JANUARY 12, 2022

RULES COMMITTEE PRINT 117–28

TEXT OF THE HOUSE AMENDMENT TO THE SENATE AMENDMENT TO H.R. 5746

[Showing the text of the Freedom to Vote: John R. Lewis Act]

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Freedom to Vote: John R. Lewis Act''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into divisions as follows:

(1) Division A—Voter Access.

(2) Division B—Election Integrity.

(3) Division C—Civic Participation and Empowerment.

(4) Division D—Voting Rights.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Findings of general constitutional authority.
Sec. 4. Standards for judicial review.

Sec. 5. Severability.

DIVISION A—VOTER ACCESS

TITLE I—ELECTION MODERNIZATION AND ADMINISTRATION

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Registration Modernization

Sec. 1000A. Short title.

PART 1—AUTOMATIC VOTER REGISTRATION

Sec. 1001. Short title; findings and purpose.
Sec. 1002. Automatic registration of eligible individuals.
Sec. 1003. Voter protection and security in automatic registration.
Sec. 1004. Payments and grants.
Sec. 1005. Miscellaneous provisions.
Sec. 1006. Definitions.
Sec. 1007. Effective date.

PART 2—ELECTION DAY AS LEGAL PUBLIC HOLIDAY

Sec. 1011. Election day as legal public holiday.

PART 3—PROMOTING INTERNET REGISTRATION

Sec. 1021. Requiring availability of internet for voter registration.
Sec. 1022. Use of internet to update registration information.
Sec. 1023. Provision of election information by electronic mail to individuals registered to vote.
Sec. 1024. Clarification of requirement regarding necessary information to show eligibility to vote.
Sec. 1025. Prohibiting State from requiring applicants to provide more than last 4 digits of social security number.
Sec. 1026. Application of rules to certain exempt States.
Sec. 1027. Report on data collection relating to online voter registration systems.
Sec. 1028. Permitting voter registration application form to serve as application for absentee ballot.
Sec. 1029. Effective date.

PART 4—SAME DAY VOTER REGISTRATION

Sec. 1031. Same day registration.
Sec. 1032. Ensuring pre-election registration deadlines are consistent with timing of legal public holidays.

PART 5—STREAMLINE VOTER REGISTRATION INFORMATION, ACCESS, AND PRIVACY

Sec. 1041. Authorizing the dissemination of voter registration information displays following naturalization ceremonies.
Sec. 1042. Inclusion of voter registration information with certain leases and vouchers for federally assisted rental housing and mortgage applications.
Sec. 1043. Acceptance of voter registration applications from individuals under 18 years of age.

Sec. 1044. Requiring states to establish and operate voter privacy programs.

PART 6—FUNDING SUPPORT TO STATES FOR COMPLIANCE

Sec. 1051. Availability of requirements payments under HAVA to cover costs of compliance with new requirements.

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. Establishment and maintenance of State accessible election websites.
Sec. 1103. Protections for in-person voting for individuals with disabilities and older individuals.
Sec. 1104. Protections for individuals subject to guardianship.
Sec. 1105. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.
Sec. 1106. Funding for protection and advocacy systems.
Sec. 1107. Pilot programs for enabling individuals with disabilities to register to vote privately and independently at residences.
Sec. 1108. GAO analysis and report on voting access for individuals with disabilities.

Subtitle C—Early Voting

Sec. 1201. Early voting.

Subtitle D—Voting by Mail

Sec. 1301. Voting by mail.
Sec. 1302. Balloting materials tracking program.
Sec. 1303. Election mail and delivery improvements.
Sec. 1304. Carriage of election mail.
Sec. 1305. Requiring States to provide secured drop boxes for voted ballots in elections for Federal office.

Subtitle E—Absent Uniformed Services Voters and Overseas Voters

Sec. 1401. Pre-election reports on availability and transmission of absentee ballots.
Sec. 1402. Enforcement.
Sec. 1403. Transmission requirements; repeal of waiver provision.
Sec. 1404. Use of single absentee ballot application for subsequent elections.
Sec. 1405. Extending guarantee of residency for voting purposes to family members of absent military personnel.
Sec. 1406. Technical clarifications to conform to Military and Overseas Voter Empowerment Act amendments related to the Federal write-in absentee ballot.
Sec. 1407. Treatment of post card registration requests.
Sec. 1408. Presidential designee report on voter disenfranchisement.
Sec. 1409. Effective date.

Subtitle F—Enhancement of Enforcement

Sec. 1501. Enhancement of enforcement of Help America Vote Act of 2002.

Subtitle G—Promoting Voter Access Through Election Administration Modernization Improvements

PART 1—PROMOTING VOTER ACCESS

Sec. 1601. Minimum notification requirements for voters affected by polling place changes.
Sec. 1602. Applicability to Commonwealth of the Northern Mariana Islands.
Sec. 1603. Elimination of 14-day time period between general election and run-off election for Federal elections in the Virgin Islands and Guam.
Sec. 1604. Application of Federal election administration laws to territories of the United States.
Sec. 1605. Application of Federal voter protection laws to territories of the United States.
Sec. 1606. Ensuring equitable and efficient operation of polling places.
Sec. 1607. Prohibiting States from restricting curbside voting.

PART 2—IMPROVEMENTS IN OPERATION OF ELECTION ASSISTANCE COMMISSION

Sec. 1611. Reauthorization of Election Assistance Commission.
Sec. 1612. Recommendations to improve operations of Election Assistance Commission.
Sec. 1613. Repeal of exemption of Election Assistance Commission from certain government contracting requirements.

PART 3—MISCELLANEOUS PROVISIONS

Sec. 1621. Definition of election for Federal office.
Sec. 1622. No effect on other laws.
Sec. 1623. Clarification of exemption for States without voter registration.
Sec. 1624. Clarification of exemption for States which do not collect telephone information.

Subtitle H—Democracy Restoration

Sec. 1701. Short title.
Sec. 1702. Findings.
Sec. 1703. Rights of citizens.
Sec. 1704. Enforcement.
Sec. 1705. Notification of restoration of voting rights.
Sec. 1706. Definitions.
Sec. 1707. Relation to other laws.
Sec. 1708. Federal prison funds.
Sec. 1709. Effective date.

Subtitle I—Voter Identification and Allowable Alternatives

Sec. 1801. Requirements for voter identification.

Subtitle J—Voter List Maintenance Procedures

PART 1—VOTER CAGING PROHIBITED

Sec. 1901. Voter caging prohibited.

PART 2—SAVING ELIGIBLE VOTERS FROM VOTER PURGING

Sec. 1911. Conditions for removal of voters from list of registered voters.

Subtitle K—Severability

Sec. 1921. Severability.

DIVISION B—ELECTION INTEGRITY

TITLE II—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

Sec. 2001. Prohibiting hindering, interfering with, or preventing voter registration.
Sec. 2002. Establishment of best practices.

TITLE III—PREVENTING ELECTION SUBVERSION

Subtitle A—Restrictions on Removal of Election Administrators

Sec. 3001. Restrictions on removal of local election administrators in administration of elections for Federal office.

Subtitle B—Increased Protections for Election Workers

Sec. 3101. Harassment of election workers prohibited.
Sec. 3102. Protection of election workers.

Subtitle C—Prohibiting Deceptive Practices and Preventing Voter Intimidation

Sec. 3201. Short title.
Sec. 3202. Prohibition on deceptive practices in Federal elections.
Sec. 3203. Corrective action.
Sec. 3204. Reports to Congress.
Sec. 3205. Private rights of action by election officials.
Sec. 3206. Making intimidation of tabulation, canvass, and certification efforts a crime.

Subtitle D—Protection of Election Records & Election Infrastructure

Sec. 3301. Strengthen protections for Federal election records.
Sec. 3302. Penalties; inspection; nondisclosure; jurisdiction.
Sec. 3303. Judicial review to ensure compliance.

Subtitle E—Judicial Protection of the Right to Vote and Non-partisan Vote Tabulation

Part 1—Right to Vote Act

Sec. 3401. Short title.
Sec. 3402. Undue burdens on the ability to vote in elections for Federal office prohibited.
Sec. 3403. Judicial review.
Sec. 3404. Definitions.
Sec. 3405. Rules of construction.
Sec. 3406. Severability.
Sec. 3407. Effective date.

Part 2—Clarifying Jurisdiction Over Election Disputes

Sec. 3411. Findings.
Sec. 3412. Clarifying authority of United States district courts to hear cases.
Sec. 3413. Effective date.

Subtitle F—Poll Worker Recruitment and Training

Sec. 3501. Grants to States for poll worker recruitment and training.
Sec. 3502. State defined.

Subtitle G—Preventing Poll Observer Interference

Sec. 3601. Protections for voters on Election Day.

Subtitle H—Preventing Restrictions on Food and Beverages

Sec. 3701. Short title; findings.
Sec. 3702. Prohibiting restrictions on donations of food and beverages at polling stations.

Subtitle I—Establishing Duty to Report Foreign Election Interference

Sec. 3801. Findings relating to illicit money undermining our democracy.
Sec. 3802. Federal campaign reporting of foreign contacts.
Sec. 3803. Federal campaign foreign contact reporting compliance system.
Sec. 3804. Criminal penalties.
Sec. 3805. Report to congressional intelligence committees.
Sec. 3806. Rule of construction.

Subtitle J—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot

Sec. 3901. Short title.
Sec. 3902. Paper ballot and manual counting requirements.
Sec. 3903. Accessibility and ballot verification for individuals with disabilities.
Sec. 3904. Durability and readability requirements for ballots.
Sec. 3905. Study and report on optimal ballot design.
Sec. 3906. Ballot marking device cybersecurity requirements.
Sec. 3907. Effective date for new requirements.
Sec. 3908. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.

Subtitle K—Provisional Ballots

Sec. 3911. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards.

TITLE IV—VOTING SYSTEM SECURITY

Sec. 4001. Post-election audit requirement.
Sec. 4002. Election infrastructure designation.
Sec. 4003. Guidelines and certification for electronic poll books and remote ballot marking systems.
Sec. 4004. Pre-election reports on voting system usage.
Sec. 4005. Use of voting machines manufactured in the United States.
Sec. 4006. Use of political party headquarters building fund for technology or cybersecurity-related purposes.
Sec. 4007. Severability.

DIVISION C—CIVIC PARTICIPATION AND EMPOWERMENT

TITLE V—NONPARTISAN REDISTRICTING REFORM

Sec. 5001. Finding of constitutional authority.

Sec. 5002. Ban on mid-decade redistricting.
Sec. 5003. Criteria for redistricting.
Sec. 5004. Development of plan.
Sec. 5005. Failure by State to enact plan.
Sec. 5006. Civil enforcement.
Sec. 5007. No effect on elections for State and local office.
Sec. 5008. Effective date.

TITLE VI—CAMPAIGN FINANCE TRANSPARENCY

Subtitle A—DISCLOSE Act

Sec. 6001. Short title.
Sec. 6002. Findings.

Part 1—Closing Loopholes Allowing Spending by Foreign Nationals in Elections

Sec. 6003. Clarification of application of foreign money ban to certain disbursements and activities.
Sec. 6004. Study and report on illicit foreign money in Federal elections.
Sec. 6005. Prohibition on contributions and donations by foreign nationals in connection with ballot initiatives and referenda.
Sec. 6006. Disbursements and activities subject to foreign money ban.
Sec. 6007. Prohibiting establishment of corporation to conceal election contributions and donations by foreign nationals.

Part 2—Reporting of Campaign-Related Disbursements

Sec. 6011. Reporting of campaign-related disbursements.
Sec. 6012. Reporting of Federal judicial nomination disbursements.
Sec. 6013. Coordination with FinCEN.
Sec. 6014. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.
Sec. 6015. Effective date.

Part 3—Other Administrative Reforms

Sec. 6021. Petition for certiorari.
Sec. 6022. Judicial review of actions related to campaign finance laws.
Sec. 6023. Effective date.

Subtitle B—Honest Ads

Sec. 6101. Short title.
Sec. 6102. Purpose.
Sec. 6103. Findings.
Sec. 6104. Sense of Congress.
Sec. 6105. Expansion of definition of public communication.
Sec. 6106. Expansion of definition of electioneering communication.
Sec. 6107. Application of disclaimer statements to online communications.
Sec. 6108. Political record requirements for online platforms.
Sec. 6109. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.
Sec. 6110. Requiring online platforms to display notices identifying sponsors of political advertisements and to ensure notices continue to be present when advertisements are shared.

Subtitle C—Spotlight Act

Sec. 6201. Short title.
Sec. 6202. Inclusion of contributor information on annual returns of certain organizations.

TITLE VII—CAMPAIGN FINANCE OVERSIGHT

Subtitle A—Stopping Super PAC–Candidate Coordination

Sec. 7001. Short title.
Sec. 7002. Clarification of treatment of coordinated expenditures as contributions to candidates.

Subtitle B—Restoring Integrity to America's Elections

Sec. 7101. Short title.
Sec. 7102. Revision to enforcement process.
Sec. 7103. Official exercising the responsibilities of the general counsel.
Sec. 7104. Permitting appearance at hearings on requests for advisory opinions by persons opposing the requests.
Sec. 7105. Permanent extension of administrative penalty authority.
Sec. 7106. Restrictions on ex parte communications.
Sec. 7107. Clarifying authority of FEC attorneys to represent FEC in Supreme Court.
Sec. 7108. Requiring forms to permit use of accent marks.
Sec. 7109. Extension of the statutes of limitations for offenses under the Federal Election Campaign Act of 1971.
Sec. 7110. Effective date; transition.

Subtitle C—Imposition of Fee for Reports Filed by Paper

Sec. 7201. Imposition of fee for reports filed by paper.

TITLE VIII—CITIZEN EMPOWERMENT

Subtitle A—Funding to Promote Democracy

Part 1—Payments and Allocations to States

Sec. 8001. Democracy Advancement and Innovation Program.
Sec. 8002. State plan.
Sec. 8003. Prohibiting reduction in access to participation in elections.
Sec. 8004. Amount of State allocation.
Sec. 8005. Procedures for disbursements of payments and allocations.
Sec. 8006. Office of Democracy Advancement and Innovation.

Part 2—State Election Assistance and Innovation Trust Fund

Sec. 8011. State Election Assistance and Innovation Trust Fund.
Sec. 8012. Uses of Fund.
Sec. 8013. Assessments against fines and penalties.

Part 3—General Provisions

Sec. 8021. Definitions.
Sec. 8022. Rule of construction regarding calculation of deadlines.

Subtitle B—Elections for House of Representatives

Sec. 8101. Short title.

PART 1—OPTIONAL DEMOCRACY CREDIT PROGRAM

Sec. 8102. Establishment of program.
Sec. 8103. Credit program described.
Sec. 8104. Reports.
Sec. 8105. Election cycle defined.

PART 2—OPTIONAL SMALL DOLLAR FINANCING OF ELECTIONS FOR HOUSE OF REPRESENTATIVES

Sec. 8111. Benefits and eligibility requirements for candidates.
Sec. 8112. Contributions and expenditures by multicandidate and political party committees on behalf of participating candidates.
Sec. 8113. Prohibiting use of contributions by participating candidates for purposes other than campaign for election.
Sec. 8114. Deadline for regulations.

Subtitle C—Personal Use Services as Authorized Campaign Expenditures

Sec. 8201. Short title; findings; purpose.
Sec. 8202. Treatment of payments for child care and other personal use services as authorized campaign expenditure.

Subtitle D—Empowering Small Dollar Donations

Sec. 8301. Permitting political party committees to provide enhanced support for House candidates through use of separate small dollar accounts.

Subtitle E—Severability

Sec. 8401. Severability.

DIVISION D—VOTING RIGHTS

TITLE IX—VOTING RIGHTS

Sec. 9000. Short title.

Subtitle A—Amendments to the Voting Rights Act

Sec. 9001. Vote dilution, denial, and abridgment claims.
Sec. 9002. Retrogression.
Sec. 9003. Violations triggering authority of court to retain jurisdiction.
Sec. 9004. Criteria for coverage of States and political subdivisions.
Sec. 9005. Determination of States and Political Subdivisions Subject to Preclearance for Covered Practices.
Sec. 9006. Promoting transparency to enforce the Voting Rights Act.
Sec. 9007. Authority to assign observers.
Sec. 9008. Clarification of authority to seek relief.
Sec. 9009. Preventive relief.
Sec. 9010. Bilingual election requirements.
Sec. 9011. Relief for violations of voting rights laws.
Sec. 9012. Protection of tabulated votes.
Sec. 9013. Enforcement of Voting Rights by Attorney General.
Sec. 9014. Definitions.
Sec. 9015. Attorneys' fees.

Sec. 9016. Other technical and conforming amendments.
Sec. 9017. Severability.
Sec. 9018. Grants to assist with notice requirements under the Voting Rights Act of 1965.

Subtitle B—Election Worker and Polling Place Protection

Sec. 9101. Short title.
Sec. 9102. Election worker and polling place protection.

Subtitle C—Native American Voting Rights Act

Sec. 9201. Short title.
Sec. 9202. Findings and purposes.
Sec. 9203. Definitions.
Sec. 9204. Establishment of a Native American voting task force grant program.
Sec. 9205. Voter registration sites at Indian service providers and on Indian lands.
Sec. 9206. Accessible Tribal designated polling sites.
Sec. 9207. Procedures for removal of polling places and voter registration sites on Indian lands.
Sec. 9208. Tribal voter identification.
Sec. 9209. Permitting voters To designate other person to return ballot.
Sec. 9210. Bilingual election requirements.
Sec. 9211. Federal observers to protect Tribal voting rights.
Sec. 9212. Tribal jurisdiction.
Sec. 9213. Tribal voting consultation.
Sec. 9214. Attorneys' fees, expert fees, and litigation expenses.
Sec. 9215. GAO study and report.
Sec. 9216. United States Postal Service consultation.
Sec. 9217. Severability; relationship to other laws; Tribal sovereign immunity.
Sec. 9218. Authorization of appropriations.

1 **SEC. 3. FINDINGS OF GENERAL CONSTITUTIONAL AUTHOR-**
2 **ITY.**

3 Congress finds that the Constitution of the United
4 States grants explicit and broad authority to protect the
5 right to vote, to regulate elections for Federal office, to
6 prevent and remedy discrimination in voting, and to de-
7 fend the Nation's democratic process. Congress enacts the
8 Freedom to Vote: John R. Lewis Act pursuant to this
9 broad authority, including but not limited to the following:

(1) Congress finds that it has broad authority to regulate the time, place, and manner of congressional elections under the Elections Clause of the Constitution, article I, section 4, clause 1. The Supreme Court has affirmed that the ''substantive scope'' of the Elections Clause is ''broad''; that ''Times, Places, and Manner'' are ''comprehensive words which embrace authority to provide for a complete code for congressional elections''; and ''[t]he power of Congress over the Times, Places and Manner of congressional elections is paramount, and may be exercised at any time, and to any extent which it deems expedient; and so far as it is exercised, and no farther, the regulations effected supersede those of the State which are inconsistent therewith''. *Arizona* v. *Inter Tribal Council of Arizona*, 570 U.S. 1, 8–9 (2013) (internal quotation marks and citations omitted). Indeed, ''Congress has plenary and paramount jurisdiction over the whole subject'' of congressional elections, *Ex parte Siebold*, 100 U.S. (10 Otto) 371, 388 (1879), and this power ''may be exercised as and when Congress sees fit'', and ''so far as it extends and conflicts with the regulations of the State, necessarily supersedes them''. Id. at 384. Among other things, Congress finds that the Elec-

tions Clause was intended to ''vindicate the people's right to equality of representation in the House''. *Wesberry* v. *Sanders*, 376 U.S. 1, 16 (1964), and to address partisan gerrymandering, *Rucho* v. *Common Cause*, 139 S. Ct. 2484 (2019).

(2) Congress also finds that it has both the authority and responsibility, as the legislative body for the United States, to fulfill the promise of article IV, section 4, of the Constitution, which states: ''The United States shall guarantee to every State in this Union a Republican Form of Government[.]''. Congress finds that its authority and responsibility to enforce the Guarantee Clause is clear given that Federal courts have not enforced this clause because they understood that its enforcement is committed to Congress by the Constitution.

(3)(A) Congress also finds that it has broad authority pursuant to section 5 of the Fourteenth Amendment to legislate to enforce the provisions of the Fourteenth Amendment, including its protections of the right to vote and the democratic process.

(B) Section 1 of the Fourteenth Amendment protects the fundamental right to vote, which is ''of the most fundamental significance under our constitutional structure''. *Ill. Bd. of Election* v. *Socialist*

Workers Party, 440 U.S. 173, 184 (1979); see *United States* v. *Classic*, 313 U.S. 299 (1941) (''Obviously included within the right to choose, secured by the Constitution, is the right of qualified voters within a State to cast their ballots and have them counted . . .''). As the Supreme Court has repeatedly affirmed, the right to vote is ''preservative of all rights'', *Yick Wo* v. *Hopkins*, 118 U.S. 356, 370 (1886). Section 2 of the Fourteenth Amendment also protects the right to vote, granting Congress additional authority to reduce a State's representation in Congress when the right to vote is abridged or denied.

(C) As a result, Congress finds that it has the authority pursuant to section 5 of the Fourteenth Amendment to protect the right to vote. Congress also finds that States and localities have eroded access to the right to vote through restrictions on the right to vote including excessively onerous voter identification requirements, burdensome voter registration procedures, voter purges, limited and unequal access to voting by mail, polling place closures, unequal distribution of election resources, and other impediments.

(D) Congress also finds that ''the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise''. *Reynolds* v. *Sims*, 377 U.S. 533, 555 (1964). Congress finds that the right of suffrage has been so diluted and debased by means of gerrymandering of districts. Congress finds that it has authority pursuant to section 5 of the Fourteenth Amendment to remedy this debasement.

(4)(A) Congress also finds that it has authority to legislate to eliminate racial discrimination in voting and the democratic process pursuant to both section 5 of the Fourteenth Amendment, which grants equal protection of the laws, and section 2 of the Fifteenth Amendment, which explicitly bars denial or abridgment of the right to vote on account of race, color, or previous condition of servitude.

(B) Congress finds that racial discrimination in access to voting and the political process persists. Voting restrictions, redistricting, and other electoral practices and processes continue to disproportionately impact communities of color in the United States and do so as a result of both intentional racial discrimination, structural racism, and the ongo-

ing structural socioeconomic effects of historical racial discrimination.

(C) Recent elections and studies have shown that minority communities wait longer in lines to vote, are more likely to have their mail ballots rejected, continue to face intimidation at the polls, are more likely to be disenfranchised by voter purges, and are disproportionately burdened by excessively onerous voter identification and other voter restrictions. Research shows that communities of color are more likely to face nearly every barrier to voting than their white counterparts.

(D) Congress finds that racial disparities in disenfranchisement due to past felony convictions is particularly stark. In 2020, according to the Sentencing Project, an estimated 5,200,000 Americans could not vote due to a felony conviction. One in 16 African Americans of voting age is disenfranchised, a rate 3.7 times greater than that of non-African Americans. In seven States—Alabama, Florida, Kentucky, Mississippi, Tennessee, Virginia, and Wyoming—more than one in seven African Americans is disenfranchised, twice the national average for African Americans. Congress finds that felony disenfranchisement was one of the tools of intentional

racial discrimination during the Jim Crow era. Congress further finds that current racial disparities in felony disenfranchisement are linked to this history of voter suppression, structural racism in the criminal justice system, and ongoing effects of historical discrimination.

(5)(A) Congress finds that it further has the power to protect the right to vote from denial or abridgment on account of sex, age, or ability to pay a poll tax or other tax pursuant to the Nineteenth, Twenty-Fourth, and Twenty-Sixth Amendments.

(B) Congress finds that electoral practices including voting rights restoration conditions for people with convictions and other restrictions to the franchise burden voters on account of their ability to pay.

(C) Congress further finds that electoral practices including voting restrictions related to college campuses, age restrictions on mail voting, and similar practices burden the right to vote on account of age.

SEC. 4. STANDARDS FOR JUDICIAL REVIEW.

(a) IN GENERAL.—For any action brought for declaratory or injunctive relief to challenge, whether facially or as-applied, the constitutionality or lawfulness of any provi-

sion of this Act or any amendment made by this Act or any rule or regulation promulgated under this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and an appeal from the decision of the district court may be taken to the Court of Appeals for the District of Columbia Circuit. These courts, and the Supreme Court of the United States on a writ of certiorari (if such writ is issued), shall have exclusive jurisdiction to hear such actions.

(2) The party filing the action shall concurrently deliver a copy the complaint to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) It shall be the duty of the United States District Court for the District of Columbia and the Court of Appeals for the District of Columbia Circuit to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) CLARIFYING SCOPE OF JURISDICTION.—If an action at the time of its commencement is not subject to subsection (a), but an amendment, counterclaim, cross-claim, affirmative defense, or any other pleading or motion

is filed challenging, whether facially or as-applied, the constitutionality or lawfulness of this Act or any amendment made by this Act or any rule or regulation promulgated under this Act, the district court shall transfer the action to the District Court for the District of Columbia, and the action shall thereafter be conducted pursuant to subsection (a).

(c) INTERVENTION BY MEMBERS OF CONGRESS.—In any action described in subsection (a), any Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require interveners taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

SEC. 5. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of any such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the appli-

cation of such provision or amendment to any other person or circumstance, shall not be affected by the holding.

DIVISION A—VOTER ACCESS

TITLE I—ELECTION MODERNIZATION AND ADMINISTRATION

SEC. 1000. SHORT TITLE; STATEMENT OF POLICY.

(a) SHORT TITLE.—This title may be cited as the ''Voter Empowerment Act of 2021''.

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

(1) the ability of all eligible citizens of the United States to access and exercise their constitutional right to vote in a free, fair, and timely manner must be vigilantly enhanced, protected, and maintained; and

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

Subtitle A—Voter Registration Modernization

SEC. 1000A. SHORT TITLE.

This subtitle may be cited as the ''Voter Registration Modernization Act of 2021''.

PART 1—AUTOMATIC VOTER REGISTRATION

SEC. 1001. SHORT TITLE; FINDINGS AND PURPOSE.

(a) SHORT TITLE.—This part may be cited as the "Automatic Voter Registration Act of 2021".

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

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

(B) it is the responsibility of the State and Federal Governments to ensure that every eligible citizen is registered to vote;

(C) existing voter registration systems can be inaccurate, costly, inaccessible and confusing, with damaging effects on voter participation in elections for Federal office and disproportionate impacts on young people, persons with disabilities, and racial and ethnic minorities; and

(D) voter registration systems must be updated with 21st Century technologies and procedures to maintain their security.

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

(A) to establish that it is the responsibility of government to ensure that all eligible citizens are registered to vote in elections for Federal office;

(B) to enable the State Governments to register all eligible citizens to vote with accurate, cost-efficient, and up-to-date procedures;

(C) to modernize voter registration and list maintenance procedures with electronic and internet capabilities; and

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

SEC. 1002. AUTOMATIC REGISTRATION OF ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—The National Voter Registration Act of 1993 (52 U.S.C. 20504) is amended by inserting after section 5 the following new section:

"SEC. 5A. AUTOMATIC REGISTRATION BY STATE MOTOR VEHICLE AUTHORITY.

''(a) DEFINITIONS.—In this section—

''(1) APPLICABLE AGENCY.—The term 'applicable agency' means, with respect to a State, the State motor vehicle authority responsible for motor vehicle driver's licenses under State law.

''(2) APPLICABLE TRANSACTION.—The term 'applicable transaction' means—

''(A) an application to an applicable agency for a motor vehicle driver's license; and

"(B) any other service or assistance (including for a change of address) provided by an applicable agency.

"(3) AUTOMATIC REGISTRATION.—The term 'automatic registration' means a system that registers an individual to vote and updates existing registrations, in elections for Federal office in a State, if eligible, by electronically transferring the information necessary for registration from the applicable agency to election officials of the State so that, unless the individual affirmatively declines to be registered or to update any voter registration, the individual will be registered to vote in such elections.

"(4) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means, with respect to an election for Federal office, an individual who is otherwise qualified to vote in that election.

"(5) REGISTER TO VOTE.—The term 'register to vote' includes updating an individual's existing voter registration.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—The chief State election official of each State shall establish and operate a system of automatic registration for the registration of eligible individuals to vote for elections for Federal

office in the State, in accordance with the provisions of this section.

"(2) REGISTRATION OF VOTERS BASED ON NEW AGENCY RECORDS.—

"(A) IN GENERAL.—The chief State election official shall—

"(i) subject to subparagraph (B), ensure that each eligible individual who completes an applicable transaction and does not decline to register to vote is registered to vote—

"(I) in the next upcoming election for Federal office (and subsequent elections for Federal office), if an applicable agency transmits information under subsection (c)(1)(E) with respect to the individual not later than the applicable date; and

"(II) in subsequent elections for Federal office, if an applicable agency transmits such information with respect to such individual after the applicable date; and

"(ii) not later than 60 days after the receipt of such information with respect to

an individual, send written notice to the individual, in addition to other means of notice established by this part, of the individual's voter registration status.

"(B) APPLICABLE DATE.—For purposes of this subsection, the term "applicable date" means, with respect to any election for Federal office, the later of—

"(i) the date that is 28 days before the date of the election; or

"(ii) the last day of the period provided by State law for registration with respect to such election.

"(C) CLARIFICATION.—Nothing in this subsection shall prevent the chief State election official from registering an eligible individual to vote for the next upcoming election for Federal office in the State even if an applicable agency transmits information under subsection (c)(1)(E) with respect to the individual after the applicable date.

"(3) TREATMENT OF INDIVIDUALS UNDER 18 YEARS OF AGE.—A State may not refuse to treat an individual as an eligible individual for purposes of this section on the grounds that the individual is less

than 18 years of age at the time an applicable agency receives information with respect to the individual, so long as the individual is at least 16 years of age at such time. Nothing in the previous sentence may be construed to require a State to permit an individual who is under 18 years of age at the time of an election for Federal office to vote in the election.

''(c) APPLICABLE AGENCY RESPONSIBILITIES.—

''(1) INSTRUCTIONS ON AUTOMATIC REGISTRATION FOR AGENCIES COLLECTING CITIZENSHIP INFORMATION.—

''(A) IN GENERAL.—Except as otherwise provided in this section, in the case of any applicable transaction for which an applicable agency (in the normal course of its operations) requests individuals to affirm United States citizenship (either directly or as part of the overall application for service or assistance or enrollment), the applicable agency shall inform each such individual who is a citizen of the United States of the following:

''(i) Unless that individual declines to register to vote, or is found ineligible to vote, the individual will be registered to

vote or, if applicable, the individual's registration will be updated.

"(ii) The substantive qualifications of an elector in the State as listed in the mail voter registration application form for elections for Federal office prescribed pursuant to section 9, the consequences of false registration, and how the individual should decline to register if the individual does not meet all those qualifications.

"(iii) In the case of a State in which affiliation or enrollment with a political party is required in order to participate in an election to select the party's candidate in an election for Federal office, the requirement that the individual must affiliate or enroll with a political party in order to participate in such an election.

"(iv) Voter registration is voluntary, and neither registering nor declining to register to vote will in any way affect the availability of services or benefits, nor be used for other purposes.

"(B) INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.—In the case where the

individual is a member of a group that constitutes 3 percent or more of the overall population within the State served by the applicable agency as measured by the United States Census and are limited English proficient, the information described in clauses (i) through (iv) of subparagraph (A) shall be provided in a language understood by the individual.

"(C) CLARIFICATION ON PROCEDURES FOR INELIGIBLE VOTERS.—An applicable agency shall not provide an individual who did not affirm United States citizenship, or for whom the agency has conclusive documentary evidence obtained through its normal course of operations that the individual is not a United State citizen, the opportunity to register to vote under subparagraph (A).

"(D) OPPORTUNITY TO DECLINE REGISTRATION REQUIRED.—Except as otherwise provided in this section, each applicable agency shall ensure that each applicable transaction described in subparagraph (A) with an eligible individual cannot be completed until the individual is given the opportunity to decline to be registered to vote. In the case where the indi-

vidual is a member of a group that constitutes 3 percent or more of the overall population within the State served by the applicable agency as measured by the United States Census and are limited English proficient, such opportunity shall be given in a language understood by the individual.

"(E) INFORMATION TRANSMITTAL.—Not later than 10 days after an applicable transaction with an eligible individual, if the individual did not decline to be registered to vote, the applicable agency shall electronically transmit to the appropriate State election official the following information with respect to the individual:

"(i) The individual's given name(s) and surname(s).

"(ii) The individual's date of birth.

"(iii) The individual's residential address.

"(iv) Information showing that the individual is a citizen of the United States.

"(v) The date on which information pertaining to that individual was collected or last updated.

"(vi) If available, the individual's signature in electronic form.

"(vii) In the case of a State in which affiliation or enrollment with a political party is required in order to participate in an election to select the party's candidate in an election for Federal office, information regarding the individual's affiliation or enrollment with a political party, but only if the individual provides such information.

"(viii) Any additional information listed in the mail voter registration application form for elections for Federal office prescribed pursuant to section 9 of the National Voter Registration Act of 1993, including any valid driver's license number or the last 4 digits of the individual's social security number, if the individual provided such information.

