of the Help America  
22 Vote Act of 2002 (52 U.S.C. 21112) for the inves-  
23 tigation and resolution of allegations of violations of  
24 title III of such Act.

1           (2) RECOMMENDATIONS TO STREAMLINE PRO-  
2           CEDURES.—Not later than December 31, 2019, the  
3           Commission shall submit to Congress a report on  
4           the review carried out under paragraph (1), and  
5           shall include in the report such recommendations as  
6           the Commission considers appropriate to streamline  
7           and improve the procedures which are the subject of  
8           the review.

9   **SEC. 1916. REPEAL OF EXEMPTION OF ELECTION ASSIST-**  
10                   **ANCE COMMISSION FROM CERTAIN GOVERN-**  
11                   **MENT CONTRACTING REQUIREMENTS.**

12           (a) IN GENERAL.—Section 205 of the Help America  
13           Vote Act of 2002 (52 U.S.C. 20925) is amended by strik-  
14           ing subsection (e).

15           (b) EFFECTIVE DATE.—The amendment made by  
16           subsection (a) shall apply with respect to contracts entered  
17           into by the Election Assistance Commission on or after  
18           the date of the enactment of this Act.

19           **PART 3—MISCELLANEOUS PROVISIONS**

20   **SEC. 1921. APPLICATION OF LAWS TO COMMONWEALTH OF**  
21                   **NORTHERN MARIANA ISLANDS.**

22           (a) NATIONAL VOTER REGISTRATION ACT OF  
23           1993.—Section 3(4) of the National Voter Registration  
24           Act of 1993 (52 U.S.C. 20502(4)) is amended by striking  
25           “States and the District of Columbia” and inserting

1 “States, the District of Columbia, and the Commonwealth  
2 of the Northern Mariana Islands”.

3 (b) HELP AMERICA VOTE ACT OF 2002.—

4 (1) COVERAGE OF COMMONWEALTH OF THE  
5 NORTHERN MARIANA ISLANDS.—Section 901 of the  
6 Help America Vote Act of 2002 (52 U.S.C. 21141)  
7 is amended by striking “and the United States Vir-  
8 gin Islands” and inserting “the United States Virgin  
9 Islands, and the Commonwealth of the Northern  
10 Mariana Islands”.

11 (2) CONFORMING AMENDMENTS TO HELP  
12 AMERICA VOTE ACT OF 2002.—Such Act is further  
13 amended as follows:

14 (A) The second sentence of section  
15 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended  
16 by striking “and American Samoa” and insert-  
17 ing “American Samoa, and the Commonwealth  
18 of the Northern Mariana Islands”.

19 (B) Section 252(c)(2) (52 U.S.C.  
20 21002(c)(2)) is amended by striking “or the  
21 United States Virgin Islands” and inserting  
22 “the United States Virgin Islands, or the Com-  
23 monwealth of the Northern Mariana Islands”.

24 (3) CONFORMING AMENDMENT RELATING TO  
25 CONSULTATION OF HELP AMERICA VOTE FOUNDA-

1 TION WITH LOCAL ELECTION OFFICIALS.—Section  
2 90102(c) of title 36, United States Code, is amend-  
3 ed by striking “and the United States Virgin Is-  
4 lands” and inserting “the United States Virgin Is-  
5 lands, and the Commonwealth of the Northern Mar-  
6 iana Islands”.

7 (4) EFFECTIVE DATE.—The amendments made  
8 by this subsection shall apply with respect to fiscal  
9 years beginning with the first fiscal year which be-  
10 gins after funds are appropriated to the Common-  
11 wealth of the Northern Mariana Islands pursuant to  
12 the payment under section 2.

13 **SEC. 1922. NO EFFECT ON OTHER LAWS.**

14 (a) IN GENERAL.—Except as specifically provided,  
15 nothing in this title may be construed to authorize or re-  
16 quire conduct prohibited under any of the following laws,  
17 or to supersede, restrict, or limit the application of such  
18 laws:

19 (1) The Voting Rights Act of 1965 (52 U.S.C.  
20 10301 et seq.).

21 (2) The Voting Accessibility for the Elderly and  
22 Handicapped Act (52 U.S.C. 20101 et seq.).

23 (3) The Uniformed and Overseas Citizens Ab-  
24 sentee Voting Act (52 U.S.C. 20301 et seq.).

1           (4) The National Voter Registration Act of  
2           1993 (52 U.S.C. 20501 et seq.).

3           (5) The Americans with Disabilities Act of  
4           1990 (42 U.S.C. 12101 et seq.).

5           (6) The Rehabilitation Act of 1973 (29 U.S.C.  
6           701 et seq.).

7           (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-  
8           QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-  
9           proval by any person of a payment or grant application  
10          under this title, or any other action taken by any person  
11          under this title, shall not be considered to have any effect  
12          on requirements for preclearance under section 5 of the  
13          Voting Rights Act of 1965 (52 U.S.C. 10304) or any other  
14          requirements of such Act.

15          (c) NO EFFECT ON AUTHORITY OF STATES TO PRO-  
16          VIDE GREATER OPPORTUNITIES FOR VOTING.—Nothing  
17          in this title or the amendments made by this title may  
18          be construed to prohibit any State from enacting any law  
19          which provides greater opportunities for individuals to reg-  
20          ister to vote and to vote in elections for Federal office than  
21          are provided by this title and the amendments made by  
22          this title.

1                   **Subtitle O—Severability**

2   **SEC. 1931. SEVERABILITY.**

3           If any provision of this title or amendment made by  
4 this title, or the application of a provision or amendment  
5 to any person or circumstance, is held to be unconstitu-  
6 tional, the remainder of this title and amendments made  
7 by this title, and the application of the provisions and  
8 amendment to any person or circumstance, shall not be  
9 affected by the holding.

10 **TITLE II—ELECTION INTEGRITY**

          Subtitle A—Findings Reaffirming Commitment of Congress to Restore the  
  Voting Rights Act

Sec. 2001. Findings reaffirming commitment of Congress to restore the Voting  
  Rights Act.

          Subtitle B—Findings Relating to Native American Voting Rights

Sec. 2101. Findings relating to Native American voting rights.

          Subtitle C—Findings Relating to District of Columbia Statehood

Sec. 2201. Findings relating to District of Columbia statehood.

          Subtitle D—Findings Relating to Territorial Voting Rights

Sec. 2301. Findings relating to territorial voting rights.

          Subtitle E—Redistricting Reform

Sec. 2400. Short title; finding of constitutional authority.

          PART 1—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

Sec. 2401. Requiring congressional redistricting to be conducted through plan  
  of independent State commission.

Sec. 2402. Ban on mid-decade redistricting.

          PART 2—INDEPENDENT REDISTRICTING COMMISSIONS

Sec. 2411. Independent redistricting commission.

Sec. 2412. Establishment of selection pool of individuals eligible to serve as  
  members of commission.

Sec. 2413. Criteria for redistricting plan by independent commission; public no-  
  tice and input.

Sec. 2414. Establishment of related entities.

PART 3—ROLE OF COURTS IN DEVELOPMENT OF REDISTRICTING PLANS

- Sec. 2421. Enactment of plan developed by 3-judge court.
- Sec. 2422. Special rule for redistricting conducted under order of Federal court.

PART 4—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

- Sec. 2431. Payments to States for carrying out redistricting.
- Sec. 2432. Civil enforcement.
- Sec. 2433. State apportionment notice defined.
- Sec. 2434. No effect on elections for State and local office.
- Sec. 2435. Effective date.

Subtitle F—Saving Eligible Voters From Voter Purging

- Sec. 2501. Short title.
- Sec. 2502. Conditions for removal of voters from list of registered voters.

Subtitle G—No Effect on Authority of States to Provide Greater Opportunities for Voting

- Sec. 2601. No effect on authority of States to provide greater opportunities for voting.

Subtitle H—Severability

- Sec. 2701. Severability.

1 **Subtitle A—Findings Reaffirming**  
 2 **Commitment of Congress to Re-**  
 3 **store the Voting Rights Act**

4 **SEC. 2001. FINDINGS REAFFIRMING COMMITMENT OF CON-**  
 5 **GRESS TO RESTORE THE VOTING RIGHTS**  
 6 **ACT.**

7 Congress finds the following:

8 (1) The right to vote for all Americans is sac-  
 9 rosanct and rules for voting and election administra-  
 10 tion should protect the right to vote and promote  
 11 voter participation.

12 (2) The Voting Rights Act has empowered the  
 13 Department of Justice and Federal courts for nearly



1 a half a century to block discriminatory voting prac-  
2 tices before their implementation in States and local-  
3 ities with the most troubling histories and ongoing  
4 records of racial discrimination.

5 (3) There continues to be an alarming move-  
6 ment to erect barriers to make it more difficult for  
7 Americans to participate in our Nation's democratic  
8 process. The Nation has witnessed unprecedented ef-  
9 forts to turn back the clock and erect barriers to  
10 voting for communities of color which have faced  
11 historic and continuing discrimination, as well as  
12 disabled, young, elderly, and low-income Americans.

13 (4) The Supreme Court's 2013 *Shelby County*  
14 *v. Holder* decision gutted decades-long Federal pro-  
15 tections for communities of color that face historic  
16 and continuing discrimination, emboldening States  
17 and local jurisdictions to pass voter suppression laws  
18 and implement procedures, such as those requiring  
19 photo identification, limiting early voting hours,  
20 eliminating same-day registration, purging voters  
21 from the rolls, and reducing the number of polling  
22 places. Congress is committed to reversing the dev-  
23 astating impact of this decision.

24 (5) Racial discrimination in voting is a clear  
25 and persistent problem. The actions of States and

1       localities around the country post-*Shelby County*, in-  
2       cluding at least 10 findings by Federal courts of in-  
3       tentional discrimination, underscore the need for  
4       Congress to conduct investigatory and evidentiary  
5       hearings to determine the legislation necessary to re-  
6       store the Voting Rights Act and combat continuing  
7       efforts in America that suppress the free exercise of  
8       the franchise in communities of color.

9               (6) The 2018 midterm election provides further  
10       evidence that systemic voter discrimination and in-  
11       timidation continues to occur in communities of  
12       color across the country, making it clear that democ-  
13       racy reform cannot be achieved until Congress re-  
14       stores key provisions of the Voting Rights Act.

15              (7) Congress must remain vigilant in protecting  
16       every eligible citizen's right to vote. Congress should  
17       respond by modernizing the electoral system to—

18                   (A) improve access to the ballot;

19                   (B) enhance the integrity and security of  
20       our voting systems;

21                   (C) ensure greater accountability for the  
22       administration of elections; and

23                   (D) restore protections for voters against  
24       practices in States and localities plagued by the  
25       persistence of voter disenfranchisement; and

1 (E) ensure that Federal civil rights laws  
2 protect the rights of voters against discrimina-  
3 tory and deceptive practices.

4 **Subtitle B—Findings Relating to**  
5 **Native American Voting Rights**

6 **SEC. 2101. FINDINGS RELATING TO NATIVE AMERICAN VOT-**  
7 **ING RIGHTS.**

8 Congress finds the following:

9 (1) The right to vote for all Americans is sa-  
10 cred. Congress must fulfill the Federal Government's  
11 trust responsibility to protect and promote Native  
12 Americans' exercise of their fundamental right to  
13 vote, including equal access to voter registration vot-  
14 ing mechanisms and locations, and the ability to  
15 serve as election officials.

16 (2) The Native American Voting Rights Coali-  
17 tion's four-State survey of voter discrimination  
18 (2016) and nine field hearings in Indian Country  
19 (2017-2018) revealed obstacles that Native Ameri-  
20 cans must overcome, including a lack of accessible  
21 and proximate registration and polling sites, non-  
22 traditional addresses for residents on Indian reserva-  
23 tions, inadequate language assistance for Tribal  
24 members, and voter identification laws that discrimi-  
25 nate against Native Americans. The Department of

1 Justice and courts have recognized that some juris-  
2 dictions have been unresponsive to reasonable re-  
3 quests from federally recognized Indian Tribes for  
4 more accessible and proximate voter registration  
5 sites and in-person voting locations.

6 (3) The 2018 elections provide further evidence  
7 that systemic voter discrimination and intimidation  
8 continues to occur in communities of color and Trib-  
9 al lands across the country, making it clear that de-  
10 mocracy reform cannot be achieved until Congress  
11 restores key provisions of the Voting Rights Act and  
12 passes additional protections.

13 (4) Congress has broad, plenary authority to  
14 enact legislation to safeguard the voting rights of  
15 Native American voters.

16 (5) Congress must conduct investigatory and  
17 evidentiary hearings to determine the necessary leg-  
18 islation to restore the Voting Rights Act and combat  
19 continuous efforts that suppress the voter franchise  
20 within Tribal lands, to include, but not to be limited  
21 to, the Native American Voting Rights Act  
22 (NAVRA) and the Voting Rights Advancement Act  
23 (VRAA).

1     **Subtitle C—Findings Relating to**  
2     **District of Columbia Statehood**

3     **SEC. 2201. FINDINGS RELATING TO DISTRICT OF COLUMBIA**  
4             **STATEHOOD.**

5             Congress finds the following:

6                 (1) District of Columbia residents deserve full  
7                 congressional voting rights and self-government,  
8                 which only statehood can provide.

9                 (2) The 700,000 residents of the District of Co-  
10                 lumbia pay more Federal taxes per capita than resi-  
11                 dents of any State in the country, yet do not have  
12                 full and equal representation in Congress and self-  
13                 government.

14                 (3) Since the founding of the United States, the  
15                 residents of the District of Columbia have always  
16                 carried all the obligations of citizenship, including  
17                 serving in all of the Nation's wars and paying Fed-  
18                 eral taxes, all without voting representation on the  
19                 floor in either Chamber of Congress or freedom from  
20                 congressional interference in purely local matters.

21                 (4) There are no constitutional, historical, fi-  
22                 nancial, or economic reasons why the 700,000 Amer-  
23                 icans who live in the District of Columbia should not  
24                 be granted statehood.

1           (5) The District of Columbia has a larger popu-  
2           lation than two States, Wyoming and Vermont, and  
3           is close to the population of the seven States that  
4           have a population of under one million fully rep-  
5           resented residents.

6           (6) The District of Columbia government has  
7           one of the strongest fiscal positions of any jurisdic-  
8           tion in the United States, with a \$14.6 billion budg-  
9           et for fiscal year 2019 and a \$2.8 billion general  
10          fund balance as of September 30, 2018.

11          (7) The District of Columbia's total personal  
12          income is higher than that of seven States, its per  
13          capita personal consumption expenditures is higher  
14          than those of any State, and its total personal con-  
15          sumption expenditures is greater than those of seven  
16          States.

17          (8) Congress has authority under article IV,  
18          section 3, clause 1, which gives Congress power to  
19          admit new states to the Union, and Article I, Sec-  
20          tion 8, Clause 17, which grants Congress power over  
21          the seat of the Federal Government, to admit the  
22          new State carved out of the residential areas of the  
23          Federal seat of Government, while maintaining as  
24          the Federal seat of Government the United States  
25          Capitol Complex, the principal Federal monuments,

1 Federal buildings and grounds, the National Mall,  
2 the White House and other Federal property.

3 **Subtitle D—Findings Relating to**  
4 **Territorial Voting Rights**

5 **SEC. 2301. FINDINGS RELATING TO TERRITORIAL VOTING**  
6 **RIGHTS.**

7 Congress finds the following:

8 (1) The right to vote is one of the most power-  
9 ful instruments residents of the territories of the  
10 United States have to ensure that their voices are  
11 heard.

12 (2) These Americans have played an important  
13 part in the American democracy for more than 120  
14 years.

15 (3) Political participation and the right to vote  
16 are among the highest concerns of territorial resi-  
17 dents in part because they were not always afforded  
18 these rights.

19 (4) Voter participation in the territories consist-  
20 ently ranks higher than many communities on the  
21 mainland.

22 (5) Territorial residents serve and die, on a per  
23 capita basis, at a higher rate in every United States  
24 war and conflict since WWI, as an expression of





1 **PART 1—REQUIREMENTS FOR CONGRESSIONAL**

2 **REDISTRICTING**

3 **SEC. 2401. REQUIRING CONGRESSIONAL REDISTRICTING**

4 **TO BE CONDUCTED THROUGH PLAN OF INDE-**

5 **PENDENT STATE COMMISSION.**

6 (a) **USE OF PLAN REQUIRED.**—Notwithstanding any  
7 other provision of law, and except as provided in sub-  
8 section (c), any congressional redistricting conducted by  
9 a State shall be conducted in accordance with—

10 (1) the redistricting plan developed and enacted  
11 into law by the independent redistricting commission  
12 established in the State, in accordance with part 2;  
13 or

14 (2) if a plan developed by such commission is  
15 not enacted into law, the redistricting plan developed  
16 and enacted into law by a 3-judge court, in accord-  
17 ance with section 2421.

18 (b) **CONFORMING AMENDMENT.**—Section 22(c) of  
19 the Act entitled “An Act to provide for the fifteenth and  
20 subsequent decennial censuses and to provide for an ap-  
21 portionment of Representatives in Congress”, approved  
22 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking  
23 “in the manner provided by the law thereof” and insert-  
24 ing: “in the manner provided by the Redistricting Reform  
25 Act of 2019”.

1 (c) SPECIAL RULE FOR EXISTING COMMISSIONS.—

2 Subsection (a) does not apply to any State in which, under  
3 law in effect continuously on and after the date of the  
4 enactment of this Act, congressional redistricting is car-  
5 ried out in accordance with a plan developed and approved  
6 by an independent redistricting commission which is in  
7 compliance with each of the following requirements:

8 (1) PUBLICLY AVAILABLE APPLICATION PROC-  
9 ESS.—Membership on the commission is open to citi-  
10 zens of the State through a publicly available appli-  
11 cation process.

12 (2) DISQUALIFICATIONS FOR GOVERNMENT  
13 SERVICE AND POLITICAL APPOINTMENT.—Individ-  
14 uals who, for a covered period of time as established  
15 by the State, hold or have held public office, individ-  
16 uals who are or have been candidates for elected  
17 public office, and individuals who serve or have  
18 served as an officer, employee, or paid consultant of  
19 a campaign committee of a candidate for public of-  
20 fice are disqualified from serving on the commission.

21 (3) SCREENING FOR CONFLICTS.—Individuals  
22 who apply to serve on the commission are screened  
23 through a process that excludes persons with con-  
24 flicts of interest from the pool of potential commis-  
25 sioners.

1           (4) MULTI-PARTISAN COMPOSITION.—Member-  
2           ship on the commission represents those who are af-  
3           filiated with the two political parties whose can-  
4           didates received the most votes in the most recent  
5           Statewide election for Federal office held in the  
6           State, as well as those who are unaffiliated with any  
7           party or who are affiliated with political parties  
8           other than the two political parties whose candidates  
9           received the most votes in the most recent Statewide  
10          election for Federal office held in the State.

11          (5) CRITERIA FOR REDISTRICTING.—Members  
12          of the commission are required to meet certain cri-  
13          teria in the map drawing process, including mini-  
14          mizing the division of communities of interest and a  
15          ban on drawing maps to favor a political party.

16          (6) PUBLIC INPUT.—Public hearings are held  
17          and comments from the public are accepted before  
18          a final map is approved.

19          (7) BROAD-BASED SUPPORT FOR APPROVAL OF  
20          FINAL PLAN.—The approval of the final redistricting  
21          plan requires a majority vote of the members of the  
22          commission, including the support of at least one  
23          member of each of the following:

24                 (A) Members who are affiliated with the  
25                 political party whose candidate received the

1 most votes in the most recent Statewide election  
2 for Federal office held in the State.

3 (B) Members who are affiliated with the  
4 political party whose candidate received the sec-  
5 ond most votes in the most recent Statewide  
6 election for Federal office held in the State.

7 (C) Members who not affiliated with any  
8 political party or who are affiliated with polit-  
9 ical parties other than the political parties de-  
10 scribed in subparagraphs (A) and (B).

11 **SEC. 2402. BAN ON MID-DECADE REDISTRICTING.**

12 A State that has been redistricted in accordance with  
13 this subtitle and a State described in section 2401(c) may  
14 not be redistricted again until after the next apportion-  
15 ment of Representatives under section 22(a) of the Act  
16 entitled “An Act to provide for the fifteenth and subse-  
17 quent decennial censuses and to provide for an apportion-  
18 ment of Representatives in Congress”, approved June 18,  
19 1929 (2 U.S.C. 2a), unless a court requires the State to  
20 conduct such subsequent redistricting to comply with the  
21 Constitution of the United States, the Voting Rights Act  
22 of 1965 (52 U.S.C. 10301 et seq.), the Constitution of  
23 the State, or the terms or conditions of this subtitle.

1           **PART 2—INDEPENDENT REDISTRICTING**  
2                                   **COMMISSIONS**

3 **SEC. 2411. INDEPENDENT REDISTRICTING COMMISSION.**

4           (a) APPOINTMENT OF MEMBERS.—

5                   (1) IN GENERAL.—The nonpartisan agency es-  
6           tablished or designated by a State under section  
7           2414(a) shall establish an independent redistricting  
8           commission for the State, which shall consist of 15  
9           members appointed by the agency as follows:

10                   (A) Not later than October 1 of a year  
11           ending in the numeral zero, the agency shall, at  
12           a public meeting held not earlier than 15 days  
13           after notice of the meeting has been given to  
14           the public, first appoint 6 members as follows:

15                   (i) The agency shall appoint 2 mem-  
16           bers on a random basis from the majority  
17           category of the approved selection pool (as  
18           described in section 2412(b)(1)(A)).

19                   (ii) The agency shall appoint 2 mem-  
20           bers on a random basis from the minority  
21           category of the approved selection pool (as  
22           described in section 2412(b)(1)(B)).

23                   (iii) The agency shall appoint 2 mem-  
24           bers on a random basis from the inde-  
25           pendent category of the approved selection

1 pool (as described in section  
2 2412(b)(1)(C)).

3 (B) Not later than November 15 of a year  
4 ending in the numeral zero, the members ap-  
5 pointed by the agency under subparagraph (A)  
6 shall, at a public meeting held not earlier than  
7 15 days after notice of the meeting has been  
8 given to the public, then appoint 9 members as  
9 follows:

10 (i) The members shall appoint 3 mem-  
11 bers from the majority category of the ap-  
12 proved selection pool (as described in sec-  
13 tion 2412(b)(1)(A)).

14 (ii) The members shall appoint 3  
15 members from the minority category of the  
16 approved selection pool (as described in  
17 section 2412(b)(1)(B)).

18 (iii) The members shall appoint 3  
19 members from the independent category of  
20 the approved selection pool (as described in  
21 section 2412(b)(1)(C)).

22 (2) RULES FOR APPOINTMENT OF MEMBERS  
23 APPOINTED BY FIRST MEMBERS.—

24 (A) AFFIRMATIVE VOTE OF AT LEAST 4  
25 MEMBERS.—The appointment of any of the 9

1 members of the independent redistricting com-  
2 mission who are appointed by the first members  
3 of the commission pursuant to subparagraph  
4 (B) of paragraph (1), as well as the designation  
5 of alternates for such members pursuant to  
6 subparagraph (B) of paragraph (3) and the ap-  
7 pointment of alternates to fill vacancies pursu-  
8 ant to subparagraph (B) of paragraph (4), shall  
9 require the affirmative vote of at least 4 of the  
10 members appointed by the nonpartisan agency  
11 under subparagraph (A) of paragraph (1), in-  
12 cluding at least one member from each of the  
13 categories referred to in such subparagraph.

14 (B) ENSURING DIVERSITY.—In appointing  
15 the 9 members pursuant to subparagraph (B)  
16 of paragraph (1), as well as in designating al-  
17 ternates pursuant to subparagraph (B) of para-  
18 graph (3) and in appointing alternates to fill  
19 vacancies pursuant to subparagraph (B) of  
20 paragraph (4), the first members of the inde-  
21 pendent redistricting commission shall ensure  
22 that the membership is representative of the de-  
23 mographic groups (including racial, ethnic, eco-  
24 nomic, and gender) and geographic regions of  
25 the State, and provides racial, ethnic, and lan-

1 guage minorities protected under the Voting  
2 Rights Act of 1965 with a meaningful oppor-  
3 tunity to participate in the development of the  
4 State's redistricting plan.

5 (3) DESIGNATION OF ALTERNATES TO SERVE  
6 IN CASE OF VACANCIES.—

7 (A) MEMBERS APPOINTED BY AGENCY.—

8 At the time the agency appoints the members  
9 of the independent redistricting commission  
10 under subparagraph (A) of paragraph (1) from  
11 each of the categories referred to in such sub-  
12 paragraph, the agency shall, on a random basis,  
13 designate 2 other individuals from such cat-  
14 egory to serve as alternate members who may  
15 be appointed to fill vacancies in the commission  
16 in accordance with paragraph (4).

17 (B) MEMBERS APPOINTED BY FIRST MEM-

18 BERS.—At the time the members appointed by  
19 the agency appoint the other members of the  
20 independent redistricting commission under  
21 subparagraph (B) of paragraph (1) from each  
22 of the categories referred to in such subpara-  
23 graph, the members shall, in accordance with  
24 the special rules described in paragraph (2),  
25 designate 2 other individuals from such cat-



1           egory to serve as alternate members who may  
2           be appointed to fill vacancies in the commission  
3           in accordance with paragraph (4).

4           (4) APPOINTMENT OF ALTERNATES TO SERVE  
5           IN CASE OF VACANCIES.—

6                   (A) MEMBERS APPOINTED BY AGENCY.—If  
7           a vacancy occurs in the commission with respect  
8           to a member who was appointed by the non-  
9           partisan agency under subparagraph (A) of  
10          paragraph (1) from one of the categories re-  
11          ferred to in such subparagraph, the agency  
12          shall fill the vacancy by appointing, on a ran-  
13          dom basis, one of the 2 alternates from such  
14          category who was designated under subpara-  
15          graph (A) of paragraph (3). At the time the  
16          agency appoints an alternate to fill a vacancy  
17          under the previous sentence, the agency shall  
18          designate, on a random basis, another indi-  
19          vidual from the same category to serve as an al-  
20          ternate member, in accordance with subpara-  
21          graph (A) of paragraph (3).

22                   (B) MEMBERS APPOINTED BY FIRST MEM-  
23          BERS.—If a vacancy occurs in the commission  
24          with respect to a member who was appointed by  
25          the first members of the commission under sub-

1 paragraph (B) of paragraph (1) from one of the  
2 categories referred to in such subparagraph, the  
3 first members shall, in accordance with the spe-  
4 cial rules described in paragraph (2), fill the va-  
5 cancy by appointing one of the 2 alternates  
6 from such category who was designated under  
7 subparagraph (B) of paragraph (3). At the time  
8 the first members appoint an alternate to fill a  
9 vacancy under the previous sentence, the first  
10 members shall, in accordance with the special  
11 rules described in paragraph (2), designate an-  
12 other individual from the same category to  
13 serve as an alternate member, in accordance  
14 with subparagraph (B) of paragraph (3).

15 (5) REMOVAL.—A member of the independent  
16 redistricting commission may be removed by a ma-  
17 jority vote of the remaining members of the commis-  
18 sion if it is shown by a preponderance of the evi-  
19 dence that the member is not eligible to serve on the  
20 commission under section 2412(a).

21 (b) PROCEDURES FOR CONDUCTING COMMISSION  
22 BUSINESS.—

23 (1) CHAIR.—Members of an independent redis-  
24 tricting commission established under this section  
25 shall select by majority vote one member who was

1 appointed from the independent category of the ap-  
2 proved selection pool described in section  
3 2412(b)(1)(C) to serve as chair of the commission.  
4 The commission may not take any action to develop  
5 a redistricting plan for the State under section 2413  
6 until the appointment of the commission's chair.

7 (2) REQUIRING MAJORITY APPROVAL FOR AC-  
8 TIONS.—The independent redistricting commission  
9 of a State may not publish and disseminate any  
10 draft or final redistricting plan, or take any other  
11 action, without the approval of at least—

12 (A) a majority of the whole membership of  
13 the commission; and

14 (B) at least one member of the commission  
15 appointed from each of the categories of the ap-  
16 proved selection pool described in section  
17 2412(b)(1).

18 (3) QUORUM.—A majority of the members of  
19 the commission shall constitute a quorum.

20 (c) STAFF; CONTRACTORS.—

21 (1) STAFF.—Under a public application process  
22 in which are available for public inspection, the inde-  
23 pendent redistricting commission of a State shall ap-  
24 point and set the pay of technical experts, legal

1 counsel, consultants, and such other staff as it con-  
2 siders appropriate, subject to State law.

3 (2) CONTRACTORS.—The independent redistricting  
4 commission of a State may enter into such  
5 contracts with vendors as it considers appropriate,  
6 subject to State law, except that any such contract  
7 shall be valid only if approved by the vote of a ma-  
8 jority of the members of the commission, including  
9 at least one member appointed from each of the cat-  
10 egories of the approved selection pool described in  
11 section 2412(b)(1).

12 (3) REPORTS ON EXPENDITURES FOR POLIT-  
13 ICAL ACTIVITY.—

14 (A) REPORT BY APPLICANTS.—Each indi-  
15 vidual who applies for a position as an employee  
16 of the independent redistricting commission and  
17 each vendor who applies for a contract with the  
18 commission shall, at the time of applying, file  
19 with the commission a report summarizing—

20 (i) any expenditure for political activ-  
21 ity made by such individual or vendor dur-  
22 ing the 10 most recent calendar years; and

23 (ii) any income received by such indi-  
24 vidual or vendor during the 10 most recent

1           calendar years which is attributable to an  
2           expenditure for political activity.

3           (B) ANNUAL REPORTS BY EMPLOYEES  
4           AND VENDORS.—Each person who is an em-  
5           ployee or vendor of the independent redis-  
6           tricting commission shall, not later than one  
7           year after the person is appointed as an em-  
8           ployee or enters into a contract as a vendor (as  
9           the case may be) and annually thereafter for  
10          each year during which the person serves as an  
11          employee or a vendor, file with the commission  
12          a report summarizing the expenditures and in-  
13          come described in subparagraph (A) during the  
14          10 most recent calendar years.

15          (C) EXPENDITURE FOR POLITICAL ACTIV-  
16          ITY DEFINED.—In this paragraph, the term  
17          “expenditure for political activity” means a dis-  
18          bursement for any of the following:

19                 (i) An independent expenditure, as de-  
20                 fined in section 301(17) of the Federal  
21                 Election Campaign Act of 1971 (52 U.S.C.  
22                 30101(17)).

23                 (ii) An electioneering communication,  
24                 as defined in section 304(f)(3) of such Act  
25                 (52 U.S.C. 30104(f)(3)) or any other pub-

1           lic communication, as defined in section  
2           301(22) of such Act (52 U.S.C.  
3           30101(22)) that would be an electioneering  
4           communication if it were a broadcast,  
5           cable, or satellite communication.

6           (iii) Any dues or other payments to  
7           trade associations or organizations de-  
8           scribed in section 501(c) of the Internal  
9           Revenue Code of 1986 and exempt from  
10          tax under section 501(a) of such Code that  
11          are, or could reasonably be anticipated to  
12          be, used or transferred to another associa-  
13          tion or organization for a use described in  
14          paragraphs (1), (2), or (4) of section  
15          501(c) of such Code.

16          (4) GOAL OF IMPARTIALITY.—The commission  
17          shall take such steps as it considers appropriate to  
18          ensure that any staff appointed under this sub-  
19          section, and any vendor with whom the commission  
20          enters into a contract under this subsection, will  
21          work in an impartial manner, and may require any  
22          person who applies for an appointment to a staff po-  
23          sition or for a vendor's contract with the commission  
24          to provide information on the person's history of po-  
25          litical activity beyond the information on the per-

1 son's expenditures for political activity provided in  
2 the reports required under paragraph (3) (including  
3 donations to candidates, political committees, and  
4 political parties) as a condition of the appointment  
5 or the contract.

6 (5) DISQUALIFICATION; WAIVER.—

7 (A) IN GENERAL.—The independent redistricting  
8 commission may not appoint an individual as an employee, and may not enter into  
9 a contract with a vendor, if the individual or  
10 vendor meets any of the criteria for the disqualification of an individual from serving as a  
11 member of the commission which are set forth  
12 in section 2412(a)(2).

13 (B) WAIVER.—The commission may by  
14 unanimous vote of its members waive the application of subparagraph (A) to an individual or  
15 a vendor after receiving and reviewing the report filed by the individual or vendor under  
16 paragraph (3).

17 (d) TERMINATION.—

18 (1) IN GENERAL.—The independent redistricting commission of a State shall terminate on the  
19 earlier of—  
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1 (A) June 14 of the next year ending in the  
2 numeral zero; or

3 (B) the day on which the nonpartisan  
4 agency established or designated by a State  
5 under section 2414(a) has, in accordance with  
6 section 2412(b)(1), submitted a selection pool  
7 to the Select Committee on Redistricting for the  
8 State established under section 2414(b).

9 (2) PRESERVATION OF RECORDS.—The State  
10 shall ensure that the records of the independent re-  
11 districting commission are retained in the appro-  
12 priate State archive in such manner as may be nec-  
13 essary to enable the State to respond to any civil ac-  
14 tion brought with respect to congressional redis-  
15 tricting in the State.

16 **SEC. 2412. ESTABLISHMENT OF SELECTION POOL OF INDI-**  
17 **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**  
18 **OF COMMISSION.**

19 (a) CRITERIA FOR ELIGIBILITY.—

20 (1) IN GENERAL.—An individual is eligible to  
21 serve as a member of an independent redistricting  
22 commission if the individual meets each of the fol-  
23 lowing criteria:



1 (A) As of the date of appointment, the in-  
2 dividual is registered to vote in elections for  
3 Federal office held in the State.

4 (B) During the 3-year period ending on  
5 the date of the individual's appointment, the in-  
6 dividual has been continuously registered to  
7 vote with the same political party, or has not  
8 been registered to vote with any political party.

9 (C) The individual submits to the non-  
10 partisan agency established or designated by a  
11 State under section 2413, at such time and in  
12 such form as the agency may require, an appli-  
13 cation for inclusion in the selection pool under  
14 this section, and includes with the application a  
15 written statement, with an attestation under  
16 penalty of perjury, containing the following in-  
17 formation and assurances:

18 (i) The full current name and any  
19 former names of, and the contact informa-  
20 tion for, the individual, including an elec-  
21 tronic mail address, the address of the in-  
22 dividual's residence, mailing address, and  
23 telephone numbers.

1           (ii) The individual's race, ethnicity,  
2           gender, age, date of birth, and household  
3           income for the most recent taxable year.

4           (iii) The political party with which the  
5           individual is affiliated, if any.

6           (iv) The reason or reasons the indi-  
7           vidual desires to serve on the independent  
8           redistricting commission, the individual's  
9           qualifications, and information relevant to  
10          the ability of the individual to be fair and  
11          impartial, including, but not limited to—

12                   (I) any involvement with, or fi-  
13                   nancial support of, professional, so-  
14                   cial, political, religious, or community  
15                   organizations or causes;

16                   (II) the individual's employment  
17                   and educational history.

18          (v) An assurance that the individual  
19          shall commit to carrying out the individ-  
20          ual's duties under this subtitle in an hon-  
21          est, independent, and impartial fashion,  
22          and to upholding public confidence in the  
23          integrity of the redistricting process.

24          (vi) An assurance that, during the  
25          covered periods described in paragraph (3),

1           the individual has not taken and will not  
2           take any action which would disqualify the  
3           individual from serving as a member of the  
4           commission under paragraph (2).

5           (2) DISQUALIFICATIONS.—An individual is not  
6           eligible to serve as a member of the commission if  
7           any of the following applies during any of the cov-  
8           ered periods described in paragraph (3):

9                   (A) The individual or (in the case of the  
10                   covered periods described in subparagraphs (A)  
11                   and (B) of paragraph (3)) an immediate family  
12                   member of the individual holds public office or  
13                   is a candidate for election for public office.

14                   (B) The individual or (in the case of the  
15                   covered periods described in subparagraphs (A)  
16                   and (B) of paragraph (3)) an immediate family  
17                   member of the individual serves as an officer of  
18                   a political party or as an officer, employee, or  
19                   paid consultant of a campaign committee of a  
20                   candidate for public office or of any political ac-  
21                   tion committee (as determined in accordance  
22                   with the law of the State).

23                   (C) The individual or (in the case of the  
24                   covered periods described in subparagraphs (A)  
25                   and (B) of paragraph (3)) an immediate family

1 member of the individual holds a position as a  
2 registered lobbyist under the Lobbying Disclo-  
3 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an  
4 equivalent State or local law.

5 (D) The individual or (in the case of the  
6 covered periods described in subparagraphs (A)  
7 and (B) of paragraph (3)) an immediate family  
8 member of the individual is an employee of an  
9 elected public official, a contractor with the gov-  
10 ernment of the State, or a donor to the cam-  
11 paign of any candidate for public office or to  
12 any political action committee (other than a  
13 donor who, during any of such covered periods,  
14 gives an aggregate amount of \$1,000 or less to  
15 the campaigns of all candidates for all public  
16 offices and to all political action committees).

17 (3) COVERED PERIODS DESCRIBED.—In this  
18 subsection, the term “covered period” means, with  
19 respect to the appointment of an individual to the  
20 commission, any of the following:

21 (A) The 10-year period ending on the date  
22 of the individual’s appointment.

23 (B) The period beginning on the date of  
24 the individual’s appointment and ending on Au-

1           gust 14 of the next year ending in the numeral  
2           one.

3           (C) The 10-year period beginning on the  
4           day after the last day of the period described in  
5           subparagraph (B).

6           (4) IMMEDIATE FAMILY MEMBER DEFINED.—In  
7           this subsection, the term “immediate family mem-  
8           ber” means, with respect to an individual, a father,  
9           stepfather, mother, stepmother, son, stepson, daugh-  
10          ter, stepdaughter, brother, stepbrother, sister, step-  
11          sister, husband, wife, father-in-law, or mother-in-  
12          law.

13          (b) DEVELOPMENT AND SUBMISSION OF SELECTION  
14          POOL.—

15               (1) IN GENERAL.—Not later than June 15 of  
16               each year ending in the numeral zero, the non-  
17               partisan agency established or designated by a State  
18               under section 2414(a) shall develop and submit to  
19               the Select Committee on Redistricting for the State  
20               established under section 2414(b) a selection pool of  
21               36 individuals who are eligible to serve as members  
22               of the independent redistricting commission of the  
23               State under this subtitle, consisting of individuals in  
24               the following categories:

1 (A) A majority category, consisting of 12  
2 individuals who are affiliated with the political  
3 party whose candidate received the most votes  
4 in the most recent Statewide election for Fed-  
5 eral office held in the State.

6 (B) A minority category, consisting of 12  
7 individuals who are affiliated with the political  
8 party whose candidate received the second most  
9 votes in the most recent Statewide election for  
10 Federal office held in the State.

11 (C) An independent category, consisting of  
12 12 individuals who are not affiliated with either  
13 of the political parties described in subpara-  
14 graph (A) or subparagraph (B).

15 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-  
16 OPING POOL.—In selecting individuals for the selec-  
17 tion pool under this subsection, the nonpartisan  
18 agency shall—

19 (A) ensure that the pool is representative  
20 of the demographic groups (including racial,  
21 ethnic, economic, and gender) and geographic  
22 regions of the State, and includes applicants  
23 who would allow racial, ethnic, and language  
24 minorities protected under the Voting Rights  
25 Act of 1965 a meaningful opportunity to par-

1            participate in the development of the State's redistricting plan; and

2  
3            (B) take into consideration the analytical skills of the individuals selected in relevant fields (including mapping, data management, law, community outreach, demography, and the geography of the State) and their ability to work on an impartial basis.

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9            (3) INTERVIEWS OF APPLICANTS.—To assist the nonpartisan agency in developing the selection pool under this subsection, the nonpartisan agency shall conduct interviews of applicants under oath. If an individual is included in a selection pool developed under this section, all of the interviews of the individual shall be transcribed and the transcriptions made available on the nonpartisan agency's website contemporaneously with release of the report under paragraph (6).

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19            (4) DETERMINATION OF POLITICAL PARTY AFFILIATION OF INDIVIDUALS IN SELECTION POOL.—For purposes of this section, an individual shall be considered to be affiliated with a political party only if the nonpartisan agency is able to verify (to the greatest extent possible) the information the individual provides in the application submitted under

1 subsection (a)(1)(D), including by considering addi-  
2 tional information provided by other persons with  
3 knowledge of the individual's history of political ac-  
4 tivity.

5 (5) ENCOURAGING RESIDENTS TO APPLY FOR  
6 INCLUSION IN POOL.—The nonpartisan agency shall  
7 take such steps as may be necessary to ensure that  
8 residents of the State across various geographic re-  
9 gions and demographic groups are aware of the op-  
10 portunity to serve on the independent redistricting  
11 commission, including publicizing the role of the  
12 panel and using newspapers, broadcast media, and  
13 online sources, including ethnic media, to encourage  
14 individuals to apply for inclusion in the selection  
15 pool developed under this subsection.

16 (6) REPORT ON ESTABLISHMENT OF SELEC-  
17 TION POOL.—At the time the nonpartisan agency  
18 submits the selection pool to the Select Committee  
19 on Redistricting under paragraph (1), it shall pub-  
20 lish and post on the agency's public website a report  
21 describing the process by which the pool was devel-  
22 oped, and shall include in the report a description of  
23 how the individuals in the pool meet the eligibility  
24 criteria of subsection (a) and of how the pool reflects



1 the factors the agency is required to take into con-  
2 sideration under paragraph (2).

3 (7) PUBLIC COMMENT ON SELECTION POOL.—

4 During the 14-day period which begins on the date  
5 the nonpartisan agency publishes the report under  
6 paragraph (6), the agency shall accept comments  
7 from the public on the individuals included in the se-  
8 lection pool. The agency shall post all such com-  
9 ments contemporaneously on the nonpartisan agen-  
10 cy's website and shall transmit them to the Select  
11 Committee on Redistricting immediately upon the  
12 expiration of such period.

13 (8) ACTION BY SELECT COMMITTEE.—

14 (A) IN GENERAL.—Not earlier than 15  
15 days and not later than 21 days after receiving  
16 the selection pool from the nonpartisan agency  
17 under paragraph (1), the Select Committee on  
18 Redistricting shall—

19 (i) approve the pool as submitted by  
20 the nonpartisan agency, in which case the  
21 pool shall be considered the approved selec-  
22 tion pool for purposes of section  
23 2411(a)(1); or

24 (ii) reject the pool, in which case the  
25 nonpartisan agency shall develop and sub-

1                   mit a replacement selection pool in accord-  
2                   ance with subsection (c).

3                   (B) INACTION DEEMED REJECTION.—If  
4                   the Select Committee on Redistricting fails to  
5                   approve or reject the pool within the deadline  
6                   set forth in subparagraph (A), the Select Com-  
7                   mittee shall be deemed to have rejected the pool  
8                   for purposes of such subparagraph.

9                   (c) DEVELOPMENT OF REPLACEMENT SELECTION  
10                  POOL.—

11                  (1) IN GENERAL.—If the Select Committee on  
12                  Redistricting rejects the selection pool submitted by  
13                  the nonpartisan agency under subsection (b), not  
14                  later than 14 days after the rejection, the non-  
15                  partisan agency shall develop and submit to the Se-  
16                  lect Committee a replacement selection pool, under  
17                  the same terms and conditions that applied to the  
18                  development and submission of the selection pool  
19                  under paragraphs (1) through (7) of subsection (b).  
20                  The replacement pool submitted under this para-  
21                  graph may include individuals who were included in  
22                  the rejected selection pool submitted under sub-  
23                  section (b), so long as at least one of the individuals  
24                  in the replacement pool was not included in such re-  
25                  jected pool.

1 (2) ACTION BY SELECT COMMITTEE.—

2 (A) IN GENERAL.—Not later than 21 days  
3 after receiving the replacement selection pool  
4 from the nonpartisan agency under paragraph  
5 (1), the Select Committee on Redistricting  
6 shall—

7 (i) approve the pool as submitted by  
8 the nonpartisan agency, in which case the  
9 pool shall be considered the approved selec-  
10 tion pool for purposes of section  
11 2411(a)(1); or

12 (ii) reject the pool, in which case the  
13 nonpartisan agency shall develop and sub-  
14 mit a second replacement selection pool in  
15 accordance with subsection (d).

16 (B) INACTION DEEMED REJECTION.—If  
17 the Select Committee on Redistricting fails to  
18 approve or reject the pool within the deadline  
19 set forth in subparagraph (A), the Select Com-  
20 mittee shall be deemed to have rejected the pool  
21 for purposes of such subparagraph.

22 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-  
23 LECTION POOL.—

24 (1) IN GENERAL.—If the Select Committee on  
25 Redistricting rejects the replacement selection pool

1 submitted by the nonpartisan agency under sub-  
2 section (c), not later than 14 days after the rejec-  
3 tion, the nonpartisan agency shall develop and sub-  
4 mit to the Select Committee a second replacement  
5 selection pool, under the same terms and conditions  
6 that applied to the development and submission of  
7 the selection pool under paragraphs (1) through (7)  
8 of subsection (b). The second replacement selection  
9 pool submitted under this paragraph may include in-  
10 dividuals who were included in the rejected selection  
11 pool submitted under subsection (b) or the rejected  
12 replacement selection pool submitted under sub-  
13 section (c), so long as at least one of the individuals  
14 in the replacement pool was not included in either  
15 such rejected pool.

16 (2) ACTION BY SELECT COMMITTEE.—

17 (A) IN GENERAL.—Not earlier than 15  
18 days and not later than 14 days after receiving  
19 the second replacement selection pool from the  
20 nonpartisan agency under paragraph (1), the  
21 Select Committee on Redistricting shall—

22 (i) approve the pool as submitted by  
23 the nonpartisan agency, in which case the  
24 pool shall be considered the approved selec-

1           tion pool for purposes of section  
2           2411(a)(1); or

3           (ii) reject the pool.

4           (B) INACTION DEEMED REJECTION.—If  
5           the Select Committee on Redistricting fails to  
6           approve or reject the pool within the deadline  
7           set forth in subparagraph (A), the Select Com-  
8           mittee shall be deemed to have rejected the pool  
9           for purposes of such subparagraph.

10          (C) EFFECT OF REJECTION.—If the Select  
11          Committee on Redistricting rejects the second  
12          replacement pool from the nonpartisan agency  
13          under paragraph (1), the redistricting plan for  
14          the State shall be developed and enacted in ac-  
15          cordance with part 3.

16 **SEC. 2413. CRITERIA FOR REDISTRICTING PLAN BY INDE-**  
17 **PENDENT COMMISSION; PUBLIC NOTICE AND**  
18 **INPUT.**

19          (a) DEVELOPMENT OF REDISTRICTING PLAN.—

20           (1) CRITERIA.—In developing a redistricting  
21          plan of a State, the independent redistricting com-  
22          mission of a State shall establish single-member con-  
23          gressional districts using the following criteria as set  
24          forth in the following order of priority:

1 (A) Districts shall comply with the United  
2 States Constitution, including the requirement  
3 that they equalize total population.

4 (B) Districts shall comply with the Voting  
5 Rights Act of 1965 (52 U.S.C. 10301 et seq.)  
6 and all applicable Federal laws.

7 (C) Districts shall provide racial, ethnic,  
8 and language minorities with an equal oppor-  
9 tunity to participate in the political process and  
10 to elect candidates of choice and shall not dilute  
11 or diminish their ability to elect candidates of  
12 choice whether alone or in coalition with others.

13 (D) Districts shall minimize the division of  
14 communities of interest, neighborhoods, and po-  
15 litical subdivisions to the extent practicable. For  
16 purposes of this subparagraph, a community of  
17 interest is an area with recognized similarities  
18 of interests, including but not limited to ethnic,  
19 economic, social, cultural, geographic or historic  
20 identities, and may (in certain circumstances)  
21 include political subdivisions such as counties,  
22 municipalities, or school districts, but shall not  
23 include common relationships with political par-  
24 ties, officeholders, or political candidates.

1           (2) NO FAVORING OR DISFAVORING OF POLIT-  
2           ICAL PARTIES.—Except as may be required to meet  
3           the criteria described in paragraph (1), the redistricting  
4           plan developed by the independent redistricting  
5           commission shall not, when considered on a  
6           Statewide basis, unduly favor or disfavor any political  
7           party.

8           (3) FACTORS PROHIBITED FROM CONSIDER-  
9           ATION.—In developing the redistricting plan for the  
10          State, the independent redistricting commission may  
11          not take into consideration any of the following factors,  
12          except to the extent necessary to comply with the criteria  
13          described in subparagraphs (A) through (C) of paragraph (1)  
14          and to enable the redistricting plan to be measured against  
15          the external metrics described in subsection (e):

17                   (A) The residence of any Member of the  
18                   House of Representatives or candidate.

19                   (B) The political party affiliation or voting  
20                   history of the population of a district.

21          (b) PUBLIC NOTICE AND INPUT.—

22                   (1) USE OF OPEN AND TRANSPARENT PROCESS.—The  
23                   independent redistricting commission of a  
24                   State shall hold each of its meetings in public, shall  
25                   solicit and take into consideration comments from

1 the public, including proposed maps, throughout the  
2 process of developing the redistricting plan for the  
3 State, and shall carry out its duties in an open and  
4 transparent manner which provides for the widest  
5 public dissemination reasonably possible of its pro-  
6 posed and final redistricting plans.

7 (2) WEBSITE.—

8 (A) FEATURES.—The commission shall  
9 maintain a public Internet site which is not af-  
10 filiated with or maintained by the office of any  
11 elected official and which includes the following  
12 features:

13 (i) General information on the com-  
14 mission, its role in the redistricting proc-  
15 ess, and its members, including contact in-  
16 formation.

17 (ii) An updated schedule of commis-  
18 sion hearings and activities, including  
19 deadlines for the submission of comments.

20 (iii) All draft redistricting plans devel-  
21 oped by the commission under subsection  
22 (c) and the final redistricting plan devel-  
23 oped under subsection (d), including the  
24 accompanying written evaluation under  
25 subsection (e).



1 (iv) All comments received from the  
2 public on the commission's activities, in-  
3 cluding any proposed maps submitted  
4 under paragraph (1).

5 (v) Live streaming of commission  
6 hearings and an archive of previous meet-  
7 ings, including any documents considered  
8 at any such meeting, which the commission  
9 shall post not later than 24 hours after the  
10 conclusion of the meeting.

11 (vi) Access in an easily useable format  
12 to the demographic and other data used by  
13 the commission to develop and analyze the  
14 proposed redistricting plans, together with  
15 access to any software used to draw maps  
16 of proposed districts and to any reports  
17 analyzing and evaluating any such maps.

18 (vii) A method by which members of  
19 the public may submit comments and pro-  
20 posed maps directly to the commission.

21 (viii) All records of the commission,  
22 including all communications to or from  
23 members, employees, and contractors re-  
24 garding the work of the commission.

1 (ix) A list of all contractors receiving  
2 payment from the commission, together  
3 with the annual disclosures submitted by  
4 the contractors under section 2411(c)(3).

5 (x) A list of the names of all individ-  
6 uals who submitted applications to serve  
7 on the commission, together with the appli-  
8 cations submitted by individuals included  
9 in any selection pool, except that the com-  
10 mission may redact from such applications  
11 any financial or other personally sensitive  
12 information.

13 (B) SEARCHABLE FORMAT.—The commis-  
14 sion shall ensure that all information posted  
15 and maintained on the site under this para-  
16 graph, including information and proposed  
17 maps submitted by the public, shall be main-  
18 tained in an easily searchable format.

19 (C) DEADLINE.—The commission shall en-  
20 sure that the public internet site under this  
21 paragraph is operational (in at least a prelimi-  
22 nary format) not later than January 1 of the  
23 year ending in the numeral one.

24 (3) PUBLIC COMMENT PERIOD.—The commis-  
25 sion shall solicit, accept, and consider comments

1 from the public with respect to its duties, activities,  
2 and procedures at any time during the period—

3 (A) which begins on January 1 of the year  
4 ending in the numeral one; and

5 (B) which ends 7 days before the date of  
6 the meeting at which the commission shall vote  
7 on approving the final redistricting plan for en-  
8 actment into law under subsection (d)(2).

9 (4) MEETINGS AND HEARINGS IN VARIOUS GEO-  
10 GRAPHIC LOCATIONS.—To the greatest extent prac-  
11 ticable, the commission shall hold its meetings and  
12 hearings in various geographic regions and locations  
13 throughout the State.

14 (5) MULTIPLE LANGUAGE REQUIREMENTS FOR  
15 ALL NOTICES.—The commission shall make each no-  
16 tice which is required to be posted and published  
17 under this section available in any language in which  
18 the State (or any jurisdiction in the State) is re-  
19 quired to provide election materials under section  
20 203 of the Voting Rights Act of 1965.

21 (c) DEVELOPMENT AND PUBLICATION OF PRELIMI-  
22 NARY REDISTRICTING PLAN.—

23 (1) IN GENERAL.—Prior to developing and pub-  
24 lishing a final redistricting plan under subsection  
25 (d), the independent redistricting commission of a

1 State shall develop and publish a preliminary redistricting plan.  
2

3 (2) MINIMUM PUBLIC HEARINGS AND OPPORTUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

4 (A) 3 HEARINGS REQUIRED.—Prior to developing a preliminary redistricting plan under  
5 this subsection, the commission shall hold not  
6 fewer than 3 public hearings at which members  
7 of the public may provide input and comments  
8 regarding the potential contents of redistricting  
9 plans for the State and the process by which  
10 the commission will develop the preliminary  
11 plan under this subsection.  
12

13 (B) MINIMUM PERIOD FOR NOTICE PRIOR TO HEARINGS.—Not fewer than 14 days prior  
14 to the date of each hearing held under this  
15 paragraph, the commission shall post notices of  
16 the hearing in on the website maintained under  
17 subsection (b)(2), and shall provide for the publication of such notices in newspapers of general  
18 circulation throughout the State. Each such notice shall specify the date, time, and location of  
19 the hearing.  
20

21 (C) SUBMISSION OF PLANS AND MAPS BY MEMBERS OF THE PUBLIC.—Any member of  
22  
23  
24  
25

1 the public may submit maps or portions of  
2 maps for consideration by the commission. As  
3 provided under subsection (b)(2)(A), any such  
4 map shall be made publicly available on the  
5 commission's website and open to comment.

6 (3) PUBLICATION OF PRELIMINARY PLAN.—

7 (A) IN GENERAL.—The commission shall  
8 post the preliminary redistricting plan devel-  
9 oped under this subsection, together with a re-  
10 port that includes the commission's responses  
11 to any public comments received under sub-  
12 section (b)(3), on the website maintained under  
13 subsection (b)(2), and shall provide for the pub-  
14 lication of each such plan in newspapers of gen-  
15 eral circulation throughout the State.

16 (B) MINIMUM PERIOD FOR NOTICE PRIOR  
17 TO PUBLICATION.—Not fewer than 14 days  
18 prior to the date on which the commission posts  
19 and publishes the preliminary plan under this  
20 paragraph, the commission shall notify the pub-  
21 lic through the website maintained under sub-  
22 section (b)(2), as well as through publication of  
23 notice in newspapers of general circulation  
24 throughout the State, of the pending publica-  
25 tion of the plan.

1           (4) MINIMUM POST-PUBLICATION PERIOD FOR  
2 PUBLIC COMMENT.—The commission shall accept  
3 and consider comments from the public (including  
4 through the website maintained under subsection  
5 (b)(2)) with respect to the preliminary redistricting  
6 plan published under paragraph (3), including pro-  
7 posed revisions to maps, for not fewer than 30 days  
8 after the date on which the plan is published.

9           (5) POST-PUBLICATION HEARINGS.—

10           (A) 3 HEARINGS REQUIRED.—After post-  
11 ing and publishing the preliminary redistricting  
12 plan under paragraph (3), the commission shall  
13 hold not fewer than 3 public hearings in dif-  
14 ferent geographic areas of the State at which  
15 members of the public may provide input and  
16 comments regarding the preliminary plan.

17           (B) MINIMUM PERIOD FOR NOTICE PRIOR  
18 TO HEARINGS.—Not fewer than 14 days prior  
19 to the date of each hearing held under this  
20 paragraph, the commission shall post notices of  
21 the hearing in on the website maintained under  
22 subsection (b)(2), and shall provide for the pub-  
23 lication of such notices in newspapers of general  
24 circulation throughout the State. Each such no-

1           tice shall specify the date, time, and location of  
2           the hearing.

3           (6) PERMITTING MULTIPLE PRELIMINARY  
4           PLANS.—At the option of the commission, after de-  
5           veloping and publishing the preliminary redistricting  
6           plan under this subsection, the commission may de-  
7           velop and publish subsequent preliminary redis-  
8           tricting plans, so long as the process for the develop-  
9           ment and publication of each such subsequent plan  
10          meets the requirements set forth in this subsection  
11          for the development and publication of the first pre-  
12          liminary redistricting plan.

13          (d) PROCESS FOR ENACTMENT OF FINAL REDIS-  
14          TRICTING PLAN.—

15               (1) IN GENERAL.—After taking into consider-  
16               ation comments from the public on any preliminary  
17               redistricting plan developed and published under  
18               subsection (c), the independent redistricting commis-  
19               sion of a State shall develop and publish a final re-  
20               districting plan for the State.

21               (2) MEETING; FINAL VOTE.—Not later than the  
22               deadline specified in subsection (h), the commission  
23               shall hold a public hearing at which the members of  
24               the commission shall vote on approving the final  
25               plan for enactment into law.

1           (3) PUBLICATION OF PLAN AND ACCOMPANYING  
2 MATERIALS.—Not fewer than 14 days before the  
3 date of the meeting under paragraph (2), the com-  
4 mission shall provide the following information to  
5 the public through the website maintained under  
6 subsection (b)(2), as well as through newspapers of  
7 general circulation throughout the State:

8           (A) The final redistricting plan, including  
9 all relevant maps.

10           (B) A report by the commission to accom-  
11 pany the plan which provides the background  
12 for the plan and the commission's reasons for  
13 selecting the plan as the final redistricting plan,  
14 including responses to the public comments re-  
15 ceived on any preliminary redistricting plan de-  
16 veloped and published under subsection (c).

17           (C) Any dissenting or additional views with  
18 respect to the plan of individual members of the  
19 commission.

20           (4) ENACTMENT.—The final redistricting plan  
21 developed and published under this subsection shall  
22 be deemed to be enacted into law if—

23           (A) the plan is approved by a majority of  
24 the whole membership of the commission; and



1 (B) at least one member of the commission  
2 appointed from each of the categories of the ap-  
3 proved selection pool described in section  
4 2412(b)(1) approves the plan.

5 (e) WRITTEN EVALUATION OF PLAN AGAINST EX-  
6 TERNAL METRICS.—The independent redistricting com-  
7 mission shall include with each redistricting plan devel-  
8 oped and published under this section a written evaluation  
9 that measures each such plan against external metrics  
10 which cover the criteria set forth in paragraph (1) of sub-  
11 section (a), including the impact of the plan on the ability  
12 of communities of color to elect candidates of choice,  
13 measures of partisan fairness using multiple accepted  
14 methodologies, and the degree to which the plan preserves  
15 or divides communities of interest.

16 (f) TIMING.—The independent redistricting commis-  
17 sion of a State may begin its work on the redistricting  
18 plan of the State upon receipt of relevant population infor-  
19 mation from the Bureau of the Census, and shall approve  
20 a final redistricting plan for the State in each year ending  
21 in the numeral one not later than 8 months after the date  
22 on which the State receives the State apportionment notice  
23 or October 1, whichever occurs later.

1 **SEC. 2414. ESTABLISHMENT OF RELATED ENTITIES.**

2 (a) ESTABLISHMENT OR DESIGNATION OF NON-  
3 PARTISAN AGENCY OF STATE LEGISLATURE.—

4 (1) IN GENERAL.—Each State shall establish a  
5 nonpartisan agency in the legislative branch of the  
6 State government to appoint the members of the  
7 independent redistricting commission for the State  
8 in accordance with section 2411.

9 (2) NONPARTISANSHIP DESCRIBED.—For pur-  
10 poses of this subsection, an agency shall be consid-  
11 ered to be nonpartisan if under law the agency—

12 (A) is required to provide services on a  
13 nonpartisan basis;

14 (B) is required to maintain impartiality;  
15 and

16 (C) is prohibited from advocating for the  
17 adoption or rejection of any legislative proposal.

