

117TH CONGRESS  
1ST SESSION

# S. 1539

To amend the Help America Vote Act of 2002 to ensure access to water and food for voters waiting in line at polling stations in Federal elections.

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## IN THE SENATE OF THE UNITED STATES

MAY 10, 2021

Mr. OSSOFF (for himself and Mr. WARNOCK) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To amend the Help America Vote Act of 2002 to ensure access to water and food for voters waiting in line at polling stations in Federal elections.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voters’ Access to  
5 Water Act”.

1 **SEC. 2. PROHIBITING RESTRICTIONS ON DONATIONS OF**  
2 **FOOD AND BEVERAGES AT POLLING STA-**  
3 **TIONS.**

4 (a) FINDINGS AND PURPOSE.—Congress finds the  
5 following:

6 (1) States have a legitimate interest in prohib-  
7 iting electioneering at or near polling places, and  
8 each State has some form of restriction on political  
9 activities near polling places when voting is taking  
10 place.

11 (2) In recent elections, voters have waited in  
12 unacceptably long lines to cast their ballot. During  
13 the 2018 midterm election, more than 3,000,000  
14 voters were made to wait longer than the acceptable  
15 threshold for wait times set by the Presidential  
16 Commission on Election Administration, including  
17 many well-documented cases where voters were made  
18 to wait for several hours. A disproportionate number  
19 of those who had to wait long periods were Black or  
20 Latino voters, who were more likely than White vot-  
21 ers to wait in the longest lines on Election Day.

22 (3) Allowing volunteers to donate food and  
23 water to all people waiting in line at a polling place,  
24 regardless of the voters' political preference and  
25 without engaging in electioneering activities or par-  
26 tisan advocacy, helps ensure Americans who face

1 long lines at their polling place can still exercise  
 2 their Constitutional right to vote, without risk of de-  
 3 hydration, inadequate food, discomfort, and risks to  
 4 health.

5 (b) REQUIREMENT.—Subtitle A of title III of the  
 6 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.)  
 7 is amended—

8 (1) by redesignating sections 304 and 305 as  
 9 sections 305 and 306, respectively; and

10 (2) by inserting after section 303 the following  
 11 new section:

12 **“SEC. 304. PROHIBITING STATES FROM RESTRICTING DO-**  
 13 **NATIONS OF FOOD AND BEVERAGES AT**  
 14 **POLLING STATIONS.**

15 “(a) PROHIBITION.—Subject to the exception in sub-  
 16 section (b), a State may not impose any restriction on the  
 17 donation of food and nonalcoholic beverages to persons  
 18 outside of the entrance to the building where a polling  
 19 place for a Federal election is located, provided that such  
 20 food and nonalcoholic beverages are distributed without  
 21 regard to the electoral participation or political pref-  
 22 erences of the recipients.

23 “(b) EXCEPTION.—A State may require persons dis-  
 24 tributing food and nonalcoholic beverages outside the en-  
 25 trance to the building where a polling place for a Federal

1 election is located to refrain from political or election-  
 2 eering activity.

3 “(c) EFFECTIVE DATE.—This section shall apply  
 4 with respect to elections for Federal office occurring on  
 5 and after January 1, 2022.”.

6 (c) TIMING OF ISSUANCE.—Section 311(b) of such  
 7 Act (52 U.S.C. 21101(b)) is amended—

8 (1) by striking “and” at the end of paragraph  
 9 (2);

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

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

14 “(4) in the case of the recommendations with  
 15 respect to section 304, January 1, 2022.”.

16 (d) CLERICAL AMENDMENTS.—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, respectively; and

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

“Sec. 304. Prohibiting States from restricting donations of food and beverages  
 at polling stations.”.