"(F) PROVISION OF INFORMATION REGARDING PARTICIPATION IN PRIMARY ELECTIONS.—In the case of a State in which affiliation or enrollment with a political party is required in order to participate in an election to select the party's candidate in an election for

Federal office, if the information transmitted under paragraph (E) with respect to an individual does not include information regarding the individual's affiliation or enrollment with a political party, the chief State election official shall—

"(i) notify the individual that such affiliation or enrollment is required to participate in primary elections; and

"(ii) provide an opportunity for the individual to update their registration with a party affiliation or enrollment.

"(G) CLARIFICATION.—Nothing in this section shall be read to require an applicable agency to transmit to an election official the information described in subparagraph (E) for an individual who is ineligible to vote in elections for Federal office in the State, except to the extent required to pre-register citizens between 16 and 18 years of age.

"(2) ALTERNATE PROCEDURE FOR CERTAIN OTHER APPLICABLE AGENCIES.—With each applicable transaction for which an applicable agency in the normal course of its operations does not request individuals to affirm United States citizenship (either

directly or as part of the overall application for service or assistance), the applicable agency shall—

"(A) complete the requirements of section 5;

"(B) ensure that each applicant's transaction with the agency cannot be completed until the applicant has indicated whether the applicant wishes to register to vote or declines to register to vote in elections for Federal office held in the State; and

"(C) for each individual who wishes to register to vote, transmit that individual's information in accordance with subsection (c)(1)(E), unless the agency has conclusive documentary evidence obtained through its normal course of operations that the individual is not a United States citizen.

"(3) REQUIRED AVAILABILITY OF AUTOMATIC REGISTRATION OPPORTUNITY WITH EACH APPLICATION FOR SERVICE OR ASSISTANCE.—Each applicable agency shall offer each eligible individual, with each applicable transaction, the opportunity to register to vote as prescribed by this section without regard to whether the individual previously declined a registration opportunity.

1 ''(d) VOTER PROTECTION.—

2 ''(1) APPLICABLE AGENCIES' PROTECTION OF
3 INFORMATION.—Nothing in this section authorizes
4 an applicable agency to collect, retain, transmit, or
5 publicly disclose any of the following, except as nec-
6 essary to comply with title III of the Civil Rights
7 Act of 1960 (52 U.S.C. 20701 et seq.):

8 ''(A) An individual's decision to decline to
9 register to vote or not to register to vote.

10 ''(B) An individual's decision not to affirm
11 his or her citizenship.

12 ''(C) Any information that an applicable
13 agency transmits pursuant to subsection
14 (c)(1)(E), except in pursuing the agency's ordi-
15 nary course of business.

16 ''(2) ELECTION OFFICIALS' PROTECTION OF IN-
17 FORMATION.—

18 ''(A) PUBLIC DISCLOSURE PROHIBITED.—

19 ''(i) IN GENERAL.—Subject to clause
20 (ii), with respect to any individual for
21 whom any State election official receives
22 information from an applicable agency, the
23 State election officials shall not publicly
24 disclose any of the following:

"(I) Any information not necessary to voter registration.

"(II) Any voter information otherwise shielded from disclosure under State law or section 8(a).

"(III) Any portion of the individual's social security number.

"(IV) Any portion of the individual's motor vehicle driver's license number.

"(V) The individual's signature.

"(VI) The individual's telephone number.

"(VII) The individual's email address.

"(ii) SPECIAL RULE FOR INDIVIDUALS REGISTERED TO VOTE.—The prohibition on public disclosure in clause (i) shall not apply with respect to the telephone number or email address of any individual for whom any State election official receives information from the applicable agency and who, on the basis of such information, is registered to vote in the State under this section.

"(e) MISCELLANEOUS PROVISIONS.—

"(1) ACCESSIBILITY OF REGISTRATION SERVICES.—Each applicable agency shall ensure that the services it provides under this section are made available to individuals with disabilities to the same extent as services are made available to all other individuals.

"(2) TRANSMISSION THROUGH SECURE THIRD PARTY PERMITTED.—Nothing in this section or in the Automatic Voter Registration Act of 2021 shall be construed to prevent an applicable agency from contracting with a third party to assist the agency in meeting the information transmittal requirements of this section, so long as the data transmittal complies with the applicable requirements of this section and such Act, including provisions relating privacy and security.

"(3) NONPARTISAN, NONDISCRIMINATORY PROVISION OF SERVICES.—The services made available by applicable agencies under this section shall be made in a manner consistent with paragraphs (4), (5), and (6)(C) of section 7(a).

"(4) NOTICES.—Each State may send notices under this section via electronic mail if the individual has provided an electronic mail address and

consented to electronic mail communications for election-related materials. All notices sent pursuant to this section that require a response must offer the individual notified the opportunity to respond at no cost to the individual.

"(5) REGISTRATION AT OTHER STATE OFFICES PERMITTED.—Nothing in this section may be construed to prohibit a State from offering voter registration services described in this section at offices of the State other than the State motor vehicle authority.

"(f) APPLICABILITY.—

"(1) IN GENERAL.—This section shall not apply to an exempt State.

"(2) EXEMPT STATE DEFINED.—The term 'exempt State' means a State which, under law which is in effect continuously on and after the date of the enactment of this section, either—

"(A) has no voter registration requirement for any voter in the State with respect to a Federal election; or

"(B) operates a system of automatic registration (as defined in section 1002(a)(2)) at the motor vehicle authority of the State or a Permanent Dividend Fund of the State under

which an individual is provided the opportunity to decline registration during the transaction or by way of a notice sent by mail or electronically after the transaction.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 4(a) of the National Voter Registration Act of 1993 (52 U.S.C. 20503(a)(1)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

''(2) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5A;.''.

(2) Section 4(b) of the National Voter Registration Act of 1993 (52 U.S.C. 20503(b)) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by striking ''STATES.—This Act'' and inserting ''STATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), this Act''; and

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

"(2) APPLICATION OF AUTOMATIC REGISTRATION REQUIREMENTS.—Section 5A shall apply to a State described in paragraph (1), unless the State is an exempt State as defined in subsection (f)(2) of such section.".

(3) Section 8(a)(1) of such Act (52 U.S.C. 20507(a)(1)) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) in the case of registration under section 5A, within the period provided in section 5A(b)(2);".

SEC. 1003. VOTER PROTECTION AND SECURITY IN AUTOMATIC REGISTRATION.

(a) PROTECTIONS FOR ERRORS IN REGISTRATION.—An individual shall not be prosecuted under any Federal or State law, adversely affected in any civil adjudication concerning immigration status or naturalization, or subject to an allegation in any legal proceeding that the individual is not a citizen of the United States on any of the following grounds:

(1) The individual notified an election office of the individual's automatic registration to vote.

(2) The individual is not eligible to vote in elections for Federal office but was registered to vote due to individual or agency error.

(3) The individual was automatically registered to vote at an incorrect address.

(4) The individual declined the opportunity to register to vote or did not make an affirmation of citizenship, including through automatic registration.

(b) LIMITS ON USE OF AUTOMATIC REGISTRATION.—The automatic registration (within the meaning of section 5A of the National Voter Registration Act of 1993) of any individual or the fact that an individual declined the opportunity to register to vote or did not make an affirmation of citizenship (including through automatic registration) may not be used as evidence against that individual in any State or Federal law enforcement proceeding or any civil adjudication concerning immigration status or naturalization, and an individual's lack of knowledge or willfulness of such registration may be demonstrated by the individual's testimony alone.

(c) PROTECTION OF ELECTION INTEGRITY.—Nothing in subsections (a) or (b) may be construed to prohibit or restrict any action under color of law against an individual who—

(1) knowingly and willfully makes a false statement to effectuate or perpetuate automatic voter registration by any individual; or

(2) casts a ballot knowingly and willfully in violation of State law or the laws of the United States.

(d) ELECTION OFFICIALS' PROTECTION OF INFORMATION.—

(1) VOTER RECORD CHANGES.—Each State shall maintain for at least 2 years and shall make available for public inspection (and, where available, photocopying at a reasonable cost), including in electronic form and through electronic methods, all records of changes to voter records, including removals, the reasons for removals, and updates.

(2) DATABASE MANAGEMENT STANDARDS.—Not later than 1 year after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology, in consultation with State and local election officials and the Election Assistance Commission, shall, after providing the public with notice and the opportunity to comment—

(A) establish standards governing the comparison of data for voter registration list maintenance purposes, identifying as part of such

standards the specific data elements, the matching rules used, and how a State may use the data to determine and deem that an individual is ineligible under State law to vote in an election, or to deem a record to be a duplicate or outdated;

(B) ensure that the standards developed pursuant to this paragraph are uniform and nondiscriminatory and are applied in a uniform and nondiscriminatory manner;

(C) not later than 45 days after the deadline for public notice and comment, publish the standards developed pursuant to this paragraph on the Director's website and make those standards available in written form upon request; and

(D) ensure that the standards developed pursuant to this paragraph are maintained and updated in a manner that reflects innovations and best practices in the security of database management.

(3) SECURITY POLICY.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director of the National Institute of Standards

and Technology shall, after providing the public with notice and the opportunity to comment, publish privacy and security standards for voter registration information not later than 45 days after the deadline for public notice and comment. The standards shall require the chief State election official of each State to adopt a policy that shall specify—

(i) each class of users who shall have authorized access to the computerized statewide voter registration list, specifying for each class the permission and levels of access to be granted, and setting forth other safeguards to protect the privacy, security, and accuracy of the information on the list; and

(ii) security safeguards to protect personal information transmitted through the information transmittal processes of section 5A(b) of the National Voter Registration Act of 1993, any telephone interface, the maintenance of the voter registration database, and any audit procedure to track access to the system.

(B) MAINTENANCE AND UPDATING.—The Director shall ensure that the standards developed pursuant to this paragraph are maintained and updated in a manner that reflects innovations and best practices in the privacy and security of voter registration information.

(4) STATE COMPLIANCE WITH NATIONAL STANDARDS.—

(A) CERTIFICATION.—The chief State election official of the State shall annually file with the Election Assistance Commission a statement certifying to the Director of the National Institute of Standards and Technology that the State is in compliance with the standards referred to in paragraphs (2) and (3). A State may meet the requirement of the previous sentence by filing with the Commission a statement which reads as follows: "_____ hereby certifies that it is in compliance with the standards referred to in paragraphs (2) and (3) of section 1003(d) of the Automatic Voter Registration Act of 2021." (with the blank to be filled in with the name of the State involved).

(B) PUBLICATION OF POLICIES AND PROCEDURES.—The chief State election official of a

State shall publish on the official's website the policies and procedures established under this section, and shall make those policies and procedures available in written form upon public request.

(C) FUNDING DEPENDENT ON CERTIFICATION.—If a State does not timely file the certification required under this paragraph, it shall not receive any payment under this part for the upcoming fiscal year.

(D) COMPLIANCE OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to carry out an activity covered by any certification submitted under this paragraph, for a period of not more than 2 years the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted, and such State shall submit an additional certification once such legislation is enacted.

(e) RESTRICTIONS ON USE OF INFORMATION.—No person acting under color of law may discriminate against any individual based on, or use for any purpose other than voter registration, election administration, juror selection,

or enforcement relating to election crimes, any of the following:

(1) Voter registration records.

(2) An individual's declination to register to vote or complete an affirmation of citizenship under section 5A of the National Voter Registration Act of 1993.

(3) An individual's voter registration status.

(f) PROHIBITION ON THE USE OF VOTER REGISTRATION INFORMATION FOR COMMERCIAL PURPOSES.—Information collected under this part or the amendments made by this part shall not be used for commercial purposes. Nothing in this subsection may be construed to prohibit the transmission, exchange, or dissemination of information for political purposes, including the support of campaigns for election for Federal, State, or local public office or the activities of political committees (including committees of political parties) under the Federal Election Campaign Act of 1971.

SEC. 1004. PAYMENTS AND GRANTS.

(a) IN GENERAL.—The Election Assistance Commission shall make grants to each eligible State to assist the State in implementing the requirements of this part and the amendments made by this part (or, in the case of an exempt State, in implementing its existing automatic voter

registration program or expanding its automatic voter registration program in a manner consistent with the requirements of this part) with respect to the offices of the State motor vehicle authority and any other offices of the State at which the State offers voter registration services as described in this part and the amendments made by this part.

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

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

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

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

(c) AMOUNT OF GRANT; PRIORITIES.—The Commission shall determine the amount of a grant made to an eligible State under this section. In determining the amounts of the grants, the Commission shall give priority to providing funds for those activities which are most likely to accelerate compliance with the requirements of this

1 part (or, in the case of an exempt State, which are most
2 likely to enhance the ability of the State to automatically
3 register individuals to vote through its existing automatic
4 voter registration program), including—

5 (1) investments supporting electronic informa-
6 tion transfer, including electronic collection and
7 transfer of signatures, between applicable agencies
8 (as defined in section 5A of the National Voter Reg-
9 istration Act of 1993) and the appropriate State
10 election officials;

11 (2) updates to online or electronic voter reg-
12 istration systems already operating as of the date of
13 the enactment of this Act;

14 (3) introduction of online voter registration sys-
15 tems in jurisdictions in which those systems did not
16 previously exist; and

17 (4) public education on the availability of new
18 methods of registering to vote, updating registration,
19 and correcting registration.

20 (d) EXEMPT STATE.—For purposes of this section,
21 the term ''exempt State'' has the meaning given such term
22 under section 5A of the National Voter Registration Act
23 of 1993, and also includes a State in which, under law
24 which is in effect continuously on and after the date of
25 the enactment of the National Voter Registration Act of

1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(e) AUTHORIZATION OF APPROPRIATIONS.—

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

(A) $3,000,000,000 for fiscal year 2022; and

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

(2) CONTINUING AVAILABILITY OF FUNDS.—Any amounts appropriated pursuant to the authority of this subsection shall remain available without fiscal year limitation until expended.

SEC. 1005. MISCELLANEOUS PROVISIONS.

(a) ENFORCEMENT.—Section 11 of the National Voter Registration Act of 1993 (52 U.S.C. 20510), relating to civil enforcement and the availability of private rights of action, shall apply with respect to this part in the same manner as such section applies to such Act.

(b) RELATION TO OTHER LAWS.—Except as provided, nothing in this part or the amendments made by this part may be construed to authorize or require conduct prohibited under, or to supersede, restrict, or limit the application of any of the following:

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

(2) The Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

(3) The National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) (other than section 5A thereof).

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

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

SEC. 1006. DEFINITIONS.

In this part, the following definitions apply:

(1) The term ''chief State election official'' means, with respect to a State, the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (52 U.S.C. 20509) to be responsible for coordination of the State's responsibilities under such Act.

(2) The term ''Commission'' means the Election Assistance Commission.

(3) The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands,

Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 1007. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this part and the amendments made by this part shall apply on and after January 1, 2023.

(b) WAIVER.—If a State certifies to the Commission not later than January 1, 2023, that the State will not meet the deadline described in subsection (a) because it would be impracticable to do so and includes in the certification the reasons for the failure to meet such deadline, subsection (a) shall apply to the State as if the reference in such subsection to ''January 1, 2023'' were a reference to ''January 1, 2025''.

PART 2—ELECTION DAY AS LEGAL PUBLIC HOLIDAY

SEC. 1011. ELECTION DAY AS LEGAL PUBLIC HOLIDAY.

(a) IN GENERAL.—Section 6103(a) of title 5, United States Code, is amended by inserting after the item relating to Columbus Day, the following:

''Election Day, the Tuesday next after the first Monday in November in each even-numbered year.''.

(b) CONFORMING AMENDMENT.—Section 241(b) of the Help America Vote Act of 2002 (52 U.S.C. 20981(b)) is amended—

(1) by striking paragraph (10); and

(2) by redesignating paragraphs (11) through (19) as paragraphs (10) through (18), respectively.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the regularly scheduled general elections for Federal office held in November 2022 or any succeeding year.

PART 3—PROMOTING INTERNET REGISTRATION

SEC. 1021. REQUIRING AVAILABILITY OF INTERNET FOR VOTER REGISTRATION.

(a) REQUIRING AVAILABILITY OF INTERNET FOR REGISTRATION.—The National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) is amended by inserting after section 6 the following new section:

"SEC. 6A. INTERNET REGISTRATION.

''(a) REQUIRING AVAILABILITY OF INTERNET FOR ONLINE REGISTRATION.—Each State, acting through the chief State election official, shall ensure that the following services are available to the public at any time on the official public websites of the appropriate State and local election officials in the State, in the same manner and subject to the same terms and conditions as the services provided by voter registration agencies under section 7(a):

''(1) Online application for voter registration.

"(2) Online assistance to applicants in applying to register to vote.

"(3) Online completion and submission by applicants of the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2), including assistance with providing a signature as required under subsection (c).

"(4) Online receipt of completed voter registration applications.

"(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—A State shall accept an online voter registration application provided by an individual under this section, and ensure that the individual is registered to vote in the State, if—

"(1) the individual meets the same voter registration requirements applicable to individuals who register to vote by mail in accordance with section 6(a)(1) using the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2); and

"(2) the individual meets the requirements of subsection (c) to provide a signature in electronic form (but only in the case of applications submitted

during or after the second year in which this section is in effect in the State).

"(c) SIGNATURE REQUIREMENTS.—

"(1) IN GENERAL.—For purposes of this section, an individual meets the requirements of this subsection as follows:

"(A) In the case of an individual who has a signature on file with a State agency, including the State motor vehicle authority, that is required to provide voter registration services under this Act or any other law, the individual consents to the transfer of that electronic signature.

"(B) If subparagraph (A) does not apply, the individual submits with the application an electronic copy of the individual's handwritten signature through electronic means.

"(C) If subparagraph (A) and subparagraph (B) do not apply, the individual executes a computerized mark in the signature field on an online voter registration application, in accordance with reasonable security measures established by the State, but only if the State accepts such mark from the individual.

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

"(A) permit the individual to complete all other elements of the online voter registration application;

"(B) permit the individual to provide a signature at the time the individual requests a ballot in an election (whether the individual requests the ballot at a polling place or requests the ballot by mail); and

"(C) if the individual carries out the steps described in subparagraph (A) and subparagraph (B), ensure that the individual is registered to vote in the State.

"(3) NOTICE.—The State shall ensure that individuals applying to register to vote online are notified of the requirements of paragraph (1) and of the treatment of individuals unable to meet such requirements, as described in paragraph (2).

"(d) CONFIRMATION AND DISPOSITION.—

"(1) CONFIRMATION OF RECEIPT.—

"(A) IN GENERAL.—Upon the online submission of a completed voter registration appli-

cation by an individual under this section, the appropriate State or local election official shall provide the individual a notice confirming the State's receipt of the application and providing instructions on how the individual may check the status of the application.

"(B) METHOD OF NOTIFICATION.—The appropriate State or local election official shall provide the notice required under subparagraph (A) though the online submission process and—

"(i) in the case of an individual who has provided the official with an electronic mail address, by electronic mail; and

"(ii) at the option of the individual, by text message.

"(2) NOTICE OF DISPOSITION.—

"(A) IN GENERAL.—Not later than 7 days after the appropriate State or local election official has approved or rejected an application submitted by an individual under this section, the official shall provide the individual a notice of the disposition of the application.

"(B) METHOD OF NOTIFICATION.—The appropriate State or local election official shall

provide the notice required under subparagraph (A) by regular mail and—

"(i) in the case of an individual who has provided the official with an electronic mail address, by electronic mail; and

"(ii) at the option of the individual, by text message.

"(e) PROVISION OF SERVICES IN NONPARTISAN MANNER.—The services made available under subsection (a) shall be provided in a manner that ensures that—

"(1) the online application does not seek to influence an applicant's political preference or party registration; and

"(2) there is no display on the website promoting any political preference or party allegiance, except that nothing in this paragraph may be construed to prohibit an applicant from registering to vote as a member of a political party.

"(f) PROTECTION OF SECURITY OF INFORMATION.—In meeting the requirements of this section, the State shall establish appropriate technological security measures to prevent to the greatest extent practicable any unauthorized access to information provided by individuals using the services made available under subsection (a).

"(g) ACCESSIBILITY OF SERVICES.—A State shall ensure that the services made available under this section are made available to individuals with disabilities to the same extent as services are made available to all other individuals.

"(h) NONDISCRIMINATION AMONG REGISTERED VOTERS USING MAIL AND ONLINE REGISTRATION.—In carrying out this Act, the Help America Vote Act of 2002, or any other Federal, State, or local law governing the treatment of registered voters in the State or the administration of elections for public office in the State, a State shall treat a registered voter who registered to vote online in accordance with this section in the same manner as the State treats a registered voter who registered to vote by mail.".

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

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

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

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

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

"(5) SIGNATURE REQUIREMENTS FOR FIRST-TIME VOTERS USING ONLINE REGISTRATION.—

"(A) IN GENERAL.—A State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of subparagraph (B) if—

"(i) the individual registered to vote in the State online under section 6A of the National Voter Registration Act of 1993; and

"(ii) the individual has not previously voted in an election for Federal office in the State.

"(B) REQUIREMENTS.—An individual meets the requirements of this subparagraph if—

"(i) in the case of an individual who votes in person, the individual provides the

appropriate State or local election official with a handwritten signature; or

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

"(C) INAPPLICABILITY.—Subparagraph (A) does not apply in the case of an individual who is—

"(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302 et seq.);

"(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. 20102(b)(2)(B)(ii)); or

"(iii) entitled to vote otherwise than in person under any other Federal law.".

(3) CONFORMING AMENDMENT RELATING TO EFFECTIVE DATE.—Section 303(d)(2)(A) of such Act (52 U.S.C. 21083(d)(2)(A)) is amended by striking "Each State" and inserting "Except as provided in subsection (b)(5), each State".

(c) CONFORMING AMENDMENTS.—

(1) TIMING OF REGISTRATION.—Section 8(a)(1) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)(1)), as amended by section 1002(b)(3), is amended—

(A) by striking ''and'' at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by inserting after subparagraph (D) the following new subparagraph:

''(E) in the case of online registration through the official public website of an election official under section 6A, if the valid voter registration application is submitted online not later than the lesser of 28 days, or the period provided by State law, before the date of the election (as determined by treating the date on which the application is sent electronically as the date on which it is submitted); and''.

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

SEC. 1022. USE OF INTERNET TO UPDATE REGISTRATION INFORMATION.

(a) IN GENERAL.—

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

"(6) USE OF INTERNET BY REGISTERED VOTERS TO UPDATE INFORMATION.—

"(A) IN GENERAL.—The appropriate State or local election official shall ensure that any registered voter on the computerized list may at any time update the voter's registration information, including the voter's address and electronic mail address, online through the official public website of the election official responsible for the maintenance of the list, so long as the voter attests to the contents of the update by providing a signature in electronic form in the same manner required under section 6A(c) of the National Voter Registration Act of 1993.

"(B) PROCESSING OF UPDATED INFORMATION BY ELECTION OFFICIALS.—If a registered voter updates registration information under

subparagraph (A), the appropriate State or local election official shall—

"(i) revise any information on the computerized list to reflect the update made by the voter; and

"(ii) if the updated registration information affects the voter's eligibility to vote in an election for Federal office, ensure that the information is processed with respect to the election if the voter updates the information not later than the lesser of 7 days, or the period provided by State law, before the date of the election.

"(C) CONFIRMATION AND DISPOSITION.—

"(i) CONFIRMATION OF RECEIPT.—Upon the online submission of updated registration information by an individual under this paragraph, the appropriate State or local election official shall send the individual a notice confirming the State's receipt of the updated information and providing instructions on how the individual may check the status of the update.

"(ii) NOTICE OF DISPOSITION.—Not later than 7 days after the appropriate

State or local election official has accepted or rejected updated information submitted by an individual under this paragraph, the official shall send the individual a notice of the disposition of the update.

"(iii) METHOD OF NOTIFICATION.—The appropriate State or local election official shall send the notices required under this subparagraph by regular mail and—

"(I) in the case of an individual who has requested that the State provide voter registration and voting information through electronic mail, by electronic mail; and

"(II) at the option of the individual, by text message.".

(2) CONFORMING AMENDMENT RELATING TO EFFECTIVE DATE.—Section 303(d)(1)(A) of such Act (52 U.S.C. 21083(d)(1)(A)) is amended by striking "subparagraph (B)" and inserting "subparagraph (B) and subsection (a)(6)".

(b) ABILITY OF REGISTRANT TO USE ONLINE UPDATE TO PROVIDE INFORMATION ON RESIDENCE.—Section 8(d)(2)(A) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

(1) in the first sentence, by inserting after ''return the card'' the following: ''or update the registrant's information on the computerized Statewide voter registration list using the online method provided under section 303(a)(6) of the Help America Vote Act of 2002''; and

(2) in the second sentence, by striking ''returned,'' and inserting the following: ''returned or if the registrant does not update the registrant's information on the computerized Statewide voter registration list using such online method,''.

SEC. 1023. PROVISION OF ELECTION INFORMATION BY ELECTRONIC MAIL TO INDIVIDUALS REGISTERED TO VOTE.

(a) INCLUDING OPTION ON VOTER REGISTRATION APPLICATION TO PROVIDE E–MAIL ADDRESS AND RECEIVE INFORMATION.—

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

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

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

''(5) shall include a space for the applicant to provide (at the applicant's option) an electronic mail address, together with a statement that, if the applicant so requests, instead of using regular mail the appropriate State and local election officials shall provide to the applicant, through electronic mail sent to that address, the same voting information (as defined in section 302(b)(2) of the Help America Vote Act of 2002) which the officials would provide to the applicant through regular mail.''.

(2) PROHIBITING USE FOR PURPOSES UNRELATED TO OFFICIAL DUTIES OF ELECTION OFFICIALS.—Section 9 of such Act (52 U.S.C. 20508) is amended by adding at the end the following new subsection:

''(c) PROHIBITING USE OF ELECTRONIC MAIL ADDRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The chief State election official shall ensure that any electronic mail address provided by an applicant under subsection (b)(5) is used only for purposes of carrying out official duties of election officials and is not transmitted by any State or local election official (or any agent of such an official, including a contractor) to any person who does

not require the address to carry out such official duties and who is not under the direct supervision and control of a State or local election official.''.

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

''(3) PROVISION OF OTHER INFORMATION BY ELECTRONIC MAIL.—If an individual who is a registered voter has provided the State or local election official with an electronic mail address for the purpose of receiving voting information (as described in section 9(b)(5) of the National Voter Registration Act of 1993), the appropriate State or local election official, through electronic mail transmitted not later than 7 days before the date of the election for Federal office involved, shall provide the individual with information on how to obtain the following information by electronic means:

''(A)(i) If the individual is assigned to vote in the election at a specific polling place—

''(I) the name and address of the polling place; and

''(II) the hours of operation for the polling place.

"(ii) If the individual is not assigned to vote in the election at a specific polling place—

"(I) the name and address of locations at which the individual is eligible to vote; and

"(II) the hours of operation for those locations.

"(B) A description of any identification or other information the individual may be required to present at the polling place or a location described in subparagraph (A)(ii)(I) to vote in the election.".

SEC. 1024. CLARIFICATION OF REQUIREMENT REGARDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.

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

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

"(j) REQUIREMENT FOR STATE TO REGISTER APPLICANTS PROVIDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.—For purposes meeting the requirement of subsection (a)(1) that an eligible applicant

is registered to vote in an election for Federal office within the deadlines required under such subsection, the State shall consider an applicant to have provided a 'valid voter registration form' if—

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

"(2) in the case of an applicant who registers to vote online in accordance with section 6A, the applicant provides a signature in accordance with subsection (c) of such section.".

SEC. 1025. PROHIBITING STATE FROM REQUIRING APPLICANTS TO PROVIDE MORE THAN LAST 4 DIGITS OF SOCIAL SECURITY NUMBER.

(a) FORM INCLUDED WITH APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.—Section 5(c)(2)(B)(ii) of the National Voter Registration Act of 1993 (52 U.S.C. 20504(c)(2)(B)(ii)) is amended by striking the semicolon at the end and inserting the following: ", and to the extent that the application requires the applicant to provide a Social Security number, may not require the applicant to provide more than the last 4 digits of such number;".

(b) NATIONAL MAIL VOTER REGISTRATION FORM.—Section 9(b)(1) of such Act (52 U.S.C. 20508(b)(1)) is

amended by striking the semicolon at the end and inserting the following: ", and to the extent that the form requires the applicant to provide a Social Security number, the form may not require the applicant to provide more than the last 4 digits of such number;".

SEC. 1026. APPLICATION OF RULES TO CERTAIN EXEMPT STATES.

Section 4 of the National Voter Registration Act of 1993 (52 U.S.C. 20503) is amended by adding at the end the following new subsection:

"(c) APPLICATION OF INTERNET VOTER REGISTRATION RULES.—Notwithstanding subsection (b), the following provisions shall apply to a State described in paragraph (2) thereof:

"(1) Section 6A (as added by section 1021(a) of the Voter Registration Modernization Act of 2021).

"(2) Section 8(a)(1)(E) (as added by section 1021(c)(1) of the Voter Registration Modernization Act of 2021).

"(3) Section 8(a)(5) (as amended by section 1021(c)(2) of Voter Registration Modernization Act of 2021), but only to the extent such provision relates to section 6A.

"(4) Section 8(j) (as added by section 1024 of the Voter Registration Modernization Act of 2021), but only to the extent such provision relates to section 6A.".

SEC. 1027. REPORT ON DATA COLLECTION RELATING TO ONLINE VOTER REGISTRATION SYSTEMS.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on local, State, and Federal personally identifiable information data collections efforts related to online voter registration systems, the cyber security resources necessary to defend such efforts from online attacks, and the impact of a potential data breach of local, State, or Federal online voter registration systems.

SEC. 1028. PERMITTING VOTER REGISTRATION APPLICATION FORM TO SERVE AS APPLICATION FOR ABSENTEE BALLOT.

Section 5(c) of the National Voter Registration Act of 1993 (52 U.S.C. 20504(c)) is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

''(F) at the option of the applicant, shall serve as an application to vote by absentee ballot in the next election for Federal office held in the State and in each subsequent election for Federal office held in the State.''; and

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

''(3)(A) In the case of an individual who is treated as having applied for an absentee ballot in the next election for Federal office held in the State and in each subsequent election for Federal office held in the State under paragraph (2)(F), such treatment shall remain effective until the earlier of such time as—

''(i) the individual is no longer registered to vote in the State; or

''(ii) the individual provides an affirmative written notice revoking such treatment.

''(B) The treatment of an individual as having applied for an absentee ballot in the next election for Federal office held in the State and in each subsequent election for Federal office held in the State under paragraph (2)(F) shall not be revoked on the basis that the individual has not voted in an election''.

SEC. 1029. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this part (other than the amendments made by section 1004) shall apply with respect to the regularly scheduled general election for Federal office held in November 2022 and each succeeding election for Federal office.

(b) WAIVER.—If a State certifies to the Election Assistance Commission not later than 180 days after the date of the enactment of this Act that the State will not meet the deadline described in subsection (a) because it would be impracticable to do so and includes in the certification the reasons for the failure to meet such deadline, subsection (a) shall apply to the State as if the reference in such subsection to ''the regularly scheduled general election for Federal office held in November 2022'' were a reference to ''January 1, 2024''.

PART 4—SAME DAY VOTER REGISTRATION

SEC. 1031. SAME DAY REGISTRATION.

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

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

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

"SEC. 304. SAME DAY REGISTRATION.

"(a) IN GENERAL.—

"(1) REGISTRATION.—Each State shall permit any eligible individual on the day of a Federal election and on any day when voting, including early voting, is permitted for a Federal election—

"(A) to register to vote in such election at the polling place using a form that meets the requirements under section 9(b) of the National Voter Registration Act of 1993 (or, if the individual is already registered to vote, to revise any of the individual's voter registration information); and

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

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

"(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means, with respect to any election for Federal office, an individual who is otherwise qualified to vote in that election.

"(c) ENSURING AVAILABILITY OF FORMS.—The State shall ensure that each polling place has copies of

any forms an individual may be required to complete in order to register to vote or revise the individual's voter registration information under this section.

"(d) EFFECTIVE DATE.—

"(1) IN GENERAL.—Subject to paragraph (2), each State shall be required to comply with the requirements of this section for the regularly scheduled general election for Federal office occurring in November 2022 and for any subsequent election for Federal office.

"(2) SPECIAL RULES FOR ELECTIONS BEFORE NOVEMBER 2026.—

"(A) ELECTIONS PRIOR TO NOVEMBER 2024 GENERAL ELECTION.—A State shall be deemed to be in compliance with the requirements of this section for the regularly scheduled general election for Federal office occurring in November 2022 and subsequent elections for Federal office occurring before the regularly scheduled general election for Federal office in November 2024 if at least one location for each 15,000 registered voters in each jurisdiction in the State meets such requirements, and such location is reasonably located to serve voting populations equitably across the jurisdiction.

"(B) NOVEMBER 2024 GENERAL ELECTION.—If a State certifies to the Commission not later than November 5, 2024, that the State will not be in compliance with the requirements of this section for the regularly scheduled general election for Federal office occurring in November 2024 because it would be impracticable to do so and includes in the certification the reasons for the failure to meet such requirements, the State shall be deemed to be in compliance with the requirements of this section for such election if at least one location for each 15,000 registered voters in each jurisdiction in the State meets such requirements, and such location is reasonably located to serve voting populations equitably across the jurisdiction.".