18 (3) TRAINING OF MEMBERS APPOINTED TO  
19 COMMISSION.—Not later than January 15 of a year  
20 ending in the numeral one, the nonpartisan agency  
21 established or designated under this subsection shall  
22 provide the members of the independent redistricting  
23 commission with initial training on their obligations  
24 as members of the commission, including obligations  
25 under the Voting Rights Act of 1965 and other ap-  
26 plicable laws.

1           (4) REGULATIONS.—The nonpartisan agency  
2 established or designated under this subsection shall  
3 adopt and publish regulations, after notice and op-  
4 portunity for comment, establishing the procedures  
5 that the agency will follow in fulfilling its duties  
6 under this subtitle, including the procedures to be  
7 used in vetting the qualifications and political affili-  
8 ation of applicants and in creating the selection  
9 pools, the randomized process to be used in selecting  
10 the initial members of the independent redistricting  
11 commission, and the rules that the agency will apply  
12 to ensure that the agency carries out its duties  
13 under this subtitle in a maximally transparent, pub-  
14 licly accessible, and impartial manner.

15           (5) DESIGNATION OF EXISTING AGENCY.—At  
16 its option, a State may designate an existing agency  
17 in the legislative branch of its government to appoint  
18 the members of the independent redistricting com-  
19 mission plan for the State under this subtitle, so  
20 long as the agency meets the requirements for non-  
21 partisanship under this subsection.

22           (6) TERMINATION OF AGENCY SPECIFICALLY  
23 ESTABLISHED FOR REDISTRICTING.—If a State does  
24 not designate an existing agency under paragraph  
25 (5) but instead establishes a new agency to serve as

1 the nonpartisan agency under this section, the new  
2 agency shall terminate upon the enactment into law  
3 of the redistricting plan for the State.

4 (7) PRESERVATION OF RECORDS.—The State  
5 shall ensure that the records of the nonpartisan  
6 agency are retained in the appropriate State archive  
7 in such manner as may be necessary to enable the  
8 State to respond to any civil action brought with re-  
9 spect to congressional redistricting in the State.

10 (8) DEADLINE.—The State shall meet the re-  
11 quirements of this subsection not later than each  
12 October 15 of a year ending in the numeral nine.

13 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-  
14 DISTRICTING.—

15 (1) IN GENERAL.—Each State shall appoint a  
16 Select Committee on Redistricting to approve or dis-  
17 approve a selection pool developed by the inde-  
18 pendent redistricting commission for the State under  
19 section 2412.

20 (2) APPOINTMENT.—The Select Committee on  
21 Redistricting for a State under this subsection shall  
22 consist of the following members:

23 (A) 1 member of the upper house of the  
24 State legislature, who shall be appointed by the

1 leader of the party with the greatest number of  
2 seats in the upper house.

3 (B) 1 member of the upper house of the  
4 State legislature, who shall be appointed by the  
5 leader of the party with the second greatest  
6 number of seats in the upper house.

7 (C) 1 member of the lower house of the  
8 State legislature, who shall be appointed by the  
9 leader of the party with the greatest number of  
10 seats in the lower house.

11 (D) 1 member of the lower house of the  
12 State legislature, who shall be appointed by the  
13 leader of the party with the second greatest  
14 number of seats in the lower house.

15 (3) SPECIAL RULE FOR STATES WITH UNICAM-  
16 ERAL LEGISLATURE.—In the case of a State with a  
17 unicameral legislature, the Select Committee on Re-  
18 districting for the State under this subsection shall  
19 consist of the following members:

20 (A) 2 members of the State legislature ap-  
21 pointed by the chair of the political party of the  
22 State whose candidate received the highest per-  
23 centage of votes in the most recent Statewide  
24 election for Federal office held in the State.

1 (B) 2 members of the State legislature ap-  
2 pointed by the chair of the political party whose  
3 candidate received the second highest percent-  
4 age of votes in the most recent Statewide elec-  
5 tion for Federal office held in the State.

6 (4) DEADLINE.—The State shall meet the re-  
7 quirements of this subsection not later than each  
8 January 15 of a year ending in the numeral zero.

9 **PART 3—ROLE OF COURTS IN DEVELOPMENT OF**  
10 **REDISTRICTING PLANS**

11 **SEC. 2421. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE**  
12 **COURT.**

13 (a) DEVELOPMENT OF PLAN.—If any of the trig-  
14 gering events described in subsection (f) occur with re-  
15 spect to a State—

16 (1) not later than December 15 of the year in  
17 which the triggering event occurs, the United States  
18 district court for the applicable venue, acting  
19 through a 3-judge Court convened pursuant to sec-  
20 tion 2284 of title 28, United States Code, shall de-  
21 velop and publish the congressional redistricting  
22 plan for the State; and

23 (2) the final plan developed and published by  
24 the Court under this section shall be deemed to be

1           enacted on the date on which the Court publishes  
2           the final plan, as described in subsection (d).

3           (b) APPLICABLE VENUE DESCRIBED.—For purposes  
4 of this section, the “applicable venue” with respect to a  
5 State is the District of Columbia or the judicial district  
6 in which the capital of the State is located, as selected  
7 by the first party to file with the court sufficient evidence  
8 of the occurrence of a triggering event described in sub-  
9 section (f).

10          (c) PROCEDURES FOR DEVELOPMENT OF PLAN.—

11           (1) CRITERIA.—In developing a redistricting  
12 plan for a State under this section, the Court shall  
13 adhere to the same terms and conditions that ap-  
14 plied (or that would have applied, as the case may  
15 be) to the development of a plan by the independent  
16 redistricting commission of the State under section  
17 2413(a).

18           (2) ACCESS TO INFORMATION AND RECORDS OF  
19 COMMISSION.—The Court shall have access to any  
20 information, data, software, or other records and  
21 material that was used (or that would have been  
22 used, as the case may be) by the independent redis-  
23 tricting commission of the State in carrying out its  
24 duties under this subtitle.

1           (3) HEARING; PUBLIC PARTICIPATION.—In de-  
2     veloping a redistricting plan for a State, the Court  
3     shall—

4           (A) hold one or more evidentiary hearings  
5     at which interested members of the public may  
6     appear and be heard and present testimony, in-  
7     cluding expert testimony, in accordance with  
8     the rules of the Court; and

9           (B) consider other submissions and com-  
10    ments by the public, including proposals for re-  
11    districting plans to cover the entire State or  
12    any portion of the State.

13          (4) USE OF SPECIAL MASTER.—To assist in the  
14    development and publication of a redistricting plan  
15    for a State under this section, the Court may ap-  
16    point a special master to make recommendations to  
17    the Court on possible plans for the State.

18          (d) PUBLICATION OF PLAN.—

19           (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—  
20    Upon completing the development of one or more  
21    initial redistricting plans, the Court shall make the  
22    plans available to the public at no cost, and shall  
23    also make available the underlying data used by the  
24    Court to develop the plans and a written evaluation



1 of the plans against external metrics (as described in  
2 section 2413(e)).

3 (2) PUBLICATION OF FINAL PLAN.—At any  
4 time after the expiration of the 14-day period which  
5 begins on the date the Court makes the plans avail-  
6 able to the public under paragraph (1), and taking  
7 into consideration any submissions and comments by  
8 the public which are received during such period, the  
9 Court shall develop and publish the final redis-  
10 tricting plan for the State.

11 (e) USE OF INTERIM PLAN.—In the event that the  
12 Court is not able to develop and publish a final redis-  
13 tricting plan for the State with sufficient time for an up-  
14 coming election to proceed, the Court may develop and  
15 publish an interim redistricting plan which shall serve as  
16 the redistricting plan for the State until the Court devel-  
17 ops and publishes a final plan in accordance with this sec-  
18 tion. Nothing in this subsection may be construed to limit  
19 or otherwise affect the authority or discretion of the Court  
20 to develop and publish the final redistricting plan, includ-  
21 ing but not limited to the discretion to make any changes  
22 the Court deems necessary to an interim redistricting  
23 plan.

24 (f) TRIGGERING EVENTS DESCRIBED.—The “trig-  
25 gering events” described in this subsection are as follows:

1           (1) The failure of the State to establish or des-  
2           ignate a nonpartisan agency of the State legislature  
3           under section 2414(a) prior to the expiration of the  
4           deadline set forth in section 2414(a)(5).

5           (2) The failure of the State to appoint a Select  
6           Committee on Redistricting under section 2414(b)  
7           prior to the expiration of the deadline set forth in  
8           section 2414(b)(4).

9           (3) The failure of the Select Committee on Re-  
10          districting to approve any selection pool under sec-  
11          tion 2412 prior to the expiration of the deadline set  
12          forth for the approval of the second replacement se-  
13          lection pool in section 2412(d)(2).

14          (4) The failure of the independent redistricting  
15          commission of the State to approve a final redis-  
16          tricting plan for the State prior to the expiration of  
17          the deadline set forth in section 2413(e).

18 **SEC. 2422. SPECIAL RULE FOR REDISTRICTING CON-**  
19 **DUCTED UNDER ORDER OF FEDERAL COURT.**

20          If a Federal court requires a State to conduct redis-  
21          tricting subsequent to an apportionment of Representa-  
22          tives in the State in order to comply with the Constitution  
23          or to enforce the Voting Rights Act of 1965, section 2413  
24          shall apply with respect to the redistricting, except that  
25          the court may revise any of the deadlines set forth in such

1 section if the court determines that a revision is appro-  
2 priate in order to provide for a timely enactment of a new  
3 redistricting plan for the State.

4 **PART 4—ADMINISTRATIVE AND MISCELLANEOUS**  
5 **PROVISIONS**

6 **SEC. 2431. PAYMENTS TO STATES FOR CARRYING OUT RE-**  
7 **DISTRICTING.**

8 (a) **AUTHORIZATION OF PAYMENTS.**—Subject to sub-  
9 section (d), not later than 30 days after a State receives  
10 a State apportionment notice, the Election Assistance  
11 Commission shall make a payment to the State in an  
12 amount equal to the product of—

13 (1) the number of Representatives to which the  
14 State is entitled, as provided under the notice; and

15 (2) \$150,000.

16 (b) **USE OF FUNDS.**—A State shall use the payment  
17 made under this section to establish and operate the  
18 State’s independent redistricting commission, to imple-  
19 ment the State redistricting plan, and to otherwise carry  
20 out congressional redistricting in the State.

21 (c) **NO PAYMENT TO STATES WITH SINGLE MEM-**  
22 **BER.**—The Election Assistance Commission shall not  
23 make a payment under this section to any State which  
24 is not entitled to more than one Representative under its  
25 State apportionment notice.

1 (d) REQUIRING SUBMISSION OF SELECTION POOL AS  
2 CONDITION OF PAYMENT.—

3 (1) REQUIREMENT.—Except as provided in  
4 paragraph (2), the Election Assistance Commission  
5 may not make a payment to a State under this sec-  
6 tion until the State certifies to the Commission that  
7 the nonpartisan agency established or designated by  
8 a State under section 2414(a) has, in accordance  
9 with section 2412(b)(1), submitted a selection pool  
10 to the Select Committee on Redistricting for the  
11 State established under section 2414(b).

12 (2) EXCEPTION FOR STATES WITH EXISTING  
13 COMMISSIONS.—In the case of a State which, pursu-  
14 ant to section 2401(c), is exempt from the require-  
15 ments of section 2401(a), the Commission may not  
16 make a payment to the State under this section until  
17 the State certifies to the Commission that its redis-  
18 tricting commission meets the requirements of sec-  
19 tion 2401(c).

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated such sums as may be  
22 necessary for payments under this section.

23 **SEC. 2432. CIVIL ENFORCEMENT.**

24 (a) CIVIL ENFORCEMENT.—

1           (1) ACTIONS BY ATTORNEY GENERAL.—The At-  
2           torney General may bring a civil action in an appro-  
3           priate district court for such relief as may be appro-  
4           priate to carry out this subtitle.

5           (2) AVAILABILITY OF PRIVATE RIGHT OF AC-  
6           TION.—Any citizen of a State who is aggrieved by  
7           the failure of the State to meet the requirements of  
8           this subtitle may bring a civil action in the United  
9           States district court for the applicable venue for  
10          such relief as may be appropriate to remedy the fail-  
11          ure. For purposes of this section, the “applicable  
12          venue” is the District of Columbia or the judicial  
13          district in which the capital of the State is located,  
14          as selected by the person who brings the civil action.

15          (b) EXPEDITED CONSIDERATION.—In any action  
16          brought forth under this section, the following rules shall  
17          apply:

18               (1) The action shall be filed in the district court  
19               of the United States for the District of Columbia or  
20               for the judicial district in which the capital of the  
21               State is located, as selected by the person bringing  
22               the action.

23               (2) The action shall be heard by a 3-judge  
24               court convened pursuant to section 2284 of title 28,  
25               United States Code.

1           (3) The 3-judge court shall consolidate actions  
2 brought for relief under subsection (b)(1) with re-  
3 spect to the same State redistricting plan.

4           (4) A copy of the complaint shall be delivered  
5 promptly to the Clerk of the House of Representa-  
6 tives and the Secretary of the Senate.

7           (5) A final decision in the action shall be re-  
8 viewable only by appeal directly to the Supreme  
9 Court of the United States. Such appeal shall be  
10 taken by the filing of a notice of appeal within 10  
11 days, and the filing of a jurisdictional statement  
12 within 30 days, of the entry of the final decision.

13           (6) It shall be the duty of the district court and  
14 the Supreme Court of the United States to advance  
15 on the docket and to expedite to the greatest pos-  
16 sible extent the disposition of the action and appeal.

17           (c) ATTORNEY'S FEES.—In a civil action under this  
18 section, the court may allow the prevailing party (other  
19 than the United States) reasonable attorney fees, includ-  
20 ing litigation expenses, and costs.

21           (d) RELATION TO OTHER LAWS.—

22           (1) RIGHTS AND REMEDIES ADDITIONAL TO  
23 OTHER RIGHTS AND REMEDIES.—The rights and  
24 remedies established by this section are in addition  
25 to all other rights and remedies provided by law, and

1       neither the rights and remedies established by this  
2       section nor any other provision of this subtitle shall  
3       supersede, restrict, or limit the application of the  
4       Voting Rights Act of 1965 (52 U.S.C. 10301 et  
5       seq.).

6               (2) VOTING RIGHTS ACT OF 1965.—Nothing in  
7       this subtitle authorizes or requires conduct that is  
8       prohibited by the Voting Rights Act of 1965 (52  
9       U.S.C. 10301 et seq.).

10 **SEC. 2433. STATE APPORTIONMENT NOTICE DEFINED.**

11       In this subtitle, the “State apportionment notice”  
12       means, with respect to a State, the notice sent to the State  
13       from the Clerk of the House of Representatives under sec-  
14       tion 22(b) of the Act entitled “An Act to provide for the  
15       fifteenth and subsequent decennial censuses and to pro-  
16       vide for an apportionment of Representatives in Con-  
17       gress”, approved June 18, 1929 (2 U.S.C. 2a), of the  
18       number of Representatives to which the State is entitled.

19 **SEC. 2434. NO EFFECT ON ELECTIONS FOR STATE AND**  
20 **LOCAL OFFICE.**

21       Nothing in this subtitle or in any amendment made  
22       by this subtitle may be construed to affect the manner  
23       in which a State carries out elections for State or local  
24       office, including the process by which a State establishes  
25       the districts used in such elections.

1 **SEC. 2435. EFFECTIVE DATE.**

2 This subtitle and the amendments made by this sub-  
3 title shall apply with respect to redistricting carried out  
4 pursuant to the decennial census conducted during 2020  
5 or any succeeding decennial census.

6 **Subtitle F—Saving Eligible Voters**  
7 **From Voter Purging**

8 **SEC. 2501. SHORT TITLE.**

9 This subtitle may be cited as the “Stop Automatically  
10 Voiding Eligible Voters Off Their Enlisted Rolls in States  
11 Act” or the “Save Voters Act”.

12 **SEC. 2502. CONDITIONS FOR REMOVAL OF VOTERS FROM**  
13 **LIST OF REGISTERED VOTERS.**

14 (a) **CONDITIONS DESCRIBED.**—The National Voter  
15 Registration Act of 1993 (52 U.S.C. 20501 et seq.) is  
16 amended by inserting after section 8 the following new  
17 section:

18 **“SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM**  
19 **OFFICIAL LIST OF REGISTERED VOTERS.**

20 **“(a) VERIFICATION ON BASIS OF OBJECTIVE AND**  
21 **RELIABLE EVIDENCE OF INELIGIBILITY.—**

22 **“(1) REQUIRING VERIFICATION.—**Notwith-  
23 standing any other provision of this Act, a State  
24 may not remove the name of any registrant from the  
25 official list of voters eligible to vote in elections for  
26 Federal office in the State unless the State verifies,



1 on the basis of objective and reliable evidence, that  
2 the registrant is ineligible to vote in such elections.

3 “(2) FACTORS NOT CONSIDERED AS OBJECTIVE  
4 AND RELIABLE EVIDENCE OF INELIGIBILITY.—For  
5 purposes of paragraph (2), the following factors, or  
6 any combination thereof, shall not be treated as ob-  
7 jective and reliable evidence of a registrant’s ineligi-  
8 bility to vote:

9 “(A) The failure of the registrant to vote  
10 in any election.

11 “(B) The failure of the registrant to re-  
12 spond to any notice sent under section 8(d), un-  
13 less the notice has been returned as undeliver-  
14 able.

15 “(C) The failure of the registrant to take  
16 any other action with respect to voting in any  
17 election or with respect to the registrant’s sta-  
18 tus as a registrant.

19 “(b) NOTICE AFTER REMOVAL.—

20 “(1) NOTICE TO INDIVIDUAL REMOVED.—

21 “(A) IN GENERAL.—Not later than 48  
22 hours after a State removes the name of a reg-  
23 istrant from the official list of eligible voters for  
24 any reason (other than the death of the reg-  
25 istrant), the State shall send notice of the re-

1 removal to the former registrant, and shall in-  
2 clude in the notice the grounds for the removal  
3 and information how the former registrant may  
4 contest the removal, including a telephone num-  
5 ber for the appropriate election official., and  
6 how to contest the removal or be reinstated, in-  
7 cluding a contact phone number.

8 “(B) EXCEPTIONS.—Subparagraph (A)  
9 does not apply in the case of a registrant—

10 “(i) who sends written confirmation to  
11 the State that the registrant is no longer  
12 eligible to vote in the registrar’s jurisdic-  
13 tion in which the registrant was registered;  
14 or

15 “(ii) who is removed from the official  
16 list of eligible voters by reason of the death  
17 of the registrant.

18 “(2) PUBLIC NOTICE.—Not later than 48 hours  
19 after conducting any general program to remove the  
20 names of ineligible voters from the official list of eli-  
21 gible voters (as described in section 8(a)(4)), the  
22 State shall disseminate a public notice through such  
23 methods as may be reasonable to reach the general  
24 public (including by publishing the notice in a news-  
25 paper of wide circulation or posting the notice on the

1 websites of the appropriate election officials) that  
2 list maintenance is taking place and that registrants  
3 should check their registration status to ensure no  
4 errors or mistakes have been made. The State shall  
5 ensure that the public notice disseminated under this  
6 paragraph is in a format that is reasonably conven-  
7 ient and accessible to voters with disabilities, includ-  
8 ing voters who have low vision or are blind.”.

9 (b) CONDITIONS FOR TRANSMISSION OF NOTICES OF  
10 REMOVAL.—Section 8(d) of such Act (52 U.S.C.  
11 20507(d)) is amended by adding at the end the following  
12 new paragraph:

13 “(4) A State may not transmit a notice to a  
14 registrant under this subsection unless the State ob-  
15 tains objective and reliable evidence (in accordance  
16 with the standards for such evidence which are de-  
17 scribed in section 8A(a)(2)) that the registrant has  
18 changed residence to a place outside the registrar’s  
19 jurisdiction in which the registrant is registered.”.

20 (c) CONFORMING AMENDMENTS.—

21 (1) NATIONAL VOTER REGISTRATION ACT OF  
22 1993.—Section 8(a) of such Act (52 U.S.C.  
23 20507(a)) is amended—

1 (A) in paragraph (3), by striking “pro-  
2 vide” and inserting “subject to section 8A, pro-  
3 vide”; and

4 (B) in paragraph (4), by striking “con-  
5 duct” and inserting “subject to section 8A, con-  
6 duct”.

7 (2) **HELP AMERICA VOTE ACT OF 2002.**—Section  
8 303(a)(4)(A) of the Help America Vote Act of 2002  
9 (52 U.S.C. 21083(a)(4)(A)) is amended by striking  
10 “, registrants” and inserting “, and subject to sec-  
11 tion 8A of such Act, registrants”.

12 (d) **EFFECTIVE DATE.**—The amendments made by  
13 this section shall take effect on the date of the enactment  
14 of this Act.

15 **Subtitle G—No Effect on Authority**  
16 **of States to Provide Greater Op-**  
17 **portunities for Voting**

18 **SEC. 2601. NO EFFECT ON AUTHORITY OF STATES TO PRO-**  
19 **VIDE GREATER OPPORTUNITIES FOR VOT-**  
20 **ING.**

21 Nothing in this title or the amendments made by this  
22 title may be construed to prohibit any State from enacting  
23 any law which provides greater opportunities for individ-  
24 uals to register to vote and to vote in elections for Federal

1 office than are provided by this title and the amendments  
2 made by this title.

### 3 **Subtitle H—Severability**

#### 4 **SEC. 2701. SEVERABILITY.**

5 If any provision of this title or amendment made by  
6 this title, or the application of a provision or amendment  
7 to any person or circumstance, is held to be unconstitu-  
8 tional, the remainder of this title and amendments made  
9 by this title, and the application of the provisions and  
10 amendment to any person or circumstance, shall not be  
11 affected by the holding.

## 12 **TITLE III—ELECTION SECURITY**

Sec. 3000. Short title; sense of Congress.

### Subtitle A—Financial Support for Election Infrastructure

#### PART 1—VOTING SYSTEM SECURITY IMPROVEMENT GRANTS

Sec. 3001. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.

Sec. 3002. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.

Sec. 3003. Incorporation of definitions.

#### PART 2—GRANTS FOR RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

Sec. 3011. Grants to States for conducting risk-limiting audits of results of elections.

Sec. 3012. GAO analysis of effects of audits.

#### PART 3—ELECTION INFRASTRUCTURE INNOVATION GRANT PROGRAM

Sec. 3021. Election infrastructure innovation grant program.

### Subtitle B—Security Measures

Sec. 3101. Election infrastructure designation.

Sec. 3102. Timely threat information.

Sec. 3103. Security clearance assistance for election officials.

Sec. 3104. Security risk and vulnerability assessments.

Sec. 3105. Annual reports.

Subtitle C—Enhancing Protections for United States Democratic Institutions

- Sec. 3201. National strategy to protect United States democratic institutions.
- Sec. 3202. National Commission to Protect United States Democratic Institutions.

Subtitle D—Promoting Cybersecurity Through Improvements in Election Administration

- Sec. 3301. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.
- Sec. 3302. Treatment of electronic poll books as part of voting systems.
- Sec. 3303. Pre-election reports on voting system usage.
- Sec. 3304. Streamlining collection of election information.

Subtitle E—Preventing Election Hacking

- Sec. 3401. Short title.
- Sec. 3402. Election Security Bug Bounty Program.
- Sec. 3403. Definitions.

Subtitle F—Miscellaneous Provisions

- Sec. 3501. Definitions.
- Sec. 3502. Initial report on adequacy of resources available for implementation.

Subtitle G—Severability

- Sec. 3601. Severability.

**1 SEC. 3000. SHORT TITLE; SENSE OF CONGRESS.**

2 (a) SHORT TITLE.—This title may be cited as the  
3 “Election Security Act”.

4 (b) SENSE OF CONGRESS ON NEED TO IMPROVE  
5 ELECTION INFRASTRUCTURE SECURITY.—It is the sense  
6 of Congress that, in light of the lessons learned from Rus-  
7 sian interference in the 2016 Presidential election, the  
8 Federal Government should intensify its efforts to improve  
9 the security of election infrastructure in the United States,  
10 including through the use of individual, durable, paper  
11 ballots marked by the voter by hand.

1     **Subtitle A—Financial Support for**  
2             **Election Infrastructure**

3             **PART 1—VOTING SYSTEM SECURITY**

4                     **IMPROVEMENT GRANTS**

5     **SEC. 3001. GRANTS FOR OBTAINING COMPLIANT PAPER**  
6             **BALLOT VOTING SYSTEMS AND CARRYING**  
7             **OUT VOTING SYSTEM SECURITY IMPROVE-**  
8             **MENTS.**

9             (a) AVAILABILITY OF GRANTS.—Subtitle D of title  
10  II of the Help America Vote Act of 2002 (52 U.S.C.  
11  21001 et seq.), as amended by section 1906(a), is amend-  
12  ed by adding at the end the following new part:

13     **“PART 8—GRANTS FOR OBTAINING COMPLIANT**  
14             **PAPER BALLOT VOTING SYSTEMS AND CAR-**  
15             **RYING OUT VOTING SYSTEM SECURITY IM-**  
16             **PROVEMENTS**

17     **“SEC. 298. GRANTS FOR OBTAINING COMPLIANT PAPER**  
18             **BALLOT VOTING SYSTEMS AND CARRYING**  
19             **OUT VOTING SYSTEM SECURITY IMPROVE-**  
20             **MENTS.**

21             “(a) AVAILABILITY AND USE OF GRANT.—The Com-  
22  mission shall make a grant to each eligible State—

23                     “(1) to replace a voting system—

24                             “(A) which does not meet the requirements  
25                     which are first imposed on the State pursuant

1 to the amendments made by the Voter Con-  
2 fidence and Increased Accessibility Act of 2019  
3 with a voting system which does meet such re-  
4 quirements, for use in the regularly scheduled  
5 general elections for Federal office held in No-  
6 vember 2020, or

7 “(B) which does meet such requirements  
8 but which is not in compliance with the most  
9 recent voluntary voting system guidelines issued  
10 by the Commission prior to the regularly sched-  
11 uled general election for Federal office held in  
12 November 2020 with another system which does  
13 meet such requirements and is in compliance  
14 with such guidelines; and

15 “(2) to carry out voting system security im-  
16 provements described in section 298A with respect  
17 to the regularly scheduled general elections for Fed-  
18 eral office held in November 2020 and each suc-  
19 ceeding election for Federal office.

20 “(b) AMOUNT OF GRANT.—The amount of a grant  
21 made to a State under this section shall be such amount  
22 as the Commission determines to be appropriate, except  
23 that such amount may not be less than the product of  
24 \$1 and the average of the number of individuals who cast



1 votes in any of the two most recent regularly scheduled  
2 general elections for Federal office held in the State.

3 “(c) **PRO RATA REDUCTIONS.**—If the amount of  
4 funds appropriated for grants under this part is insuffi-  
5 cient to ensure that each State receives the amount of the  
6 grant calculated under subsection (b), the Commission  
7 shall make such pro rata reductions in such amounts as  
8 may be necessary to ensure that the entire amount appro-  
9 priated under this part is distributed to the States.

10 “(d) **ABILITY OF REPLACEMENT SYSTEMS TO AD-**  
11 **MINISTER RANKED CHOICE ELECTIONS.**—To the greatest  
12 extent practicable, an eligible State which receives a grant  
13 to replace a voting system under this section shall ensure  
14 that the replacement system is capable of administering  
15 a system of ranked choice voting under which each voter  
16 shall rank the candidates for the office in the order of  
17 the voter’s preference.

18 **“SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS**  
19 **DESCRIBED.**

20 “(a) **PERMITTED USES.**—A voting system security  
21 improvement described in this section is any of the fol-  
22 lowing:

23 “(1) The acquisition of goods and services from  
24 qualified election infrastructure vendors by purchase,

1 lease, or such other arrangements as may be appro-  
2 priate.

3 “(2) Cyber and risk mitigation training.

4 “(3) A security risk and vulnerability assess-  
5 ment of the State’s election infrastructure which is  
6 carried out by a provider of cybersecurity services  
7 under a contract entered into between the chief  
8 State election official and the provider.

9 “(4) The maintenance of election infrastruc-  
10 ture, including addressing risks and vulnerabilities  
11 which are identified under either of the security risk  
12 and vulnerability assessments described in para-  
13 graph (3), except that none of the funds provided  
14 under this part may be used to renovate or replace  
15 a building or facility which is used primarily for pur-  
16 poses other than the administration of elections for  
17 public office.

18 “(5) Providing increased technical support for  
19 any information technology infrastructure that the  
20 chief State election official deems to be part of the  
21 State’s election infrastructure or designates as crit-  
22 ical to the operation of the State’s election infra-  
23 structure.

1           “(6) Enhancing the cybersecurity and oper-  
2           ations of the information technology infrastructure  
3           described in paragraph (4).

4           “(7) Enhancing the cybersecurity of voter reg-  
5           istration systems.

6           “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-  
7           DORS DESCRIBED.—

8           “(1) IN GENERAL.—For purposes of this part,  
9           a ‘qualified election infrastructure vendor’ is any  
10          person who provides, supports, or maintains, or who  
11          seeks to provide, support, or maintain, election in-  
12          frastructure on behalf of a State, unit of local gov-  
13          ernment, or election agency (as defined in section  
14          3501 of the Election Security Act) who meets the  
15          criteria described in paragraph (2).

16          “(2) CRITERIA.—The criteria described in this  
17          paragraph are such criteria as the Chairman, in co-  
18          ordination with the Secretary of Homeland Security,  
19          shall establish and publish, and shall include each of  
20          the following requirements:

21                 “(A) The vendor must be owned and con-  
22                 trolled by a citizen or permanent resident of the  
23                 United States.

24                 “(B) The vendor must disclose to the  
25                 Chairman and the Secretary, and to the chief

1 State election official of any State to which the  
2 vendor provides any goods and services with  
3 funds provided under this part, of any sourcing  
4 outside the United States for parts of the elec-  
5 tion infrastructure.

6 “(C) The vendor agrees to ensure that the  
7 election infrastructure will be developed and  
8 maintained in a manner that is consistent with  
9 the cybersecurity best practices issued by the  
10 Technical Guidelines Development Committee.

11 “(D) The vendor agrees to maintain its in-  
12 formation technology infrastructure in a man-  
13 ner that is consistent with the cybersecurity  
14 best practices issued by the Technical Guide-  
15 lines Development Committee.

16 “(E) The vendor agrees to meet the re-  
17 quirements of paragraph (3) with respect to  
18 any known or suspected cybersecurity incidents  
19 involving any of the goods and services provided  
20 by the vendor pursuant to a grant under this  
21 part.

22 “(F) The vendor agrees to permit inde-  
23 pendent security testing by the Commission (in  
24 accordance with section 231(a)) and by the Sec-

1           retary of the goods and services provided by the  
2           vendor pursuant to a grant under this part.

3           “(3) CYBERSECURITY INCIDENT REPORTING  
4           REQUIREMENTS.—

5                   “(A) IN GENERAL.—A vendor meets the  
6           requirements of this paragraph if, upon becom-  
7           ing aware of the possibility that an election cy-  
8           bersecurity incident has occurred involving any  
9           of the goods and services provided by the ven-  
10          dor pursuant to a grant under this part—

11                           “(i) the vendor promptly assesses  
12                           whether or not such an incident occurred,  
13                           and submits a notification meeting the re-  
14                           quirements of subparagraph (B) to the  
15                           Secretary and the Chairman of the assess-  
16                           ment as soon as practicable (but in no case  
17                           later than 3 days after the vendor first be-  
18                           comes aware of the possibility that the in-  
19                           cident occurred);

20                           “(ii) if the incident involves goods or  
21                           services provided to an election agency, the  
22                           vendor submits a notification meeting the  
23                           requirements of subparagraph (B) to the  
24                           agency as soon as practicable (but in no  
25                           case later than 3 days after the vendor

1 first becomes aware of the possibility that  
2 the incident occurred), and cooperates with  
3 the agency in providing any other nec-  
4 essary notifications relating to the inci-  
5 dent; and

6 “(iii) the vendor provides all necessary  
7 updates to any notification submitted  
8 under clause (i) or clause (ii).

9 “(B) CONTENTS OF NOTIFICATIONS.—  
10 Each notification submitted under clause (i) or  
11 clause (ii) of subparagraph (A) shall contain  
12 the following information with respect to any  
13 election cybersecurity incident covered by the  
14 notification:

15 “(i) The date, time, and time zone  
16 when the election cybersecurity incident  
17 began, if known.

18 “(ii) The date, time, and time zone  
19 when the election cybersecurity incident  
20 was detected.

21 “(iii) The date, time, and duration of  
22 the election cybersecurity incident.

23 “(iv) The circumstances of the elec-  
24 tion cybersecurity incident, including the  
25 specific election infrastructure systems be-

1            lied to have been accessed and informa-  
2            tion acquired, if any.

3                   “(v) Any planned and implemented  
4            technical measures to respond to and re-  
5            cover from the incident.

6                   “(vi) In the case of any notification  
7            which is an update to a prior notification,  
8            any additional material information relat-  
9            ing to the incident, including technical  
10           data, as it becomes available.

11 **“SEC. 298B. ELIGIBILITY OF STATES.**

12           “A State is eligible to receive a grant under this part  
13 if the State submits to the Commission, at such time and  
14 in such form as the Commission may require, an applica-  
15 tion containing—

16                   “(1) a description of how the State will use the  
17           grant to carry out the activities authorized under  
18           this part;

19                   “(2) a certification and assurance that, not  
20           later than 5 years after receiving the grant, the  
21           State will carry out risk-limiting audits and will  
22           carry out voting system security improvements, as  
23           described in section 298A; and

24                   “(3) such other information and assurances as  
25           the Commission may require.

1 **“SEC. 298C. REPORTS TO CONGRESS.**

2 “Not later than 90 days after the end of each fiscal  
3 year, the Commission shall submit a report to the appro-  
4 priate congressional committees, including the Committees  
5 on Homeland Security, House Administration, and the Ju-  
6 diciary of the House of Representatives and the Commit-  
7 tees on Homeland Security and Governmental Affairs, the  
8 Judiciary, and Rules and Administration of the Senate,  
9 on the activities carried out with the funds provided under  
10 this part.

11 **“SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) AUTHORIZATION.—There are authorized to be  
13 appropriated for grants under this part—

14 “(1) \$1,000,000,000 for fiscal year 2019; and

15 “(2) \$175,000,000 for each of the fiscal years  
16 2020, 2022, 2024, and 2026.

17 “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any  
18 amounts appropriated pursuant to the authorization of  
19 this section shall remain available until expended.”.

20 (b) CLERICAL AMENDMENT.—The table of contents  
21 of such Act, as amended by section 1906(b), is amended  
22 by adding at the end of the items relating to subtitle D  
23 of title II the following:

“PART 8—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING  
SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

“Sec. 298. Grants for obtaining compliant paper ballot voting systems and  
carrying out voting system security improvements.



“Sec. 298A. Voting system security improvements described.

“Sec. 298B. Eligibility of States.

“Sec. 298C. Reports to Congress.

“Sec. 298D. Authorization of appropriations.

1 **SEC. 3002. COORDINATION OF VOTING SYSTEM SECURITY**  
2 **ACTIVITIES WITH USE OF REQUIREMENTS**  
3 **PAYMENTS AND ELECTION ADMINISTRATION**  
4 **REQUIREMENTS UNDER HELP AMERICA**  
5 **VOTE ACT OF 2002.**

6 (a) DUTIES OF ELECTION ASSISTANCE COMMIS-  
7 SION.—Section 202 of the Help America Vote Act of 2002  
8 (52 U.S.C. 20922) is amended in the matter preceding  
9 paragraph (1) by striking “by” and inserting “and the se-  
10 curity of election infrastructure by”.

11 (b) MEMBERSHIP OF SECRETARY OF HOMELAND SE-  
12 CURITY ON BOARD OF ADVISORS OF ELECTION ASSIST-  
13 ANCE COMMISSION.—Section 214(a) of such Act (52  
14 U.S.C. 20944(a)) is amended—

15 (1) by striking “37 members” and inserting  
16 “38 members”; and

17 (2) by adding at the end the following new  
18 paragraph:

19 “(17) The Secretary of Homeland Security or  
20 the Secretary’s designee.”.

21 (c) REPRESENTATIVE OF DEPARTMENT OF HOME-  
22 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-

1 MENT COMMITTEE.—Section 221(c)(1) of such Act (52  
2 U.S.C. 20961(c)(1)) is amended—

3 (1) by redesignating subparagraph (E) as sub-  
4 paragraph (F); and

5 (2) by inserting after subparagraph (D) the fol-  
6 lowing new subparagraph:

7 “(E) A representative of the Department  
8 of Homeland Security.”.

9 (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-  
10 MINISTRATION ISSUES; CONSULTATION WITH SECRETARY  
11 OF HOMELAND SECURITY.—Section 241(a) of such Act  
12 (52 U.S.C. 20981(a)) is amended—

13 (1) in the matter preceding paragraph (1), by  
14 striking “the Commission shall” and inserting “the  
15 Commission, in consultation with the Secretary of  
16 Homeland Security (as appropriate), shall”;

17 (2) by striking “and” at the end of paragraph  
18 (3);

19 (3) by redesignating paragraph (4) as para-  
20 graph (5); and

21 (4) by inserting after paragraph (3) the fol-  
22 lowing new paragraph:

23 “(4) will be secure against attempts to under-  
24 mine the integrity of election systems by cyber or  
25 other means; and”.

1 (e) REQUIREMENTS PAYMENTS.—

2 (1) USE OF PAYMENTS FOR VOTING SYSTEM  
3 SECURITY IMPROVEMENTS.—Section 251(b) of such  
4 Act (52 U.S.C. 21001(b)), as amended by section  
5 1061(a)(2), is further amended by adding at the end  
6 the following new paragraph:

7 “(5) PERMITTING USE OF PAYMENTS FOR VOT-  
8 ING SYSTEM SECURITY IMPROVEMENTS.—A State  
9 may use a requirements payment to carry out any  
10 of the following activities:

11 “(A) Cyber and risk mitigation training.

12 “(B) Providing increased technical support  
13 for any information technology infrastructure  
14 that the chief State election official deems to be  
15 part of the State’s election infrastructure or  
16 designates as critical to the operation of the  
17 State’s election infrastructure.

18 “(C) Enhancing the cybersecurity and op-  
19 erations of the information technology infra-  
20 structure described in subparagraph (B).

21 “(D) Enhancing the security of voter reg-  
22 istration databases.”.

23 (2) INCORPORATION OF ELECTION INFRA-  
24 STRUCTURE PROTECTION IN STATE PLANS FOR USE  
25 OF PAYMENTS.—Section 254(a)(1) of such Act (52

1 U.S.C. 21004(a)(1)) is amended by striking the pe-  
2 riod at the end and inserting “, including the protec-  
3 tion of election infrastructure.”.

4 (3) COMPOSITION OF COMMITTEE RESPONSIBLE  
5 FOR DEVELOPING STATE PLAN FOR USE OF PAY-  
6 MENTS.—Section 255 of such Act (52 U.S.C.  
7 21005) is amended—

8 (A) by redesignating subsection (b) as sub-  
9 section (c); and

10 (B) by inserting after subsection (a) the  
11 following new subsection:

12 “(b) GEOGRAPHIC REPRESENTATION.—The mem-  
13 bers of the committee shall be a representative group of  
14 individuals from the State’s counties, cities, towns, and  
15 Indian tribes, and shall represent the needs of rural as  
16 well as urban areas of the State, as the case may be.”.

17 (f) ENSURING PROTECTION OF COMPUTERIZED  
18 STATEWIDE VOTER REGISTRATION LIST.—Section  
19 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-  
20 ed by striking the period at the end and inserting “, as  
21 well as other measures to prevent and deter cybersecurity  
22 incidents, as identified by the Commission, the Secretary  
23 of Homeland Security, and the Technical Guidelines De-  
24 velopment Committee.”.

1 **SEC. 3003. INCORPORATION OF DEFINITIONS.**

2 (a) IN GENERAL.—Section 901 of the Help America  
3 Vote Act of 2002 (52 U.S.C. 21141) is amended to read  
4 as follows:

5 **“SEC. 901. DEFINITIONS.**

6 “In this Act, the following definitions apply:

7 “(1) The term ‘cybersecurity incident’ has the  
8 meaning given the term ‘incident’ in section 227 of  
9 the Homeland Security Act of 2002 (6 U.S.C. 148).

10 “(2) The term ‘election infrastructure’ has the  
11 meaning given such term in section 3501 of the  
12 Election Security Act.

13 “(3) The term ‘State’ means each of the several  
14 States, the District of Columbia, the Commonwealth  
15 of Puerto Rico, Guam, American Samoa, the United  
16 States Virgin Islands, and the Commonwealth of the  
17 Northern Mariana Islands.”.

18 (b) CLERICAL AMENDMENT.—The table of contents  
19 of such Act is amended by amending the item relating to  
20 section 901 to read as follows:

“Sec. 901. Definitions.”.

1 **PART 2—GRANTS FOR RISK-LIMITING AUDITS OF**  
2 **RESULTS OF ELECTIONS**

3 **SEC. 3011. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**  
4 **ITING AUDITS OF RESULTS OF ELECTIONS.**

5 (a) AVAILABILITY OF GRANTS.—Subtitle D of title  
6 II of the Help America Vote Act of 2002 (52 U.S.C.  
7 21001 et seq.), as amended by sections 1906(a) and  
8 3001(a), is amended by adding at the end the following  
9 new part:

10 **“PART 9—GRANTS FOR CONDUCTING RISK-**  
11 **LIMITING AUDITS OF RESULTS OF ELECTIONS**  
12 **“SEC. 299. GRANTS FOR CONDUCTING RISK-LIMITING AU-**  
13 **DITS OF RESULTS OF ELECTIONS.**

14 “(a) AVAILABILITY OF GRANTS.—The Commission  
15 shall make a grant to each eligible State to conduct risk-  
16 limiting audits as described in subsection (b) with respect  
17 to the regularly scheduled general elections for Federal of-  
18 fice held in November 2020 and each succeeding election  
19 for Federal office.

20 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this  
21 part, a ‘risk-limiting audit’ is a post-election process—

22 “(1) which is conducted in accordance with  
23 rules and procedures established by the chief State  
24 election official of the State which meet the require-  
25 ments of subsection (c); and

1           “(2) under which, if the reported outcome of  
2           the election is incorrect, there is at least a predeter-  
3           mined percentage chance that the audit will replace  
4           the incorrect outcome with the correct outcome as  
5           determined by a full, hand-to-eye tabulation of all  
6           votes validly cast in that election that ascertains  
7           voter intent manually and directly from voter-  
8           verifiable paper records.

9           “(c) REQUIREMENTS FOR RULES AND PROCE-  
10          DURES.—The rules and procedures established for con-  
11          ducting a risk-limiting audit shall include the following  
12          elements:

13                 “(1) Rules for ensuring the security of ballots  
14                 and documenting that prescribed procedures were  
15                 followed.

16                 “(2) Rules and procedures for ensuring the ac-  
17                 curacy of ballot manifests produced by election agen-  
18                 cies.

19                 “(3) Rules and procedures for governing the  
20                 format of ballot manifests, cast vote records, and  
21                 other data involved in the audit.

22                 “(4) Methods to ensure that any cast vote  
23                 records used in the audit are those used by the vot-  
24                 ing system to tally the election results sent to the  
25                 chief State election official and made public.

1           “(5) Procedures for the random selection of  
2 ballots to be inspected manually during each audit.

3           “(6) Rules for the calculations and other meth-  
4 ods to be used in the audit and to determine wheth-  
5 er and when the audit of an election is complete.

6           “(7) Procedures and requirements for testing  
7 any software used to conduct risk-limiting audits.

8           “(d) DEFINITIONS.—In this part, the following defi-  
9 nitions apply:

10           “(1) The term ‘ballot manifest’ means a record  
11 maintained by each election agency that meets each  
12 of the following requirements:

13           “(A) The record is created without reliance  
14 on any part of the voting system used to tab-  
15 ulate votes.

16           “(B) The record functions as a sampling  
17 frame for conducting a risk-limiting audit.

18           “(C) The record contains the following in-  
19 formation with respect to the ballots cast and  
20 counted in the election:

21           “(i) The total number of ballots cast  
22 and counted by the agency (including  
23 undervotes, overvotes, and other invalid  
24 votes).



1                   “(ii) The total number of ballots cast  
2                   in each election administered by the agency  
3                   (including undervotes, overvotes, and other  
4                   invalid votes).

5                   “(iii) A precise description of the  
6                   manner in which the ballots are physically  
7                   stored, including the total number of phys-  
8                   ical groups of ballots, the numbering sys-  
9                   tem for each group, a unique label for each  
10                  group, and the number of ballots in each  
11                  such group.

12                  “(2) The term ‘incorrect outcome’ means an  
13                  outcome that differs from the outcome that would be  
14                  determined by a full tabulation of all votes validly  
15                  cast in the election, determining voter intent manu-  
16                  ally, directly from voter-verifiable paper records.

17                  “(3) The term ‘outcome’ means the winner of  
18                  an election, whether a candidate or a position.

19                  “(4) The term ‘reported outcome’ means the  
20                  outcome of an election which is determined accord-  
21                  ing to the canvass and which will become the official,  
22                  certified outcome unless it is revised by an audit, re-  
23                  count, or other legal process.

1 **“SEC. 299A. ELIGIBILITY OF STATES.**

2 “A State is eligible to receive a grant under this part  
3 if the State submits to the Commission, at such time and  
4 in such form as the Commission may require, an applica-  
5 tion containing—

6 “(1) a certification that, not later than 5 years  
7 after receiving the grant, the State will conduct risk-  
8 limiting audits of the results of elections for Federal  
9 office held in the State as described in section 299;

10 “(2) a certification that, not later than one year  
11 after the date of the enactment of this section, the  
12 chief State election official of the State has estab-  
13 lished or will establish the rules and procedures for  
14 conducting the audits which meet the requirements  
15 of section 299(c);

16 “(3) a certification that the audit shall be com-  
17 pleted not later than the date on which the State  
18 certifies the results of the election;

19 “(4) a certification that, after completing the  
20 audit, the State shall publish a report on the results  
21 of the audit, together with such information as nec-  
22 essary to confirm that the audit was conducted prop-  
23 erly;

24 “(5) a certification that, if a risk-limiting audit  
25 conducted under this part leads to a full manual  
26 tally of an election, State law requires that the State

1 or election agency shall use the results of the full  
2 manual tally as the official results of the election;  
3 and

4 “(6) such other information and assurances as  
5 the Commission may require.

6 **“SEC. 299B. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated for grants  
8 under this part \$20,000,000 for fiscal year 2019, to re-  
9 main available until expended.”.

10 (b) CLERICAL AMENDMENT.—The table of contents  
11 of such Act, as amended by sections 1906(b) and 3001(b),  
12 is further amended by adding at the end of the items relat-  
13 ing to subtitle D of title II the following:

“PART 9—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS  
OF ELECTIONS

“Sec. 299. Grants for conducting risk-limiting audits of results of elec-  
tions.

“Sec. 299A. Eligibility of States.

“Sec. 299B. Authorization of appropriations.

14 **SEC. 3012. GAO ANALYSIS OF EFFECTS OF AUDITS.**

15 (a) ANALYSIS.—Not later than 6 months after the  
16 first election for Federal office is held after grants are  
17 first awarded to States for conducting risk-limiting audits  
18 under part 9 of subtitle D of title II of the Help America  
19 Vote Act of 2002 (as added by section 3011) for con-  
20 ducting risk-limiting audits of elections for Federal office,  
21 the Comptroller General of the United States shall con-  
22 duct an analysis of the extent to which such audits have

1 improved the administration of such elections and the se-  
2 curity of election infrastructure in the States receiving  
3 such grants.

4 (b) REPORT.—The Comptroller General of the  
5 United States shall submit a report on the analysis con-  
6 ducted under subsection (a) to the appropriate congres-  
7 sional committees.

### 8 **PART 3—ELECTION INFRASTRUCTURE**

#### 9 **INNOVATION GRANT PROGRAM**

##### 10 **SEC. 3021. ELECTION INFRASTRUCTURE INNOVATION** 11 **GRANT PROGRAM.**

12 (a) IN GENERAL.—Title III of the Homeland Secu-  
13 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended—

14 (1) by redesignating the second section 319 (re-  
15 lating to EMP and GMD mitigation research and  
16 development) as section 320; and

17 (2) by adding at the end the following new sec-  
18 tion:

##### 19 **“SEC. 321. ELECTION INFRASTRUCTURE INNOVATION** 20 **GRANT PROGRAM.**

21 “(a) ESTABLISHMENT.—The Secretary, acting  
22 through the Under Secretary for Science and Technology,  
23 in coordination with the Chairman of the Election Assist-  
24 ance Commission (established pursuant to the Help Amer-  
25 ica Vote Act of 2002) and in consultation with the Direc-

1 tor of the National Science Foundation, shall establish a  
2 competitive grant program to award grants to eligible enti-  
3 ties, on a competitive basis, for purposes of research and  
4 development that are determined to have the potential to  
5 significantly to improve the security (including cybersecu-  
6 rity), quality, reliability, accuracy, accessibility, and af-  
7 fordability of election infrastructure.

8       “(b) REPORT TO CONGRESS.—Not later than 90 days  
9 after the conclusion of each fiscal year for which grants  
10 are awarded under this section, the Secretary shall submit  
11 to the Committee on Homeland Security and the Com-  
12 mittee on House Administration of the House of Rep-  
13 resentatives and the Committee on Homeland Security  
14 and Governmental Affairs and the Committee on Rules  
15 and Administration of the Senate a report describing such  
16 grants and analyzing the impact, if any, of such grants  
17 on the security and operation of election infrastructure.

18       “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
19 is authorized to be appropriated to the Secretary  
20 \$6,250,000 for each of fiscal years 2019 through 2027  
21 for purposes of carrying out this section.

22       “(d) ELIGIBLE ENTITY DEFINED.—In this section,  
23 the term ‘eligible entity’ means—

24               “(1) an institution of higher education (as de-  
25 fined in section 101(a) of the Higher Education Act

1 of 1965 (20 U.S.C. 1001(a)), including an institu-  
2 tion of higher education that is a historically Black  
3 college or university (which has the meaning given  
4 the term “part B institution” in section 322 of such  
5 Act (20 U.S.C. 1061)) or other minority-serving in-  
6 stitution listed in section 371(a) of such Act (20  
7 U.S.C. 1067q(a));

8 “(2) an organization described in section  
9 501(c)(3) of the Internal Revenue Code of 1986 and  
10 exempt from tax under section 501(a) of such Code;  
11 or

12 “(3) an organization, association, or a for-profit  
13 company, including a small business concern (as  
14 such term is defined under section 3 of the Small  
15 Business Act (15 U.S.C. 632)), including a small  
16 business concern owned and controlled by socially  
17 and economically disadvantaged individuals as de-  
18 fined under section 8(d)(3)(C) of the Small Business  
19 Act (15 U.S.C. 637(d)(3)(C)).”.

20 (b) DEFINITION.—Section 2 of the Homeland Secu-  
21 rity Act of 2002 (6 U.S.C. 101) is amended—

22 (1) by redesignating paragraphs (6) through  
23 (20) as paragraphs (7) through (21), respectively;  
24 and

1           (2) by inserting after paragraph (5) the fol-  
2           lowing new paragraph:

3           “(6) ELECTION INFRASTRUCTURE.—The term  
4           ‘election infrastructure’ means storage facilities,  
5           polling places, and centralized vote tabulation loca-  
6           tions used to support the administration of elections  
7           for public office, as well as related information and  
8           communications technology, including voter registra-  
9           tion databases, voting machines, electronic mail and  
10          other communications systems (including electronic  
11          mail and other systems of vendors who have entered  
12          into contracts with election agencies to support the  
13          administration of elections, manage the election  
14          process, and report and display election results), and  
15          other systems used to manage the election process  
16          and to report and display election results on behalf  
17          of an election agency.”.

18          (c) CLERICAL AMENDMENT.—The table of contents  
19          in section 1(b) of the Homeland Security Act of 2002 is  
20          amended by striking both items relating to section 319  
21          and the item relating to section 318 and inserting the fol-  
22          lowing new items:

“Sec. 318. Social media working group.

“Sec. 319. Transparency in research and development.

“Sec. 320. EMP and GMD mitigation research and development.

“Sec. 321. Election infrastructure innovation grant program.”.

## 1           **Subtitle B—Security Measures**

### 2   **SEC. 3101. ELECTION INFRASTRUCTURE DESIGNATION.**

3           Subparagraph (J) of section 2001(3) of the Home-  
4 land Security Act of 2002 (6 U.S.C. 601(3)) is amended  
5 by inserting “, including election infrastructure” before  
6 the period at the end.

### 7   **SEC. 3102. TIMELY THREAT INFORMATION.**

8           Subsection (d) of section 201 of the Homeland Secu-  
9 rity Act of 2002 (6 U.S.C. 121) is amended by adding  
10 at the end the following new paragraph:

11                   “(24) To provide timely threat information re-  
12 garding election infrastructure to the chief State  
13 election official of the State with respect to which  
14 such information pertains.”.

### 15   **SEC. 3103. SECURITY CLEARANCE ASSISTANCE FOR ELEC-** 16                   **TION OFFICIALS.**

17           In order to promote the timely sharing of information  
18 on threats to election infrastructure, the Secretary may—

19                   (1) help expedite a security clearance for the  
20 chief State election official and other appropriate  
21 State personnel involved in the administration of  
22 elections, as designated by the chief State election  
23 official;

24                   (2) sponsor a security clearance for the chief  
25 State election official and other appropriate State



1 personnel involved in the administration of elections,  
2 as designated by the chief State election official; and

3 (3) facilitate the issuance of a temporary clear-  
4 ance to the chief State election official and other ap-  
5 propriate State personnel involved in the administra-  
6 tion of elections, as designated by the chief State  
7 election official, if the Secretary determines classi-  
8 fied information to be timely and relevant to the  
9 election infrastructure of the State at issue.

10 **SEC. 3104. SECURITY RISK AND VULNERABILITY ASSESS-**  
11 **MENTS.**

12 (a) IN GENERAL.—Paragraph (6) of section 2209(c)  
13 of the Homeland Security Act of 2002 (6 U.S.C. 659(c))  
14 is amended by inserting “(including by carrying out a se-  
15 curity risk and vulnerability assessment)” after “risk  
16 management support”.

17 (b) PRIORITIZATION TO ENHANCE ELECTION SECU-  
18 RITY.—

19 (1) IN GENERAL.—Not later than 90 days after  
20 receiving a written request from a chief State elec-  
21 tion official, the Secretary shall, to the extent prac-  
22 ticable, commence a security risk and vulnerability  
23 assessment (pursuant to paragraph (6) of section  
24 2209(c) of the Homeland Security Act of 2002, as

1 amended by subsection (a)) on election infrastruc-  
2 ture in the State at issue.

3 (2) NOTIFICATION.—If the Secretary, upon re-  
4 ceipt of a request described in paragraph (1), deter-  
5 mines that a security risk and vulnerability assess-  
6 ment cannot be commenced within 90 days, the Sec-  
7 retary shall expeditiously notify the chief State elec-  
8 tion official who submitted such request.

9 **SEC. 3105. ANNUAL REPORTS.**

10 (a) REPORTS ON ASSISTANCE AND ASSESSMENTS.—  
11 Not later than one year after the date of the enactment  
12 of this Act and annually thereafter through 2026, the Sec-  
13 retary shall submit to the appropriate congressional com-  
14 mittees—

15 (1) efforts to carry out section 203 during the  
16 prior year, including specific information on which  
17 States were helped, how many officials have been  
18 helped in each State, how many security clearances  
19 have been sponsored in each State, and how many  
20 temporary clearances have been issued in each State;  
21 and

22 (2) efforts to carry out section 205 during the  
23 prior year, including specific information on which  
24 States were helped, the dates on which the Secretary  
25 received a request for a security risk and vulner-

1 ability assessment pursuant to such section, the  
2 dates on which the Secretary commenced each such  
3 request, and the dates on which the Secretary trans-  
4 mitted a notification in accordance with subsection  
5 (b)(2) of such section.

6 (b) REPORTS ON FOREIGN THREATS.—Not later  
7 than 90 days after the end of each fiscal year (beginning  
8 with fiscal year 2019), the Secretary and the Director of  
9 National Intelligence, in coordination with the heads of  
10 appropriate offices of the Federal government, shall sub-  
11 mit a joint report to the appropriate congressional com-  
12 mittees on foreign threats to elections in the United  
13 States, including physical and cybersecurity threats.

14 (c) INFORMATION FROM STATES.—For purposes of  
15 preparing the reports required under this section, the Sec-  
16 retary shall solicit and consider information and comments  
17 from States and election agencies, except that the provi-  
18 sion of such information and comments by a State or elec-  
19 tion agency shall be voluntary and at the discretion of the  
20 State or agency.

1 **Subtitle C—Enhancing Protections**  
2 **for United States Democratic In-**  
3 **stitutions**

4 **SEC. 3201. NATIONAL STRATEGY TO PROTECT UNITED**  
5 **STATES DEMOCRATIC INSTITUTIONS.**

6 (a) IN GENERAL.—Not later than one year after the  
7 date of the enactment of this Act, the President, acting  
8 through the Secretary, in consultation with the Chairman,  
9 the Secretary of Defense, the Secretary of State, the At-  
10 torney General, the Secretary of Education, the Director  
11 of National Intelligence, the Chairman of the Federal  
12 Election Commission, and the heads of any other appro-  
13 priate Federal agencies, shall issue a national strategy to  
14 protect against cyber attacks, influence operations,  
15 disinformation campaigns, and other activities that could  
16 undermine the security and integrity of United States  
17 democratic institutions.

18 (b) CONSIDERATIONS.—The national strategy re-  
19 quired under subsection (a) shall include consideration of  
20 the following:

21 (1) The threat of a foreign state actor, foreign  
22 terrorist organization (as designated pursuant to  
23 section 219 of the Immigration and Nationality Act  
24 (8 U.S.C. 1189)), or a domestic actor carrying out  
25 a cyber attack, influence operation, disinformation

1 campaign, or other activity aimed at undermining  
2 the security and integrity of United States demo-  
3 cratic institutions.

4 (2) The extent to which United States demo-  
5 cratic institutions are vulnerable to a cyber attack,  
6 influence operation, disinformation campaign, or  
7 other activity aimed at undermining the security and  
8 integrity of such democratic institutions.

9 (3) Potential consequences, such as an erosion  
10 of public trust or an undermining of the rule of law,  
11 that could result from a successful cyber attack, in-  
12 fluence operation, disinformation campaign, or other  
13 activity aimed at undermining the security and in-  
14 tegrity of United States democratic institutions.

15 (4) Lessons learned from other Western govern-  
16 ments the institutions of which were subject to a  
17 cyber attack, influence operation, disinformation  
18 campaign, or other activity aimed at undermining  
19 the security and integrity of such institutions, as  
20 well as actions that could be taken by the United  
21 States Government to bolster collaboration with for-  
22 eign partners to detect, deter, prevent, and counter  
23 such activities.

24 (5) Potential impacts such as an erosion of  
25 public trust in democratic institutions as could be

1 associated with a successful cyber breach or other  
2 activity negatively-affecting election infrastructure.

3 (6) Roles and responsibilities of the Secretary,  
4 the Chairman, and the heads of other Federal enti-  
5 ties and non-Federal entities, including chief State  
6 election officials and representatives of multi-state  
7 information sharing and analysis center.

8 (7) Any findings, conclusions, and recommenda-  
9 tions to strengthen protections for United States  
10 democratic institutions that have been agreed to by  
11 a majority of Commission members on the National  
12 Commission to Protect United States Democratic  
13 Institutions, authorized pursuant to section 3202.

14 (c) IMPLEMENTATION PLAN.—Not later than 90  
15 days after the issuance of the national strategy required  
16 under subsection (a), the President, acting through the  
17 Secretary, in coordination with the Chairman, shall issue  
18 an implementation plan for Federal efforts to implement  
19 such strategy that includes the following:

20 (1) Strategic objectives and corresponding  
21 tasks.

22 (2) Projected timelines and costs for the tasks  
23 referred to in paragraph (1).

24 (3) Metrics to evaluate performance of such  
25 tasks.