(b) CONFORMING AMENDMENT RELATING TO ENFORCEMENT.—Section 401 of such Act (52 U.S.C. 21111) is amended by striking "sections 301, 302, and 303" and inserting "subtitle A of title III".

(c) CLERICAL AMENDMENTS.—The table of contents of such Act is amended—

(1) by redesignating the items relating to sections 304 and 305 as relating to sections 305 and 306, respectively; and

(2) by inserting after the item relating to section 303 the following new item:

"Sec. 304. Same day registration.".

SEC. 1032. ENSURING PRE-ELECTION REGISTRATION DEADLINES ARE CONSISTENT WITH TIMING OF LEGAL PUBLIC HOLIDAYS.

(a) IN GENERAL.—Section 8(a)(1) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)(1)) is amended by striking "30 days" each place it appears and inserting "28 days".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections held in 2022 or any succeeding year.

PART 5—STREAMLINE VOTER REGISTRATION INFORMATION, ACCESS, AND PRIVACY

SEC. 1041. AUTHORIZING THE DISSEMINATION OF VOTER REGISTRATION INFORMATION DISPLAYS FOLLOWING NATURALIZATION CEREMONIES.

(a) AUTHORIZATION.—The Secretary of Homeland Security shall establish a process for authorizing the chief State election official of a State to disseminate voter registration information at the conclusion of any naturalization ceremony in such State.

(b) NO EFFECT ON OTHER AUTHORITY.—Nothing in this section shall be construed to imply that a Federal agency cannot provide voter registration services beyond

1 those minimally required herein, or to imply that agencies
2 not named may not distribute voter registration informa-
3 tion or provide voter registration services up to the limits
4 of their statutory and funding authority.

5 (c) DESIGNATED VOTER REGISTRATION AGEN-
6 CIES.—In any State or other location in which a Federal
7 agency is designated as a voter registration agency under
8 section 7(a)(3)(B)(ii) of the National Voter Registration
9 Act, the voter registration responsibilities incurred
10 through such designation shall supersede the requirements
11 described in this section.

12 **SEC. 1042. INCLUSION OF VOTER REGISTRATION INFORMA-**
13 **TION WITH CERTAIN LEASES AND VOUCHERS**
14 **FOR FEDERALLY ASSISTED RENTAL HOUSING**
15 **AND MORTGAGE APPLICATIONS.**

16 (a) DEFINITIONS.—In this section:

17 (1) BUREAU.—The term ''Bureau'' means the
18 Bureau of Consumer Financial Protection.

19 (2) DIRECTOR.—The term ''Director'' means
20 the Director of the Bureau of Consumer Financial
21 Protection.

22 (3) FEDERAL RENTAL ASSISTANCE.—The term
23 ''Federal rental assistance'' means rental assistance
24 provided under—

(A) any covered housing program, as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a));

(B) title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), including voucher assistance under section 542 of such title (42 U.S.C. 1490r);

(C) the Housing Trust Fund program under section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4588); or

(D) subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.).

(4) FEDERALLY BACKED MULTIFAMILY MORTGAGE LOAN.—The term ''Federally backed multifamily mortgage loan'' includes any loan (other than temporary financing such as a construction loan) that—

(A) is secured by a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families, including any such secured loan, the proceeds of which are used to prepay or pay

off an existing loan secured by the same property; and

(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(5) OWNER.—The term ''owner'' has the meaning given the term in section 8(f) of the United States Housing Act of 1937 (42 U.S.C. 1437f(f)).

(6) PUBLIC HOUSING; PUBLIC HOUSING AGENCY.—The terms ''public housing'' and ''public housing agency'' have the meanings given those terms in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(7) RESIDENTIAL MORTGAGE LOAN.—The term ''residential mortgage loan'' includes any loan that is secured by a first or subordinate lien on residential real property, including individual units of con-

dominiums and cooperatives, designed principally for the occupancy of from 1- to 4- families.

(b) UNIFORM STATEMENT.—

(1) DEVELOPMENT.—The Director, after consultation with the Election Assistance Commission, shall develop a uniform statement designed to provide recipients of the statement pursuant to this section with information on how the recipient can register to vote and the voting rights of the recipient under law.

(2) RESPONSIBILITIES.—In developing the uniform statement, the Director shall be responsible for—

(A) establishing the format of the statement;

(B) consumer research and testing of the statement; and

(C) consulting with and obtaining from the Election Assistance Commission the content regarding voter rights and registration issues needed to ensure the statement complies with the requirements of paragraph (1).

(3) LANGUAGES.—

(A) IN GENERAL.—The uniform statement required under paragraph (1) shall be developed

and made available in English and in each of the 10 languages most commonly spoken by individuals with limited English proficiency, as determined by the Director using information published by the Director of the Bureau of the Census.

(B) PUBLICATION.—The Director shall make all translated versions of the uniform statement required under paragraph (1) publicly available in a centralized location on the website of the Bureau.

(c) LEASES AND VOUCHERS FOR FEDERALLY ASSISTED RENTAL HOUSING.—Each Federal agency administering a Federal rental assistance program shall require—

(1) each public housing agency to provide a copy of the uniform statement developed pursuant to subsection (b) to each lessee of a dwelling unit in public housing administered by the agency—

(A) together with the lease for the dwelling unit, at the same time the lease is signed by the lessee; and

(B) together with any income verification form, at the same time the form is provided to the lessee;

(2) each public housing agency that administers rental assistance under the Housing Choice Voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), including the program under paragraph (13) of such section 8(o), to provide a copy of the uniform statement developed pursuant to subsection (b) to each assisted family or individual—

(A) together with the voucher for the assistance, at the time the voucher is issued for the family or individual; and

(B) together with any income verification form, at the time the voucher is provided to the applicant or assisted family or individual; and

(3) each owner of a dwelling unit assisted with Federal rental assistance to provide a copy of the uniform statement developed pursuant to subsection (b) to the lessee of the dwelling unit—

(A) together with the lease for such dwelling unit, at the same time the lease is signed by the lessee; and

(B) together with any income verification form, at the same time the form is provided to the applicant or tenant.

(d) APPLICATIONS FOR RESIDENTIAL MORTGAGE LOANS.—The Director shall require each creditor (within the meaning of such term as used in section 1026.2(a)(17) of title 12, Code of Federal Regulations) that receives an application (within the meaning of such term as used in section 1026.2(a)(3)(ii) of title 12, Code of Federal Regulations) to provide a copy of the uniform statement developed pursuant to subsection (b) in written form to the applicant for the residential mortgage loan not later than 5 business days after the date of the application.

(e) FEDERALLY BACKED MULTIFAMILY MORTGAGE LOANS.—The head of the Federal agency insuring, guaranteeing, supplementing, or assisting a Federally backed multifamily mortgage loan, or the Director of the Federal Housing Finance Agency in the case of a Federally backed multifamily mortgage loan that is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association, shall require the owner of the property secured by the Federally backed multifamily mortgage loan to provide a copy of the uniform statement developed pursuant to subsection (b) in written form to each lessee of a dwelling unit assisted by that loan at the time the lease is signed by the lessee.

(f) OPTIONAL COMPLETION OF VOTER REGISTRATION.—Nothing in this section may be construed to require any individual to complete a voter registration form.

(g) REGULATIONS.—The head of a Federal agency administering a Federal rental assistance program, the head of the Federal agency insuring, guaranteeing, supplementing, or assisting a Federally backed multifamily mortgage loan, the Director of the Federal Housing Finance Agency, and the Director may issue such regulations as may be necessary to carry out this section.

(h) NO EFFECT ON OTHER AUTHORITY.—Nothing in this section shall be construed to imply that a Federal agency cannot provide voter registration services beyond those minimally required herein, or to imply that agencies not named may not distribute voter registration information or provide voter registration services up to the limits of their statutory and funding authority.

(i) DESIGNATED VOTER REGISTRATION AGENCIES.—In any State or other location in which a Federal agency is designated as a voter registration agency under section 7(a)(3)(B)(ii) of the National Voter Registration Act, the voter registration responsibilities incurred through such designation shall supersede the requirements described in this section.

SEC. 1043. ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS FROM INDIVIDUALS UNDER 18 YEARS OF AGE.

(a) ACCEPTANCE OF APPLICATIONS.—Section 8 of the National Voter Registration Act of 1993 (52 U.S.C. 20507), as amended by section 1024, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

''(k) ACCEPTANCE OF APPLICATIONS FROM INDIVIDUALS UNDER 18 YEARS OF AGE.—

''(1) IN GENERAL.—A State may not refuse to accept or process an individual's application to register to vote in elections for Federal office on the grounds that the individual is under 18 years of age at the time the individual submits the application, so long as the individual is at least 16 years of age at such time.

''(2) NO EFFECT ON STATE VOTING AGE REQUIREMENTS.—Nothing in paragraph (1) may be construed to require a State to permit an individual who is under 18 years of age at the time of an election for Federal office to vote in the election.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections occurring on or after January 1, 2022.

SEC. 1044. REQUIRING STATES TO ESTABLISH AND OPERATE VOTER PRIVACY PROGRAMS.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), is amended—

(1) by redesignating sections 305 and 306 as sections 306 and 307, respectively; and

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

"SEC. 305. VOTER PRIVACY PROGRAMS.

''(a) IN GENERAL.—Each State shall establish and operate a privacy program to enable victims of domestic violence, dating violence, stalking, sexual assault, and trafficking to have personally identifiable information that State or local election officials maintain with respect to an individual voter registration status for purposes of elections for Federal office in the State, including addresses, be kept confidential.

''(b) NOTICE.—Each State shall notify residents of that State of the information that State and local election officials maintain with respect to an individual voter registration status for purposes of elections for Federal office

in the State, how that information is shared or sold and with whom, what information is automatically kept confidential, what information is needed to access voter information online, and the privacy programs that are available.

''(c) PUBLIC AVAILABILITY.—Each State shall make information about the program established under subsection (a) available on a publicly accessible website.

''(d) DEFINITIONS.—In this section:

''(1) The terms 'domestic violence', 'stalking', 'sexual assault', and 'dating violence' have the meanings given such terms in section 40002 of the Violence Against Women Act of 1994 (34 U.S.C. 12291).

''(2) The term 'trafficking' means an act or practice described in paragraph (11) or (12) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

''(e) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2023.''.

(b) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1031(c), is amended—

(1) by redesignating the items relating to sections 305 and 306 as relating to sections 306 and 307, respectively; and

(2) by inserting after the item relating to section 304 the following new item:

''Sec. 305. Voter privacy programs.''.

PART 6—FUNDING SUPPORT TO STATES FOR COMPLIANCE

SEC. 1051. AVAILABILITY OF REQUIREMENTS PAYMENTS UNDER HAVA TO COVER COSTS OF COMPLIANCE WITH NEW REQUIREMENTS.

(a) IN GENERAL.—Section 251(b) of the Help America Vote Act of 2002 (52 U.S.C. 21001(b)) is amended—

(1) in paragraph (1), by striking ''as provided in paragraphs (2) and (3)'' and inserting ''as otherwise provided in this subsection''; and

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

''(4) CERTAIN VOTER REGISTRATION ACTIVITIES.—Notwithstanding paragraph (3), a State may use a requirements payment to carry out any of the requirements of the Voter Registration Modernization Act of 2021, including the requirements of the National Voter Registration Act of 1993 which are imposed pursuant to the amendments made to such

Act by the Voter Registration Modernization Act of 2021.''.

(b) CONFORMING AMENDMENT.—Section 254(a)(1) of such Act (52 U.S.C. 21004(a)(1)) is amended by striking ''section 251(a)(2)'' and inserting ''section 251(b)(2)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2022 and each succeeding fiscal year.

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.

(a) REQUIREMENTS.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a) and section 1044(a), is amended—

(1) by redesignating sections 306 and 307 as sections 307 and 308, respectively; and

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

"SEC. 306. ACCESS TO VOTER REGISTRATION AND VOTING FOR INDIVIDUALS WITH DISABILITIES.

"(a) TREATMENT OF APPLICATIONS AND BALLOTS.—Each State shall—

"(1) ensure that absentee registration forms, absentee ballot applications, and absentee ballots that are available electronically are accessible (as defined in section 307);

"(2) permit individuals with disabilities to use absentee registration procedures and to vote by absentee ballot in elections for Federal office;

"(3) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an individual with a disability if the application is received by the appropriate State election official within the deadline for the election which is applicable under Federal law;

"(4) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

"(A) for individuals with disabilities to request by mail and electronically voter registration applications and absentee ballot applications with respect to elections for Federal office in accordance with subsection (c);

"(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the individual under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (c)); and

"(C) by which such an individual can designate whether the individual prefers that such voter registration application or absentee ballot application be transmitted by mail or electronically;

"(5) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to individuals with disabilities with respect to elections for Federal office in accordance with subsection (d); and

"(6) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to individuals with disabilities in a manner that gives them sufficient time to vote in the runoff election.

"(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR VOTERS WITH DISABILITIES IN STATE.—

"(1) IN GENERAL.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures, absentee ballot procedures, and in-person voting procedures to be used by individuals with disabilities with respect to elections for Federal office to all individuals with disabilities who wish to register to vote or vote in any jurisdiction in the State.

"(2) RESPONSIBILITIES.—Each State shall, through the office designated in paragraph (1)—

"(A) provide information to election officials—

"(i) on how to set up and operate accessible voting systems; and

"(ii) regarding the accessibility of voting procedures, including guidance on compatibility with assistive technologies such as screen readers and ballot marking devices;

"(B) integrate information on accessibility, accommodations, disability, and older individ-

uals into regular training materials for poll workers and election administration officials;

"(C) train poll workers on how to make polling places accessible for individuals with disabilities and older individuals;

"(D) promote the hiring of individuals with disabilities and older individuals as poll workers and election staff; and

"(E) publicly post the results of any audits to determine the accessibility of polling places no later than 6 months after the completion of the audit.

"(c) DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR INDIVIDUALS WITH DISABILITIES TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.—

"(1) IN GENERAL.—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of accessible electronic communication—

"(A) for use by individuals with disabilities who wish to register to vote or vote in any jurisdiction in the State to request voter registra-

tion applications and absentee ballot applications under subsection (a)(4);

"(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

"(C) for the purpose of providing related voting, balloting, and election information to individuals with disabilities.

"(2) CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to individuals with disabilities, including a means of electronic communication for the appropriate jurisdiction of the State.

"(3) INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to individuals with disabilities.

"(4) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an individual with a disability does not designate a preference under subsection (a)(4)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

"(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—

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

"(A) to securely transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the individual with a disability under subparagraph (B)) to individuals with disabilities for an election for Federal office; and

"(B) by which the individual with a disability can designate whether the individual prefers that such blank absentee ballot be transmitted by mail or electronically.

"(2) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an individual with a disability does not designate a preference under para-

graph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

"(3) APPLICATION OF METHODS TO TRACK DELIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL REQUESTING BALLOT.—Under the procedures established under paragraph (1), the State shall apply such methods as the State considers appropriate, such as assigning a unique identifier to the ballot envelope, to ensure that if an individual with a disability requests the State to transmit a blank absentee ballot to the individual in accordance with this subsection, the voted absentee ballot which is returned by the individual is the same blank absentee ballot which the State transmitted to the individual.

"(e) INDIVIDUAL WITH A DISABILITY DEFINED.—In this section, an 'individual with a disability' means an individual with an impairment that substantially limits any major life activities and who is otherwise qualified to vote in elections for Federal office.

"(f) EFFECTIVE DATE.—This section shall apply with respect to elections for Federal office held on or after January 1, 2022.".

(b) CONFORMING AMENDMENT RELATING TO ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSISTANCE COMMISSION.—

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

(A) by striking ''and'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting ''; and''; and

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

''(4) in the case of the recommendations with respect to section 306, January 1, 2022.''.

(2) REDESIGNATION.—

(A) IN GENERAL.—Title III of such Act (52 U.S.C. 21081 et seq.) is amended by redesignating sections 311 and 312 as sections 321 and 322, respectively.

(B) CONFORMING AMENDMENT.—Section 322(a) of such Act, as redesignated by subparagraph (A), is amended by striking ''section 312'' and inserting ''section 322''.

(c) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1031(c) and section 1044(b), is amended—

(1) by redesignating the items relating to sections 306 and 307 as relating to sections 307 and 308, respectively; and

(2) by inserting after the item relating to section 305 the following new item:

"Sec. 306. Access to voter registration and voting for individuals with disabilities.".

SEC. 1102. ESTABLISHMENT AND MAINTENANCE OF STATE ACCESSIBLE ELECTION WEBSITES.

(a) IN GENERAL.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), section 1044(a), and section 1101(a), is amended—

(1) by redesignating sections 307 and 308 as sections 308 and 309, respectively; and

(2) by inserting after section 306 the following:

"SEC. 307. ESTABLISHMENT AND MAINTENANCE OF ACCESSIBLE ELECTION WEBSITES.

"(a) IN GENERAL.—Not later than January 1, 2023, each State shall establish a single election website that is accessible and meets the following requirements:

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

"(A) guidance to ensure that polling places are accessible for individuals with disabilities

and older individuals in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

"(B) online training and resources on—

"(i) how best to promote the access and participation of individuals with disabilities and older individuals in elections for public office; and

"(ii) the voting rights and protections for individuals with disabilities and older individuals under State and Federal law.

"(2) VOTERS.—The website shall provide information about voting, including—

"(A) the accessibility of all polling places within the State, including outreach programs to inform individuals about the availability of accessible polling places;

"(B) how to register to vote and confirm voter registration in the State;

"(C) the location and operating hours of all polling places in the State;

"(D) the availability of aid or assistance for individuals with disabilities and older individuals to cast their vote in a manner that pro-

vides the same opportunity for access and participation (including privacy and independence) as for other voters at polling places;

"(E) the availability of transportation aid or assistance to the polling place for individuals with disabilities or older individuals;

"(F) the rights and protections under State and Federal law for individuals with disabilities and older individuals to participate in elections; and

"(G) how to contact State, local, and Federal officials with complaints or grievances if individuals with disabilities, older individuals, Native Americans, Alaska Natives, and individuals with limited proficiency in the English language feel their ability to register to vote or vote has been blocked or delayed.

"(b) PARTNERSHIP WITH OUTSIDE TECHNICAL ORGANIZATION.—The chief State election official of each State, through the committee of appropriate individuals under subsection (c)(2), shall partner with an outside technical organization with demonstrated experience in establishing accessible and easy to use accessible election websites to—

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

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

"(c) STATE PLAN.—

"(1) DEVELOPMENT.—The chief State election official of each State shall, through a committee of appropriate individuals as described in paragraph (2), develop a State plan that describes how the State and local governments will meet the requirements under this section.

"(2) COMMITTEE MEMBERSHIP.—The committee shall comprise at least the following individuals:

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

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

"(C) Representatives from two disability advocacy groups, including at least one such representative who is an individual with a disability.

"(D) Representatives from two older individual advocacy groups, including at least one such representative who is an older individual.

"(E) Representatives from two independent non-governmental organizations with expertise in establishing and maintaining accessible websites.

"(F) Representatives from two independent non-governmental voting rights organizations.

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

"(d) PARTNERSHIP TO MONITOR AND VERIFY ACCESSIBILITY.—The chief State election official of each eligible State, through the committee of appropriate individuals under subsection (c)(2), shall partner with at least two of the following organizations to monitor and verify the accessibility of the election website and the completeness of the election information and the accuracy of the disability information provided on such website:

"(1) University Centers for Excellence in Developmental Disabilities Education, Research, and

1 Services designated under section 151(a) of the De-
2 velopmental Disabilities Assistance and Bill of
3 Rights Act of 2000 (42 U.S.C. 15061(a)).
4 ''(2) Centers for Independent Living, as de-
5 scribed in part C of title VII of the Rehabilitation
6 Act of 1973 (29 U.S.C. 796f et seq.).
7 ''(3) A State Council on Developmental Disabil-
8 ities described in section 125 of the Developmental
9 Disabilities Assistance and Bill of Rights Act of
10 2000 (42 U.S.C. 15025).
11 ''(4) State protection and advocacy systems as
12 defined in section 102 of the Developmental Disabil-
13 ities Assistance and Bill of Rights Act of 2000 (42
14 U.S.C. 15002).
15 ''(5) Statewide Independent Living Councils es-
16 tablished under section 705 of the Rehabilitation Act
17 of 1973 (29 U.S.C. 796d).
18 ''(6) State Assistive Technology Act Programs.
19 ''(7) A visual access advocacy organization.
20 ''(8) An organization for the deaf.
21 ''(9) A mental health organization.
22 ''(e) DEFINITIONS.—For purposes of this section,
23 section 305, and section 307:
24 ''(1) ACCESSIBLE.—The term 'accessible'
25 means—

"(A) in the case of the election website under subsection (a) or an electronic communication under section 305—

"(i) that the functions and content of the website or electronic communication, including all text, visual, and aural content, are as accessible to people with disabilities as to those without disabilities;

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

"(iii) that the website or electronic communication meets, at a minimum, conformance to Level AA of the Web Content Accessibility Guidelines 2.0 of the Web Accessibility Initiative (or any successor guidelines); and

"(B) in the case of a facility (including a polling place), that the facility is readily accessible to and usable by individuals with disabilities and older individuals, as determined under the 2010 ADA Standards for Accessible Design adopted by the Department of Justice (or any successor standards).

1 "(2) INDIVIDUAL WITH A DISABILITY.—The
2 term 'individual with a disability' means an indi-
3 vidual with a disability, as defined in section 3 of the
4 Americans with Disabilities Act of 1990 (42 U.S.C.
5 12102), and who is otherwise qualified to vote in
6 elections for Federal office.
7 "(3) OLDER INDIVIDUAL.—The term 'older in-
8 dividual' means an individual who is 60 years of age
9 or older and who is otherwise qualified to vote in
10 elections for Federal office.".
11 (b) VOLUNTARY GUIDANCE.—Section 321(b)(4) of
12 such Act (52 U.S.C. 21101(b)), as added and redesignated
13 by section 1101(b), is amended by striking "section 306"
14 and inserting "sections 306 and 307".
15 (c) CLERICAL AMENDMENTS.—The table of contents
16 of such Act, as amended by section 1031(c), section
17 1044(b), and section 1101(c), is amended—
18 (1) by redesignating the items relating to sec-
19 tions 307 and 308 as relating to sections 308 and
20 309, respectively; and
21 (2) by inserting after the item relating to sec-
22 tion 306 the following new item:

"Sec. 307. Establishment and maintenance of accessible election websites.".

SEC. 1103. PROTECTIONS FOR IN-PERSON VOTING FOR INDIVIDUALS WITH DISABILITIES AND OLDER INDIVIDUALS.

(a) REQUIREMENT.—

(1) IN GENERAL.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), section 1044(a), section 1101(a), and section 1102(a), is amended—

(A) by redesignating sections 308 and 309 as sections 309 and 310, respectively; and

(B) by inserting after section 307 the following:

"SEC. 308. ACCESS TO VOTING FOR INDIVIDUALS WITH DISABILITIES AND OLDER INDIVIDUALS.

''(a) IN GENERAL.—Each State shall—

''(1) ensure all polling places within the State are accessible, as defined in section 306;

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

"(3) consider options to establish 'mobile polling sites' to allow election officials or volunteers to travel to long-term care facilities and assist residents who request assistance in casting a ballot in order to maintain the privacy and independence of voters in these facilities.

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

"(c) EFFECTIVE DATE.—This section shall apply with respect to elections for Federal office held on or after January 1, 2024.".

(2) VOLUNTARY GUIDANCE.—Section 321(b)(4) of such Act (52 U.S.C. 21101(b)), as added and redesignated by section 1101(b) and as amended by section 1102(b), is amended by striking "and 307" and inserting ", 307, and 308".

(3) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1031(c), section 1044(b), section 1101(c), and section 1102(c), is amended—

(A) by redesignating the items relating to sections 308 and 309 as relating to sections 309 and 310, respectively; and

(B) by inserting after the item relating to section 307 the following new item:

"Sec. 308. Access to voting for individuals with disabilities and older individuals.".

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

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

(A) in the subsection heading, by striking "FEDERAL ELECTION COMMISSION" and inserting "ELECTION ASSISTANCE COMMISSION";

(B) in each of paragraphs (1) and (2), by striking "Federal Election Commission" and inserting "Election Assistance Commission"; and

(C) by striking paragraph (3).

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

(A) by striking "handicapped and elderly individuals" each place it appears and inserting "individuals with disabilities and older individuals";

(B) by striking ''handicapped and elderly voters'' each place it appears and inserting ''individuals with disabilities and older individuals'';

(C) in section 3(b)(2)(B), by striking ''handicapped or elderly voter'' and inserting ''individual with a disability or older individual'';

(D) in section 5(b), by striking ''handicapped voter'' and inserting ''individual with a disability''; and

(E) in section 8—

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

''(1) 'accessible' has the meaning given that term in section 307 of the Help America Vote Act of 2002, as added by section 1102(a) of the Freedom to Vote: John R. Lewis Act;

''(2) 'older individual' has the meaning given that term in such section 307;''; and

(ii) by striking paragraph (4), and inserting the following:

''(4) 'individual with a disability' has the meaning given that term in such section 306; and''.

(3) SHORT TITLE AMENDMENT.—

(A) IN GENERAL.—Section 1 of the "Voting Accessibility for the Elderly and Handicapped Act" (Public Law 98–435; 42 U.S.C. 1973ee note) is amended by striking "for the Elderly and Handicapped" and inserting "for Individuals with Disabilities and Older Individuals".

(B) REFERENCES.—Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the "Voting Accessibility for the Elderly and Handicapped Act" shall be deemed to be a reference to the "Voting Accessibility for Individuals with Disabilities and Older Individuals Act".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2024, and shall apply with respect to elections for Federal office held on or after that date.

SEC. 1104. PROTECTIONS FOR INDIVIDUALS SUBJECT TO GUARDIANSHIP.

(a) IN GENERAL.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), section 1044(a), section

1101(a), section 1102(a), and section 1103(a)(1), is amended—

(1) by redesignating sections 309 and 310 as sections 310 and 311, respectively; and

(2) by inserting after section 308 the following:

"SEC. 309. PROTECTIONS FOR INDIVIDUALS SUBJECT TO GUARDIANSHIP.

''(a) IN GENERAL.—A State shall not determine that an individual lacks the capacity to vote in an election for Federal office on the ground that the individual is subject to guardianship, unless a court of competent jurisdiction issues a court order finding by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process.

''(b) EFFECTIVE DATE.—This section shall apply with respect to elections for Federal office held on or after January 1, 2022.''.

(b) VOLUNTARY GUIDANCE.—Section 321(b)(4) of such Act (52 U.S.C. 21101(b)), as added and redesignated by section 1101(b) and as amended by sections 1102 and 1103, is amended by striking ''and 308'' and inserting ''308, and 309''.

(c) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1031(c), section

1044(b), section 1101(c), section 1102(c), and section 1103(a)(3), is amended—

(1) by redesignating the items relating to sections 309 and 310 as relating to sections 310 and 311, respectively; and

(2) by inserting after the item relating to section 308 the following new item:

"Sec. 309. Protections for individuals subject to guardianship.".

SEC. 1105. EXPANSION AND REAUTHORIZATION OF GRANT PROGRAM TO ASSURE VOTING ACCESS FOR INDIVIDUALS WITH DISABILITIES.

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

"(1) making absentee voting and voting at home accessible to individuals with the full range of disabilities (including impairments involving vision, hearing, mobility, or dexterity) through the implementation of accessible absentee voting systems that work in conjunction with assistive technologies for which individuals have access at their homes, independent living centers, or other facilities;

"(2) making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabil-

ities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

"(3) providing solutions to problems of access to voting and elections for individuals with disabilities that are universally designed and provide the same opportunities for individuals with and without disabilities.".

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

"(4) For fiscal year 2022 and each succeeding fiscal year, such sums as may be necessary to carry out this part.".

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

(1) in subsection (b), by striking "Any amounts" and inserting "Except as provided in subsection (b), any amounts"; and

(2) by adding at the end the following new subsection:

"(c) RETURN AND TRANSFER OF CERTAIN FUNDS.—

"(1) DEADLINE FOR OBLIGATION AND EXPENDITURE.—In the case of any amounts appropriated

pursuant to the authority of subsection (a) for a payment to a State or unit of local government for fiscal year 2022 or any succeeding fiscal year, any portion of such amounts which have not been obligated or expended by the State or unit of local government prior to the expiration of the 4-year period which begins on the date the State or unit of local government first received the amounts shall be transferred to the Commission.

"(2) REALLOCATION OF TRANSFERRED AMOUNTS.—

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

"(B) COVERED PAYMENT RECIPIENTS DESCRIBED.—In subparagraph (A), a 'covered payment recipient' is a State or unit of local government with respect to which—

"(i) amounts were appropriated pursuant to the authority of subsection (a); and

"(ii) no amounts were transferred to the Commission under paragraph (1).".

SEC. 1106. FUNDING FOR PROTECTION AND ADVOCACY SYSTEMS.

(a) INCLUSION OF SYSTEM SERVING AMERICAN INDIAN CONSORTIUM.—Section 291(a) of the Help America Vote Act of 2002 (52 U.S.C. 21061(a)) is amended by striking "of each State" and inserting "of each State and the eligible system serving the American Indian consortium (within the meaning of section 509(c)(1)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 794e(c)(1)(B)))".

(b) GRANT AMOUNT.—Section 291(b) of the Help America Vote Act of 2002 (52 U.S.C. 21061(b)) is amended—

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

(2) by striking "except that" and all that follows and inserting "except that the amount of the grants to systems referred to in subsection (c)(3)(B) of that section shall not be less than $70,000 and the amount of the grants to systems referred to in

subsections (c)(1)(B) and (c)(4)(B) of that section shall not be less than $35,000.''.

SEC. 1107. PILOT PROGRAMS FOR ENABLING INDIVIDUALS WITH DISABILITIES TO REGISTER TO VOTE PRIVATELY AND INDEPENDENTLY AT RESIDENCES.

(a) ESTABLISHMENT OF PILOT PROGRAMS.—The Election Assistance Commission (hereafter referred to as the ''Commission'') shall, subject to the availability of appropriations to carry out this section, make grants to eligible States to conduct pilot programs under which individuals with disabilities may use electronic means (including the internet and telephones utilizing assistive devices) to register to vote and to request and receive absentee ballots in a manner which permits such individuals to do so privately and independently at their own residences.

(b) REPORTS.—

(1) IN GENERAL.—A State receiving a grant for a year under this section shall submit a report to the Commission on the pilot programs the State carried out with the grant with respect to elections for public office held in the State during the year.

(2) DEADLINE.—A State shall submit a report under paragraph (1) not later than 90 days after

the last election for public office held in the State during the year.

(c) ELIGIBILITY.—A State is eligible to receive a grant under this section if the State submits to the Commission, at such time and in such form as the Commission may require, an application containing such information and assurances as the Commission may require.

(d) TIMING.—The Commission shall make the first grants under this section for pilot programs which will be in effect with respect to elections for Federal office held in 2022, or, at the option of a State, with respect to other elections for public office held in the State in 2022.

(e) STATE DEFINED.—In this section, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 1108. GAO ANALYSIS AND REPORT ON VOTING ACCESS FOR INDIVIDUALS WITH DISABILITIES.

(a) ANALYSIS.—The Comptroller General of the United States shall conduct an analysis after each regularly scheduled general election for Federal office with respect to the following:

(1) In relation to polling places located in houses of worship or other facilities that may be ex-

1 empt from accessibility requirements under the
2 Americans with Disabilities Act—
3 (A) efforts to overcome accessibility chal-
4 lenges posed by such facilities; and
5 (B) the extent to which such facilities are
6 used as polling places in elections for Federal
7 office.
8 (2) Assistance provided by the Election Assist-
9 ance Commission, Department of Justice, or other
10 Federal agencies to help State and local officials im-
11 prove voting access for individuals with disabilities
12 during elections for Federal office.
13 (3) When accessible voting machines are avail-
14 able at a polling place, the extent to which such ma-
15 chines—
16 (A) are located in places that are difficult
17 to access;
18 (B) malfunction; or
19 (C) fail to provide sufficient privacy to en-
20 sure that the ballot of the individual cannot be
21 seen by another individual.
22 (4) The process by which Federal, State, and
23 local governments track compliance with accessibility
24 requirements related to voting access, including
25 methods to receive and address complaints.

(5) The extent to which poll workers receive training on how to assist individuals with disabilities, including the receipt by such poll workers of information on legal requirements related to voting rights for individuals with disabilities.

(6) The extent and effectiveness of training provided to poll workers on the operation of accessible voting machines.

(7) The extent to which individuals with a developmental or psychiatric disability experience greater barriers to voting, and whether poll worker training adequately addresses the needs of such individuals.

(8) The extent to which State or local governments employ, or attempt to employ, individuals with disabilities to work at polling sites.