1 (d) CLASSIFICATION.—The national strategy re-  
2 quired under subsection (a) shall be in unclassified form  
3 but may contain a classified annex.

4 **SEC. 3202. NATIONAL COMMISSION TO PROTECT UNITED**  
5 **STATES DEMOCRATIC INSTITUTIONS.**

6 (a) ESTABLISHMENT.—There is established within  
7 the legislative branch the National Commission to Protect  
8 United States Democratic Institutions (hereafter in this  
9 section referred to as the “Commission”).

10 (b) PURPOSE.—The purpose of the Commission is to  
11 counter efforts to undermine democratic institutions with-  
12 in the United States.

13 (c) COMPOSITION.—

14 (1) MEMBERSHIP.—The Commission shall be  
15 composed of 10 members appointed for the life of  
16 the Commission as follows:

17 (A) One member shall be appointed by the  
18 Secretary.

19 (B) One member shall be appointed by the  
20 Chairman.

21 (C) 2 members shall be appointed by the  
22 majority leader of the Senate, in consultation  
23 with the Chairman of the Committee on Home-  
24 land Security and Governmental Affairs, the  
25 Chairman of the Committee on the Judiciary,

1 and the Chairman of the Committee on Rules  
2 and Administration.

3 (D) 2 members shall be appointed by the  
4 minority leader of the Senate, in consultation  
5 with the ranking minority member of the Com-  
6 mittee on Homeland Security and Govern-  
7 mental Affairs, the ranking minority member of  
8 the Committee on the Judiciary, and the rank-  
9 ing minority member of the Committee on  
10 Rules and Administration.

11 (E) 2 members shall be appointed by the  
12 Speaker of the House of Representatives, in  
13 consultation with the Chairman of the Com-  
14 mittee on Homeland Security, the Chairman of  
15 the Committee on House Administration, and  
16 the Chairman of the Committee on the Judici-  
17 ary.

18 (F) 2 members shall be appointed by the  
19 minority leader of the House of Representa-  
20 tives, in consultation with the ranking minority  
21 member of the Committee on Homeland Secu-  
22 rity, the ranking minority member of the Com-  
23 mittee on the Judiciary, and the ranking minor-  
24 ity member of the Committee on House Admin-  
25 istration.



1           (2) QUALIFICATIONS.—Individuals shall be se-  
2           lected for appointment to the Commission solely on  
3           the basis of their professional qualifications, achieve-  
4           ments, public stature, experience, and expertise in  
5           relevant fields, including, but not limited to cyberse-  
6           curity, national security, and the Constitution of the  
7           United States.

8           (3) NO COMPENSATION FOR SERVICE.—Mem-  
9           bers shall not receive compensation for service on  
10          the Commission, but shall receive travel expenses,  
11          including per diem in lieu of subsistence, in accord-  
12          ance with chapter 57 of title 5, United States Code.

13          (4) DEADLINE FOR APPOINTMENT.—All mem-  
14          bers of the Commission shall be appointed no later  
15          than 60 days after the date of the enactment of this  
16          Act.

17          (5) VACANCIES.—A vacancy on the Commission  
18          shall not affect its powers and shall be filled in the  
19          manner in which the original appointment was  
20          made. The appointment of the replacement member  
21          shall be made not later than 60 days after the date  
22          on which the vacancy occurs.

23          (d) CHAIR AND VICE CHAIR.—The Commission shall  
24          elect a Chair and Vice Chair from among its members.

25          (e) QUORUM AND MEETINGS.—

1           (1) QUORUM.—The Commission shall meet and  
2           begin the operations of the Commission not later  
3           than 30 days after the date on which all members  
4           have been appointed or, if such meeting cannot be  
5           mutually agreed upon, on a date designated by the  
6           Speaker of the House of Representatives and the  
7           President pro Tempore of the Senate. Each subse-  
8           quent meeting shall occur upon the call of the Chair  
9           or a majority of its members. A majority of the  
10          members of the Commission shall constitute a  
11          quorum, but a lesser number may hold meetings.

12          (2) AUTHORITY OF INDIVIDUALS TO ACT FOR  
13          COMMISSION.—Any member of the Commission may,  
14          if authorized by the Commission, take any action  
15          that the Commission is authorized to take under this  
16          section.

17          (f) POWERS.—

18          (1) HEARINGS AND EVIDENCE.—The Commis-  
19          sion (or, on the authority of the Commission, any  
20          subcommittee or member thereof) may, for the pur-  
21          pose of carrying out this section, hold hearings and  
22          sit and act at such times and places, take such testi-  
23          mony, receive such evidence, and administer such  
24          oaths as the Commission considers advisable to  
25          carry out its duties.

1           (2) CONTRACTING.—The Commission may, to  
2           such extent and in such amounts as are provided in  
3           appropriation Acts, enter into contracts to enable  
4           the Commission to discharge its duties under this  
5           section.

6           (g) ASSISTANCE FROM FEDERAL AGENCIES.—

7           (1) GENERAL SERVICES ADMINISTRATION.—  
8           The Administrator of General Services shall provide  
9           to the Commission on a reimbursable basis adminis-  
10          trative support and other services for the perform-  
11          ance of the Commission's functions.

12          (2) OTHER DEPARTMENTS AND AGENCIES.—In  
13          addition to the assistance provided under paragraph  
14          (1), the Department of Homeland Security, the  
15          Election Assistance Commission, and other appro-  
16          priate departments and agencies of the United  
17          States shall provide to the Commission such serv-  
18          ices, funds, facilities, and staff as they may deter-  
19          mine advisable and as may be authorized by law.

20          (h) PUBLIC MEETINGS.—Any public meetings of the  
21          Commission shall be conducted in a manner consistent  
22          with the protection of information provided to or developed  
23          for or by the Commission as required by any applicable  
24          statute, regulation, or Executive order.

25          (i) SECURITY CLEARANCES.—

1           (1) IN GENERAL.—The heads of appropriate  
2 departments and agencies of the executive branch  
3 shall cooperate with the Commission to expeditiously  
4 provide Commission members and staff with appro-  
5 priate security clearances to the extent possible  
6 under applicable procedures and requirements.

7           (2) PREFERENCES.—In appointing staff, ob-  
8 taining detailees, and entering into contracts for the  
9 provision of services for the Commission, the Com-  
10 mission shall give preference to individuals otherwise  
11 who have active security clearances.

12       (j) REPORTS.—

13           (1) INTERIM REPORTS.—At any time prior to  
14 the submission of the final report under paragraph  
15 (2), the Commission may submit interim reports to  
16 the President and Congress such findings, conclu-  
17 sions, and recommendations to strengthen protec-  
18 tions for democratic institutions in the United  
19 States as have been agreed to by a majority of the  
20 members of the Commission.

21           (2) FINAL REPORT.—Not later than 18 months  
22 after the date of the first meeting of the Commis-  
23 sion, the Commission shall submit to the President  
24 and Congress a final report containing such find-  
25 ings, conclusions, and recommendations to strength-

1 en protections for democratic institutions in the  
2 United States as have been agreed to by a majority  
3 of the members of the Commission.

4 (k) TERMINATION.—

5 (1) IN GENERAL.—The Commission shall termi-  
6 nate upon the expiration of the 60-day period which  
7 begins on the date on which the Commission submits  
8 the final report required under subsection (j)(2).

9 (2) ADMINISTRATIVE ACTIVITIES PRIOR TO  
10 TERMINATION.—During the 60-day period described  
11 in paragraph (2), the Commission may carry out  
12 such administrative activities as may be required to  
13 conclude its work, including providing testimony to  
14 committees of Congress concerning the final report  
15 and disseminating the final report.

16 **Subtitle D—Promoting Cybersecu-**  
17 **urity Through Improvements in**  
18 **Election Administration**

19 **SEC. 3301. TESTING OF EXISTING VOTING SYSTEMS TO EN-**  
20 **SURE COMPLIANCE WITH ELECTION CYBER-**  
21 **SECURITY GUIDELINES AND OTHER GUIDE-**  
22 **LINES.**

23 (a) REQUIRING TESTING OF EXISTING VOTING SYS-  
24 TEMS.—

1           (1) IN GENERAL.—Section 231(a) of the Help  
2           America Vote Act of 2002 (52 U.S.C. 20971(a)) is  
3           amended by adding at the end the following new  
4           paragraph:

5           “(3) TESTING TO ENSURE COMPLIANCE WITH  
6           GUIDELINES.—

7           “(A) TESTING.—Not later than 9 months  
8           before the date of each regularly scheduled gen-  
9           eral election for Federal office, the Commission  
10          shall provide for the testing by accredited lab-  
11          oratories under this section of the voting system  
12          hardware and software which was certified for  
13          use in the most recent such election, on the  
14          basis of the most recent voting system guide-  
15          lines applicable to such hardware or software  
16          (including election cybersecurity guidelines)  
17          issued under this Act.

18          “(B) DECERTIFICATION OF HARDWARE OR  
19          SOFTWARE FAILING TO MEET GUIDELINES.—If,  
20          on the basis of the testing described in subpara-  
21          graph (A), the Commission determines that any  
22          voting system hardware or software does not  
23          meet the most recent guidelines applicable to  
24          such hardware or software issued under this

1 Act, the Commission shall decertify such hard-  
2 ware or software.”.

3 (2) EFFECTIVE DATE.—The amendment made  
4 by paragraph (1) shall apply with respect to the reg-  
5 ularly scheduled general election for Federal office  
6 held in November 2020 and each succeeding regu-  
7 larly scheduled general election for Federal office.

8 (b) ISSUANCE OF CYBERSECURITY GUIDELINES BY  
9 TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—  
10 Section 221(b) of the Help America Vote Act of 2002 (52  
11 U.S.C. 20961(b)) is amended by adding at the end the  
12 following new paragraph:

13 “(3) ELECTION CYBERSECURITY GUIDE-  
14 LINES.—Not later than 6 months after the date of  
15 the enactment of this paragraph, the Development  
16 Committee shall issue election cybersecurity guide-  
17 lines, including standards and best practices for pro-  
18 curing, maintaining, testing, operating, and updat-  
19 ing election systems to prevent and deter cybersecu-  
20 rity incidents.”.

21 **SEC. 3302. TREATMENT OF ELECTRONIC POLL BOOKS AS**  
22 **PART OF VOTING SYSTEMS.**

23 (a) INCLUSION IN DEFINITION OF VOTING SYS-  
24 TEM.—Section 301(b) of the Help America Vote Act of  
25 2002 (52 U.S.C. 21081(b)) is amended—

1           (1) in the matter preceding paragraph (1), by  
2           striking “this section” and inserting “this Act”;

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

5           (3) by redesignating paragraph (2) as para-  
6           graph (3); and

7           (4) by inserting after paragraph (1) the fol-  
8           lowing new paragraph:

9           “(2) any electronic poll book used with respect  
10          to the election; and”.

11          (b) DEFINITION.—Section 301 of such Act (52  
12 U.S.C. 21081) is amended—

13           (1) by redesignating subsections (c) and (d) as  
14           subsections (d) and (e); and

15           (2) by inserting after subsection (b) the fol-  
16           lowing new subsection:

17          “(c) ELECTRONIC POLL BOOK DEFINED.—In this  
18 Act, the term ‘electronic poll book’ means the total com-  
19 bination of mechanical, electromechanical, or electronic  
20 equipment (including the software, firmware, and docu-  
21 mentation required to program, control, and support the  
22 equipment) that is used—

23           “(1) to retain the list of registered voters at a  
24           polling location, or vote center, or other location at



1 which voters cast votes in an election for Federal of-  
2 fice; and

3 “(2) to identify registered voters who are eligi-  
4 ble to vote in an election.”.

5 (c) EFFECTIVE DATE.—Section 301(e) of such Act  
6 (52 U.S.C. 21081(e)), as redesignated by subsection (b),  
7 is amended by striking the period at the end and inserting  
8 the following: “, or, with respect to any requirements re-  
9 lating to electronic poll books, on and after January 1,  
10 2020.”.

11 **SEC. 3303. PRE-ELECTION REPORTS ON VOTING SYSTEM**

12 **USAGE.**

13 (a) REQUIRING STATES TO SUBMIT REPORTS.—Title  
14 III of the Help America Vote Act of 2002 (52 U.S.C.  
15 21081 et seq.) is amended by inserting after section 301  
16 the following new section:

17 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**

18 **USAGE.**

19 “(a) REQUIRING STATES TO SUBMIT REPORTS.—Not  
20 later than 120 days before the date of each regularly  
21 scheduled general election for Federal office, the chief  
22 State election official of a State shall submit a report to  
23 the Commission containing a detailed voting system usage  
24 plan for each jurisdiction in the State which will admin-  
25 ister the election, including a detailed plan for the usage

1 of electronic poll books and other equipment and compo-  
2 nents of such system.

3 “(b) EFFECTIVE DATE.—Subsection (a) shall apply  
4 with respect to the regularly scheduled general election for  
5 Federal office held in November 2020 and each succeeding  
6 regularly scheduled general election for Federal office.”.

7 (b) CLERICAL AMENDMENT.—The table of contents  
8 of such Act is amended by inserting after the item relating  
9 to section 301 the following new item:

“Sec. 301A. Pre-election reports on voting system usage.”.

10 **SEC. 3304. STREAMLINING COLLECTION OF ELECTION IN-**  
11 **FORMATION.**

12 Section 202 of the Help America Vote Act of 2002  
13 (52 U.S.C. 20922) is amended—

14 (1) by striking “The Commission” and insert-  
15 ing “(a) IN GENERAL.—The Commission”; and

16 (2) by adding at the end the following new sub-  
17 section:

18 “(b) WAIVER OF CERTAIN REQUIREMENTS.—Sub-  
19 chapter I of chapter 35 of title 44, United States Code,  
20 shall not apply to the collection of information for pur-  
21 poses of maintaining the clearinghouse described in para-  
22 graph (1) of subsection (a).”.

1       **Subtitle E—Preventing Election**  
2                                   **Hacking**

3       **SEC. 3401. SHORT TITLE.**

4           This subtitle may be cited as the “Prevent Election  
5 Hacking Act of 2019”.

6       **SEC. 3402. ELECTION SECURITY BUG BOUNTY PROGRAM.**

7           (a) **ESTABLISHMENT.**—Not later than 1 year after  
8 the date of the enactment of this Act, the Secretary shall  
9 establish a program to be known as the “Election Security  
10 Bug Bounty Program” (hereafter in this subtitle referred  
11 to as the “Program”) to improve the cybersecurity of the  
12 systems used to administer elections for Federal office by  
13 facilitating and encouraging assessments by independent  
14 technical experts, in cooperation with State and local elec-  
15 tion officials and election service providers, to identify and  
16 report election cybersecurity vulnerabilities.

17           (b) **VOLUNTARY PARTICIPATION BY ELECTION OFFI-**  
18 **CIALS AND ELECTION SERVICE PROVIDERS.**—

19                   (1) **NO REQUIREMENT TO PARTICIPATE IN PRO-**  
20 **GRAM.**—Participation in the Program shall be en-  
21 tirely voluntary for State and local election officials  
22 and election service providers.

23                   (2) **ENCOURAGING PARTICIPATION AND INPUT**  
24 **FROM ELECTION OFFICIALS.**—In developing the Pro-  
25 gram, the Secretary shall solicit input from, and en-

1       courage participation by, State and local election of-  
2       ficials.

3       (c) ACTIVITIES FUNDED.—In establishing and car-  
4       rying out the Program, the Secretary shall—

5             (1) establish a process for State and local elec-  
6       tion officials and election service providers to volun-  
7       tarily participate in the Program;

8             (2) designate appropriate information systems  
9       to be included in the Program;

10            (3) provide compensation to eligible individuals,  
11       organizations, and companies for reports of pre-  
12       viously unidentified security vulnerabilities within  
13       the information systems designated under subpara-  
14       graph (A) and establish criteria for individuals, or-  
15       ganizations, and companies to be considered eligible  
16       for such compensation in compliance with Federal  
17       laws;

18            (4) consult with the Attorney General on how  
19       to ensure that approved individuals, organizations,  
20       or companies that comply with the requirements of  
21       the Program are protected from prosecution under  
22       section 1030 of title 18, United States Code, and  
23       similar provisions of law, and from liability under  
24       civil actions for specific activities authorized under  
25       the Program;

1           (5) consult with the Secretary of Defense and  
2           the heads of other departments and agencies that  
3           have implemented programs to provide compensation  
4           for reports of previously undisclosed vulnerabilities  
5           in information systems, regarding lessons that may  
6           be applied from such programs;

7           (6) develop an expeditious process by which an  
8           individual, organization, or company can register  
9           with the Department, submit to a background check  
10          as determined by the Department, and receive a de-  
11          termination as to eligibility for participation in the  
12          Program; and

13          (7) engage qualified interested persons, includ-  
14          ing representatives of private entities, about the  
15          structure of the Program and, to the extent prac-  
16          ticable, establish a recurring competition for inde-  
17          pendent technical experts to assess election systems  
18          for the purpose of identifying and reporting election  
19          cybersecurity vulnerabilities;

20          (d) USE OF SERVICE PROVIDERS.—The Secretary  
21          may award competitive contracts as necessary to manage  
22          the Program.

23   **SEC. 3403. DEFINITIONS.**

24          In this subtitle, the following definitions apply:

1           (1) The terms “election” and “Federal office”  
2           have the meanings given such terms in section 301  
3           of the Federal Election Campaign Act of 1971 (52  
4           U.S.C. 30101).

5           (2) The term “election cybersecurity vulner-  
6           ability” means any security vulnerability (as defined  
7           in section 102 of the Cybersecurity Information  
8           Sharing Act of 2015 (6 U.S.C. 1501)) that affects  
9           an election system.

10          (3) The term “election service provider” means  
11          any person providing, supporting, or maintaining an  
12          election system on behalf of a State or local election  
13          official, such as a contractor or vendor.

14          (4) The term “election system” means any in-  
15          formation system (as defined in section 3502 of title  
16          44, United States Code) which is part of an election  
17          infrastructure.

18          (5) The term “Secretary” means the Secretary  
19          of Homeland Security, or, upon designation by the  
20          Secretary of Homeland Security, the Deputy Sec-  
21          retary of Homeland Security, the Director of Cyber-  
22          security and Infrastructure Security of the Depart-  
23          ment of Homeland Security, or a Senate-confirmed  
24          official that reports to the Director.

1           (6) The term “State” means each of the several  
2 States, the District of Columbia, the Commonwealth  
3 of Puerto Rico, Guam, American Samoa, the Com-  
4 monwealth of Northern Mariana Islands, and the  
5 United States Virgin Islands.

6           (7) The term “voting system” has the meaning  
7 given such term in section 301(b) of the Help Amer-  
8 ica Vote Act of 2002 (52 U.S.C. 21081(b)).

## 9           **Subtitle F—Miscellaneous** 10           **Provisions**

### 11   **SEC. 3501. DEFINITIONS.**

12        Except as provided in section 3403, in this title, the  
13 following definitions apply:

14           (1) The term “Chairman” means the chair of  
15 the Election Assistance Commission.

16           (2) The term “appropriate congressional com-  
17 mittees” means the Committees on Homeland Secu-  
18 rity and House Administration of the House of Rep-  
19 resentatives and the Committees on Homeland Secu-  
20 rity and Governmental Affairs and Rules and Ad-  
21 ministration of the Senate.

22           (3) The term “chief State election official”  
23 means, with respect to a State, the individual des-  
24 ignated by the State under section 10 of the Na-  
25 tional Voter Registration Act of 1993 (52 U.S.C.

1       20509) to be responsible for coordination of the  
2       State’s responsibilities under such Act.

3           (4) The term “Commission” means the Election  
4       Assistance Commission.

5           (5) The term “democratic institutions” means  
6       the diverse range of institutions that are essential to  
7       ensuring an independent judiciary, free and fair elec-  
8       tions, and rule of law.

9           (6) The term “election agency” means any com-  
10      ponent of a State, or any component of a unit of  
11      local government in a State, which is responsible for  
12      the administration of elections for Federal office in  
13      the State.

14          (7) The term “election infrastructure” means  
15      storage facilities, polling places, and centralized vote  
16      tabulation locations used to support the administra-  
17      tion of elections for public office, as well as related  
18      information and communications technology, includ-  
19      ing voter registration databases, voting machines,  
20      electronic mail and other communications systems  
21      (including electronic mail and other systems of ven-  
22      dors who have entered into contracts with election  
23      agencies to support the administration of elections,  
24      manage the election process, and report and display  
25      election results), and other systems used to manage



1 the election process and to report and display elec-  
2 tion results on behalf of an election agency.

3 (8) The term “Secretary” means the Secretary  
4 of Homeland Security.

5 (9) The term “State” has the meaning given  
6 such term in section 901 of the Help America Vote  
7 Act of 2002 (52 U.S.C. 21141).

8 **SEC. 3502. INITIAL REPORT ON ADEQUACY OF RESOURCES**  
9 **AVAILABLE FOR IMPLEMENTATION.**

10 Not later than 120 days after enactment of this Act,  
11 the Chairman and the Secretary shall submit a report to  
12 the appropriate committees of Congress, including the  
13 Committees on Homeland Security and House Adminis-  
14 tration of the House of Representatives and the Com-  
15 mittee on Homeland Security and Governmental Affairs  
16 of the Senate, analyzing the adequacy of the funding, re-  
17 sources, and personnel available to carry out this title and  
18 the amendments made by this title.

19 **Subtitle G—Severability**

20 **SEC. 3601. SEVERABILITY.**

21 If any provision of this title or amendment made by  
22 this title, or the application of a provision or amendment  
23 to any person or circumstance, is held to be unconstitu-  
24 tional, the remainder of this title and amendments made  
25 by this title, and the application of the provisions and

1 amendment to any person or circumstance, shall not be  
2 affected by the holding.

3 **DIVISION B—CAMPAIGN**  
4 **FINANCE**  
5 **TITLE IV—CAMPAIGN FINANCE**  
6 **TRANSPARENCY**

Subtitle A—Findings Relating to Illicit Money Undermining Our Democracy

Sec. 4001. Findings relating to illicit money undermining our democracy.

Subtitle B—DISCLOSE Act

Sec. 4100. Short title.

PART 1—REGULATION OF CERTAIN POLITICAL SPENDING

Sec. 4101. Application of ban on contributions and expenditures by foreign nationals to domestic corporations, limited liability corporations, and partnerships that are foreign-controlled, foreign-influenced, and foreign-owned.

Sec. 4102. Clarification of application of foreign money ban to certain disbursements and activities.

PART 2—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

Sec. 4111. Reporting of campaign-related disbursements.

Sec. 4112. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.

Sec. 4113. Effective date.

PART 3—OTHER ADMINISTRATIVE REFORMS

Sec. 4121. Petition for certiorari.

Sec. 4122. Judicial review of actions related to campaign finance laws.

Subtitle C—Honest Ads

Sec. 4201. Short title.

Sec. 4202. Purpose.

Sec. 4203. Findings.

Sec. 4204. Sense of Congress.

Sec. 4205. Expansion of definition of public communication.

Sec. 4206. Expansion of definition of electioneering communication.

Sec. 4207. Application of disclaimer statements to online communications.

Sec. 4208. Political record requirements for online platforms.

Sec. 4209. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.

Subtitle D—Stand By Every Ad

- Sec. 4301. Short title.
- Sec. 4302. Stand By Every Ad.
- Sec. 4303. Disclaimer requirements for communications made through prerecorded telephone calls.
- Sec. 4304. No expansion of persons subject to disclaimer requirements on Internet communications.
- Sec. 4305. Effective date.

Subtitle E—Secret Money Transparency

- Sec. 4401. Repeal of restriction of use of funds by Internal Revenue Service to bring transparency to political activity of certain nonprofit organizations.

Subtitle F—Shareholder Right-to-Know

- Sec. 4501. Repeal of restriction on use of funds by Securities and Exchange Commission to ensure shareholders of corporations have knowledge of corporation political activity.

Subtitle G—Disclosure of Political Spending by Government Contractors

- Sec. 4601. Repeal of restriction on use of funds to require disclosure of political spending by government contractors.

Subtitle H—Limitation and Disclosure Requirements for Presidential Inaugural Committees

- Sec. 4701. Short title.
- Sec. 4702. Limitations and disclosure of certain donations to, and disbursements by, Inaugural Committees.

Subtitle I—Severability

- Sec. 4801. Severability.

1 **Subtitle A—Findings Relating to Il-**  
2 **licit Money Undermining Our**  
3 **Democracy**

4 **SEC. 4001. FINDINGS RELATING TO ILLICIT MONEY UNDER-**  
5 **MINING OUR DEMOCRACY.**

6 Congress finds the following:

- 7 (1) Criminals, terrorists, and corrupt govern-  
8 ment officials frequently abuse anonymously held  
9 Limited Liability Companies (LLCs), also known as  
10 “shell companies,” to hide, move, and launder the

1 dirty money derived from illicit activities such as  
2 trafficking, bribery, exploitation, and embezzlement.  
3 Ownership and control of the finances that run  
4 through shell companies are obscured to regulators  
5 and law enforcement because little information is re-  
6 quired and collected when establishing these entities.

7 (2) The public release of the “Panama Papers”  
8 in 2016 and the “Paradise Papers” in 2017 revealed  
9 that these shell companies often purchase and sell  
10 United States real estate. United States anti-money  
11 laundering laws do not apply to cash transactions in-  
12 volving real estate effectively concealing the bene-  
13 ficiaries and transactions from regulators and law  
14 enforcement.

15 (3) Congress should curb the use of anonymous  
16 shell companies for illicit purposes by requiring  
17 United States companies to disclose their beneficial  
18 owners, strengthening anti-money laundering and  
19 counter-terrorism finance laws.

20 (4) Congress should examine the money laun-  
21 dering and terrorist financing risks in the real estate  
22 market, including the role of anonymous parties, and  
23 review legislation to address any vulnerabilities iden-  
24 tified in this sector.



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

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

5 “(3) except as provided under subsection (c),  
6 any corporation, limited liability corporation, or  
7 partnership which is not a foreign national described  
8 in paragraph (1) and—

9 “(A) in which a foreign national described  
10 in paragraph (1) or (2) directly or indirectly  
11 owns or controls—

12 “(i) 5 percent or more of the voting  
13 shares, if the foreign national is a foreign  
14 country, a foreign government official, or a  
15 corporation principally owned or controlled  
16 by a foreign country or foreign government  
17 official; or

18 “(ii) 20 percent or more of the voting  
19 shares, if the foreign national is not de-  
20 scribed in clause (i);

21 “(B) in which two or more foreign nation-  
22 als described in paragraph (1) or (2), each of  
23 whom owns or controls at least 5 percent of the  
24 voting shares, directly or indirectly own or con-  
25 trol 50 percent or more of the voting shares;

1           “(C) over which one or more foreign na-  
2           tionals described in paragraph (1) or (2) has  
3           the power to direct, dictate, or control the deci-  
4           sionmaking process of the corporation, limited  
5           liability corporation, or partnership with respect  
6           to its interests in the United States; or

7           “(D) over which one or more foreign na-  
8           tionals described in paragraph (1) or (2) has  
9           the power to direct, dictate, or control the deci-  
10          sionmaking process of the corporation, limited  
11          liability corporation, or partnership with respect  
12          to activities in connection with a Federal, State,  
13          or local election, including—

14                 “(i) the making of a contribution, do-  
15                 nation, expenditure, independent expendi-  
16                 ture, or disbursement for an electioneering  
17                 communication (within the meaning of sec-  
18                 tion 304(f)(3)); or

19                 “(ii) the administration of a political  
20                 committee established or maintained by the  
21                 corporation.”.

22           (2) ACTIVITIES OF CORPORATE PACS OF DO-  
23           MESTIC SUBSIDIARIES.—Section 319 of such Act (52  
24           U.S.C. 30121) is amended by adding at the end the  
25           following new subsection:

1           “(c) ACTIVITIES OF CORPORATE PACS OF DOMESTIC  
2 SUBSIDIARIES.—Notwithstanding subsection (a), a for-  
3 eign national described in subparagraph (A), (B), or (C)  
4 of subsection (b)(3) which is a domestic corporation whose  
5 principal place of business is within the United States may  
6 establish, administer and solicit contributions to a sepa-  
7 rate segregated fund pursuant to section 316(b)(2)(C) so  
8 long as—

9           “(1) the foreign national parent corporation of  
10 such domestic corporation does not directly or indi-  
11 rectly finance the establishment, administration, or  
12 solicitation activities of the fund; and

13           “(2) the fund is in compliance with complies  
14 with the requirements of section 316(b)(8).”.

15           (b) CERTIFICATION OF COMPLIANCE.—Section 319  
16 of such Act (52 U.S.C. 30121), as amended by subsection  
17 (a)(2), is further amended by adding at the end the fol-  
18 lowing new subsection:

19           “(d) CERTIFICATION OF COMPLIANCE REQUIRED  
20 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-  
21 ing in connection with an election for Federal office of any  
22 contribution, donation, expenditure, independent expendi-  
23 ture, or disbursement for an electioneering communication  
24 by a corporation, limited liability corporation, or partner-  
25 ship during a year, the chief executive officer of the cor-



1 poration, limited liability corporation, or partnership (or,  
2 if the corporation, limited liability corporation, or partner-  
3 ship does not have a chief executive officer, the highest  
4 ranking official of the corporation, limited liability cor-  
5 poration, or partnership), shall file a certification with the  
6 Commission, under penalty of perjury, that the corpora-  
7 tion, limited liability corporation, or partnership is not  
8 prohibited from carrying out such activity under sub-  
9 section (b)(3), unless the chief executive officer has pre-  
10 viously filed such a certification during that calendar  
11 year.”.

12 (c) EFFECTIVE DATE.—The amendments made by  
13 this section shall take effect upon the expiration of the  
14 180-day period which begins on the date of the enactment  
15 of this Act, and shall take effect without regard to whether  
16 or not the Federal Election Commission has promulgated  
17 regulations to carry out such amendments.

18 **SEC. 4102. CLARIFICATION OF APPLICATION OF FOREIGN**  
19 **MONEY BAN TO CERTAIN DISBURSEMENTS**  
20 **AND ACTIVITIES.**

21 (a) APPLICATION TO DISBURSEMENTS TO SUPER  
22 PACs.—Section 319(a)(1)(A) of the Federal Election  
23 Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is  
24 amended by striking the semicolon and inserting the fol-  
25 lowing: “, including any disbursement to a political com-

1 mittee which accepts donations or contributions that do  
2 not comply with the limitations, prohibitions, and report-  
3 ing requirements of this Act (or any disbursement to or  
4 on behalf of any account of a political committee which  
5 is established for the purpose of accepting such donations  
6 or contributions);”.

7 (b) CONDITIONS UNDER WHICH CORPORATE PACS  
8 MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Sec-  
9 tion 316(b) of such Act (52 U.S.C. 30118(b)) is amended  
10 by adding at the end the following new paragraph:

11 “(8) A separate segregated fund established by a cor-  
12 poration may not make a contribution or expenditure dur-  
13 ing a year unless the fund has certified to the Commission  
14 the following during the year:

15 “(A) Each individual who manages the fund,  
16 and who is responsible for exercising decisionmaking  
17 authority for the fund, is a citizen of the United  
18 States or is lawfully admitted for permanent resi-  
19 dence in the United States.

20 “(B) No foreign national under section 319  
21 participates in any way in the decisionmaking proc-  
22 esses of the fund with regard to contributions or ex-  
23 penditures under this Act.

24 “(C) The fund does not solicit or accept rec-  
25 ommendations from any foreign national under sec-



1       made under penalty of perjury that contains the in-  
2       formation described in paragraph (2)—

3               “(A) in the case of the first statement filed  
4               under this subsection, for the period beginning  
5               on the first day of the election reporting cycle  
6               (or, if earlier, the period beginning one year be-  
7               fore the first such disclosure date) and ending  
8               on the first such disclosure date; and

9               “(B) in the case of any subsequent state-  
10              ment filed under this subsection, for the period  
11              beginning on the previous disclosure date and  
12              ending on such disclosure date.

13              “(2) INFORMATION DESCRIBED.—The informa-  
14              tion described in this paragraph is as follows:

15              “(A) The name of the covered organization  
16              and the principal place of business of such or-  
17              ganization and, in the case of a covered organi-  
18              zation that is a corporation (other than a busi-  
19              ness concern that is an issuer of a class of secu-  
20              rities registered under section 12 of the Securi-  
21              ties Exchange Act of 1934 (15 U.S.C. 78l) or  
22              that is required to file reports under section  
23              15(d) of that Act (15 U.S.C. 78o(d))) or an en-  
24              tity described in subsection (e)(2), a list of the

1           beneficial owners (as defined in paragraph  
2           (4)(A)) of the entity that—

3                   “(i) identifies each beneficial owner by  
4                   name and current residential or business  
5                   street address; and

6                   “(ii) if any beneficial owner exercises  
7                   control over the entity through another  
8                   legal entity, such as a corporation, partner-  
9                   ship, limited liability company, or trust,  
10                  identifies each such other legal entity and  
11                  each such beneficial owner who will use  
12                  that other entity to exercise control over  
13                  the entity.

14                  “(B) The amount of each campaign-related  
15                  disbursement made by such organization during  
16                  the period covered by the statement of more  
17                  than \$1,000, and the name and address of the  
18                  person to whom the disbursement was made.

19                  “(C) In the case of a campaign-related dis-  
20                  bursement that is not a covered transfer, the  
21                  election to which the campaign-related disburse-  
22                  ment pertains and if the disbursement is made  
23                  for a public communication, the name of any  
24                  candidate identified in such communication and

1           whether such communication is in support of or  
2           in opposition to a candidate.

3           “(D) A certification by the chief executive  
4           officer or person who is the head of the covered  
5           organization that the campaign-related dis-  
6           bursement is not made in cooperation, consulta-  
7           tion, or concert with or at the request or sug-  
8           gestion of a candidate, authorized committee, or  
9           agent of a candidate, political party, or agent of  
10          a political party.

11          “(E)(i) If the covered organization makes  
12          campaign-related disbursements using exclu-  
13          sively funds in a segregated bank account con-  
14          sisting of funds that were paid directly to such  
15          account by persons other than the covered orga-  
16          nization that controls the account, for each  
17          such payment to the account—

18                 “(I) the name and address of each  
19                 person who made such payment during the  
20                 period covered by the statement;

21                 “(II) the date and amount of such  
22                 payment; and

23                 “(III) the aggregate amount of all  
24                 such payments made by the person during  
25                 the period beginning on the first day of the

1 election reporting cycle (or, if earlier, the  
2 period beginning one year before the dis-  
3 closure date) and ending on the disclosure  
4 date,

5 but only if such payment was made by a person  
6 who made payments to the account in an aggre-  
7 gate amount of \$10,000 or more during the pe-  
8 riod beginning on the first day of the election  
9 reporting cycle (or, if earlier, the period begin-  
10 ning one year before the disclosure date) and  
11 ending on the disclosure date.

12 “(ii) In any calendar year after 2020, sec-  
13 tion 315(e)(1)(B) shall apply to the amount de-  
14 scribed in clause (i) in the same manner as  
15 such section applies to the limitations estab-  
16 lished under subsections (a)(1)(A), (a)(1)(B),  
17 (a)(3), and (h) of such section, except that for  
18 purposes of applying such section to the  
19 amounts described in subsection (b), the ‘base  
20 period’ shall be 2020.

21 “(F)(i) If the covered organization makes  
22 campaign-related disbursements using funds  
23 other than funds in a segregated bank account  
24 described in subparagraph (E), for each pay-  
25 ment to the covered organization—

1           “(I) the name and address of each  
2           person who made such payment during the  
3           period covered by the statement;

4           “(II) the date and amount of such  
5           payment; and

6           “(III) the aggregate amount of all  
7           such payments made by the person during  
8           the period beginning on the first day of the  
9           election reporting cycle (or, if earlier, the  
10          period beginning one year before the dis-  
11          closure date) and ending on the disclosure  
12          date,

13          but only if such payment was made by a person  
14          who made payments to the covered organization  
15          in an aggregate amount of \$10,000 or more  
16          during the period beginning on the first day of  
17          the election reporting cycle (or, if earlier, the  
18          period beginning one year before the disclosure  
19          date) and ending on the disclosure date.

20          “(ii) In any calendar year after 2020, sec-  
21          tion 315(c)(1)(B) shall apply to the amount de-  
22          scribed in clause (i) in the same manner as  
23          such section applies to the limitations estab-  
24          lished under subsections (a)(1)(A), (a)(1)(B),  
25          (a)(3), and (h) of such section, except that for



1 purposes of applying such section to the  
2 amounts described in subsection (b), the ‘base  
3 period’ shall be 2020.

4 “(G) Such other information as required in  
5 rules established by the Commission to promote  
6 the purposes of this section.

7 “(3) EXCEPTIONS.—

8 “(A) AMOUNTS RECEIVED IN ORDINARY  
9 COURSE OF BUSINESS.—The requirement to in-  
10 clude in a statement filed under paragraph (1)  
11 the information described in paragraph (2)  
12 shall not apply to amounts received by the cov-  
13 ered organization in commercial transactions in  
14 the ordinary course of any trade or business  
15 conducted by the covered organization or in the  
16 form of investments (other than investments by  
17 the principal shareholder in a limited liability  
18 corporation) in the covered organization. For  
19 purposes of this subparagraph, amounts re-  
20 ceived by a covered organization as remittances  
21 from an employee to the employee’s collective  
22 bargaining representative shall be treated as  
23 amounts received in commercial transactions in  
24 the ordinary course of the business conducted  
25 by the covered organization.

1           “(B) DONOR RESTRICTION ON USE OF  
2 FUNDS.—The requirement to include in a state-  
3 ment submitted under paragraph (1) the infor-  
4 mation described in subparagraph (F) of para-  
5 graph (2) shall not apply if—

6                   “(i) the person described in such sub-  
7 paragraph prohibited, in writing, the use of  
8 the payment made by such person for cam-  
9 paign-related disbursements; and

10                   “(ii) the covered organization agreed  
11 to follow the prohibition and deposited the  
12 payment in an account which is segregated  
13 from any account used to make campaign-  
14 related disbursements.

15           “(C) THREAT OF HARASSMENT OR RE-  
16 PRISAL.—The requirement to include any infor-  
17 mation relating to the name or address of any  
18 person (other than a candidate) in a statement  
19 submitted under paragraph (1) shall not apply  
20 if the inclusion of the information would subject  
21 the person to serious threats, harassment, or  
22 reprisals.

23           “(4) OTHER DEFINITIONS.—For purposes of  
24 this section:

25                   “(A) BENEFICIAL OWNER DEFINED.—

1           “(i) IN GENERAL.—Except as pro-  
2           vided in clause (ii), the term ‘beneficial  
3           owner’ means, with respect to any entity,  
4           a natural person who, directly or indi-  
5           rectly—

6                       “(I) exercises substantial control  
7                       over an entity through ownership, vot-  
8                       ing rights, agreement, or otherwise; or

9                       “(II) has a substantial interest in  
10                      or receives substantial economic bene-  
11                      fits from the assets of an entity.

12           “(ii) EXCEPTIONS.—The term ‘bene-  
13           ficial owner’ shall not include—

14                       “(I) a minor child;

15                       “(II) a person acting as a nomi-  
16                       nee, intermediary, custodian, or agent  
17                       on behalf of another person;

18                       “(III) a person acting solely as  
19                       an employee of an entity and whose  
20                       control over or economic benefits from  
21                       the entity derives solely from the em-  
22                       ployment status of the person;

23                       “(IV) a person whose only inter-  
24                       est in an entity is through a right of  
25                       inheritance, unless the person also

1 meets the requirements of clause (i);

2 or

3 “(V) a creditor of an entity, un-  
4 less the creditor also meets the re-  
5 quirements of clause (i).

6 “(iii) ANTI-ABUSE RULE.—The excep-  
7 tions under clause (ii) shall not apply if  
8 used for the purpose of evading, circum-  
9 venting, or abusing the provisions of clause  
10 (i) or paragraph (2)(A).

11 “(B) DISCLOSURE DATE.—The term ‘dis-  
12 closure date’ means—

13 “(i) the first date during any election  
14 reporting cycle by which a person has  
15 made campaign-related disbursements ag-  
16 gregating more than \$10,000; and

17 “(ii) any other date during such elec-  
18 tion reporting cycle by which a person has  
19 made campaign-related disbursements ag-  
20 gregating more than \$10,000 since the  
21 most recent disclosure date for such elec-  
22 tion reporting cycle.

23 “(C) ELECTION REPORTING CYCLE.—The  
24 term ‘election reporting cycle’ means the 2-year

1 period beginning on the date of the most recent  
2 general election for Federal office.

3 “(D) PAYMENT.—The term ‘payment’ in-  
4 cludes any contribution, donation, transfer, pay-  
5 ment of dues, or other payment.

6 “(b) COORDINATION WITH OTHER PROVISIONS.—

7 “(1) OTHER REPORTS FILED WITH THE COM-  
8 MISSION.—Information included in a statement filed  
9 under this section may be excluded from statements  
10 and reports filed under section 304.

11 “(2) TREATMENT AS SEPARATE SEGREGATED  
12 FUND.—A segregated bank account referred to in  
13 subsection (a)(2)(E) may be treated as a separate  
14 segregated fund for purposes of section 527(f)(3) of  
15 the Internal Revenue Code of 1986.

16 “(c) FILING.—Statements required to be filed under  
17 subsection (a) shall be subject to the requirements of sec-  
18 tion 304(d) to the same extent and in the same manner  
19 as if such reports had been required under subsection (c)  
20 or (g) of section 304.

21 “(d) CAMPAIGN-RELATED DISBURSEMENT DE-  
22 FINED.—

23 “(1) IN GENERAL.—In this section, the term  
24 ‘campaign-related disbursement’ means a disburse-

1       ment by a covered organization for any of the fol-  
2       lowing:

3               “(A) An independent expenditure which ex-  
4               pressly advocates the election or defeat of a  
5               clearly identified candidate for election for Fed-  
6               eral office, or is the functional equivalent of ex-  
7               press advocacy because, when taken as a whole,  
8               it can be interpreted by a reasonable person  
9               only as advocating the election or defeat of a  
10              candidate for election for Federal office.

11             “(B) Any public communication which re-  
12             fers to a clearly identified candidate for election  
13             for Federal office and which promotes or sup-  
14             ports the election of a candidate for that office,  
15             or attacks or opposes the election of a candidate  
16             for that office, without regard to whether the  
17             communication expressly advocates a vote for or  
18             against a candidate for that office.

19             “(C) An electioneering communication, as  
20             defined in section 304(f)(3).

21             “(D) A covered transfer.

22             “(2) INTENT NOT REQUIRED.—A disbursement  
23             for an item described in subparagraph (A), (B), (C),  
24             or (D) of paragraph (1) shall be treated as a cam-

1       paign-related disbursement regardless of the intent  
2       of the person making the disbursement.

3       “(e) COVERED ORGANIZATION DEFINED.—In this  
4       section, the term ‘covered organization’ means any of the  
5       following:

6               “(1) A corporation (other than an organization  
7       described in section 501(c)(3) of the Internal Rev-  
8       enue Code of 1986).

9               “(2) A limited liability corporation that is not  
10       otherwise treated as a corporation for purposes of  
11       this Act (other than an organization described in  
12       section 501(c)(3) of the Internal Revenue Code of  
13       1986).

14              “(3) An organization described in section  
15       501(c) of such Code and exempt from taxation  
16       under section 501(a) of such Code (other than an  
17       organization described in section 501(c)(3) of such  
18       Code).

19              “(4) A labor organization (as defined in section  
20       316(b)).

21              “(5) Any political organization under section  
22       527 of the Internal Revenue Code of 1986, other  
23       than a political committee under this Act (except as  
24       provided in paragraph (6)).

1           “(6) A political committee with an account that  
2           accepts donations or contributions that do not com-  
3           ply with the contribution limits or source prohibi-  
4           tions under this Act, but only with respect to such  
5           accounts.

6           “(f) COVERED TRANSFER DEFINED.—

7           “(1) IN GENERAL.—In this section, the term  
8           ‘covered transfer’ means any transfer or payment of  
9           funds by a covered organization to another person if  
10          the covered organization—

11                  “(A) designates, requests, or suggests that  
12                  the amounts be used for—

13                          “(i) campaign-related disbursements  
14                          (other than covered transfers); or

15                          “(ii) making a transfer to another  
16                          person for the purpose of making or pay-  
17                          ing for such campaign-related disburse-  
18                          ments;

19                  “(B) made such transfer or payment in re-  
20                  sponse to a solicitation or other request for a  
21                  donation or payment for—

22                          “(i) the making of or paying for cam-  
23                          paign-related disbursements (other than  
24                          covered transfers); or



1                   “(ii) making a transfer to another  
2                   person for the purpose of making or pay-  
3                   ing for such campaign-related disburse-  
4                   ments;

5                   “(C) engaged in discussions with the re-  
6                   cipient of the transfer or payment regarding—

7                   “(i) the making of or paying for cam-  
8                   paign-related disbursements (other than  
9                   covered transfers); or

10                   “(ii) donating or transferring any  
11                   amount of such transfer or payment to an-  
12                   other person for the purpose of making or  
13                   paying for such campaign-related disburse-  
14                   ments;

15                   “(D) made campaign-related disburse-  
16                   ments (other than a covered transfer) in an ag-  
17                   gregate amount of \$50,000 or more during the  
18                   2-year period ending on the date of the transfer  
19                   or payment, or knew or had reason to know  
20                   that the person receiving the transfer or pay-  
21                   ment made such disbursements in such an ag-  
22                   gregate amount during that 2-year period; or

23                   “(E) knew or had reason to know that the  
24                   person receiving the transfer or payment would  
25                   make campaign-related disbursements in an ag-

1 aggregate amount of \$50,000 or more during the  
2 2-year period beginning on the date of the  
3 transfer or payment.

4 “(2) EXCLUSIONS.—The term ‘covered transfer’  
5 does not include any of the following:

6 “(A) A disbursement made by a covered  
7 organization in a commercial transaction in the  
8 ordinary course of any trade or business con-  
9 ducted by the covered organization or in the  
10 form of investments made by the covered orga-  
11 nization.

12 “(B) A disbursement made by a covered  
13 organization if—

14 “(i) the covered organization prohib-  
15 ited, in writing, the use of such disburse-  
16 ment for campaign-related disbursements;  
17 and

18 “(ii) the recipient of the disbursement  
19 agreed to follow the prohibition and depos-  
20 ited the disbursement in an account which  
21 is segregated from any account used to  
22 make campaign-related disbursements.

23 “(3) SPECIAL RULE REGARDING TRANSFERS  
24 AMONG AFFILIATES.—

1           “(A) SPECIAL RULE.—A transfer of an  
2 amount by one covered organization to another  
3 covered organization which is treated as a  
4 transfer between affiliates under subparagraph  
5 (C) shall be considered a covered transfer by  
6 the covered organization which transfers the  
7 amount only if the aggregate amount trans-  
8 ferred during the year by such covered organi-  
9 zation to that same covered organization is  
10 equal to or greater than \$50,000.

11           “(B) DETERMINATION OF AMOUNT OF  
12 CERTAIN PAYMENTS AMONG AFFILIATES.—In  
13 determining the amount of a transfer between  
14 affiliates for purposes of subparagraph (A), to  
15 the extent that the transfer consists of funds  
16 attributable to dues, fees, or assessments which  
17 are paid by individuals on a regular, periodic  
18 basis in accordance with a per-individual cal-  
19 culation which is made on a regular basis, the  
20 transfer shall be attributed to the individuals  
21 paying the dues, fees, or assessments and shall  
22 not be attributed to the covered organization.

23           “(C) DESCRIPTION OF TRANSFERS BE-  
24 TWEEN AFFILIATES.—A transfer of amounts  
25 from one covered organization to another cov-

1           ered organization shall be treated as a transfer  
2           between affiliates if—

3                   “(i) one of the organizations is an af-  
4                   filiate of the other organization; or

5                   “(ii) each of the organizations is an  
6                   affiliate of the same organization,

7           except that the transfer shall not be treated as  
8           a transfer between affiliates if one of the orga-  
9           nizations is established for the purpose of mak-  
10          ing campaign-related disbursements.

11           “(D) DETERMINATION OF AFFILIATE STA-  
12          TUS.—For purposes of subparagraph (C), a  
13          covered organization is an affiliate of another  
14          covered organization if—

15                   “(i) the governing instrument of the  
16                   organization requires it to be bound by de-  
17                   cisions of the other organization;

18                   “(ii) the governing board of the orga-  
19                   nization includes persons who are specifi-  
20                   cally designated representatives of the  
21                   other organization or are members of the  
22                   governing board, officers, or paid executive  
23                   staff members of the other organization, or  
24                   whose service on the governing board is

1                   contingent upon the approval of the other  
2                   organization; or

3                   “(iii) the organization is chartered by  
4                   the other organization.

5                   “(E) COVERAGE OF TRANSFERS TO AF-  
6                   FILATED SECTION 501(c)(3) ORGANIZA-  
7                   TIONS.—This paragraph shall apply with re-  
8                   spect to an amount transferred by a covered or-  
9                   ganization to an organization described in para-  
10                  graph (3) of section 501(c) of the Internal Rev-  
11                  enue Code of 1986 and exempt from tax under  
12                  section 501(a) of such Code in the same man-  
13                  ner as this paragraph applies to an amount  
14                  transferred by a covered organization to an-  
15                  other covered organization.

16                  “(g) NO EFFECT ON OTHER REPORTING REQUIRE-  
17                  MENTS.—Nothing in this section shall be construed to  
18                  waive or otherwise affect any other requirement of this  
19                  Act which relates to the reporting of campaign-related dis-  
20                  bursements.”.

21                  (2) CONFORMING AMENDMENT.—Section  
22                  304(f)(6) of such Act (52 U.S.C. 30104) is amended  
23                  by striking “Any requirement” and inserting “Ex-  
24                  cept as provided in section 324(b), any require-  
25                  ment”.

1 (b) COORDINATION WITH FINCEN.—

2 (1) IN GENERAL.—The Director of the Finan-  
3 cial Crimes Enforcement Network of the Depart-  
4 ment of the Treasury shall provide the Federal Elec-  
5 tion Commission with such information as necessary  
6 to assist in administering and enforcing section 324  
7 of the Federal Election Campaign Act of 1971, as  
8 added by this section.

9 (2) REPORT.—Not later than 6 months after  
10 the date of the enactment of this Act, the Chairman  
11 of the Federal Election Commission, in consultation  
12 with the Director of the Financial Crimes Enforce-  
13 ment Network of the Department of the Treasury,  
14 shall submit to Congress a report with recommenda-  
15 tions for providing further legislative authority to as-  
16 sist in the administration and enforcement of such  
17 section 324.

18 **SEC. 4112. APPLICATION OF FOREIGN MONEY BAN TO DIS-**  
19 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**  
20 **BURSEMENTS CONSISTING OF COVERED**  
21 **TRANSFERS.**

22 Section 319(a)(1)(A) of the Federal Election Cam-  
23 paign Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amend-  
24 ed by section 4102, is amended by striking the semicolon  
25 and inserting the following: “, and any disbursement,

1 other than an disbursement described in section  
2 324(a)(3)(A), to another person who made a campaign-  
3 related disbursement consisting of a covered transfer (as  
4 described in section 324) during the 2-year period ending  
5 on the date of the disbursement;”.

6 **SEC. 4113. EFFECTIVE DATE.**

7 The amendments made by this part shall apply with  
8 respect to disbursements made on or after January 1,  
9 2020, and shall take effect without regard to whether or  
10 not the Federal Election Commission has promulgated  
11 regulations to carry out such amendments.

12 **PART 3—OTHER ADMINISTRATIVE REFORMS**

13 **SEC. 4121. PETITION FOR CERTIORARI.**

14 Section 307(a)(6) of the Federal Election Campaign  
15 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-  
16 serting “(including a proceeding before the Supreme  
17 Court on certiorari)” after “appeal”.

18 **SEC. 4122. JUDICIAL REVIEW OF ACTIONS RELATED TO**  
19 **CAMPAIGN FINANCE LAWS.**

20 (a) IN GENERAL.—Title IV of the Federal Election  
21 Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is  
22 amended by inserting after section 406 the following new  
23 section:

1 **“SEC. 407. JUDICIAL REVIEW.**

2 “(a) IN GENERAL.—Notwithstanding section 373(f),  
3 if any action is brought for declaratory or injunctive relief  
4 to challenge the constitutionality of any provision of this  
5 Act or of chapter 95 or 96 of the Internal Revenue Code  
6 of 1986, or is brought to with respect to any action of  
7 the Commission under chapter 95 or 96 of the Internal  
8 Revenue Code of 1986, the following rules shall apply:

9 “(1) The action shall be filed in the United  
10 States District Court for the District of Columbia  
11 and an appeal from the decision of the district court  
12 may be taken to the Court of Appeals for the Dis-  
13 trict of Columbia Circuit.

14 “(2) In the case of an action relating to declar-  
15 atory or injunctive relief to challenge the constitu-  
16 tionality of a provision—

17 “(A) a copy of the complaint shall be deliv-  
18 ered promptly to the Clerk of the House of  
19 Representatives and the Secretary of the Sen-  
20 ate; and

21 “(B) it shall be the duty of the United  
22 States District Court for the District of Colum-  
23 bia, the Court of Appeals for the District of Co-  
24 lumbia, and the Supreme Court of the United  
25 States to advance on the docket and to expedite



1           to the greatest possible extent the disposition of  
2           the action and appeal.

3           “(b) INTERVENTION BY MEMBERS OF CONGRESS.—

4 In any action in which the constitutionality of any provi-  
5 sion of this Act or chapter 95 or 96 of the Internal Rev-  
6 enue Code of 1986 is raised, any Member of the House  
7 of Representatives (including a Delegate or Resident Com-  
8 missioner to the Congress) or Senate shall have the right  
9 to intervene either in support of or opposition to the posi-  
10 tion of a party to the case regarding the constitutionality  
11 of the provision. To avoid duplication of efforts and reduce  
12 the burdens placed on the parties to the action, the court  
13 in any such action may make such orders as it considers  
14 necessary, including orders to require interveners taking  
15 similar positions to file joint papers or to be represented  
16 by a single attorney at oral argument.

17           “(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any  
18 Member of Congress may bring an action, subject to the  
19 special rules described in subsection (a), for declaratory  
20 or injunctive relief to challenge the constitutionality of any  
21 provision of this Act or chapter 95 or 96 of the Internal  
22 Revenue Code of 1986.”.

23           (b) CONFORMING AMENDMENTS.—

24           (1) IN GENERAL.—

1 (A) Section 9011 of the Internal Revenue  
2 Code of 1986 is amended to read as follows:

3 **“SEC. 9011. JUDICIAL REVIEW.**

4 “For provisions relating to judicial review of certifi-  
5 cations, determinations, and actions by the Commission  
6 under this chapter, see section 407 of the Federal Election  
7 Campaign Act of 1971.”.

8 (B) Section 9041 of the Internal Revenue  
9 Code of 1986 is amended to read as follows:

10 **“SEC. 9041. JUDICIAL REVIEW.**

11 “For provisions relating to judicial review of actions  
12 by the Commission under this chapter, see section 407 of  
13 the Federal Election Campaign Act of 1971.”.

14 (C) Section 403 of the Bipartisan Cam-  
15 paign Reform Act of 2002 (52 U.S.C. 30110  
16 note) is repealed.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply to actions brought on or after Jan-  
19 uary 1, 2019.

20 **Subtitle C—Honest Ads**

21 **SEC. 4201. SHORT TITLE.**

22 This subtitle may be cited as the “Honest Ads Act”.

23 **SEC. 4202. PURPOSE.**

24 The purpose of this subtitle is to enhance the integ-  
25 rity of American democracy and national security by im-

1 proving disclosure requirements for online political adver-  
2 tisements in order to uphold the Supreme Court’s well-  
3 established standard that the electorate bears the right to  
4 be fully informed.

5 **SEC. 4203. FINDINGS.**

6 Congress makes the following findings:

7 (1) On January 6, 2017, the Office of the Di-  
8 rector of National Intelligence published a report ti-  
9 tled “Assessing Russian Activities and Intentions in  
10 Recent U.S. Elections”, noting that “Russian Presi-  
11 dent Vladimir Putin ordered an influence campaign  
12 in 2016 aimed at the US presidential election . . .”.  
13 Moscow’s influence campaign followed a Russian  
14 messaging strategy that blends covert intelligence  
15 operation—such as cyber activity—with overt efforts  
16 by Russian Government agencies, state-funded  
17 media, third-party intermediaries, and paid social  
18 media users or “trolls”.

19 (2) On November 24, 2016, The Washington  
20 Post reported findings from 2 teams of independent  
21 researchers that concluded Russians “exploited  
22 American-made technology platforms to attack U.S.  
23 democracy at a particularly vulnerable moment . . .  
24 as part of a broadly effective strategy of sowing dis-  
25 trust in U.S. democracy and its leaders.”.

1           (3) Findings from a 2017 study on the manipu-  
2           lation of public opinion through social media con-  
3           ducted by the Computational Propaganda Research  
4           Project at the Oxford Internet Institute found that  
5           the Kremlin is using pro-Russian bots to manipulate  
6           public discourse to a highly targeted audience. With  
7           a sample of nearly 1,300,000 tweets, researchers  
8           found that in the 2016 election’s 3 decisive States,  
9           propaganda constituted 40 percent of the sampled  
10          election-related tweets that went to Pennsylvanians,  
11          34 percent to Michigan voters, and 30 percent to  
12          those in Wisconsin. In other swing States, the figure  
13          reached 42 percent in Missouri, 41 percent in Flor-  
14          ida, 40 percent in North Carolina, 38 percent in  
15          Colorado, and 35 percent in Ohio.

16          (4) On September 6, 2017, the nation’s largest  
17          social media platform disclosed that between June  
18          2015 and May 2017, Russian entities purchased  
19          \$100,000 in political advertisements, publishing  
20          roughly 3,000 ads linked to fake accounts associated  
21          with the Internet Research Agency, a pro-Kremlin  
22          organization. According to the company, the ads  
23          purchased focused “on amplifying divisive social and  
24          political messages . . .”.

1           (5) In 2002, the Bipartisan Campaign Reform  
2 Act became law, establishing disclosure requirements  
3 for political advertisements distributed from a tele-  
4 vision or radio broadcast station or provider of cable  
5 or satellite television. In 2003, the Supreme Court  
6 upheld regulations on electioneering communications  
7 established under the Act, noting that such require-  
8 ments “provide the electorate with information and  
9 insure that the voters are fully informed about the  
10 person or group who is speaking.”

11           (6) According to a study from Borrell Associ-  
12 ates, in 2016, \$1,415,000,000 was spent on online  
13 advertising, more than quadruple the amount in  
14 2012.

15           (7) The reach of a few large internet plat-  
16 forms—larger than any broadcast, satellite, or cable  
17 provider—has greatly facilitated the scope and effec-  
18 tiveness of disinformation campaigns. For instance,  
19 the largest platform has over 210,000,000 Ameri-  
20 cans users—over 160,000,000 of them on a daily  
21 basis. By contrast, the largest cable television pro-  
22 vider has 22,430,000 subscribers, while the largest  
23 satellite television provider has 21,000,000 sub-  
24 scribers. And the most-watched television broadcast  
25 in United States history had 118,000,000 viewers.

1           (8) The public nature of broadcast television,  
2 radio, and satellite ensures a level of publicity for  
3 any political advertisement. These communications  
4 are accessible to the press, fact-checkers, and polit-  
5 ical opponents; this creates strong disincentives for  
6 a candidate to disseminate materially false, inflam-  
7 matory, or contradictory messages to the public. So-  
8 cial media platforms, in contrast, can target portions  
9 of the electorate with direct, ephemeral advertise-  
10 ments often on the basis of private information the  
11 platform has on individuals, enabling political adver-  
12 tisements that are contradictory, racially or socially  
13 inflammatory, or materially false.

14           (9) According to comScore, 2 companies own 8  
15 of the 10 most popular smartphone applications as  
16 of June 2017, including the most popular social  
17 media and email services—which deliver information  
18 and news to users without requiring proactivity by  
19 the user. Those same 2 companies accounted for 99  
20 percent of revenue growth from digital advertising in  
21 2016, including 77 percent of gross spending. 79  
22 percent of online Americans—representing 68 per-  
23 cent of all Americans—use the single largest social  
24 network, while 66 percent of these users are most  
25 likely to get their news from that site.