(b) REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of a regularly scheduled general election for Federal office, the Comptroller General shall submit to the appropriate congressional committees a report with respect to the most recent regularly scheduled general election for Federal office that contains the following:

(A) The analysis required by subsection (a).

(B) Recommendations, as appropriate, to promote the use of best practices used by State and local officials to address barriers to accessibility and privacy concerns for individuals with disabilities in elections for Federal office.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on House Administration of the House of Representatives;

(B) the Committee on Rules and Administration of the Senate;

(C) the Committee on Appropriations of the House of Representatives; and

(D) the Committee on Appropriations of the Senate.

Subtitle C—Early Voting

SEC. 1201. EARLY VOTING.

(a) REQUIREMENTS.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), section 1044(a), section 1101(a), section 1102(a), section 1103(a), and section 1104(a), is amended—

(1) by redesignating sections 310 and 311 as sections 311 and 312, respectively; and

(2) by inserting after section 309 the following new section:

"SEC. 310. EARLY VOTING.

"(a) REQUIRING VOTING PRIOR TO DATE OF ELECTION.—Each election jurisdiction shall allow individuals to vote in an election for Federal office during an early voting period which occurs prior to the date of the election, in a manner that allows the individual to receive, complete, and cast their ballot in-person.

"(b) MINIMUM EARLY VOTING REQUIREMENTS.—

"(1) IN GENERAL.—

"(A) LENGTH OF PERIOD.—The early voting period required under this subsection with respect to an election shall consist of a period of consecutive days (including weekends) which begins on the 15th day before the date of the election (or, at the option of the State, on a day prior to the 15th day before the date of the election) and ends no earlier than the second day before the date of the election.

"(B) HOURS FOR EARLY VOTING.—Each polling place which allows voting during an

early voting period under subparagraph (A) shall—

"(i) allow such voting for no less than 10 hours on each day during the period;

"(ii) have uniform hours each day for which such voting occurs; and

"(iii) allow such voting to be held for some period of time prior to 9:00 a.m. (local time) and some period of time after 5:00 p.m. (local time).

"(2) REQUIREMENTS FOR VOTE-BY-MAIL JURISDICTIONS.—In the case of a jurisdiction that sends every registered voter a ballot by mail—

"(A) paragraph (1) shall not apply;

"(B) such jurisdiction shall allow eligible individuals to vote during an early voting period that ensures voters are provided the greatest opportunity to cast ballots ahead of Election Day and which includes at least one consecutive Saturday and Sunday; and

"(C) each polling place which allows voting during an early voting period under subparagraph (B) shall allow such voting—

"(i) during the election office's regular business hours; and

1 "(ii) for a period of not less than 8
2 hours on Saturdays and Sundays included
3 in the early voting period.
4 "(3) REQUIREMENTS FOR SMALL JURISDIC-
5 TIONS.—
6 "(A) IN GENERAL.—In the case of a juris-
7 diction described in subparagraph (B), para-
8 graph (1)(B) shall not apply so long as all eligi-
9 ble individuals in the jurisdiction have the op-
10 portunity to vote—
11 "(i) at each polling place which allows
12 voting during the early voting period de-
13 scribed in paragraph (1)(A)—
14 "(I) during the election office's
15 regular business hours; and
16 "(II) for a period of not less than
17 8 hours on at least one Saturday and
18 at least one Sunday included in the
19 early voting period; or
20 "(ii) at one or more polling places in
21 the county in which such jurisdiction is lo-
22 cated that allows voting during the early
23 voting period described in paragraph
24 (1)(A) in accordance with the requirements
25 under paragraph (1)(B).

"(B) JURISDICTION DESCRIBED.—A jurisdiction is described in this subparagraph if such jurisdiction—

"(i) had less than 3,000 registered voters at the time of the most recent prior election for Federal office; and

"(ii) consists of a geographic area that is smaller than the jurisdiction of the county in which such jurisdiction is located.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed—

"(A) to limit the availability of additional temporary voting sites which provide voters more opportunities to cast their ballots but which do not meet the requirements of this subsection;

"(B) to limit a polling place from being open for additional hours outside of the uniform hours set for the polling location on any day of the early voting period; or

"(C) to limit a State or jurisdiction from offering early voting on the Monday before Election Day.

"(c) AVAILABILITY OF POLLING PLACES.—To the greatest extent practicable, each State and jurisdiction shall—

"(1) ensure that there are an appropriate number of polling places which allow voting during an early voting period; and

"(2) ensure that such polling places provide the greatest opportunity for residents of the jurisdiction to vote.

"(d) LOCATION OF POLLING PLACES.—

"(1) PROXIMITY TO PUBLIC TRANSPORTATION.—To the greatest extent practicable, each State and jurisdiction shall ensure that each polling place which allows voting during an early voting period under subsection (b) is located within walking distance of a stop on a public transportation route.

"(2) AVAILABILITY IN RURAL AREAS.—In the case of a jurisdiction that includes a rural area, the State or jurisdiction shall—

"(A) ensure that an appropriate number of polling places (not less than one) which allow voting during an early voting period under subsection (b) will be located in such rural areas; and

1 "(B) ensure that such polling places are lo-
2 cated in communities which will provide the
3 greatest opportunity for residents of rural areas
4 to vote during the early voting period.
5 "(3) CAMPUSES OF INSTITUTIONS OF HIGHER
6 EDUCATION.—In the case of a jurisdiction that is
7 not considered a vote by mail jurisdiction described
8 in subsection (b)(2) or a small jurisdiction described
9 in subsection (b)(3) and that includes an institution
10 of higher education (as defined under section 102 of
11 the Higher Education Act of 1965 (20 U.S.C.
12 1002)), including a branch campus of such an insti-
13 tution, the State or jurisdiction shall—
14 "(A) ensure that an appropriate number of
15 polling places (not less than one) which allow
16 voting during the early voting period under sub-
17 section (b) will be located on the physical cam-
18 pus of each such institution, including each
19 such branch campus; and
20 "(B) ensure that such polling places pro-
21 vide the greatest opportunity for residents of
22 the jurisdiction to vote.
23 "(e) STANDARDS.—Not later than June 30, 2022,
24 the Commission shall issue voluntary standards for the ad-
25 ministration of voting during voting periods which occur

prior to the date of a Federal election. Subject to subsection (c), such voluntary standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs.

"(f) BALLOT PROCESSING AND SCANNING REQUIREMENTS.—

"(1) IN GENERAL.—Each State or jurisdiction shall begin processing and scanning ballots cast during in-person early voting for tabulation not later than the date that is 14 days prior to the date of the election involved, except that a State or jurisdiction may begin processing and scanning ballots cast during in-person early voting for tabulation after such date if the date on which the State or jurisdiction begins such processing and scanning ensures, to the greatest extent practical, that ballots cast before the date of the election are processed and scanned before the date of the election.

"(2) LIMITATION.—Nothing in this subsection shall be construed—

"(A) to permit a State or jurisdiction to tabulate ballots in an election before the closing of the polls on the date of the election unless such tabulation is a necessary component of preprocessing in the State or jurisdiction and is

performed in accordance with existing State law; or

"(B) to permit an official to make public any results of tabulation and processing before the closing of the polls on the date of the election.

"(g) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2022 and each succeeding election for Federal office.".

(b) CONFORMING AMENDMENTS RELATING TO ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSISTANCE COMMISSION.—Section 321(b) of such Act (52 U.S.C. 21101(b)), as redesignated and amended by section 1101(b), is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

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

"(5) except as provided in paragraph (4), in the case of the recommendations with respect to any section added by the Freedom to Vote: John R. Lewis Act, June 30, 2022.".

(c) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1031(c), section 1044(b), section 1101(c), section 1102(c), section 1103(a), and section 1104(c), is amended—

(1) by redesignating the items relating to sections 310 and 311 as relating to sections 311 and 312, respectively; and

(2) by inserting after the item relating to section 309 the following new item:

"Sec. 310. Early voting.".

Subtitle D—Voting by Mail

SEC. 1301. VOTING BY MAIL.

(a) IN GENERAL.—

(1) REQUIREMENTS.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), section 1044(a), section 1101(a), section 1102(a), section 1103(a), section 1104(a), and section 1201(a), is amended—

(A) by redesignating sections 311 and 312 as sections 312 and 313, respectively; and

(B) by inserting after section 310 the following new section:

"SEC. 311. PROMOTING ABILITY OF VOTERS TO VOTE BY MAIL.

"(a) UNIFORM AVAILABILITY OF ABSENTEE VOTING TO ALL VOTERS.—

"(1) IN GENERAL.—If an individual in a State is eligible to cast a vote in an election for Federal office, the State may not impose any additional conditions or requirements on the eligibility of the individual to cast the vote in such election by absentee ballot by mail.

"(2) ADMINISTRATION OF VOTING BY MAIL.—

"(A) PROHIBITING IDENTIFICATION REQUIREMENT AS CONDITION OF OBTAINING OR CASTING BALLOT.—A State may not require an individual to submit any form of identifying document as a condition of obtaining or casting an absentee ballot, except that nothing in this subparagraph may be construed to prevent a State from requiring—

"(i) the information required to complete an application for voter registration for an election for Federal office under section 303(a)(5)(A), provided that a State may not deny a voter a ballot or the opportunity to cast it on the grounds that the voter does not possess a current and valid

driver's license number or a social security number; or

"(ii) a signature of the individual or similar affirmation as a condition of obtaining or casting an absentee ballot.

"(B) PROHIBITING FAULTY MATCHING REQUIREMENTS FOR IDENTIFYING INFORMATION.—A State may not deny a voter an absentee ballot or reject an absentee ballot cast by a voter—

"(i) on the grounds that the voter provided a different form of identifying information under subparagraph (A) than the voter originally provided when registering to vote or when requesting an absentee ballot; or

"(ii) due to an error in, or omission of, identifying information required by a State under subparagraph (A), if such error or omission is not material to an individual's eligibility to vote under section 2004(a)(2)(B) of the Revised Statutes (52 U.S.C. 10101(a)(2)(B)).

"(C) PROHIBITING REQUIREMENT TO PROVIDE NOTARIZATION OR WITNESS SIGNATURE

AS CONDITION OF OBTAINING OR CASTING BALLOT.—A State may not require notarization or witness signature or other formal authentication (other than voter attestation) as a condition of obtaining or casting an absentee ballot, except that nothing in this subparagraph may be construed to prohibit a State from enforcing a law which has a witness signature requirement for a ballot where a voter oath is attested to with a mark rather than a voter's signature.

"(3) NO EFFECT ON IDENTIFICATION REQUIREMENTS FOR FIRST-TIME VOTERS REGISTERING BY MAIL.—Nothing in this subsection may be construed to exempt any individual described in paragraph (1) of section 303(b) from meeting the requirements of paragraph (2) of such section or to exempt an individual described in paragraph (5)(A) of section 303(b) from meeting the requirements of paragraph (5)(B).

"(b) DUE PROCESS REQUIREMENTS FOR STATES REQUIRING SIGNATURE VERIFICATION.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—A State may not impose a signature verification requirement as a condition of accepting and counting a mail-in

ballot or absentee ballot submitted by any individual with respect to an election for Federal office unless the State meets the due process requirements described in paragraph (2).

''(B) SIGNATURE VERIFICATION REQUIREMENT DESCRIBED.—In this subsection, a 'signature verification requirement' is a requirement that an election official verify the identification of an individual by comparing the individual's signature on the mail-in ballot or absentee ballot with the individual's signature on the official list of registered voters in the State or another official record or other document used by the State to verify the signatures of voters.

''(2) DUE PROCESS REQUIREMENTS.—

''(A) NOTICE AND OPPORTUNITY TO CURE DISCREPANCY IN SIGNATURES.—If an individual submits a mail-in ballot or an absentee ballot and the appropriate State or local election official determines that a discrepancy exists between the signature on such ballot and the signature of such individual on the official list of registered voters in the State or other official record or document used by the State to

verify the signatures of voters, such election official, prior to making a final determination as to the validity of such ballot, shall—

"(i) as soon as practical, but no later than the next business day after such determination is made, make a good faith effort to notify the individual by mail, telephone, and (if available) text message and electronic mail that—

"(I) a discrepancy exists between the signature on such ballot and the signature of the individual on the official list of registered voters in the State or other official record or document used by the State to verify the signatures of voters; and

"(II) if such discrepancy is not cured prior to the expiration of the third day following the State's deadline for receiving mail-in ballots or absentee ballots, such ballot will not be counted; and

"(ii) cure such discrepancy and count the ballot if, prior to the expiration of the third day following the State's deadline for

receiving mail-in ballots or absentee ballots, the individual provides the official with information to cure such discrepancy, either in person, by telephone, or by electronic methods.

"(B) NOTICE AND OPPORTUNITY TO CURE MISSING SIGNATURE OR OTHER DEFECT.—If an individual submits a mail-in ballot or an absentee ballot without a signature or submits a mail-in ballot or an absentee ballot with another defect which, if left uncured, would cause the ballot to not be counted, the appropriate State or local election official, prior to making a final determination as to the validity of the ballot, shall—

"(i) as soon as practical, but no later than the next business day after such determination is made, make a good faith effort to notify the individual by mail, telephone, and (if available) text message and electronic mail that—

"(I) the ballot did not include a signature or has some other defect; and

"(II) if the individual does not provide the missing signature or cure the other defect prior to the expiration of the third day following the State's deadline for receiving mail-in ballots or absentee ballots, such ballot will not be counted; and

"(ii) count the ballot if, prior to the expiration of the third day following the State's deadline for receiving mail-in ballots or absentee ballots, the individual provides the official with the missing signature on a form proscribed by the State or cures the other defect.

This subparagraph does not apply with respect to a defect consisting of the failure of a ballot to meet the applicable deadline for the acceptance of the ballot, as described in subsection (e).

"(C) OTHER REQUIREMENTS.—

"(i) IN GENERAL.—An election official may not make a determination that a discrepancy exists between the signature on a mail-in ballot or an absentee ballot and the signature of the individual on the official

1 list of registered voters in the State or
2 other official record or other document
3 used by the State to verify the signatures
4 of voters unless—
5 ''(I) at least 2 election officials
6 make the determination;
7 ''(II) each official who makes the
8 determination has received training in
9 procedures used to verify signatures;
10 and
11 ''(III) of the officials who make
12 the determination, at least one is af-
13 filiated with the political party whose
14 candidate received the most votes in
15 the most recent statewide election for
16 Federal office held in the State and at
17 least one is affiliated with the political
18 party whose candidate received the
19 second most votes in the most recent
20 statewide election for Federal office
21 held in the State.
22 ''(ii) EXCEPTION.—Clause (i)(III)
23 shall not apply to any State in which,
24 under a law that is in effect continuously
25 on and after the date of enactment of this

section, determinations regarding signature discrepancies are made by election officials who are not affiliated with a political party.

"(3) REPORT.—

"(A) IN GENERAL.—Not later than 120 days after the end of a Federal election cycle, each chief State election official shall submit to the Commission a report containing the following information for the applicable Federal election cycle in the State:

"(i) The number of ballots invalidated due to a discrepancy under this subsection.

"(ii) Description of attempts to contact voters to provide notice as required by this subsection.

"(iii) Description of the cure process developed by such State pursuant to this subsection, including the number of ballots determined valid as a result of such process.

"(B) SUBMISSION TO CONGRESS.—Not later than 10 days after receiving a report under subparagraph (A), the Commission shall transmit such report to Congress.

"(C) FEDERAL ELECTION CYCLE DEFINED.—For purposes of this subsection, the term 'Federal election cycle' means, with respect to any regularly scheduled election for Federal office, the period beginning on the day after the date of the preceding regularly scheduled general election for Federal office and ending on the date of such regularly scheduled general election.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed—

"(A) to prohibit a State from rejecting a ballot attempted to be cast in an election for Federal office by an individual who is not eligible to vote in the election; or

"(B) to prohibit a State from providing an individual with more time and more methods for curing a discrepancy in the individual's signature, providing a missing signature, or curing any other defect than the State is required to provide under this subsection.

"(c) APPLICATIONS FOR ABSENTEE BALLOTS.—

"(1) IN GENERAL.—In addition to such other methods as the State may establish for an individual to apply for an absentee ballot, each State shall per-

mit an individual to submit an application for an absentee ballot online.

"(2) TREATMENT OF WEBSITES.—A State shall be considered to meet the requirements of paragraph (1) if the website of the appropriate State or local election official allows an application for an absentee ballot to be completed and submitted online and if the website permits the individual—

"(A) to print the application so that the individual may complete the application and return it to the official; or

"(B) to request that a paper copy of the application be transmitted to the individual by mail or electronic mail so that the individual may complete the application and return it to the official.

"(3) ENSURING DELIVERY PRIOR TO ELECTION.—

"(A) IN GENERAL.—If an individual who is eligible to vote in an election for Federal office submits an application for an absentee ballot in the election and such application is received by the appropriate State or local election official not later than 13 days (excluding Saturdays, Sundays, and legal public holidays) before the

date of the election, the election official shall ensure that the ballot and related voting materials are promptly mailed to the individual.

"(B) APPLICATIONS RECEIVED CLOSE TO ELECTION DAY.—If an individual who is eligible to vote in an election for Federal office submits an application for an absentee ballot in the election and such application is received by the appropriate State or local election official after the date described in subparagraph (A) but not later than 7 days (excluding Saturdays, Sundays, and legal public holidays) before the date of the election, the election official shall, to the greatest extent practical, ensure that the ballot and related voting materials are mailed to the individual within 1 business day of the receipt of the application.

"(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall preclude a State or local jurisdiction from allowing for the acceptance and processing of absentee ballot applications submitted or received after the date described in subparagraph (B).

"(4) APPLICATION FOR ALL FUTURE ELECTIONS.—

1 "(A) IN GENERAL.—At the option of an
2 individual, the individual's application to vote
3 by absentee ballot by mail in an election for
4 Federal office shall be treated as an application
5 for an absentee ballot by mail in all subsequent
6 elections for Federal office held in the State.
7 "(B) DURATION OF TREATMENT.—
8 "(i) IN GENERAL.—In the case of an
9 individual who is treated as having applied
10 for an absentee ballot for all subsequent
11 elections for Federal office held in the
12 State under subparagraph (A), such treat-
13 ment shall remain effective until the earlier
14 of such time as—
15 "(I) the individual is no longer
16 registered to vote in the State; or
17 "(II) the individual provides an
18 affirmative written notice revoking
19 such treatment.
20 "(ii) PROHIBITION ON REVOCATION
21 BASED ON FAILURE TO VOTE.—The treat-
22 ment of an individual as having applied for
23 an absentee ballot for all subsequent elec-
24 tions held in the State under subparagraph

(A) shall not be revoked on the basis that the individual has not voted in an election.

"(d) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—Each State shall ensure that all absentee ballot applications, absentee ballots, and related voting materials in elections for Federal office are accessible to individuals with disabilities in a manner that provides the same opportunity for access and participation (including with privacy and independence) as for other voters.

"(e) UNIFORM DEADLINE FOR ACCEPTANCE OF MAILED BALLOTS.—

"(1) IN GENERAL.—A State or local election official may not refuse to accept or process a ballot submitted by an individual by mail with respect to an election for Federal office in the State on the grounds that the individual did not meet a deadline for returning the ballot to the appropriate State or local election official if—

"(A) the ballot is postmarked or otherwise indicated by the United States Postal Service to have been mailed on or before the date of the election; and

"(B) the ballot is received by the appropriate election official prior to the expiration of

the 7-day period which begins on the date of the election.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a State from having a law that allows for counting of ballots in an election for Federal office that are received through the mail after the date that is 7 days after the date of the election.

"(f) ALTERNATIVE METHODS OF RETURNING BALLOTS.—In addition to permitting an individual to whom a ballot in an election was provided under this section to return the ballot to an election official by mail, each State shall permit the individual to cast the ballot by delivering the ballot at such times and to such locations as the State may establish, including—

"(1) permitting the individual to deliver the ballot to a polling place within the jurisdiction in which the individual is registered or otherwise eligible to vote on any date on which voting in the election is held at the polling place; and

"(2) permitting the individual to deliver the ballot to a designated ballot drop-off location, a tribally designated building, or the office of a State or local election official.

1 "(g) BALLOT PROCESSING AND SCANNING REQUIRE-
2 MENTS.—
3 "(1) IN GENERAL.—Each State or jurisdiction
4 shall begin processing and scanning ballots cast by
5 mail for tabulation not later than the date that is 14
6 days prior to the date of the election involved, except
7 that a State may begin processing and scanning bal-
8 lots cast by mail for tabulation after such date if the
9 date on which the State begins such processing and
10 scanning ensures, to the greatest extent practical,
11 that ballots cast before the date of the election are
12 processed and scanned before the date of the elec-
13 tion.
14 "(2) LIMITATION.—Nothing in this subsection
15 shall be construed—
16 "(A) to permit a State to tabulate ballots
17 in an election before the closing of the polls on
18 the date of the election unless such tabulation
19 is a necessary component of preprocessing in
20 the State and is performed in accordance with
21 existing State law; or
22 "(B) to permit an official to make public
23 any results of tabulation and processing before
24 the closing of the polls on the date of the elec-
25 tion.

1 ''(h) PROHIBITING RESTRICTIONS ON DISTRIBUTION
2 OF ABSENTEE BALLOT APPLICATIONS BY THIRD PAR-
3 TIES.—A State may not prohibit any person from pro-
4 viding an application for an absentee ballot in the election
5 to any individual who is eligible to vote in the election.
6 ''(i) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to affect the authority of States
8 to conduct elections for Federal office through the use of
9 polling places at which individuals cast ballots.
10 ''(j) NO EFFECT ON BALLOTS SUBMITTED BY AB-
11 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in
12 this section may be construed to affect the treatment of
13 any ballot submitted by an individual who is entitled to
14 vote by absentee ballot under the Uniformed and Overseas
15 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).
16 ''(k) EFFECTIVE DATE.—This section shall apply
17 with respect to the regularly scheduled general election for
18 Federal office held in November 2022 and each succeeding
19 election for Federal office.''.
20 (2) CLERICAL AMENDMENTS.—The table of
21 contents of such Act, as amended by section
22 1031(c), section 1044(b), section 1101(c), section
23 1102(c), section 1103(a), section 1104(c), and sec-
24 tion 1201(c), is amended—

(A) by redesignating the items relating to sections 311 and 312 as relating to sections 312 and 313, respectively; and

(B) by inserting after the item relating to section 310 the following new item:

''Sec. 311. Promoting ability of voters to vote by mail.''.

(b) SAME-DAY PROCESSING OF ABSENTEE BALLOTS.—

(1) IN GENERAL.—Chapter 34 of title 39, United States Code, is amended by adding at the end the following:

''§ 3407. Same-day processing of ballots

''(a) IN GENERAL.—The Postal Service shall ensure, to the maximum extent practicable, that any ballot carried by the Postal Service is processed by and cleared from any postal facility or post office on the same day that the ballot is received by that facility or post office.

''(b) DEFINITIONS.—As used in this section—

''(1) the term 'ballot' means any ballot transmitted by a voter by mail in an election for Federal office, but does not include any ballot covered by section 3406; and

''(2) the term 'election for Federal office' means a general, special, primary, or runoff election for the office of President or Vice President, or of Senator

or Representative in, or Delegate or Resident Commissioner to, the Congress.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 34 of title 39, United States Code, is amended by adding at the end the following:

''3407. Same-day processing of ballots.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to absentee ballots relating to an election for Federal office occurring on or after January 1, 2022.

(c) DEVELOPMENT OF ALTERNATIVE VERIFICATION METHODS.—

(1) DEVELOPMENT OF STANDARDS.—The National Institute of Standards, in consultation with the Election Assistance Commission, shall develop standards for the use of alternative methods which could be used in place of signature verification requirements for purposes of verifying the identification of an individual voting by mail-in or absentee ballot in elections for Federal office.

(2) PUBLIC NOTICE AND COMMENT.—The National Institute of Standards shall solicit comments from the public in the development of standards under paragraph (1).

(3) DEADLINE.—Not later than 2 years after the date of the enactment of this Act, the National Institute of Standards shall publish the standards developed under paragraph (1).

SEC. 1302. BALLOTING MATERIALS TRACKING PROGRAM.

(a) IN GENERAL.—

(1) REQUIREMENTS.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), section 1044(a), section 1101(a), section 1102(a), section 1103(a), section 1104(a), section 1201(a), and section 1301(a), is amended—

(A) by redesignating sections 312 and 313 as sections 313 and 314, respectively; and

(B) by inserting after section 311 the following new section:

"SEC. 312. BALLOT MATERIALS TRACKING PROGRAM.

"(a) REQUIREMENT.—Each State shall carry out a program to track and confirm the receipt of mail-in ballots and absentee ballots in an election for Federal office under which the State or local election official responsible for the receipt of such voted ballots in the election carries out procedures to track and confirm the receipt of such ballots, and makes information on the receipt of such ballots available to the individual who cast the ballot.

1 "(b) MEANS OF CARRYING OUT PROGRAM.—A State
2 may meet the requirements of subsection (a)—
3 "(1) through a program—
4 "(A) which is established by the State;
5 "(B) under which the State or local elec-
6 tion official responsible for the receipt of voted
7 mail-in ballots and voted absentee ballots in the
8 election—
9 "(i) carries out procedures to track
10 and confirm the receipt of such ballots;
11 and
12 "(ii) makes information on the receipt
13 of such ballots available to the individual
14 who cast the ballot; and
15 "(C) which meets the requirements of sub-
16 section (c); or
17 "(2) through the ballot materials tracking serv-
18 ice established under section 1302(b) of the Free-
19 dom to Vote: John R. Lewis Act.
20 "(c) STATE PROGRAM REQUIREMENTS.—The re-
21 quirements of this subsection are as follows:
22 "(1) INFORMATION ON WHETHER VOTE WAS
23 ACCEPTED.—The information referred to under sub-
24 section (b)(1)(B)(ii) with respect to the receipt of
25 mail-in ballot or an absentee ballot shall include in-

formation regarding whether the vote cast on the ballot was accepted, and, in the case of a vote which was rejected, the reasons therefor.

"(2) AVAILABILITY OF INFORMATION.—Information on whether a ballot was accepted or rejected shall be available within 1 business day of the State accepting or rejecting the ballot.

"(3) ACCESSIBILITY OF INFORMATION.—

"(A) IN GENERAL.—Except as provided under subparagraph (B), the information provided under the program shall be available by means of online access using the internet site of the State or local election office.

"(B) USE OF TOLL-FREE TELEPHONE NUMBER BY OFFICIALS WITHOUT INTERNET SITE.—In the case of a State or local election official whose office does not have an internet site, the program shall require the official to establish a toll-free telephone number that may be used by an individual who cast an absentee ballot to obtain the information required under subsection (b)(1)(B).

"(d) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for

1 Federal office held in November 2024 and each succeeding
2 election for Federal office.''.
3 (2) CONFORMING AMENDMENTS.—Section 102
4 of the Uniformed and Overseas Citizens Absentee
5 Voting Act (52 U.S.C. 20302(a)) is amended by
6 striking subsection (h) and redesignating subsection
7 (i) as subsection (h).
8 (b) BALLOTING MATERIALS TRACKING SERVICE.—
9 (1) IN GENERAL.—Not later than January 1,
10 2024, the Secretary of Homeland Security, in con-
11 sultation with the Chair of the Election Assistance
12 Commission, the Postmaster General, the Director
13 of the General Services Administration, the Presi-
14 dential designee, and State election officials, shall
15 establish a balloting materials tracking service to be
16 used by State and local jurisdictions to inform voters
17 on the status of voter registration applications, ab-
18 sentee ballot applications, absentee ballots, and mail-
19 in ballots.
20 (2) INFORMATION TRACKED.—The balloting
21 materials tracking service established under para-
22 graph (1) shall provide to a voter the following infor-
23 mation with respect to that voter:
24 (A) In the case of balloting materials sent
25 by mail, tracking information from the United

States Postal Service and the Presidential designee on balloting materials sent to the voter and, to the extent feasible, returned by the voter.

(B) The date on which any request by the voter for an application for voter registration or an absentee ballot was received.

(C) The date on which any such requested application was sent to the voter.

(D) The date on which any such completed application was received from the voter and the status of such application.

(E) The date on which any mail-in ballot or absentee ballot was sent to the voter.

(F) The date on which any mail-in ballot or absentee ballot was out for delivery to the voter.

(G) The date on which the post office processes the ballot.

(H) The date on which the returned ballot was out for delivery to the election office.

(I) Whether such ballot was accepted and counted, and in the case of any ballot not counted, the reason why the ballot was not counted.

The information described in subparagraph (I) shall be available not later than 1 day after a determination is made on whether or not to accept and count the ballot.

(3) METHOD OF PROVIDING INFORMATION.—The balloting materials tracking service established under paragraph (1) shall allow voters the option to receive the information described in paragraph (2) through email (or other electronic means) or through the mail.

(4) PUBLIC AVAILABILITY OF LIMITED INFORMATION.—Information described in subparagraphs (E), (G), and (I) of paragraph (2) shall be made available to political parties and voter registration organizations, at cost to cover the expense of providing such information, for use, in accordance with State guidelines and procedures, in helping to return or cure mail-in ballots during any period in which mail-in ballots may be returned.

(5) PROHIBITION ON FEES.—The Director may not charge any fee to a State or jurisdiction for use of the balloting materials tracking service in connection with any Federal, State, or local election.

(6) PRESIDENTIAL DESIGNEE.—For purposes of this subsection, the term ''Presidential designee''

means the Presidential designee under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 30201).

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director such sums as are necessary for purposes of carrying out this subsection.

(c) REIMBURSEMENT FOR COSTS INCURRED BY STATES IN ESTABLISHING PROGRAM.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following new part:

"PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS

"SEC. 297. PAYMENTS TO STATES.

"(a) PAYMENTS FOR COSTS OF PROGRAM.—In accordance with this section, the Commission shall make a payment to a State to reimburse the State for the costs incurred in establishing the absentee ballot tracking program under section 312(b)(1) (including costs incurred prior to the date of the enactment of this part).

"(b) CERTIFICATION OF COMPLIANCE AND COSTS.—

"(1) CERTIFICATION REQUIRED.—In order to receive a payment under this section, a State shall submit to the Commission a statement containing—

"(A) a certification that the State has established an absentee ballot tracking program with respect to elections for Federal office held in the State; and

"(B) a statement of the costs incurred by the State in establishing the program.

"(2) AMOUNT OF PAYMENT.—The amount of a payment made to a State under this section shall be equal to the costs incurred by the State in establishing the absentee ballot tracking program, as set forth in the statement submitted under paragraph (1), except that such amount may not exceed the product of—

"(A) the number of jurisdictions in the State which are responsible for operating the program; and

"(B) $3,000.

"(3) LIMIT ON NUMBER OF PAYMENTS RECEIVED.—A State may not receive more than one payment under this part.

"SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—There are authorized to be appropriated to the Commission for fiscal year 2022 and each succeeding fiscal year such sums as may be necessary for payments under this part.

"(b) CONTINUING AVAILABILITY OF FUNDS.—Any amounts appropriated pursuant to the authorization under this section shall remain available until expended.".

(d) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1031(c), 1044(b), section 1101(c), section 1102(c), section 1103(a), section 1104(c), section 1201(c), and section 1301(a), is amended—

(1) by adding at the end of the items relating to subtitle D of title II the following:

"PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS

"Sec. 297. Payments to states.
"Sec. 297A. Authorization of appropriations.";

(2) by redesignating the items relating to sections 312 and 313 as relating to sections 313 and 314, respectively; and

(3) by inserting after the item relating to section 311 the following new item:

"Sec. 312. Absentee ballot tracking program.".

SEC. 1303. ELECTION MAIL AND DELIVERY IMPROVEMENTS.

(a) POSTMARK REQUIRED FOR BALLOTS.—

(1) IN GENERAL.—Chapter 34 of title 39, United States Code, as amended by section 1301(b), is amended by adding at the end the following:

"§ 3408. Postmark required for ballots

''(a) IN GENERAL.—In the case of any absentee ballot carried by the Postal Service, the Postal Service shall indicate on the ballot envelope, using a postmark or otherwise—

''(1) the fact that the ballot was carried by the Postal Service; and

''(2) the date on which the ballot was mailed.

''(b) DEFINITIONS.—As used in this section—

''(1) the term 'absentee ballot' means any ballot transmitted by a voter by mail in an election for Federal office, but does not include any ballot covered by section 3406; and

''(2) the term 'election for Federal office' means a general, special, primary, or runoff election for the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 34 of title

39, United States Code, as amended by section 1301(b), is amended by adding at the end the following:

"3408. Postmark required for ballots.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to absentee ballots relating to an election for Federal office occurring on or after January 1, 2022.

(b) GREATER VISIBILITY FOR BALLOTS.—

(1) IN GENERAL.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), section 1044(a), section 1101(a), section 1102(a), section 1103(a), section 1104(a), section 1201(a), section 1301(a), and section 1302(a), is amended—

(A) by redesignating sections 313 and 314 as sections 314 and 315, respectively; and

(B) by inserting after section 312 the following new section:

"SEC. 313. BALLOT VISIBILITY.

"(a) IN GENERAL.—Each State or local election official shall—

"(1) affix Tag 191, Domestic and International Mail-In Ballots (or any successor tag designated by the United States Postal Service), to any tray or sack of official ballots relating to an election for

Federal office that is destined for a domestic or international address;

''(2) use the Official Election Mail logo to designate official ballots relating to an election for Federal office that is destined for a domestic or international address; and

''(3) if an intelligent mail barcode is utilized for any official ballot relating to an election for Federal office that is destined for a domestic or international address, ensure the specific ballot service type identifier for such mail is visible.

''(b) EFFECTIVE DATE.—The requirements of this section shall apply to elections for Federal office occurring on and after January 1, 2022.''.

(2) VOLUNTARY GUIDANCE.—Section 321(b)(4) of such Act (52 U.S.C. 21101(b)), as added and redesignated by section 1101(b) and as amended by sections 1102, 1103 and 1104, is amended by striking ''and 309'' and inserting ''309, and 313''.

(3) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1031(c), section 1044(b), section 1101(c), section 1102(c), section 1103(a), section 1104(c), section 1201(c), section 1301(a), and section 1302(a), is amended—

(A) by redesignating the items relating to sections 313 and 314 as relating to sections 314 and 315; and

(B) by inserting after the item relating to section 312 the following new item:

"Sec. 313. Ballot visibility.".

SEC. 1304. CARRIAGE OF ELECTION MAIL.

(a) TREATMENT OF ELECTION MAIL.—

(1) TREATMENT AS FIRST-CLASS MAIL; FREE POSTAGE.—Chapter 34 of title 39, United States Code, as amended by section 1301(b) and section 1303(a), is amended by adding at the end the following:

"§ 3409. Domestic election mail; restriction of operational changes prior to elections

"(a) DEFINITION.—In this section, the term 'election mail' means—

"(1) a blank or completed voter registration application form, voter registration card, or similar materials, relating to an election for Federal office;

"(2) a blank or completed absentee and other mail-in ballot application form, and a blank or completed absentee or other mail-in ballot, relating to an election for Federal office, and

"(3) other materials relating to an election for Federal office that are mailed by a State or local

election official to an individual who is registered to vote.

"(b) CARRIAGE OF ELECTION MAIL.—Election mail (other than balloting materials covered under section 3406 (relating to the Uniformed and Overseas Absentee Voting Act)), individually or in bulk, shall be carried in accordance with the service standards established for first-class mail under section 3691.

"(c) NO POSTAGE REQUIRED FOR COMPLETED BALLOTS.—Completed absentee or other mail-in ballots (other than balloting materials covered under section 3406 (relating to the Uniformed and Overseas Absentee Voting Act)) shall be carried free of postage.

"(d) RESTRICTION OF OPERATIONAL CHANGES.—During the 120-day period which ends on the date of an election for Federal office, the Postal Service may not carry out any new operational change that would restrict the prompt and reliable delivery of election mail. This subsection applies to operational changes which include—

"(1) removing or eliminating any mail collection box without immediately replacing it; and

"(2) removing, decommissioning, or any other form of stopping the operation of mail sorting machines, other than for routine maintenance.

"(e) ELECTION MAIL COORDINATOR.—The Postal Service shall appoint an Election Mail Coordinator at each area office and district office to facilitate relevant information sharing with State, territorial, local, and Tribal election officials in regards to the mailing of election mail.".

(2) REIMBURSEMENT OF POSTAL SERVICE FOR REVENUE FORGONE.—Section 2401(c) of title 39, United States Code, is amended by striking "sections 3217 and 3403 through 3406" and inserting "sections 3217, 3403 through 3406, and 3409".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 34 of title 39, United States Code, as amended by section 1301(b) and section 1303(a), is amended by adding at the end the following:

"3409. Domestic election mail; restriction of operational changes prior to elections.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the 180-day period which begins on the date of the enactment of this section.

SEC. 1305. REQUIRING STATES TO PROVIDE SECURED DROP BOXES FOR VOTED BALLOTS IN ELECTIONS FOR FEDERAL OFFICE.

(a) REQUIREMENT.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), section 1044(a), section

1101(a), section 1102(a), section 1103(a), section 1104(a), section 1201(a), section 1301(a), section 1302(a), and section 1303(b) is amended—

(1) by redesignating sections 314 and 315 as sections 315 and 316, respectively; and

(2) by inserting after section 313 the following new section:

"SEC. 314. USE OF SECURED DROP BOXES FOR VOTED BALLOTS.

''(a) REQUIRING USE OF DROP BOXES.—Each jurisdiction shall provide in-person, secured, and clearly labeled drop boxes at which individuals may, at any time during the period described in subsection (b), drop off voted ballots in an election for Federal office.

''(b) MINIMUM PERIOD FOR AVAILABILITY OF DROP BOXES.—The period described in this subsection is, with respect to an election, the period which begins on the first day on which the jurisdiction sends mail-in ballots or absentee ballots (other than ballots for absent uniformed overseas voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20310(1))) or overseas voters (as defined in section 107(5) of such Act (52 U.S.C. 20310(5)))) to voters for such election and which ends at the time the polls close for the election in the jurisdiction involved.

1 "(c) ACCESSIBILITY.—
2 "(1) HOURS OF ACCESS.—
3 "(A) IN GENERAL.—Except as provided in
4 subparagraph (B), each drop box provided
5 under this section shall be accessible to voters
6 for a reasonable number of hours each day.
7 "(B) 24-HOUR DROP BOXES.—
8 "(i) IN GENERAL.—Of the number of
9 drop boxes provided in any jurisdiction,
10 not less the required number shall be ac-
11 cessible for 24-hours per day during the
12 period described in subsection (b).
13 "(ii) REQUIRED NUMBER.—The re-
14 quired number is the greater of—
15 "(I) 25 percent of the drop boxes
16 required under subsection (d); or
17 "(II) 1 drop box.
18 "(2) POPULATION.—
19 "(A) IN GENERAL.—Drop boxes provided
20 under this section shall be accessible for use—
21 "(i) by individuals with disabilities, as
22 determined in consultation with the protec-
23 tion and advocacy systems (as defined in
24 section 102 of the Developmental Disabil-

ities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of the State;

"(ii) by individuals with limited proficiency in the English language; and

"(iii) by homeless individuals (as defined in section 103 of the McKinney–Vento Homeless Assistance Act (42 U.S.C. 11302)) within the State.

"(B) DETERMINATION OF ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—For purposes of this paragraph, drop boxes shall be considered to be accessible for use by individuals with disabilities if the drop boxes meet such criteria as the Attorney General may establish for such purposes.

"(C) RULE OF CONSTRUCTION.—If a drop box provided under this section is on the grounds of or inside a building or facility which serves as a polling place for an election during the period described in subsection (b), nothing in this subsection may be construed to waive any requirements regarding the accessibility of such polling place for the use of individuals with disabilities, individuals with limited pro-

ficiency in the English language, or homeless individuals.

"(d) NUMBER OF DROP BOXES.—Each jurisdiction shall have—

"(1) in the case of any election for Federal office prior to the regularly scheduled general election for Federal office held in November 2024, not less than 1 drop box for every 45,000 registered voters located in the jurisdiction; and

"(2) in the case of the regularly scheduled general election for Federal office held in November 2024 and each election for Federal office occurring thereafter, not less than the greater of—

"(A) 1 drop box for every 45,000 registered voters located in the jurisdiction; or

"(B) 1 drop box for every 15,000 votes that were cast by mail in the jurisdiction in the most recent general election that includes an election for the office of President.

In no case shall a jurisdiction have less than 1 drop box for any election for Federal office.

"(e) LOCATION OF DROP BOXES.—The State shall determine the location of drop boxes provided under this section in a jurisdiction on the basis of criteria which ensure that the drop boxes are—

"(1) available to all voters on a non-discriminatory basis;

"(2) accessible to voters with disabilities (in accordance with subsection (c));

"(3) accessible by public transportation to the greatest extent possible;

"(4) available during all hours of the day;

"(5) sufficiently available in all communities in the jurisdiction, including rural communities and on Tribal lands within the jurisdiction (subject to subsection (f)); and

"(6) geographically distributed to provide a reasonable opportunity for voters to submit their voted ballot in a timely manner.

"(f) TIMING OF SCANNING AND PROCESSING OF BALLOTS.—For purposes of section 311(g) (relating to the timing of the processing and scanning of ballots for tabulation), a vote cast using a drop box provided under this section shall be treated in the same manner as a ballot cast by mail.

"(g) POSTING OF INFORMATION.—On or adjacent to each drop box provided under this section, the State shall post information on the requirements that voted absentee ballots must meet in order to be counted and tabulated in the election.

"(h) REMOTE SURVEILLANCE.—Nothing in this section shall prohibit a State from providing for the security of drop boxes through remote or electronic surveillance.

"(i) RULES FOR DROP BOXES ON TRIBAL LANDS.—In applying this section with respect to Tribal lands in a jurisdiction, the appropriate State and local election officials shall meet the applicable requirements of the Frank Harrison, Elizabeth Peratrovich, and Miguel Trujillo Native American Voting Rights Act of 2021.

"(j) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2022 and each succeeding election for Federal office.".

(b) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1031(c), section 1044(b), section 1101(c), section 1102(c), section 1103(a), section 1104(c), section 1201(c), section 1301(c), section 1302(a), and section 1303(b), is amended—

(1) by redesignating the items relating to sections 314 and 315 as relating to sections 315 and 316, respectively; and

(2) by inserting after the item relating to section 313 the following new item:

"Sec. 314. Use of secured drop boxes for voted absentee ballots.".

Subtitle E—Absent Uniformed Services Voters and Overseas Voters

SEC. 1401. PRE-ELECTION REPORTS ON AVAILABILITY AND TRANSMISSION OF ABSENTEE BALLOTS.

Section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302(c)) is amended to read as follows:

"(c) REPORTS ON AVAILABILITY, TRANSMISSION, AND RECEIPT OF ABSENTEE BALLOTS.—

"(1) PRE-ELECTION REPORT ON ABSENTEE BALLOT AVAILABILITY.—Not later than 55 days before any regularly scheduled general election for Federal office, each State shall submit a report to the Attorney General certifying that absentee ballots for the election are or will be available for transmission to absent uniformed services voters and overseas voters by not later than 46 days before the election. The report shall be in a form prescribed by the Attorney General and shall require the State to certify specific information about ballot availability from each unit of local government which will administer the election.

"(2) PRE-ELECTION REPORT ON ABSENTEE BALLOTS TRANSMITTED.—

"(A) IN GENERAL.—Not later than 43 days before any election for Federal office held in a State, the chief State election official of such State shall submit a report containing the information in subparagraph (B) to the Attorney General.

"(B) INFORMATION REPORTED.—The report under subparagraph (A) shall consist of the following:

"(i) The total number of absentee ballots validly requested by absent uniformed services voters and overseas voters whose requests were received by the 47th day before the election by each unit of local government within the State that will transmit absentee ballots.

"(ii) The total number of ballots transmitted to such voters by the 46th day before the election by each unit of local government within the State that will administer the election.

"(iii) Specific information about any late transmitted ballots.

"(C) REQUIREMENT TO SUPPLEMENT INCOMPLETE INFORMATION.—If the report under

subparagraph (A) has incomplete information on any items required to be included in the report, the chief State election official shall make all reasonable efforts to expeditiously supplement the report with complete information.

"(D) FORMAT.—The report under subparagraph (A) shall be in a format prescribed by the Attorney General in consultation with the chief State election officials of each State.

"(3) POST-ELECTION REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public that same day.".

SEC. 1402. ENFORCEMENT.

(a) AVAILABILITY OF CIVIL PENALTIES AND PRIVATE RIGHTS OF ACTION.—Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20307) is amended to read as follows:

"SEC. 105. ENFORCEMENT.

"(a) ACTION BY ATTORNEY GENERAL.—The Attorney General may bring civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

"(b) PRIVATE RIGHT OF ACTION.—A person who is aggrieved by a violation of this title may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

"(c) STATE AS ONLY NECESSARY DEFENDANT.—In any action brought under this section, the only necessary party defendant is the State, and it shall not be a defense to any such action that a local election official or a unit of local government is not named as a defendant, notwithstanding that a State has exercised the authority described in section 576 of the Military and Overseas Voter Empowerment Act to delegate to another jurisdiction in the State any duty or responsibility which is the subject of an action brought under this section.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations alleged to have occurred on or after the date of the enactment of this Act.

SEC. 1403. TRANSMISSION REQUIREMENTS; REPEAL OF WAIVER PROVISION.

(a) IN GENERAL.—Paragraph (8) of section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302(a)) is amended to read as follows:

"(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter by the date and in the manner determined under subsection (g);".

(b) BALLOT TRANSMISSION REQUIREMENTS AND REPEAL OF WAIVER PROVISION.—Subsection (g) of section 102 of such Act (52 U.S.C. 20302(g)) is amended to read as follows:

"(g) BALLOT TRANSMISSION REQUIREMENTS.—

"(1) IN GENERAL.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received at least 47 days before an election for Federal office, the following rules shall apply:

"(A) TRANSMISSION DEADLINE.—The State shall transmit the absentee ballot not later than 46 days before the election.

"(B) SPECIAL RULES IN CASE OF FAILURE TO TRANSMIT ON TIME.—

"(i) IN GENERAL.—If the State fails to transmit any absentee ballot by the 46th day before the election as required by subparagraph (A) and the absent uniformed services voter or overseas voter did not request electronic ballot transmission pursuant to subsection (f), the State shall transmit such ballot by express delivery.

"(ii) EXTENDED FAILURE.—If the State fails to transmit any absentee ballot by the 41st day before the election, in addition to transmitting the ballot as provided in clause (i), the State shall—

"(I) in the case of absentee ballots requested by absent uniformed services voters with respect to regularly scheduled general elections, notify such voters of the procedures established under section 103A for the

collection and delivery of marked absentee ballots; and

"(II) in any other case, provide for the return of such ballot by express delivery.

"(iii) COST OF EXPRESS DELIVERY.—In any case in which express delivery is required under this subparagraph, the cost of such express delivery—

"(I) shall not be paid by the voter; and

"(II) if determined appropriate by the chief State election official, may be required by the State to be paid by a local jurisdiction.

"(iv) EXCEPTION.—Clause (ii)(II) shall not apply when an absent uniformed services voter or overseas voter indicates the preference to return the late sent absentee ballot by electronic transmission in a State that permits return of an absentee ballot by electronic transmission.

"(v) ENFORCEMENT.—A State's compliance with this subparagraph does not bar the Attorney General from seeking ad-

ditional remedies necessary to fully resolve or prevent ongoing, future, or systematic violations of this provision or to effectuate the purposes of this Act.

"(C) SPECIAL PROCEDURE IN EVENT OF DISASTER.—If a disaster (hurricane, tornado, earthquake, storm, volcanic eruption, landslide, fire, flood, or explosion), or an act of terrorism prevents the State from transmitting any absentee ballot by the 46th day before the election as required by subparagraph (A), the chief State election official shall notify the Attorney General as soon as practicable and take all actions necessary, including seeking any necessary judicial relief, to ensure that affected absent uniformed services voters and overseas voters are provided a reasonable opportunity to receive and return their absentee ballots in time to be counted.

"(2) REQUESTS RECEIVED AFTER 47TH DAY BEFORE ELECTION.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received less than 47 days but not less than 30 days before an election for Federal of-

fice, the State shall transmit the absentee ballot within one business day of receipt of the request.''.

SEC. 1404. USE OF SINGLE ABSENTEE BALLOT APPLICATION FOR SUBSEQUENT ELECTIONS.

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20306) is amended to read as follows:

''SEC. 104. TREATMENT OF BALLOT REQUESTS.

''(a) IN GENERAL.—If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed services voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the end of the calendar year following the next regularly scheduled general election for Federal office, the State shall provide an absentee ballot to the voter for each such subsequent election.

''(b) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the

State determines that the voter has registered to vote in another State or is otherwise no longer eligible to vote in the State.

''(c) PROHIBITION OF REFUSAL OF APPLICATION ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or to process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter or overseas voter on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that election which are submitted by absentee voters who are not members of the uniformed services or overseas citizens.''.

(b) REQUIREMENT FOR REVISION TO POSTCARD FORM.—

(1) IN GENERAL.—The Presidential designee shall ensure that the official postcard form prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301(b)(2)) enables a voter using the form to—

(A) request an absentee ballot for each election for Federal office held in a State

through the end of the calendar year following the next regularly scheduled general election for Federal office; or

(B) request an absentee ballot for a specific election or elections for Federal office held in a State during the period described in subparagraph (A).

(2) PRESIDENTIAL DESIGNEE.—For purposes of this paragraph, the term ''Presidential designee'' means the individual designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301(a)).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to voter registration and absentee ballot applications which are submitted to a State or local election official on or after the date of the enactment of this Act.

SEC. 1405. EXTENDING GUARANTEE OF RESIDENCY FOR VOTING PURPOSES TO FAMILY MEMBERS OF ABSENT MILITARY PERSONNEL.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302), as amended by section 1302, is amended by adding at the end the following new subsection:

"(i) GUARANTEE OF RESIDENCY FOR SPOUSES AND DEPENDENTS OF ABSENT MEMBERS OF UNIFORMED SERVICE.—For the purposes of voting in any election for any Federal office or any State or local office, a spouse or dependent of an individual who is an absent uniformed services voter described in subparagraph (A) or (B) of section 107(1) shall not, solely by reason of that individual's absence and without regard to whether or not such spouse or dependent is accompanying that individual—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not that individual intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State.".

SEC. 1406. TECHNICAL CLARIFICATIONS TO CONFORM TO MILITARY AND OVERSEAS VOTER EMPOWERMENT ACT AMENDMENTS RELATED TO THE FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) IN GENERAL.—Section 102(a)(3) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302(a)(3)) is amended by striking "general elections" and inserting "general, special, primary, and runoff elections".

(b) CONFORMING AMENDMENT.—Section 103 of such Act (52 U.S.C. 20303) is amended—

(1) in subsection (b)(2)(B), by striking ''general''; and

(2) in the heading thereof, by striking ''**GENERAL**''.

SEC. 1407. TREATMENT OF POST CARD REGISTRATION REQUESTS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302), as amended by sections 1302 and 1405, is amended by adding at the end the following new subsection:

''(j) TREATMENT OF POST CARD REGISTRATIONS.—A State shall not remove any absent uniformed services voter or overseas voter who has registered to vote using the official post card form (prescribed under section 101) from the official list of registered voters except in accordance with subparagraph (A), (B), or (C) of section 8(a)(3) of the National Voter Registration Act of 1993 (52 U.S.C. 20507).''.

SEC. 1408. PRESIDENTIAL DESIGNEE REPORT ON VOTER DISENFRANCHISEMENT.

(a) IN GENERAL.—Not later than 1 year of enactment of this Act, the Presidential designee shall submit to Congress a report on the impact of wide-spread mail-

in voting on the ability of active duty military servicemembers to vote, how quickly their votes are counted, and whether higher volumes of mail-in votes makes it harder for such individuals to vote in elections for Federal elections.

(b) PRESIDENTIAL DESIGNEE.—For purposes of this section, the term ''Presidential designee'' means the individual designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301(a)).

SEC. 1409. EFFECTIVE DATE.

Except as provided in section 1402(b) and section 1404(c), the amendments made by this subtitle shall apply with respect to elections occurring on or after January 1, 2022.

Subtitle F—Enhancement of Enforcement

SEC. 1501. ENHANCEMENT OF ENFORCEMENT OF HELP AMERICA VOTE ACT OF 2002.

(a) COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT OF ACTION.—Section 401 of the Help America Vote Act of 2002 (52 U.S.C. 21111) is amended—

(1) by striking ''The Attorney General'' and inserting ''(a) IN GENERAL.—The Attorney General''; and

(2) by adding at the end the following new subsections:

"(b) FILING OF COMPLAINTS BY AGGRIEVED PERSONS.—A person who is aggrieved by a violation of title III that impairs their ability to cast a ballot or a provisional ballot, to register or maintain one's registration to vote, or to vote on a voting system meeting the requirements of such title, which has occurred, is occurring, or is about to occur may file a written, signed, and notarized complaint with the Attorney General describing the violation and requesting the Attorney General to take appropriate action under this section. The Attorney General shall immediately provide a copy of a complaint filed under the previous sentence to the entity responsible for administering the State-based administrative complaint procedures described in section 402(a) for the State involved.

"(c) AVAILABILITY OF PRIVATE RIGHT OF ACTION.—Any person who is authorized to file a complaint under subsection (b) (including any individual who seeks to enforce the individual's right to a voter-verifiable paper ballot, the right to have the voter-verifiable paper ballot counted in accordance with this Act, or any other right under title III) may file an action under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to enforce the uniform and nondiscriminatory elec-

tion technology and administration requirements under subtitle A of title III.

"(d) NO EFFECT ON STATE PROCEDURES.—Nothing in this section may be construed to affect the availability of the State-based administrative complaint procedures required under section 402 to any person filing a complaint under this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring with respect to elections for Federal office held in 2022 or any succeeding year.

Subtitle G—Promoting Voter Access Through Election Administration Modernization Improvements

PART 1—PROMOTING VOTER ACCESS

SEC. 1601. MINIMUM NOTIFICATION REQUIREMENTS FOR VOTERS AFFECTED BY POLLING PLACE CHANGES.

(a) REQUIREMENTS.—Section 302 of the Help America Vote Act of 2002 (52 U.S.C. 21082) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

1 "(d) MINIMUM NOTIFICATION REQUIREMENTS FOR
2 VOTERS AFFECTED BY POLLING PLACE CHANGES.—
3 "(1) REQUIREMENT FOR PRECINCT-BASED
4 POLLING.—
5 "(A) IN GENERAL.—If an applicable indi-
6 vidual has been assigned to a polling place that
7 is different than the polling place that such in-
8 dividual was assigned with respect to the most
9 recent past election for Federal office in which
10 the individual was eligible to vote—
11 "(i) the appropriate election official
12 shall, not later than 2 days before the be-
13 ginning of an early voting period—
14 "(I) notify the individual of the
15 location of the polling place; and
16 "(II) post a general notice on the
17 website of the State or jurisdiction, on
18 social media platforms (if available),
19 and on signs at the prior polling
20 place; and
21 "(ii) if such assignment is made after
22 the date which is 2 days before the begin-
23 ning of an early voting period and the indi-
24 vidual appears on the date of the election
25 at the polling place to which the individual

was previously assigned, the jurisdiction shall make every reasonable effort to enable the individual to vote a ballot on the date of the election without the use of a provisional ballot.

"(B) APPLICABLE INDIVIDUAL.—For purposes of subparagraph (A), the term 'applicable individual' means, with respect to any election for Federal office, any individual—

"(i) who is registered to vote in a jurisdiction for such election and was registered to vote in such jurisdiction for the most recent past election for Federal office; and

"(ii) whose voter registration address has not changed since such most recent past election for Federal office.

"(C) METHODS OF NOTIFICATION.—The appropriate election official shall notify an individual under clause (i)(I) of subparagraph (A) by mail, telephone, and (if available) text message and electronic mail.

"(2) REQUIREMENTS FOR VOTE CENTERS.—In the case of a jurisdiction in which individuals are not assigned to specific polling places, not later than

2 days before the beginning of an early voting period, the appropriate election official shall notify each individual eligible to vote in such jurisdiction of the location of all polling places at which the individual may vote.

"(3) NOTICE WITH RESPECT TO CLOSED POLLING PLACES.—

"(A) IN GENERAL.—If a location which served as a polling place for an election for Federal office in a State does not serve as a polling place in the next election for Federal office held in the State, the State shall ensure that signs are posted at such location on the date of the election and during any early voting period for the election containing the following information:

"(i) A statement that the location is not serving as a polling place in the election.

"(ii) The locations serving as polling places in the election in the jurisdiction involved.

"(iii) The name and address of any substitute polling place serving the same

precinct and directions from the former polling place to the new polling place.

"(iv) Contact information, including a telephone number and website, for the appropriate State or local election official through which an individual may find the polling place to which the individual is assigned for the election.

"(B) INTERNET POSTING.—Each State which is required to post signs under subparagraph (A) shall also provide such information through a website and through social media (if available).

"(4) LINGUISTIC PREFERENCE.—The notices required under this subsection shall comply with the requirements of section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503).

"(5) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2022.".

(b) CONFORMING AMENDMENT.—Section 302(e) of such Act (52 U.S.C. 21082(e)), as redesignated by subsection (a), is amended by striking "Each State" and inserting "Except as provided in subsection (d)(4), each State".

SEC. 1602. APPLICABILITY TO COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Paragraphs (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20310) are each amended by striking ''and American Samoa'' and inserting ''American Samoa, and the Commonwealth of the Northern Mariana Islands''.

SEC. 1603. ELIMINATION OF 14-DAY TIME PERIOD BETWEEN GENERAL ELECTION AND RUNOFF ELECTION FOR FEDERAL ELECTIONS IN THE VIRGIN ISLANDS AND GUAM.

Section 2 of the Act entitled ''An Act to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives'', approved April 10, 1972 (48 U.S.C. 1712), is amended—

(1) by striking ''(a) The Delegate'' and inserting ''The Delegate'';

(2) by striking ''on the fourteenth day following such an election'' in the fourth sentence of subsection (a); and

(3) by striking subsection (b).

SEC. 1604. APPLICATION OF FEDERAL ELECTION ADMINISTRATION LAWS TO TERRITORIES OF THE UNITED STATES.

(a) NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 3(4) of the National Voter Registration Act of 1993 (52 U.S.C. 20502(4)) is amended by striking ''States and the District of Columbia'' and inserting ''States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands''.

(b) HELP AMERICA VOTE ACT OF 2002.—

(1) COVERAGE OF COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141) is amended by striking ''and the United States Virgin Islands'' and inserting ''the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands''.

(2) CONFORMING AMENDMENTS TO HELP AMERICA VOTE ACT OF 2002.—Such Act is further amended as follows:

(A) The second sentence of section 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended by striking ''and American Samoa'' and insert-

ing ''American Samoa, and the Commonwealth of the Northern Mariana Islands''.

(B) Section 252(c)(2) (52 U.S.C. 21002(c)(2)) is amended by striking ''or the United States Virgin Islands'' and inserting ''the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands''.

(3) CONFORMING AMENDMENT RELATING TO CONSULTATION OF HELP AMERICA VOTE FOUNDATION WITH LOCAL ELECTION OFFICIALS.—Section 90102(c) of title 36, United States Code, is amended by striking ''and the United States Virgin Islands'' and inserting ''the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands''.

SEC. 1605. APPLICATION OF FEDERAL VOTER PROTECTION LAWS TO TERRITORIES OF THE UNITED STATES.

(a) INTIMIDATION OF VOTERS.—Section 594 of title 18, United States Code, is amended by striking ''Delegate from the District of Columbia, or Resident Commissioner,'' and inserting ''or Delegate or Resident Commissioner to the Congress''.

(b) INTERFERENCE BY GOVERNMENT EMPLOYEES.—Section 595 of title 18, United States Code, is

amended by striking ''Delegate from the District of Columbia, or Resident Commissioner,'' and inserting ''or Delegate or Resident Commissioner to the Congress''.

(c) VOTING BY NONCITIZENS.—Section 611(a) of title 18, United States Code, is amended by striking ''Delegate from the District of Columbia, or Resident Commissioner,'' and inserting ''or Delegate or Resident Commissioner to the Congress''.

SEC. 1606. ENSURING EQUITABLE AND EFFICIENT OPERATION OF POLLING PLACES.

(a) IN GENERAL.—

(1) REQUIREMENT.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), section 1044(a), section 1101(a), section 1102(a), section 1103(a), section 1104(a), section 1201(a), section 1301(a), section 1302(a), section 1303(b), and section 1305(a), is amended—

(A) by redesignating sections 315 and 316 as sections 316 and 317, respectively; and

(B) by inserting after section 314 the following new section:

"SEC. 315. ENSURING EQUITABLE AND EFFICIENT OPERATION OF POLLING PLACES.

"(a) PREVENTING UNREASONABLE WAITING TIMES FOR VOTERS.—

"(1) IN GENERAL.—Each State or jurisdiction shall take reasonable efforts to provide a sufficient number of voting systems, poll workers, and other election resources (including physical resources) at a polling place used in any election for Federal office, including a polling place at which individuals may cast ballots prior to the date of the election, to ensure—

"(A) a fair and equitable waiting time for all voters in the State or jurisdiction; and

"(B) that no individual will be required to wait longer than 30 minutes to cast a ballot at the polling place.

"(2) CRITERIA.—In determining the number of voting systems, poll workers, and other election resources provided at a polling place for purposes of paragraph (1), the State or jurisdiction shall take into account the following factors:

"(A) The voting age population.

"(B) Voter turnout in past elections.

"(C) The number of voters registered.

1 "(D) The number of voters who have reg-
2 istered since the most recent Federal election.
3 "(E) Census data for the population served
4 by the polling place, such as the proportion of
5 the voting-age population who are under 25
6 years of age or who are naturalized citizens.
7 "(F) The needs and numbers of voters
8 with disabilities and voters with limited English
9 proficiency.
10 "(G) The type of voting systems used.
11 "(H) The length and complexity of initia-
12 tives, referenda, and other questions on the bal-
13 lot.
14 "(I) Such other factors, including relevant
15 demographic factors relating to the population
16 served by the polling place, as the State con-
17 siders appropriate.
18 "(3) RULE OF CONSTRUCTION.—Nothing in
19 this subsection may be construed—
20 "(A) to authorize a State or jurisdiction to
21 meet the requirements of this subsection by
22 closing any polling place, prohibiting an indi-
23 vidual from entering a line at a polling place,
24 or refusing to permit an individual who has ar-

rived at a polling place prior to closing time from voting at the polling place; or

"(B) to limit the use of mobile voting centers.

"(b) LIMITING VARIATIONS ON NUMBER OF HOURS OF OPERATION OF POLLING PLACES WITHIN A STATE.—

"(1) LIMITATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (2), each State shall establish hours of operation for all polling places in the State on the date of any election for Federal office held in the State such that the polling place with the greatest number of hours of operation on such date is not in operation for more than 2 hours longer than the polling place with the fewest number of hours of operation on such date.

"(B) PERMITTING VARIANCE ON BASIS OF POPULATION.—Subparagraph (A) does not apply to the extent that the State establishes variations in the hours of operation of polling places on the basis of the overall population or the voting age population (as the State may select) of the unit of local government in which such polling places are located.

"(2) EXCEPTIONS FOR POLLING PLACES WITH HOURS ESTABLISHED BY UNITS OF LOCAL GOVERNMENT.—Paragraph (1) does not apply in the case of a polling place—

"(A) whose hours of operation are established, in accordance with State law, by the unit of local government in which the polling place is located; or

"(B) which is required pursuant to an order by a court to extend its hours of operation beyond the hours otherwise established.

"(c) ENSURING ACCESS TO POLLING PLACES FOR VOTERS.—

"(1) PROXIMITY TO PUBLIC TRANSPORTATION.—To the greatest extent practicable, each State and jurisdiction shall ensure that each polling place used on the date of the election is located within walking distance of a stop on a public transportation route.

"(2) AVAILABILITY IN RURAL AREAS.—In the case of a jurisdiction that includes a rural area, the State or jurisdiction shall—

"(A) ensure that an appropriate number of polling places (not less than one) used on the

date of the election will be located in such rural areas; and

"(B) ensure that such polling places are located in communities which will provide the greatest opportunity for residents of rural areas to vote on Election Day.

"(3) CAMPUSES OF INSTITUTIONS OF HIGHER EDUCATION.—In the case of a jurisdiction that is not considered a vote by mail jurisdiction described in section 310(b)(2) or a small jurisdiction described in section 310(b)(3) and that includes an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), including a branch campus of such an institution, the State or jurisdiction shall—

"(A) ensure that an appropriate number of polling places (not less than one) used on the date of the election will be located on the physical campus of each such institution, including each such branch campus; and

"(B) ensure that such polling places provide the greatest opportunity for residents of the jurisdiction to vote.

1 ''(d) EFFECTIVE DATE.—This section shall take ef-
2 fect upon the expiration of the 180-day period which be-
3 gins on the date of the enactment of this subsection.''.
4 (2) CONFORMING AMENDMENTS RELATING TO
5 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION
6 ASSISTANCE COMMISSION.—Section 321(b) of such
7 Act (52 U.S.C. 21101(b)), as redesignated and
8 amended by section 1101(b) and as amended by sec-
9 tions, 1102, 1103, 1104, and 1201, is amended—
10 (A) by striking ''and'' at the end of para-
11 graph (4);
12 (B) by redesignating paragraph (5) as
13 paragraph (6);
14 (C) in paragraph (6), as so redesignated,
15 by striking ''paragraph (4)'' and inserting
16 ''paragraph (4) or (5)''; and
17 (D) by inserting after paragraph (4) the
18 following new paragraph:
19 ''(5) in the case of the recommendations with
20 respect to section 315, 180 days after the date of
21 the enactment of such section; and''.
22 (3) CLERICAL AMENDMENTS.—The table of
23 contents of such Act, as amended by section
24 1031(c), section 1044(b), section 1101(c), section
25 1102(c), section 1103(a), section 1104(c), section

1201(c), section 1301(a), section 1302(a), section 1303(b), and section 1305(b), is amended—

(A) by redesignating the items relating to sections 315 and 316 as relating to sections 316 and 317, respectively; and

(B) by inserting after the item relating to section 314 the following new item:

"Sec. 315. Ensuring equitable and efficient operation of polling places.".