1           (10) In its 2006 rulemaking, the Federal Elec-  
2           tion Commission noted that only 18 percent of all  
3           Americans cited the internet as their leading source  
4           of news about the 2004 Presidential election; by con-  
5           trast, the Pew Research Center found that 65 per-  
6           cent of Americans identified an internet-based  
7           source as their leading source of information for the  
8           2016 election.

9           (11) The Federal Election Commission, the  
10          independent Federal agency charged with protecting  
11          the integrity of the Federal campaign finance proc-  
12          ess by providing transparency and administering  
13          campaign finance laws, has failed to take action to  
14          address online political advertisements.

15          (12) In testimony before the Senate Select  
16          Committee on Intelligence titled, “Disinformation: A  
17          Primer in Russian Active Measures and Influence  
18          Campaigns”, multiple expert witnesses testified that  
19          while the disinformation tactics of foreign adver-  
20          saries have not necessarily changed, social media  
21          services now provide “platform[s] practically pur-  
22          pose-built for active measures[.]” Similarly, as Gen.  
23          Keith B. Alexander (RET.), the former Director of  
24          the National Security Agency, testified, during the  
25          Cold War “if the Soviet Union sought to manipulate

1 information flow, it would have to do so principally  
2 through its own propaganda outlets or through ac-  
3 tive measures that would generate specific news:  
4 planting of leaflets, inciting of violence, creation of  
5 other false materials and narratives. But the news  
6 itself was hard to manipulate because it would have  
7 required actual control of the organs of media, which  
8 took long-term efforts to penetrate. Today, however,  
9 because the clear majority of the information on so-  
10 cial media sites is uncurated and there is a rapid  
11 proliferation of information sources and other sites  
12 that can reinforce information, there is an increasing  
13 likelihood that the information available to average  
14 consumers may be inaccurate (whether intentionally  
15 or otherwise) and may be more easily manipulable  
16 than in prior eras.”.

17 (13) Current regulations on political advertise-  
18 ments do not provide sufficient transparency to up-  
19 hold the public’s right to be fully informed about po-  
20 litical advertisements made online.

21 **SEC. 4204. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

23 (1) the dramatic increase in digital political ad-  
24 vertisements, and the growing centrality of online  
25 platforms in the lives of Americans, requires the



1 Congress and the Federal Election Commission to  
2 take meaningful action to ensure that laws and reg-  
3 ulations provide the accountability and transparency  
4 that is fundamental to our democracy;.

5 (2) free and fair elections require both trans-  
6 parency and accountability which give the public a  
7 right to know the true sources of funding for polit-  
8 ical advertisements in order to make informed polit-  
9 ical choices and hold elected officials accountable;  
10 and

11 (3) transparency of funding for political adver-  
12 tisements is essential to enforce other campaign fi-  
13 nance laws, including the prohibition on campaign  
14 spending by foreign nationals.

15 **SEC. 4205. EXPANSION OF DEFINITION OF PUBLIC COMMU-  
16 NICATION.**

17 (a) IN GENERAL.—Paragraph (22) of section 301 of  
18 the Federal Election Campaign Act of 1971 (52 U.S.C.  
19 30101(22)) is amended by striking “or satellite commu-  
20 nication” and inserting “satellite, paid internet, or paid  
21 digital communication”.

22 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-  
23 TURES.—Section 301 of such Act (52 U.S.C. 30101) is  
24 amended—

25 (1) in paragraph (8)(B)—

1 (A) in clause (v), by striking “on broad-  
2 casting stations, or in newspapers, magazines,  
3 or similar types of general public political ad-  
4 vertising” and inserting “in any public commu-  
5 nication”;

6 (B) in clause (ix), by striking “broad-  
7 casting, newspaper, magazine, billboard, direct  
8 mail, or similar type of general public commu-  
9 nication or political advertising” and inserting  
10 “public communication”; and

11 (C) in clause (x), by striking “but not in-  
12 cluding the use of broadcasting, newspapers,  
13 magazines, billboards, direct mail, or similar  
14 types of general public communication or polit-  
15 ical advertising” and inserting “but not includ-  
16 ing use in any public communication”; and

17 (2) in paragraph (9)(B)—

18 (A) by amending clause (i) to read as fol-  
19 lows:

20 “(i) any news story, commentary, or  
21 editorial distributed through the facilities  
22 of any broadcasting station or any print,  
23 online, or digital newspaper, magazine,  
24 blog, publication, or periodical, unless such  
25 broadcasting, print, online, or digital facili-

1           ties are owned or controlled by any polit-  
2           ical party, political committee, or can-  
3           didate;” and

4           (B) in clause (iv), by striking “on broad-  
5           casting stations, or in newspapers, magazines,  
6           or similar types of general public political ad-  
7           vertising” and inserting “in any public commu-  
8           nication”.

9           (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—  
10          Subsection (a) of section 318 of such Act (52 U.S.C.  
11          30120) is amended—

12           (1) by striking “financing any communication  
13           through any broadcasting station, newspaper, maga-  
14           zine, outdoor advertising facility, mailing, or any  
15           other type of general public political advertising”  
16           and inserting “financing any public communication”;  
17           and

18           (2) by striking “solicits any contribution  
19           through any broadcasting station, newspaper, maga-  
20           zine, outdoor advertising facility, mailing, or any  
21           other type of general public political advertising”  
22           and inserting “solicits any contribution through any  
23           public communication”.

1 **SEC. 4206. EXPANSION OF DEFINITION OF ELECTION-**  
2 **EEING COMMUNICATION.**

3 (a) **EXPANSION TO ONLINE COMMUNICATIONS.—**

4 (1) **APPLICATION TO QUALIFIED INTERNET AND**  
5 **DIGITAL COMMUNICATIONS.—**

6 (A) **IN GENERAL.—**Subparagraph (A) of  
7 section 304(f)(3) of the Federal Election Cam-  
8 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))  
9 is amended by striking “or satellite communica-  
10 tion” each place it appears in clauses (i) and  
11 (ii) and inserting “satellite, or qualified internet  
12 or digital communication”.

13 (B) **QUALIFIED INTERNET OR DIGITAL**  
14 **COMMUNICATION.—**Paragraph (3) of section  
15 304(f) of such Act (52 U.S.C. 30104(f)) is  
16 amended by adding at the end the following  
17 new subparagraph:

18 “(D) **QUALIFIED INTERNET OR DIGITAL**  
19 **COMMUNICATION.—**The term ‘qualified internet  
20 or digital communication’ means any commu-  
21 nication which is placed or promoted for a fee  
22 on an online platform (as defined in subsection  
23 (j)(3)).”.

24 (2) **NONAPPLICATION OF RELEVANT ELEC-**  
25 **TORATE TO ONLINE COMMUNICATIONS.—**Section  
26 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.

1       30104(f)(3)(A)(i)(III)) is amended by inserting “any  
2       broadcast, cable, or satellite” before “communica-  
3       tion”.

4               (3)           NEWS           EXEMPTION.—Section  
5       304(f)(3)(B)(i) of such Act (52 U.S.C.  
6       30104(f)(3)(B)(i)) is amended to read as follows:

7                       “(i) a communication appearing in a  
8                       news story, commentary, or editorial dis-  
9                       tributed through the facilities of any  
10                      broadcasting station or any online or dig-  
11                      ital newspaper, magazine, blog, publica-  
12                      tion, or periodical, unless such broad-  
13                      casting, online, or digital facilities are  
14                      owned or controlled by any political party,  
15                      political committee, or candidate;”.

16       (b) EFFECTIVE DATE.—The amendments made by  
17       this section shall apply with respect to communications  
18       made on or after January 1, 2020.

19       **SEC. 4207. APPLICATION OF DISCLAIMER STATEMENTS TO**  
20                       **ONLINE COMMUNICATIONS.**

21       (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-  
22       MENT.—Subsection (a) of section 318 of the Federal Elec-  
23       tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is  
24       amended—

1           (1) by striking “shall clearly state” each place  
2           it appears in paragraphs (1), (2), and (3) and in-  
3           serting “shall state in a clear and conspicuous man-  
4           ner”; and

5           (2) by adding at the end the following flush  
6           sentence: “For purposes of this section, a commu-  
7           nication does not make a statement in a clear and  
8           conspicuous manner if it is difficult to read or hear  
9           or if the placement is easily overlooked.”.

10          (b) SPECIAL RULES FOR QUALIFIED INTERNET OR  
11          DIGITAL COMMUNICATIONS.—

12           (1) IN GENERAL.—Section 318 of such Act (52  
13          U.S.C. 30120) is amended by adding at the end the  
14          following new subsection:

15          “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR  
16          DIGITAL COMMUNICATIONS.—

17           “(1) SPECIAL RULES WITH RESPECT TO STATE-  
18          MENTS.—In the case of any qualified internet or  
19          digital communication (as defined in section  
20          304(f)(3)(D)) which is disseminated through a me-  
21          dium in which the provision of all of the information  
22          specified in this section is not possible, the commu-  
23          nication shall, in a clear and conspicuous manner—

24           “(A) state the name of the person who  
25          paid for the communication; and

1           “(B) provide a means for the recipient of  
2           the communication to obtain the remainder of  
3           the information required under this section with  
4           minimal effort and without receiving or viewing  
5           any additional material other than such re-  
6           quired information.

7           “(2) SAFE HARBOR FOR DETERMINING CLEAR  
8           AND CONSPICUOUS MANNER.—A statement in quali-  
9           fied internet or digital communication (as defined in  
10          section 304(f)(3)(D)) shall be considered to be made  
11          in a clear and conspicuous manner as provided in  
12          subsection (a) if the communication meets the fol-  
13          lowing requirements:

14                 “(A) TEXT OR GRAPHIC COMMUNICA-  
15                 TIONS.—In the case of a text or graphic com-  
16                 munication, the statement—

17                         “(i) appears in letters at least as large  
18                         as the majority of the text in the commu-  
19                         nication; and

20                         “(ii) meets the requirements of para-  
21                         graphs (2) and (3) of subsection (c).

22                 “(B) AUDIO COMMUNICATIONS.—In the  
23                 case of an audio communication, the statement  
24                 is spoken in a clearly audible and intelligible

1 manner at the beginning or end of the commu-  
2 nication and lasts at least 3 seconds.

3 “(C) VIDEO COMMUNICATIONS.—In the  
4 case of a video communication which also in-  
5 cludes audio, the statement—

6 “(i) is included at either the beginning  
7 or the end of the communication; and

8 “(ii) is made both in—

9 “(I) a written format that meets  
10 the requirements of subparagraph (A)  
11 and appears for at least 4 seconds;  
12 and

13 “(II) an audible format that  
14 meets the requirements of subpara-  
15 graph (B).

16 “(D) OTHER COMMUNICATIONS.—In the  
17 case of any other type of communication, the  
18 statement is at least as clear and conspicuous  
19 as the statement specified in subparagraph (A),  
20 (B), or (C).”.

21 (2) NONAPPLICATION OF CERTAIN EXCEP-  
22 TIONS.—The exceptions provided in section  
23 110.11(f)(1)(i) and (ii) of title 11, Code of Federal  
24 Regulations, or any successor to such rules, shall  
25 have no application to qualified internet or digital



1           communications (as defined in section 304(f)(3)(D)  
2           of the Federal Election Campaign Act of 1971).

3           (c) MODIFICATION OF ADDITIONAL REQUIREMENTS  
4 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such  
5 Act (52 U.S.C. 30120(d)) is amended—

6           (1) in paragraph (1)(A)—

7                   (A) by striking “which is transmitted  
8                   through radio” and inserting “which is in an  
9                   audio format”; and

10                   (B) by striking “BY RADIO” in the heading  
11                   and inserting “AUDIO FORMAT”;

12           (2) in paragraph (1)(B)—

13                   (A) by striking “which is transmitted  
14                   through television” and inserting “which is in  
15                   video format”; and

16                   (B) by striking “BY TELEVISION” in the  
17                   heading and inserting “VIDEO FORMAT”; and

18           (3) in paragraph (2)—

19                   (A) by striking “transmitted through radio  
20                   or television” and inserting “made in audio or  
21                   video format”; and

22                   (B) by striking “through television” in the  
23                   second sentence and inserting “in video for-  
24                   mat”.

1 **SEC. 4208. POLITICAL RECORD REQUIREMENTS FOR ON-**  
2 **LINE PLATFORMS.**

3 (a) IN GENERAL.—Section 304 of the Federal Elec-  
4 tion Campaign Act of 1971 (52 U.S.C. 30104) is amended  
5 by adding at the end the following new subsection:

6 “(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-  
7 MENTS.—

8 “(1) IN GENERAL.—

9 “(A) REQUIREMENTS FOR ONLINE PLAT-  
10 FORMS.—An online platform shall maintain,  
11 and make available for online public inspection  
12 in machine readable format, a complete record  
13 of any request to purchase on such online plat-  
14 form a qualified political advertisement which is  
15 made by a person whose aggregate requests to  
16 purchase qualified political advertisements on  
17 such online platform during the calendar year  
18 exceeds \$500.

19 “(B) REQUIREMENTS FOR ADVER-  
20 TISERS.—Any person who requests to purchase  
21 a qualified political advertisement on an online  
22 platform shall provide the online platform with  
23 such information as is necessary for the online  
24 platform to comply with the requirements of  
25 subparagraph (A).

1           “(2) CONTENTS OF RECORD.—A record main-  
2           tained under paragraph (1)(A) shall contain—

3                   “(A) a digital copy of the qualified political  
4           advertisement;

5                   “(B) a description of the audience targeted  
6           by the advertisement, the number of views gen-  
7           erated from the advertisement, and the date  
8           and time that the advertisement is first dis-  
9           played and last displayed; and

10                   “(C) information regarding—

11                           “(i) the average rate charged for the  
12           advertisement;

13                           “(ii) the name of the candidate to  
14           which the advertisement refers and the of-  
15           fice to which the candidate is seeking elec-  
16           tion, the election to which the advertise-  
17           ment refers, or the national legislative  
18           issue to which the advertisement refers (as  
19           applicable);

20                           “(iii) in the case of a request made  
21           by, or on behalf of, a candidate, the name  
22           of the candidate, the authorized committee  
23           of the candidate, and the treasurer of such  
24           committee; and

1           “(iv) in the case of any request not  
2           described in clause (iii), the name of the  
3           person purchasing the advertisement, the  
4           name and address of a contact person for  
5           such person, and a list of the chief execu-  
6           tive officers or members of the executive  
7           committee or of the board of directors of  
8           such person.

9           “(3) ONLINE PLATFORM.—For purposes of this  
10          subsection, the term ‘online platform’ means any  
11          public-facing website, web application, or digital ap-  
12          plication (including a social network, ad network, or  
13          search engine) which—

14                 “(A) sells qualified political advertise-  
15                 ments; and

16                 “(B) has 50,000,000 or more unique  
17                 monthly United States visitors or users for a  
18                 majority of months during the preceding 12  
19                 months.

20           “(4) QUALIFIED POLITICAL ADVERTISEMENT.—  
21          For purposes of this subsection, the term ‘qualified  
22          political advertisement’ means any advertisement  
23          (including search engine marketing, display adver-  
24          tisements, video advertisements, native advertise-  
25          ments, and sponsorships) that—

1           “(A) is made by or on behalf of a can-  
2           didate; or

3           “(B) communicates a message relating to  
4           any political matter of national importance, in-  
5           cluding—

6                   “(i) a candidate;

7                   “(ii) any election to Federal office; or

8                   “(iii) a national legislative issue of  
9           public importance.

10           “(5) TIME TO MAINTAIN FILE.—The informa-  
11           tion required under this subsection shall be made  
12           available as soon as possible and shall be retained by  
13           the online platform for a period of not less than 4  
14           years.

15           “(6) SAFE HARBOR FOR PLATFORMS MAKING  
16           BEST EFFORTS TO IDENTIFY REQUESTS WHICH ARE  
17           SUBJECT TO RECORD MAINTENANCE REQUIRE-  
18           MENTS.—In accordance with rules established by the  
19           Commission, if an online platform shows that the  
20           platform used best efforts to determine whether or  
21           not a request to purchase a qualified political adver-  
22           tisement was subject to the requirements of this sub-  
23           section, the online platform shall not be considered  
24           to be in violation of such requirements.

1           “(7) PENALTIES.—For penalties for failure by  
2           online platforms, and persons requesting to purchase  
3           a qualified political advertisement on online plat-  
4           forms, to comply with the requirements of this sub-  
5           section, see section 309.”.

6           (b) RULEMAKING.—Not later than 120 days after the  
7           date of the enactment of this Act, the Federal Election  
8           Commission shall establish rules—

9           (1) requiring common data formats for the  
10          record required to be maintained under section  
11          304(j) of the Federal Election Campaign Act of  
12          1971 (as added by subsection (a)) so that all online  
13          platforms submit and maintain data online in a com-  
14          mon, machine-readable and publicly accessible for-  
15          mat; and

16          (2) establishing search interface requirements  
17          relating to such record, including searches by can-  
18          didate name, issue, purchaser, and date; and

19          (3) establishing the criteria for the safe harbor  
20          exception provided under paragraph (6) of section  
21          304(j) of such Act (as added by subsection (a)).

22          (c) REPORTING.—Not later than 2 years after the  
23          date of the enactment of this Act, and biannually there-  
24          after, the Chairman of the Federal Election Commission  
25          shall submit a report to Congress on—

1           (1) matters relating to compliance with and the  
2           enforcement of the requirements of section 304(j) of  
3           the Federal Election Campaign Act of 1971, as  
4           added by subsection (a);

5           (2) recommendations for any modifications to  
6           such section to assist in carrying out its purposes;  
7           and

8           (3) identifying ways to bring transparency and  
9           accountability to political advertisements distributed  
10          online for free.

11 **SEC. 4209. PREVENTING CONTRIBUTIONS, EXPENDITURES,**  
12                                   **INDEPENDENT EXPENDITURES, AND DIS-**  
13                                   **BURSEMENTS FOR ELECTIONEERING COM-**  
14                                   **MUNICATIONS BY FOREIGN NATIONALS IN**  
15                                   **THE FORM OF ONLINE ADVERTISING.**

16          Section 319 of the Federal Election Campaign Act  
17 of 1971 (52 U.S.C. 30121), as amended by section  
18 4101(a)(2) and section 4101(b), is further amended by  
19 adding at the end the following new subsection:

20          “(e) RESPONSIBILITIES OF BROADCAST STATIONS,  
21 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND  
22 ONLINE PLATFORMS.—Each television or radio broadcast  
23 station, provider of cable or satellite television, or online  
24 platform (as defined in section 304(j)(3)) shall make rea-  
25 sonable efforts to ensure that communications described

1 in section 318(a) and made available by such station, pro-  
2 vider, or platform are not purchased by a foreign national,  
3 directly or indirectly.”.

## 4 **Subtitle D—Stand By Every Ad**

### 5 **SEC. 4301. SHORT TITLE.**

6 This Act may be cited as the “Stand By Every Ad  
7 Act”.

### 8 **SEC. 4302. STAND BY EVERY AD.**

9 (a) EXPANDED DISCLAIMER REQUIREMENTS FOR  
10 CERTAIN COMMUNICATIONS.—Section 318 of the Federal  
11 Election Campaign Act of 1971 (52 U.S.C. 30120), as  
12 amended by section 4207(b)(1), is further amended—

13 (1) by redesignating subsection (e) as sub-  
14 section (f); and

15 (2) by inserting after subsection (d) the fol-  
16 lowing new subsection:

17 “(e) EXPANDED DISCLAIMER REQUIREMENTS FOR  
18 COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR  
19 COMMITTEES.—

20 “(1) IN GENERAL.—Except as provided in para-  
21 graph (6), any communication described in para-  
22 graph (3) of subsection (a) which is transmitted in  
23 an audio or video format (including an Internet or  
24 digital communication), or which is an Internet or  
25 digital communication transmitted in a text or



1 graphic format, shall include, in addition to the re-  
2 quirements of paragraph (3) of subsection (a), the  
3 following:

4 “(A) The individual disclosure statement  
5 described in paragraph (2)(A) (if the person  
6 paying for the communication is an individual)  
7 or the organizational disclosure statement de-  
8 scribed in paragraph (2)(B) (if the person pay-  
9 ing for the communication is not an individual).

10 “(B) If the communication is transmitted  
11 in a video format, or is an Internet or digital  
12 communication which is transmitted in a text or  
13 graphic format, and is paid for in whole or in  
14 part with a payment which is treated as a cam-  
15 paign-related disbursement under section 324—

16 “(i) the Top Five Funders list (if ap-  
17 plicable); or

18 “(ii) in the case of a communication  
19 which, as determined on the basis of cri-  
20 teria established in regulations issued by  
21 the Commission, is of such short duration  
22 that including the Top Five Funders list in  
23 the communication would constitute a  
24 hardship to the person paying for the com-  
25 munication by requiring a disproportionate

1 amount of the content of the communica-  
2 tion to consist of the Top Five Funders  
3 list, the name of a website which contains  
4 the Top Five Funders list (if applicable)  
5 or, in the case of an Internet or digital  
6 communication, a hyperlink to such  
7 website.

8 “(C) If the communication is transmitted  
9 in an audio format and is paid for in whole or  
10 in part with a payment which is treated as a  
11 campaign-related disbursement under section  
12 324—

13 “(i) the Top Two Funders list (if ap-  
14 plicable); or

15 “(ii) in the case of a communication  
16 which, as determined on the basis of cri-  
17 teria established in regulations issued by  
18 the Commission, is of such short duration  
19 that including the Top Two Funders list in  
20 the communication would constitute a  
21 hardship to the person paying for the com-  
22 munication by requiring a disproportionate  
23 amount of the content of the communica-  
24 tion to consist of the Top Two Funders

1 list, the name of a website which contains  
2 the Top Two Funders list (if applicable).

3 “(2) DISCLOSURE STATEMENTS DESCRIBED.—

4 “(A) INDIVIDUAL DISCLOSURE STATE-  
5 MENTS.—The individual disclosure statement  
6 described in this subparagraph is the following:  
7 ‘I am \_\_\_\_\_, and I approve this  
8 message.’, with the blank filled in with the  
9 name of the applicable individual.

10 “(B) ORGANIZATIONAL DISCLOSURE  
11 STATEMENTS.—The organizational disclosure  
12 statement described in this subparagraph is the  
13 following: ‘I am \_\_\_\_\_, the  
14 \_\_\_\_\_ of \_\_\_\_\_, and  
15 \_\_\_\_\_ approves this message.’,  
16 with—

17 “(i) the first blank to be filled in with  
18 the name of the applicable individual;

19 “(ii) the second blank to be filled in  
20 with the title of the applicable individual;  
21 and

22 “(iii) the third and fourth blank each  
23 to be filled in with the name of the organi-  
24 zation or other person paying for the com-  
25 munication.

1           “(3) METHOD OF CONVEYANCE OF STATE-  
2           MENT.—

3           “(A) COMMUNICATIONS IN TEXT OR  
4           GRAPHIC FORMAT.—In the case of a commu-  
5           nication to which this subsection applies which  
6           is transmitted in a text or graphic format, the  
7           disclosure statements required under paragraph  
8           (1) shall appear in letters at least as large as  
9           the majority of the text in the communication.

10          “(B) COMMUNICATIONS TRANSMITTED IN  
11          AUDIO FORMAT.—In the case of a communica-  
12          tion to which this subsection applies which is  
13          transmitted in an audio format, the disclosure  
14          statements required under paragraph (1) shall  
15          be made by audio by the applicable individual  
16          in a clear and conspicuous manner.

17          “(C) COMMUNICATIONS TRANSMITTED IN  
18          VIDEO FORMAT.—In the case of a communica-  
19          tion to which this subsection applies which is  
20          transmitted in a video format, the information  
21          required under paragraph (1)—

22                 “(i) shall appear in writing at the end  
23                 of the communication or in a crawl along  
24                 the bottom of the communication in a clear  
25                 and conspicuous manner, with a reasonable

1 degree of color contrast between the back-  
2 ground and the printed statement, for a  
3 period of at least 6 seconds; and

4 “(ii) shall also be conveyed by an  
5 unobscured, full-screen view of the applica-  
6 ble individual or by the applicable indi-  
7 vidual making the statement in voice-over  
8 accompanied by a clearly identifiable pho-  
9 tograph or similar image of the individual,  
10 except in the case of a Top Five Funders  
11 list.

12 “(4) APPLICABLE INDIVIDUAL DEFINED.—The  
13 term ‘applicable individual’ means, with respect to a  
14 communication to which this subsection applies—

15 “(A) if the communication is paid for by  
16 an individual, the individual involved;

17 “(B) if the communication is paid for by a  
18 corporation, the chief executive officer of the  
19 corporation (or, if the corporation does not have  
20 a chief executive officer, the highest ranking of-  
21 ficial of the corporation);

22 “(C) if the communication is paid for by a  
23 labor organization, the highest ranking officer  
24 of the labor organization; and

1           “(D) if the communication is paid for by  
2           any other person, the highest ranking official of  
3           such person.

4           “(5) TOP FIVE FUNDERS LIST AND TOP TWO  
5           FUNDERS LIST DEFINED.—

6           “(A) TOP FIVE FUNDERS LIST.—The term  
7           ‘Top Five Funders list’ means, with respect to  
8           a communication which is paid for in whole or  
9           in part with a campaign-related disbursement  
10          (as defined in section 324), a list of the five  
11          persons who, during the 12-month period end-  
12          ing on the date of the disbursement, provided  
13          the largest payments of any type in an aggre-  
14          gate amount equal to or exceeding \$10,000 to  
15          the person who is paying for the communication  
16          and the amount of the payments each such per-  
17          son provided. If two or more people provided  
18          the fifth largest of such payments, the person  
19          paying for the communication shall select one of  
20          those persons to be included on the Top Five  
21          Funders list.

22          “(B) TOP TWO FUNDERS LIST.—The term  
23          ‘Top Two Funders list’ means, with respect to  
24          a communication which is paid for in whole or  
25          in part with a campaign-related disbursement

1 (as defined in section 324), a list of the persons  
2 who, during the 12-month period ending on the  
3 date of the disbursement, provided the largest  
4 and the second largest payments of any type in  
5 an aggregate amount equal to or exceeding  
6 \$10,000 to the person who is paying for the  
7 communication and the amount of the pay-  
8 ments each such person provided. If two or  
9 more persons provided the second largest of  
10 such payments, the person paying for the com-  
11 munication shall select one of those persons to  
12 be included on the Top Two Funders list.

13 “(C) EXCLUSION OF CERTAIN PAY-  
14 MENTS.—For purposes of subparagraphs (A)  
15 and (B), in determining the amount of pay-  
16 ments made by a person to a person paying for  
17 a communication, there shall be excluded the  
18 following:

19 “(i) Any amounts provided in the or-  
20 dinary course of any trade or business con-  
21 ducted by the person paying for the com-  
22 munication or in the form of investments  
23 in the person paying for the communica-  
24 tion.

1           “(ii) Any payment which the person  
2           prohibited, in writing, from being used for  
3           campaign-related disbursements, but only  
4           if the person paying for the communication  
5           agreed to follow the prohibition and depos-  
6           ited the payment in an account which is  
7           segregated from any account used to make  
8           campaign-related disbursements.

9           “(6) SPECIAL RULES FOR CERTAIN COMMU-  
10          UNICATIONS.—

11           “(A) EXCEPTION FOR COMMUNICATIONS  
12          PAID FOR BY POLITICAL PARTIES AND CERTAIN  
13          POLITICAL COMMITTEES.—This subsection does  
14          not apply to any communication to which sub-  
15          section (d)(2) applies.

16           “(B) TREATMENT OF VIDEO COMMUNICA-  
17          TIONS LASTING 10 SECONDS OR LESS.—In the  
18          case of a communication to which this sub-  
19          section applies which is transmitted in a video  
20          format, or is an Internet or digital communica-  
21          tion which is transmitted in a text or graphic  
22          format, the communication shall meet the fol-  
23          lowing requirements:

24           “(i) The communication shall include  
25          the individual disclosure statement de-



1 scribed in paragraph (2)(A) (if the person  
2 paying for the communication is an indi-  
3 vidual) or the organizational disclosure  
4 statement described in paragraph (2)(B)  
5 (if the person paying for the communica-  
6 tion is not an individual).

7 “(ii) The statement described in  
8 clause (i) shall appear in writing at the  
9 end of the communication, or in a crawl  
10 along the bottom of the communication, in  
11 a clear and conspicuous manner, with a  
12 reasonable degree of color contrast between  
13 the background and the printed statement,  
14 for a period of at least 4 seconds.

15 “(iii) The communication shall in-  
16 clude, in a clear and conspicuous manner,  
17 a website address with a landing page  
18 which will provide all of the information  
19 described in paragraph (1) with respect to  
20 the communication. Such address shall ap-  
21 pear for the full duration of the commu-  
22 nication.

23 “(iv) To the extent that the format in  
24 which the communication is made permits  
25 the use of a hyperlink, the communication

1                   shall include a hyperlink to the website ad-  
2                   dress described in clause (iii).”.

3           (b) APPLICATION OF EXPANDED REQUIREMENTS TO  
4 PUBLIC COMMUNICATIONS CONSISTING OF CAMPAIGN-  
5 RELATED DISBURSEMENTS.—Section 318(a) of such Act  
6 (52 U.S.C. 30120(a)) is amended by striking “for the pur-  
7 pose of financing communications expressly advocating the  
8 election or defeat of a clearly identified candidate” and  
9 inserting “for a campaign-related disbursement, as de-  
10 fined in section 324, consisting of a public communica-  
11 tion”.

12           (c) EXCEPTION FOR COMMUNICATIONS PAID FOR BY  
13 POLITICAL PARTIES AND CERTAIN POLITICAL COMMIT-  
14 TEES.—Section 318(d)(2) of such Act (52 U.S.C.  
15 30120(d)(2)) is amended—

16                   (1) in the heading, by striking “OTHERS” and  
17                   inserting “CERTAIN POLITICAL COMMITTEES”;

18                   (2) by striking “Any communication” and in-  
19                   serting “(A) Any communication”;

20                   (3) by inserting “which (except to the extent  
21                   provided in subparagraph (B)) is paid for by a polit-  
22                   ical committee (including a political committee of a  
23                   political party) and” after “subsection (a)”;

24                   (4) by striking “or other person” each place it  
25                   appears; and

1           (5) by adding at the end the following new sub-  
2 paragraph:

3           “(B)(i) This paragraph does not apply to a  
4 communication paid for in whole or in part during  
5 a calendar year with a campaign-related disburse-  
6 ment, but only if the covered organization making  
7 the campaign-related disbursement made campaign-  
8 related disbursements (as defined in section 324) ag-  
9 gregating more than \$10,000 during such calendar  
10 year.

11           “(ii) For purposes of clause (i), in determining  
12 the amount of campaign-related disbursements made  
13 by a covered organization during a year, there shall  
14 be excluded the following:

15           “(I) Any amounts received by the covered  
16 organization in the ordinary course of any trade  
17 or business conducted by the covered organiza-  
18 tion or in the form of investments in the cov-  
19 ered organization.

20           “(II) Any amounts received by the covered  
21 organization from a person who prohibited, in  
22 writing, the organization from using such  
23 amounts for campaign-related disbursements,  
24 but only if the covered organization agreed to  
25 follow the prohibition and deposited the

1 amounts in an account which is segregated  
2 from any account used to make campaign-re-  
3 lated disbursements.”.

4 **SEC. 4303. DISCLAIMER REQUIREMENTS FOR COMMUNICA-**  
5 **TIONS MADE THROUGH PRERECORDED TELE-**  
6 **PHONE CALLS.**

7 (a) APPLICATION OF REQUIREMENTS.—

8 (1) IN GENERAL.—Section 318(a) of the Fed-  
9 eral Election Campaign Act of 1971 (52 U.S.C.  
10 30120(a)), as amended by section 4205(c), is  
11 amended by inserting after “public communication”  
12 each place it appears the following: “(including a  
13 telephone call consisting in substantial part of a  
14 prerecorded audio message)”.

15 (2) APPLICATION TO COMMUNICATIONS SUB-  
16 JECT TO EXPANDED DISCLAIMER REQUIREMENTS.—  
17 Section 318(e)(1) of such Act (52 U.S.C.  
18 30120(e)(1)), as added by section 4302(a), is  
19 amended in the matter preceding subparagraph (A)  
20 by striking “which is transmitted in an audio or  
21 video format” and inserting “which is transmitted in  
22 an audio or video format or which consists of a tele-  
23 phone call consisting in substantial part of a  
24 prerecorded audio message”.

1 (b) TREATMENT AS COMMUNICATION TRANSMITTED  
2 IN AUDIO FORMAT.—

3 (1) COMMUNICATIONS BY CANDIDATES OR AU-  
4 THORIZED PERSONS.—Section 318(d) of such Act  
5 (52 U.S.C. 30120(d)) is amended by adding at the  
6 end the following new paragraph:

7 “(3) PRERECORDED TELEPHONE CALLS.—Any  
8 communication described in paragraph (1), (2), or  
9 (3) of subsection (a) (other than a communication  
10 which is subject to subsection (e)) which is a tele-  
11 phone call consisting in substantial part of a  
12 prerecorded audio message shall include, in addition  
13 to the requirements of such paragraph, the audio  
14 statement required under subparagraph (A) of para-  
15 graph (1) or the audio statement required under  
16 paragraph (2) (whichever is applicable), except that  
17 the statement shall be made at the beginning of the  
18 telephone call.”.

19 (2) COMMUNICATIONS SUBJECT TO EXPANDED  
20 DISCLAIMER REQUIREMENTS.—Section 318(e)(3) of  
21 such Act (52 U.S.C. 30120(e)(3)), as added by sec-  
22 tion 4302(a), is amended by adding at the end the  
23 following new subparagraph:

24 “(D) PRERECORDED TELEPHONE  
25 CALLS.—In the case of a communication to

1           which this subsection applies which is a tele-  
2           phone call consisting in substantial part of a  
3           prerecorded audio message, the communication  
4           shall be considered to be transmitted in an  
5           audio format.”.

6   **SEC. 4304. NO EXPANSION OF PERSONS SUBJECT TO DIS-**  
7                   **CLAIMER REQUIREMENTS ON INTERNET**  
8                   **COMMUNICATIONS.**

9           Nothing in this subtitle or the amendments made by  
10          this subtitle may be construed to require any person who  
11          is not required under section 318 of the Federal Election  
12          Campaign Act of 1971 (as provided under section 110.11  
13          of title 11 of the Code of Federal Regulations) to include  
14          a disclaimer on communications made by the person  
15          through the internet to include any disclaimer on any such  
16          communications.

17   **SEC. 4305. EFFECTIVE DATE.**

18          The amendments made by this subtitle shall apply  
19          with respect to communications made on or after January  
20          1, 2020, and shall take effect without regard to whether  
21          or not the Federal Election Commission has promulgated  
22          regulations to carry out such amendments.

1                   **Subtitle E—Secret Money**  
2                                   **Transparency**

3   **SEC. 4401. REPEAL OF RESTRICTION OF USE OF FUNDS BY**  
4                   **INTERNAL REVENUE SERVICE TO BRING**  
5                   **TRANSPARENCY TO POLITICAL ACTIVITY OF**  
6                   **CERTAIN NONPROFIT ORGANIZATIONS.**

7           Section 124 of the Financial Services and General  
8   Government Appropriations Act, 2019 (division D of Pub-  
9   lic Law 116–6) is hereby repealed.

10                   **Subtitle F—Shareholder Right-to-**  
11                                   **Know**

12   **SEC. 4501. REPEAL OF RESTRICTION ON USE OF FUNDS BY**  
13                   **SECURITIES AND EXCHANGE COMMISSION TO**  
14                   **ENSURE SHAREHOLDERS OF CORPORATIONS**  
15                   **HAVE KNOWLEDGE OF CORPORATION POLIT-**  
16                   **ICAL ACTIVITY.**

17           Section 629 of the Financial Services and General  
18   Government Appropriations Act, 2019 (division D of Pub-  
19   lic Law 116–6) is hereby repealed.

1 **Subtitle G—Disclosure of Political**  
2 **Spending by Government Con-**  
3 **tractors**

4 **SEC. 4601. REPEAL OF RESTRICTION ON USE OF FUNDS TO**  
5 **REQUIRE DISCLOSURE OF POLITICAL SPEND-**  
6 **ING BY GOVERNMENT CONTRACTORS.**

7 Section 735 of the Financial Services and General  
8 Government Appropriations Act, 2019 (division D of Pub-  
9 lic Law 116–6) is hereby repealed.

10 **Subtitle H—Limitation and Disclo-**  
11 **sure Requirements for Presi-**  
12 **dential Inaugural Committees**

13 **SEC. 4701. SHORT TITLE.**

14 This subtitle may be cited as the “Presidential Inau-  
15 gural Committee Oversight Act”.

16 **SEC. 4702. LIMITATIONS AND DISCLOSURE OF CERTAIN DO-**  
17 **NATIONS TO, AND DISBURSEMENTS BY, INAUG-**  
18 **URAL COMMITTEES.**

19 (a) REQUIREMENTS FOR INAUGURAL COMMIT-  
20 TEES.—Title III of the Federal Election Campaign Act  
21 of 1971 (52 U.S.C. 30101 et seq.) is amended by adding  
22 at the end the following new section:

23 **“SEC. 325. INAUGURAL COMMITTEES.**

24 **“(a) PROHIBITED DONATIONS.—**

25 **“(1) IN GENERAL.—It shall be unlawful—**



1 “(A) for an Inaugural Committee—

2 “(i) to solicit, accept, or receive a do-  
3 nation from a person that is not an indi-  
4 vidual; or

5 “(ii) to solicit, accept, or receive a do-  
6 nation from a foreign national;

7 “(B) for a person—

8 “(i) to make a donation to an Inau-  
9 gural Committee in the name of another  
10 person, or to knowingly authorize his or  
11 her name to be used to effect such a dona-  
12 tion;

13 “(ii) to knowingly accept a donation  
14 to an Inaugural Committee made by a per-  
15 son in the name of another person; or

16 “(iii) to convert a donation to an In-  
17 augural Committee to personal use as de-  
18 scribed in paragraph (2); and

19 “(C) for a foreign national to, directly or  
20 indirectly, make a donation, or make an express  
21 or implied promise to make a donation, to an  
22 Inaugural Committee.

23 “(2) CONVERSION OF DONATION TO PERSONAL  
24 USE.—For purposes of paragraph (1)(B)(iii), a do-  
25 nation shall be considered to be converted to per-

1       sonal use if any part of the donated amount is used  
2       to fulfill a commitment, obligation, or expense of a  
3       person that would exist irrespective of the respon-  
4       sibilities of the Inaugural Committee under chapter  
5       5 of title 36, United States Code.

6               “(3) NO EFFECT ON DISBURSEMENT OF UN-  
7       USED FUNDS TO NONPROFIT ORGANIZATIONS.—  
8       Nothing in this subsection may be construed to pro-  
9       hibit an Inaugural Committee from disbursing un-  
10      used funds to an organization which is described in  
11      section 501(c)(3) of the Internal Revenue Code of  
12      1986 and is exempt from taxation under section  
13      501(a) of such Code.

14              “(b) LIMITATION ON DONATIONS.—

15               “(1) IN GENERAL.—It shall be unlawful for an  
16      individual to make donations to an Inaugural Com-  
17      mittee which, in the aggregate, exceed \$50,000.

18               “(2) INDEXING.—At the beginning of each  
19      Presidential election year (beginning with 2024), the  
20      amount described in paragraph (1) shall be in-  
21      creased by the cumulative percent difference deter-  
22      mined in section 315(c)(1)(A) since the previous  
23      Presidential election year. If any amount after such  
24      increase is not a multiple of \$1,000, such amount  
25      shall be rounded to the nearest multiple of \$1,000.

1           “(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-  
2 BURSEMENTS.—

3           “(1) DONATIONS OVER \$1,000.—

4           “(A) IN GENERAL.—An Inaugural Com-  
5 mittee shall file with the Commission a report  
6 disclosing any donation by an individual to the  
7 committee in an amount of \$1,000 or more not  
8 later than 24 hours after the receipt of such do-  
9 nation.

10           “(B) CONTENTS OF REPORT.—A report  
11 filed under subparagraph (A) shall contain—

12           “(i) the amount of the donation;

13           “(ii) the date the donation is received;

14           and

15           “(iii) the name and address of the in-  
16 dividual making the donation.

17           “(2) FINAL REPORT.—Not later than the date  
18 that is 90 days after the date of the Presidential in-  
19 augural ceremony, the Inaugural Committee shall  
20 file with the Commission a report containing the fol-  
21 lowing information:

22           “(A) For each donation of money or any-  
23 thing of value made to the committee in an ag-  
24 gregate amount equal to or greater than  
25 \$200—

1 “(i) the amount of the donation;

2 “(ii) the date the donation is received;

3 and

4 “(iii) the name and address of the in-  
5 dividual making the donation.

6 “(B) The total amount of all disburse-  
7 ments, and all disbursements in the following  
8 categories:

9 “(i) Disbursements made to meet  
10 committee operating expenses.

11 “(ii) Repayment of all loans.

12 “(iii) Donation refunds and other off-  
13 sets to donations.

14 “(iv) Any other disbursements.

15 “(C) The name and address of each per-  
16 son—

17 “(i) to whom a disbursement in an ag-  
18 gregate amount or value in excess of \$200  
19 is made by the committee to meet a com-  
20 mittee operating expense, together with  
21 date, amount, and purpose of such oper-  
22 ating expense;

23 “(ii) who receives a loan repayment  
24 from the committee, together with the date  
25 and amount of such loan repayment;

1           “(iii) who receives a donation refund  
2           or other offset to donations from the com-  
3           mittee, together with the date and amount  
4           of such disbursement; and

5           “(iv) to whom any other disbursement  
6           in an aggregate amount or value in excess  
7           of \$200 is made by the committee, to-  
8           gether with the date and amount of such  
9           disbursement.

10       “(d) DEFINITIONS.—For purposes of this section:

11       “(1)(A) The term ‘donation’ includes—

12           “(i) any gift, subscription, loan, ad-  
13           vance, or deposit of money or anything of  
14           value made by any person to the com-  
15           mittee; or

16           “(ii) the payment by any person of  
17           compensation for the personal services of  
18           another person which are rendered to the  
19           committee without charge for any purpose.

20       “(B) The term ‘donation’ does not include  
21       the value of services provided without com-  
22       pensation by any individual who volunteers on  
23       behalf of the committee.

24       “(2) The term ‘foreign national’ has the mean-  
25       ing given that term by section 319(b).

1           “(3) The term ‘Inaugural Committee’ has the  
2           meaning given that term by section 501 of title 36,  
3           United States Code.”.

4           (b) CONFIRMING AMENDMENT RELATED TO RE-  
5           PORTING REQUIREMENTS.—Section 304 of the Federal  
6           Election Campaign Act of 1971 (52 U.S.C. 30104) is  
7           amended—

8                     (1) by striking subsection (h); and

9                     (2) by redesignating subsection (i) as subsection  
10           (h).

11           (c) CONFORMING AMENDMENT RELATED TO STATUS  
12           OF COMMITTEE.—Section 510 of title 36, United States  
13           Code, is amended to read as follows:

14           **“§ 510. Disclosure of and prohibition on certain dona-**  
15                     **tions**

16           “A committee shall not be considered to be the Inau-  
17           gural Committee for purposes of this chapter unless the  
18           committee agrees to, and meets, the requirements of sec-  
19           tion 325 of the Federal Election Campaign Act of 1971.”.

20           (d) EFFECTIVE DATE.—The amendments made by  
21           this Act shall apply with respect to Inaugural Committees  
22           established under chapter 5 of title 36, United States  
23           Code, for inaugurations held in 2021 and any succeeding  
24           year.



“Sec. 512. Qualifying requirements.

“Sec. 513. Certification.

“Subtitle C—Requirements for Candidates Certified as Participating  
Candidates

“Sec. 521. Contribution and expenditure requirements.

“Sec. 522. Administration of campaign.

“Sec. 523. Preventing unnecessary spending of public funds.

“Sec. 524. Remitting unspent funds after election.

“Subtitle D—Enhanced Match Support

“Sec. 531. Enhanced support for general election.

“Sec. 532. Eligibility.

“Sec. 533. Amount.

“Sec. 534. Waiver of authority to retain portion of unspent funds after  
election.

“Subtitle E—Administrative Provisions

“Sec. 541. Freedom From Influence Fund.

“Sec. 542. Reviews and reports by Government Accountability Office.

“Sec. 543. Administration by Commission.

“Sec. 544. Violations and penalties.

“Sec. 545. Appeals process.

“Sec. 546. Indexing of amounts.

“Sec. 547. Election cycle defined.

Sec. 5112. Contributions and expenditures by multicandidate and political  
party committees on behalf of participating candidates.

Sec. 5113. Prohibiting use of contributions by participating candidates for pur-  
poses other than campaign for election.

Sec. 5114. Effective date.

Subtitle C—Presidential Elections

Sec. 5200. Short title.

PART 1—PRIMARY ELECTIONS

Sec. 5201. Increase in and modifications to matching payments.

Sec. 5202. Eligibility requirements for matching payments.

Sec. 5203. Repeal of expenditure limitations.

Sec. 5204. Period of availability of matching payments.

Sec. 5205. Examination and audits of matchable contributions.

Sec. 5206. Modification to limitation on contributions for Presidential primary  
candidates.

Sec. 5207. Use of Freedom From Influence Fund as source of payments.

PART 2—GENERAL ELECTIONS

Sec. 5211. Modification of eligibility requirements for public financing.

Sec. 5212. Repeal of expenditure limitations and use of qualified campaign con-  
tributions.

Sec. 5213. Matching payments and other modifications to payment amounts.

Sec. 5214. Increase in limit on coordinated party expenditures.

Sec. 5215. Establishment of uniform date for release of payments.

Sec. 5216. Amounts in Presidential Election Campaign Fund.



Sec. 5217. Use of general election payments for general election legal and accounting compliance.

Sec. 5218. Use of Freedom From Influence Fund as source of payments.

PART 3—EFFECTIVE DATE

Sec. 5221. Effective date.

Subtitle D—Personal Use Services as Authorized Campaign Expenditures

Sec. 5301. Short title; findings; purpose.

Sec. 5302. Treatment of payments for child care and other personal use services as authorized campaign expenditure.

Subtitle E—Severability

Sec. 5401. Severability.

1     **Subtitle A—Findings Relating to**  
2             ***Citizens United* Decision**

3     **SEC. 5001. FINDINGS RELATING TO *CITIZENS UNITED* DECI-**  
4             **SION.**

5             Congress finds the following:

6                     (1) The American Republic was founded on the  
7             principle that all people are created equal, with  
8             rights and responsibilities as citizens to vote, be rep-  
9             resented, speak, debate, and participate in self-gov-  
10            ernment on equal terms regardless of wealth. To se-  
11            cure these rights and responsibilities, our Constitu-  
12            tion not only protects the equal rights of all Ameri-  
13            cans but also provides checks and balances to pre-  
14            vent corruption and prevent concentrated power and  
15            wealth from undermining effective self-government.

16                    (2) The Supreme Court's decisions in *Citizens*  
17            *United v. Federal Election Commission*, 558 U.S.  
18            310 (2010) and *McCutcheon v. FEC*, 572 U.S. 185

1 (2014), as well as other court decisions, erroneously  
2 invalidated even-handed rules about the spending of  
3 money in local, State, and Federal elections. These  
4 flawed decisions have empowered large corporations,  
5 extremely wealthy individuals, and special interests  
6 to dominate election spending, corrupt our politics,  
7 and degrade our democracy through tidal waves of  
8 unlimited and anonymous spending. These decisions  
9 also stand in contrast to a long history of efforts by  
10 Congress and the States to regulate money in poli-  
11 tics to protect democracy, and they illustrate a trou-  
12 bling deregulatory trend in campaign finance-related  
13 court decisions. Additionally, an unknown amount of  
14 foreign money continues to be spent in our political  
15 system as subsidiaries of foreign-based corporations  
16 and hostile foreign actors sometimes connected to  
17 nation-States work to influence our elections.

18 (3) The Supreme Court's misinterpretation of  
19 the Constitution to empower monied interests at the  
20 expense of the American people in elections has seri-  
21 ously eroded over 100 years of congressional action  
22 to promote fairness and protect elections from the  
23 toxic influence of money.

24 (4) In 1907, Congress passed the Tillman Act  
25 in response to the concentration of corporate power

1 in the post-Civil War Gilded Age. The Act prohibited  
2 corporations from making contributions in connec-  
3 tion with Federal elections, aiming “not merely to  
4 prevent the subversion of the integrity of the elec-  
5 toral process [but] . . . to sustain the active, alert  
6 responsibility of the individual citizen in a democ-  
7 racy for the wise conduct of government”.

8 (5) By 1910, Congress began passing disclosure  
9 requirements and campaign expenditure limits, and  
10 dozens of States passed corrupt practices Acts to  
11 prohibit corporate spending in elections. States also  
12 enacted campaign spending limits, and some States  
13 limited the amount that people could contribute to  
14 campaigns.

15 (6) In 1947, the Taft-Hartley Act prohibited  
16 corporations and unions from making campaign con-  
17 tributions or other expenditures to influence elec-  
18 tions. In 1962, a Presidential commission on election  
19 spending recommended spending limits and incen-  
20 tives to increase small contributions from more peo-  
21 ple.

22 (7) The Federal Election Campaign Act of  
23 1971 (FECA), as amended in 1974, required disclo-  
24 sure of contributions and expenditures, imposed con-  
25 tribution and expenditure limits for individuals and

1 groups, set spending limits for campaigns, can-  
2 didates, and groups, implemented a public funding  
3 system for Presidential campaigns, and created the  
4 Federal Election Commission to oversee and enforce  
5 the new rules.

6 (8) In the wake of *Citizens United* and other  
7 damaging Federal court decisions, Americans have  
8 witnessed an explosion of outside spending in elec-  
9 tions. Outside spending increased nearly 900 percent  
10 between the 2008 and 2016 Presidential election  
11 years. Indeed, the 2018 elections once again made  
12 clear the overwhelming political power of wealthy  
13 special interests, to the tune of over \$5,000,000,000.  
14 And as political entities adapt to a post- *Citizens*  
15 *United*, post-*McCutcheon* landscape, these trends are  
16 getting worse, as evidenced by the experience in the  
17 2018 midterm congressional elections, where outside  
18 spending more than doubled from the previous mid-  
19 term cycle.

20 (9) The torrent of money flowing into our polit-  
21 ical system has a profound effect on the democratic  
22 process for everyday Americans, whose voices and  
23 policy preferences are increasingly being drowned  
24 out by those of wealthy special interests. The more  
25 campaign cash from wealthy special interests can

1 flood our elections, the more policies that favor those  
2 interests are reflected in the national political agen-  
3 da. When it comes to policy preferences, our Na-  
4 tion's wealthiest tend to have fundamentally dif-  
5 ferent views than do average Americans when it  
6 comes to issues ranging from unemployment benefits  
7 to the minimum wage to health care coverage.

8 (10) The Court has tied the hands of Congress  
9 and the States, severely restricting them from set-  
10 ting reasonable limits on campaign spending. For  
11 example, the Court has held that only the Govern-  
12 ment's interest in preventing quid pro quo corrup-  
13 tion, like bribery, or the appearance of such corrup-  
14 tion, can justify limits on campaign contributions.  
15 More broadly, the Court has severely curtailed at-  
16 tempts to reduce the ability of the Nation's wealthi-  
17 est and most powerful to skew our democracy in  
18 their favor by buying outsized influence in our elec-  
19 tions. Because this distortion of the Constitution has  
20 prevented truly meaningful regulation or reform of  
21 the way we finance elections in America, a constitu-  
22 tional amendment is needed to achieve a democracy  
23 for all the people.

24 (11) Since the landmark *Citizens United* deci-  
25 sion, 19 States and nearly 800 municipalities, in-

1 including large cities like New York, Los Angeles, Chi-  
2 cago, and Philadelphia, have gone on record sup-  
3 porting a constitutional amendment. Transcending  
4 political leanings and geographic location, voters in  
5 States and municipalities across the country that  
6 have placed amendment questions on the ballot have  
7 routinely supported these initiatives by considerably  
8 large margins.

9 (12) At the same time millions of Americans  
10 have signed petitions, marched, called their Members  
11 of Congress, written letters to the editor, and other-  
12 wise demonstrated their public support for a con-  
13 stitutional amendment to overturn *Citizens United*  
14 that will allow Congress to reign in the outsized in-  
15 fluence of unchecked money in politics. Dozens of  
16 organizations, representing tens of millions of indi-  
17 viduals, have come together in a shared strategy of  
18 supporting such an amendment.

19 (13) In order to protect the integrity of democ-  
20 racy and the electoral process and to ensure political  
21 equality for all, the Constitution should be amended  
22 so that Congress and the States may regulate and  
23 set limits on the raising and spending of money to  
24 influence elections and may distinguish between nat-  
25 ural persons and artificial entities, like corporations,

1 that are created by law, including by prohibiting  
2 such artificial entities from spending money to influ-  
3 ence elections.

## 4 **Subtitle B—Congressional** 5 **Elections**

### 6 **SEC. 5100. SHORT TITLE.**

7 This subtitle may be cited as the “Government By  
8 the People Act of 2019”.

### 9 **PART 1—MY VOICE VOUCHER PILOT PROGRAM**

#### 10 **SEC. 5101. ESTABLISHMENT OF PILOT PROGRAM.**

11 (a) **ESTABLISHMENT.**—The Federal Election Com-  
12 mission (hereafter in this part referred to as the “Commis-  
13 sion”) shall establish a pilot program under which the  
14 Commission shall select 3 eligible States to operate a  
15 voucher pilot program which is described in section 5102  
16 during the program operation period.

17 (b) **ELIGIBILITY OF STATES.**—A State is eligible to  
18 be selected to operate a voucher pilot program under this  
19 part if, not later than 180 days after the beginning of the  
20 program application period, the State submits to the Com-  
21 mission an application containing—

22 (1) information and assurances that the State  
23 will operate a voucher program which contains the  
24 elements described in section 5102(a);

1           (2) information and assurances that the State  
2 will establish fraud prevention mechanisms described  
3 in section 5102(b);

4           (3) information and assurances that the State  
5 will establish a commission to oversee and implement  
6 the program as described in section 5102(c);

7           (4) information and assurances that the State  
8 will carry out a public information campaign as de-  
9 scribed in section 5102(d);

10          (5) information and assurances that the State  
11 will submit reports as required under section 5103;  
12 and

13          (6) such other information and assurances as  
14 the Commission may require.

15          (c) SELECTION OF PARTICIPATING STATES.—

16           (1) IN GENERAL.—Not later than 1 year after  
17 the beginning of the program application period, the  
18 Commission shall select the 3 States which will oper-  
19 ate voucher pilot programs under this part.

20           (2) CRITERIA.—In selecting States for the oper-  
21 ation of the voucher pilot programs under this part,  
22 the Commission shall apply such criteria and metrics  
23 as the Commission considers appropriate to deter-  
24 mine the ability of a State to operate the program  
25 successfully, and shall attempt to select States in a



1 variety of geographic regions and with a variety of  
2 political party preferences.

3 (3) NO SUPERMAJORITY REQUIRED FOR SELEC-  
4 TION.—The selection of States by the Commission  
5 under this subsection shall require the approval of  
6 only half of the Members of the Commission.

7 (d) DUTIES OF STATES DURING PROGRAM PREPARA-  
8 TION PERIOD.—During the program preparation period,  
9 each State selected to operate a voucher pilot program  
10 under this part shall take such actions as may be nec-  
11 essary to ensure that the State will be ready to operate  
12 the program during the program operation period, and  
13 shall complete such actions not later than 90 days before  
14 the beginning of the program operation period.

15 (e) TERMINATION.—Each voucher pilot program  
16 under this part shall terminate as of the first day after  
17 the program operation period.

18 (f) REIMBURSEMENT OF COSTS.—

19 (1) REIMBURSEMENT.—Upon receiving the re-  
20 port submitted by a State under section 5103(a)  
21 with respect to an election cycle, the Commission  
22 shall transmit a payment to the State in an amount  
23 equal to the reasonable costs incurred by the State  
24 in operating the voucher pilot program under this  
25 part during the cycle.

1           (2) SOURCE OF FUNDS.—Payments to States  
2           under the program shall be made using amounts in  
3           the Freedom From Influence Fund under section  
4           541 of the Federal Election Campaign Act of 1971  
5           (as added by section 5111), hereafter referred to as  
6           the “Fund”.

7           (3) MANDATORY REDUCTION OF PAYMENTS IN  
8           CASE OF INSUFFICIENT AMOUNTS IN FREEDOM  
9           FROM INFLUENCE FUND.—

10           (A) ADVANCE AUDITS BY COMMISSION.—

11           Not later than 90 days before the first day of  
12           each program operation period, the Commission  
13           shall—

14                   (i) audit the Fund to determine  
15                   whether, after first making payments to  
16                   participating candidates under title V of  
17                   the Federal Election Campaign Act of  
18                   1971 (as added by section 5111), the  
19                   amounts remaining in the Fund will be  
20                   sufficient to make payments to States  
21                   under this part in the amounts provided  
22                   under this subsection; and

23                   (ii) submit a report to Congress de-  
24                   scribing the results of the audit.

1 (B) REDUCTIONS IN AMOUNT OF PAY-  
2 MENTS.—

3 (i) AUTOMATIC REDUCTION ON PRO  
4 RATA BASIS.—If, on the basis of the audit  
5 described in subparagraph (A), the Com-  
6 mission determines that the amount antici-  
7 pated to be available in the Fund with re-  
8 spect to an election cycle involved is not, or  
9 may not be, sufficient to make payments to  
10 States under this part in the full amount  
11 provided under this subsection, the Com-  
12 mission shall reduce each amount which  
13 would otherwise be paid to a State under  
14 this subsection by such pro rata amount as  
15 may be necessary to ensure that the aggre-  
16 gate amount of payments anticipated to be  
17 made with respect to the cycle will not ex-  
18 ceed the amount anticipated to be available  
19 for such payments in the Fund with re-  
20 spect to such cycle.

21 (ii) RESTORATION OF REDUCTIONS IN  
22 CASE OF AVAILABILITY OF SUFFICIENT  
23 FUNDS DURING ELECTION CYCLE.—If,  
24 after reducing the amounts paid to States  
25 with respect to an election cycle under

1 clause (i), the Commission determines that  
2 there are sufficient amounts in the Fund  
3 to restore the amount by which such pay-  
4 ments were reduced (or any portion there-  
5 of), to the extent that such amounts are  
6 available, the Commission may make a  
7 payment on a pro rata basis to each such  
8 State with respect to the cycle in the  
9 amount by which such State's payments  
10 were reduced under clause (i) (or any por-  
11 tion thereof, as the case may be).

12 (iii) NO USE OF AMOUNTS FROM  
13 OTHER SOURCES.—In any case in which  
14 the Commission determines that there are  
15 insufficient moneys in the Fund to make  
16 payments to States under this part, mon-  
17 eys shall not be made available from any  
18 other source for the purpose of making  
19 such payments.

20 (3) CAP ON AMOUNT OF PAYMENT.—The aggre-  
21 gate amount of payments made to any State with re-  
22 spect to any program operation period may not ex-  
23 ceed \$10,000,000. If the State determines that the  
24 maximum payment amount under this paragraph  
25 with respect to the program operation period in-

1       involved is not, or may not be, sufficient to cover the  
2       reasonable costs incurred by the State in operating  
3       the program under this part for such period, the  
4       State shall reduce the amount of the voucher pro-  
5       vided to each qualified individual by such pro rata  
6       amount as may be necessary to ensure that the rea-  
7       sonable costs incurred by the State in operating the  
8       program will not exceed the amount paid to the  
9       State with respect to such period.

10 **SEC. 5102. VOUCHER PROGRAM DESCRIBED.**

11       (a) GENERAL ELEMENTS OF PROGRAM.—

12               (1) ELEMENTS DESCRIBED.—The elements of a  
13       voucher pilot program operated by a State under  
14       this part are as follows:

15               (A) The State shall provide each qualified  
16       individual upon the individual's request with a  
17       voucher worth \$25 to be known as a "My Voice  
18       Voucher" during the election cycle which will be  
19       assigned a routing number and which at the op-  
20       tion of the individual will be provided in either  
21       paper or electronic form.

22               (B) Using the routing number assigned to  
23       the My Voice Voucher, the individual may sub-  
24       mit the My Voice Voucher in either electronic  
25       or paper form to qualified candidates for elec-

1           tion for the office of Representative in, or Dele-  
2           gate or Resident Commissioner to, the Congress  
3           and allocate such portion of the value of the My  
4           Voice Voucher in increments of \$5 as the indi-  
5           vidual may select to any such candidate.

6                   (C) If the candidate transmits the My  
7           Voice Voucher to the Commission, the Commis-  
8           sion shall pay the candidate the portion of the  
9           value of the My Voice Voucher that the indi-  
10          vidual allocated to the candidate, which shall be  
11          considered a contribution by the individual to  
12          the candidate for purposes of the Federal Elec-  
13          tion Campaign Act of 1971.

14                   (2) DESIGNATION OF QUALIFIED INDIVID-  
15          UALS.—For purposes of paragraph (1)(A), a “quali-  
16          fied individual” with respect to a State means an in-  
17          dividual—

18                           (A) who is a resident of the State;

19                           (B) who will be of voting age as of the  
20          date of the election for the candidate to whom  
21          the individual submits a My Voice Voucher; and

22                           (C) who is not prohibited under Federal  
23          law from making contributions to candidates  
24          for election for Federal office.

1           (3) TREATMENT AS CONTRIBUTION TO CAN-  
2           DIDATE.—For purposes of the Federal Election  
3           Campaign Act of 1971, the submission of a My  
4           Voice Voucher to a candidate by an individual shall  
5           be treated as a contribution to the candidate by the  
6           individual in the amount of the portion of the value  
7           of the Voucher that the individual allocated to the  
8           candidate.

9           (b) FRAUD PREVENTION MECHANISM.—In addition  
10          to the elements described in subsection (a), a State oper-  
11          ating a voucher pilot program under this part shall permit  
12          an individual to revoke a My Voice Voucher not later than  
13          2 days after submitting the My Voice Voucher to a can-  
14          didate.

15          (c) OVERSIGHT COMMISSION.—In addition to the ele-  
16          ments described in subsection (a), a State operating a  
17          voucher pilot program under this part shall establish a  
18          commission or designate an existing entity to oversee and  
19          implement the program in the State, except that no such  
20          commission or entity may be comprised of elected officials.

21          (d) PUBLIC INFORMATION CAMPAIGN.—In addition  
22          to the elements described in subsection (a), a State oper-  
23          ating a voucher pilot program under this part shall carry  
24          out a public information campaign to disseminate aware-  
25          ness of the program among qualified individuals.

1 **SEC. 5103. REPORTS.**

2 (a) PRELIMINARY REPORT.—Not later than 6  
3 months after the first election cycle of the program oper-  
4 ation period, a State which operates a voucher pilot pro-  
5 gram under this part shall submit a report to the Commis-  
6 sion analyzing the operation and effectiveness of the pro-  
7 gram during the cycle and including such other informa-  
8 tion as the Commission may require.

9 (b) FINAL REPORT.—Not later than 6 months after  
10 the end of the program operation period, the State shall  
11 submit a final report to the Commission analyzing the op-  
12 eration and effectiveness of the program and including  
13 such other information as the Commission may require.

14 (c) REPORT BY COMMISSION.—Not later than the  
15 end of the first election cycle which begins after the pro-  
16 gram operation period, the Commission shall submit a re-  
17 port to Congress which summarizes and analyzes the re-  
18 sults of the voucher pilot program, and shall include in  
19 the report such recommendations as the Commission con-  
20 siders appropriate regarding the expansion of the pilot  
21 program to all States and territories, along with such  
22 other recommendations and other information as the Com-  
23 mission considers appropriate.

24 **SEC. 5104. DEFINITIONS.**

25 (a) ELECTION CYCLE.—In this part, the term “elec-  
26 tion cycle” means the period beginning on the day after



1 the date of the most recent regularly scheduled general  
2 election for Federal office and ending on the date of the  
3 next regularly scheduled general election for Federal of-  
4 fice.

5 (b) DEFINITIONS RELATING TO PERIODS.—In this  
6 part, the following definitions apply:

7 (1) PROGRAM APPLICATION PERIOD.—The term  
8 “program application period” means the first elec-  
9 tion cycle which begins after the date of the enact-  
10 ment of this Act.

11 (2) PROGRAM PREPARATION PERIOD.—The  
12 term “program preparation period” means the first  
13 election cycle which begins after the program appli-  
14 cation period.

15 (3) PROGRAM OPERATION PERIOD.—The term  
16 “program operation period” means the first 2 elec-  
17 tion cycles which begin after the program prepara-  
18 tion period.

19 **PART 2—SMALL DOLLAR FINANCING OF**  
20 **CONGRESSIONAL ELECTION CAMPAIGNS**  
21 **SEC. 5111. BENEFITS AND ELIGIBILITY REQUIREMENTS**  
22 **FOR CANDIDATES.**

23 The Federal Election Campaign Act of 1971 (52  
24 U.S.C. 30101 et seq.) is amended by adding at the end  
25 the following:

1 **“TITLE V—SMALL DOLLAR FI-**  
2 **NANCING OF CONGRES-**  
3 **SIONAL ELECTION CAM-**  
4 **PAIGNS**

5 **“Subtitle A—Benefits**

6 **“SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.**

7 “(a) IN GENERAL.—If a candidate for election to the  
8 office of Representative in, or Delegate or Resident Com-  
9 missioner to, the Congress is certified as a participating  
10 candidate under this title with respect to an election for  
11 such office, the candidate shall be entitled to payments  
12 as provided under this title.

13 “(b) AMOUNT OF PAYMENT.—The amount of a pay-  
14 ment made under this title shall be equal to 600 percent  
15 of the amount of qualified small dollar contributions re-  
16 ceived by the candidate since the most recent payment  
17 made to the candidate under this title during the election  
18 cycle, without regard to whether or not the candidate re-  
19 ceived any of the contributions before, during, or after the  
20 Small Dollar Democracy qualifying period applicable to  
21 the candidate under section 511(c).

22 “(c) LIMIT ON AGGREGATE AMOUNT OF PAY-  
23 MENTS.—The aggregate amount of payments made to a  
24 participating candidate with respect to an election cycle  
25 under this title may not exceed 50 percent of the average

1 of the 20 greatest amounts of disbursements made by the  
2 authorized committees of any winning candidate for the  
3 office of Representative in, or Delegate or Resident Com-  
4 missioner to, the Congress during the most recent election  
5 cycle, rounded to the nearest \$100,000.

6 **“SEC. 502. PROCEDURES FOR MAKING PAYMENTS.**

7 “(a) IN GENERAL.—The Commission shall make a  
8 payment under section 501 to a candidate who is certified  
9 as a participating candidate upon receipt from the can-  
10 didate of a request for a payment which includes—

11 “(1) a statement of the number and amount of  
12 qualified small dollar contributions received by the  
13 candidate since the most recent payment made to  
14 the candidate under this title during the election  
15 cycle;

16 “(2) a statement of the amount of the payment  
17 the candidate anticipates receiving with respect to  
18 the request;

19 “(3) a statement of the total amount of pay-  
20 ments the candidate has received under this title as  
21 of the date of the statement; and

22 “(4) such other information and assurances as  
23 the Commission may require.

1       “(b) RESTRICTIONS ON SUBMISSION OF RE-  
2 QUESTS.—A candidate may not submit a request under  
3 subsection (a) unless each of the following applies:

4           “(1) The amount of the qualified small dollar  
5 contributions in the statement referred to in sub-  
6 section (a)(1) is equal to or greater than \$5,000, un-  
7 less the request is submitted during the 30-day pe-  
8 riod which ends on the date of a general election.

9           “(2) The candidate did not receive a payment  
10 under this title during the 7-day period which ends  
11 on the date the candidate submits the request.

12       “(c) TIME OF PAYMENT.—The Commission shall, in  
13 coordination with the Secretary of the Treasury, take such  
14 steps as may be necessary to ensure that the Secretary  
15 is able to make payments under this section from the  
16 Treasury not later than 2 business days after the receipt  
17 of a request submitted under subsection (a).

18 **“SEC. 503. USE OF FUNDS.**

19       “(a) USE OF FUNDS FOR AUTHORIZED CAMPAIGN  
20 EXPENDITURES.—A candidate shall use payments made  
21 under this title, including payments provided with respect  
22 to a previous election cycle which are withheld from remit-  
23 tance to the Commission in accordance with section  
24 524(a)(2), only for making direct payments for the receipt  
25 of goods and services which constitute authorized expendi-

1 tures (as determined in accordance with title III) in con-  
2 nection with the election cycle involved.

3 “(b) PROHIBITING USE OF FUNDS FOR LEGAL EX-  
4 PENSES, FINES, OR PENALTIES.—Notwithstanding title  
5 III, a candidate may not use payments made under this  
6 title for the payment of expenses incurred in connection  
7 with any action, claim, or other matter before the Commis-  
8 sion or before any court, hearing officer, arbitrator, or  
9 other dispute resolution entity, or for the payment of any  
10 fine or civil monetary penalty.

11 **“SEC. 504. QUALIFIED SMALL DOLLAR CONTRIBUTIONS DE-**  
12 **SCRIBED.**

13 “(a) IN GENERAL.—In this title, the term ‘qualified  
14 small dollar contribution’ means, with respect to a can-  
15 didate and the authorized committees of a candidate, a  
16 contribution that meets the following requirements:

17 “(1) The contribution is in an amount that is—

18 “(A) not less than \$1; and

19 “(B) not more than \$200.

20 “(2)(A) The contribution is made directly by an  
21 individual to the candidate or an authorized com-  
22 mittee of the candidate and is not—

23 “(i) forwarded from the individual making  
24 the contribution to the candidate or committee  
25 by another person; or

1           “(ii) received by the candidate or com-  
2           mittee with the knowledge that the contribution  
3           was made at the request, suggestion, or rec-  
4           ommendation of another person.

5           “(B) In this paragraph—

6           “(i) the term ‘person’ does not include an  
7           individual (other than an individual described in  
8           section 304(i)(7) of the Federal Election Cam-  
9           paign Act of 1971), a political committee of a  
10          political party, or any political committee which  
11          is not a separate segregated fund described in  
12          section 316(b) of the Federal Election Cam-  
13          paign Act of 1971 and which does not make  
14          contributions or independent expenditures, does  
15          not engage in lobbying activity under the Lob-  
16          bying Disclosure Act of 1995 (2 U.S.C. 1601 et  
17          seq.), and is not established by, controlled by,  
18          or affiliated with a registered lobbyist under  
19          such Act, an agent of a registered lobbyist  
20          under such Act, or an organization which re-  
21          tains or employs a registered lobbyist under  
22          such Act; and

23          “(ii) a contribution is not ‘made at the re-  
24          quest, suggestion, or recommendation of an-  
25          other person’ solely on the grounds that the

1 contribution is made in response to information  
2 provided to the individual making the contribu-  
3 tion by any person, so long as the candidate or  
4 authorized committee does not know the iden-  
5 tity of the person who provided the information  
6 to such individual.

7 “(3) The individual who makes the contribution  
8 does not make contributions to the candidate or the  
9 authorized committees of the candidate with respect  
10 to the election involved in an aggregate amount that  
11 exceeds the amount described in paragraph (1)(B),  
12 or any contribution to the candidate or the author-  
13 ized committees of the candidate with respect to the  
14 election involved that otherwise is not a qualified  
15 small dollar contribution.

16 “(b) TREATMENT OF MY VOICE VOUCHERS.—Any  
17 payment received by a candidate and the authorized com-  
18 mittees of a candidate which consists of a My Voice  
19 Voucher under the Government By the People Act of 2019  
20 shall be considered a qualified small dollar contribution  
21 for purposes of this title, so long as the individual making  
22 the payment meets the requirements of paragraphs (2)  
23 and (3) of subsection (a).

24 “(c) RESTRICTION ON SUBSEQUENT CONTRIBU-  
25 TIONS.—

1           “(1) PROHIBITING DONOR FROM MAKING SUB-  
2 SEQUENT NONQUALIFIED CONTRIBUTIONS DURING  
3 ELECTION CYCLE.—

4           “(A) IN GENERAL.—An individual who  
5 makes a qualified small dollar contribution to a  
6 candidate or the authorized committees of a  
7 candidate with respect to an election may not  
8 make any subsequent contribution to such can-  
9 didate or the authorized committees of such  
10 candidate with respect to the election cycle  
11 which is not a qualified small dollar contribu-  
12 tion.

13           “(B) EXCEPTION FOR CONTRIBUTIONS TO  
14 CANDIDATES WHO VOLUNTARILY WITHDRAW  
15 FROM PARTICIPATION DURING QUALIFYING PE-  
16 RIOD.—Subparagraph (A) does not apply with  
17 respect to a contribution made to a candidate  
18 who, during the Small Dollar Democracy quali-  
19 fying period described in section 511(c), sub-  
20 mits a statement to the Commission under sec-  
21 tion 513(c) to voluntarily withdraw from par-  
22 ticipating in the program under this title.

23           “(2) TREATMENT OF SUBSEQUENT NON-  
24 QUALIFIED CONTRIBUTIONS.—If, notwithstanding  
25 the prohibition described in paragraph (1), an indi-



1       vidual who makes a qualified small dollar contribu-  
2       tion to a candidate or the authorized committees of  
3       a candidate with respect to an election makes a sub-  
4       sequent contribution to such candidate or the au-  
5       thorized committees of such candidate with respect  
6       to the election which is prohibited under paragraph  
7       (1) because it is not a qualified small dollar con-  
8       tribution, the candidate may take one of the fol-  
9       lowing actions:

10               “(A) Not later than 2 weeks after receiving  
11               the contribution, the candidate may return the  
12               subsequent contribution to the individual. In  
13               the case of a subsequent contribution which is  
14               not a qualified small dollar contribution because  
15               the contribution fails to meet the requirements  
16               of paragraph (3) of subsection (a) (relating to  
17               the aggregate amount of contributions made to  
18               the candidate or the authorized committees of  
19               the candidate by the individual making the con-  
20               tribution), the candidate may return an amount  
21               equal to the difference between the amount of  
22               the subsequent contribution and the amount de-  
23               scribed in paragraph (1)(B) of subsection (a).

24               “(B) The candidate may retain the subse-  
25               quent contribution, so long as not later than 2

1 weeks after receiving the subsequent contribu-  
2 tion, the candidate remits to the Commission  
3 for deposit in the Freedom From Influence  
4 Fund under section 541 an amount equal to  
5 any payments received by the candidate under  
6 this title which are attributable to the qualified  
7 small dollar contribution made by the individual  
8 involved.

9 “(3) NO EFFECT ON ABILITY TO MAKE MUL-  
10 TIPLE CONTRIBUTIONS.—Nothing in this section  
11 may be construed to prohibit an individual from  
12 making multiple qualified small dollar contributions  
13 to any candidate or any number of candidates, so  
14 long as each contribution meets each of the require-  
15 ments of paragraphs (1), (2), and (3) of subsection  
16 (a).

17 “(d) NOTIFICATION REQUIREMENTS FOR CAN-  
18 DIDATES.—

19 “(1) NOTIFICATION.—Each authorized com-  
20 mittee of a candidate who seeks to be a participating  
21 candidate under this title shall provide the following  
22 information in any materials for the solicitation of  
23 contributions, including any internet site through  
24 which individuals may make contributions to the  
25 committee:

1           “(A) A statement that if the candidate is  
2 certified as a participating candidate under this  
3 title, the candidate will receive matching pay-  
4 ments in an amount which is based on the total  
5 amount of qualified small dollar contributions  
6 received.

7           “(B) A statement that a contribution  
8 which meets the requirements set forth in sub-  
9 section (a) shall be treated as a qualified small  
10 dollar contribution under this title.

11           “(C) A statement that if a contribution is  
12 treated as qualified small dollar contribution  
13 under this title, the individual who makes the  
14 contribution may not make any contribution to  
15 the candidate or the authorized committees of  
16 the candidate during the election cycle which is  
17 not a qualified small dollar contribution.

18           “(2) ALTERNATIVE METHODS OF MEETING RE-  
19 QUIREMENTS.—An authorized committee may meet  
20 the requirements of paragraph (1)—

21           “(A) by including the information de-  
22 scribed in paragraph (1) in the receipt provided  
23 under section 512(b)(3) to a person making a  
24 qualified small dollar contribution; or

1           “(B) by modifying the information it pro-  
2           vides to persons making contributions which is  
3           otherwise required under title III (including in-  
4           formation it provides through the internet).

## 5           **“Subtitle B—Eligibility and** 6           **Certification**

### 7           **“SEC. 511. ELIGIBILITY.**

8           “(a) IN GENERAL.—A candidate for the office of  
9           Representative in, or Delegate or Resident Commissioner  
10          to, the Congress is eligible to be certified as a participating  
11          candidate under this title with respect to an election if  
12          the candidate meets the following requirements:

13                 “(1) The candidate files with the Commission a  
14                 statement of intent to seek certification as a partici-  
15                 pating candidate.

16                 “(2) The candidate meets the qualifying re-  
17                 quirements of section 512.

18                 “(3) The candidate files with the Commission a  
19                 statement certifying that the authorized committees  
20                 of the candidate meet the requirements of section  
21                 504(d).

22                 “(4) Not later than the last day of the Small  
23                 Dollar Democracy qualifying period, the candidate  
24                 files with the Commission an affidavit signed by the  
25                 candidate and the treasurer of the candidate’s prin-

1        cial campaign committee declaring that the can-  
2        didate—

3                “(A) has complied and, if certified, will  
4                comply with the contribution and expenditure  
5                requirements of section 521;

6                “(B) if certified, will run only as a partici-  
7                pating candidate for all elections for the office  
8                that such candidate is seeking during that elec-  
9                tion cycle; and

10                “(C) has either qualified or will take steps  
11                to qualify under State law to be on the ballot.

12        “(b) GENERAL ELECTION.—Notwithstanding sub-  
13        section (a), a candidate shall not be eligible to be certified  
14        as a participating candidate under this title for a general  
15        election or a general runoff election unless the candidate’s  
16        party nominated the candidate to be placed on the ballot  
17        for the general election or the candidate is otherwise quali-  
18        fied to be on the ballot under State law.

19        “(c) SMALL DOLLAR DEMOCRACY QUALIFYING PE-  
20        RIOD DEFINED.—The term ‘Small Dollar Democracy  
21        qualifying period’ means, with respect to any candidate  
22        for an office, the 180-day period (during the election cycle  
23        for such office) which begins on the date on which the  
24        candidate files a statement of intent under section  
25        511(a)(1), except that such period may not continue after

1 the date that is 30 days before the date of the general  
2 election for the office.

3 **“SEC. 512. QUALIFYING REQUIREMENTS.**

4 “(a) RECEIPT OF QUALIFIED SMALL DOLLAR CON-  
5 TRIBUTIONS.—A candidate for the office of Representative  
6 in, or Delegate or Resident Commissioner to, the Congress  
7 meets the requirement of this section if, during the Small  
8 Dollar Democracy qualifying period described in section  
9 511(c), each of the following occurs:

10 “(1) Not fewer than 1,000 individuals make a  
11 qualified small dollar contribution to the candidate.

12 “(2) The candidate obtains a total dollar  
13 amount of qualified small dollar contributions which  
14 is equal to or greater than \$50,000.

15 “(b) REQUIREMENTS RELATING TO RECEIPT OF  
16 QUALIFIED SMALL DOLLAR CONTRIBUTION.—Each  
17 qualified small dollar contribution—

18 “(1) may be made by means of a personal  
19 check, money order, debit card, credit card, elec-  
20 tronic payment account, or any other method  
21 deemed appropriate by the Commission;

22 “(2) shall be accompanied by a signed state-  
23 ment (or, in the case of a contribution made online  
24 or through other electronic means, an electronic

1 equivalent) containing the contributor's name and  
2 address; and

3 “(3) shall be acknowledged by a receipt that is  
4 sent to the contributor with a copy (in paper or elec-  
5 tronic form) kept by the candidate for the Commis-  
6 sion.

7 “(c) VERIFICATION OF CONTRIBUTIONS.—The Com-  
8 mission shall establish procedures for the auditing and  
9 verification of the contributions received and expenditures  
10 made by participating candidates under this title, includ-  
11 ing procedures for random audits, to ensure that such con-  
12 tributions and expenditures meet the requirements of this  
13 title.

14 **“SEC. 513. CERTIFICATION.**

15 “(a) DEADLINE AND NOTIFICATION.—

16 “(1) IN GENERAL.—Not later than 5 business  
17 days after a candidate files an affidavit under sec-  
18 tion 511(a)(4), the Commission shall—

19 “(A) determine whether or not the can-  
20 didate meets the requirements for certification  
21 as a participating candidate;

22 “(B) if the Commission determines that  
23 the candidate meets such requirements, certify  
24 the candidate as a participating candidate; and

1           “(C) notify the candidate of the Commis-  
2           sion’s determination.

3           “(2) DEEMED CERTIFICATION FOR ALL ELEC-  
4           TIONS IN ELECTION CYCLE.—If the Commission cer-  
5           tifies a candidate as a participating candidate with  
6           respect to the first election of the election cycle in-  
7           volved, the Commission shall be deemed to have cer-  
8           tified the candidate as a participating candidate with  
9           respect to all subsequent elections of the election  
10          cycle.

11          “(b) REVOCATION OF CERTIFICATION.—

12           “(1) IN GENERAL.—The Commission shall re-  
13          voke a certification under subsection (a) if—

14           “(A) a candidate fails to qualify to appear  
15          on the ballot at any time after the date of cer-  
16          tification (other than a candidate certified as a  
17          participating candidate with respect to a pri-  
18          mary election who fails to qualify to appear on  
19          the ballot for a subsequent election in that elec-  
20          tion cycle);

21           “(B) a candidate ceases to be a candidate  
22          for the office involved, as determined on the  
23          basis of an official announcement by an author-  
24          ized committee of the candidate or on the basis



1 of a reasonable determination by the Commis-  
2 sion; or

3 “(C) a candidate otherwise fails to comply  
4 with the requirements of this title, including  
5 any regulatory requirements prescribed by the  
6 Commission.

7 “(2) EXISTENCE OF CRIMINAL SANCTION.—The  
8 Commission shall revoke a certification under sub-  
9 section (a) if a penalty is assessed against the can-  
10 didate under section 309(d) with respect to the elec-  
11 tion.

12 “(3) EFFECT OF REVOCATION.—If a can-  
13 didate’s certification is revoked under this sub-  
14 section—

15 “(A) the candidate may not receive pay-  
16 ments under this title during the remainder of  
17 the election cycle involved; and

18 “(B) in the case of a candidate whose cer-  
19 tification is revoked pursuant to subparagraph  
20 (A) or subparagraph (C) of paragraph (1)—

21 “(i) the candidate shall repay to the  
22 Freedom From Influence Fund established  
23 under section 541 an amount equal to the  
24 payments received under this title with re-  
25 spect to the election cycle involved plus in-

1           terest (at a rate determined by the Com-  
2           mission on the basis of an appropriate an-  
3           nual percentage rate for the month in-  
4           volved) on any such amount received; and

5                   “(ii) the candidate may not be cer-  
6           tified as a participating candidate under  
7           this title with respect to the next election  
8           cycle.

9                   “(4) PROHIBITING PARTICIPATION IN FUTURE  
10          ELECTIONS FOR CANDIDATES WITH MULTIPLE REV-  
11          OCATIONS.—If the Commission revokes the certifi-  
12          cation of an individual as a participating candidate  
13          under this title pursuant to subparagraph (A) or  
14          subparagraph (C) of paragraph (1) a total of 3  
15          times, the individual may not be certified as a par-  
16          ticipating candidate under this title with respect to  
17          any subsequent election.

18                   “(c) VOLUNTARY WITHDRAWAL FROM PARTICI-  
19          PATING DURING QUALIFYING PERIOD.—At any time dur-  
20          ing the Small Dollar Democracy qualifying period de-  
21          scribed in section 511(c), a candidate may withdraw from  
22          participation in the program under this title by submitting  
23          to the Commission a statement of withdrawal (without re-  
24          gard to whether or not the Commission has certified the  
25          candidate as a participating candidate under this title as

1 of the time the candidate submits such statement), so long  
2 as the candidate has not submitted a request for payment  
3 under section 502.

4 “(d) PARTICIPATING CANDIDATE DEFINED.—In this  
5 title, a ‘participating candidate’ means a candidate for the  
6 office of Representative in, or Delegate or Resident Com-  
7 missioner to, the Congress who is certified under this sec-  
8 tion as eligible to receive benefits under this title.

9 **“Subtitle C—Requirements for Can-**  
10 **didates Certified as Partici-**  
11 **pating Candidates**

12 **“SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIRE-**  
13 **MENTS.**

14 “(a) PERMITTED SOURCES OF CONTRIBUTIONS AND  
15 EXPENDITURES.—Except as provided in subsection (c), a  
16 participating candidate with respect to an election shall,  
17 with respect to all elections occurring during the election  
18 cycle for the office involved, accept no contributions from  
19 any source and make no expenditures from any amounts,  
20 other than the following:

21 “(1) Qualified small dollar contributions.

22 “(2) Payments under this title.

23 “(3) Contributions from political committees es-  
24 tablished and maintained by a national or State po-

1        litical party, subject to the applicable limitations of  
2        section 315.

3            “(4) Subject to subsection (b), personal funds  
4        of the candidate or of any immediate family member  
5        of the candidate (other than funds received through  
6        qualified small dollar contributions).

7            “(5) Contributions from individuals who are  
8        otherwise permitted to make contributions under  
9        this Act, subject to the applicable limitations of sec-  
10       tion 315, except that the aggregate amount of con-  
11       tributions a participating candidate may accept from  
12       any individual with respect to any election during  
13       the election cycle may not exceed \$1,000.

14           “(6) Contributions from multicandidate political  
15       committees, subject to the applicable limitations of  
16       section 315.

17        “(b) SPECIAL RULES FOR PERSONAL FUNDS.—

18           “(1) LIMIT ON AMOUNT.—A candidate who is  
19       certified as a participating candidate may use per-  
20       sonal funds (including personal funds of any imme-  
21       diate family member of the candidate) so long as—

22            “(A) the aggregate amount used with re-  
23       spect to the election cycle (including any period  
24       of the cycle occurring prior to the candidate’s

1 certification as a participating candidate) does  
2 not exceed \$50,000; and

3 “(B) the funds are used only for making  
4 direct payments for the receipt of goods and  
5 services which constitute authorized expendi-  
6 tures in connection with the election cycle in-  
7 volved.

8 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—  
9 In this subsection, the term ‘immediate family mem-  
10 ber’ means, with respect to a candidate—

11 “(A) the candidate’s spouse;

12 “(B) a child, stepchild, parent, grand-  
13 parent, brother, half-brother, sister, or half-sis-  
14 ter of the candidate or the candidate’s spouse;  
15 and

16 “(C) the spouse of any person described in  
17 subparagraph (B).

18 “(c) EXCEPTIONS.—

19 “(1) EXCEPTION FOR CONTRIBUTIONS RE-  
20 CEIVED PRIOR TO FILING OF STATEMENT OF IN-  
21 TENT.—A candidate who has accepted contributions  
22 that are not described in subsection (a) is not in vio-  
23 lation of subsection (a), but only if all such contribu-  
24 tions are—

25 “(A) returned to the contributor;

1           “(B) submitted to the Commission for de-  
2           posit in the Freedom From Influence Fund es-  
3           tablished under section 541; or

4           “(C) spent in accordance with paragraph  
5           (2).

6           “(2) EXCEPTION FOR EXPENDITURES MADE  
7           PRIOR TO FILING OF STATEMENT OF INTENT.—If a  
8           candidate has made expenditures prior to the date  
9           the candidate files a statement of intent under sec-  
10          tion 511(a)(1) that the candidate is prohibited from  
11          making under subsection (a) or subsection (b), the  
12          candidate is not in violation of such subsection if the  
13          aggregate amount of the prohibited expenditures is  
14          less than the amount referred to in section  
15          512(a)(2) (relating to the total dollar amount of  
16          qualified small dollar contributions which the can-  
17          didate is required to obtain) which is applicable to  
18          the candidate.

19          “(3) EXCEPTION FOR CAMPAIGN SURPLUSES  
20          FROM A PREVIOUS ELECTION.—Notwithstanding  
21          paragraph (1), unexpended contributions received by  
22          the candidate or an authorized committee of the  
23          candidate with respect to a previous election may be  
24          retained, but only if the candidate places the funds  
25          in escrow and refrains from raising additional funds

1 for or spending funds from that account during the  
2 election cycle in which a candidate is a participating  
3 candidate.

4 “(4) EXCEPTION FOR CONTRIBUTIONS RE-  
5 CEIVED BEFORE THE EFFECTIVE DATE OF THIS  
6 TITLE.—Contributions received and expenditures  
7 made by the candidate or an authorized committee  
8 of the candidate prior to the effective date of this  
9 title shall not constitute a violation of subsection (a)  
10 or (b). Unexpended contributions shall be treated  
11 the same as campaign surpluses under paragraph  
12 (3), and expenditures made shall count against the  
13 limit in paragraph (2).

14 “(d) SPECIAL RULE FOR COORDINATED PARTY EX-  
15 PENDITURES.—For purposes of this section, a payment  
16 made by a political party in coordination with a partici-  
17 pating candidate shall not be treated as a contribution to  
18 or as an expenditure made by the participating candidate.

19 “(e) PROHIBITION ON JOINT FUNDRAISING COMMIT-  
20 TEES.—

21 “(1) PROHIBITION.—An authorized committee  
22 of a candidate who is certified as a participating  
23 candidate under this title with respect to an election  
24 may not establish a joint fundraising committee with

1 a political committee other than another authorized  
2 committee of the candidate.

3 “(2) STATUS OF EXISTING COMMITTEES FOR  
4 PRIOR ELECTIONS.—If a candidate established a  
5 joint fundraising committee described in paragraph  
6 (1) with respect to a prior election for which the  
7 candidate was not certified as a participating can-  
8 didate under this title and the candidate does not  
9 terminate the committee, the candidate shall not be  
10 considered to be in violation of paragraph (1) so  
11 long as that joint fundraising committee does not re-  
12 ceive any contributions or make any disbursements  
13 during the election cycle for which the candidate is  
14 certified as a participating candidate under this title.

15 “(f) PROHIBITION ON LEADERSHIP PACS.—

16 “(1) PROHIBITION.—A candidate who is cer-  
17 tified as a participating candidate under this title  
18 with respect to an election may not associate with,  
19 establish, finance, maintain, or control a leadership  
20 PAC.

21 “(2) STATUS OF EXISTING LEADERSHIP  
22 PACS.—If a candidate established, financed, main-  
23 tained, or controlled a leadership PAC prior to being  
24 certified as a participating candidate under this title  
25 and the candidate does not terminate the leadership



1 PAC, the candidate shall not be considered to be in  
2 violation of paragraph (1) so long as the leadership  
3 PAC does not receive any contributions or make any  
4 disbursements during the election cycle for which the  
5 candidate is certified as a participating candidate  
6 under this title.

7 “(3) LEADERSHIP PAC DEFINED.—In this sub-  
8 section, the term ‘leadership PAC’ has the meaning  
9 given such term in section 304(i)(8)(B).

10 **“SEC. 522. ADMINISTRATION OF CAMPAIGN.**

11 “(a) SEPARATE ACCOUNTING FOR VARIOUS PER-  
12 MITTED CONTRIBUTIONS.—Each authorized committee of  
13 a candidate certified as a participating candidate under  
14 this title—

15 “(1) shall provide for separate accounting of  
16 each type of contribution described in section 521(a)  
17 which is received by the committee; and

18 “(2) shall provide for separate accounting for  
19 the payments received under this title.

20 “(b) ENHANCED DISCLOSURE OF INFORMATION ON  
21 DONORS.—

22 “(1) MANDATORY IDENTIFICATION OF INDIVID-  
23 UALS MAKING QUALIFIED SMALL DOLLAR CON-  
24 TRIBUTIONS.—Each authorized committee of a par-  
25 ticipating candidate under this title shall elect, in ac-

1 cordance with section 304(b)(3)(A), to include in the  
2 reports the committee submits under section 304 the  
3 identification of each person who makes a qualified  
4 small dollar contribution to the committee.

5 “(2) MANDATORY DISCLOSURE THROUGH  
6 INTERNET.—Each authorized committee of a partici-  
7 pating candidate under this title shall ensure that all  
8 information reported to the Commission under this  
9 Act with respect to contributions and expenditures  
10 of the committee is available to the public on the  
11 internet (whether through a site established for pur-  
12 poses of this subsection, a hyperlink on another pub-  
13 lic site of the committee, or a hyperlink on a report  
14 filed electronically with the Commission) in a search-  
15 able, sortable, and downloadable manner.

16 **“SEC. 523. PREVENTING UNNECESSARY SPENDING OF PUB-  
17 LIC FUNDS.**

18 “(a) MANDATORY SPENDING OF AVAILABLE PRI-  
19 VATE FUNDS.—An authorized committee of a candidate  
20 certified as a participating candidate under this title may  
21 not make any expenditure of any payments received under  
22 this title in any amount unless the committee has made  
23 an expenditure in an equivalent amount of funds received  
24 by the committee which are described in paragraphs (1),  
25 (3), (4), (5), and (6) of section 521(a).

1           “(b) LIMITATION.—Subsection (a) applies to an au-  
2 thORIZED committee only to the extent that the funds re-  
3 ferred to in such subsection are available to the committee  
4 at the time the committee makes an expenditure of a pay-  
5 ment received under this title.

6           **“SEC. 524. REMITTING UNSPENT FUNDS AFTER ELECTION.**

7           “(a) REMITTANCE REQUIRED.—Not later than the  
8 date that is 180 days after the last election for which a  
9 candidate certified as a participating candidate qualifies  
10 to be on the ballot during the election cycle involved, such  
11 participating candidate shall remit to the Commission for  
12 deposit in the Freedom From Influence Fund established  
13 under section 541 an amount equal to the balance of the  
14 payments received under this title by the authorized com-  
15 mittees of the candidate which remain unexpended as of  
16 such date.

17           “(b) PERMITTING CANDIDATES PARTICIPATING IN  
18 NEXT ELECTION CYCLE TO RETAIN PORTION OF  
19 UNSPENT FUNDS.—Notwithstanding subsection (a), a  
20 participating candidate may withhold not more than  
21 \$100,000 from the amount required to be remitted under  
22 subsection (a) if the candidate files a signed affidavit with  
23 the Commission that the candidate will seek certification  
24 as a participating candidate with respect to the next elec-  
25 tion cycle, except that the candidate may not use any por-

1 tion of the amount withheld until the candidate is certified  
2 as a participating candidate with respect to that next elec-  
3 tion cycle. If the candidate fails to seek certification as  
4 a participating candidate prior to the last day of the Small  
5 Dollar Democracy qualifying period for the next election  
6 cycle (as described in section 511), or if the Commission  
7 notifies the candidate of the Commission’s determination  
8 does not meet the requirements for certification as a par-  
9 ticipating candidate with respect to such cycle, the can-  
10 didate shall immediately remit to the Commission the  
11 amount withheld.

## 12 **“Subtitle D—Enhanced Match** 13 **Support**

14 **“SEC. 531. ENHANCED SUPPORT FOR GENERAL ELECTION.**

15 “(a) AVAILABILITY OF ENHANCED SUPPORT.—In  
16 addition to the payments made under subtitle A, the Com-  
17 mission shall make an additional payment to an eligible  
18 candidate under this subtitle.

19 “(b) USE OF FUNDS.—A candidate shall use the ad-  
20 ditional payment under this subtitle only for authorized  
21 expenditures in connection with the election involved.

22 **“SEC. 532. ELIGIBILITY.**

23 “(a) IN GENERAL.—A candidate is eligible to receive  
24 an additional payment under this subtitle if the candidate  
25 meets each of the following requirements:

1           “(1) The candidate is on the ballot for the gen-  
2           eral election for the office the candidate seeks.

3           “(2) The candidate is certified as a partici-  
4           pating candidate under this title with respect to the  
5           election.

6           “(3) During the enhanced support qualifying  
7           period, the candidate receives qualified small dollar  
8           contributions in a total amount of not less than  
9           \$50,000.

10          “(4) During the enhanced support qualifying  
11          period, the candidate submits to the Commission a  
12          request for the payment which includes—

13                 “(A) a statement of the number and  
14                 amount of qualified small dollar contributions  
15                 received by the candidate during the enhanced  
16                 support qualifying period;

17                 “(B) a statement of the amount of the  
18                 payment the candidate anticipates receiving  
19                 with respect to the request; and

20                 “(C) such other information and assur-  
21                 ances as the Commission may require.

22          “(5) After submitting a request for the addi-  
23          tional payment under paragraph (4), the candidate  
24          does not submit any other application for an addi-  
25          tional payment under this subtitle.

1       “(b) ENHANCED SUPPORT QUALIFYING PERIOD DE-  
2       SCRIBED.—In this subtitle, the term ‘enhanced support  
3       qualifying period’ means, with respect to a general elec-  
4       tion, the period which begins 60 days before the date of  
5       the election and ends 14 days before the date of the elec-  
6       tion.

7       **“SEC. 533. AMOUNT.**

8       “(a) IN GENERAL.—Subject to subsection (b), the  
9       amount of the additional payment made to an eligible can-  
10      didate under this subtitle shall be an amount equal to 50  
11      percent of—

12             “(1) the amount of the payment made to the  
13      candidate under section 501(b) with respect to the  
14      qualified small dollar contributions which are re-  
15      ceived by the candidate during the enhanced support  
16      qualifying period (as included in the request sub-  
17      mitted by the candidate under section 532(a)(4)); or

18             “(2) in the case of a candidate who is not eligi-  
19      ble to receive a payment under section 501(b) with  
20      respect to such qualified small dollar contributions  
21      because the candidate has reached the limit on the  
22      aggregate amount of payments under subtitle A for  
23      the election cycle under section 501(c), the amount  
24      of the payment which would have been made to the  
25      candidate under section 501(b) with respect to such

1 qualified small dollar contributions if the candidate  
2 had not reached such limit.

3 “(b) LIMIT.—The amount of the additional payment  
4 determined under subsection (a) with respect to a can-  
5 didate may not exceed \$500,000.

6 “(c) NO EFFECT ON AGGREGATE LIMIT.—The  
7 amount of the additional payment made to a candidate  
8 under this subtitle shall not be included in determining  
9 the aggregate amount of payments made to a participating  
10 candidate with respect to an election cycle under section  
11 501(c).

12 **“SEC. 534. WAIVER OF AUTHORITY TO RETAIN PORTION OF**  
13 **UNSPENT FUNDS AFTER ELECTION.**

14 “Notwithstanding section 524(a)(2), a candidate who  
15 receives an additional payment under this subtitle with re-  
16 spect to an election is not permitted to withhold any por-  
17 tion from the amount of unspent funds the candidate is  
18 required to remit to the Commission under section  
19 524(a)(1).

20 **“Subtitle E—Administrative**  
21 **Provisions**

22 **“SEC. 541. FREEDOM FROM INFLUENCE FUND.**

23 “(a) ESTABLISHMENT.—There is established in the  
24 Treasury a fund to be known as the ‘Freedom From Infl-  
25 ence Fund’.

1       “(b) AMOUNTS HELD BY FUND.—The Fund shall  
2 consist of the following amounts:

3           “(1) DEPOSITS.—Amounts deposited into the  
4 Fund under—

5                   “(A) section 521(c)(1)(B) (relating to ex-  
6 ceptions to contribution requirements);

7                   “(B) section 523 (relating to remittance of  
8 unused payments from the Fund); and

9                   “(C) section 544 (relating to violations).

10          “(2) INVESTMENT RETURNS.—Interest on, and  
11 the proceeds from, the sale or redemption of any ob-  
12 ligations held by the Fund under subsection (c).

13          “(c) INVESTMENT.—The Commission shall invest  
14 portions of the Fund in obligations of the United States  
15 in the same manner as provided under section 9602(b)  
16 of the Internal Revenue Code of 1986.

17          “(d) USE OF FUND TO MAKE PAYMENTS TO PAR-  
18 TICIPATING CANDIDATES.—

19           “(1) PAYMENTS TO PARTICIPATING CAN-  
20 DIDATES.—Amounts in the Fund shall be available  
21 without further appropriation or fiscal year limita-  
22 tion to make payments to participating candidates  
23 as provided in this title.

24           “(2) MANDATORY REDUCTION OF PAYMENTS IN  
25 CASE OF INSUFFICIENT AMOUNTS IN FUND.—



1           “(A) ADVANCE AUDITS BY COMMISSION.—  
2           Not later than 90 days before the first day of  
3           each election cycle (beginning with the first  
4           election cycle that begins after the date of the  
5           enactment of this title), the Commission shall—

6                   “(i) audit the Fund to determine  
7                   whether the amounts in the Fund will be  
8                   sufficient to make payments to partici-  
9                   pating candidates in the amounts provided  
10                  in this title during such election cycle; and

11                   “(ii) submit a report to Congress de-  
12                  scribing the results of the audit.

13           “(B) REDUCTIONS IN AMOUNT OF PAY-  
14           MENTS.—

15                   “(i) AUTOMATIC REDUCTION ON PRO  
16                   RATA BASIS.—If, on the basis of the audit  
17                   described in subparagraph (A), the Com-  
18                   mission determines that the amount antici-  
19                   pated to be available in the Fund with re-  
20                   spect to the election cycle involved is not,  
21                   or may not be, sufficient to satisfy the full  
22                   entitlements of participating candidates to  
23                   payments under this title for such election  
24                   cycle, the Commission shall reduce each  
25                   amount which would otherwise be paid to

1 a participating candidate under this title  
2 by such pro rata amount as may be nec-  
3 essary to ensure that the aggregate  
4 amount of payments anticipated to be  
5 made with respect to the election cycle will  
6 not exceed the amount anticipated to be  
7 available for such payments in the Fund  
8 with respect to such election cycle.

9 “(ii) RESTORATION OF REDUCTIONS  
10 IN CASE OF AVAILABILITY OF SUFFICIENT  
11 FUNDS DURING ELECTION CYCLE.—If,  
12 after reducing the amounts paid to partici-  
13 pating candidates with respect to an elec-  
14 tion cycle under clause (i), the Commission  
15 determines that there are sufficient  
16 amounts in the Fund to restore the  
17 amount by which such payments were re-  
18 duced (or any portion thereof), to the ex-  
19 tent that such amounts are available, the  
20 Commission may make a payment on a pro  
21 rata basis to each such participating can-  
22 didate with respect to the election cycle in  
23 the amount by which such candidate’s pay-  
24 ments were reduced under clause (i) (or  
25 any portion thereof, as the case may be).

1                   “(iii) NO USE OF AMOUNTS FROM  
2                   OTHER SOURCES.—In any case in which  
3                   the Commission determines that there are  
4                   insufficient moneys in the Fund to make  
5                   payments to participating candidates under  
6                   this title, moneys shall not be made avail-  
7                   able from any other source for the purpose  
8                   of making such payments.

9                   “(e) USE OF FUND TO MAKE OTHER PAYMENTS.—  
10                  In addition to the use described in subsection (d), amounts  
11                  in the Fund shall be available without further appropria-  
12                  tion or fiscal year limitation—

13                   “(1) to make payments to States under the My  
14                  Voice Voucher Program under the Government By  
15                  the People Act of 2019, subject to reductions under  
16                  section 5101(f)(3) of such Act;

17                   “(2) to make payments to candidates under  
18                  chapter 95 of subtitle H of the Internal Revenue  
19                  Code of 1986, subject to reductions under section  
20                  9013(b) of such Code; and

21                   “(3) to make payments to candidates under  
22                  chapter 96 of subtitle H of the Internal Revenue  
23                  Code of 1986, subject to reductions under section  
24                  9043(b) of such Code.

1       “(f) EFFECTIVE DATE.—This section shall take ef-  
2       fect on the date of the enactment of this title.

3       **“SEC. 542. REVIEWS AND REPORTS BY GOVERNMENT AC-  
4       COUNTABILITY OFFICE.**

5       “(a) REVIEW OF SMALL DOLLAR FINANCING.—

6               “(1) IN GENERAL.—After each regularly sched-  
7       uled general election for Federal office, the Comp-  
8       troller General of the United States shall conduct a  
9       comprehensive review of the Small Dollar financing  
10      program under this title, including—

11                   “(A) the maximum and minimum dollar  
12                   amounts of qualified small dollar contributions  
13                   under section 504;

14                   “(B) the number and value of qualified  
15                   small dollar contributions a candidate is re-  
16                   quired to obtain under section 512(a) to be eli-  
17                   gible for certification as a participating can-  
18                   didate;

19                   “(C) the maximum amount of payments a  
20                   candidate may receive under this title;

21                   “(D) the overall satisfaction of partici-  
22                   pating candidates and the American public with  
23                   the program; and

1           “(E) such other matters relating to financ-  
2           ing of campaigns as the Comptroller General  
3           determines are appropriate.

4           “(2) CRITERIA FOR REVIEW.—In conducting  
5           the review under subparagraph (A), the Comptroller  
6           General shall consider the following:

7           “(A) QUALIFIED SMALL DOLLAR CON-  
8           TRIBUTIONS.—Whether the number and dollar  
9           amounts of qualified small dollar contributions  
10          required strikes an appropriate balance regard-  
11          ing the importance of voter involvement, the  
12          need to assure adequate incentives for partici-  
13          pating, and fiscal responsibility, taking into  
14          consideration the number of primary and gen-  
15          eral election participating candidates, the elec-  
16          toral performance of those candidates, program  
17          cost, and any other information the Comptroller  
18          General determines is appropriate.

19          “(B) REVIEW OF PAYMENT LEVELS.—  
20          Whether the totality of the amount of funds al-  
21          lowed to be raised by participating candidates  
22          (including through qualified small dollar con-  
23          tributions) and payments under this title are  
24          sufficient for voters in each State to learn about  
25          the candidates to cast an informed vote, taking

1 into account the historic amount of spending by  
2 winning candidates, media costs, primary elec-  
3 tion dates, and any other information the  
4 Comptroller General determines is appropriate.

5 “(3) RECOMMENDATIONS FOR ADJUSTMENT OF  
6 AMOUNTS.—Based on the review conducted under  
7 subparagraph (A), the Comptroller General may rec-  
8 ommend to Congress adjustments of the following  
9 amounts:

10 “(A) The number and value of qualified  
11 small dollar contributions a candidate is re-  
12 quired to obtain under section 512(a) to be eli-  
13 gible for certification as a participating can-  
14 didate.

15 “(B) The maximum amount of payments a  
16 candidate may receive under this title.

17 “(b) REPORTS.—Not later than each June 1 which  
18 follows a regularly scheduled general election for Federal  
19 office for which payments were made under this title, the  
20 Comptroller General shall submit to the Committee on  
21 House Administration of the House of Representatives a  
22 report—

23 “(1) containing an analysis of the review con-  
24 ducted under subsection (a), including a detailed  
25 statement of Comptroller General’s findings, conclu-

1 sions, and recommendations based on such review,  
2 including any recommendations for adjustments of  
3 amounts described in subsection (a)(3); and

4 “(2) documenting, evaluating, and making rec-  
5 ommendations relating to the administrative imple-  
6 mentation and enforcement of the provisions of this  
7 title.

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated such sums as are nec-  
10 essary to carry out the purposes of this section.

11 **“SEC. 543. ADMINISTRATION BY COMMISSION.**

12 “The Commission shall prescribe regulations to carry  
13 out the purposes of this title, including regulations to es-  
14 tablish procedures for—

15 “(1) verifying the amount of qualified small dol-  
16 lar contributions with respect to a candidate;

17 “(2) effectively and efficiently monitoring and  
18 enforcing the limits on the raising of qualified small  
19 dollar contributions;

20 “(3) effectively and efficiently monitoring and  
21 enforcing the limits on the use of personal funds by  
22 participating candidates; and

23 “(4) monitoring the use of allocations from the  
24 Freedom From Influence Fund established under  
25 section 541 and matching contributions under this

1 title through audits of not fewer than  $\frac{1}{10}$  (or, in the  
2 case of the first 3 election cycles during which the  
3 program under this title is in effect, not fewer than  
4  $\frac{1}{3}$ ) of all participating candidates or other mecha-  
5 nisms.

6 **“SEC. 544. VIOLATIONS AND PENALTIES.**

7 “(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBU-  
8 TION AND EXPENDITURE REQUIREMENTS.—If a can-  
9 didate who has been certified as a participating candidate  
10 accepts a contribution or makes an expenditure that is  
11 prohibited under section 521, the Commission may assess  
12 a civil penalty against the candidate in an amount that  
13 is not more than 3 times the amount of the contribution  
14 or expenditure. Any amounts collected under this sub-  
15 section shall be deposited into the Freedom From Influe-  
16 nce Fund established under section 541.

17 “(b) REPAYMENT FOR IMPROPER USE OF FREEDOM  
18 FROM INFLUENCE FUND.—

19 “(1) IN GENERAL.—If the Commission deter-  
20 mines that any payment made to a participating  
21 candidate was not used as provided for in this title  
22 or that a participating candidate has violated any of  
23 the dates for remission of funds contained in this  
24 title, the Commission shall so notify the candidate



1 and the candidate shall pay to the Fund an amount  
2 equal to—

3 “(A) the amount of payments so used or  
4 not remitted, as appropriate; and

5 “(B) interest on any such amounts (at a  
6 rate determined by the Commission).

7 “(2) OTHER ACTION NOT PRECLUDED.—Any  
8 action by the Commission in accordance with this  
9 subsection shall not preclude enforcement pro-  
10 ceedings by the Commission in accordance with sec-  
11 tion 309(a), including a referral by the Commission  
12 to the Attorney General in the case of an apparent  
13 knowing and willful violation of this title.

14 “(c) PROHIBITING CANDIDATES SUBJECT TO CRIMI-  
15 NAL PENALTY FROM QUALIFYING AS PARTICIPATING  
16 CANDIDATES.—A candidate is not eligible to be certified  
17 as a participating candidate under this title with respect  
18 to an election if a penalty has been assessed against the  
19 candidate under section 309(d) with respect to any pre-  
20 vious election.

21 **“SEC. 545. APPEALS PROCESS.**

22 “(a) REVIEW OF ACTIONS.—Any action by the Com-  
23 mission in carrying out this title shall be subject to review  
24 by the United States Court of Appeals for the District  
25 of Columbia upon petition filed in the Court not later than

1 30 days after the Commission takes the action for which  
2 the review is sought.

3 “(b) PROCEDURES.—The provisions of chapter 7 of  
4 title 5, United States Code, apply to judicial review under  
5 this section.

6 **“SEC. 546. INDEXING OF AMOUNTS.**

7 “(a) INDEXING.—In any calendar year after 2024,  
8 section 315(c)(1)(B) shall apply to each amount described  
9 in subsection (b) in the same manner as such section ap-  
10 plies to the limitations established under subsections  
11 (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, ex-  
12 cept that for purposes of applying such section to the  
13 amounts described in subsection (b), the ‘base period’  
14 shall be 2024.

15 “(b) AMOUNTS DESCRIBED.—The amounts described  
16 in this subsection are as follows:

17 “(1) The amount referred to in section  
18 502(b)(1) (relating to the minimum amount of quali-  
19 fied small dollar contributions included in a request  
20 for payment).

21 “(2) The amounts referred to in section  
22 504(a)(1) (relating to the amount of a qualified  
23 small dollar contribution).

1           “(3) The amount referred to in section  
2           512(a)(2) (relating to the total dollar amount of  
3           qualified small dollar contributions).

4           “(4) The amount referred to in section  
5           521(a)(5) (relating to the aggregate amount of con-  
6           tributions a participating candidate may accept from  
7           any individual with respect to an election).

8           “(5) The amount referred to in section  
9           521(b)(1)(A) (relating to the amount of personal  
10          funds that may be used by a candidate who is cer-  
11          tified as a participating candidate).

12          “(6) The amounts referred to in section  
13          524(a)(2) (relating to the amount of unspent funds  
14          a candidate may retain for use in the next election  
15          cycle).

16          “(7) The amount referred to in section  
17          532(a)(3) (relating to the total dollar amount of  
18          qualified small dollar contributions for a candidate  
19          seeking an additional payment under subtitle D).

20          “(8) The amount referred to in section 533(b)  
21          (relating to the limit on the amount of an additional  
22          payment made to a candidate under subtitle D).

23       **“SEC. 547. ELECTION CYCLE DEFINED.**

24          “In this title, the term ‘election cycle’ means, with  
25          respect to an election for an office, the period beginning

1 on the day after the date of the most recent general elec-  
2 tion for that office (or, if the general election resulted in  
3 a runoff election, the date of the runoff election) and end-  
4 ing on the date of the next general election for that office  
5 (or, if the general election resulted in a runoff election,  
6 the date of the runoff election).”.

7 **SEC. 5112. CONTRIBUTIONS AND EXPENDITURES BY MULTI-**  
8 **CANDIDATE AND POLITICAL PARTY COMMIT-**  
9 **TEES ON BEHALF OF PARTICIPATING CAN-**  
10 **DIDATES.**

11 (a) AUTHORIZING CONTRIBUTIONS ONLY FROM SEP-  
12 ARATE ACCOUNTS CONSISTING OF QUALIFIED SMALL  
13 DOLLAR CONTRIBUTIONS.—Section 315(a) of the Federal  
14 Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is  
15 amended by adding at the end the following new para-  
16 graph:

17 “(10) In the case of a multicandidate political com-  
18 mittee or any political committee of a political party, the  
19 committee may make a contribution to a candidate who  
20 is a participating candidate under title V with respect to  
21 an election only if the contribution is paid from a separate,  
22 segregated account of the committee which consists solely  
23 of contributions which meet the following requirements:

24 “(A) Each such contribution is in an amount  
25 which meets the requirements for the amount of a

1 qualified small dollar contribution under section  
2 504(a)(1) with respect to the election involved.

3 “(B) Each such contribution is made by an in-  
4 dividual who is not otherwise prohibited from mak-  
5 ing a contribution under this Act.

6 “(C) The individual who makes the contribution  
7 does not make contributions to the committee during  
8 the year in an aggregate amount that exceeds the  
9 limit described in section 504(a)(1).”.

10 (b) PERMITTING UNLIMITED COORDINATED EX-  
11 PENDITURES FROM SMALL DOLLAR SOURCES BY POLIT-  
12 ICAL PARTIES.—Section 315(d) of such Act (52 U.S.C.  
13 30116(d)) is amended—

14 (1) in paragraph (3), by striking “The national  
15 committee” and inserting “Except as provided in  
16 paragraph (5), the national committee”; and

17 (2) by adding at the end the following new  
18 paragraph:

19 “(5) The limits described in paragraph (3) do not  
20 apply in the case of expenditures in connection with the  
21 general election campaign of a candidate for the office of  
22 Representative in, or Delegate or Resident Commissioner  
23 to, the Congress who is a participating candidate under  
24 title V with respect to the election, but only if—

1           “(A) the expenditures are paid from a separate,  
2           segregated account of the committee which is de-  
3           scribed in subsection (a)(9); and

4           “(B) the expenditures are the sole source of  
5           funding provided by the committee to the can-  
6           didate.”.

7   **SEC. 5113. PROHIBITING USE OF CONTRIBUTIONS BY PAR-**  
8                           **TICIPATING CANDIDATES FOR PURPOSES**  
9                           **OTHER THAN CAMPAIGN FOR ELECTION.**

10          Section 313 of the Federal Election Campaign Act  
11          of 1971 (52 U.S.C. 30114) is amended by adding at the  
12          end the following new subsection:

13          “(d) RESTRICTIONS ON PERMITTED USES OF FUNDS  
14          BY CANDIDATES RECEIVING SMALL DOLLAR FINANC-  
15          ING.—Notwithstanding paragraph (2), (3), or (4) of sub-  
16          section (a), if a candidate for election for the office of Rep-  
17          resentative in, or Delegate or Resident Commissioner to,  
18          the Congress is certified as a participating candidate  
19          under title V with respect to the election, any contribution  
20          which the candidate is permitted to accept under such title  
21          may be used only for authorized expenditures in connec-  
22          tion with the candidate’s campaign for such office, subject  
23          to section 503(b).”.

1 **SEC. 5114. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as may otherwise be pro-  
3 vided in this part and in the amendments made by this  
4 part, this part and the amendments made by this part  
5 shall apply with respect to elections occurring during 2026  
6 or any succeeding year, without regard to whether or not  
7 the Federal Election Commission has promulgated the  
8 final regulations necessary to carry out this part and the  
9 amendments made by this part by the deadline set forth  
10 in subsection (b).

11 (b) DEADLINE FOR REGULATIONS.—Not later than  
12 June 30, 2024, the Federal Election Commission shall  
13 promulgate such regulations as may be necessary to carry  
14 out this part and the amendments made by this part.

15 **Subtitle C—Presidential Elections**

16 **SEC. 5200. SHORT TITLE.**

17 This subtitle may be cited as the “Empower Act of  
18 2019”.

19 **PART 1—PRIMARY ELECTIONS**

20 **SEC. 5201. INCREASE IN AND MODIFICATIONS TO MATCH-**  
21 **ING PAYMENTS.**

22 (a) INCREASE AND MODIFICATION.—

23 (1) IN GENERAL.—The first sentence of section  
24 9034(a) of the Internal Revenue Code of 1986 is  
25 amended—

1 (A) by striking “an amount equal to the  
2 amount of each contribution” and inserting “an  
3 amount equal to 600 percent of the amount of  
4 each matchable contribution (disregarding any  
5 amount of contributions from any person to the  
6 extent that the total of the amounts contributed  
7 by such person for the election exceeds \$200”;  
8 and

9 (B) by striking “authorized committees”  
10 and all that follows through “\$250” and insert-  
11 ing “authorized committees”.

12 (2) MATCHABLE CONTRIBUTIONS.—Section  
13 9034 of such Code is amended—

14 (A) by striking the last sentence of sub-  
15 section (a); and

16 (B) by adding at the end the following new  
17 subsection:

18 “(c) MATCHABLE CONTRIBUTION DEFINED.—For  
19 purposes of this section and section 9033(b)—

20 “(1) MATCHABLE CONTRIBUTION.—The term  
21 ‘matchable contribution’ means, with respect to the  
22 nomination for election to the office of President of  
23 the United States, a contribution by an individual to  
24 a candidate or an authorized committee of a can-



1 candidate with respect to which the candidate has cer-  
2 tified in writing that—

3 “(A) the individual making such contribu-  
4 tion has not made aggregate contributions (in-  
5 cluding such matchable contribution) to such  
6 candidate and the authorized committees of  
7 such candidate in excess of \$1,000 for the elec-  
8 tion;

9 “(B) such candidate and the authorized  
10 committees of such candidate will not accept  
11 contributions from such individual (including  
12 such matchable contribution) aggregating more  
13 than the amount described in subparagraph  
14 (A); and

15 “(C) such contribution was a direct con-  
16 tribution.

17 “(2) CONTRIBUTION.—For purposes of this  
18 subsection, the term ‘contribution’ means a gift of  
19 money made by a written instrument which identi-  
20 fies the individual making the contribution by full  
21 name and mailing address, but does not include a  
22 subscription, loan, advance, or deposit of money, or  
23 anything of value or anything described in subpara-  
24 graph (B), (C), or (D) of section 9032(4).

25 “(3) DIRECT CONTRIBUTION.—

1           “(A) IN GENERAL.—For purposes of this  
2 subsection, the term ‘direct contribution’  
3 means, with respect to a candidate, a contribu-  
4 tion which is made directly by an individual to  
5 the candidate or an authorized committee of the  
6 candidate and is not—

7           “(i) forwarded from the individual  
8 making the contribution to the candidate  
9 or committee by another person; or

10           “(ii) received by the candidate or com-  
11 mittee with the knowledge that the con-  
12 tribution was made at the request, sugges-  
13 tion, or recommendation of another person.