(b) STUDY OF METHODS TO ENFORCE FAIR AND EQUITABLE WAITING TIMES.—

(1) STUDY.—The Election Assistance Commission and the Comptroller General of the United States shall conduct a joint study of the effectiveness of various methods of enforcing the requirements of section 315(a) of the Help America Vote Act of 2002, as added by subsection (a), including methods of best allocating resources to jurisdictions which have had the most difficulty in providing a fair and equitable waiting time at polling places to all voters, and to communities of color in particular.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Election Assistance Commission and the Comptroller General of the United States shall publish and submit to Congress a report on the study conducted under paragraph (1).

SEC. 1607. PROHIBITING STATES FROM RESTRICTING CURBSIDE VOTING.

(a) REQUIREMENT.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), section 1044(a), section 1101(a), section 1102(a), section 1103(a), section 1104(a), section 1201(a), section 1301(a), section 1302(a), section 1303(b), section 1305(a), and section 1606(a)(1), is amended—

(1) by redesignating sections 316 and 317 as sections 317 and 318, respectively; and

(2) by inserting after section 315 the following new section:

"SEC. 316. PROHIBITING STATES FROM RESTRICTING CURBSIDE VOTING.

"(a) PROHIBITION.—A State may not—

"(1) prohibit any jurisdiction administering an election for Federal office in the State from utilizing curbside voting as a method by which individuals may cast ballots in the election; or

"(2) impose any restrictions which would exclude any individual who is eligible to vote in such an election in a jurisdiction which utilizes curbside voting from casting a ballot in the election by such method.

1 ''(b) EFFECTIVE DATE.—This section shall apply
2 with respect to the regularly scheduled general election for
3 Federal office held in November 2022 and each succeeding
4 election for Federal office.''.

5 (b) CLERICAL AMENDMENTS.—The table of contents
6 of such Act, as amended by section 1031(c), section
7 1044(b), section 1101(c), section 1102(c), section
8 1103(a), section 1104(c), section 1201(c), section
9 1301(a), section 1302(a), section 1303(b), section
10 1305(a), and section 1606(a)(3), is amended—

11 (1) by redesignating the items relating to sec-
12 tions 316 and 317 as relating to sections 317 and
13 318, respectively; and

14 (2) by inserting after the item relating to sec-
15 tion 315 the following new item:

''Sec. 316. Prohibiting States from restricting curbside voting.''.

16 **PART 2—IMPROVEMENTS IN OPERATION OF**
17 **ELECTION ASSISTANCE COMMISSION**

18 **SEC. 1611. REAUTHORIZATION OF ELECTION ASSISTANCE**
19 **COMMISSION.**

20 Section 210 of the Help America Vote Act of 2002
21 (52 U.S.C. 20930) is amended—

22 (1) by striking ''for each of the fiscal years
23 2003 through 2005'' and inserting ''for fiscal year
24 2022 and each succeeding fiscal year''; and

(2) by striking ''(but not to exceed $10,000,000 for each such year)''.

SEC. 1612. RECOMMENDATIONS TO IMPROVE OPERATIONS OF ELECTION ASSISTANCE COMMISSION.

(a) ASSESSMENT OF INFORMATION TECHNOLOGY AND CYBERSECURITY.—Not later than June 30, 2022, the Election Assistance Commission shall carry out an assessment of the security and effectiveness of the Commission's information technology systems, including the cybersecurity of such systems.

(b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT PROCEDURES.—

(1) REVIEW OF PROCEDURES.—The Election Assistance Commission shall carry out a review of the effectiveness and efficiency of the State-based administrative complaint procedures established and maintained under section 402 of the Help America Vote Act of 2002 (52 U.S.C. 21112) for the investigation and resolution of allegations of violations of title III of such Act.

(2) RECOMMENDATIONS TO STREAMLINE PROCEDURES.—Not later than June 30, 2022, the Commission shall submit to Congress a report on the review carried out under paragraph (1), and shall include in the report such recommendations as the

Commission considers appropriate to streamline and improve the procedures which are the subject of the review.

SEC. 1613. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE COMMISSION FROM CERTAIN GOVERNMENT CONTRACTING REQUIREMENTS.

(a) IN GENERAL.—Section 205 of the Help America Vote Act of 2002 (52 U.S.C. 20925) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into by the Election Assistance Commission on or after the date of the enactment of this Act.

PART 3—MISCELLANEOUS PROVISIONS

SEC. 1621. DEFINITION OF ELECTION FOR FEDERAL OFFICE.

(a) DEFINITION.—Title IX of the Help America Vote Act of 2002 (52 U.S.C. 21141 et seq.) is amended by adding at the end the following new section:

"SEC. 907. ELECTION FOR FEDERAL OFFICE DEFINED.

''For purposes of titles I through III, the term 'election for Federal office' means a general, special, primary, or runoff election for the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.''.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to title IX the following new item:

"Sec. 907. Election for Federal office defined.".

SEC. 1622. NO EFFECT ON OTHER LAWS.

(a) IN GENERAL.—Except as specifically provided, nothing in this title may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

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

(2) The Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. 20101 et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

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

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by any person of a payment or grant application under this title, or any other action taken by any person

under this title, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 (52 U.S.C. 10304) or any other requirements of such Act.

(c) NO EFFECT ON AUTHORITY OF STATES TO PROVIDE GREATER OPPORTUNITIES FOR VOTING.—Nothing in this title or the amendments made by this title may be construed to prohibit any State from enacting any law which provides greater opportunities for individuals to register to vote and to vote in elections for Federal office than are provided by this title and the amendments made by this title.

SEC. 1623. CLARIFICATION OF EXEMPTION FOR STATES WITHOUT VOTER REGISTRATION.

To the extent that any provision of this title or any amendment made by this title imposes a requirement on a State relating to registering individuals to vote in elections for Federal office, such provision shall not apply in the case of any State in which, under law that is in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

SEC. 1624. CLARIFICATION OF EXEMPTION FOR STATES WHICH DO NOT COLLECT TELEPHONE INFORMATION.

(a) AMENDMENT TO HELP AMERICA VOTE ACT OF 2002.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), section 1044(a), section 1101(a), section 1102(a), section 1103(a), section 1104(a), section 1201(a), section 1301(a), section 1302(a), section 1303(b), section 1305(a), section 1606(a)(1), and section 1607(a), is amended—

(1) by redesignating sections 317 and 318 as sections 318 and 319, respectively; and

(2) by inserting after section 316 the following new section:

"SEC. 317. APPLICATION OF CERTAIN PROVISIONS TO STATES WHICH DO NOT COLLECT TELEPHONE INFORMATION.

''(a) IN GENERAL.—To the extent that any provision of this title imposes a requirement on a State or jurisdiction relating to contacting voters by telephone, such provision shall not apply in the case of any State which continuously on and after the date of the enactment of this Act, does not collect telephone numbers for voters as part of voter registration in the State with respect to an election for Federal office.

"(b) EXCEPTION.—Subsection (a) shall not apply in any case in which the voter has voluntarily provided telephone information.".

(b) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1031(c), section 1044(b), section 1101(c), section 1102(c), section 1103(a), section 1104(c), section 1201(c), section 1301(a), section 1302(a), section 1303(b), section 1305(a), section 1606(a)(3), and section 1607(b), is amended—

(1) by redesignating the items relating to sections 317 and 318 as relating to sections 318 and 319, respectively; and

(2) by inserting after the item relating to section 316 the following new item:

"Sec. 317. Application of certain provisions to States which do not collect telephone information.".

Subtitle H—Democracy Restoration

SEC. 1701. SHORT TITLE.

This subtitle may be cited as the "Democracy Restoration Act of 2021".

SEC. 1702. FINDINGS.

Congress makes the following findings:

(1) The right to vote is the most basic constitutive act of citizenship. Regaining the right to vote

reintegrates individuals with criminal convictions into free society, helping to enhance public safety.

(2) Article I, section 4, of the Constitution grants Congress ultimate supervisory power over Federal elections, an authority which has repeatedly been upheld by the United States Supreme Court.

(3) Basic constitutional principles of fairness and equal protection require an equal opportunity for citizens of the United States to vote in Federal elections. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender, or previous condition of servitude. The 13th, 14th, 15th, 19th, 24th, and 26th Amendments to the Constitution empower Congress to enact measures to protect the right to vote in Federal elections. The 8th Amendment to the Constitution provides for no excessive bail to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(4) There are 3 areas in which discrepancies in State laws regarding criminal convictions lead to unfairness in Federal elections—

(A) the lack of a uniform standard for voting in Federal elections leads to an unfair dis-

parity and unequal participation in Federal elections based solely on where a person lives;

(B) laws governing the restoration of voting rights after a criminal conviction vary throughout the country and persons in some States can easily regain their voting rights while in other States persons effectively lose their right to vote permanently; and

(C) State disenfranchisement laws disproportionately impact racial and ethnic minorities.

(5) State disenfranchisement laws vary widely. Two States (Maine and Vermont) and the Commonwealth of Puerto Rico do not disenfranchise individuals with criminal convictions at all. In 2020, the District of Columbia re-enfranchised its citizens who are under the supervision of the Federal Bureau of Prisons. Twenty-eight states disenfranchise certain individuals on felony probation or parole. In 11 States, a conviction for certain offenses can result in lifetime disenfranchisement.

(6) Several States deny the right to vote to individuals convicted of certain misdemeanors.

(7) In 2020, an estimated 5,200,000 citizens of the United States, or about 1 in 44 adults in the

United States, could not vote as a result of a felony conviction. Of the 5,200,000 citizens barred from voting then, only 24 percent were in prison. By contrast, 75 percent of persons disenfranchised then resided in their communities while on probation or parole or after having completed their sentences. Approximately 2,200,000 citizens who had completed their sentences were disenfranchised due to restrictive State laws. As of November 2018, the lifetime ban for persons with certain felony convictions was eliminated through a Florida ballot initiative. As a result, as many as 1,400,000 people are now eligible to have their voting rights restored. In 4 States—Alabama, Florida, Mississippi, and Tennessee—more than 7 percent of the total population is disenfranchised.

(8) In those States that disenfranchise individuals post-sentence, the right to vote can be regained in theory, but in practice this possibility is often granted in a non-uniform and potentially discriminatory manner. Disenfranchised individuals sometimes must either obtain a pardon or an order from the Governor or an action by the parole or pardon board, depending on the offense and State. Individ-

uals convicted of a Federal offense often have additional barriers to regaining voting rights.

(9) Many felony disenfranchisement laws today derive directly from post-Civil War efforts to stifle the Fourteenth and Fifteenth Amendments. Between 1865 and 1880, at least 14 states—Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Mississippi, Missouri, Nebraska, New York, North Carolina, South Carolina, Tennessee, and Texas—enacted or expanded their felony disenfranchisement laws. One of the primary goals of these laws was to prevent African Americans from voting. Of the states that enacted or expanded their felony disenfranchisement laws during this post-Civil War period, at least 11 continue to preclude persons on felony probation or parole from voting.

(10) State disenfranchisement laws disproportionately impact racial and ethnic minorities. In recent years, African Americans have been imprisoned at over 5 times the rate of Whites. More than 6 percent of the voting-age African-American population, or 1,800,000 African Americans, are disenfranchised due to a felony conviction. In 9 States—Alabama (16 percent), Arizona (13 percent), Florida (15 percent), Kentucky (15 percent), Mississippi (16 per-

cent), South Dakota (14 percent), Tennessee (21 percent), Virginia (16 percent), and Wyoming (36 percent)—more than 1 in 8 African Americans are unable to vote because of a felony conviction, twice the national average for African Americans.

(11) Latino citizens are also disproportionately disenfranchised based upon their disproportionate representation in the criminal justice system. In recent years, Latinos have been imprisoned at 2.5 times the rate of Whites. More than 2 percent of the voting-age Latino population, or 560,000 Latinos, are disenfranchised due to a felony conviction. In 34 states Latinos are disenfranchised at a higher rate than the general population. In 11 states 4 percent or more of Latino adults are disenfranchised due to a felony conviction (Alabama, 4 percent; Arizona, 7 percent; Arkansas, 4 percent; Idaho, 4 percent; Iowa, 4 percent; Kentucky, 6 percent; Minnesota, 4 percent; Mississippi, 5 percent; Nebraska, 6 percent; Tennessee, 11 percent; Wyoming, 4 percent), twice the national average for Latinos.

(12) Disenfranchising citizens who have been convicted of a criminal offense and who are living and working in the community serves no compelling

State interest and hinders their rehabilitation and reintegration into society.

(13) State disenfranchisement laws can suppress electoral participation among eligible voters by discouraging voting among family and community members of disenfranchised persons. Future electoral participation by the children of disenfranchised parents may be impacted as well. Models of successful re-entry for persons convicted of a crime emphasize the importance of community ties, feeling vested and integrated, and prosocial attitudes. Individuals with criminal convictions who succeed in avoiding recidivism are typically more likely to see themselves as law-abiding members of the community. Restoration of voting rights builds those qualities and facilitates reintegration into the community. That is why allowing citizens with criminal convictions who are living in a community to vote is correlated with a lower likelihood of recidivism. Restoration of voting rights thus reduces violence and protects public safety.

(14) The United States is one of the only Western democracies that permits the permanent denial of voting rights for individuals with felony convictions.

(15) The Eighth Amendment's prohibition on cruel and unusual punishments "guarantees individuals the right not to be subjected to excessive sanctions." (*Roper* v. *Simmons*, 543 U.S. 551, 560 (2005)). That right stems from the basic precept of justice "that punishment for crime should be graduated and proportioned to [the] offense." Id. (quoting *Weems* v. *United States*, 217 U.S. 349, 367 (1910)). As the Supreme Court has long recognized, "[t]he concept of proportionality is central to the Eighth Amendment." (*Graham* v. *Florida*, 560 U.S. 48, 59 (2010)). Many State disenfranchisement laws are grossly disproportional to the offenses that lead to disenfranchisement and thus violate the bar on cruel and unusual punishments. For example, a number of states mandate lifetime disenfranchisement for a single felony conviction or just two felony convictions, even where the convictions were for nonviolent offenses. In numerous other States, disenfranchisement can last years or even decades while individuals remain on probation or parole, often only because a person cannot pay their legal financial obligations. These kinds of extreme voting bans run afoul of the Eighth Amendment.

(16) The Twenty-Fourth Amendment provides that the right to vote ''shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.''. Section 2 of the Twenty-Fourth Amendment gives Congress the power to enforce this article by appropriate legislation. Court fines and fees that individuals must pay to have their voting rights restored constitute an ''other tax'' for purposes of the Twenty-Fourth Amendment. At least five States explicitly require the payment of fines and fees before individuals with felony convictions can have their voting rights restored. More than 20 other states effectively tie the right to vote to the payment of fines and fees, by requiring that individuals complete their probation or parole before their rights are restored. In these States, the non-payment of fines and fees is a basis on which probation or parole can be extended. Moreover, these states sometimes do not record the basis on which an individual's probation or parole was extended, making it impossible to determine from the State's records whether non-payment of fines and fees is the reason that an individual remains on probation or parole. For these reasons, the only way to ensure that States do not

deny the right to vote based solely on non-payment of fines and fees is to prevent States from conditioning voting rights on the completion of probation or parole.

SEC. 1703. RIGHTS OF CITIZENS.

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

SEC. 1704. ENFORCEMENT.

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

(b) PRIVATE RIGHT OF ACTION.—

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

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

election for Federal office, the aggrieved person may, in a civil action, obtain declaratory or injunctive relief with respect to the violation.

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

SEC. 1705. NOTIFICATION OF RESTORATION OF VOTING RIGHTS.

(a) STATE NOTIFICATION.—

(1) NOTIFICATION.—On the date determined under paragraph (2), each State shall—

(A) notify in writing any individual who has been convicted of a criminal offense under the law of that State that such individual—

(i) has the right to vote in an election for Federal office pursuant to the Democracy Restoration Act of 2021; and

(ii) may register to vote in any such election; and

(B) provide such individual with any materials that are necessary to register to vote in any such election.

(2) DATE OF NOTIFICATION.—

(A) FELONY CONVICTION.—In the case of such an individual who has been convicted of a felony, the notification required under paragraph (1) shall be given on the date on which the individual—

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

(ii) is released from the custody of that State (other than to the custody of another State or the Federal Government to serve a term of imprisonment for a felony conviction).

(B) MISDEMEANOR CONVICTION.—In the case of such an individual who has been convicted of a misdemeanor, the notification required under paragraph (1) shall be given on the date on which such individual is sentenced by a State court.

(b) FEDERAL NOTIFICATION.—

(1) NOTIFICATION.—Any individual who has been convicted of a criminal offense under Federal law—

(A) shall be notified in accordance with paragraph (2) that such individual—

(i) has the right to vote in an election for Federal office pursuant to the Democracy Restoration Act of 2021; and

(ii) may register to vote in any such election; and

(B) shall be provided with any materials that are necessary to register to vote in any such election.

(2) DATE OF NOTIFICATION.—

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

(i) in the case of an individual who is sentenced to serve only a term of probation, by the Assistant Director for the Office of Probation and Pretrial Services of the Administrative Office of the United States Courts on the date on which the individual is sentenced; or

(ii) in the case of any individual committed to the custody of the Bureau of Prisons, by the Director of the Bureau of Prisons, during the period beginning on the date that is 6 months before such individual is released and ending on the date such individual is released from the custody of the Bureau of Prisons.

(B) MISDEMEANOR CONVICTION.—In the case of such an individual who has been convicted of a misdemeanor, the notification required under paragraph (1) shall be given on the date on which such individual is sentenced by a court established by an Act of Congress.

SEC. 1706. DEFINITIONS.

For purposes of this subtitle:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term ''correctional institution or facility'' means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

(2) ELECTION.—The term ''election'' means—

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

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

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) FEDERAL OFFICE.—The term ''Federal office'' means the office of President or Vice President of the United States, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

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

(A) the individual's freedom of movement;

(B) the payment of damages by the individual;

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

(D) supervision of the individual by an officer of the court.

SEC. 1707. RELATION TO OTHER LAWS.

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

(b) CERTAIN FEDERAL ACTS.—The rights and remedies established by this subtitle—

(1) are in addition to all other rights and remedies provided by law, and

(2) shall not supersede, restrict, or limit the application of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.) or the National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.).

SEC. 1708. FEDERAL PRISON FUNDS.

No State, unit of local government, or other person may receive or use, to construct or otherwise improve a prison, jail, or other place of incarceration, any Federal funds unless that person has in effect a program under which each individual incarcerated in that person's jurisdiction who is a citizen of the United States is notified, upon release from such incarceration, of that individual's rights under section 1703.

SEC. 1709. EFFECTIVE DATE.

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

Subtitle I—Voter Identification and Allowable Alternatives

SEC. 1801. REQUIREMENTS FOR VOTER IDENTIFICATION.

(a) REQUIREMENT TO PROVIDE IDENTIFICATION AS CONDITION OF RECEIVING BALLOT.—Section 303 of the Help America Vote Act of 2002 (52 U.S.C. 21083) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) VOTER IDENTIFICATION REQUIREMENTS.—

"(1) VOTER IDENTIFICATION REQUIREMENT DEFINED.—For purposes of this subsection:

"(A) IN GENERAL.—The term 'voter identification requirement' means any requirement that an individual desiring to vote in person in an election for Federal office present identification as a requirement to receive or cast a ballot in person in such election.

"(B) EXCEPTION.—Such term does not include any requirement described in subsection (b)(2)(A) as applied with respect to an individual described in subsection (b)(1).

1 "(2) IN GENERAL.—If a State or local jurisdic-
2 tion has a voter identification requirement, the State
3 or local jurisdiction—
4 "(A) shall treat any applicable identifying
5 document as meeting such voter identification
6 requirement;
7 "(B) notwithstanding the failure to present
8 an applicable identifying document, shall treat
9 an individual desiring to vote in person in an
10 election for Federal office as meeting such voter
11 identification requirement if—
12 "(i) the individual presents the appro-
13 priate State or local election official with a
14 sworn written statement, signed in the
15 presence of the official by an adult who
16 has known the individual for at least six
17 months under penalty of perjury, attesting
18 to the individual's identity;
19 "(ii) the official has known the indi-
20 vidual for at least six months; or
21 "(iii) in the case of a resident of a
22 State-licensed care facility, an employee of
23 the facility confirms the individual's iden-
24 tity; and

"(C) shall permit any individual desiring to vote in an election for Federal office who does not present an applicable identifying document required under subparagraph (A) or qualify for an exception under subparagraph (B) to cast a provisional ballot with respect to the election under section 302 in accordance with paragraph (3).

"(3) RULES FOR PROVISIONAL BALLOT.—

"(A) IN GENERAL.—An individual may cast a provisional ballot pursuant to paragraph (2)(C) so long as the individual presents the appropriate State or local election official with a sworn written statement, signed by the individual under penalty of perjury, attesting to the individual's identity.

"(B) PROHIBITION ON OTHER REQUIREMENTS.—Except as otherwise provided this paragraph, a State or local jurisdiction may not impose any other additional requirement or condition with respect to the casting of a provisional ballot by an individual described in paragraph (2)(C).

"(C) COUNTING OF PROVISIONAL BALLOT.—In the case of a provisional ballot cast

pursuant to paragraph (2)(C), the appropriate State or local election official shall not make a determination under section 302(a)(4) that the individual is eligible under State law to vote in the election unless—

"(i) the official determines that the signature on such statement matches the signature of such individual on the official list of registered voters in the State or other official record or document used by the State to verify the signatures of voters; or

"(ii) not later than 10 days after casting the provisional ballot, the individual presents an applicable identifying document, either in person or by electronic methods, to the official and the official confirms the individual is the person identified on the applicable identifying document.

"(D) NOTICE AND OPPORTUNITY TO CURE DISCREPANCY IN SIGNATURES OR OTHER DEFECTS ON PROVISIONAL BALLOTS.—

"(i) NOTICE AND OPPORTUNITY TO CURE DISCREPANCY IN SIGNATURES.—If

an individual casts a provisional ballot under this paragraph and the appropriate State or local election official determines that a discrepancy exists between the signature on such ballot and the signature of such individual on the official list of registered voters in the State or other official record or document used by the State to verify the signatures of voters, such election official, prior to making a final determination as to the validity of such ballot, shall—

"(I) as soon as practical, but no later than the next business day after such determination is made, make a good faith effort to notify the individual by mail, telephone, and (if available) text message and electronic mail that—

"(aa) a discrepancy exists between the signature on such ballot and the signature of the individual on the official list of registered voters in the State or other official record or document

used by the State to verify the signatures of voters; and

"(bb) if such discrepancy is not cured prior to the expiration of the third day following the State's deadline for receiving mail-in ballots or absentee ballots, such ballot will not be counted; and

"(II) cure such discrepancy and count the ballot if, prior to the expiration of the third day following the State's deadline for receiving mail-in ballots or absentee ballots, the individual provides the official with information to cure such discrepancy, either in person, by telephone, or by electronic methods.

"(ii) NOTICE AND OPPORTUNITY TO CURE OTHER DEFECTS.—If an individual casts a provisional ballot under this paragraph with a defect which, if left uncured, would cause the ballot to not be counted, the appropriate State or local election offi-

cial, prior to making a final determination as to the validity of the ballot, shall—

"(I) as soon as practical, but no later than the next business day after such determination is made, make a good faith effort to notify the individual by mail, telephone, and (if available) text message and electronic mail that—

"(aa) the ballot has some defect; and

"(bb) if the individual does not cure the other defect prior to the expiration of the third day following the State's deadline for receiving mail-in ballots or absentee ballots, such ballot will not be counted; and

"(II) count the ballot if, prior to the expiration of the third day following the State's deadline for receiving mail-in ballots or absentee ballots, the individual cures the defect.

"(E) NO EXEMPTION.—Notwithstanding section 302(a), States described in section 4(b)

of the National Voter Registration Act of 1993 shall be required to meet the requirements of paragraph (2)(C).

"(F) RULE OF CONSTRUCTION.—

"(i) IN GENERAL.—Nothing in paragraph (2)(C) or this paragraph shall be construed to prevent a State from permitting an individual who provides a sworn statement described in subparagraph (A) to cast a regular ballot in lieu of a provisional ballot.

"(ii) REGULAR BALLOT.—For purpose of this subparagraph, the term 'regular ballot' means a ballot which is cast and counted in same manner as ballots cast by individuals meeting the voter identification requirement (and all other applicable requirements with respect to voting in the election).

"(4) DEVELOPMENT AND USE OF PRE-PRINTED VERSION OF STATEMENT BY COMMISSION.—

"(A) IN GENERAL.—The Commission shall develop pre-printed versions of the statements described in paragraphs (2)(B)(i) and (3)(A)

which include appropriate blank spaces for the provision of names and signatures.

"(B) PROVIDING PRE-PRINTED COPY OF STATEMENT.—Each State and jurisdiction that has a voter identification requirement shall make copies of the pre-printed version of the statement developed under subparagraph (A) available at polling places for use by individuals voting in person.

"(5) REQUIRED PROVISION OF IDENTIFYING DOCUMENTS.—

"(A) IN GENERAL.—Each State and jurisdiction that has a voter identification requirement shall—

"(i) for each individual who, on or after the applicable date, is registered to vote in such State or jurisdiction in elections for Federal office, provide the individual with a government-issued identification that meets the requirements of this subsection without charge;

"(ii) for each individual who, before the applicable date, was registered to vote in such State or jurisdiction in elections for Federal office but does not otherwise

possess an identifying document, provide the individual with a government-issued identification that meets the requirements of this subsection without charge, so long as the State provides the individual with reasonable opportunities to obtain such identification prior to the date of the election; and

"(iii) for each individual who is provided with an identification under clause (i) or clause (ii), provide the individual with such assistance without charge upon request as may be necessary to enable the individual to obtain and process any documentation necessary to obtain the identification.

"(B) APPLICABLE DATE.—For purposes of this paragraph, the term 'applicable date' means the later of—

"(i) January 1, 2022, or

"(ii) the first date after the date of the enactment of this subsection for which the State or local jurisdiction has in effect a voter identification requirement.

"(6) APPLICABLE IDENTIFYING DOCUMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable identifying document' means, with respect to any individual, any document issued to such individual containing the individual's name.

"(B) INCLUDED DOCUMENTS.—The term 'applicable identifying document' shall include any of the following (so long as such document is not expired, as indicated by an expiration date included on the document):

"(i) A valid driver's license or an identification card issued by a State, the Federal Government, or a State or federally recognized Tribal government.

"(ii) A State-issued identification described in paragraph (4).

"(iii) A valid United States passport or passport card.

"(iv) A valid employee identification card issued by—

"(I) any branch, department, agency, or entity of the United States Government or of any State,

1 ''(II) any State or federally rec-
2 ognized Tribal government, or
3 ''(III) any county, municipality,
4 board, authority, or other political
5 subdivision of a State.
6 ''(v) A valid student identification
7 card issued by an institution of higher edu-
8 cation, or a valid high school identification
9 card issued by a State-accredited high
10 school.
11 ''(vi) A valid military identification
12 card issued by the United States.
13 ''(vii) A valid gun license or concealed
14 carry permit.
15 ''(viii) A valid Medicare card or Social
16 Security card.
17 ''(ix) A valid birth certificate.
18 ''(x) A valid voter registration card.
19 ''(xi) A valid hunting or fishing li-
20 cense issued by a State.
21 ''(xii) A valid identification card
22 issued to the individual by the Supple-
23 mental Nutrition Assistance (SNAP) pro-
24 gram.

1 ''(xiii) A valid identification card
2 issued to the individual by the Temporary
3 Assistance for Needy Families (TANF)
4 program.
5 ''(xiv) A valid identification card
6 issued to the individual by Medicaid.
7 ''(xv) A valid bank card or valid debit
8 card.
9 ''(xvi) A valid utility bill issued within
10 six months of the date of the election.
11 ''(xvii) A valid lease or mortgage doc-
12 ument issued within six months of the date
13 of the election.
14 ''(xviii) A valid bank statement issued
15 within six months of the date of the elec-
16 tion.
17 ''(xix) A valid health insurance card
18 issued to the voter.
19 ''(xx) Any other document containing
20 the individual's name issued by—
21 ''(I) any branch, department,
22 agency, or entity of the United States
23 Government or of any State;
24 ''(II) any State or federally rec-
25 ognized tribal government; or

"(III) any county, municipality, board, authority, or other political subdivision of a State.

"(C) COPIES AND ELECTRONIC DOCUMENTS ACCEPTED.—The term 'applicable identifying document' includes—

"(i) any copy of a document described in subparagraph (A) or (B); and

"(ii) any document described in subparagraph (A) or (B) which is presented in electronic format.".

(b) PAYMENTS TO STATES TO COVER COSTS OF REQUIRED IDENTIFICATION DOCUMENTS.—

(1) IN GENERAL.—The Election Assistance Commission shall make payments to States to cover the costs incurred in providing identifications under section 303(c)(5) of the Help America Vote Act of 2002, as amended by this section.

(2) AMOUNT OF PAYMENT.—The amount of the payment made to a State under this subsection for any year shall be equal to the amount of fees which would have been collected by the State during the year in providing the identifications required under section 303(c)(5) of such Act if the State had charged the usual and customary rates for such

identifications, as determined on the basis of information furnished to the Commission by the State at such time and in such form as the Commission may require.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for payments under this subsection an aggregate amount of $5,000,000 for fiscal year 2022 and each of the 4 succeeding fiscal years.

(c) CONFORMING AMENDMENTS.—Section 303(b)(2)(A) of the Help America Vote Act of 2002 (52 U.S.C. 21083(b)(2)(A)) is amended—

(1) in clause (i), by striking ''in person'' and all that follows and inserting ''in person, presents to the appropriate State or local election official an applicable identifying document (as defined in subsection (c)(6)); or''; and

(2) in clause (ii), by striking ''by mail'' and all that follows and inserting ''by mail, submits with the ballot an applicable identifying document (as so defined).''.

(d) DEFINITION.—For the purposes of this section, the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Is-

lands, and the Commonwealth of the Northern Mariana Islands.

(e) EFFECTIVE DATE.—Section 303(e) of such Act (52 U.S.C. 21083(d)(2)), as redesignated by subsection (a), is amended by adding at the end the following new paragraph:

"(3) VOTER IDENTIFICATION REQUIREMENTS.—Each State and jurisdiction shall be required to comply with the requirements of subsection (c) with respect to elections for Federal office held on or after January 1, 2022.".

Subtitle J—Voter List Maintenance Procedures

PART 1—VOTER CAGING PROHIBITED

SEC. 1901. VOTER CAGING PROHIBITED.

(a) DEFINITIONS.—In this section—

(1) the term "voter caging document" means—

(A) a non-forwardable document sent by any person other than a State or local election official that is returned to the sender or a third party as undelivered or undeliverable despite an attempt to deliver such document to the address of a registered voter or applicant; or

(B) any document sent by any person other than a State or local election official with

instructions to an addressee that the document be returned to the sender or a third party but is not so returned, despite an attempt to deliver such document to the address of a registered voter or applicant;

(2) the term ''voter caging list'' means a list of individuals compiled from voter caging documents; and

(3) the term ''unverified match list'' means any list produced by matching the information of registered voters or applicants for voter registration to a list of individuals who are ineligible to vote in the registrar's jurisdiction, by virtue of death, conviction, change of address, or otherwise, unless one of the pieces of information matched includes a signature, photograph, or unique identifying number ensuring that the information from each source refers to the same individual.

(b) PROHIBITION AGAINST VOTER CAGING.—No State or local election official shall prevent an individual from registering or voting in any election for Federal office, or permit in connection with any election for Federal office a formal challenge under State law to an individual's registration status or eligibility to vote, if the basis for such decision is evidence consisting of—

(1) a voter caging document or voter caging list;

(2) an unverified match list;

(3) an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material to an individual's eligibility to vote under section 2004(a)(2)(B) of the Revised Statutes (52 U.S.C. 10101(a)(2)(B)); or

(4) any other evidence so designated for purposes of this section by the Election Assistance Commission,

except that the election official may use such evidence if it is corroborated by independent evidence of the individual's ineligibility to register or vote.

(c) ENFORCEMENT.—

(1) CIVIL ENFORCEMENT.—

(A) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this section.

(B) PRIVATE RIGHT OF ACTION.—

(i) IN GENERAL.—A person who is aggrieved by a violation of this section may provide written notice of the violation to

the chief election official of the State involved.

(ii) RELIEF.—Except as provided in clause (iii), if the violation is not corrected within 90 days after receipt of a notice under clause (i), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may, in a civil action, obtain declaratory or injunctive relief with respect to the violation.

(iii) EXCEPTION.—If the violation occurred within 30 days before the date of an election for Federal office, on the date of the election, or after the date of the election but prior to the completion of the canvass, the aggrieved person need not provide notice under clause (i) before bringing a civil action to obtain declaratory or injunctive relief with respect to the violation.