14           “(B) OTHER DEFINITIONS.—In subpara-  
15 graph (A)—

16           “(i) the term ‘person’ does not include  
17 an individual (other than an individual de-  
18 scribed in section 304(i)(7) of the Federal  
19 Election Campaign Act of 1971), a polit-  
20 ical committee of a political party, or any  
21 political committee which is not a separate  
22 segregated fund described in section  
23 316(b) of the Federal Election Campaign  
24 Act of 1971 and which does not make con-  
25 tributions or independent expenditures,

1 does not engage in lobbying activity under  
2 the Lobbying Disclosure Act of 1995 (2  
3 U.S.C. 1601 et seq.), and is not estab-  
4 lished by, controlled by, or affiliated with  
5 a registered lobbyist under such Act, an  
6 agent of a registered lobbyist under such  
7 Act, or an organization which retains or  
8 employs a registered lobbyist under such  
9 Act; and

10 “(ii) a contribution is not ‘made at  
11 the request, suggestion, or recommendation  
12 of another person’ solely on the grounds  
13 that the contribution is made in response  
14 to information provided to the individual  
15 making the contribution by any person, so  
16 long as the candidate or authorized com-  
17 mittee does not know the identity of the  
18 person who provided the information to  
19 such individual.”.

20 (3) CONFORMING AMENDMENTS.—

21 (A) Section 9032(4) of such Code is  
22 amended by striking “section 9034(a)” and in-  
23 serting “section 9034”.

1 (B) Section 9033(b)(3) of such Code is  
2 amended by striking “matching contributions”  
3 and inserting “matchable contributions”.

4 (b) MODIFICATION OF PAYMENT LIMITATION.—Sec-  
5 tion 9034(a) of such Code is amended—

6 (1) by striking “Every” and inserting the fol-  
7 lowing:

8 “(1) IN GENERAL.—Every”;

9 (2) by striking “shall not exceed” and all that  
10 follows and inserting “shall not exceed  
11 \$250,000,000.”, and

12 (3) by adding at the end the following new  
13 paragraph:

14 “(2) INFLATION ADJUSTMENT.—

15 “(A) IN GENERAL.—In the case of any ap-  
16 plicable period beginning after 2029, the dollar  
17 amount in paragraph (1) shall be increased by  
18 an amount equal to—

19 “(i) such dollar amount, multiplied by

20 “(ii) the cost-of-living adjustment de-  
21 termined under section 1(f)(3) for the cal-  
22 endar year following the year which such  
23 applicable period begins, determined by  
24 substituting ‘calendar year 2028’ for ‘cal-

1           endar year 1992’ in subparagraph (B)  
2           thereof.

3           “(B) APPLICABLE PERIOD.—For purposes  
4           of this paragraph, the term ‘applicable period’  
5           means the 4-year period beginning with the  
6           first day following the date of the general elec-  
7           tion for the office of President and ending on  
8           the date of the next such general election.

9           “(C) ROUNDING.—If any amount as ad-  
10          justed under subparagraph (1) is not a multiple  
11          of \$10,000, such amount shall be rounded to  
12          the nearest multiple of \$10,000.”.

13 **SEC. 5202. ELIGIBILITY REQUIREMENTS FOR MATCHING**  
14 **PAYMENTS.**

15          (a) AMOUNT OF AGGREGATE CONTRIBUTIONS PER  
16 STATE; DISREGARDING OF AMOUNTS CONTRIBUTED IN  
17 EXCESS OF \$200.—Section 9033(b)(3) of the Internal  
18 Revenue Code of 1986 is amended—

19           (1) by striking “\$5,000” and inserting  
20           “\$25,000”; and

21           (2) by striking “20 States” and inserting the  
22 following: “20 States (disregarding any amount of  
23 contributions from any such resident to the extent  
24 that the total of the amounts contributed by such  
25 resident for the election exceeds \$200)”.

1 (b) CONTRIBUTION LIMIT.—

2 (1) IN GENERAL.—Paragraph (4) of section  
3 9033(b) of such Code is amended to read as follows:

4 “(4) the candidate and the authorized commit-  
5 tees of the candidate will not accept aggregate con-  
6 tributions from any person with respect to the nomi-  
7 nation for election to the office of President of the  
8 United States in excess of \$1,000 for the election.”.

9 (2) CONFORMING AMENDMENTS.—

10 (A) Section 9033(b) of such Code is  
11 amended by adding at the end the following  
12 new flush sentence:

13 “For purposes of paragraph (4), the term ‘contribution’  
14 has the meaning given such term in section 301(8) of the  
15 Federal Election Campaign Act of 1971.”.

16 (B) Section 9032(4) of such Code, as  
17 amended by section 5201(a)(3)(A), is amended  
18 by inserting “or 9033(b)” after “9034”.

19 (c) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR  
20 GENERAL ELECTION.—Section 9033(b) of such Code is  
21 amended—

22 (1) by striking “and” at the end of paragraph  
23 (3);

24 (2) by striking the period at the end of para-  
25 graph (4) and inserting “, and”; and

1           (3) by inserting after paragraph (4) the fol-  
2           lowing new paragraph:

3           “(5) if the candidate is nominated by a political  
4           party for election to the office of President, the can-  
5           didate will apply for and accept payments with re-  
6           spect to the general election for such office in ac-  
7           cordance with chapter 95.”.

8           (d) PROHIBITION ON JOINT FUNDRAISING COMMIT-  
9           TEES.—Section 9033(b) of such Code, as amended by sub-  
10          section (c), is amended—

11          (1) by striking “and” at the end of paragraph  
12          (4);

13          (2) by striking the period at the end of para-  
14          graph (5) and inserting “; and”; and

15          (3) by inserting after paragraph (5) adding at  
16          the end the following new paragraph:

17          “(6) the candidate will not establish a joint  
18          fundraising committee with a political committee  
19          other than another authorized committee of the can-  
20          didate, except that candidate established a joint  
21          fundraising committee with respect to a prior elec-  
22          tion for which the candidate was not eligible to re-  
23          ceive payments under section 9037 and the can-  
24          didate does not terminate the committee, the can-  
25          didate shall not be considered to be in violation of

1       this paragraph so long as that joint fundraising  
2       committee does not receive any contributions or  
3       make any disbursements during the election cycle for  
4       which the candidate is eligible to receive payments  
5       under such section.”.

6       **SEC. 5203. REPEAL OF EXPENDITURE LIMITATIONS.**

7       (a) IN GENERAL.—Subsection (a) of section 9035 of  
8       the Internal Revenue Code of 1986 is amended to read  
9       as follows:

10       “(a) PERSONAL EXPENDITURE LIMITATION.—No  
11       candidate shall knowingly make expenditures from his per-  
12       sonal funds, or the personal funds of his immediate family,  
13       in connection with his campaign for nomination for elec-  
14       tion to the office of President in excess of, in the aggre-  
15       gate, \$50,000.”.

16       (b) CONFORMING AMENDMENT.—Paragraph (1) of  
17       section 9033(b) of the Internal Revenue Code of 1986 is  
18       amended to read as follows:

19       “(1) the candidate will comply with the per-  
20       sonal expenditure limitation under section 9035,”.

21       **SEC. 5204. PERIOD OF AVAILABILITY OF MATCHING PAY-**  
22       **MENTS.**

23       Section 9032(6) of the Internal Revenue Code of  
24       1986 is amended by striking “the beginning of the cal-  
25       endar year in which a general election for the office of



1 President of the United States will be held” and inserting  
2 “the date that is 6 months prior to the date of the earliest  
3 State primary election”.

4 **SEC. 5205. EXAMINATION AND AUDITS OF MATCHABLE CON-**  
5 **TRIBUTIONS.**

6 Section 9038(a) of the Internal Revenue Code of  
7 1986 is amended by inserting “and matchable contribu-  
8 tions accepted by” after “qualified campaign expenses of”.

9 **SEC. 5206. MODIFICATION TO LIMITATION ON CONTRIBU-**  
10 **TIONS FOR PRESIDENTIAL PRIMARY CAN-**  
11 **DIDATES.**

12 Section 315(a)(6) of the Federal Election Campaign  
13 Act of 1971 (52 U.S.C. 30116(a)(6)) is amended by strik-  
14 ing “calendar year” and inserting “four-year election  
15 cycle”.

16 **SEC. 5207. USE OF FREEDOM FROM INFLUENCE FUND AS**  
17 **SOURCE OF PAYMENTS.**

18 (a) IN GENERAL.—Chapter 96 of subtitle H of the  
19 Internal Revenue Code of 1986 is amended by adding at  
20 the end the following new section:

21 **“SEC. 9043. USE OF FREEDOM FROM INFLUENCE FUND AS**  
22 **SOURCE OF PAYMENTS.**

23 “(a) IN GENERAL.—Notwithstanding any other pro-  
24 vision of this chapter, effective with respect to the Presi-  
25 dential election held in 2028 and each succeeding Presi-

1 denial election, all payments made to candidates under  
2 this chapter shall be made from the Freedom From Influen-  
3 ce Fund established under section 541 of the Federal  
4 Election Campaign Act of 1971 (hereafter in this section  
5 referred to as the ‘Fund’).

6 “(b) MANDATORY REDUCTION OF PAYMENTS IN  
7 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

8 “(1) ADVANCE AUDITS BY COMMISSION.—Not  
9 later than 90 days before the first day of each Presi-  
10 dential election cycle (beginning with the cycle for  
11 the election held in 2028), the Commission shall—

12 “(A) audit the Fund to determine whether,  
13 after first making payments to participating  
14 candidates under title V of the Federal Election  
15 Campaign Act of 1971 and then making pay-  
16 ments to States under the My Voice Voucher  
17 Program under the Government By the People  
18 Act of 2019, the amounts remaining in the  
19 Fund will be sufficient to make payments to  
20 candidates under this chapter in the amounts  
21 provided under this chapter during such elec-  
22 tion cycle; and

23 “(B) submit a report to Congress describ-  
24 ing the results of the audit.

25 “(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

1           “(A) AUTOMATIC REDUCTION ON PRO  
2 RATA BASIS.—If, on the basis of the audit de-  
3 scribed in paragraph (1), the Commission deter-  
4 mines that the amount anticipated to be avail-  
5 able in the Fund with respect to the Presi-  
6 dential election cycle involved is not, or may not  
7 be, sufficient to satisfy the full entitlements of  
8 candidates to payments under this chapter for  
9 such cycle, the Commission shall reduce each  
10 amount which would otherwise be paid to a can-  
11 didate under this chapter by such pro rata  
12 amount as may be necessary to ensure that the  
13 aggregate amount of payments anticipated to  
14 be made with respect to the cycle will not ex-  
15 ceed the amount anticipated to be available for  
16 such payments in the Fund with respect to such  
17 cycle.

18           “(B) RESTORATION OF REDUCTIONS IN  
19 CASE OF AVAILABILITY OF SUFFICIENT FUNDS  
20 DURING ELECTION CYCLE.—If, after reducing  
21 the amounts paid to candidates with respect to  
22 an election cycle under subparagraph (A), the  
23 Commission determines that there are sufficient  
24 amounts in the Fund to restore the amount by  
25 which such payments were reduced (or any por-

1           tion thereof), to the extent that such amounts  
2           are available, the Commission may make a pay-  
3           ment on a pro rata basis to each such candidate  
4           with respect to the election cycle in the amount  
5           by which such candidate's payments were re-  
6           duced under subparagraph (A) (or any portion  
7           thereof, as the case may be).

8           “(C) NO USE OF AMOUNTS FROM OTHER  
9           SOURCES.—In any case in which the Commis-  
10          sion determines that there are insufficient mon-  
11          neys in the Fund to make payments to can-  
12          didates under this chapter, moneys shall not be  
13          made available from any other source for the  
14          purpose of making such payments.

15          “(3) NO EFFECT ON AMOUNTS TRANSFERRED  
16          FOR PEDIATRIC RESEARCH INITIATIVE.—This sec-  
17          tion does not apply to the transfer of funds under  
18          section 9008(i).

19          “(4) PRESIDENTIAL ELECTION CYCLE DE-  
20          FINED.—In this section, the term ‘Presidential elec-  
21          tion cycle’ means, with respect to a Presidential elec-  
22          tion, the period beginning on the day after the date  
23          of the previous Presidential general election and  
24          ending on the date of the Presidential election.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 for chapter 96 of subtitle H of such Code is amended by  
3 adding at the end the following new item:

“Sec. 9043. Use of Freedom From Influence Fund as source of payments.”.

4 **PART 2—GENERAL ELECTIONS**

5 **SEC. 5211. MODIFICATION OF ELIGIBILITY REQUIREMENTS**

6 **FOR PUBLIC FINANCING.**

7 Subsection (a) of section 9003 of the Internal Rev-  
8 enue Code of 1986 is amended to read as follows:

9 “(a) IN GENERAL.—In order to be eligible to receive  
10 any payments under section 9006, the candidates of a po-  
11 litical party in a Presidential election shall meet the fol-  
12 lowing requirements:

13 “(1) PARTICIPATION IN PRIMARY PAYMENT  
14 SYSTEM.—The candidate for President received pay-  
15 ments under chapter 96 for the campaign for nomi-  
16 nation for election to be President.

17 “(2) AGREEMENTS WITH COMMISSION.—The  
18 candidates, in writing—

19 “(A) agree to obtain and furnish to the  
20 Commission such evidence as it may request of  
21 the qualified campaign expenses of such can-  
22 didates,

23 “(B) agree to keep and furnish to the  
24 Commission such records, books, and other in-  
25 formation as it may request, and

1           “(C) agree to an audit and examination by  
2           the Commission under section 9007 and to pay  
3           any amounts required to be paid under such  
4           section.

5           “(3) PROHIBITION ON JOINT FUNDRAISING  
6           COMMITTEES.—

7           “(A) PROHIBITION.—The candidates cer-  
8           tifies in writing that the candidates will not es-  
9           tablish a joint fundraising committee with a po-  
10          litical committee other than another authorized  
11          committee of the candidate.

12          “(B) STATUS OF EXISTING COMMITTEES  
13          FOR PRIOR ELECTIONS.—If a candidate estab-  
14          lished a joint fundraising committee described  
15          in subparagraph (A) with respect to a prior  
16          election for which the candidate was not eligible  
17          to receive payments under section 9006 and the  
18          candidate does not terminate the committee,  
19          the candidate shall not be considered to be in  
20          violation of subparagraph (A) so long as that  
21          joint fundraising committee does not receive  
22          any contributions or make any disbursements  
23          with respect to the election for which the can-  
24          didate is eligible to receive payments under sec-  
25          tion 9006.”.

1 **SEC. 5212. REPEAL OF EXPENDITURE LIMITATIONS AND**  
2 **USE OF QUALIFIED CAMPAIGN CONTRIBU-**  
3 **TIONS.**

4 (a) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS  
5 WITHOUT EXPENDITURE LIMITS; APPLICATION OF SAME  
6 REQUIREMENTS FOR MAJOR, MINOR, AND NEW PAR-  
7 TIES.—Section 9003 of the Internal Revenue Code of  
8 1986 is amended by striking subsections (b) and (c) and  
9 inserting the following:

10 “(b) USE OF QUALIFIED CAMPAIGN CONTRIBUTIONS  
11 TO DEFRAY EXPENSES.—

12 “(1) IN GENERAL.—In order to be eligible to  
13 receive any payments under section 9006, the can-  
14 didates of a party in a Presidential election shall  
15 certify to the Commission, under penalty of perjury,  
16 that—

17 “(A) such candidates and their authorized  
18 committees have not and will not accept any  
19 contributions to defray qualified campaign ex-  
20 penses other than—

21 “(i) qualified campaign contributions,  
22 and

23 “(ii) contributions to the extent nec-  
24 essary to make up any deficiency payments  
25 received out of the fund on account of the  
26 application of section 9006(c), and

1           “(B) such candidates and their authorized  
2           committees have not and will not accept any  
3           contribution to defray expenses which would be  
4           qualified campaign expenses but for subpara-  
5           graph (C) of section 9002(11).

6           “(2) TIMING OF CERTIFICATION.—The can-  
7           didate shall make the certification required under  
8           this subsection at the same time the candidate  
9           makes the certification required under subsection  
10          (a)(3).”.

11          (b) DEFINITION OF QUALIFIED CAMPAIGN CON-  
12          TRIBUTION.—Section 9002 of such Code is amended by  
13          adding at the end the following new paragraph:

14                 “(13) QUALIFIED CAMPAIGN CONTRIBUTION.—  
15                 The term ‘qualified campaign contribution’ means,  
16                 with respect to any election for the office of Presi-  
17                 dent of the United States, a contribution from an in-  
18                 dividual to a candidate or an authorized committee  
19                 of a candidate which—

20                         “(A) does not exceed \$1,000 for the elec-  
21                         tion; and

22                         “(B) with respect to which the candidate  
23                         has certified in writing that—

24                                 “(i) the individual making such con-  
25                                 tribution has not made aggregate contribu-



1           tions (including such qualified contribu-  
2           tion) to such candidate and the authorized  
3           committees of such candidate in excess of  
4           the amount described in subparagraph (A),  
5           and

6                     “(ii) such candidate and the author-  
7                     ized committees of such candidate will not  
8                     accept contributions from such individual  
9                     (including such qualified contribution) ag-  
10                    gregating more than the amount described  
11                    in subparagraph (A) with respect to such  
12                    election.”.

13       (c) CONFORMING AMENDMENTS.—

14           (1) REPEAL OF EXPENDITURE LIMITS.—

15                    (A) IN GENERAL.—Section 315 of the Fed-  
16                    eral Election Campaign Act of 1971 (52 U.S.C.  
17                    30116) is amended by striking subsection (b).

18                    (B) CONFORMING AMENDMENTS.—Section  
19                    315(c) of such Act (52 U.S.C. 30116(c)) is  
20                    amended—

21                           (i) in paragraph (1)(B)(i), by striking  
22                           “, (b)”;

23                           (ii) in paragraph (2)(B)(i), by striking  
24                           “subsections (b) and (d)” and inserting  
25                           “subsection (d)”.

1 (2) REPEAL OF REPAYMENT REQUIREMENT.—

2 (A) IN GENERAL.—Section 9007(b) of the  
3 Internal Revenue Code of 1986 is amended by  
4 striking paragraph (2) and redesignating para-  
5 graphs (3), (4), and (5) as paragraphs (2), (3),  
6 and (4), respectively.

7 (B) CONFORMING AMENDMENT.—Para-  
8 graph (2) of section 9007(b) of such Code, as  
9 redesignated by subparagraph (A), is amend-  
10 ed—

11 (i) by striking “a major party” and  
12 inserting “a party”;

13 (ii) by inserting “qualified contribu-  
14 tions and” after “contributions (other  
15 than”; and

16 (iii) by striking “(other than qualified  
17 campaign expenses with respect to which  
18 payment is required under paragraph  
19 (2))”.

20 (3) CRIMINAL PENALTIES.—

21 (A) REPEAL OF PENALTY FOR EXCESS EX-  
22 PENSES.—Section 9012 of the Internal Revenue  
23 Code of 1986 is amended by striking subsection  
24 (a).

1 (B) PENALTY FOR ACCEPTANCE OF DIS-  
2 ALLOWED CONTRIBUTIONS; APPLICATION OF  
3 SAME PENALTY FOR CANDIDATES OF MAJOR,  
4 MINOR, AND NEW PARTIES.—Subsection (b) of  
5 section 9012 of such Code is amended to read  
6 as follows:

7 “(b) CONTRIBUTIONS.—

8 “(1) ACCEPTANCE OF DISALLOWED CONTRIBU-  
9 TIONS.—It shall be unlawful for an eligible can-  
10 didate of a party in a Presidential election or any of  
11 his authorized committees knowingly and willfully to  
12 accept—

13 “(A) any contribution other than a quali-  
14 fied campaign contribution to defray qualified  
15 campaign expenses, except to the extent nec-  
16 essary to make up any deficiency in payments  
17 received out of the fund on account of the ap-  
18 plication of section 9006(c); or

19 “(B) any contribution to defray expenses  
20 which would be qualified campaign expenses but  
21 for subparagraph (C) of section 9002(11).

22 “(2) PENALTY.—Any person who violates para-  
23 graph (1) shall be fined not more than \$5,000, or  
24 imprisoned not more than one year, or both. In the  
25 case of a violation by an authorized committee, any

1 officer or member of such committee who knowingly  
2 and willfully consents to such violation shall be fined  
3 not more than \$5,000, or imprisoned not more than  
4 one year, or both.”.

5 **SEC. 5213. MATCHING PAYMENTS AND OTHER MODIFICA-**  
6 **TIONS TO PAYMENT AMOUNTS.**

7 (a) IN GENERAL.—

8 (1) AMOUNT OF PAYMENTS; APPLICATION OF  
9 SAME AMOUNT FOR CANDIDATES OF MAJOR, MINOR,  
10 AND NEW PARTIES.—Subsection (a) of section 9004  
11 of the Internal Revenue Code of 1986 is amended to  
12 read as follows:

13 “(a) IN GENERAL.—Subject to the provisions of this  
14 chapter, the eligible candidates of a party in a Presidential  
15 election shall be entitled to equal payment under section  
16 9006 in an amount equal to 600 percent of the amount  
17 of each matchable contribution received by such candidate  
18 or by the candidate’s authorized committees (disregarding  
19 any amount of contributions from any person to the extent  
20 that the total of the amounts contributed by such person  
21 for the election exceeds \$200), except that total amount  
22 to which a candidate is entitled under this paragraph shall  
23 not exceed \$250,000,000.”.

24 (2) REPEAL OF SEPARATE LIMITATIONS FOR  
25 CANDIDATES OF MINOR AND NEW PARTIES; INFLA-

1       TION ADJUSTMENT.—Subsection (b) of section 9004  
2       of such Code is amended to read as follows:

3       “(b) INFLATION ADJUSTMENT.—

4             “(1) IN GENERAL.—In the case of any applica-  
5       ble period beginning after 2029, the \$250,000,000  
6       dollar amount in subsection (a) shall be increased by  
7       an amount equal to—

8             “(A) such dollar amount; multiplied by

9             “(B) the cost-of-living adjustment deter-  
10       mined under section 1(f)(3) for the calendar  
11       year following the year which such applicable  
12       period begins, determined by substituting ‘cal-  
13       endar year 2028’ for ‘calendar year 1992’ in  
14       subparagraph (B) thereof.

15            “(2) APPLICABLE PERIOD.—For purposes of  
16       this subsection, the term ‘applicable period’ means  
17       the 4-year period beginning with the first day fol-  
18       lowing the date of the general election for the office  
19       of President and ending on the date of the next such  
20       general election.

21            “(3) ROUNDING.—If any amount as adjusted  
22       under paragraph (1) is not a multiple of \$10,000,  
23       such amount shall be rounded to the nearest mul-  
24       tiple of \$10,000.”.

1           (3) CONFORMING AMENDMENT.—Section  
2           9005(a) of such Code is amended by adding at the  
3           end the following new sentence: “The Commission  
4           shall make such additional certifications as may be  
5           necessary to receive payments under section 9004.”.

6           (b) MATCHABLE CONTRIBUTION.—Section 9002 of  
7           such Code, as amended by section 5212(b), is amended  
8           by adding at the end the following new paragraph:

9           “(14) MATCHABLE CONTRIBUTION.—The term  
10          ‘matchable contribution’ means, with respect to the  
11          election to the office of President of the United  
12          States, a contribution by an individual to a can-  
13          didate or an authorized committee of a candidate  
14          with respect to which the candidate has certified in  
15          writing that—

16                 “(A) the individual making such contribu-  
17                 tion has not made aggregate contributions (in-  
18                 cluding such matchable contribution) to such  
19                 candidate and the authorized committees of  
20                 such candidate in excess of \$1,000 for the elec-  
21                 tion;

22                 “(B) such candidate and the authorized  
23                 committees of such candidate will not accept  
24                 contributions from such individual (including  
25                 such matchable contribution) aggregating more

1 than the amount described in subparagraph (A)  
2 with respect to such election; and

3 “(C) such contribution was a direct con-  
4 tribution (as defined in section 9034(c)(3)).”.

5 **SEC. 5214. INCREASE IN LIMIT ON COORDINATED PARTY**  
6 **EXPENDITURES.**

7 (a) IN GENERAL.—Section 315(d)(2) of the Federal  
8 Election Campaign Act of 1971 (52 U.S.C. 30116(d)(2))  
9 is amended to read as follows:

10 “(2)(A) The national committee of a political party  
11 may not make any expenditure in connection with the gen-  
12 eral election campaign of any candidate for President of  
13 the United States who is affiliated with such party which  
14 exceeds \$100,000,000.

15 “(B) For purposes of this paragraph—

16 “(i) any expenditure made by or on behalf of a  
17 national committee of a political party and in con-  
18 nection with a Presidential election shall be consid-  
19 ered to be made in connection with the general elec-  
20 tion campaign of a candidate for President of the  
21 United States who is affiliated with such party; and

22 “(ii) any communication made by or on behalf  
23 of such party shall be considered to be made in con-  
24 nection with the general election campaign of a can-  
25 didate for President of the United States who is af-

1       filiated with such party if any portion of the commu-  
2       nication is in connection with such election.

3       “(C) Any expenditure under this paragraph shall be  
4       in addition to any expenditure by a national committee  
5       of a political party serving as the principal campaign com-  
6       mittee of a candidate for the office of President of the  
7       United States.”.

8       (b) CONFORMING AMENDMENTS RELATING TO TIM-  
9       ING OF COST-OF-LIVING ADJUSTMENT.—

10           (1) IN GENERAL.—Section 315(c)(1) of such  
11       Act (52 U.S.C. 30116(c)(1)) is amended—

12                   (A) in subparagraph (B), by striking “(d)”  
13                   and inserting “(d)(2)”; and

14                   (B) by adding at the end the following new  
15                   subparagraph:

16       “(D) In any calendar year after 2028—

17                   “(i) the dollar amount in subsection (d)(2) shall  
18                   be increased by the percent difference determined  
19                   under subparagraph (A);

20                   “(ii) the amount so increased shall remain in  
21                   effect for the calendar year; and

22                   “(iii) if the amount after adjustment under  
23                   clause (i) is not a multiple of \$100, such amount  
24                   shall be rounded to the nearest multiple of \$100.”.



1           (2) BASE YEAR.—Section 315(c)(2)(B) of such  
2 Act (52 U.S.C. 30116(c)(2)(B)) is amended—

3           (A) in clause (i)—

4                 (i) by striking “(d)” and inserting  
5 “(d)(3)”; and

6                 (ii) by striking “and” at the end;

7           (B) in clause (ii), by striking the period at  
8 the end and inserting “; and”; and

9           (C) by adding at the end the following new  
10 clause:

11                 “(iii) for purposes of subsection (d)(2), cal-  
12 endar year 2027.”.

13 **SEC. 5215. ESTABLISHMENT OF UNIFORM DATE FOR RE-**  
14 **LEASE OF PAYMENTS.**

15           (a) DATE FOR PAYMENTS.—

16                 (1) IN GENERAL.—Section 9006(b) of the In-  
17 ternal Revenue Code of 1986 is amended to read as  
18 follows:

19                 “(b) PAYMENTS FROM THE FUND.—If the Secretary  
20 of the Treasury receives a certification from the Commis-  
21 sion under section 9005 for payment to the eligible can-  
22 didates of a political party, the Secretary shall pay to such  
23 candidates out of the fund the amount certified by the  
24 Commission on the later of—



1 of moneys which will be deposited into the fund during  
2 the year, except that the amount of the estimate may not  
3 exceed the average of the annual amounts deposited in the  
4 fund during the previous 3 years.”.

5 **SEC. 5217. USE OF GENERAL ELECTION PAYMENTS FOR**  
6 **GENERAL ELECTION LEGAL AND ACCOUNT-**  
7 **ING COMPLIANCE.**

8 Section 9002(11) of the Internal Revenue Code of  
9 1986 is amended by adding at the end the following new  
10 sentence: “For purposes of subparagraph (A), an expense  
11 incurred by a candidate or authorized committee for gen-  
12 eral election legal and accounting compliance purposes  
13 shall be considered to be an expense to further the election  
14 of such candidate.”.

15 **SEC. 5218. USE OF FREEDOM FROM INFLUENCE FUND AS**  
16 **SOURCE OF PAYMENTS.**

17 (a) IN GENERAL.—Chapter 95 of subtitle H of the  
18 Internal Revenue Code of 1986 is amended by adding at  
19 the end the following new section:

20 **“SEC. 9013. USE OF FREEDOM FROM INFLUENCE FUND AS**  
21 **SOURCE OF PAYMENTS.**

22 “(a) IN GENERAL.—Notwithstanding any other pro-  
23 vision of this chapter, effective with respect to the Presi-  
24 dential election held in 2028 and each succeeding Presi-  
25 dential election, all payments made under this chapter

1 shall be made from the Freedom From Influence Fund  
2 established under section 541 of the Federal Election  
3 Campaign Act of 1971.

4 “(b) MANDATORY REDUCTION OF PAYMENTS IN  
5 CASE OF INSUFFICIENT AMOUNTS IN FUND.—

6 “(1) ADVANCE AUDITS BY COMMISSION.—Not  
7 later than 90 days before the first day of each Presi-  
8 dential election cycle (beginning with the cycle for  
9 the election held in 2028), the Commission shall—

10 “(A) audit the Fund to determine whether,  
11 after first making payments to participating  
12 candidates under title V of the Federal Election  
13 Campaign Act of 1971 and then making pay-  
14 ments to States under the My Voice Voucher  
15 Program under the Government By the People  
16 Act of 2019 and then making payments to can-  
17 didates under chapter 96, the amounts remain-  
18 ing in the Fund will be sufficient to make pay-  
19 ments to candidates under this chapter in the  
20 amounts provided under this chapter during  
21 such election cycle; and

22 “(B) submit a report to Congress describ-  
23 ing the results of the audit.

24 “(2) REDUCTIONS IN AMOUNT OF PAYMENTS.—

1           “(A) AUTOMATIC REDUCTION ON PRO  
2 RATA BASIS.—If, on the basis of the audit de-  
3 scribed in paragraph (1), the Commission deter-  
4 mines that the amount anticipated to be avail-  
5 able in the Fund with respect to the Presi-  
6 dential election cycle involved is not, or may not  
7 be, sufficient to satisfy the full entitlements of  
8 candidates to payments under this chapter for  
9 such cycle, the Commission shall reduce each  
10 amount which would otherwise be paid to a can-  
11 didate under this chapter by such pro rata  
12 amount as may be necessary to ensure that the  
13 aggregate amount of payments anticipated to  
14 be made with respect to the cycle will not ex-  
15 ceed the amount anticipated to be available for  
16 such payments in the Fund with respect to such  
17 cycle.

18           “(B) RESTORATION OF REDUCTIONS IN  
19 CASE OF AVAILABILITY OF SUFFICIENT FUNDS  
20 DURING ELECTION CYCLE.—If, after reducing  
21 the amounts paid to candidates with respect to  
22 an election cycle under subparagraph (A), the  
23 Commission determines that there are sufficient  
24 amounts in the Fund to restore the amount by  
25 which such payments were reduced (or any por-

1           tion thereof), to the extent that such amounts  
2           are available, the Commission may make a pay-  
3           ment on a pro rata basis to each such candidate  
4           with respect to the election cycle in the amount  
5           by which such candidate's payments were re-  
6           duced under subparagraph (A) (or any portion  
7           thereof, as the case may be).

8           “(C) NO USE OF AMOUNTS FROM OTHER  
9           SOURCES.—In any case in which the Commis-  
10          sion determines that there are insufficient mon-  
11          neys in the Fund to make payments to can-  
12          didates under this chapter, moneys shall not be  
13          made available from any other source for the  
14          purpose of making such payments.

15          “(3) NO EFFECT ON AMOUNTS TRANSFERRED  
16          FOR PEDIATRIC RESEARCH INITIATIVE.—This sec-  
17          tion does not apply to the transfer of funds under  
18          section 9008(i).

19          “(4) PRESIDENTIAL ELECTION CYCLE DE-  
20          FINED.—In this section, the term ‘Presidential elec-  
21          tion cycle’ means, with respect to a Presidential elec-  
22          tion, the period beginning on the day after the date  
23          of the previous Presidential general election and  
24          ending on the date of the Presidential election.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 for chapter 95 of subtitle H of such Code is amended by  
3 adding at the end the following new item:

“Sec. 9013. Use of Freedom From Influence Fund as source of payments.”.

4 **PART 3—EFFECTIVE DATE**

5 **SEC. 5221. EFFECTIVE DATE.**

6 (a) IN GENERAL.—Except as otherwise provided, this  
7 subtitle and the amendments made by this subtitle shall  
8 apply with respect to the Presidential election held in 2028  
9 and each succeeding Presidential election, without regard  
10 to whether or not the Federal Election Commission has  
11 promulgated the final regulations necessary to carry out  
12 this part and the amendments made by this part by the  
13 deadline set forth in subsection (b).

14 (b) DEADLINE FOR REGULATIONS.—Not later than  
15 June 30, 2026, the Federal Election Commission shall  
16 promulgate such regulations as may be necessary to carry  
17 out this part and the amendments made by this part.

18 **Subtitle D—Personal Use Services**  
19 **as Authorized Campaign Ex-**  
20 **penditures**

21 **SEC. 5301. SHORT TITLE; FINDINGS; PURPOSE.**

22 (a) SHORT TITLE.—This subtitle may be cited as the  
23 “Help America Run Act”.

24 (b) FINDINGS.—Congress finds the following:

1           (1) Everyday Americans experience barriers to  
2 entry before they can consider running for office to  
3 serve their communities.

4           (2) Current law states that campaign funds  
5 cannot be spent on everyday expenses that would  
6 exist whether or not a candidate were running for  
7 office, like childcare and food. While the law seems  
8 neutral, its actual effect is to privilege the independ-  
9 ently wealthy who want to run, because given the de-  
10 mands of running for office, candidates who must  
11 work to pay for childcare or to afford health insur-  
12 ance are effectively being left out of the process,  
13 even if they have sufficient support to mount a via-  
14 ble campaign.

15           (3) Thus current practice favors those prospec-  
16 tive candidates who do not need to rely on a regular  
17 paycheck to make ends meet. The consequence is  
18 that everyday Americans who have firsthand knowl-  
19 edge of the importance of stable childcare, a safety  
20 net, or great public schools are less likely to get a  
21 seat at the table. This governance by the few is anti-  
22 thetical to the democratic experiment, but most im-  
23 portantly, when lawmakers do not share the con-  
24 cerns of everyday Americans, their policies reflect  
25 that.



1           (4) These circumstances have contributed to a  
2 Congress that does not always reflect everyday  
3 Americans. The New York Times reported in 2019  
4 that fewer than 5 percent of representatives cite  
5 blue-collar or service jobs in their biographies. A  
6 2015 survey by the Center for Responsive Politics  
7 showed that the median net worth of lawmakers was  
8 just over \$1 million in 2013, or 18 times the wealth  
9 of the typical American household.

10           (5) These circumstances have also contributed  
11 to a governing body that does not reflect the nation  
12 it serves. For instance, women are 51% of the  
13 American population. Yet even with a record number  
14 of women serving in the One Hundred Sixteenth  
15 Congress, the Pew Research Center notes that more  
16 than three out of four Members of this Congress are  
17 male. The Center for American Women And Politics  
18 found that one third of women legislators surveyed  
19 had been actively discouraged from running for of-  
20 fice, often by political professionals. This type of dis-  
21 couragement, combined with the prohibitions on  
22 using campaign funds for domestic needs like  
23 childcare, burdens that still fall disproportionately  
24 on American women, particularly disadvantages  
25 working mothers. These barriers may explain why



1           “(e) TREATMENT OF PAYMENTS FOR CHILD CARE  
2 AND OTHER PERSONAL USE SERVICES AS AUTHORIZED  
3 CAMPAIGN EXPENDITURE.—

4           “(1) AUTHORIZED EXPENDITURES.—For pur-  
5 poses of subsection (a), the payment by an author-  
6 ized committee of a candidate for any of the per-  
7 sonal use services described in paragraph (3) shall  
8 be treated as an authorized expenditure if the serv-  
9 ices are necessary to enable the participation of the  
10 candidate in campaign-connected activities.

11           “(2) LIMITATIONS.—

12           “(A) LIMIT ON TOTAL AMOUNT OF PAY-  
13 MENTS.—The total amount of payments made  
14 by an authorized committee of a candidate for  
15 personal use services described in paragraph (3)  
16 may not exceed the limit which is applicable  
17 under any law, rule, or regulation on the  
18 amount of payments which may be made by the  
19 committee for the salary of the candidate (with-  
20 out regard to whether or not the committee  
21 makes payments to the candidate for that pur-  
22 pose).

23           “(B) CORRESPONDING REDUCTION IN  
24 AMOUNT OF SALARY PAID TO CANDIDATE.—To  
25 the extent that an authorized committee of a

1 candidate makes payments for the salary of the  
2 candidate, any limit on the amount of such pay-  
3 ments which is applicable under any law, rule,  
4 or regulation shall be reduced by the amount of  
5 any payments made to or on behalf of the can-  
6 didate for personal use services described in  
7 paragraph (3), other than personal use services  
8 described in subparagraph (E) of such para-  
9 graph.

10 “(C) EXCLUSION OF CANDIDATES WHO  
11 ARE OFFICEHOLDERS.—Paragraph (1) does not  
12 apply with respect to an authorized committee  
13 of a candidate who is a holder of Federal office.

14 “(3) PERSONAL USE SERVICES DESCRIBED.—  
15 The personal use services described in this para-  
16 graph are as follows:

17 “(A) Child care services.

18 “(B) Elder care services.

19 “(C) Services similar to the services de-  
20 scribed in subparagraph (A) or subparagraph  
21 (B) which are provided on behalf of any de-  
22 pendent who is a qualifying relative under sec-  
23 tion 152 of the Internal Revenue Code of 1986.

1           “(D) Dues, fees, and other expenses re-  
2           quired to maintain an license or similar require-  
3           ment related to an individual’s profession.

4           “(E) Costs associated with health insur-  
5           ance coverage.”.

6           (b) EFFECTIVE DATE.—The amendments made by  
7 this section shall take effect on the date of the enactment  
8 of this Act.

## 9           **Subtitle E—Severability**

### 10       **SEC. 5401. SEVERABILITY.**

11       If any provision of this title or amendment made by  
12 this title, or the application of a provision or amendment  
13 to any person or circumstance, is held to be unconstitu-  
14 tional, the remainder of this title and amendments made  
15 by this title, and the application of the provisions and  
16 amendment to any person or circumstance, shall not be  
17 affected by the holding.

## 18       **TITLE VI—CAMPAIGN FINANCE** 19       **OVERSIGHT**

### Subtitle A—Restoring Integrity to America’s Elections

- Sec. 6001. Short title.
- Sec. 6002. Membership of Federal Election Commission.
- Sec. 6003. Assignment of powers to Chair of Federal Election Commission.
- Sec. 6004. Revision to enforcement process.
- Sec. 6005. Permitting appearance at hearings on requests for advisory opinions  
          by persons opposing the requests.
- Sec. 6006. Permanent extension of administrative penalty authority.
- Sec. 6007. Restrictions on ex parte communications.
- Sec. 6008. Effective date; transition.

### Subtitle B—Stopping Super PAC-Candidate Coordination

Sec. 6101. Short title.

Sec. 6102. Clarification of treatment of coordinated expenditures as contributions to candidates.

Sec. 6103. Clarification of ban on fundraising for super PACs by Federal candidates and officeholders.

Subtitle C—Severability

Sec. 6201. Severability.

1     **Subtitle A—Restoring Integrity to**  
2                     **America’s Elections**

3     **SEC. 6001. SHORT TITLE.**

4             This subtitle may be cited as the “Restoring Integrity  
5 to America’s Elections Act”.

6     **SEC. 6002. MEMBERSHIP OF FEDERAL ELECTION COMMIS-**  
7                     **SION.**

8             (a) REDUCTION IN NUMBER OF MEMBERS; REMOVAL  
9 OF SECRETARY OF SENATE AND CLERK OF HOUSE AS  
10 EX OFFICIO MEMBERS.—

11             (1) IN GENERAL; QUORUM.—Section 306(a)(1)  
12 of the Federal Election Campaign Act of 1971 (52  
13 U.S.C. 30106(a)(1)) is amended by striking the sec-  
14 ond and third sentences and inserting the following:  
15 “The Commission is composed of 5 members ap-  
16 pointed by the President by and with the advice and  
17 consent of the Senate, of whom no more than 2 may  
18 be affiliated with the same political party. A member  
19 shall be treated as affiliated with a political party if  
20 the member was affiliated, including as a registered  
21 voter, employee, consultant, donor, officer, or attor-

1       ney, with such political party or any of its can-  
2       didates or elected public officials at any time during  
3       the 5-year period ending on the date on which such  
4       individual is nominated to be a member of the Com-  
5       mission. A majority of the number of members of  
6       the Commission who are serving at the time shall  
7       constitute a quorum, except that 3 members shall  
8       constitute a quorum if there are 4 members serving  
9       at the time.”.

10           (2) CONFORMING AMENDMENTS RELATING TO  
11       REDUCTION IN NUMBER OF MEMBERS.—(A) The  
12       second sentence of section 306(c) of such Act (52  
13       U.S.C. 30106(c)) is amended by striking “affirma-  
14       tive vote of 4 members of the Commission” and in-  
15       serting “affirmative vote of a majority of the mem-  
16       bers of the Commission who are serving at the  
17       time”.

18           (B) Such Act is further amended by striking  
19       “affirmative vote of 4 of its members” and inserting  
20       “affirmative vote of a majority of the members of  
21       the Commission who are serving at the time” each  
22       place it appears in the following sections:

23           (i) Section 309(a)(2) (52 U.S.C.  
24       30109(a)(2)).

1 (ii) Section 309(a)(4)(A)(i) (52 U.S.C.  
2 30109(a)(4)(A)(i)).

3 (iii) Section 309(a)(5)(C) (52 U.S.C.  
4 30109(a)(5)(C)).

5 (iv) Section 309(a)(6)(A) (52 U.S.C.  
6 30109(a)(6)(A)).

7 (v) Section 311(b) (52 U.S.C. 30111(b)).

8 (3) CONFORMING AMENDMENT RELATING TO  
9 REMOVAL OF EX OFFICIO MEMBERS.—Section  
10 306(a) of such Act (52 U.S.C. 30106(a)) is amend-  
11 ed by striking “(other than the Secretary of the Sen-  
12 ate and the Clerk of the House of Representatives)”  
13 each place it appears in paragraphs (4) and (5).

14 (b) TERMS OF SERVICE.—Section 306(a)(2) of such  
15 Act (52 U.S.C. 30106(a)(2)) is amended to read as fol-  
16 lows:

17 “(2) TERMS OF SERVICE.—

18 “(A) IN GENERAL.—Each member of the  
19 Commission shall serve for a single term of 6  
20 years.

21 “(B) SPECIAL RULE FOR INITIAL APPOINT-  
22 MENTS.—Of the members first appointed to  
23 serve terms that begin in January 2022, the  
24 President shall designate 2 to serve for a 3-year  
25 term.



1           “(C) NO REAPPOINTMENT PERMITTED.—  
2           An individual who served a term as a member  
3           of the Commission may not serve for an addi-  
4           tional term, except that—

5                   “(i) an individual who served a 3-year  
6                   term under subparagraph (B) may also be  
7                   appointed to serve a 6-year term under  
8                   subparagraph (A); and

9                   “(ii) for purposes of this subpara-  
10                  graph, an individual who is appointed to  
11                  fill a vacancy under subparagraph (D)  
12                  shall not be considered to have served a  
13                  term if the portion of the unexpired term  
14                  the individual fills is less than 50 percent  
15                  of the period of the term.

16                  “(D) VACANCIES.—Any vacancy occurring  
17                  in the membership of the Commission shall be  
18                  filled in the same manner as in the case of the  
19                  original appointment. Except as provided in  
20                  subparagraph (C), an individual appointed to  
21                  fill a vacancy occurring other than by the expi-  
22                  ration of a term of office shall be appointed  
23                  only for the unexpired term of the member he  
24                  or she succeeds.

1           “(E) LIMITATION ON SERVICE AFTER EX-  
2           PIRATION OF TERM.—A member of the Com-  
3           mission may continue to serve on the Commis-  
4           sion after the expiration of the member’s term  
5           for an additional period, but only until the ear-  
6           lier of—

7                     “(i) the date on which the member’s  
8                     successor has taken office as a member of  
9                     the Commission; or

10                    “(ii) the expiration of the 1-year pe-  
11                    riod that begins on the last day of the  
12                    member’s term.”.

13           (c) QUALIFICATIONS.—Section 306(a)(3) of such Act  
14 (52 U.S.C. 30106(a)(3)) is amended to read as follows:

15                   “(3) QUALIFICATIONS.—

16                    “(A) IN GENERAL.—The President may  
17                    select an individual for service as a member of  
18                    the Commission if the individual has experience  
19                    in election law and has a demonstrated record  
20                    of integrity, impartiality, and good judgment.

21                    “(B) ASSISTANCE OF BLUE RIBBON ADVI-  
22                    SORY PANEL.—

23                    “(i) IN GENERAL.—Prior to the regu-  
24                    larly scheduled expiration of the term of a  
25                    member of the Commission and upon the

1 occurrence of a vacancy in the membership  
2 of the Commission prior to the expiration  
3 of a term, the President shall convene a  
4 Blue Ribbon Advisory Panel, consisting of  
5 an odd number of individuals selected by  
6 the President from retired Federal judges,  
7 former law enforcement officials, or indi-  
8 viduals with experience in election law, ex-  
9 cept that the President may not select any  
10 individual to serve on the panel who holds  
11 any public office at the time of selection.

12 “(ii) RECOMMENDATIONS.—With re-  
13 spect to each member of the Commission  
14 whose term is expiring or each vacancy in  
15 the membership of the Commission (as the  
16 case may be), the Blue Ribbon Advisory  
17 Panel shall recommend to the President at  
18 least one but not more than 3 individuals  
19 for nomination for appointment as a mem-  
20 ber of the Commission.

21 “(iii) PUBLICATION.—At the time the  
22 President submits to the Senate the nomi-  
23 nations for individuals to be appointed as  
24 members of the Commission, the President  
25 shall publish the Blue Ribbon Advisory

1 Panel's recommendations for such nomina-  
2 tions.

3 “(iv) EXEMPTION FROM FEDERAL AD-  
4 VISORY COMMITTEE ACT.—The Federal  
5 Advisory Committee Act (5 U.S.C. App.)  
6 does not apply to a Blue Ribbon Advisory  
7 Panel convened under this subparagraph.

8 “(C) PROHIBITING ENGAGEMENT WITH  
9 OTHER BUSINESS OR EMPLOYMENT DURING  
10 SERVICE.—A member of the Commission shall  
11 not engage in any other business, vocation, or  
12 employment. Any individual who is engaging in  
13 any other business, vocation, or employment at  
14 the time of his or her appointment to the Com-  
15 mission shall terminate or liquidate such activ-  
16 ity no later than 90 days after such appoint-  
17 ment.”.

18 **SEC. 6003. ASSIGNMENT OF POWERS TO CHAIR OF FED-**  
19 **ERAL ELECTION COMMISSION.**

20 (a) APPOINTMENT OF CHAIR BY PRESIDENT.—

21 (1) IN GENERAL.—Section 306(a)(5) of the  
22 Federal Election Campaign Act of 1971 (52 U.S.C.  
23 30106(a)(5)) is amended to read as follows:

24 “(5) CHAIR.—

1           “(A) INITIAL APPOINTMENT.—Of the  
2 members first appointed to serve terms that  
3 begin in January 2022, one such member (as  
4 designated by the President at the time the  
5 President submits nominations to the Senate)  
6 shall serve as Chair of the Commission.

7           “(B) SUBSEQUENT APPOINTMENTS.—Any  
8 individual who is appointed to succeed the  
9 member who serves as Chair of the Commission  
10 for the term beginning in January 2022 (as  
11 well as any individual who is appointed to fill  
12 a vacancy if such member does not serve a full  
13 term as Chair) shall serve as Chair of the Com-  
14 mission.

15           “(C) VICE CHAIR.—The Commission shall  
16 select, by majority vote of its members, one of  
17 its members to serve as Vice Chair, who shall  
18 act as Chair in the absence or disability of the  
19 Chair or in the event of a vacancy in the posi-  
20 tion of Chair.”.

21           (2) CONFORMING AMENDMENT.—Section  
22 309(a)(2) of such Act (52 U.S.C. 30109(a)(2)) is  
23 amended by striking “through its chairman or vice  
24 chairman” and inserting “through the Chair”.

25           (b) POWERS.—

1           (1) ASSIGNMENT OF CERTAIN POWERS TO  
2 CHAIR.—Section 307(a) of such Act (52 U.S.C.  
3 30107(a)) is amended to read as follows:

4           “(a) DISTRIBUTION OF POWERS BETWEEN CHAIR  
5 AND COMMISSION.—

6           “(1) POWERS ASSIGNED TO CHAIR.—

7           “(A) ADMINISTRATIVE POWERS.—The  
8 Chair of the Commission shall be the chief ad-  
9 ministrative officer of the Commission and shall  
10 have the authority to administer the Commis-  
11 sion and its staff, and (in consultation with the  
12 other members of the Commission) shall have  
13 the power—

14           “(i) to appoint and remove the staff  
15 director of the Commission;

16           “(ii) to request the assistance (includ-  
17 ing personnel and facilities) of other agen-  
18 cies and departments of the United States,  
19 whose heads may make such assistance  
20 available to the Commission with or with-  
21 out reimbursement; and

22           “(iii) to prepare and establish the  
23 budget of the Commission and to make  
24 budget requests to the President, the Di-

1           rector of the Office of Management and  
2           Budget, and Congress.

3           “(B) OTHER POWERS.—The Chair of the  
4           Commission shall have the power—

5                   “(i) to appoint and remove the gen-  
6                   eral counsel of the Commission with the  
7                   concurrence of at least 2 other members of  
8                   the Commission;

9                   “(ii) to require by special or general  
10                  orders, any person to submit, under oath,  
11                  such written reports and answers to ques-  
12                  tions as the Chair may prescribe;

13                  “(iii) to administer oaths or affirma-  
14                  tions;

15                  “(iv) to require by subpoena, signed  
16                  by the Chair, the attendance and testimony  
17                  of witnesses and the production of all doc-  
18                  umentary evidence relating to the execu-  
19                  tion of its duties;

20                  “(v) in any proceeding or investiga-  
21                  tion, to order testimony to be taken by  
22                  deposition before any person who is des-  
23                  ignated by the Chair, and shall have the  
24                  power to administer oaths and, in such in-  
25                  stances, to compel testimony and the pro-

1           duction of evidence in the same manner as  
2           authorized under clause (iv); and

3                   “(vi) to pay witnesses the same fees  
4           and mileage as are paid in like cir-  
5           cumstances in the courts of the United  
6           States.

7           “(2) POWERS ASSIGNED TO COMMISSION.—The  
8           Commission shall have the power—

9                   “(A) to initiate (through civil actions for  
10           injunctive, declaratory, or other appropriate re-  
11           lief), defend (in the case of any civil action  
12           brought under section 309(a)(8) of this Act) or  
13           appeal (including a proceeding before the Su-  
14           preme Court on certiorari) any civil action in  
15           the name of the Commission to enforce the pro-  
16           visions of this Act and chapter 95 and chapter  
17           96 of the Internal Revenue Code of 1986,  
18           through its general counsel;

19                   “(B) to render advisory opinions under  
20           section 308 of this Act;

21                   “(C) to develop such prescribed forms and  
22           to make, amend, and repeal such rules, pursu-  
23           ant to the provisions of chapter 5 of title 5,  
24           United States Code, as are necessary to carry  
25           out the provisions of this Act and chapter 95



1 and chapter 96 of the Internal Revenue Code of  
2 1986;

3 “(D) to conduct investigations and hear-  
4 ings expeditiously, to encourage voluntary com-  
5 pliance, and to report apparent violations to the  
6 appropriate law enforcement authorities; and

7 “(E) to transmit to the President and Con-  
8 gress not later than June 1 of each year a re-  
9 port which states in detail the activities of the  
10 Commission in carrying out its duties under  
11 this Act, and which includes any recommenda-  
12 tions for any legislative or other action the  
13 Commission considers appropriate.

14 “(3) PERMITTING COMMISSION TO EXERCISE  
15 OTHER POWERS OF CHAIR.—With respect to any in-  
16 vestigation, action, or proceeding, the Commission,  
17 by an affirmative vote of a majority of the members  
18 who are serving at the time, may exercise any of the  
19 powers of the Chair described in paragraph (1)(B).”.

20 (2) CONFORMING AMENDMENTS RELATING TO  
21 PERSONNEL AUTHORITY.—Section 306(f) of such  
22 Act (52 U.S.C. 30106(f)) is amended—

23 (A) by amending the first sentence of  
24 paragraph (1) to read as follows: “The Com-  
25 mission shall have a staff director who shall be

1 appointed by the Chair of the Commission in  
2 consultation with the other members and a gen-  
3 eral counsel who shall be appointed by the  
4 Chair with the concurrence of at least two other  
5 members.”;

6 (B) in paragraph (2), by striking “With  
7 the approval of the Commission” and inserting  
8 “With the approval of the Chair of the Commis-  
9 sion”; and

10 (C) by striking paragraph (3).

11 (3) CONFORMING AMENDMENT RELATING TO  
12 BUDGET SUBMISSION.—Section 307(d)(1) of such  
13 Act (52 U.S.C. 30107(d)(1)) is amended by striking  
14 “the Commission submits any budget” and inserting  
15 “the Chair (or, pursuant to subsection (a)(3), the  
16 Commission) submits any budget”.

17 (4) OTHER CONFORMING AMENDMENTS.—Sec-  
18 tion 306(e) of such Act (52 U.S.C. 30106(e)) is  
19 amended by striking “All decisions” and inserting  
20 “Subject to section 307(a), all decisions”.

21 (5) TECHNICAL AMENDMENT.—The heading of  
22 section 307 of such Act (52 U.S.C. 30107) is  
23 amended by striking “THE COMMISSION” and insert-  
24 ing “THE CHAIR AND THE COMMISSION”.

1 **SEC. 6004. REVISION TO ENFORCEMENT PROCESS.**

2 (a) STANDARD FOR INITIATING INVESTIGATIONS AND  
3 DETERMINING WHETHER VIOLATIONS HAVE OC-  
4 CURRED.—

5 (1) REVISION OF STANDARDS.—Section 309(a)  
6 of the Federal Election Campaign Act of 1971 (52  
7 U.S.C. 30109(a)) is amended by striking paragraphs  
8 (2) and (3) and inserting the following:

9 “(2)(A) The general counsel, upon receiving a com-  
10 plaint filed with the Commission under paragraph (1) or  
11 upon the basis of information ascertained by the Commis-  
12 sion in the normal course of carrying out its supervisory  
13 responsibilities, shall make a determination as to whether  
14 or not there is reason to believe that a person has com-  
15 mitted, or is about to commit, a violation of this Act or  
16 chapter 95 or chapter 96 of the Internal Revenue Code  
17 of 1986, and as to whether or not the Commission should  
18 either initiate an investigation of the matter or that the  
19 complaint should be dismissed. The general counsel shall  
20 promptly provide notification to the Commission of such  
21 determination and the reasons therefore, together with  
22 any written response submitted under paragraph (1) by  
23 the person alleged to have committed the violation. Upon  
24 the expiration of the 30-day period which begins on the  
25 date the general counsel provides such notification, the  
26 general counsel’s determination shall take effect, unless

1 during such 30-day period the Commission, by vote of a  
2 majority of the members of the Commission who are serv-  
3 ing at the time, overrules the general counsel's determina-  
4 tion. If the determination by the general counsel that the  
5 Commission should investigate the matter takes effect, or  
6 if the determination by the general counsel that the com-  
7 plaint should be dismissed is overruled as provided under  
8 the previous sentence, the general counsel shall initiate an  
9 investigation of the matter on behalf of the Commission.

10       “(B) If the Commission initiates an investigation  
11 pursuant to subparagraph (A), the Commission, through  
12 the Chair, shall notify the subject of the investigation of  
13 the alleged violation. Such notification shall set forth the  
14 factual basis for such alleged violation. The Commission  
15 shall make an investigation of such alleged violation, which  
16 may include a field investigation or audit, in accordance  
17 with the provisions of this section. The general counsel  
18 shall provide notification to the Commission of any intent  
19 to issue a subpoena or conduct any other form of discovery  
20 pursuant to the investigation. Upon the expiration of the  
21 15-day period which begins on the date the general counsel  
22 provides such notification, the general counsel may issue  
23 the subpoena or conduct the discovery, unless during such  
24 15-day period the Commission, by vote of a majority of  
25 the members of the Commission who are serving at the

1 time, prohibits the general counsel from issuing the sub-  
2 poena or conducting the discovery.

3 “(3)(A) Upon completion of an investigation under  
4 paragraph (2), the general counsel shall promptly submit  
5 to the Commission the general counsel’s recommendation  
6 that the Commission find either that there is probable  
7 cause or that there is not probable cause to believe that  
8 a person has committed, or is about to commit, a violation  
9 of this Act or chapter 95 or chapter 96 of the Internal  
10 Revenue Code of 1986, and shall include with the rec-  
11 ommendation a brief stating the position of the general  
12 counsel on the legal and factual issues of the case.

13 “(B) At the time the general counsel submits to the  
14 Commission the recommendation under subparagraph (A),  
15 the general counsel shall simultaneously notify the re-  
16 spondent of such recommendation and the reasons there-  
17 fore, shall provide the respondent with an opportunity to  
18 submit a brief within 30 days stating the position of the  
19 respondent on the legal and factual issues of the case and  
20 replying to the brief of the general counsel. The general  
21 counsel and shall promptly submit such brief to the Com-  
22 mission upon receipt.

23 “(C) Not later than 30 days after the general counsel  
24 submits the recommendation to the Commission under  
25 subparagraph (A) (or, if the respondent submits a brief

1 under subparagraph (B), not later than 30 days after the  
2 general counsel submits the respondent’s brief to the Com-  
3 mission under such subparagraph), the Commission shall  
4 approve or disapprove the recommendation by vote of a  
5 majority of the members of the Commission who are serv-  
6 ing at the time.”.

7 (2) CONFORMING AMENDMENT RELATING TO  
8 INITIAL RESPONSE TO FILING OF COMPLAINT.—Sec-  
9 tion 309(a)(1) of such Act (52 U.S.C. 30109(a)(1))  
10 is amended—

11 (A) in the third sentence, by striking “the  
12 Commission” and inserting “the general coun-  
13 sel”; and

14 (B) by amending the fourth sentence to  
15 read as follows: “Not later than 15 days after  
16 receiving notice from the general counsel under  
17 the previous sentence, the person may provide  
18 the general counsel with a written response that  
19 no action should be taken against such person  
20 on the basis of the complaint.”.

21 (b) REVISION OF STANDARD FOR REVIEW OF DIS-  
22 MISSAL OF COMPLAINTS.—

23 (1) IN GENERAL.—Section 309(a)(8) of such  
24 Act (52 U.S.C. 30109(a)(8)) is amended to read as  
25 follows:

1           “(8)(A)(i) Any party aggrieved by an order of the  
2 Commission dismissing a complaint filed by such party  
3 after finding either no reason to believe a violation has  
4 occurred or no probable cause a violation has occurred  
5 may file a petition with the United States District Court  
6 for the District of Columbia. Any petition under this sub-  
7 paragraph shall be filed within 60 days after the date on  
8 which the party received notice of the dismissal of the  
9 complaint.

10           “(ii) In any proceeding under this subparagraph, the  
11 court shall determine by de novo review whether the agen-  
12 cy’s dismissal of the complaint is contrary to law. In any  
13 matter in which the penalty for the alleged violation is  
14 greater than \$50,000, the court should disregard any  
15 claim or defense by the Commission of prosecutorial dis-  
16 cretion as a basis for dismissing the complaint.

17           “(B)(i) Any party who has filed a complaint with the  
18 Commission and who is aggrieved by a failure of the Com-  
19 mission, within one year after the filing of the complaint,  
20 to either dismiss the complaint or to find reason to believe  
21 a violation has occurred or is about to occur, may file a  
22 petition with the United States District Court for the Dis-  
23 trict of Columbia.

24           “(ii) In any proceeding under this subparagraph, the  
25 court shall treat the failure to act on the complaint as

1 a dismissal of the complaint, and shall determine by de  
2 novo review whether the agency's failure to act on the  
3 complaint is contrary to law.

4 “(C) In any proceeding under this paragraph the  
5 court may declare that the dismissal of the complaint or  
6 the failure to act is contrary to law, and may direct the  
7 Commission to conform with such declaration within 30  
8 days, failing which the complainant may bring, in the  
9 name of such complainant, a civil action to remedy the  
10 violation involved in the original complaint.”.