(2) CRIMINAL PENALTY.—Whoever knowingly challenges the eligibility of one or more individuals to register or vote or knowingly causes the eligibility

of such individuals to be challenged in violation of this section with the intent that one or more eligible voters be disqualified, shall be fined under title 18, United States Code, or imprisoned not more than 1 year, or both, for each such violation. Each violation shall be a separate offense.

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

PART 2—SAVING ELIGIBLE VOTERS FROM VOTER PURGING

SEC. 1911. CONDITIONS FOR REMOVAL OF VOTERS FROM LIST OF REGISTERED VOTERS.

(a) CONDITIONS DESCRIBED.—The National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) is amended by inserting after section 8 the following new section:

"SEC. 8A. CONDITIONS FOR REMOVAL OF VOTERS FROM OFFICIAL LIST OF REGISTERED VOTERS.

"(a) VERIFICATION ON BASIS OF OBJECTIVE AND RELIABLE EVIDENCE OF INELIGIBILITY.—

"(1) REQUIRING VERIFICATION.—Notwithstanding any other provision of this Act, a State

may not remove the name of any registrant from the official list of voters eligible to vote in elections for Federal office in the State unless the State verifies, on the basis of objective and reliable evidence, that the registrant is ineligible to vote in such elections.

"(2) FACTORS NOT CONSIDERED AS OBJECTIVE AND RELIABLE EVIDENCE OF INELIGIBILITY.—For purposes of paragraph (1), except as permitted under section 8(d) after a notice described in paragraph (2) of such section has been sent, the following factors, or any combination thereof, shall not be treated as objective and reliable evidence of a registrant's ineligibility to vote:

"(A) The failure of the registrant to vote in any election.

"(B) The failure of the registrant to respond to any election mail, unless the election mail has been returned as undeliverable.

"(C) The failure of the registrant to take any other action with respect to voting in any election or with respect to the registrant's status as a registrant.

"(3) REMOVAL BASED ON OFFICIAL RECORDS.—

"(A) IN GENERAL.—Nothing in this section shall prohibit a State from removing a registrant from the official list of eligible voters in elections for Federal office if, on the basis of official records maintained by the State, a State or local election official knows, on the basis of objective and reliable evidence, that the registrant has—

"(i) died; or

"(ii) permanently moved out of the State and is no longer eligible to vote in the State.

"(B) OPPORTUNITY TO DEMONSTRATE ELIGIBILITY.—The State shall provide a voter removed from the official list of eligible voters in elections for Federal office under this paragraph an opportunity to demonstrate that the registrant is eligible to vote and be reinstated on the official list of eligible voters in elections for Federal office in the State.

"(b) NOTICE AFTER REMOVAL.—

"(1) NOTICE TO INDIVIDUAL REMOVED.—

"(A) IN GENERAL.—Not later than 48 hours after a State removes the name of a registrant from the official list of eligible voters,

the State shall send notice of the removal to the former registrant, and shall include in the notice the grounds for the removal and information on how the former registrant may contest the removal or be reinstated, including a telephone number for the appropriate election official.

"(B) EXCEPTIONS.—Subparagraph (A) does not apply in the case of a registrant—

"(i) who sends written confirmation to the State that the registrant is no longer eligible to vote in the registrar's jurisdiction in which the registrant was registered; or

"(ii) who is removed from the official list of eligible voters by reason of the death of the registrant.

"(2) PUBLIC NOTICE.—Not later than 48 hours after conducting any general program to remove the names of ineligible voters from the official list of eligible voters (as described in section 8(a)(4)), the State shall disseminate a public notice through such methods as may be reasonable to reach the general public (including by publishing the notice in a newspaper of wide circulation and posting the notice on

the websites of the appropriate election officials) that list maintenance is taking place and that registrants should check their registration status to ensure no errors or mistakes have been made. The State shall ensure that the public notice disseminated under this paragraph is in a format that is reasonably convenient and accessible to voters with disabilities, including voters who have low vision or are blind.''.

(b) CONDITIONS FOR TRANSMISSION OF NOTICES OF REMOVAL.—Section 8(d) of such Act (52 U.S.C. 20507(d)) is amended by adding at the end the following new paragraph:

''(4) A State may not transmit a notice to a registrant under this subsection unless the State obtains objective and reliable evidence (in accordance with the standards for such evidence which are described in section 8A(a)(2)) that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered.''.

(c) CONFORMING AMENDMENTS.—

(1) NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 8(a) of such Act (52 U.S.C. 20507(a)) is amended—

(A) in paragraph (3), by striking ''provide'' and inserting ''subject to section 8A, provide''; and

(B) in paragraph (4), by striking ''conduct'' and inserting ''subject to section 8A, conduct''.

(2) HELP AMERICA VOTE ACT OF 2002.—Section 303(a)(4)(A) of the Help America Vote Act of 2002 (52 U.S.C. 21083(a)(4)(A)) is amended by striking ''registrants'' the second place it appears and inserting ''and subject to section 8A of such Act, registrants''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle K—Severability

SEC. 1921. SEVERABILITY.

If any provision of this title or any amendment made by this title, or the application of any such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title, and the application of such provision or amendment to any other person or circumstance, shall not be affected by the holding.

DIVISION B—ELECTION INTEGRITY

TITLE II—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

SEC. 2001. PROHIBITING HINDERING, INTERFERING WITH, OR PREVENTING VOTER REGISTRATION.

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

"§ 612. Hindering, interfering with, or preventing registering to vote

''(a) PROHIBITION.—It shall be unlawful for any person, whether acting under color of law or otherwise, to corruptly hinder, interfere with, or prevent another person from registering to vote or to corruptly hinder, interfere with, or prevent another person from aiding another person in registering to vote.

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

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

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

"612. Hindering, interfering with, or preventing registering to vote.".

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

SEC. 2002. ESTABLISHMENT OF BEST PRACTICES.

(a) BEST PRACTICES.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall develop and publish recommendations for best practices for States to use to deter and prevent violations of section 612 of title 18, United States Code (as added by section 2001), and section 12 of the National Voter Registration Act of 1993 (52 U.S.C. 20511) (relating to the unlawful interference with registering to vote, or voting, or attempting to register to vote or vote), including practices to provide for the posting of relevant information at polling places and voter registration agencies under such Act, the training of poll workers and election officials, and relevant educational materials. For purposes of this subsection, the term "State" includes the District of

1 Columbia, the Commonwealth of Puerto Rico, Guam,
2 American Samoa, the United States Virgin Islands, and
3 the Commonwealth of the Northern Mariana Islands.

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

7 (1) by striking ''and'' at the end of subpara-
8 graph (E);

9 (2) by striking the period at the end of sub-
10 paragraph (F) and inserting ''; and''; and

11 (3) by adding at the end the following new sub-
12 paragraph:

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

TITLE III—PREVENTING ELECTION SUBVERSION

Subtitle A—Restrictions on Removal of Election Administrators

SEC. 3001. RESTRICTIONS ON REMOVAL OF LOCAL ELECTION ADMINISTRATORS IN ADMINISTRATION OF ELECTIONS FOR FEDERAL OFFICE.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress has explicit and broad authority to regulate the time, place, and manner of Federal elections under the Elections Clause under article I, section 4, clause 1 of the Constitution, including by establishing standards for the fair, impartial, and uniform administration of Federal elections by State and local officials.

(2) The Elections Clause was understood from the framing of the Constitution to contain ''words of great latitude,'' granting Congress broad power over Federal elections and a plenary right to preempt State regulation in this area. As made clear at the Constitutional Convention and the State ratification debates that followed, this grant of congressional authority was meant to ''insure free and fair elec-

tions,'' promote the uniform administration of Federal elections, and ''preserve and restore to the people their equal and sacred rights of election.''.

(3) In the founding debates on the Elections Clause, many delegates also argued that a broad grant of authority to Congress over Federal elections was necessary to check any ''abuses that might be made of the discretionary power'' to regulate the time, place, and manner of elections granted the States, including attempts at partisan entrenchment, malapportionment, and the exclusion of political minorities. As the Supreme Court has recognized, the Elections Clause empowers Congress to ''protect the elections on which its existence depends,'' *Ex parte Yarbrough*, 110 U.S. 651, 658 (1884), and ''protect the citizen in the exercise of rights conferred by the Constitution of the United States essential to the healthy organization of the government itself,'' *id*. at 666.

(4) The Elections Clause grants Congress ''plenary and paramount jurisdiction over the whole subject'' of Federal elections, *Ex parte Siebold*, 100 U.S. 371, 388 (1879), allowing Congress to implement ''a complete code for congressional elections.'' *Smiley v. Holm*, 285 U.S. 355, 366 (1932). The

Elections Clause, unlike, for example, the Commerce Clause, has been found to grant Congress the authority to compel States to alter their regulations as to Federal elections, id. at id. at 366–67, even if these alterations would impose additional costs on the States to execute or enforce. *Association of Community Organizations for Reform Now v. Miller*, 129 F.3d 833 (6th Cir. 1997).

(5) The phrase ''manner of holding elections'' in the Elections Clause has been interpreted by the Supreme Court to authorize Congress to regulate all aspects of the Federal election process, including ''notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and the making and publication of election returns.'' *Smiley v. Holm*, 285 U.S. 355, 366 (1932).

(6) The Supreme Court has recognized the broad ''substantive scope'' of the Elections Clause and upheld Federal laws promulgated thereunder regulating redistricting, voter registration, campaign finance, primary elections, recounts, party affiliation rules, and balloting.

(7) The authority of Congress under the Elections Clause also entails the power to ensure enforcement of its laws regulating Federal elections. ''[I]f Congress has the power to make regulations, it must have the power to enforce them.'' *Ex parte Siebold*, 100 U.S. 371, 387 (1879). The Supreme Court has noted that there can be no question that Congress may impose additional penalties for offenses committed by State officers in connection with Federal elections even if they differ from the penalties prescribed by State law for the same acts. *Id*. at 387–88.

(8) The fair and impartial administration of Federal elections by State and local officials is central to ''the successful working of this government,'' *Ex parte Yarbrough*, 110 U.S. 651, 666 (1884), and to ''protect the act of voting . . . and the election itself from corruption or fraud,'' *id*. at 661–62.

(9) The Elections Clause thus grants Congress the authority to ensure that the administration of Federal elections is free of political bias or discrimination and that election officials are insulated from political influence or other forms of coercion in discharging their duties in connection with Federal elections.

(10) In some States, oversight of local election administrators has been allocated to State Election Boards, or special commissions formed by those boards, that are appointed by the prevailing political party in a State, as opposed to nonpartisan or elected office holders.

(11) In certain newly enacted State policies, these appointed statewide election administrators have been granted wide latitude to suspend or remove local election administrators in cases where the statewide election administrators identify whatever the State deems to be a violation. There is no requirement that there be a finding of intent by the local election administrator to commit the violation.

(12) Local election administrators across the country can be suspended or removed according to different standards, potentially exposing them to different political pressures or biases that could result in uneven administration of Federal elections.

(13) The Elections Clause grants Congress the ultimate authority to ensure that oversight of State and local election administrators is fair and impartial in order to ensure equitable and uniform administration of Federal elections.

(b) RESTRICTION.—

(1) STANDARD FOR REMOVAL OF A LOCAL ELECTION ADMINISTRATOR.—A statewide election administrator may only suspend, remove, or relieve the duties of a local election administrator in the State with respect to the administration of an election for Federal office for inefficiency, neglect of duty, or malfeasance in office.

(2) PRIVATE RIGHT OF ACTION.—

(A) IN GENERAL.—Any local election administrator suspended, removed, or otherwise relieved of duties in violation of paragraph (1) with respect to the administration of an election for Federal office or against whom any proceeding for suspension, removal, or relief from duty in violation of paragraph (1) with respect to the administration of an election for Federal office may be pending, may bring an action in an appropriate district court of the United States for declaratory or injunctive relief with respect to the violation. Any such action shall name as the defendant the statewide election administrator responsible for the adverse action. The district court shall, to the extent practicable, expedite any such proceeding.

(B) STATUTE OF LIMITATIONS.—Any action brought under this subsection must be commenced not later than one year after the date of the suspension, removal, relief from duties, or commencement of the proceeding to remove, suspend, or relieve the duties of a local election administrator with respect to the administration of an election for Federal office.

(3) ATTORNEY'S FEES.—In any action or proceeding under this subsection, the court may allow a prevailing plaintiff, other than the United States, reasonable attorney's fees as part of the costs, and may include expert fees as part of the attorney's fee. The term ''prevailing plaintiff'' means a plaintiff that substantially prevails pursuant to a judicial or administrative judgment or order, or an enforceable written agreement.

(4) REMOVAL OF STATE PROCEEDINGS TO FEDERAL COURT.—A local election administrator who is subject to an administrative or judicial proceeding for suspension, removal, or relief from duty by a statewide election administrator with respect to the administration of an election for Federal office may remove the proceeding to an appropriate district court of the United States. Any order remanding a

case to the State court or agency from which it was removed under this subsection shall be reviewable by appeal or otherwise.

(5) RIGHT OF UNITED STATES TO INTERVENE.—

(A) NOTICE TO ATTORNEY GENERAL.—Whenever any administrative or judicial proceeding is brought to suspend, remove, or relieve the duties of any local election administrator by a statewide election administrator with respect to the administration of an election for Federal office, the statewide election administrator who initiated such proceeding shall deliver a copy of the pleadings instituting the proceeding to the Assistant Attorney General for the Civil Rights Division of the Department of Justice. The local election administrator against whom such proceeding is brought may also deliver such pleadings to the Assistant Attorney General.

(B) RIGHT TO INTERVENE.—The United States may intervene in any administrative or judicial proceeding brought to suspend, remove, or relieve the duties of any local election administrator by a statewide election administrator

with respect to the administration of an election for Federal office and in any action initiated pursuant to paragraph (2) or in any removal pursuant to paragraph (4).

(6) REVIEW.—In reviewing any action brought under this section, a court of the United States shall not afford any deference to any State official, administrator, or tribunal that initiated, approved, adjudicated, or reviewed any administrative or judicial proceeding to suspend, remove, or otherwise relieve the duties of a local election administrator.

(c) REPORTS TO DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—Not later than 30 days after the suspension, removal, or relief of the duties of a local election administrator by a statewide election administrator, the Statewide election administrator shall submit to the Assistant Attorney General for the Civil Rights Divisions of the Department of Justice a report that includes the following information:

(A) A statement that a local election administrator was suspended, removed, or relieved of their duties.

(B) Information on whether the local election administrator was determined to have en-

gaged in gross negligence, neglect of duty, or malfeasance in office.

(C) A description of the effect that the suspension, removal, or relief of the duties of the local election administrator will have on—

(i) the administration of elections and voters in the election jurisdictions for which the local election official provided such duties; and

(ii) the administration of elections and voters in the State at large.

(D) Demographic information about the local election official suspended, removed, or relieved and the jurisdictions for which such election official was providing the duties suspended, removed, or relieved.

(E) Such other information as requested by the Assistant Attorney General for the purposes of determining—

(i) whether such suspension, removal, or relief of duties was based on unlawful discrimination; and

(ii) (whether such suspension, removal, or relief of duties was due to gross

negligence, neglect of duty, or malfeasance in office.

(2) EXPEDITED REPORTING FOR ACTIONS WITHIN 30 DAYS OF AN ELECTION.—

(A) IN GENERAL.—If a suspension, removal, or relief of duties of a local administrator described in paragraph (1) occurs during the period described in subparagraph (B), the report required under paragraph (1) shall be submitted not later than 48 hours after such suspension, removal, or relief of duties.

(B) PERIOD DESCRIBED.—The period described in this subparagraph is any period which begins 60 days before the date of an election for Federal office and which ends 60 days after such election.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) ELECTION.—The term ''election'' has the meaning given the term in section 301(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(1)).

(2) FEDERAL OFFICE.—The term ''Federal office'' has the meaning given the term in section

301(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(3)).

(3) LOCAL ELECTION ADMINISTRATOR.—The term ''local election administrator'' means, with respect to a local jurisdiction in a State, the individual or entity responsible for the administration of elections for Federal office in the local jurisdiction.

(4) STATEWIDE ELECTION ADMINISTRATOR.—The term ''Statewide election administrator'' means, with respect to a State—

(A) the individual or entity, including a State elections board, responsible for the administration of elections for Federal office in the State on a statewide basis; or

(B) a statewide legislative or executive entity with the authority to suspend, remove, or relieve a local election administrator.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to grant any additional authority to remove a local elections administrator beyond any authority provided under the law of the State.

Subtitle B—Increased Protections for Election Workers

SEC. 3101. HARASSMENT OF ELECTION WORKERS PROHIBITED.

(a) IN GENERAL.—Chapter 29 of title 18, United States Code, as amended by section 2001(a), is amended by adding at the end the following new section:

"SEC. 613. HARASSMENT OF ELECTION RELATED OFFICIALS.

"(a) HARASSMENT OF ELECTION WORKERS.—It shall be unlawful for any person, whether acting under color of law or otherwise, to intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce an election worker described in subsection (b) with intent to impede, intimidate, or interfere with such official while engaged in the performance of official duties, or with intent to retaliate against such official on account of the performance of official duties.

"(b) ELECTION WORKER DESCRIBED.—An election worker as described in this section is any individual who is an election official, poll worker, or an election volunteer in connection with an election for a Federal office.

"(c) PENALTY.—Any person who violates subsection (a) shall be fined not more than $100,000, imprisoned for not more than 5 years, or both.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, as amended by section 2001(b), is amended by adding at the end the following new item:

"613. Harassment of election related officials.".

SEC. 3102. PROTECTION OF ELECTION WORKERS.

Paragraph (2) of section 119(b) of title 18, United States Code, is amended by striking "or" at the end of subparagraph (C), by inserting "or" at the end of subparagraph (D), and by adding at the end the following new subparagraph:

"(E) any individual who is an election official, a poll worker, or an election volunteer in connection with an election for a Federal office;".

Subtitle C—Prohibiting Deceptive Practices and Preventing Voter Intimidation

SEC. 3201. SHORT TITLE.

This subtitle may be cited as the "Deceptive Practices and Voter Intimidation Prevention Act of 2021".

SEC. 3202. PROHIBITION ON DECEPTIVE PRACTICES IN FEDERAL ELECTIONS.

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

(1) by striking ''No person'' and inserting the following:

''(1) IN GENERAL.—No person''; and

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

''(2) FALSE STATEMENTS REGARDING FEDERAL ELECTIONS.—

''(A) PROHIBITION.—No person, whether acting under color of law or otherwise, shall, within 60 days before an election described in paragraph (5), by any means, including by means of written, electronic, or telephonic communications, communicate or cause to be communicated information described in subparagraph (B), or produce information described in subparagraph (B) with the intent that such information be communicated, if such person—

''(i) knows such information to be materially false; and

''(ii) has the intent to impede or prevent another person from exercising the right to vote in an election described in paragraph (5).

1 "(B) INFORMATION DESCRIBED.—Infor-
2 mation is described in this subparagraph if such
3 information is regarding—
4 "(i) the time, place, or manner of
5 holding any election described in para-
6 graph (5); or
7 "(ii) the qualifications for or restric-
8 tions on voter eligibility for any such elec-
9 tion, including—
10 "(I) any criminal, civil, or other
11 legal penalties associated with voting
12 in any such election; or
13 "(II) information regarding a
14 voter's registration status or eligi-
15 bility.
16 "(3) FALSE STATEMENTS REGARDING PUBLIC
17 ENDORSEMENTS.—
18 "(A) PROHIBITION.—No person, whether
19 acting under color of law or otherwise, shall,
20 within 60 days before an election described in
21 paragraph (5), by any means, including by
22 means of written, electronic, or telephonic com-
23 munications, communicate, or cause to be com-
24 municated, a materially false statement about
25 an endorsement, if such person—

"(i) knows such statement to be false; and

"(ii) has the intent to impede or prevent another person from exercising the right to vote in an election described in paragraph (5).

"(B) DEFINITION OF 'MATERIALLY FALSE'.—For purposes of subparagraph (A), a statement about an endorsement is 'materially false' if, with respect to an upcoming election described in paragraph (5)—

"(i) the statement states that a specifically named person, political party, or organization has endorsed the election of a specific candidate for a Federal office described in such paragraph; and

"(ii) such person, political party, or organization has not endorsed the election of such candidate.

"(4) HINDERING, INTERFERING WITH, OR PREVENTING VOTING OR REGISTERING TO VOTE.—No person, whether acting under color of law or otherwise, shall intentionally hinder, interfere with, or prevent another person from voting, registering to vote, or aiding another person to vote or register to

vote in an election described in paragraph (5), including by operating a polling place or ballot box that falsely purports to be an official location established for such an election by a unit of government.

''(5) ELECTION DESCRIBED.—An election described in this paragraph is any general, primary, runoff, or special election held solely or in part for the purpose of nominating or electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a Territory or possession.''.

(b) PRIVATE RIGHT OF ACTION.—

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

(A) by striking ''Whenever any person'' and inserting the following:

''(1) IN GENERAL.—Whenever any person''; and

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

''(2) CIVIL ACTION.—Any person aggrieved by a violation of this section may institute a civil action for preventive relief, including an application in a United States district court for a permanent or tem-

porary injunction, restraining order, or other order. In any such action, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.''.

(2) CONFORMING AMENDMENTS.—Section 2004 of the Revised Statutes (52 U.S.C. 10101) is amended—

(A) in subsection (e), by striking ''subsection (c)'' and inserting ''subsection (c)(1)''; and

(B) in subsection (g), by striking ''subsection (c)'' and inserting ''subsection (c)(1)''.

(c) CRIMINAL PENALTIES.—

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

(A) by striking ''Whoever'' and inserting the following:

''(a) INTIMIDATION.—Whoever'';

(B) in subsection (a), as inserted by subparagraph (A), by striking ''at any election'' and inserting ''at any general, primary, runoff, or special election''; and

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

''(b) DECEPTIVE ACTS.—

1 "(1) FALSE STATEMENTS REGARDING FEDERAL
2 ELECTIONS.—
3 "(A) PROHIBITION.—It shall be unlawful
4 for any person, whether acting under color of
5 law or otherwise, within 60 days before an elec-
6 tion described in subsection (e), by any means,
7 including by means of written, electronic, or tel-
8 ephonic communications, to communicate or
9 cause to be communicated information de-
10 scribed in subparagraph (B), or produce infor-
11 mation described in subparagraph (B) with the
12 intent that such information be communicated,
13 if such person—
14 "(i) knows such information to be ma-
15 terially false; and
16 "(ii) has the intent to impede or pre-
17 vent another person from exercising the
18 right to vote in an election described in
19 subsection (e).
20 "(B) INFORMATION DESCRIBED.—Infor-
21 mation is described in this subparagraph if such
22 information is regarding—
23 "(i) the time or place of holding any
24 election described in subsection (e); or

"(ii) the qualifications for or restrictions on voter eligibility for any such election, including—

"(I) any criminal, civil, or other legal penalties associated with voting in any such election; or

"(II) information regarding a voter's registration status or eligibility.

"(2) PENALTY.—Any person who violates paragraph (1) shall be fined not more than $100,000, imprisoned for not more than 5 years, or both.

"(c) HINDERING, INTERFERING WITH, OR PREVENTING VOTING OR REGISTERING TO VOTE.—

"(1) PROHIBITION.—It shall be unlawful for any person, whether acting under color of law or otherwise, to corruptly hinder, interfere with, or prevent another person from voting, registering to vote, or aiding another person to vote or register to vote in an election described in subsection (e).

"(2) PENALTY.—Any person who violates paragraph (1) shall be fined not more than $100,000, imprisoned for not more than 5 years, or both.

"(d) ATTEMPT.—Any person who attempts to commit any offense described in subsection (a), (b)(1), or (c)(1)

shall be subject to the same penalties as those prescribed for the offense that the person attempted to commit.

''(e) ELECTION DESCRIBED.—An election described in this subsection is any general, primary, runoff, or special election held solely or in part for the purpose of nominating or electing a candidate for the office of President, Vice President, Presidential elector, Senator, Member of the House of Representatives, or Delegate or Resident Commissioner to the Congress.''.

(2) MODIFICATION OF PENALTY FOR VOTER INTIMIDATION.—Section 594(a) of title 18, United States Code, as amended by paragraph (1), is amended by striking ''fined under this title or imprisoned not more than one year'' and inserting ''fined not more than $100,000, imprisoned for not more than 5 years''.

(3) SENTENCING GUIDELINES.—

(A) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to

persons convicted of any offense under section 594 of title 18, United States Code, as amended by this section.

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

(4) PAYMENTS FOR REFRAINING FROM VOTING.—Subsection (c) of section 11 of the Voting Rights Act of 1965 (52 U.S.C. 10307) is amended by striking ''either for registration to vote or for voting'' and inserting ''for registration to vote, for voting, or for not voting''.

SEC. 3203. CORRECTIVE ACTION.

(a) CORRECTIVE ACTION.—

(1) IN GENERAL.—If the Attorney General receives a credible report that materially false information has been or is being communicated in violation of paragraphs (2) and (3) of section 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as added by section 3202(a), and if the Attorney General determines that State and local election officials have not

taken adequate steps to promptly communicate accurate information to correct the materially false information, the Attorney General shall, pursuant to the written procedures and standards under subsection (b), communicate to the public, by any means, including by means of written, electronic, or telephonic communications, accurate information designed to correct the materially false information.

(2) COMMUNICATION OF CORRECTIVE INFORMATION.—Any information communicated by the Attorney General under paragraph (1)—

(A) shall—

(i) be accurate and objective;

(ii) consist of only the information necessary to correct the materially false information that has been or is being communicated; and

(iii) to the extent practicable, be by a means that the Attorney General determines will reach the persons to whom the materially false information has been or is being communicated; and

(B) shall not be designed to favor or disfavor any particular candidate, organization, or political party.

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

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

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

(3) CONSULTATION.—In developing the procedures and standards under paragraph (1), the Attorney General shall consult with the Election Assistance Commission, State and local election officials, civil rights organizations, voting rights groups, voter protection groups, and other interested community organizations.

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

SEC. 3204. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 180 days after each general election for Federal office, the Attorney Gen-

eral shall submit to Congress a report compiling all allegations received by the Attorney General of deceptive practices described in paragraphs (2), (3), and (4) of section 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as added by section 3202(a), relating to the general election for Federal office and any primary, runoff, or a special election for Federal office held in the 2 years preceding the general election.

(b) CONTENTS.—

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

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

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

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

(D) a description of each referral of an allegation described in subparagraph (A) to other Federal, State, or local agencies;

(E) to the extent information is available, a description of any civil action instituted under section 2004(c)(2) of the Revised Statutes (52 U.S.C. 10101(c)(2)), as added by section 3202(b), in connection with an allegation described in subparagraph (A); and

(F) a description of any criminal prosecution instituted under section 594 of title 18, United States Code, as amended by section 3202(c), in connection with the receipt of an allegation described in subparagraph (A) by the Attorney General.

(2) EXCLUSION OF CERTAIN INFORMATION.—

(A) IN GENERAL.—The Attorney General shall not include in a report submitted under subsection (a) any information protected from disclosure by rule 6(e) of the Federal Rules of Criminal Procedure or any Federal criminal statute.

(B) EXCLUSION OF CERTAIN OTHER INFORMATION.—The Attorney General may determine that the following information shall not be

included in a report submitted under subsection (a):

(i) Any information that is privileged.

(ii) Any information concerning an ongoing investigation.

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

(iv) Any other nonpublic information that the Attorney General determines the disclosure of which could reasonably be expected to infringe on the rights of any individual or adversely affect the integrity of a pending or future criminal investigation.

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

SEC. 3205. PRIVATE RIGHTS OF ACTION BY ELECTION OFFICIALS.

Subsection (c)(2) of section 2004 of the Revised Statutes (52 U.S.C. 10101(b)), as added by section 3202(b), is amended—

(1) by striking ''Any person'' and inserting the following:

''(A) IN GENERAL.—Any person''; and

(2) by adding at the end the following new subparagraph:

''(B) INTIMIDATION, ETC.—

''(i) IN GENERAL.—A person aggrieved by a violation of subsection (b)(1) shall include, without limitation, an officer responsible for maintaining order and preventing intimidation, threats, or coercion in or around a location at which voters may cast their votes. .

''(ii) CORRECTIVE ACTION.—If the Attorney General receives a credible report that conduct that violates or would be reasonably likely to violate subsection (b)(1) has occurred or is likely to occur, and if the Attorney General determines that State and local officials have not taken adequate steps to promptly communicate that such conduct would violate subsection (b)(1) or applicable State or local laws, Attorney General shall communicate to the public, by any means, including by means

of written, electronic, or telephonic communications, accurate information designed to convey the unlawfulness of proscribed conduct under subsection (b)(1) and the responsibilities of and resources available to State and local officials to prevent or correct such violations.''.

SEC. 3206. MAKING INTIMIDATION OF TABULATION, CANVASS, AND CERTIFICATION EFFORTS A CRIME.

Section 12(1) of the National Voter Registration Act (52 U.S.C. 20511) is amended—

(1) in subparagraph (B), by striking ''or'' at the end; and

(2) by adding at the end the following new subparagraph:

''(D) processing or scanning ballots, or tabulating, canvassing, or certifying voting results; or''.

Subtitle D—Protection of Election Records & Election Infrastructure

SEC. 3301. STRENGTHEN PROTECTIONS FOR FEDERAL ELECTION RECORDS.

(a) FINDING OF CONSTITUTIONAL AUTHORITY.—Congress finds as follows:

(1) Congress has explicit and broad authority to regulate the time, place, and manner of Federal elections under the Elections Clause under article I, section 4, clause 1 of the Constitution, including by establishing standards for the fair, impartial, and uniform administration of Federal elections by State and local officials.

(2) The Elections Clause grants Congress ''plenary and paramount jurisdiction over the whole subject'' of Federal elections, *Ex parte Siebold*, 100 U.S. 371, 388 (1879), allowing Congress to implement ''a complete code for congressional elections.'' *Smiley v. Holm*, 285 U.S. 355, 366 (1932).

(3) The fair and impartial administration of Federal elections by State and local officials is central to ''the successful working of this government'', *Ex parte Yarbrough*, 110 U.S. 651, 666 (1884), and to ''protect the act of voting . . . and the election itself from corruption or fraud'', *id.* at 661–62.

(4) The Elections Clause thus grants Congress the authority to strengthen the protections for Federal election records.

(5) Congress has intervened in the electoral process to protect the health and legitimacy of federal elections, including for example, Congress' en-

actment of the Help America Vote Act of 2002 as a response to several issues that occurred during the 2000 Presidential election. *See* ''The Elections Clause: Constitutional Interpretation and Congressional Exercise'', Hearing Before Comm. on House Administration, 117th Cong. (2021), written testimony of Vice Dean Franita Tolson at 3.

(b) STRENGTHENING OF PROTECTIONS.—Section 301 of the Civil Rights Act of 1960 (52 U.S.C. 20701) is amended—

(1) by striking ''Every officer'' and inserting the following:

''(a) IN GENERAL.—Every officer'';

(2) by striking ''records and papers'' and inserting ''records (including electronic records), papers, and election equipment'' each place the term appears;

(3) by striking ''record or paper'' and inserting ''record (including electronic record), paper, or election equipment'';

(4) by inserting ''(but only under the direct administrative supervision of an election officer). Notwithstanding any other provision of this section, the paper record of a voter's cast ballot shall remain the

official record of the cast ballot for purposes of this title'' after ''upon such custodian'';

(5) by inserting '', or acts in reckless disregard of,'' after ''fails to comply with''; and

(6) by inserting after subsection (a) the following:

''(b) ELECTION EQUIPMENT.—The requirement in subsection (a) to preserve election equipment shall not be construed to prevent the reuse of such equipment in any election that takes place within twenty-two months of a Federal election described in subsection (a), provided that all electronic records, files, and data from such equipment related to such Federal election are retained and preserved.

''(c) GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, in consultation with the Election Assistance Commission and the Attorney General, shall issue guidance regarding compliance with subsections (a) and (b), including minimum standards and best practices for retaining and preserving records and papers in compliance with subsection (a). Such guidance shall also include protocols for enabling the observation of the preservation, security, and transfer of records and

1 papers described in subsection (a) by the Attorney General
2 and by a representative of each party, as defined by the
3 Attorney General.''.

4 (c) PROTECTING THE INTEGRITY OF PAPER BAL-
5 LOTS IN FEDERAL ELECTIONS.—

6 (1) PROTOCOLS AND CONDITIONS FOR INSPEC-
7 TION OF BALLOTS.—Not later than 60 days after
8 the date of the enactment of this Act, the Attorney
9 General, in consultation with the Director of the Cy-
10 bersecurity and Infrastructure Security Agency of
11 the Department of Homeland Security and the Elec-
12 tion Assistance Commission, shall promulgate regu-
13 lations establishing the election security protocols
14 and conditions, including appropriate chain of cus-
15 tody and proper preservation practices, which will
16 apply to the inspection of the paper ballots which
17 are required to be retained and preserved under sec-
18 tion 301 of the Civil Rights Act of 1960 (52 U.S.C.
19 20701).