11 (2) EFFECTIVE DATE.—The amendments made  
12 by paragraph (1) shall apply—

13 (A) in the case of complaints which are  
14 dismissed by the Federal Election Commission,  
15 with respect to complaints which are dismissed  
16 on or after the date of the enactment of this  
17 Act; and

18 (B) in the case of complaints upon which  
19 the Federal Election Commission failed to act,  
20 with respect to complaints which were filed on  
21 or after the date of the enactment of this Act.



1 **SEC. 6005. PERMITTING APPEARANCE AT HEARINGS ON RE-**  
2 **QUESTS FOR ADVISORY OPINIONS BY PER-**  
3 **SONS OPPOSING THE REQUESTS.**

4 (a) IN GENERAL.—Section 308 of such Act (52  
5 U.S.C. 30108) is amended by adding at the end the fol-  
6 lowing new subsection:

7 “(e) To the extent that the Commission provides an  
8 opportunity for a person requesting an advisory opinion  
9 under this section (or counsel for such person) to appear  
10 before the Commission to present testimony in support of  
11 the request, and the person (or counsel) accepts such op-  
12 portunity, the Commission shall provide a reasonable op-  
13 portunity for an interested party who submitted written  
14 comments under subsection (d) in response to the request  
15 (or counsel for such interested party) to appear before the  
16 Commission to present testimony in response to the re-  
17 quest.”.

18 (b) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall apply with respect to requests for advi-  
20 sory opinions under section 308 of the Federal Election  
21 Campaign Act of 1971 which are made on or after the  
22 date of the enactment of this Act.

23 **SEC. 6006. PERMANENT EXTENSION OF ADMINISTRATIVE**  
24 **PENALTY AUTHORITY.**

25 (a) EXTENSION OF AUTHORITY.—Section  
26 309(a)(4)(C)(v) of the Federal Election Campaign Act of

1 1971 (52 U.S.C. 30109(a)(4)(C)(v)), as amended by Pub-  
2 lie Law 115–386, is amended by striking “, and that end  
3 on or before December 31, 2023”.

4 (b) EFFECTIVE DATE.—The amendment made by  
5 subsection (a) shall take effect on December 31, 2018.

6 **SEC. 6007. RESTRICTIONS ON EX PARTE COMMUNICATIONS.**

7 Section 306(e) of the Federal Election Campaign Act  
8 of 1971 (52 U.S.C. 30106(e)) is amended—

9 (1) by striking “(e) The Commission” and in-  
10 sserting “(e)(1) The Commission”; and

11 (2) by adding at the end the following new  
12 paragraph:

13 “(2) Members and employees of the Commission shall  
14 be subject to limitations on ex parte communications, as  
15 provided in the regulations promulgated by the Commis-  
16 sion regarding such communications which are in effect  
17 on the date of the enactment of this paragraph.”.

18 **SEC. 6008. EFFECTIVE DATE; TRANSITION.**

19 (a) IN GENERAL.—Except as otherwise provided, the  
20 amendments made by this subtitle shall apply beginning  
21 January 1, 2022.

22 (b) TRANSITION.—

23 (1) TERMINATION OF SERVICE OF CURRENT  
24 MEMBERS.—Notwithstanding any provision of the  
25 Federal Election Campaign Act of 1971, the term of

1 any individual serving as a member of the Federal  
2 Election Commission as of December 31, 2021, shall  
3 expire on that date.

4 (2) NO EFFECT ON EXISTING CASES OR PRO-  
5 CEEDINGS.—Nothing in this subtitle or in any  
6 amendment made by this subtitle shall affect any of  
7 the powers exercised by the Federal Election Com-  
8 mission prior to December 31, 2021, including any  
9 investigation initiated by the Commission prior to  
10 such date or any proceeding (including any enforce-  
11 ment action) pending as of such date.

## 12 **Subtitle B—Stopping Super PAC-** 13 **Candidate Coordination**

### 14 **SEC. 6101. SHORT TITLE.**

15 This subtitle may be cited as the “Stop Super PAC–  
16 Candidate Coordination Act”.

### 17 **SEC. 6102. CLARIFICATION OF TREATMENT OF COORDI-** 18 **NATED EXPENDITURES AS CONTRIBUTIONS** 19 **TO CANDIDATES.**

20 (a) TREATMENT AS CONTRIBUTION TO CAN-  
21 DIDATE.—Section 301(8)(A) of the Federal Election Cam-  
22 paign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

23 (1) by striking “or” at the end of clause (i);

24 (2) by striking the period at the end of clause

25 (ii) and inserting “; or”; and

1           (3) by adding at the end the following new  
2 clause:

3           “(iii) any payment made by any person  
4 (other than a candidate, an authorized com-  
5 mittee of a candidate, or a political committee  
6 of a political party) for a coordinated expendi-  
7 ture (as such term is defined in section 326)  
8 which is not otherwise treated as a contribution  
9 under clause (i) or clause (ii).”.

10       (b) DEFINITIONS.—Title III of such Act (52 U.S.C.  
11 30101 et seq.), as amended by section 4702(a), is amend-  
12 ed by adding at the end the following new section:

13 **“SEC. 326. PAYMENTS FOR COORDINATED EXPENDITURES.**

14       “(a) COORDINATED EXPENDITURES.—

15           “(1) IN GENERAL.—For purposes of section  
16 301(8)(A)(iii), the term ‘coordinated expenditure’  
17 means—

18           “(A) any expenditure, or any payment for  
19 a covered communication described in sub-  
20 section (d), which is made in cooperation, con-  
21 sultation, or concert with, or at the request or  
22 suggestion of, a candidate, an authorized com-  
23 mittee of a candidate, a political committee of  
24 a political party, or agents of the candidate or  
25 committee, as defined in subsection (b); or

1           “(B) any payment for any communication  
2           which republishes, disseminates, or distributes,  
3           in whole or in part, any video or broadcast or  
4           any written, graphic, or other form of campaign  
5           material prepared by the candidate or com-  
6           mittee or by agents of the candidate or com-  
7           mittee (including any excerpt or use of any  
8           video from any such broadcast or written,  
9           graphic, or other form of campaign material).

10           “(2) EXCEPTION FOR PAYMENTS FOR CERTAIN  
11           COMMUNICATIONS.—A payment for a communication  
12           (including a covered communication described in  
13           subsection (d)) shall not be treated as a coordinated  
14           expenditure under this subsection if—

15           “(A) the communication appears in a news  
16           story, commentary, or editorial distributed  
17           through the facilities of any broadcasting sta-  
18           tion, newspaper, magazine, or other periodical  
19           publication, unless such facilities are owned or  
20           controlled by any political party, political com-  
21           mittee, or candidate; or

22           “(B) the communication constitutes a can-  
23           didate debate or forum conducted pursuant to  
24           regulations adopted by the Commission pursu-  
25           ant to section 304(f)(3)(B)(iii), or which solely

1           promotes such a debate or forum and is made  
2           by or on behalf of the person sponsoring the de-  
3           bate or forum.

4           “(b) COORDINATION DESCRIBED.—

5           “(1) IN GENERAL.—For purposes of this sec-  
6           tion, a payment is made ‘in cooperation, consulta-  
7           tion, or concert with, or at the request or suggestion  
8           of,’ a candidate, an authorized committee of a can-  
9           didate, a political committee of a political party, or  
10          agents of the candidate or committee, if the pay-  
11          ment, or any communication for which the payment  
12          is made, is not made entirely independently of the  
13          candidate, committee, or agents. For purposes of the  
14          previous sentence, a payment or communication not  
15          made entirely independently of the candidate or  
16          committee includes any payment or communication  
17          made pursuant to any general or particular under-  
18          standing with, or pursuant to any communication  
19          with, the candidate, committee, or agents about the  
20          payment or communication.

21          “(2) NO FINDING OF COORDINATION BASED  
22          SOLELY ON SHARING OF INFORMATION REGARDING  
23          LEGISLATIVE OR POLICY POSITION.—For purposes  
24          of this section, a payment shall not be considered to  
25          be made by a person in cooperation, consultation, or

1 concert with, or at the request or suggestion of, a  
2 candidate or committee, solely on the grounds that  
3 the person or the person's agent engaged in discus-  
4 sions with the candidate or committee, or with any  
5 agent of the candidate or committee, regarding that  
6 person's position on a legislative or policy matter  
7 (including urging the candidate or committee to  
8 adopt that person's position), so long as there is no  
9 communication between the person and the can-  
10 didate or committee, or any agent of the candidate  
11 or committee, regarding the candidate's or commit-  
12 tee's campaign advertising, message, strategy, pol-  
13 icy, polling, allocation of resources, fundraising, or  
14 other campaign activities.

15 “(3) NO EFFECT ON PARTY COORDINATION  
16 STANDARD.—Nothing in this section shall be con-  
17 strued to affect the determination of coordination  
18 between a candidate and a political committee of a  
19 political party for purposes of section 315(d).

20 “(4) NO SAFE HARBOR FOR USE OF FIRE-  
21 WALL.—A person shall be determined to have made  
22 a payment in cooperation, consultation, or concert  
23 with, or at the request or suggestion of, a candidate  
24 or committee, in accordance with this section with-  
25 out regard to whether or not the person established

1 and used a firewall or similar procedures to restrict  
2 the sharing of information between individuals who  
3 are employed by or who are serving as agents for the  
4 person making the payment.

5 “(c) PAYMENTS BY COORDINATED SPENDERS FOR  
6 COVERED COMMUNICATIONS.—

7 “(1) PAYMENTS MADE IN COOPERATION, CON-  
8 SULTATION, OR CONCERT WITH CANDIDATES.—For  
9 purposes of subsection (a)(1)(A), if the person who  
10 makes a payment for a covered communication, as  
11 defined in subsection (d), is a coordinated spender  
12 under paragraph (2) with respect to the candidate  
13 as described in subsection (d)(1), the payment for  
14 the covered communication is made in cooperation,  
15 consultation, or concert with the candidate.

16 “(2) COORDINATED SPENDER DEFINED.—For  
17 purposes of this subsection, the term ‘coordinated  
18 spender’ means, with respect to a candidate or an  
19 authorized committee of a candidate, a person (other  
20 than a political committee of a political party) for  
21 which any of the following applies:

22 “(A) During the 4-year period ending on  
23 the date on which the person makes the pay-  
24 ment, the person was directly or indirectly  
25 formed or established by or at the request or



1 suggestion of, or with the encouragement of,  
2 the candidate (including an individual who later  
3 becomes a candidate) or committee or agents of  
4 the candidate or committee, including with the  
5 approval of the candidate or committee or  
6 agents of the candidate or committee.

7 “(B) The candidate or committee or any  
8 agent of the candidate or committee solicits  
9 funds, appears at a fundraising event, or en-  
10 engages in other fundraising activity on the per-  
11 son’s behalf during the election cycle involved,  
12 including by providing the person with names of  
13 potential donors or other lists to be used by the  
14 person in engaging in fundraising activity, re-  
15 gardless of whether the person pays fair market  
16 value for the names or lists provided. For pur-  
17 poses of this subparagraph, the term ‘election  
18 cycle’ means, with respect to an election for  
19 Federal office, the period beginning on the day  
20 after the date of the most recent general elec-  
21 tion for that office (or, if the general election  
22 resulted in a runoff election, the date of the  
23 runoff election) and ending on the date of the  
24 next general election for that office (or, if the

1 general election resulted in a runoff election,  
2 the date of the runoff election).

3 “(C) The person is established, directed, or  
4 managed by the candidate or committee or by  
5 any person who, during the 4-year period end-  
6 ing on the date on which the person makes the  
7 payment, has been employed or retained as a  
8 political, campaign media, or fundraising ad-  
9 viser or consultant for the candidate or com-  
10 mittee or for any other entity directly or indi-  
11 rectly controlled by the candidate or committee,  
12 or has held a formal position with the candidate  
13 or committee (including a position as an em-  
14 ployee of the office of the candidate at any time  
15 the candidate held any Federal, State, or local  
16 public office during the 4-year period).

17 “(D) The person has retained the profes-  
18 sional services of any person who, during the 2-  
19 year period ending on the date on which the  
20 person makes the payment, has provided or is  
21 providing professional services relating to the  
22 campaign to the candidate or committee, with-  
23 out regard to whether the person providing the  
24 professional services used a firewall. For pur-  
25 poses of this subparagraph, the term ‘profes-

1           sional services’ includes any services in support  
2           of the candidate’s or committee’s campaign ac-  
3           tivities, including advertising, message, strat-  
4           egy, policy, polling, allocation of resources,  
5           fundraising, and campaign operations, but does  
6           not include accounting or legal services.

7           “(E) The person is established, directed, or  
8           managed by a member of the immediate family  
9           of the candidate, or the person or any officer or  
10          agent of the person has had more than inci-  
11          dental discussions about the candidate’s cam-  
12          paign with a member of the immediate family  
13          of the candidate. For purposes of this subpara-  
14          graph, the term ‘immediate family’ has the  
15          meaning given such term in section 9004(e) of  
16          the Internal Revenue Code of 1986.

17          “(d) COVERED COMMUNICATION DEFINED.—

18                 “(1) IN GENERAL.—For purposes of this sec-  
19                 tion, the term ‘covered communication’ means, with  
20                 respect to a candidate or an authorized committee of  
21                 a candidate, a public communication (as defined in  
22                 section 301(22)) which—

23                         “(A) expressly advocates the election of the  
24                         candidate or the defeat of an opponent of the

1 candidate (or contains the functional equivalent  
2 of express advocacy);

3 “(B) promotes or supports the election of  
4 the candidate, or attacks or opposes the election  
5 of an opponent of the candidate (regardless of  
6 whether the communication expressly advocates  
7 the election or defeat of a candidate or contains  
8 the functional equivalent of express advocacy);  
9 or

10 “(C) refers to the candidate or an oppo-  
11 nent of the candidate but is not described in  
12 subparagraph (A) or subparagraph (B), but  
13 only if the communication is disseminated dur-  
14 ing the applicable election period.

15 “(2) APPLICABLE ELECTION PERIOD.—In para-  
16 graph (1)(C), the ‘applicable election period’ with re-  
17 spect to a communication means—

18 “(A) in the case of a communication which  
19 refers to a candidate in a general, special, or  
20 runoff election, the 120-day period which ends  
21 on the date of the election; or

22 “(B) in the case of a communication which  
23 refers to a candidate in a primary or preference  
24 election, or convention or caucus of a political  
25 party that has authority to nominate a can-

1           didate, the 60-day period which ends on the  
2           date of the election or convention or caucus.

3           “(3) SPECIAL RULES FOR COMMUNICATIONS IN-  
4           VOLVING CONGRESSIONAL CANDIDATES.—For pur-  
5           poses of this subsection, a public communication  
6           shall not be considered to be a covered communica-  
7           tion with respect to a candidate for election for an  
8           office other than the office of President or Vice  
9           President unless it is publicly disseminated or dis-  
10          tributed in the jurisdiction of the office the can-  
11          didate is seeking.

12          “(e) PENALTY.—

13                 “(1) DETERMINATION OF AMOUNT.—Any per-  
14                 son who knowingly and willfully commits a violation  
15                 of this Act by making a contribution which consists  
16                 of a payment for a coordinated expenditure shall be  
17                 fined an amount equal to the greater of—

18                         “(A) in the case of a person who makes a  
19                         contribution which consists of a payment for a  
20                         coordinated expenditure in an amount exceeding  
21                         the applicable contribution limit under this Act,  
22                         300 percent of the amount by which the  
23                         amount of the payment made by the person ex-  
24                         ceeds such applicable contribution limit; or

1           “(B) in the case of a person who is prohib-  
2           ited under this Act from making a contribution  
3           in any amount, 300 percent of the amount of  
4           the payment made by the person for the coordi-  
5           nated expenditure.

6           “(2) JOINT AND SEVERAL LIABILITY.—Any di-  
7           rector, manager, or officer of a person who is subject  
8           to a penalty under paragraph (1) shall be jointly and  
9           severally liable for any amount of such penalty that  
10          is not paid by the person prior to the expiration of  
11          the 1-year period which begins on the date the Com-  
12          mission imposes the penalty or the 1-year period  
13          which begins on the date of the final judgment fol-  
14          lowing any judicial review of the Commission’s ac-  
15          tion, whichever is later.”.

16          (c) EFFECTIVE DATE.—

17                 (1) REPEAL OF EXISTING REGULATIONS ON CO-  
18                 ORDINATION.—Effective upon the expiration of the  
19                 90-day period which begins on the date of the enact-  
20                 ment of this Act—

21                         (A) the regulations on coordinated commu-  
22                         nications adopted by the Federal Election Com-  
23                         mission which are in effect on the date of the  
24                         enactment of this Act (as set forth in 11 CFR

1 Part 109, Subpart C, under the heading “Co-  
2 ordination”) are repealed; and

3 (B) the Federal Election Commission shall  
4 promulgate new regulations on coordinated  
5 communications which reflect the amendments  
6 made by this Act.

7 (2) EFFECTIVE DATE.—The amendments made  
8 by this section shall apply with respect to payments  
9 made on or after the expiration of the 120-day pe-  
10 riod which begins on the date of the enactment of  
11 this Act, without regard to whether or not the Fed-  
12 eral Election Commission has promulgated regula-  
13 tions in accordance with paragraph (1)(B) as of the  
14 expiration of such period.

15 **SEC. 6103. CLARIFICATION OF BAN ON FUNDRAISING FOR**  
16 **SUPER PACS BY FEDERAL CANDIDATES AND**  
17 **OFFICEHOLDERS.**

18 (a) IN GENERAL.—Section 323(e)(1) of the Federal  
19 Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1))  
20 is amended—

21 (1) by striking “or” at the end of subparagraph

22 (A);

23 (2) by striking the period at the end of sub-  
24 paragraph (B) and inserting “; or”; and

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

3           “(C) solicit, receive, direct, or transfer  
4 funds to or on behalf of any political committee  
5 which accepts donations or contributions that  
6 do not comply with the limitations, prohibitions,  
7 and reporting requirements of this Act (or to or  
8 on behalf of any account of a political com-  
9 mittee which is established for the purpose of  
10 accepting such donations or contributions), or  
11 to or on behalf of any political organization  
12 under section 527 of the Internal Revenue Code  
13 of 1986 which accepts such donations or con-  
14 tributions (other than a committee of a State or  
15 local political party or a candidate for election  
16 for State or local office).”.

17       (b) EFFECTIVE DATE.—The amendment made by  
18 subsection (a) shall apply with respect to elections occur-  
19 ring after January 1, 2020.

## 20           **Subtitle C—Severability**

### 21       **SEC. 6201. SEVERABILITY.**

22       If any provision of this title or amendment made by  
23 this title, or the application of a provision or amendment  
24 to any person or circumstance, is held to be unconstitu-  
25 tional, the remainder of this title and amendments made



1 by this title, and the application of the provisions and  
2 amendment to any person or circumstance, shall not be  
3 affected by the holding.

4 **DIVISION C—ETHICS**  
5 **TITLE VII—ETHICAL STANDARDS**

Subtitle A—Supreme Court Ethics

Sec. 7001. Code of conduct for Federal judges.

Subtitle B—Foreign Agents Registration

Sec. 7101. Establishment of FARA investigation and enforcement unit within  
Department of Justice.

Sec. 7102. Authority to impose civil money penalties.

Sec. 7103. Disclosure of transactions involving things of financial value con-  
ferred on officeholders.

Sec. 7104. Ensuring online access to registration statements.

Subtitle C—Lobbying Disclosure Reform

Sec. 7201. Expanding scope of individuals and activities subject to require-  
ments of Lobbying Disclosure Act of 1995.

Subtitle D—Recusal of Presidential Appointees

Sec. 7301. Recusal of appointees.

Subtitle E—Severability

Sec. 7401. Severability.

6 **Subtitle A—Supreme Court Ethics**

7 **SEC. 7001. CODE OF CONDUCT FOR FEDERAL JUDGES.**

8 (a) IN GENERAL.—Chapter 57 of title 28, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing:

11 **“§ 964. Code of conduct**

12 “Not later than one year after the date of the enact-  
13 ment of this section, the Judicial Conference shall issue  
14 a code of conduct, which applies to each justice and judge

1 of the United States, except that the code of conduct may  
2 include provisions that are applicable only to certain cat-  
3 egories of judges or justices.”.

4 (b) CLERICAL AMENDMENT.—The table of sections  
5 for chapter 57 of title 28, United States Code, is amended  
6 by adding after the item related to section 963 the fol-  
7 lowing:

“964. Code of conduct.”.

8 **Subtitle B—Foreign Agents**  
9 **Registration**

10 **SEC. 7101. ESTABLISHMENT OF FARA INVESTIGATION AND**  
11 **ENFORCEMENT UNIT WITHIN DEPARTMENT**  
12 **OF JUSTICE.**

13 Section 8 of the Foreign Agents Registration Act of  
14 1938, as amended (22 U.S.C. 618) is amended by adding  
15 at the end the following new subsection:

16 “(i) DEDICATED ENFORCEMENT UNIT.—

17 “(1) ESTABLISHMENT.—Not later than 180  
18 days after the date of enactment of this subsection,  
19 the Attorney General shall establish a unit within  
20 the counterespionage section of the National Secu-  
21 rity Division of the Department of Justice with re-  
22 sponsibility for the enforcement of this Act.

23 “(2) POWERS.—The unit established under this  
24 subsection is authorized to—

1           “(A) take appropriate legal action against  
2 individuals suspected of violating this Act; and

3           “(B) coordinate any such legal action with  
4 the United States Attorney for the relevant ju-  
5 risdiction.

6           “(3) CONSULTATION.—In operating the unit es-  
7 tablished under this subsection, the Attorney Gen-  
8 eral shall, as appropriate, consult with the Director  
9 of National Intelligence, the Secretary of Homeland  
10 Security, and the Secretary of State.

11           “(4) AUTHORIZATION OF APPROPRIATIONS.—  
12 There are authorized to be appropriated to carry out  
13 the activities of the unit established under this sub-  
14 section \$10,000,000 for fiscal year 2019 and each  
15 succeeding fiscal year.”.

16 **SEC. 7102. AUTHORITY TO IMPOSE CIVIL MONEY PEN-**  
17 **ALTIES.**

18           (a) ESTABLISHING AUTHORITY.—Section 8 of the  
19 Foreign Agents Registration Act of 1938, as amended (22  
20 U.S.C. 618) is amended by inserting after subsection (c)  
21 the following new subsection:

22           “(d) CIVIL MONEY PENALTIES.—

23           “(1) REGISTRATION STATEMENTS.—Whoever  
24 fails to file timely or complete a registration state-  
25 ment as provided under section 2(a) shall be subject

1 to a civil money penalty of not more than \$10,000  
2 per violation.

3 “(2) SUPPLEMENTS.—Whoever fails to file  
4 timely or complete supplements as provided under  
5 section 2(b) shall be subject to a civil money penalty  
6 of not more than \$1,000 per violation.

7 “(3) OTHER VIOLATIONS.—Whoever knowingly  
8 fails to—

9 “(A) remedy a defective filing within 60  
10 days after notice of such defect by the Attorney  
11 General; or

12 “(B) comply with any other provision of  
13 this Act,

14 shall upon proof of such knowing violation by a pre-  
15 ponderance of the evidence, be subject to a civil  
16 money penalty of not more than \$200,000, depend-  
17 ing on the extent and gravity of the violation.

18 “(4) NO FINES PAID BY FOREIGN PRIN-  
19 CIPALS.—A civil money penalty paid under para-  
20 graph (1) may not be paid, directly or indirectly, by  
21 a foreign principal.

22 “(5) USE OF FINES.—All civil money penalties  
23 collected under this subsection shall be used to de-  
24 fray the cost of the enforcement unit established  
25 under subsection (i).”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall take effect on the date of the enact-  
3 ment of this Act.

4 **SEC. 7103. DISCLOSURE OF TRANSACTIONS INVOLVING**  
5 **THINGS OF FINANCIAL VALUE CONFERRED**  
6 **ON OFFICEHOLDERS.**

7 (a) REQUIRING AGENTS TO DISCLOSE KNOWN  
8 TRANSACTIONS.—

9 (1) IN GENERAL.—Section 2(a) of the Foreign  
10 Agents Registration Act of 1938, as amended (22  
11 U.S.C. 612(a)) is amended—

12 (A) by redesignating paragraphs (10) and  
13 (11) as paragraphs (11) and (12); and

14 (B) by inserting after paragraph (9) the  
15 following new paragraph:

16 “(10) To the extent that the registrant has  
17 knowledge of any transaction which occurred in the  
18 preceding 60 days and in which the foreign principal  
19 for whom the registrant is acting as an agent con-  
20 ferred on a Federal or State officeholder any thing  
21 of financial value, including a gift, profit, salary, fa-  
22 vorable regulatory treatment, or any other direct or  
23 indirect economic or financial benefit, a detailed  
24 statement describing each such transaction.”.

1           (2) **EFFECTIVE DATE.**—The amendments made  
2           by paragraph (1) shall apply with respect to state-  
3           ments filed on or after the expiration of the 90-day  
4           period which begins on the date of the enactment of  
5           this Act.

6           (b) **SUPPLEMENTAL DISCLOSURE FOR CURRENT**  
7 **REGISTRANTS.**—Not later than the expiration of the 90-  
8 day period which begins on the date of the enactment of  
9 this Act, each registrant who (prior to the expiration of  
10 such period) filed a registration statement with the Attor-  
11 ney General under section 2(a) of the Foreign Agents Reg-  
12 istration Act of 1938, as amended (22 U.S.C. 612(a)) and  
13 who has knowledge of any transaction described in para-  
14 graph (10) of section 2(a) of such Act (as added by sub-  
15 section (a)(1)) which occurred at any time during which  
16 the registrant was an agent of the foreign principal in-  
17 volved, shall file with the Attorney General a supplement  
18 to such statement under oath, on a form prescribed by  
19 the Attorney General, containing a detailed statement de-  
20 scribing each such transaction.

21 **SEC. 7104. ENSURING ONLINE ACCESS TO REGISTRATION**  
22 **STATEMENTS.**

23           (a) **REQUIRING STATEMENTS FILED BY REG-**  
24 **ISTRANTS TO BE IN DIGITIZED FORMAT.**—Section 2(g)  
25 of the Foreign Agents Registration Act of 1938, as

1 amended (22 U.S.C. 612(g)) is amended by striking “in  
2 electronic form” and inserting “in a digitized format  
3 which will enable the Attorney General to meet the re-  
4 quirements of section 6(d)(1) (relating to public access to  
5 an electronic database of statements and updates)”.

6 (b) REQUIREMENTS FOR ELECTRONIC DATABASE OF  
7 REGISTRATION STATEMENTS AND UPDATES.—Section  
8 6(d)(1) of such Act (22 U.S.C. 616(d)(1)) is amended—

9 (1) in the matter preceding subparagraph (A),  
10 by striking “to the extent technically practicable,”;  
11 and

12 (2) in subparagraph (A), by striking “includes  
13 the information” and inserting “includes in a  
14 digitized format the information”.

15 (c) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply with respect to statements filed  
17 on or after the expiration of the 180-day period which be-  
18 gins on the date of the enactment of this Act.

## 19 **Subtitle C—Lobbying Disclosure** 20 **Reform**

### 21 **SEC. 7201. EXPANDING SCOPE OF INDIVIDUALS AND AC-** 22 **TIVITIES SUBJECT TO REQUIREMENTS OF** 23 **LOBBYING DISCLOSURE ACT OF 1995.**

24 (a) COVERAGE OF INDIVIDUALS PROVIDING COUN-  
25 SELING SERVICES.—

1           (1) TREATMENT OF COUNSELING SERVICES IN  
2           SUPPORT OF LOBBYING CONTACTS AS LOBBYING AC-  
3           TIVITY.—Section 3(7) of such Act (2 U.S.C.  
4           1602(7)) is amended—

5                   (A) by striking “efforts” and inserting  
6                   “any efforts”; and

7                   (B) by striking “research and other back-  
8                   ground work” and inserting the following:  
9                   “counseling in support of such preparation and  
10                  planning activities, research, and other back-  
11                  ground work”.

12           (2) TREATMENT OF LOBBYING CONTACT MADE  
13           WITH SUPPORT OF COUNSELING SERVICES AS LOB-  
14           BYING CONTACT MADE BY INDIVIDUAL PROVIDING  
15           SERVICES.—Section 3(8) of such Act (2 U.S.C.  
16           1602(8)) is amended by adding at the end the fol-  
17           lowing new subparagraph:

18                   “(C) TREATMENT OF PROVIDERS OF  
19                   COUNSELING SERVICES.—Any individual, with  
20                   authority to direct or substantially influence a  
21                   lobbying contact or contacts made by another  
22                   individual, and for financial or other compensa-  
23                   tion provides counseling services in support of  
24                   preparation and planning activities which are  
25                   treated as lobbying activities under paragraph



1 (7) for that other individual’s lobbying contact  
2 or contacts and who has knowledge that the  
3 specific lobbying contact or contacts were made,  
4 shall be considered to have made the same lob-  
5 bying contact at the same time and in the same  
6 manner to the covered executive branch official  
7 or covered legislative branch official involved.”.

8 (b) EFFECTIVE DATE.—The amendments made by  
9 this section shall apply with respect to lobbying contacts  
10 made on or after the date of the enactment of this Act.

## 11 **Subtitle D—Recusal of Presidential** 12 **Appointees**

### 13 **SEC. 7301. RECUSAL OF APPOINTEES.**

14 Section 208 of title 18, United States Code, is  
15 amended by adding at the end the following:

16 “(e)(1) Any officer or employee appointed by the  
17 President shall recuse himself or herself from any par-  
18 ticular matter involving specific parties in which a party  
19 to that matter is—

20 “(A) the President who appointed the offi-  
21 cer or employee, which shall include any entity  
22 in which the President has a substantial inter-  
23 est; or

24 “(B) the spouse of the President who ap-  
25 pointed the officer or employee, which shall in-

1           clude any entity in which the spouse of the  
2           President has a substantial interest.

3           “(2)(A) Subject to subparagraph (B), if an offi-  
4           cer or employee is recused under paragraph (1), a  
5           career appointee in the agency of the officer or em-  
6           ployee shall perform the functions and duties of the  
7           officer or employee with respect to the matter.

8           “(B)(i) In this subparagraph, the term  
9           ‘Commission’ means a board, commission, or  
10          other agency for which the authority of the  
11          agency is vested in more than 1 member.

12          “(ii) If the recusal of a member of a  
13          Commission from a matter under para-  
14          graph (1) would result in there not being  
15          a statutorily required quorum of members  
16          of the Commission available to participate  
17          in the matter, notwithstanding such stat-  
18          ute or any other provision of law, the  
19          members of the Commission not recused  
20          under paragraph (1) may—

21                  “(I) consider the matter without  
22                  regard to the quorum requirement  
23                  under such statute;

24                  “(II) delegate the authorities and  
25                  responsibilities of the Commission

1 with respect to the matter to a sub-  
2 committee of the Commission; or

3 “(III) designate an officer or em-  
4 ployee of the Commission who was not  
5 appointed by the President who ap-  
6 pointed the member of the Commis-  
7 sion recused from the matter to exer-  
8 cise the authorities and duties of the  
9 recused member with respect to the  
10 matter.

11 “(3) Any officer or employee who violates para-  
12 graph (1) shall be subject to the penalties set forth  
13 in section 216.

14 “(4) For purposes of this section, the term  
15 ‘particular matter’ shall have the meaning given the  
16 term in section 207(i).”

## 17 **Subtitle E—Severability**

### 18 **SEC. 7401. SEVERABILITY.**

19 If any provision of this title or amendment made by  
20 this title, or the application of a provision or amendment  
21 to any person or circumstance, is held to be unconstitu-  
22 tional, the remainder of this title and amendments made  
23 by this title, and the application of the provisions and  
24 amendment to any person or circumstance, shall not be  
25 affected by the holding.

1 **TITLE VIII—ETHICS REFORMS**  
2 **FOR THE PRESIDENT, VICE**  
3 **PRESIDENT, AND FEDERAL**  
4 **OFFICERS AND EMPLOYEES**

Subtitle A—Executive Branch Conflict of Interest

- Sec. 8001. Short title.
- Sec. 8002. Restrictions on private sector payment for government service.
- Sec. 8003. Requirements relating to slowing the revolving door.
- Sec. 8004. Prohibition of procurement officers accepting employment from government contractors.
- Sec. 8005. Revolving door restrictions on employees moving into the private sector.

Subtitle B—Presidential Conflicts of Interest

- Sec. 8011. Short title.
- Sec. 8012. Divestiture of personal financial interests of the President and Vice President that pose a potential conflict of interest.
- Sec. 8013. Initial financial disclosure.
- Sec. 8014. Contracts by the President or Vice President.

Subtitle C—White House Ethics Transparency

- Sec. 8021. Short title.
- Sec. 8022. Procedure for waivers and authorizations relating to ethics requirements.

Subtitle D—Executive Branch Ethics Enforcement

- Sec. 8031. Short title.
- Sec. 8032. Reauthorization of the Office of Government Ethics.
- Sec. 8033. Tenure of the Director of the Office of Government Ethics.
- Sec. 8034. Duties of Director of the Office of Government Ethics.
- Sec. 8035. Agency Ethics Officials Training and Duties.

Subtitle E—Conflicts From Political Fundraising

- Sec. 8041. Short title.
- Sec. 8042. Disclosure of certain types of contributions.

Subtitle F—Transition Team Ethics

- Sec. 8051. Short title.
- Sec. 8052. Presidential transition ethics programs.

Subtitle G—Ethics Pledge For Senior Executive Branch Employees

- Sec. 8061. Short title.
- Sec. 8062. Ethics pledge requirement for senior executive branch employees.

Sec. 8071. Severability.

1           **Subtitle A—Executive Branch**  
2                           **Conflict of Interest**

3   **SEC. 8001. SHORT TITLE.**

4           This subtitle may be cited as the “Executive Branch  
5 Conflict of Interest Act”.

6   **SEC. 8002. RESTRICTIONS ON PRIVATE SECTOR PAYMENT**  
7                           **FOR GOVERNMENT SERVICE.**

8           Section 209 of title 18, United States Code, is  
9 amended—

10           (1) in subsection (a),

11                   (A) by striking “any salary” and inserting  
12 “any salary (including a bonus)”; and

13                   (B) by striking “as compensation for his  
14 services” and inserting “at any time, as com-  
15 pensation for serving”; and

16           (2) in subsection (b)—

17                   (A) by inserting “(1)” after “(b)”; and

18                   (B) by adding at the end the following:

19                   “(2) For purposes of paragraph (1), a pension,  
20 retirement, group life, health or accident insurance,  
21 profit-sharing, stock bonus, or other employee wel-  
22 fare or benefit plan that makes payment of any por-  
23 tion of compensation contingent on accepting a posi-

1 tion in the United States Government shall not be  
2 considered bona fide.”.

3 **SEC. 8003. REQUIREMENTS RELATING TO SLOWING THE RE-**  
4 **VOLVING DOOR.**

5 (a) IN GENERAL.—The Ethics in Government Act of  
6 1978 (5 U.S.C. App.) is amended by adding at the end  
7 the following:

8 **“TITLE VI—ENHANCED RE-**  
9 **QUIREMENTS FOR CERTAIN**  
10 **EMPLOYEES**

11 **“§ 601. Definitions**

12 “In this title:

13 “(1) COVERED AGENCY.—The term ‘covered  
14 agency’—

15 “(A) means an Executive agency, as de-  
16 fined in section 105 of title 5, United States  
17 Code, the Postal Service and the Postal Rate  
18 Commission, but does not include the Govern-  
19 ment Accountability Office or the Government  
20 of the District of Columbia; and

21 “(B) shall include the Executive Office of  
22 the President.

23 “(2) COVERED EMPLOYEE.—The term ‘covered  
24 employee’ means an officer or employee referred to

1 in paragraph (2) of section 207(c) or paragraph (1)  
2 of section 207(d) of title 18, United States Code.

3 “(3) DIRECTOR.—The term ‘Director’ means  
4 the Director of the Office of Government Ethics.

5 “(4) EXECUTIVE BRANCH.—The term ‘execu-  
6 tive branch’ has the meaning given that term in sec-  
7 tion 109.

8 “(5) FORMER CLIENT.—The term ‘former cli-  
9 ent’—

10 “(A) means a person for whom a covered  
11 employee served personally as an agent, attor-  
12 ney, or consultant during the 2-year period end-  
13 ing on the date before the date on which the  
14 covered employee begins service in the Federal  
15 Government; and

16 “(B) does not include any agency or in-  
17 strumentality of the Federal Government.

18 “(6) FORMER EMPLOYER.—The term ‘former  
19 employer’—

20 “(A) means a person for whom a covered  
21 employee served as an employee, officer, direc-  
22 tor, trustee, agent, attorney, consultant, or con-  
23 tractor during the 2 year period ending on the  
24 date before the date on which the covered em-

1           employee begins service in the Federal Govern-  
2           ment; and

3                   “(B) does not include—

4                           “(i) an entity in the Federal Govern-  
5                           ment, including an executive branch agen-  
6                           cy;

7                           “(ii) a State or local government;

8                           “(iii) the District of Columbia;

9                           “(iv) an Indian tribe, as defined in  
10                           section 4 of the Indian Self-Determination  
11                           and Education Assistance Act (25 U.S.C.  
12                           5304); or

13                           “(v) the government of a territory or  
14                           possession of the United States.

15                   “(7) PARTICULAR MATTER.—The term ‘par-  
16                   ticular matter’ has the meaning given that term in  
17                   section 207(i) of title 18, United States Code.

18   **“§ 602. Conflict of interest and eligibility standards**

19                   “(a) IN GENERAL.—A covered employee may not  
20                   participate personally and substantially in a particular  
21                   matter in which the covered employee knows or reasonably  
22                   should have known that a former employer or former cli-  
23                   ent of the covered employee has a financial interest.

24                   “(b) WAIVER.—

25                           “(1) IN GENERAL.—



1           “(A) AGENCY HEADS.—With respect to the  
2 head of a covered agency who is a covered em-  
3 ployee, the Designated Agency Ethics Official  
4 for the Executive Office of the President, in  
5 consultation with the Director, may grant a  
6 written waiver of the restrictions under sub-  
7 section (a) before the head engages in the ac-  
8 tion otherwise prohibited by such subsection if  
9 the Designated Agency Ethics Official for the  
10 Executive Office of the President determines  
11 and certifies in writing that, in light of all the  
12 relevant circumstances, the interest of the Fed-  
13 eral Government in the head’s participation  
14 outweighs the concern that a reasonable person  
15 may question the integrity of the agency’s pro-  
16 grams or operations.

17           “(B) OTHER COVERED EMPLOYEES.—With  
18 respect to any covered employee not covered by  
19 subparagraph (A), the head of the covered  
20 agency employing the covered employee, in con-  
21 sultation with the Director, may grant a written  
22 waiver of the restrictions under subsection (a)  
23 before the covered employee engages in the ac-  
24 tion otherwise prohibited by such subsection if  
25 the head of the covered agency determines and

1 certifies in writing that, in light of all the rel-  
2 evant circumstances, the interest of the Federal  
3 Government in the covered employee's partici-  
4 pation outweighs the concern that a reasonable  
5 person may question the integrity of the agen-  
6 cy's programs or operations.

7 “(2) PUBLICATION.—For any waiver granted  
8 under paragraph (1), the individual who granted the  
9 waiver shall—

10 “(A) provide a copy of the waiver to the  
11 Director not less than 48 hours after the waiver  
12 is granted; and

13 “(B) publish the waiver on the website of  
14 the applicable agency within 30 calendar days  
15 after granting such waiver.

16 “(3) REVIEW.—Upon receiving a written waiver  
17 under paragraph (1)(A), the Director shall—

18 “(A) review the waiver to determine wheth-  
19 er the Director has any objection to the  
20 issuance of the waiver; and

21 “(B) if the Director so objects—

22 “(i) provide reasons for the objection  
23 in writing to the head of the agency who  
24 granted the waiver not less than 15 cal-

1           endar days after the waiver was granted;  
2           and  
3           “(ii) publish the written objection on  
4           the website of the Office of Government  
5           Ethics not less than 30 calendar days after  
6           the waiver was granted.

7   **“§ 603. Penalties and injunctions**

8           “(a) CRIMINAL PENALTIES.—

9           “(1) IN GENERAL.—Any person who violates  
10          section 602 shall be fined under title 18, United  
11          States Code, imprisoned for not more than 1 year,  
12          or both.

13          “(2) WILLFUL VIOLATIONS.—Any person who  
14          willfully violates section 602 shall be fined under  
15          title 18, United States Code, imprisoned for not  
16          more than 5 years, or both.

17          “(b) CIVIL ENFORCEMENT.—

18          “(1) IN GENERAL.—The Attorney General may  
19          bring a civil action in an appropriate district court  
20          of the United States against any person who vio-  
21          lates, or whom the Attorney General has reason to  
22          believe is engaging in conduct that violates, section  
23          602.

24          “(2) CIVIL PENALTY.—

1           “(A) IN GENERAL.—If the court finds by  
2 a preponderance of the evidence that a person  
3 violated section 602, the court shall impose a  
4 civil penalty of not more than the greater of—

5                   “(i) \$100,000 for each violation; or

6                   “(ii) the amount of compensation the  
7 person received or was offered for the con-  
8 duct constituting the violation.

9           “(B) RULE OF CONSTRUCTION.—A civil  
10 penalty under this subsection may be in addi-  
11 tion to any other criminal or civil statutory,  
12 common law, or administrative remedy available  
13 to the United States or any other person.

14           “(3) INJUNCTIVE RELIEF.—

15                   “(A) IN GENERAL.—In a civil action  
16 brought under paragraph (1) against a person,  
17 the Attorney General may petition the court for  
18 an order prohibiting the person from engaging  
19 in conduct that violates section 602.

20                   “(B) STANDARD.—The court may issue an  
21 order under subparagraph (A) if the court finds  
22 by a preponderance of the evidence that the  
23 conduct of the person violates section 602.

24                   “(C) RULE OF CONSTRUCTION.—The filing  
25 of a petition seeking injunctive relief under this

1 paragraph shall not preclude any other remedy  
2 that is available by law to the United States or  
3 any other person.”.

4 **SEC. 8004. PROHIBITION OF PROCUREMENT OFFICERS AC-**  
5 **CEPTING EMPLOYMENT FROM GOVERNMENT**  
6 **CONTRACTORS.**

7 (a) EXPANSION OF PROHIBITION ON ACCEPTANCE  
8 BY FORMER OFFICIALS OF COMPENSATION FROM CON-  
9 TRACTORS.—Section 2104 of title 41, United States Code,  
10 is amended—

11 (1) in subsection (a)—

12 (A) in the matter preceding paragraph

13 (1)—

14 (i) by striking “or consultant” and in-  
15 serting “attorney, consultant, subcon-  
16 tractor, or lobbyist”; and

17 (ii) by striking “one year” and insert-  
18 ing “2 years”; and

19 (B) in paragraph (3), by striking “person-  
20 ally made for the Federal agency” and inserting  
21 “participated personally and substantially in”;  
22 and

23 (2) by striking subsection (b) and inserting the  
24 following:

1           “(b) PROHIBITION ON COMPENSATION FROM AFFILI-  
2 ATES AND SUBCONTRACTORS.—A former official respon-  
3 sible for a Government contract referred to in paragraph  
4 (1), (2), or (3) of subsection (a) may not accept compensa-  
5 tion for 2 years after awarding the contract from any divi-  
6 sion, affiliate, or subcontractor of the contractor.”.

7           (b) REQUIREMENT FOR PROCUREMENT OFFICERS TO  
8 DISCLOSE JOB OFFERS MADE ON BEHALF OF REL-  
9 ATIVES.—Section 2103(a) of title 41, United States Code,  
10 is amended in the matter preceding paragraph (1) by in-  
11 serting after “that official” the following: “, or for a rel-  
12 ative (as defined in section 3110 of title 5) of that offi-  
13 cial,”.

14           (c) REQUIREMENT ON AWARD OF GOVERNMENT  
15 CONTRACTS TO FORMER EMPLOYERS.—

16           (1) IN GENERAL.—Chapter 21 of division B of  
17 subtitle I of title 41, United States Code, is amend-  
18 ed by adding at the end the following new section:

19 **“§ 2108. Prohibition on involvement by certain**  
20 **former contractor employees in procure-**  
21 **ments**

22           “An employee of the Federal Government may not  
23 participate personally and substantially in any award of  
24 a contract to, or the administration of a contract awarded  
25 to, a contractor that is a former employer of the employee

1 during the 2-year period beginning on the date on which  
2 the employee leaves the employment of the contractor.”.

3 (2) TECHNICAL AND CONFORMING AMEND-  
4 MENT.—The table of sections for chapter 21 of title  
5 41, United States Code, is amended by adding at  
6 the end the following new item:

“2108. Prohibition on involvement by certain former contractor employees  
in procurements.”.

7 (d) REGULATIONS.—The Director of the Office of  
8 Government Ethics, in consultation with the Adminis-  
9 trator of General Services, shall promulgate regulations to  
10 carry out and ensure the enforcement of chapter 21 of  
11 title 41, United States Code, as amended by this section.

12 (e) MONITORING AND COMPLIANCE.—The Adminis-  
13 trator of General Services, in consultation with designated  
14 agency ethics officials (as that term is defined in section  
15 109(3) of the Ethics in Government Act of 1978 (5 U.S.C.  
16 App.)), shall monitor compliance with such chapter 21 by  
17 individuals and agencies.

18 **SEC. 8005. REVOLVING DOOR RESTRICTIONS ON EMPLOY-**  
19 **EES MOVING INTO THE PRIVATE SECTOR.**

20 (a) IN GENERAL.—Subsection (c) of section 207 of  
21 title 18, United States Code, is amended—

22 (1) in the subsection heading, by striking  
23 “ONE-YEAR” and inserting “TWO-YEAR”;





1 **“TITLE VII—DIVESTITURE OF FI-**  
2 **NANCIAL CONFLICTS OF IN-**  
3 **TERESTS OF THE PRESIDENT**  
4 **AND VICE PRESIDENT**

5 **“§ 701. Divestiture of financial interests posing a con-**  
6 **flict of interest**

7 “(a) APPLICABILITY TO THE PRESIDENT AND VICE-  
8 PRESIDENT.—The President and Vice-President shall,  
9 within 30 days of assuming office, divest of all financial  
10 interests that pose a conflict of interest because the Presi-  
11 dent or Vice President, the spouse, dependent child, or  
12 general partner of the President or Vice President, or any  
13 person or organization with whom the President or Vice  
14 President is negotiating or has any arrangement con-  
15 cerning prospective employment, has a financial interest,  
16 by—

17 “(1) converting each such interest to cash or  
18 other investment that meets the criteria established  
19 by the Director of the Office of Government Ethics  
20 through regulation as being an interest so remote or  
21 inconsequential as not to pose a conflict; or

22 “(2) placing each such interest in a qualified  
23 blind trust as defined in section 102(f)(3) or a diver-  
24 sified trust under section 102(f)(4)(B).

1           “(b) DISCLOSURE EXEMPTION.—Subsection (a) shall  
2 not apply if the President or Vice President complies with  
3 section 102.”.

4           (b) ADDITIONAL DISCLOSURES.—Section 102(a) of  
5 the Ethics in Government Act of 1978 (5 U.S.C. App.)  
6 is amended by adding at the end the following:

7                   “(9) With respect to any such report filed by  
8 the President or Vice President, for any corporation,  
9 company, firm, partnership, or other business enter-  
10 prise in which the President, Vice President, or the  
11 spouse or dependent child of the President or Vice  
12 President, has a significant financial interest—

13                           “(A) the name of each other person who  
14 holds a significant financial interest in the firm,  
15 partnership, association, corporation, or other  
16 entity;

17                           “(B) the value, identity, and category of  
18 each liability in excess of \$10,000; and

19                           “(C) a description of the nature and value  
20 of any assets with a value of \$10,000 or  
21 more.”.

22           (c) REGULATIONS.—Not later than 120 days after  
23 the date of enactment of this Act, the Director of the Of-  
24 fice of Government Ethics shall promulgate regulations to  
25 define the criteria required by section 701(a)(1) of the

1 Ethics in Government Act of 1978 (as added subsection  
2 (a)) and the term “significant financial interest” for pur-  
3 poses of section 102(a)(9) of the Ethics in Government  
4 Act (as added by subsection (b)).

5 **SEC. 8013. INITIAL FINANCIAL DISCLOSURE.**

6 Subsection (a) of section 101 of the Ethics in Govern-  
7 ment Act of 1978 (5 U.S.C. App.) is amended by striking  
8 “position” and adding at the end the following: “position,  
9 with the exception of the President and Vice President,  
10 who must file a new report.”.

11 **SEC. 8014. CONTRACTS BY THE PRESIDENT OR VICE PRESI-**  
12 **DENT.**

13 (a) AMENDMENT.—Section 431 of title 18, United  
14 States Code, is amended—

15 (1) in the section heading, by inserting “**the**  
16 **President, Vice President, or a**” after  
17 “**Contracts by**”; and

18 (2) in the first undesignated paragraph, by in-  
19 serting “the President or Vice President,” after  
20 “Whoever, being”.

21 (b) TABLE OF SECTIONS AMENDMENT.—The table of  
22 sections for chapter 23 of title 18, United States Code,  
23 is amended by striking the item relating to section 431  
24 and inserting the following:

“431. Contracts by the President, Vice President, or a Member of Congress.”.

1       **Subtitle C—White House Ethics**  
2                               **Transparency**

3       **SEC. 8021. SHORT TITLE.**

4               This subtitle may be cited as the “White House Eth-  
5 ics Transparency Act of 2019”.

6       **SEC. 8022. PROCEDURE FOR WAIVERS AND AUTHORIZA-**  
7                               **TIONS RELATING TO ETHICS REQUIREMENTS.**

8               (a) **IN GENERAL.**—Notwithstanding any other provi-  
9 sion of law, not later than 30 days after an officer or em-  
10 ployee issues or approves a waiver or authorization pursu-  
11 ant to section 3 of Executive Order 13770 (82 6 Fed. Reg.  
12 9333), or any subsequent similar order, such officer or  
13 employee shall—

14                       (1) transmit a written copy of such waiver or  
15 authorization to the Director of the Office of Gov-  
16 ernment Ethics; and

17                       (2) make a written copy of such waiver or au-  
18 thorization available to the public on the website of  
19 the employing agency of the covered employee.

20               (b) **RETROACTIVE APPLICATION.**—In the case of a  
21 waiver or authorization described in subsection (a) issued  
22 during the period beginning on January 20, 2017, and  
23 ending on the date of enactment of this Act, the issuing  
24 officer or employee of such waiver or authorization shall  
25 comply with the requirements of paragraphs (1) and (2)

1 of such subsection not later than 30 days after the date  
2 of enactment of this Act.

3 (c) OFFICE OF GOVERNMENT ETHICS PUBLIC AVAIL-  
4 ABILITY.—Not later than 30 days after receiving a written  
5 copy of a waiver or authorization under subsection (a)(1),  
6 the Director of the Office of Government Ethics shall  
7 make such waiver or authorization available to the public  
8 on the website of the Office of Government Ethics.

9 (d) DEFINITION OF COVERED EMPLOYEE.—In this  
10 section, the term “covered employee”—

11 (1) means a non-career Presidential or Vice  
12 Presidential appointee, non-career appointee in the  
13 Senior Executive Service (or other SES-type sys-  
14 tem), or an appointee to a position that has been ex-  
15 cepted from the competitive service by reason of  
16 being of a confidential or policymaking character  
17 (Schedule C and other positions excepted under com-  
18 parable criteria) in an executive agency; and

19 (2) does not include any individual appointed as  
20 a member of the Senior Foreign Service or solely as  
21 a uniformed service commissioned officer.

1           **Subtitle D—Executive Branch**  
2                           **Ethics Enforcement**

3   **SEC. 8031. SHORT TITLE.**

4           This subtitle may be cited as the “Executive Branch  
5 Comprehensive Ethics Enforcement Act of 2019”.

6   **SEC. 8032. REAUTHORIZATION OF THE OFFICE OF GOVERN-**  
7                           **MENT ETHICS.**

8           Section 405 of the Ethics in Government Act of 1978  
9 (5 U.S.C. App.) is amended by striking “fiscal year 2007”  
10 and inserting “fiscal years 2019 through 2023.”.

11   **SEC. 8033. TENURE OF THE DIRECTOR OF THE OFFICE OF**  
12                           **GOVERNMENT ETHICS.**

13           Section 401(b) of the Ethics in Government Act of  
14 1978 (5 U.S.C. App.) is amended by striking the period  
15 at the end and inserting “, subject to removal only for  
16 inefficiency, neglect of duty, or malfeasance in office. The  
17 Director may continue to serve beyond the expiration of  
18 the term until a successor is appointed and has qualified,  
19 except that the Director may not continue to serve for  
20 more than one year after the date on which the term would  
21 otherwise expire under this subsection.”.

22   **SEC. 8034. DUTIES OF DIRECTOR OF THE OFFICE OF GOV-**  
23                           **ERNMENT ETHICS.**

24           (a) **IN GENERAL.**—Section 402(a) of the Ethics in  
25 Government Act of 1978 (5 U.S.C. App.) is amended in

1 paragraph (1) by striking “, in consultation with the Of-  
2 fice of Personnel Management,”.

3 (b) RESPONSIBILITIES OF THE DIRECTOR.—Section  
4 402(b) of the Ethics in Government Act of 1978 (5 U.S.C.  
5 App.) is amended—

6 (1) in paragraph (1)—

7 (A) by striking “developing, in consultation  
8 with the Attorney General and the Office of  
9 Personnel Management, rules and regulations  
10 to be promulgated by the President or the Di-  
11 rector” and inserting “developing and promul-  
12 gating rules and regulations”; and

13 (B) by striking “title II” and inserting  
14 “title I”;

15 (2) by striking paragraph (2) and inserting the  
16 following:

17 “(2) providing mandatory education and train-  
18 ing programs for designated agency ethics officials,  
19 which may be delegated to each agency or the White  
20 House Counsel as deemed appropriate by the Direc-  
21 tor;”;

22 (3) in paragraph (3), by striking “title II” and  
23 inserting “title I”;

24 (4) in paragraph (4), by striking “problems”  
25 and inserting “issues”;

1 (5) in paragraph (6)—

2 (A) by striking “issued by the President or  
3 the Director”; and

4 (B) by striking “problems” and inserting  
5 “issues”;

6 (6) in paragraph (7)—

7 (A) by striking “, when requested,”; and

8 (B) by striking “conflict of interest prob-  
9 lems” and inserting “conflicts of interest, as  
10 well as other ethics issues”;

11 (7) in paragraph (9)—

12 (A) by striking “ordering” and inserting  
13 “receiving allegations of violations of this Act or  
14 regulations of the Office of Government Ethics  
15 and, when necessary, investigating an allegation  
16 to determine whether a violation occurred, and  
17 ordering”; and

18 (B) by inserting before the semi-colon the  
19 following: “, and recommending appropriate  
20 disciplinary action”;

21 (8) in paragraph (12)—

22 (A) by striking “evaluating, with the as-  
23 sistance of” and inserting “promulgating, with  
24 input from”;

25 (B) by striking “the need for”;



1 (C) by striking “conflict of interest and  
2 ethical problems” and inserting “conflict of in-  
3 terest and ethics issues”;

4 (9) in paragraph (13)—

5 (A) by striking “with the Attorney Gen-  
6 eral” and inserting “with the Inspectors Gen-  
7 eral and the Attorney General”;

8 (B) by striking “violations of the conflict  
9 of interest laws” and inserting “conflict of in-  
10 terest issues and allegations of violations of eth-  
11 ics laws and regulations and this Act”; and

12 (C) by striking “, as required by section  
13 535 of title 28, United States Code”;

14 (10) in paragraph (14), by striking “and” at  
15 the end;

16 (11) in paragraph (15)—

17 (A) by striking “, in consultation with the  
18 Office of Personnel Management,”;

19 (B) by striking “title II” and inserting  
20 “title I”; and

21 (C) by striking the period at the end and  
22 inserting a semicolon; and

23 (12) by adding at the end the following:

24 “(16) directing and providing final approval,  
25 when determined appropriate by the Director, for

1 designated agency ethics officials regarding the reso-  
2 lution of conflicts of interest as well as any other  
3 ethics issues under the purview of this Act in indi-  
4 vidual cases; and

5 “(17) reviewing and approving, when deter-  
6 mined appropriate by the Director, any recusals, ex-  
7 emptions, or waivers from the conflicts of interest  
8 and ethics laws, rules, and regulations and making  
9 approved recusals, exemptions, and waivers made  
10 publicly available by the relevant agency available in  
11 a central location on the official website of the Office  
12 of Government Ethics.”.

13 (c) WRITTEN PROCEDURES.—Paragraph (1) of sec-  
14 tion 402(d) of the Ethics in Government Act of 1978 (5  
15 U.S.C. App.) is amended—

16 (1) by striking “, by the exercise of any author-  
17 ity otherwise available to the Director under this  
18 title,”;

19 (2) by striking “the agency is”; and

20 (3) by inserting after “filed by” the following:  
21 “, or written documentation of recusals, waivers, or  
22 ethics authorizations relating to,”.

23 (d) CORRECTIVE ACTIONS.—Section 402(f) of the  
24 Ethics in Government Act of 1978 (5 U.S.C. App.) is  
25 amended—

1 (1) in paragraph (1)—

2 (A) in clause (i) of subparagraph (A), by  
3 striking “of such agency”; and

4 (B) in subparagraph (B), by inserting at  
5 the end “and determine that a violation of this  
6 Act has occurred and issue appropriate admin-  
7 istrative or legal remedies as prescribed in para-  
8 graph (2)”;

9 (2) in paragraph (2)—

10 (A) in subparagraph (A)—

11 (i) in clause (ii)—

12 (I) in subclause (I)—

13 (aa) by inserting “to the  
14 President or the President’s des-  
15 ignee if the matter involves em-  
16 ployees of the Executive Office of  
17 the President or” after “may rec-  
18 ommend”;

19 (bb) by striking “and” at  
20 the end; and

21 (II) in subclause (II)—

22 (aa) by inserting “President  
23 or” after “determines that the”;  
24 and

1 (bb) by adding “and” at the  
2 end;

3 (ii) in subclause (II) of clause (iii)—

4 (I) by striking “notify, in writ-  
5 ing,” and inserting “advise the Presi-  
6 dent or order”;

7 (II) by inserting “to take appro-  
8 priate disciplinary action including  
9 reprimand, suspension, demotion, or  
10 dismissal against the officer or em-  
11 ployee (provided, however, that any  
12 order issued by the Director shall not  
13 affect an employee’s right to appeal a  
14 disciplinary action under applicable  
15 law, regulation, collective bargaining  
16 agreement, or contractual provision)”  
17 after “employee’s agency”; and

18 (III) by striking “of the officer’s  
19 or employee’s noncompliance, except  
20 that, if the officer or employee in-  
21 volved is the agency head, the notifi-  
22 cation shall instead be submitted to  
23 the President and Congress and”;

24 (iii) by striking clause (iv);

25 (B) in subparagraph (B)(i)—

1 (i) by striking “subparagraph (A)(iii)  
2 or (iv)” and inserting “subparagraph (A)”;

3 (ii) by inserting “(I)” before “In  
4 order to”; and

5 (iii) by adding at the end the fol-  
6 lowing:

7 “(II)(aa) The Director may secure directly  
8 from any agency information necessary to en-  
9 able the Director to carry out this Act. Upon  
10 request of the Director, the head of such agency  
11 shall furnish that information to the Director.

12 “(bb) The Director may require by sub-  
13 poena the production of all information, docu-  
14 ments, reports, answers, records, accounts, pa-  
15 pers, and other data in any medium and docu-  
16 mentary evidence necessary in the performance  
17 of the functions assigned by this Act, which  
18 subpoena, in the case of refusal to obey, shall  
19 be enforceable by order of any appropriate  
20 United States district court.”;

21 (C) in subparagraph (B)(ii)(I)—

22 (i) by striking “Subject to clause (iv)  
23 of this subparagraph, before” and insert-  
24 ing “Before”; and

1 (ii) by striking “subparagraphs (A)  
2 (iii) or (iv)” and inserting “subparagraph  
3 (A)(iii)”;

4 (D) in subparagraph (B)(iii), by striking  
5 “Subject to clause (iv) of this subparagraph,  
6 before” and inserting “Before”; and

7 (E) in subparagraph (B)(iv)—

8 (i) by striking “title 2” and inserting  
9 “title I”; and

10 (ii) by striking “section 206” and in-  
11 serring “section 106”; and

12 (3) in paragraph (4), by striking “(iv),”.

13 (e) DEFINITIONS.—Section 402 of the Ethics in Gov-  
14 ernment Act of 1978 (5 U.S.C. App.) is amended by add-  
15 ing at the end the following:

16 “(g) For purposes of this title—

17 “(1) the term ‘agency’ shall include the Execu-  
18 tive Office of the President; and

19 “(2) the term ‘officer or employee’ shall include  
20 any individual occupying a position, providing any  
21 official services, or acting in an advisory capacity, in  
22 the White House or the Executive Office of the  
23 President.

24 “(h) In this title, a reference to the head of an agency  
25 shall include the President or the President’s designee.

1           “(i) The Director shall not be required to obtain the  
2 prior approval, comment, or review of any officer or agen-  
3 cy of the United States, including the Office of Manage-  
4 ment and Budget, before submitting to Congress, or any  
5 committee or subcommittee thereof, any information, re-  
6 ports, recommendations, testimony, or comments, if such  
7 submissions include a statement indicating that the views  
8 expressed therein are those of the Director and do not nec-  
9 essarily represent the views of the President.”.

10 **SEC. 8035. AGENCY ETHICS OFFICIALS TRAINING AND DU-**  
11 **TIES.**

12           (a) IN GENERAL.—Section 403 of the Ethics in Gov-  
13 ernment Act of 1978 (5 U.S.C. App.) is amended—

14                   (1) in subsection (a), by adding a period at the  
15 end of the matter following paragraph (2); and

16                   (2) by adding at the end the following:

17           “(c)(1) All designated agency ethics officials and al-  
18 ternate designated agency ethics officials shall register  
19 with the Director as well as with the appointing authority  
20 of the official.

21           “(2) The Director shall provide ethics education and  
22 training to all designated and alternate designated agency  
23 ethics officials in a time and manner deemed appropriate  
24 by the Director.

1           “(3) Each designated agency ethics official and each  
2 alternate designated agency ethics official shall biannually  
3 attend ethics education and training, as provided by the  
4 Director under paragraph (2).

5           “(d) Each Designated Agency Ethics Official, includ-  
6 ing the Designated Agency Ethics Official for the Execu-  
7 tive Office of the President—

8                   “(1) shall provide to the Director, in writing, in  
9 a searchable, sortable, and downloadable format, all  
10 approvals, authorizations, certifications, compliance  
11 reviews, determinations, directed divestitures, public  
12 financial disclosure reports, notices of deficiency in  
13 compliance, records related to the approval or ac-  
14 ceptance of gifts, recusals, regulatory or statutory  
15 advisory opinions, waivers, including waivers under  
16 section 207 or 208 of title 18, United States Code,  
17 and any other records designated by the Director,  
18 unless disclosure is prohibited by law;

19                   “(2) shall, for all information described in para-  
20 graph (1) that is permitted to be disclosed to the  
21 public under law, make the information available to  
22 the public by publishing the information on the  
23 website of the Office of Government Ethics, pro-  
24 viding a link to download an electronic copy of the



1 information, or providing printed paper copies of  
2 such information to the public; and

3 “(3) may charge a reasonable fee for the cost  
4 of providing paper copies of the information pursu-  
5 ant to paragraph (2).

6 “(e)(1) For all information that is provided by an  
7 agency to the Director under paragraph (1) of subsection  
8 (d), the Director shall make the information available to  
9 the public in a searchable, sortable, downloadable format  
10 by publishing the information on the website of the Office  
11 of Government Ethics or providing a link to download an  
12 electronic copy of the information.

13 “(2) The Director may, upon request, provide printed  
14 paper copies of the information published under para-  
15 graph (1) and charge a reasonable fee for the cost of print-  
16 ing such copies.”.

17 (b) REPEAL.—Section 408 of the Ethics in Govern-  
18 ment Act of 1978 (5 U.S.C. App.) is hereby repealed.

## 19 **Subtitle E—Conflicts From** 20 **Political Fundraising**

21 **SEC. 8041. SHORT TITLE.**

22 This subtitle may be cited as the “Conflicts from Po-  
23 litical Fundraising Act of 2019”.

1 **SEC. 8042. DISCLOSURE OF CERTAIN TYPES OF CONTRIBU-**  
2 **TIONS.**

3 (a) DEFINITIONS.—Section 109 of the Ethics in Gov-  
4 ernment Act of 1978 (5 U.S.C. App.) is amended—

5 (1) by redesignating paragraphs (2) through  
6 (19) as paragraphs (5) through (22), respectively;  
7 and

8 (2) by inserting after paragraph (1) the fol-  
9 lowing:

10 “(2) ‘covered contribution’ means a payment,  
11 advance, forbearance, rendering, or deposit of  
12 money, or any thing of value—

13 “(A)(i) that—

14 “(I) is—

15 “(aa) made by or on behalf of a  
16 covered individual; or

17 “(bb) solicited in writing by or at  
18 the request of a covered individual;  
19 and

20 “(II) is made—

21 “(aa) to a political organization,  
22 as defined in section 527 of the Inter-  
23 nal Revenue Code of 1986; or

24 “(bb) to an organization—

25 “(AA) that is described in  
26 paragraph (4) or (6) of section

1 501(c) of the Internal Revenue  
2 Code of 1986 and exempt from  
3 tax under section 501(a) of such  
4 Code; and

5 “(BB) that promotes or op-  
6 poses changes in Federal laws or  
7 regulations that are (or would  
8 be) administered by the agency in  
9 which the covered individual has  
10 been nominated for appointment  
11 to a covered position or is serving  
12 in a covered position; or

13 “(ii) that is—

14 “(I) solicited in writing by or on be-  
15 half of a covered individual; and

16 “(II) made—

17 “(aa) by an individual or entity  
18 the activities of which are subject to  
19 Federal laws or regulations that are  
20 (or would be) administered by the  
21 agency in which the covered individual  
22 has been nominated for appointment  
23 to a covered position or is serving in  
24 a covered position; and

25 “(bb) to—

1                   “(AA) a political organiza-  
2                   tion, as defined in section 527 of  
3                   the Internal Revenue Code of  
4                   1986; or

5                   “(BB) an organization that  
6                   is described in paragraph (4) or  
7                   (6) of section 501(c) of the Inter-  
8                   nal Revenue Code of 1986 and  
9                   exempt from tax under section  
10                  501(a) of such Code; and

11                  “(B) that is made to an organization de-  
12                  scribed in item (aa) or (bb) of clause (i)(II) or  
13                  clause (ii)(II)(bb) of subparagraph (A) for  
14                  which the total amount of such payments, ad-  
15                  vances, forbearances, renderings, or deposits of  
16                  money, or any thing of value, during the cal-  
17                  endar year in which it is made is not less than  
18                  the contribution limitation in effect under sec-  
19                  tion 315(a)(1)(A) of the Federal Election Cam-  
20                  paign Act of 1971 (52 U.S.C. 30116(a)(1)(A))  
21                  for elections occurring during such calendar  
22                  year;

23                  “(3) ‘covered individual’ means an individual  
24                  who has been nominated or appointed to a covered  
25                  position; and

1 “(4) ‘covered position’—

2 “(A) means—

3 “(i) a position described under sec-  
4 tions 5312 through 5316 of title 5, United  
5 States Code;

6 “(ii) a position placed in level IV or V  
7 of the Executive Schedule under section  
8 5317 of title 5, United States Code;

9 “(iii) a position as a limited term ap-  
10 pointee, limited emergency appointee, or  
11 noncareer appointee in the Senior Execu-  
12 tive Service, as defined under paragraphs  
13 (5), (6), and (7), respectively, of section  
14 3132(a) of title 5, United States Code; and

15 “(iv) a position in the executive  
16 branch of the Government of a confidential  
17 or policy-determining character under  
18 schedule C of subpart C of part 213 of  
19 title 5 of the Code of Federal Regulations;  
20 and

21 “(B) does not include a position if the in-  
22 dividual serving in the position has been ex-  
23 cluded from the application of section  
24 101(f)(5);”.

1 (b) DISCLOSURE REQUIREMENTS.—The Ethics in  
2 Government Act of 1978 (5 U.S.C. App.) is amended—

3 (1) in section 101—

4 (A) in subsection (a)—

5 (i) by inserting “(1)” before “With-  
6 in”;

7 (ii) by striking “unless” and inserting  
8 “and, if the individual is assuming a cov-  
9 ered position, the information described in  
10 section 102(j), except that, subject to para-  
11 graph (2), the individual shall not be re-  
12 quired to file a report if”; and

13 (iii) by adding at the end the fol-  
14 lowing:

15 “(2) If an individual has left a position described in  
16 subsection (f) that is not a covered position and, within  
17 30 days, assumes a position that is a covered position, the  
18 individual shall, within 30 days of assuming the covered  
19 position, file a report containing the information described  
20 in section 102(j)(2)(A).”;

21 (B) in subsection (b)(1), in the first sen-  
22 tence, by inserting “and the information re-  
23 quired by section 102(j)” after “described in  
24 section 102(b)”;

1 (C) in subsection (d), by inserting “and, if  
2 the individual is serving in a covered position,  
3 the information required by section  
4 102(j)(2)(A)” after “described in section  
5 102(a)”;

6 (D) in subsection (e), by inserting “and, if  
7 the individual was serving in a covered position,  
8 the information required by section  
9 102(j)(2)(A)” after “described in section  
10 102(a)”;

11 (2) in section 102—

12 (A) in subsection (g), by striking “Political  
13 campaign funds” and inserting “Except as pro-  
14 vided in subsection (j), political campaign  
15 funds”;

16 (B) by adding at the end the following:

17 “(j)(1) In this subsection—

18 “(A) the term ‘applicable period’ means—

19 “(i) with respect to a report filed pursuant  
20 to subsection (a) or (b) of section 101, the year  
21 of filing and the 4 calendar years preceding the  
22 year of the filing; and

23 “(ii) with respect to a report filed pursuant  
24 to subsection (d) or (e) of section 101, the pre-  
25 ceding calendar year; and

1 “(B) the term ‘covered gift’ means a gift that—

2 “(i) is made to a covered individual, the  
3 spouse of a covered individual, or the dependent  
4 child of a covered individual;

5 “(ii) is made by an entity described in item  
6 (aa) or (bb) of section 109(2)(A)(i)(II); and

7 “(iii) would have been required to be re-  
8 ported under subsection (a)(2) if the covered in-  
9 dividual had been required to file a report  
10 under section 101(d) with respect to the cal-  
11 endar year during which the gift was made.

12 “(2)(A) A report filed pursuant to subsection (a), (b),  
13 (d), or (e) of section 101 by a covered individual shall in-  
14 clude, for each covered contribution during the applicable  
15 period—

16 “(i) the date on which the covered contribution  
17 was made;

18 “(ii) if applicable, the date or dates on which  
19 the covered contribution was solicited;

20 “(iii) the value of the covered contribution;

21 “(iv) the name of the person making the cov-  
22 ered contribution; and

23 “(v) the name of the person receiving the cov-  
24 ered contribution.



1           “(B)(i) Subject to clause (ii), a covered contribution  
2 made by or on behalf of, or that was solicited in writing  
3 by or on behalf of, a covered individual shall constitute  
4 a conflict of interest, or an appearance thereof, with re-  
5 spect to the official duties of the covered individual.

6           “(ii) The Director of the Office of Government Ethics  
7 may exempt a covered contribution from the application  
8 of clause (i) if the Director determines the circumstances  
9 of the solicitation and making of the covered contribution  
10 do not present a risk of a conflict of interest and the ex-  
11 emption of the covered contribution would not affect ad-  
12 versely the integrity of the Government or the public’s con-  
13 fidence in the integrity of the Government.

14           “(3) A report filed pursuant to subsection (a) or (b)  
15 of section 101 by a covered individual shall include the  
16 information described in subsection (a)(2) with respect to  
17 each covered gift received during the applicable period.”.

18           (c) PROVISION OF REPORTS AND ETHICS AGREE-  
19 MENTS TO CONGRESS.—Section 105 of the Ethics in Gov-  
20 ernment Act of 1978 (5 U.S.C. App.) is amended by add-  
21 ing at the end the following:

22           “(e) Not later than 30 days after receiving a written  
23 request from the Chairman or Ranking Member of a com-  
24 mittee or subcommittee of either House of Congress, the  
25 Director of the Office of Government Ethics shall provide

1 to the Chairman and Ranking Member each report filed  
2 under this title by the covered individual and any ethics  
3 agreement entered into between the agency and the cov-  
4 ered individual.”.

5 (d) RULES ON ETHICS AGREEMENTS.—The Director  
6 of the Office of Government Ethics shall promptly issue  
7 rules regarding how an agency in the executive branch  
8 shall address information required to be disclosed under  
9 the amendments made by this subtitle in drafting ethics  
10 agreements between the agency and individuals appointed  
11 to positions in the agency.

12 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) The Ethics in Government Act of 1978 (5  
14 U.S.C. App.) is amended—

15 (A) in section 101(f)—

16 (i) in paragraph (9), by striking “sec-  
17 tion 109(12)” and inserting “section  
18 109(15)”;

19 (ii) in paragraph (10), by striking  
20 “section 109(13)” and inserting “section  
21 109(16)”;

22 (iii) in paragraph (11), by striking  
23 “section 109(10)” and inserting “section  
24 109(13)”;

1 (iv) in paragraph (12), by striking  
2 “section 109(8)” and inserting “section  
3 109(11)”;

4 (B) in section 103(l)—

5 (i) in paragraph (9), by striking “sec-  
6 tion 109(12)” and inserting “section  
7 109(15)”;

8 (ii) in paragraph (10), by striking  
9 “section 109(13)” and inserting “section  
10 109(16)”;

11 (C) in section 105(b)(3)(A), by striking  
12 “section 109(8) or 109(10)” and inserting “sec-  
13 tion 109(11) or 109(13)”.

14 (2) Section 3(4)(D) of the Lobbying Disclosure  
15 Act of 1995 (2 U.S.C. 1602(4)(D)) is amended by  
16 striking “section 109(13)” and inserting “section  
17 109(16)”.

18 (3) Section 21A of the Securities Exchange Act  
19 of 1934 (15 U.S.C. 78u-1) is amended—

20 (A) in subsection (g)(2)(B)(ii), by striking  
21 “section 109(11) of the Ethics in Government  
22 Act of 1978 (5 U.S.C. App. 109(11))” and in-  
23 serting “section 109 of the Ethics in Govern-  
24 ment Act of 1978 (5 U.S.C. App.)”;

25 (B) in subsection (h)(2)—

1 (i) in subparagraph (B), by striking  
2 “section 109(8) of the Ethics in Govern-  
3 ment Act of 1978 (5 U.S.C. App. 109(8))”  
4 and inserting “section 109 of the Ethics in  
5 Government Act of 1978 (5 U.S.C. App.)”;  
6 and

7 (ii) in subparagraph (C), by striking  
8 “section 109(10) of the Ethics in Govern-  
9 ment Act of 1978 (5 U.S.C. App.  
10 109(10))” and inserting “section 109 of  
11 the Ethics in Government Act of 1978 (5  
12 U.S.C. App.)”.

13 (4) Section 499(j)(2) of the Public Health Serv-  
14 ice Act (42 U.S.C. 290b(j)(2)) is amended by strik-  
15 ing “section 109(16) of the Ethics in Government  
16 Act of 1978” and inserting “section 109 of the Eth-  
17 ics in Government Act of 1978 (5 U.S.C. App.)”.

## 18 **Subtitle F—Transition Team Ethics**

### 19 **SEC. 8051. SHORT TITLE.**

20 This subtitle may be cited as the “Transition Team  
21 Ethics Improvement Act”.

### 22 **SEC. 8052. PRESIDENTIAL TRANSITION ETHICS PROGRAMS.**

23 The Presidential Transition Act of 1963 (3 U.S.C.  
24 102 note) is amended—

1           (1) in section 3(f), by adding at the end the fol-  
2           lowing:

3           “(3) Not later than 10 days after submitting an ap-  
4           plication for a security clearance for any individual, and  
5           not later than 10 days after any such individual is granted  
6           a security clearance (including an interim clearance), each  
7           eligible candidate (as that term is described in subsection  
8           (h)(4)(A)) or the President-elect (as the case may be) shall  
9           submit a report containing the name of such individual  
10          to the Committee on Oversight and Reform of the House  
11          of Representatives and the Committee on Homeland Secu-  
12          rity and Governmental Affairs of the Senate.”;

13           (2) in section 4—

14           (A) in subsection (a)—

15           (i) in paragraph (3), by striking  
16           “and” at the end;

17           (ii) by redesignating paragraph (4) as  
18           paragraph (5); and

19           (iii) by inserting after paragraph (3)  
20           the following:

21           “(4) the term ‘nonpublic information’—

22           “(A) means information from the Federal  
23           Government that a transition team member ob-  
24           tains as part of the employment of such mem-  
25           ber that the member knows or reasonably

1 should know has not been made available to the  
2 general public; and

3 “(B) includes information that has not  
4 been released to the public that a transition  
5 team member knows or reasonably should  
6 know—

7 “(i) is exempt from disclosure under  
8 section 552 of title 5, United States Code,  
9 or otherwise protected from disclosure by  
10 law; and

11 “(ii) is not authorized by the appro-  
12 priate agency or official to be released to  
13 the public; and”; and

14 (B) in subsection (g)—

15 (i) in paragraph (1), by striking “No-  
16 vember” and inserting “October”; and

17 (ii) by adding at the end the fol-  
18 lowing:

19 “(3) ETHICS PLAN.—

20 “(A) IN GENERAL.—Each memorandum of  
21 understanding under paragraph (1) shall in-  
22 clude an agreement that the eligible candidate  
23 will implement and enforce an ethics plan to  
24 guide the conduct of the transition beginning on

1 the date on which the eligible candidate be-  
2 comes the President-elect.

3 “(B) CONTENTS.—The ethics plan shall  
4 include, at a minimum—

5 “(i) a description of the ethics re-  
6 quirements that will apply to all transition  
7 team members, including specific require-  
8 ments for transition team members who  
9 will have access to nonpublic or classified  
10 information;

11 “(ii) a description of how the transi-  
12 tion team will—

13 “(I) address the role on the tran-  
14 sition team of—

15 “(aa) registered lobbyists  
16 under the Lobbying Disclosure  
17 Act of 1995 (2 U.S.C. 1601 et  
18 seq.) and individuals who were  
19 formerly registered lobbyists  
20 under that Act;

21 “(bb) persons registered  
22 under the Foreign Agents Reg-  
23 istration Act, as amended (22  
24 U.S.C. 611 et seq.), foreign na-

1 tionals, and other foreign agents;

2 and

3 “(cc) transition team mem-  
4 bers with sources of income or  
5 clients that are not disclosed to  
6 the public;

7 “(II) prohibit a transition team  
8 member with personal financial con-  
9 flicts of interest as described in sec-  
10 tion 208 of title 18, United States  
11 Code, from working on particular  
12 matters involving specific parties that  
13 affect the interests of such member;  
14 and

15 “(III) address how the covered  
16 eligible candidate will address their  
17 own personal financial conflicts of in-  
18 terest during a Presidential term if  
19 the covered eligible candidate becomes  
20 the President-elect;

21 “(iii) a Code of Ethical Conduct, to  
22 which each transition team member will  
23 sign and be subject to, that reflects the  
24 content of the ethics plans under this para-



1 graph and at a minimum requires each  
2 transition team member to—

3 “(I) seek authorization from  
4 transition team leaders or their des-  
5 ignees before seeking, on behalf of the  
6 transition, access to any nonpublic in-  
7 formation;

8 “(II) keep confidential any non-  
9 public information provided in the  
10 course of the duties of the member  
11 with the transition and exclusively use  
12 such information for the purposes of  
13 the transition; and

14 “(III) not use any nonpublic in-  
15 formation provided in the course of  
16 transition duties, in any manner, for  
17 personal or private gain for the mem-  
18 ber or any other party at any time  
19 during or after the transition; and

20 “(iv) a description of how the transi-  
21 tion team will enforce the Code of Ethical  
22 Conduct, including the names of the tran-  
23 sition team members responsible for en-  
24 forcement, oversight, and compliance.

1           “(C) PUBLICLY AVAILABLE.—The transi-  
2           tion team shall make the ethics plan described  
3           in this paragraph publicly available on the  
4           website of the General Services Administration  
5           the earlier of—

6                   “(i) the day on which the memo-  
7                   randum of understanding is completed; or

8                   “(ii) October 1.”; and

9           (3) in section 6(b)—

10                   (A) in paragraph (1)—

11                           (i) in subparagraph (A), by striking  
12                           “and” at the end;

13                           (ii) in subparagraph (B), by striking  
14                           the period at the end and inserting a semi-  
15                           colon; and

16                           (iii) by adding at the end the fol-  
17                           lowing:

18                   “(C) a list of all positions each transition team  
19                   member has held outside the Federal Government  
20                   for the previous 12-month period, including paid and  
21                   unpaid positions;

22                   “(D) sources of compensation for each transi-  
23                   tion team member exceeding \$5,000 a year for the  
24                   previous 12-month period;

1           “(E) a description of the role of each transition  
2           team member, including a list of any policy issues  
3           that the member expects to work on, and a list of  
4           agencies the member expects to interact with, while  
5           serving on the transition team;

6           “(F) a list of any issues from which each tran-  
7           sition team member will be recused while serving as  
8           a member of the transition team pursuant to the  
9           transition team ethics plan outlined in section  
10          4(g)(3); and

11          “(G) an affirmation that no transition team  
12          member has a financial conflict of interest that pre-  
13          cludes the member from working on the matters de-  
14          scribed in subparagraph (E).”;

15                 (B) in paragraph (2), by inserting “not  
16                 later than 2 business days” after “public”; and

17                 (C) by adding at the end the following:

18          “(3) The head of a Federal department or agency,  
19          or their designee, shall not permit access to the Federal  
20          department or agency, or employees of such department  
21          or agency, that would not be provided to a member of the  
22          public for any transition team member who does not make  
23          the disclosures listed under paragraph (1).”.

1 **Subtitle G—Ethics Pledge For Sen-**  
2 **ior Executive Branch Employees**

3 **SEC. 8061. SHORT TITLE.**

4 This subtitle may be cited as the “Ethics in Public  
5 Service Act”.

6 **SEC. 8062. ETHICS PLEDGE REQUIREMENT FOR SENIOR EX-**  
7 **ECUTIVE BRANCH EMPLOYEES.**

8 The Ethics in Government Act of 1978 (5 U.S.C.  
9 App. 101 et seq.) is amended by inserting after title I the  
10 following new title:

11 **“TITLE II—ETHICS PLEDGE**

12 **“SEC. 201. DEFINITIONS.**

13 “For the purposes of this title, the following defini-  
14 tions apply:

15 “(1) The term ‘executive agency’ has the mean-  
16 ing given that term in section 105 of title 5, United  
17 States Code, and includes the Executive Office of  
18 the President, the United States Postal Service, and  
19 Postal Regulatory Commission, but does not include  
20 the Government Accountability Office.

21 “(2) The term ‘appointee’ means any noncareer  
22 Presidential or Vice-Presidential appointee, non-  
23 career appointee in the Senior Executive Service (or  
24 other SES-type system), or appointee to a position  
25 that has been excepted from the competitive service

1 by reason of being of a confidential or policymaking  
2 character (Schedule C and other positions excepted  
3 under comparable criteria) in an executive agency,  
4 but does not include any individual appointed as a  
5 member of the Senior Foreign Service or solely as  
6 a uniformed service commissioned officer.

7 “(3) The term ‘gift’—

8 “(A) has the meaning given that term in  
9 section 2635.203(b) of title 5, Code of Federal  
10 Regulations (or any successor regulation); and

11 “(B) does not include those items excluded  
12 by sections 2635.204(b), (c), (e)(1), (e)(3), (j),  
13 (k), and (l) of such title 5.

14 “(4) The term ‘covered executive branch offi-  
15 cial’ and ‘lobbyist’ have the meanings given those  
16 terms in section 3 of the Lobbying Disclosure Act of  
17 1995 (2 U.S.C. 1602).

18 “(5) The term ‘registered lobbyist or lobbying  
19 organization’ means a lobbyist or an organization fil-  
20 ing a registration pursuant to section 4(a) of the  
21 Lobbying Disclosure Act of 1995 (2 U.S.C.  
22 1603(a)), and in the case of an organization filing  
23 such a registration, ‘registered lobbyist’ includes  
24 each of the lobbyists identified therein.

1           “(6) The term ‘lobby’ and ‘lobbied’ mean to act  
2 or have acted as a registered lobbyist.

3           “(7) The term ‘former employer’—

4                   “(A) means a person or entity for whom  
5 an appointee served as an employee, officer, di-  
6 rector, trustee, partner, agent, attorney, con-  
7 sultant, or contractor during the 2-year period  
8 ending on the date before the date on which the  
9 covered employee begins service in the Federal  
10 Government; and

11                   “(B) does not include—

12                           “(i) an agency or instrumentality of  
13 the Federal Government;

14                           “(ii) a State or local government;

15                           “(iii) the District of Columbia;

16                           “(iv) an Indian tribe, as defined in  
17 section 4 of the Indian Self-Determination  
18 and Education Assistance Act (25 U.S.C.  
19 5304); or

20                           “(v) the government of a territory or  
21 possession of the United States.

22           “(8) The term ‘former client’ means a person  
23 or entity for whom an appointee served personally as  
24 agent, attorney, or consultant during the 2-year pe-  
25 riod ending on the date before the date on which the

1 covered employee begins service in the Federal Gov-  
2 ernment, but does not include an agency or instru-  
3 mentality of the Federal Government;

4 “(9) The term ‘directly and substantially re-  
5 lated to my former employer or former clients’  
6 means matters in which the appointee’s former em-  
7 ployer or a former client is a party or represents a  
8 party.

9 “(10) The term ‘participate’ means to partici-  
10 pate personally and substantially.

11 “(11) The term ‘post-employment restrictions’  
12 includes the provisions and exceptions in section  
13 207(c) of title 18, United States Code, and the im-  
14 plementing regulations.

15 “(12) The term ‘Government official’ means  
16 any employee of the executive branch.

17 “(13) The term ‘Administration’ means all  
18 terms of office of the incumbent President serving at  
19 the time of the appointment of an appointee covered  
20 by this title.

21 “(14) The term ‘pledge’ means the ethics  
22 pledge set forth in section 202 of this title.

23 “(15) All references to provisions of law and  
24 regulations shall refer to such provisions as in effect  
25 on the date of enactment of this title.

1 **“SEC. 202. ETHICS PLEDGE.**

2 “Each appointee in every executive agency appointed  
3 on or after the date of enactment of this section shall be  
4 required to sign an ethics pledge upon appointment. The  
5 pledge shall be signed and dated within 30 days of taking  
6 office and shall include, at a minimum, the following ele-  
7 ments:

8 ““As a condition, and in consideration, of my employ-  
9 ment in the United States Government in a position in-  
10 vested with the public trust, I commit myself to the fol-  
11 lowing obligations, which I understand are binding on me  
12 and are enforceable under law:

13 ““(1) Lobbyist Gift Ban.—I will not accept  
14 gifts from registered lobbyists or lobbying organiza-  
15 tions for the duration of my service as an appointee.

16 ““(2) Revolving Door Ban; Entering Govern-  
17 ment.—

18 ““(A) All Appointees Entering Govern-  
19 ment.—I will not, for a period of 2 years from  
20 the date of my appointment, participate in any  
21 particular matter involving specific party or  
22 parties that is directly and substantially related  
23 to my former employer or former clients, in-  
24 cluding regulations and contracts.

25 ““(B) Lobbyists Entering Government.—If  
26 I was a registered lobbyist within the 2 years



1 before the date of my appointment, in addition  
2 to abiding by the limitations of subparagraph  
3 (A), I will not for a period of 2 years after the  
4 date of my appointment:

5 “(i) participate in any particular  
6 matter on which I lobbied within the 2  
7 years before the date of my appointment;

8 “(ii) participate in the specific issue  
9 area in which that particular matter falls;  
10 or

11 “(iii) seek or accept employment with  
12 any executive agency that I lobbied within  
13 the 2 years before the date of my appoint-  
14 ment.

15 “(3) Revolving Door Ban; Appointees Leaving  
16 Government.—

17 “(A) All Appointees Leaving Govern-  
18 ment.—If, upon my departure from the Govern-  
19 ment, I am covered by the post-employment re-  
20 strictions on communicating with employees of  
21 my former executive agency set forth in section  
22 207(c) of title 18, United States Code, I agree  
23 that I will abide by those restrictions for a pe-  
24 riod of 2 years following the end of my appoint-  
25 ment.

1           “(B) Appointees Leaving Government to  
2           Lobby.—In addition to abiding by the limita-  
3           tions of subparagraph (A), I also agree, upon  
4           leaving Government service, not to lobby any  
5           covered executive branch official or noncareer  
6           Senior Executive Service appointee for the re-  
7           mainder of the Administration.

8           “(4) Employment Qualification Commit-  
9           ment.—I agree that any hiring or other employment  
10          decisions I make will be based on the candidate’s  
11          qualifications, competence, and experience.

12          “(5) Assent to Enforcement.—I acknowledge  
13          that title II of the Ethics in Government Act of  
14          1978, which I have read before signing this docu-  
15          ment, defines certain of the terms applicable to the  
16          foregoing obligations and sets forth the methods for  
17          enforcing them. I expressly accept the provisions of  
18          that title as a part of this agreement and as binding  
19          on me. I understand that the terms of this pledge  
20          are in addition to any statutory or other legal re-  
21          strictions applicable to me by virtue of Federal Gov-  
22          ernment service.’”.

23   **“SEC. 203. WAIVER.**

24          “(a) The President or the President’s designee may  
25          grant to any current or former appointee a written waiver

1 of any restrictions contained in the pledge signed by such  
2 appointee if, and to the extent that, the President or the  
3 President's designee certifies (in writing) that, in light of  
4 all the relevant circumstances, the interest of the Federal  
5 Government in the employee's participation outweighs the  
6 concern that a reasonable person may question the integ-  
7 rity of the agency's programs or operations.

8       “(b) Any waiver under this section shall take effect  
9 when the certification is signed by the President or the  
10 President's designee.

11       “(c) For purposes of subsection (a)(2), the public in-  
12 terest shall include exigent circumstances relating to na-  
13 tional security or to the economy. De minimis contact with  
14 an executive agency shall be cause for a waiver of the re-  
15 strictions contained in paragraph (2)(B) of the pledge.

16       “(d) For any waiver granted under this section, the  
17 individual who granted the waiver shall—

18               “(1) provide a copy of the waiver to the Direc-  
19 tor not less than 48 hours after the waiver is grant-  
20 ed; and

21               “(2) publish the waiver on the website of the  
22 applicable agency within 30 calendar days after  
23 granting such waiver.

24       “(e) Upon receiving a written waiver under sub-  
25 section (d), the Director shall—

1           “(1) review the waiver to determine whether the  
2 Director has any objection to the issuance of the  
3 waiver; and

4           “(2) if the Director so objects—

5                 “(A) provide reasons for the objection in  
6 writing to the head of the agency who granted  
7 the waiver not less than 15 calendar days after  
8 the waiver was granted; and

9                 “(B) publish the written objection on the  
10 website of the Office of Government Ethics not  
11 less than 30 calendar days after the waiver was  
12 granted.

13 **“SEC. 204. ADMINISTRATION.**

14           “(a) The head of each executive agency shall, in con-  
15 sultation with the Director of the Office of Government  
16 Ethics, establish such rules or procedures (conforming as  
17 nearly as practicable to the agency’s general ethics rules  
18 and procedures, including those relating to designated  
19 agency ethics officers) as are necessary or appropriate to  
20 ensure—

21                 “(1) that every appointee in the agency signs  
22 the pledge upon assuming the appointed office or  
23 otherwise becoming an appointee;

1           “(2) that compliance with paragraph (2)(B) of  
2           the pledge is addressed in a written ethics agree-  
3           ment with each appointee to whom it applies;

4           “(3) that spousal employment issues and other  
5           conflicts not expressly addressed by the pledge are  
6           addressed in ethics agreements with appointees or,  
7           where no such agreements are required, through eth-  
8           ics counseling; and

9           “(4) compliance with this title within the agen-  
10          cy.

11          “(b) With respect to the Executive Office of the  
12          President, the duties set forth in subsection (a) shall be  
13          the responsibility of the Counsel to the President.

14          “(c) The Director of the Office of Government Ethics  
15          shall—

16                 “(1) ensure that the pledge and a copy of this  
17                 title are made available for use by agencies in ful-  
18                 filling their duties under subsection (a);

19                 “(2) in consultation with the Attorney General  
20                 or the Counsel to the President, when appropriate,  
21                 assist designated agency ethics officers in providing  
22                 advice to current or former appointees regarding the  
23                 application of the pledge;

24                 “(3) adopt such rules or procedures as are nec-  
25                 essary or appropriate—

1           “(A) to carry out the responsibilities as-  
2 signed by this subsection;

3           “(B) to apply the lobbyist gift ban set  
4 forth in paragraph 1 of the pledge to all execu-  
5 tive branch employees;

6           “(C) to authorize limited exceptions to the  
7 lobbyist gift ban for circumstances that do not  
8 implicate the purposes of the ban;

9           “(D) to make clear that no person shall  
10 have violated the lobbyist gift ban if the person  
11 properly disposes of a gift;

12           “(E) to ensure that existing rules and pro-  
13 cedures for Government employees engaged in  
14 negotiations for future employment with private  
15 businesses that are affected by their official ac-  
16 tions do not affect the integrity of the Govern-  
17 ment’s programs and operations; and

18           “(F) to ensure, in consultation with the  
19 Director of the Office of Personnel Manage-  
20 ment, that the requirement set forth in para-  
21 graph (4) of the pledge is honored by every em-  
22 ployee of the executive branch;

23           “(4) in consultation with the Director of the  
24 Office of Management and Budget, report to the  
25 President, the Committee on Oversight and Reform

1 of the House of Representatives, and the Committee  
2 on Homeland Security and Governmental Affairs of  
3 the Senate on whether full compliance is being  
4 achieved with existing laws and regulations gov-  
5 erning executive branch procurement lobbying disclo-  
6 sure and on steps the executive branch can take to  
7 expand to the fullest extent practicable disclosure of  
8 such executive branch procurement lobbying and of  
9 lobbying for presidential pardons, and to include in  
10 the report both immediate action the executive  
11 branch can take and, if necessary, recommendations  
12 for legislation; and

13 “(5) provide an annual public report on the ad-  
14 ministration of the pledge and this title.

15 “(d) All pledges signed by appointees, and all waiver  
16 certifications with respect thereto, shall be filed with the  
17 head of the appointee’s agency for permanent retention  
18 in the appointee’s official personnel folder or equivalent  
19 folder.”.

## 20 **Subtitle H—Severability**

### 21 **SEC. 8071. SEVERABILITY.**

22 If any provision of this title or any amendment made  
23 by this title, or any application of such provision or  
24 amendment to any person or circumstance, is held to be  
25 unconstitutional, the remainder of the provisions of this

1 title and the amendments made by this title, and the appli-  
2 cation of the provision or amendment to any other person  
3 or circumstance, shall not be affected.

4 **TITLE IX—CONGRESSIONAL**  
5 **ETHICS REFORM**

Subtitle A—Requiring Members of Congress to Reimburse Treasury for  
Amounts Paid as Settlements and Awards Under Congressional Account-  
ability Act of 1995

Sec. 9001. Requiring Members of Congress to reimburse Treasury for amounts  
paid as settlements and awards under Congressional Account-  
ability Act of 1995 in all cases of employment discrimination  
acts by Members.

Subtitle B—Conflicts of Interests

Sec. 9101. Prohibiting Members of House of Representatives from serving on  
boards of for-profit entities.

Sec. 9102. Conflict of interest rules for Members of Congress and congressional  
staff.

Sec. 9103. Exercise of rulemaking powers.

Subtitle C—Campaign Finance and Lobbying Disclosure

Sec. 9201. Short title.

Sec. 9202. Requiring disclosure in certain reports filed with Federal Election  
Commission of persons who are registered lobbyists.

Sec. 9203. Effective date.

Subtitle D—Access to Congressionally Mandated Reports

Sec. 9301. Short title.

Sec. 9302. Definitions.

Sec. 9303. Establishment of online portal for congressionally mandated reports.

Sec. 9304. Federal agency responsibilities.

Sec. 9305. Removing and altering reports.

Sec. 9306. Relationship to the Freedom of Information Act.

Sec. 9307. Implementation.

Subtitle E—Severability

Sec. 9401. Severability.



1 **Subtitle A—Requiring Members of**  
2 **Congress to Reimburse Treas-**  
3 **ury for Amounts Paid as Settle-**  
4 **ments and Awards Under Con-**  
5 **gressional Accountability Act of**  
6 **1995**

7 **SEC. 9001. REQUIRING MEMBERS OF CONGRESS TO REIM-**  
8 **BURSE TREASURY FOR AMOUNTS PAID AS**  
9 **SETTLEMENTS AND AWARDS UNDER CON-**  
10 **GRESSIONAL ACCOUNTABILITY ACT OF 1995**  
11 **IN ALL CASES OF EMPLOYMENT DISCRIMINA-**  
12 **TION ACTS BY MEMBERS.**

13 (a) **REQUIRING REIMBURSEMENT.**—Clause (i) of sec-  
14 tion 415(d)(1)(C) of the Congressional Accountability Act  
15 of 1995 (2 U.S.C. 1415(d)(1)(C)), as amended by section  
16 111(a) of the Congressional Accountability Act of 1995  
17 Reform Act, is amended to read as follows:

18 “(i) a violation of section 201(a) or  
19 section 206(a); or”.

20 (b) **CONFORMING AMENDMENT RELATING TO NOTI-**  
21 **FICATION OF POSSIBILITY OF REIMBURSEMENT.**—Clause  
22 (i) of section 402(b)(2)(B) of the Congressional Account-  
23 ability Act of 1995 (2 U.S.C. 1402(b)(2)(B)), as amended  
24 by section 102(a) of the Congressional Accountability Act  
25 of 1995 Reform Act, is amended to read as follows:

1                   “(i) a violation of section 201(a) or  
2                   section 206(a); or”.

3           (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall take effect as if included in the enact-  
5 ment of the Congressional Accountability Act of 1995 Re-  
6 form Act.

## 7       **Subtitle B—Conflicts of Interests**

### 8       **SEC. 9101. PROHIBITING MEMBERS OF HOUSE OF REP-** 9                   **RESENTATIVES FROM SERVING ON BOARDS** 10                   **OF FOR-PROFIT ENTITIES.**

11       Rule XXIII of the Rules of the House of Representa-  
12 tives is amended—

13           (1) by redesignating clause 19 as clause 20;  
14       and

15           (2) by inserting after clause 18 the following  
16       new clause:

17       “9. A Member, Delegate, or Resident Commissioner  
18 may not serve on the board of directors of any for-profit  
19 entity.”.

### 20       **SEC. 9102. CONFLICT OF INTEREST RULES FOR MEMBERS** 21                   **OF CONGRESS AND CONGRESSIONAL STAFF.**

22       No Member, officer, or employee of a committee or  
23 Member of either House of Congress may knowingly use  
24 his or her official position to introduce or aid the progress  
25 or passage of legislation, a principal purpose of which is

1 to further only his or her pecuniary interest, only the pecu-  
2 niary interest of his or her immediate family, or only the  
3 pecuniary interest of a limited class of persons or enter-  
4 prises, when he or she, or his or her immediate family,  
5 or enterprises controlled by them, are members of the af-  
6 fected class.

7 **SEC. 9103. EXERCISE OF RULEMAKING POWERS.**

8 The provisions of this subtitle are enacted by the  
9 Congress—

10 (1) as an exercise of the rulemaking power of  
11 the House of Representatives and the Senate, re-  
12 spectively, and as such they shall be considered as  
13 part of the rules of each House, respectively, or of  
14 that House to which they specifically apply, and  
15 such rules shall supersede other rules only to the ex-  
16 tent that they are inconsistent therewith; and

17 (2) with full recognition of the constitutional  
18 right of either House to change such rules (so far  
19 as relating to such House) at any time, in the same  
20 manner, and to the same extent as in the case of  
21 any other rule of such House.

1 **Subtitle C—Campaign Finance and**  
2 **Lobbying Disclosure**

3 **SEC. 9201. SHORT TITLE.**

4 This subtitle may be cited as the “Connecting Lobby-  
5 ists and Electeds for Accountability and Reform Act” or  
6 the “CLEAR Act”.

7 **SEC. 9202. REQUIRING DISCLOSURE IN CERTAIN REPORTS**

8 **FILED WITH FEDERAL ELECTION COMMIS-**  
9 **SION OF PERSONS WHO ARE REGISTERED**  
10 **LOBBYISTS.**

11 (a) REPORTS FILED BY POLITICAL COMMITTEES.—

12 Section 304(b) of the Federal Election Campaign Act of  
13 1971 (52 U.S.C. 30104(b)) is amended—

14 (1) by striking “and” at the end of paragraph  
15 (7);

16 (2) by striking the period at the end of para-  
17 graph (8) and inserting “; and”; and

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

20 “(9) if any person identified in subparagraph  
21 (A), (E), (F), or (G) of paragraph (3) is a registered  
22 lobbyist under the Lobbying Disclosure Act of 1995,  
23 a separate statement that such person is a reg-  
24 istered lobbyist under such Act.”.

1 (b) REPORTS FILED BY PERSONS MAKING INDE-  
2 PENDENT EXPENDITURES.—Section 304(c)(2) of such  
3 Act (52 U.S.C. 30104(c)(2)) is amended—

4 (1) by striking “and” at the end of subpara-  
5 graph (B);

6 (2) by striking the period at the end of sub-  
7 paragraph (C) and inserting “; and”; and

8 (3) by adding at the end the following new sub-  
9 paragraph:

10 “(D) if the person filing the statement, or a  
11 person whose identification is required to be dis-  
12 closed under subparagraph (C), is a registered lob-  
13 byist under the Lobbying Disclosure Act of 1995, a  
14 separate statement that such person is a registered  
15 lobbyist under such Act.”.

16 (c) REPORTS FILED BY PERSONS MAKING DIS-  
17 BURSEMENTS FOR ELECTIONEERING COMMUNICA-  
18 TIONS.—Section 304(f)(2) of such Act (52 U.S.C.  
19 30104(f)(2)) is amended by adding at the end the fol-  
20 lowing new subparagraph:

21 “(G) If the person making the disburse-  
22 ment, or a contributor described in subpara-  
23 graph (E) or (F), is a registered lobbyist under  
24 the Lobbying Disclosure Act of 1995, a sepa-

1           rate statement that such person or contributor  
2           is a registered lobbyist under such Act.”.

3           (d) REQUIRING COMMISSION TO ESTABLISH LINK TO  
4 WEBSITES OF CLERK OF HOUSE AND SECRETARY OF  
5 SENATE.—Section 304 of such Act (52 U.S.C. 30104),  
6 as amended by section 4308(a), is amended by adding at  
7 the end the following new subsection:

8           “(k) REQUIRING INFORMATION ON REGISTERED  
9 LOBBYISTS TO BE LINKED TO WEBSITES OF CLERK OF  
10 HOUSE AND SECRETARY OF SENATE.—

11           “(1) LINKS TO WEBSITES.—The Commission  
12 shall ensure that the Commission’s public database  
13 containing information described in paragraph (2) is  
14 linked electronically to the websites maintained by  
15 the Secretary of the Senate and the Clerk of the  
16 House of Representatives containing information  
17 filed pursuant to the Lobbying Disclosure Act of  
18 1995.

19           “(2) INFORMATION DESCRIBED.—The informa-  
20 tion described in this paragraph is each of the fol-  
21 lowing:

22           “(A) Information disclosed under para-  
23 graph (9) of subsection (b).

24           “(B) Information disclosed under subpara-  
25 graph (D) of subsection (c)(2).

1                   “(C) Information disclosed under subpara-  
2                   graph (G) of subsection (f)(2).”.

3 **SEC. 9203. EFFECTIVE DATE.**

4           The amendments made by this subtitle shall apply  
5 with respect to reports required to be filed under the Fed-  
6 eral Election Campaign Act of 1971 on or after the expira-  
7 tion of the 90-day period which begins on the date of the  
8 enactment of this Act.

9                                   **Subtitle D—Access to**  
10 **Congressionally Mandated Reports**

11 **SEC. 9301. SHORT TITLE.**

12           This subtitle may be cited as the “Access to Congres-  
13 sionally Mandated Reports Act”.

14 **SEC. 9302. DEFINITIONS.**

15           In this subtitle:

16                   (1) CONGRESSIONALLY MANDATED REPORT.—

17           The term “congressionally mandated report”—

18                   (A) means a report that is required to be  
19 submitted to either House of Congress or any  
20 committee of Congress, or subcommittee there-  
21 of, by a statute, resolution, or conference report  
22 that accompanies legislation enacted into law;  
23 and

1 (B) does not include a report required  
2 under part B of subtitle II of title 36, United  
3 States Code.

4 (2) DIRECTOR.—The term “Director” means  
5 the Director of the Government Publishing Office.

6 (3) FEDERAL AGENCY.—The term “Federal  
7 agency” has the meaning given that term under sec-  
8 tion 102 of title 40, United States Code, but does  
9 not include the Government Accountability Office.

10 (4) OPEN FORMAT.—The term “open format”  
11 means a file format for storing digital data based on  
12 an underlying open standard that—

13 (A) is not encumbered by any restrictions  
14 that would impede reuse; and

15 (B) is based on an underlying open data  
16 standard that is maintained by a standards or-  
17 ganization.

18 (5) REPORTS ONLINE PORTAL.—The term “re-  
19 ports online portal” means the online portal estab-  
20 lished under section (3)(a).

21 **SEC. 9303. ESTABLISHMENT OF ONLINE PORTAL FOR CON-**  
22 **GRESSIONALLY MANDATED REPORTS.**

23 (a) REQUIREMENT TO ESTABLISH ONLINE POR-  
24 TAL.—



1           (1) IN GENERAL.—Not later than 1 year after  
2           the date of enactment of this Act, the Director shall  
3           establish and maintain an online portal accessible by  
4           the public that allows the public to obtain electronic  
5           copies of all congressionally mandated reports in one  
6           place. The Director may publish other reports on the  
7           online portal.

8           (2) EXISTING FUNCTIONALITY.—To the extent  
9           possible, the Director shall meet the requirements  
10          under paragraph (1) by using existing online portals  
11          and functionality under the authority of the Direc-  
12          tor.

13          (3) CONSULTATION.—In carrying out this sub-  
14          title, the Director shall consult with the Clerk of the  
15          House of Representatives, the Secretary of the Sen-  
16          ate, and the Librarian of Congress regarding the re-  
17          quirements for and maintenance of congressionally  
18          mandated reports on the reports online portal.

19          (b) CONTENT AND FUNCTION.—The Director shall  
20          ensure that the reports online portal includes the fol-  
21          lowing:

22                (1) Subject to subsection (c), with respect to  
23                each congressionally mandated report, each of the  
24                following:

1 (A) A citation to the statute, conference  
2 report, or resolution requiring the report.

3 (B) An electronic copy of the report, in-  
4 cluding any transmittal letter associated with  
5 the report, in an open format that is platform  
6 independent and that is available to the public  
7 without restrictions, including restrictions that  
8 would impede the re-use of the information in  
9 the report.

10 (C) The ability to retrieve a report, to the  
11 extent practicable, through searches based on  
12 each, and any combination, of the following:

13 (i) The title of the report.

14 (ii) The reporting Federal agency.

15 (iii) The date of publication.

16 (iv) Each congressional committee re-  
17 ceiving the report, if applicable.

18 (v) The statute, resolution, or con-  
19 ference report requiring the report.

20 (vi) Subject tags.

21 (vii) A unique alphanumeric identifier  
22 for the report that is consistent across re-  
23 port editions.

24 (viii) The serial number, Super-  
25 intendent of Documents number, or other

1 identification number for the report, if ap-  
2 plicable.

3 (ix) Key words.

4 (x) Full text search.

5 (xi) Any other relevant information  
6 specified by the Director.

7 (D) The date on which the report was re-  
8 quired to be submitted, and on which the report  
9 was submitted, to the reports online portal.

10 (E) Access to the report not later than 30  
11 calendar days after its submission to Congress.

12 (F) To the extent practicable, a permanent  
13 means of accessing the report electronically.

14 (2) A means for bulk download of all congress-  
15 sionally mandated reports.

16 (3) A means for downloading individual reports  
17 as the result of a search.

18 (4) An electronic means for the head of each  
19 Federal agency to submit to the reports online por-  
20 tal each congressionally mandated report of the  
21 agency, as required by section 4.

22 (5) In tabular form, a list of all congressionally  
23 mandated reports that can be searched, sorted, and  
24 downloaded by—

1 (A) reports submitted within the required  
2 time;

3 (B) reports submitted after the date on  
4 which such reports were required to be sub-  
5 mitted; and

6 (C) reports not submitted.

7 (c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

8 (1) REPORTS NOT SUBMITTED.—If a Federal  
9 agency does not submit a congressionally mandated  
10 report to the Director, the Director shall to the ex-  
11 tent practicable—

12 (A) include on the reports online portal—

13 (i) the information required under  
14 clauses (i), (ii), (iv), and (v) of subsection  
15 (b)(1)(C); and

16 (ii) the date on which the report was  
17 required to be submitted; and

18 (B) include the congressionally mandated  
19 report on the list described in subsection  
20 (b)(5)(C).

21 (2) REPORTS NOT IN OPEN FORMAT.—If a Fed-  
22 eral agency submits a congressionally mandated re-  
23 port that is not in an open format, the Director shall  
24 include the congressionally mandated report in an-  
25 other format on the reports online portal.

1 (d) FREE ACCESS.—The Director may not charge a  
2 fee, require registration, or impose any other limitation  
3 in exchange for access to the reports online portal.

4 (e) UPGRADE CAPABILITY.—The reports online por-  
5 tal shall be enhanced and updated as necessary to carry  
6 out the purposes of this subtitle.

7 **SEC. 9304. FEDERAL AGENCY RESPONSIBILITIES.**

8 (a) SUBMISSION OF ELECTRONIC COPIES OF RE-  
9 PORTS.—Concurrently with the submission to Congress of  
10 each congressionally mandated report, the head of the  
11 Federal agency submitting the congressionally mandated  
12 report shall submit to the Director the information re-  
13 quired under subparagraphs (A) through (D) of section  
14 3(b)(1) with respect to the congressionally mandated re-  
15 port. Nothing in this subtitle shall relieve a Federal agen-  
16 cy of any other requirement to publish the congressionally  
17 mandated report on the online portal of the Federal agen-  
18 cy or otherwise submit the congressionally mandated re-  
19 port to Congress or specific committees of Congress, or  
20 subcommittees thereof.

21 (b) GUIDANCE.—Not later than 240 days after the  
22 date of enactment of this Act, the Director of the Office  
23 of Management and Budget, in consultation with the Di-  
24 rector, shall issue guidance to agencies on the implementa-  
25 tion of this Act.

1 (c) STRUCTURE OF SUBMITTED REPORT DATA.—

2 The head of each Federal agency shall ensure that each  
3 congressionally mandated report submitted to the Director  
4 complies with the open format criteria established by the  
5 Director in the guidance issued under subsection (b).

6 (d) POINT OF CONTACT.—The head of each Federal  
7 agency shall designate a point of contact for congression-  
8 ally mandated report.

9 (e) LIST OF REPORTS.—As soon as practicable each  
10 calendar year (but not later than April 1), and on a rolling  
11 basis during the year if feasible, the Librarian of Congress  
12 shall submit to the Director a list of congressionally man-  
13 dated reports from the previous calendar year, in consulta-  
14 tion with the Clerk of the House of Representatives, which  
15 shall—

16 (1) be provided in an open format;

17 (2) include the information required under  
18 clauses (i), (ii), (iv), (v) of section 3(b)(1)(C) for  
19 each report;

20 (3) include the frequency of the report;

21 (4) include a unique alphanumeric identifier for  
22 the report that is consistent across report editions;

23 (5) include the date on which each report is re-  
24 quired to be submitted; and

1           (6) be updated and provided to the Director, as  
2           necessary.

3 **SEC. 9305. REMOVING AND ALTERING REPORTS.**

4           A report submitted to be published to the reports on-  
5 line portal may only be changed or removed, with the ex-  
6 ception of technical changes, by the head of the Federal  
7 agency concerned if—

8           (1) the head of the Federal agency consults  
9           with each congressional committee to which the re-  
10          port is submitted; and

11          (2) Congress enacts a joint resolution author-  
12          izing the changing or removal of the report.

13 **SEC. 9306. RELATIONSHIP TO THE FREEDOM OF INFORMA-**  
14 **TION ACT.**

15          (a) IN GENERAL.—Nothing in this subtitle shall be  
16          construed to—

17          (1) require the disclosure of information or  
18          records that are exempt from public disclosure under  
19          section 552 of title 5, United States Code; or

20          (2) to impose any affirmative duty on the Di-  
21          rector to review congressionally mandated reports  
22          submitted for publication to the reports online portal  
23          for the purpose of identifying and redacting such in-  
24          formation or records.

1 (b) REDACTION OF INFORMATION.—The head of a  
2 Federal agency may redact information required to be dis-  
3 closed under this Act if the information would be properly  
4 withheld from disclosure under section 552 of title 5,  
5 United States Code, and shall—

6 (1) redact information required to be disclosed  
7 under this subtitle if disclosure of such information  
8 is prohibited by law;

9 (2) redact information being withheld under  
10 this subsection prior to submitting the information  
11 to the Director;

12 (3) redact only such information properly with-  
13 held under this subsection from the submission of  
14 information or from any congressionally mandated  
15 report submitted under this subtitle;

16 (4) identify where any such redaction is made  
17 in the submission or report; and

18 (5) identify the exemption under which each  
19 such redaction is made.

20 **SEC. 9307. IMPLEMENTATION.**

21 Except as provided in section 9304(b), this subtitle  
22 shall be implemented not later than 1 year after the date  
23 of enactment of this Act and shall apply with respect to  
24 congressionally mandated reports submitted to Congress



1 on or after the date that is 1 year after such date of enact-  
2 ment.

### 3 **Subtitle E—Severability**

#### 4 **SEC. 9401. SEVERABILITY.**

5 If any provision of this title or amendment made by  
6 this title, or the application of a provision or amendment  
7 to any person or circumstance, is held to be unconstitu-  
8 tional, the remainder of this title and amendments made  
9 by this title, and the application of the provisions and  
10 amendment to any person or circumstance, shall not be  
11 affected by the holding.

## 12 **TITLE X—PRESIDENTIAL AND** 13 **VICE PRESIDENTIAL TAX** 14 **TRANSPARENCY**

Sec. 10001. Presidential and Vice Presidential tax transparency.

#### 15 **SEC. 10001. PRESIDENTIAL AND VICE PRESIDENTIAL TAX** 16 **TRANSPARENCY.**

17 (a) DEFINITIONS.—In this section—

18 (1) The term “covered candidate” means a can-  
19 didate of a major party in a general election for the  
20 office of President or Vice President.

21 (2) The term “major party” has the meaning  
22 given the term in section 9002 of the Internal Rev-  
23 enue Code of 1986.

1           (3) The term “income tax return” means, with  
2           respect to an individual, any return (as such term is  
3           defined in section 6103(b)(1) of the Internal Rev-  
4           enue Code of 1986) of such individual other than—

5                   (A) information returns issued to persons  
6                   other than such individual, and

7                   (B) declarations of estimated tax.

8           (4) The term “Secretary” means the Secretary  
9           of the Treasury or the delegate of the Secretary.

10          (b) DISCLOSURE.—

11                   (1) IN GENERAL.—

12                           (A) CANDIDATES FOR PRESIDENT AND  
13                           VICE PRESIDENT.—Not later than the date that  
14                           is 15 days after the date on which an individual  
15                           becomes a covered candidate, the individual  
16                           shall submit to the Federal Election Commis-  
17                           sion a copy of the individual’s income tax re-  
18                           turns for the 10 most recent taxable years for  
19                           which a return has been filed with the Internal  
20                           Revenue Service.

21                           (B) PRESIDENT AND VICE PRESIDENT.—

22                           With respect to an individual who is the Presi-  
23                           dent or Vice President, not later than the due  
24                           date for the return of tax for each taxable year,  
25                           such individual shall submit to the Federal

1 Election Commission a copy of the individual's  
2 income tax returns for the taxable year and for  
3 the 9 preceding taxable years.

4 (C) TRANSITION RULE FOR SITTING PRESI-  
5 DENTS AND VICE PRESIDENTS.—Not later than  
6 the date that is 30 days after the date of enact-  
7 ment of this section, an individual who is the  
8 President or Vice President on such date of en-  
9 actment shall submit to the Federal Election  
10 Commission a copy of the income tax returns  
11 for the 10 most recent taxable years for which  
12 a return has been filed with the Internal Rev-  
13 enue Service.

14 (2) FAILURE TO DISCLOSE.—If any require-  
15 ment under paragraph (1) to submit an income tax  
16 return is not met, the chairman of the Federal Elec-  
17 tion Commission shall submit to the Secretary a  
18 written request that the Secretary provide the Fed-  
19 eral Election Commission with the income tax re-  
20 turn.

21 (3) PUBLICLY AVAILABLE.—The chairman of  
22 the Federal Election Commission shall make publicly  
23 available each income tax return submitted under  
24 paragraph (1) in the same manner as a return pro-

1 vided under section 6103(l)(23) of the Internal Rev-  
2 enue Code of 1986 (as added by this section).

3 (4) TREATMENT AS A REPORT UNDER THE  
4 FEDERAL ELECTION CAMPAIGN ACT OF 1971.—For  
5 purposes of the Federal Election Campaign Act of  
6 1971, any income tax return submitted under para-  
7 graph (1) or provided under section 6103(l)(23) of  
8 the Internal Revenue Code of 1986 (as added by  
9 this section) shall, after redaction under paragraph  
10 (3) or subparagraph (B)(ii) of such section, be treat-  
11 ed as a report filed under the Federal Election Cam-  
12 paign Act of 1971.

13 (c) DISCLOSURE OF RETURNS OF PRESIDENTS AND  
14 VICE PRESIDENTS AND CERTAIN CANDIDATES FOR  
15 PRESIDENT AND VICE PRESIDENT.—

16 (1) IN GENERAL.—Section 6103(l) of the Inter-  
17 nal Revenue Code of 1986 is amended by adding at  
18 the end the following new paragraph:

19 “(23) DISCLOSURE OF RETURN INFORMATION  
20 OF PRESIDENTS AND VICE PRESIDENTS AND CER-  
21 TAIN CANDIDATES FOR PRESIDENT AND VICE PRESI-  
22 DENT.—

23 “(A) IN GENERAL.—Upon written request  
24 by the chairman of the Federal Election Com-  
25 mission under section 10001(b)(2) of the For

1 the People Act of 2019, not later than the date  
2 that is 15 days after the date of such request,  
3 the Secretary shall provide copies of any return  
4 which is so requested to officers and employees  
5 of the Federal Election Commission whose offi-  
6 cial duties include disclosure or redaction of  
7 such return under this paragraph.

8 “(B) DISCLOSURE TO THE PUBLIC.—

9 “(i) IN GENERAL.—The chairman of  
10 the Federal Election Commission shall  
11 make publicly available any return which is  
12 provided under subparagraph (A).

13 “(ii) REDACTION OF CERTAIN INFOR-  
14 MATION.—Before making publicly available  
15 under clause (i) any return, the chairman  
16 of the Federal Election Commission shall  
17 redact such information as the Federal  
18 Election Commission and the Secretary  
19 jointly determine is necessary for pro-  
20 tecting against identity theft, such as so-  
21 cial security numbers.”.

22 (2) CONFORMING AMENDMENTS.—Section  
23 6103(p)(4) of such Code is amended—

1 (A) in the matter preceding subparagraph  
2 (A) by striking “or (22)” and inserting “(22),  
3 or (23)”, and

4 (B) in subparagraph (F)(ii) by striking “or  
5 (22)” and inserting “(22), or (23)”.

6 (3) EFFECTIVE DATE.—The amendments made  
7 by this subsection shall apply to disclosures made on  
8 or after the date of enactment of this Act.