20 (2) CAUSE OF ACTION FOR INJUNCTIVE AND
21 DECLARATORY RELIEF.—The Attorney General may
22 bring an action in an appropriate district court of
23 the United States for such declaratory or injunctive
24 relief as may be necessary to ensure compliance with
25 the regulations promulgated under subsection (a).

SEC. 3302. PENALTIES; INSPECTION; NONDISCLOSURE; JURISDICTION.

(a) EXPANSION OF SCOPE OF PENALTIES FOR INTERFERENCE.—Section 302 of the Civil Rights Act of 1960 (52 U.S.C. 20702) is amended—

(1) by inserting ", or whose reckless disregard of section 301 results in the theft, destruction, concealment, mutilation, or alteration of," after "or alters"; and

(2) by striking "record or paper" and inserting "record (including electronic record), paper, or election equipment".

(b) INSPECTION, REPRODUCTION, AND COPYING.—Section 303 of such Act (52 U.S.C. 20703) is amended by striking "record or paper" each place it appears and inserting "record (including electronic record), paper, or election equipment".

(c) NONDISCLOSURE.—Section 304 of such Act (52 U.S.C. 20704) is amended by striking "record or paper" and inserting "record (including electronic record), paper, or election equipment".

(d) JURISDICTION TO COMPEL PRODUCTION.—Section 305 of such Act (52 U.S.C. 20705) is amended by striking "record or paper" each place it appears and inserting "record (including electronic record), paper, or election equipment".

SEC. 3303. JUDICIAL REVIEW TO ENSURE COMPLIANCE.

Title III of the Civil Rights Act of 1960 (52 U.S.C. 20701 et seq.) is amended by adding at the end the following:

"SEC. 307. JUDICIAL REVIEW TO ENSURE COMPLIANCE.

"(a) CAUSE OF ACTION.—The Attorney General, a representative of the Attorney General, or a candidate in a Federal election described in section 301 may bring an action in the district court of the United States for the judicial district in which a record or paper is located, or in the United States District Court for the District of Columbia, to compel compliance with the requirements of section 301.

"(b) DUTY TO EXPEDITE.—It shall be the duty of the court to advance on the docket, and to expedite to the greatest possible extent the disposition of, the action and any appeal under this section.".

Subtitle E—Judicial Protection of the Right to Vote and Non-partisan Vote Tabulation

PART 1—RIGHT TO VOTE ACT

SEC. 3401. SHORT TITLE.

This part may be cited as the "Right to Vote Act".

SEC. 3402. UNDUE BURDENS ON THE ABILITY TO VOTE IN ELECTIONS FOR FEDERAL OFFICE PROHIBITED.

(a) IN GENERAL.—Every citizen of legal voting age shall have the right to vote and have one's vote counted in elections for Federal office free from any burden on the time, place, or manner of voting, as set forth in subsections (b) and (c).

(b) RETROGRESSION.—A government may not diminish the ability to vote or to have one's vote counted in an election for Federal office unless the law, rule, standard, practice, procedure, or other governmental action causing the diminishment is the least restrictive means of significantly furthering an important, particularized government interest.

(c) SUBSTANTIAL IMPAIRMENT.—

(1) IN GENERAL.—A government may not substantially impair the ability of an individual to vote or to have one's vote counted in an election for Federal office unless the law, rule, standard, practice, procedure, or other governmental action causing the impairment significantly furthers an important, particularized governmental interest.

(2) SUBSTANTIAL IMPAIRMENT.—For purposes of this section, a substantial impairment is a nontrivial impairment that makes it more difficult to

vote or to have one's vote counted than if the law, rule, standard, practice, procedure, or other governmental action had not been adopted or implemented. An impairment may be substantial even if the voter or other similarly situated voters are able to vote or to have one's vote counted notwithstanding the impairment.

SEC. 3403. JUDICIAL REVIEW.

(a) CIVIL ACTION.—An action challenging a violation of this part may be brought by any aggrieved person or the Attorney General in the district court for the District of Columbia, or the district court for the district in which the violation took place or where any defendant resides or does business, at the selection of the plaintiff, to obtain all appropriate relief, whether declaratory or injunctive, or facial or as-applied. Process may be served in any district where a defendant resides, does business, or may be found.

(b) STANDARDS TO BE APPLIED.—A courts adjudicating an action brought under this part shall apply the following standards:

(1) RETROGRESSION.—

(A) A plaintiff establishes a prima facie case of retrogression by demonstrating by a preponderance of the evidence that a rule, standard, practice, procedure, or other govern-

mental action diminishes the ability, or otherwise makes it more difficult, to vote, or have one's vote counted.

(B) If a plaintiff establishes a prima facie case as described in subparagraph (A), the government shall be provided an opportunity to demonstrate by clear and convincing evidence that the diminishment is necessary to significantly further an important, particularized governmental interest.

(C) If the government meets its burden under subparagraph (B), the challenged rule, standard, practice, procedure, or other governmental action shall nonetheless be deemed invalid if the plaintiff demonstrates by a preponderance of the evidence that the government could adopt or implement a less-restrictive means of furthering the particularized important governmental interest.

(2) SUBSTANTIAL IMPAIRMENT.—

(A) A plaintiff establishes a prima facie case of substantial impairment by demonstrating by a preponderance of the evidence that a rule, standard, practice, procedure, or other governmental action is a non-trivial im-

pairment of the ability to vote or to have one's vote counted.

(B) If a plaintiff establishes a prima facie case as described in subparagraph (A), the government shall be provided an opportunity to demonstrate by clear and convincing evidence that the impairment significantly furthers an important, particularized governmental interest.

(c) DUTY TO EXPEDITE.—It shall be the duty of the court to advance on the docket and to expedite to the greatest reasonable extent the disposition of the action and appeal under this section.

(d) ATTORNEY'S FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended—

(1) by striking ''or section 40302'' and inserting ''section 40302''; and

(2) by striking '', the court'' and inserting '', or section 3402(a) of the Freedom to Vote Act, the court''.

SEC. 3404. DEFINITIONS.

In this part—

(1) the term ''covered entity'' means the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States

Virgin Islands, and the Commonwealth of the Northern Mariana Islands;

(2) the terms ''election'' and ''Federal office'' have the meanings given such terms in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101);

(3) the term ''have one's vote counted'' means all actions necessary to have a vote included in the appropriate totals of votes cast with respect to candidates for public office for which votes are received in an election and reflected in the certified vote totals by any government responsible for tallying or certifying the results of elections for Federal office;

(4) the term ''government'' includes a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States, of any State, of any covered entity, or of any political subdivision of any State or covered entity; and

(5) the term ''vote'' means all actions necessary to make a vote effective, including registration or other action required by law as a prerequisite to voting, casting a ballot.

SEC. 3405. RULES OF CONSTRUCTION.

(a) BURDENS NOT AUTHORIZED.—Nothing in this part may be construed to authorize a government to burden the right to vote in elections for Federal office.

(b) OTHER RIGHTS AND REMEDIES.—Nothing in this part shall be construed to alter any rights existing under a State constitution or the Constitution of the United States, or to limit any remedies for any other violations of Federal, State, or local law.

(c) OTHER PROVISIONS OF THIS ACT.—Nothing in this subtitle shall be construed as affecting section 1703 of this Act (relating to rights of citizens).

(d) OTHER DEFINITIONS.—The definitions set forth in section 3404 shall apply only to this part and shall not be construed to amend or interpret any other provision of law.

SEC. 3406. SEVERABILITY.

If any provision of this part or the application of such provision to any citizen or circumstance is held to be unconstitutional, the remainder of this part and the application of the provisions of such to any citizen or circumstance shall not be affected thereby.

SEC. 3407. EFFECTIVE DATE.

(a) ACTIONS BROUGHT FOR RETROGRESSION.—Subsection (b) of section 3402 shall apply to any law, rule, standard, practice, procedure, or other governmental ac-

tion that was not in effect during the November 2020 general election for Federal office but that will be in effect with respect to elections for Federal office occurring on or after January 1, 2022, even if such law, rule, standard, practice, procedure, or other governmental action is already in effect as of the date of the enactment of this Act.

(b) ACTIONS BROUGHT FOR SUBSTANTIAL IMPAIRMENT.—Subsection (c) of section 3402 shall apply to any law, rule, standard, practice, procedure, or other governmental action in effect with respect to elections for Federal office occurring on or after January 1, 2022.

PART 2—CLARIFYING JURISDICTION OVER ELECTION DISPUTES

SEC. 3411. FINDINGS.

In addition to providing for the statutory rights described in sections part 1, including judicial review under section 3403, Congress makes the following findings regarding enforcement of constitutional provisions protecting the right to vote:

(1) It is a priority of Congress to ensure that pending and future disputes arising under the Fifteenth Amendment or any other constitutional provisions protecting the right to vote may be heard in federal court.

(2) The Fifth Circuit has misconstrued section 1344 of title 28, United States Code, to deprive Federal courts of subject matter jurisdiction in certain classes of cases that implicate voters' constitutional rights, *see, e.g., Keyes v. Gunn*, 890 F.3d 232 (5th Cir. 2018), cert. denied, 139 S. Ct. 434 (2018); *Johnson v. Stevenson*, 170 F.2d 108 (5th Cir. 1948).

(3) Section 1344 of such title is also superfluous in light of other broad grants of Federal jurisdiction. *See, e.g.,* section 1331, section 1343(a)(3), and section 1343(a)(4) of title 28, United States Code.

(4) Congress therefore finds that a repeal of section 1344 is appropriate and that such repeal will ensure that Federal courts nationwide are empowered to enforce voters' constitutional rights in federal elections and state legislative elections.

SEC. 3412. CLARIFYING AUTHORITY OF UNITED STATES DISTRICT COURTS TO HEAR CASES.

(a) IN GENERAL.—Section 1344 of title 28, United States Code, is repealed.

(b) CONTINUING AUTHORITY OF COURTS TO HEAR CASES UNDER OTHER EXISTING AUTHORITY.—Nothing in this part may be construed to affect the authority of district courts of the United States to exercise jurisdiction

pursuant to existing provisions of law, including sections 1331, 1343(a)(3), and 1343(a)(4) of title 28, United States Code, in any cases arising under the Constitution, laws, or treaties of the United States concerning the administration, conduct, or results of an election for Federal office or state legislative office.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 85 of title 28, United States Code, is amended by striking the item relating to section 1344.

SEC. 3413. EFFECTIVE DATE.

This part and the amendments made by this part shall apply to actions brought on or after the date of the enactment of this Act and to actions brought before the date of enactment of this Act which are pending as of such date.

Subtitle F—Poll Worker Recruitment and Training

SEC. 3501. GRANTS TO STATES FOR POLL WORKER RECRUITMENT AND TRAINING.

(a) GRANTS BY ELECTION ASSISTANCE COMMISSION.—

(1) IN GENERAL.—The Election Assistance Commission (hereafter referred to as the ''Commission'') shall, subject to the availability of appropriations provided to carry out this section, make a

grant to each eligible State for recruiting and training individuals to serve as poll workers on dates of elections for public office.

(2) USE OF COMMISSION MATERIALS.—In carrying out activities with a grant provided under this section, the recipient of the grant shall use the manual prepared by the Commission on successful practices for poll worker recruiting, training, and retention as an interactive training tool, and shall develop training programs with the participation and input of experts in adult learning.

(3) ACCESS AND CULTURAL CONSIDERATIONS.—The Commission shall ensure that the manual described in paragraph (2) provides training in methods that will enable poll workers to provide access and delivery of services in a culturally competent manner to all voters who use their services, including those with limited English proficiency, diverse cultural and ethnic backgrounds, disabilities, and regardless of gender, sexual orientation, or gender identity. These methods must ensure that each voter will have access to poll worker services that are delivered in a manner that meets the unique needs of the voter.

(b) REQUIREMENTS FOR ELIGIBILITY.—

(1) APPLICATION.—Each State that desires to receive a payment under this section shall submit an application for the payment to the Commission at such time and in such manner and containing such information as the Commission shall require.

(2) CONTENTS OF APPLICATION.—Each application submitted under paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought;

(B) provide assurances that the funds provided under this section will be used to supplement and not supplant other funds used to carry out the activities;

(C) provide assurances that the State will furnish the Commission with information on the number of individuals who served as poll workers after recruitment and training with the funds provided under this section;

(D) provide assurances that the State will dedicate poll worker recruitment efforts with respect to—

(i) youth and minors, including by recruiting at institutions of higher education and secondary education; and

(ii) diversity, including with respect to race, ethnicity, and disability; and

(E) provide such additional information and certifications as the Commission determines to be essential to ensure compliance with the requirements of this section.

(c) AMOUNT OF GRANT.—

(1) IN GENERAL.—The amount of a grant made to a State under this section shall be equal to the product of—

(A) the aggregate amount made available for grants to States under this section; and

(B) the voting age population percentage for the State.

(2) VOTING AGE POPULATION PERCENTAGE DEFINED.—In paragraph (1), the ''voting age population percentage'' for a State is the quotient of—

(A) the voting age population of the State (as determined on the basis of the most recent information available from the Bureau of the Census); and

(B) the total voting age population of all States (as determined on the basis of the most recent information available from the Bureau of the Census).

(d) REPORTS TO CONGRESS.—

(1) REPORTS BY RECIPIENTS OF GRANTS.—Not later than 6 months after the date on which the final grant is made under this section, each recipient of a grant shall submit a report to the Commission on the activities conducted with the funds provided by the grant.

(2) REPORTS BY COMMISSION.—Not later than 1 year after the date on which the final grant is made under this section, the Commission shall submit a report to Congress on the grants made under this section and the activities carried out by recipients with the grants, and shall include in the report such recommendations as the Commission considers appropriate.

(e) FUNDING.—

(1) CONTINUING AVAILABILITY OF AMOUNT APPROPRIATED.—Any amount appropriated to carry out this section shall remain available without fiscal year limitation until expended.

(2) ADMINISTRATIVE EXPENSES.—Of the amount appropriated for any fiscal year to carry out this section, not more than 3 percent shall be available for administrative expenses of the Commission.

SEC. 3502. STATE DEFINED.

In this subtitle, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Subtitle G—Preventing Poll Observer Interference

SEC. 3601. PROTECTIONS FOR VOTERS ON ELECTION DAY.

(a) REQUIREMENTS.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended by inserting after section 303 the following new section:

''SEC. 303A. VOTER PROTECTION REQUIREMENTS.

''(a) REQUIREMENTS FOR CHALLENGES BY PERSONS OTHER THAN ELECTION OFFICIALS.—

''(1) REQUIREMENTS FOR CHALLENGES.—No person, other than a State or local election official, shall submit a formal challenge to an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office unless that challenge is supported by personal knowledge with respect to each individual challenged regarding the grounds for ineligibility which is—

''(A) documented in writing; and

"(B) subject to an oath or attestation under penalty of perjury that the challenger has a good faith factual basis to believe that the individual who is the subject of the challenge is ineligible to register to vote or vote in that election, except a challenge which is based on the race, ethnicity, or national origin of the individual who is the subject of the challenge may not be considered to have a good faith factual basis for purposes of this paragraph.

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

"(A) to challenge an individual's eligibility to vote in an election for Federal office on the date of the election on grounds that could have been made in advance of such date, or

"(B) to challenge an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office less than 10 days before the election unless the individual registered to vote less than 20 days before the election.

"(b) BUFFER RULE.—

"(1) IN GENERAL.—A person who is serving as a poll observer with respect to an election for Federal office may not come within 8 feet of—

"(A) a voter or ballot at a polling location during any period of voting (including any period of early voting) in such election; or

"(B) a ballot at any time during which the processing, scanning, tabulating, canvassing, or certifying voting results is occurring.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed to limit the ability of a State or local election official to require poll observers to maintain a distance greater than 8 feet.

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

(b) CONFORMING AMENDMENT RELATING TO VOLUNTARY GUIDANCE.—Section 321(b)(4) of such Act (52 U.S.C. 21101(b)), as added and redesignated by section 1101(b) and as amended by sections 1102, 1103, 1104, and 1303, is amended by striking "and 313" and inserting "313, and 303A".

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 303 the following:

"Sec. 303A. Voter protection requirements.".

Subtitle H—Preventing Restrictions on Food and Beverages

SEC. 3701. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Voters' Access to Water Act''.

(b) FINDINGS.—Congress finds the following:

(1) States have a legitimate interest in prohibiting electioneering at or near polling places, and each State has some form of restriction on political activities near polling places when voting is taking place.

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

(3) Allowing volunteers to donate food and water to all people waiting in line at a polling place, regardless of the voters' political preference and

without engaging in electioneering activities or partisan advocacy, helps ensure Americans who face long lines at their polling place can still exercise their Constitutional right to vote, without risk of dehydration, inadequate food, discomfort, and risks to health.

SEC. 3702. PROHIBITING RESTRICTIONS ON DONATIONS OF FOOD AND BEVERAGES AT POLLING STATIONS.

(a) REQUIREMENT.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1031(a), section 1044(a), section 1101(a), section 1102(a), section 1103(a), section 1104(a), section 1201(a), section 1301(a), section 1302(a), section 1303(b), section 1305(a), section 1606(a)(1), section 1607(a), and section 1624(a) is amended—

(1) by redesignating sections 318 and 319 as sections 319 and 320, respectively; and

(2) by inserting after section 317 the following new section:

"SEC. 318. PROHIBITING STATES FROM RESTRICTING DONATIONS OF FOOD AND BEVERAGES AT POLLING STATIONS.

"(a) PROHIBITION.—Subject to the exception in subsection (b), a State may not impose any restriction on the donation of food and nonalcoholic beverages to persons outside of the entrance to the building where a polling place for a Federal election is located, provided that such food and nonalcoholic beverages are distributed without regard to the electoral participation or political preferences of the recipients.

"(b) EXCEPTION.—A State may require persons distributing food and nonalcoholic beverages outside the entrance to the building where a polling place for a Federal election is located to refrain from political or electioneering activity.

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

(b) VOLUNTARY GUIDANCE.—Section 321(b)(4) of such Act (52 U.S.C. 21101(b)), as added and redesignated by section 1101(b) and as amended by sections 1102, 1103, 1104, 1303, and 3601(b), is amended by striking "and 303A" and inserting "303A, and 317".

(c) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1031(c), section

1044(b), section 1101(c), section 1102(c), section 1103(a), section 1104(c), section 1201(c), section 1301(a), section 1302(a), section 1303(b), section 1305(a), section 1606(a)(3), section 1607(b), and section 1624(b) is amended—

(1) by redesignating the items relating to sections 318 and 319 as relating to sections 319 and 320, respectively; and

(2) by inserting after the item relating to section 317 the following new item:

"Sec. 318. Prohibiting States from restricting donations of food and beverages at polling stations.".

Subtitle I—Establishing Duty to Report Foreign Election Interference

SEC. 3801. FINDINGS RELATING TO ILLICIT MONEY UNDERMINING OUR DEMOCRACY.

Congress finds the following:

(1) Criminals, terrorists, and corrupt government officials frequently abuse anonymously held Limited Liability Companies (LLCs), also known as "shell companies," to hide, move, and launder the dirty money derived from illicit activities such as trafficking, bribery, exploitation, and embezzlement. Ownership and control of the finances that run through shell companies are obscured to regulators

and law enforcement because little information is required and collected when establishing these entities.

(2) The public release of the ''Panama Papers'' in 2016 and the ''Paradise Papers'' in 2017 revealed that these shell companies often purchase and sell United States real estate. United States anti-money laundering laws do not apply to cash transactions involving real estate effectively concealing the beneficiaries and transactions from regulators and law enforcement.

(3) Since the Supreme Court's decisions in *Citizens United* v. *Federal Election Commission*, 558 U.S. 310 (2010), millions of dollars have flowed into super PACs through LLCs whose funders are anonymous or intentionally obscured. Criminal investigations have uncovered LLCs that were used to hide illegal campaign contributions from foreign criminal fugitives, to advance international influence-buying schemes, and to conceal contributions from donors who were already under investigation for bribery and racketeering. Voters have no way to know the true sources of the money being routed through these LLCs to influence elections, including whether any of the funds come from foreign or other illicit sources.

(4) Congress should curb the use of anonymous shell companies for illicit purposes by requiring United States companies to disclose their beneficial owners, strengthening anti-money laundering and counter-terrorism finance laws.

(5) Congress should examine the money laundering and terrorist financing risks in the real estate market, including the role of anonymous parties, and review legislation to address any vulnerabilities identified in this sector.

(6) Congress should examine the methods by which corruption flourishes and the means to detect and deter the financial misconduct that fuels this driver of global instability. Congress should monitor government efforts to enforce United States anticorruption laws and regulations.

SEC. 3802. FEDERAL CAMPAIGN REPORTING OF FOREIGN CONTACTS.

(a) INITIAL NOTICE.—

(1) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104) is amended by adding at the end the following new subsection:

"(j) DISCLOSURE OF REPORTABLE FOREIGN CONTACTS.—

"(1) COMMITTEE OBLIGATION TO NOTIFY.—Not later than 1 week after a reportable foreign contact, each political committee shall notify the Federal Bureau of Investigation and the Commission of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact. The Federal Bureau of Investigation, not later than 1 week after receiving a notification from a political committee under this paragraph, shall submit to the political committee, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate written or electronic confirmation of receipt of the notification.

"(2) INDIVIDUAL OBLIGATION TO NOTIFY.—Not later than 3 days after a reportable foreign contact—

"(A) each candidate and each immediate family member of a candidate shall notify the treasurer or other designated official of the principal campaign committee of such candidate of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact; and

"(B) each official, employee, or agent of a political committee shall notify the treasurer or other designated official of the committee of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact.

"(3) REPORTABLE FOREIGN CONTACT.—In this subsection:

"(A) IN GENERAL.—The term 'reportable foreign contact' means any direct or indirect contact or communication that—

"(i) is between—

"(I) a candidate, an immediate family member of the candidate, a political committee, or any official, employee, or agent of such committee; and

"(II) an individual that the person described in subclause (I) knows, has reason to know, or reasonably believes is a covered foreign national; and

"(ii) the person described in clause (i)(I) knows, has reason to know, or reasonably believes involves—

1 ''(I) an offer or other proposal
2 for a contribution, donation, expendi-
3 ture, disbursement, or solicitation de-
4 scribed in section 319; or
5 ''(II) direct or indirect coordina-
6 tion or collaboration with, or a direct
7 or indirect offer or provision of infor-
8 mation or services to or from, a cov-
9 ered foreign national in connection
10 with an election.
11 ''(B) EXCEPTIONS.—
12 ''(i) CONTACTS IN OFFICIAL CAPACITY
13 AS ELECTED OFFICIAL.—The term 'report-
14 able foreign contact' shall not include any
15 contact or communication with a covered
16 foreign national by an elected official or an
17 employee of an elected official solely in an
18 official capacity as such an official or em-
19 ployee.
20 ''(ii) CONTACTS FOR PURPOSES OF
21 ENABLING OBSERVATION OF ELECTIONS
22 BY INTERNATIONAL OBSERVERS.—The
23 term 'reportable foreign contact' shall not
24 include any contact or communication with
25 a covered foreign national by any person

which is made for purposes of enabling the observation of elections in the United States by a foreign national or the observation of elections outside of the United States by a candidate, political committee, or any official, employee, or agent of such committee.

''(iii) EXCEPTIONS NOT APPLICABLE IF CONTACTS OR COMMUNICATIONS INVOLVE PROHIBITED DISBURSEMENTS.—A contact or communication by an elected official or an employee of an elected official shall not be considered to be made solely in an official capacity for purposes of clause (i), and a contact or communication shall not be considered to be made for purposes of enabling the observation of elections for purposes of clause (ii), if the contact or communication involves a contribution, donation, expenditure, disbursement, or solicitation described in section 319.

''(C) COVERED FOREIGN NATIONAL DEFINED.—

"(i) IN GENERAL.—In this paragraph, the term 'covered foreign national' means—

"(I) a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)) that is a government of a foreign country or a foreign political party;

"(II) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal described in subclause (I) or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal described in subclause (I); or

"(III) any person included in the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control

of the Department of the Treasury pursuant to authorities relating to the imposition of sanctions relating to the conduct of a foreign principal described in subclause (I).

''(ii) CLARIFICATION REGARDING APPLICATION TO CITIZENS OF THE UNITED STATES.—In the case of a citizen of the United States, subclause (II) of clause (i) applies only to the extent that the person involved acts within the scope of that person's status as the agent of a foreign principal described in subclause (I) of clause (i).

''(4) IMMEDIATE FAMILY MEMBER.—In this subsection, the term 'immediate family member' means, with respect to a candidate, a parent, parent-in-law, spouse, adult child, or sibling.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to reportable foreign contacts which occur on or after the date of the enactment of this Act.

(b) INFORMATION INCLUDED ON REPORT.—

(1) IN GENERAL.—Section 304(b) of such Act (52 U.S.C. 30104(b)) is amended—

(A) by striking ''and'' at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting ''; and''; and

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

''(9) for any reportable foreign contact (as defined in subsection (j)(3))—

''(A) the date, time, and location of the contact;

''(B) the date and time of when a designated official of the committee was notified of the contact;

''(C) the identity of individuals involved; and

''(D) a description of the contact, including the nature of any contribution, donation, expenditure, disbursement, or solicitation involved and the nature of any activity described in subsection (j)(3)(A)(ii)(II) involved.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to reports filed on or after the expiration of the 60-day period which begins on the date of the enactment of this Act.

SEC. 3803. FEDERAL CAMPAIGN FOREIGN CONTACT REPORTING COMPLIANCE SYSTEM.

(a) IN GENERAL.—Section 302 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30102) is amended by adding at the end the following new subsection:

"(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE POLICY.—

"(1) REPORTING.—Each political committee shall establish a policy that requires all officials, employees, and agents of such committee (and, in the case of an authorized committee, the candidate and each immediate family member of the candidate) to notify the treasurer or other appropriate designated official of the committee of any reportable foreign contact (as defined in section 304(j)) not later than 3 days after such contact was made.

"(2) RETENTION AND PRESERVATION OF RECORDS.—Each political committee shall establish a policy that provides for the retention and preservation of records and information related to reportable foreign contacts (as so defined) for a period of not less than 3 years.

"(3) CERTIFICATION.—

"(A) IN GENERAL.—Upon filing its statement of organization under section 303(a), and with each report filed under section 304(a), the

1 treasurer of each political committee (other
2 than an authorized committee) shall certify
3 that—
4 ''(i) the committee has in place poli-
5 cies that meet the requirements of para-
6 graphs (1) and (2);
7 ''(ii) the committee has designated an
8 official to monitor compliance with such
9 policies; and
10 ''(iii) not later than 1 week after the
11 beginning of any formal or informal affili-
12 ation with the committee, all officials, em-
13 ployees, and agents of such committee
14 will—
15 ''(I) receive notice of such poli-
16 cies;
17 ''(II) be informed of the prohibi-
18 tions under section 319; and
19 ''(III) sign a certification affirm-
20 ing their understanding of such poli-
21 cies and prohibitions.
22 ''(B) AUTHORIZED COMMITTEES.—With
23 respect to an authorized committee, the can-
24 didate shall make the certification required
25 under subparagraph (A).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to political committees which file a statement of organization under section 303(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30103(a)) on or after the date of the enactment of this Act.

(2) TRANSITION RULE FOR EXISTING COMMITTEES.—Not later than 30 days after the date of the enactment of this Act, each political committee under the Federal Election Campaign Act of 1971 shall file a certification with the Federal Election Commission that the committee is in compliance with the requirements of section 302(j) of such Act (as added by subsection (a)).

SEC. 3804. CRIMINAL PENALTIES.

Section 309(d)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by adding at the end the following new subparagraphs:

''(E) Any person who knowingly and willfully commits a violation of subsection (j) or (b)(9) of section 304 or section 302(j) shall be fined not more than $500,000, imprisoned not more than 5 years, or both.

''(F) Any person who knowingly and willfully conceals or destroys any materials relating to a reportable foreign

contact (as defined in section 304(j)) shall be fined not more than $1,000,000, imprisoned not more than 5 years, or both.''.

SEC. 3805. REPORT TO CONGRESSIONAL INTELLIGENCE COMMITTEES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees a report relating to notifications received by the Federal Bureau of Investigation under section 304(j)(1) of the Federal Election Campaign Act of 1971 (as added by section 4902(a) of this Act).

(b) ELEMENTS.—Each report under subsection (a) shall include, at a minimum, the following with respect to notifications described in subsection (a):

(1) The number of such notifications received from political committees during the year covered by the report.

(2) A description of protocols and procedures developed by the Federal Bureau of Investigation relating to receipt and maintenance of records relating to such notifications.

(3) With respect to such notifications received during the year covered by the report, a description

of any subsequent actions taken by the Director resulting from the receipt of such notifications.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 3806. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed—

(1) to impede legitimate journalistic activities; or

(2) to impose any additional limitation on the right to express political views or to participate in public discourse of any individual who—

(A) resides in the United States;

(B) is not a citizen of the United States or a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

(C) is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

Subtitle J—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot

SEC. 3901. SHORT TITLE.

This subtitle may be cited as the ''Voter Confidence and Increased Accessibility Act of 2021''.

SEC. 3902. PAPER BALLOT AND MANUAL COUNTING REQUIREMENTS.

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

''(2) PAPER BALLOT REQUIREMENT.—

''(A) VOTER-VERIFIABLE PAPER BALLOTS.—

''(i) The voting system shall require the use of an individual, durable, voter-verifiable paper ballot of the voter's vote selections that shall be marked by the voter and presented to the voter for verification before the voter's ballot is preserved in accordance with subparagraph (B), and which shall be counted by hand or other counting device or read by a ballot tabulation device. For purposes of this sub-

clause, the term 'individual, durable, voter-verifiable paper ballot' means a paper ballot marked by the voter by hand or a paper ballot marked through the use of a nontabulating ballot marking device or system, so long as the voter shall have the option at every in-person voting location to mark by hand a printed ballot that includes all relevant contests and candidates.

''(ii) The voting system shall provide the voter with an opportunity to correct any error on the paper ballot before the permanent voter-verifiable paper ballot is preserved in accordance with subparagraph (B).

''(iii) The voting system shall not preserve the voter-verifiable paper ballots in any manner that makes it possible, at any time after the ballot has been cast, to associate a voter with the record of the voter's vote selections.

''(iv) The voting system shall prevent, through mechanical means or through independently verified protections, the modification or addition of vote selections

on a printed or marked ballot at any time after the voter has been provided an opportunity to correct errors on the ballot pursuant to clause (ii).

"(B) PRESERVATION AS OFFICIAL RECORD.—The individual, durable, voter-verifiable paper ballot used in accordance with subparagraph (A) shall constitute the official ballot and shall be preserved and used as the official ballot for purposes of any recount or audit conducted with respect to any election for Federal office in which the voting system is used.

"(C) MANUAL COUNTING REQUIREMENTS FOR RECOUNTS AND AUDITS.—

"(i) Each paper ballot used pursuant to subparagraph (A) shall be suitable for a manual audit, and such ballots, or at least those ballots the machine could not count, shall be counted by hand in any recount or audit conducted with respect to any election for Federal office.

"(ii) In the event of any inconsistencies or irregularities between any electronic vote tallies and the vote tallies de-

termined by counting by hand the individual, durable, voter-verifiable paper ballots used pursuant to subparagraph (A), the individual, durable, voter-verifiable paper ballots shall be the true and correct record of the votes cast.

"(D) SENSE OF CONGRESS.—It is the sense of Congress that as innovation occurs in the election infrastructure sector, Congress should ensure that this Act and other Federal requirements for voting systems are updated to keep pace with best practices and recommendations for security and accessibility.".

(b) CONFORMING AMENDMENT CLARIFYING APPLICABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4)) is amended by inserting "(including the paper ballots required to be used under paragraph (2))" after "voting system".

(c) OTHER CONFORMING AMENDMENTS.—Section 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amended—

(1) in subparagraph (A)(i), by striking "counted" and inserting "counted, in accordance with paragraphs (2) and (3)";

(2) in subparagraph (A)(ii), by striking ''counted'' and inserting ''counted, in accordance with paragraphs (2) and (3)'';

(3) in subparagraph (A)(iii), by striking ''counted'' each place it appears and inserting ''counted, in accordance with paragraphs (2) and (3)''; and

(4) in subparagraph (B)(ii), by striking ''counted'' and inserting ''counted, in accordance with paragraphs (2) and (3)''.

SEC. 3903. ACCESSIBILITY AND BALLOT VERIFICATION FOR INDIVIDUALS WITH DISABILITIES.

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

''(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—

''(A) IN GENERAL.—The voting system shall—

''(i) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

"(ii)(I) ensure that individuals with disabilities and others are given an equivalent opportunity to vote, including with privacy and independence, in a manner that produces a voter-verifiable paper ballot; and

"(II) satisfy the requirement of clause (i) through the use at in-person polling locations of a sufficient number (not less than one) of voting systems equipped to serve individuals with and without disabilities, including nonvisual and enhanced visual accessibility for the blind and visually impaired, and nonmanual and enhanced manual accessibility for the mobility and dexterity impaired; and

"(iii) if purchased with funds made available under title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).

"(B) MEANS OF MEETING REQUIREMENTS.—A voting system may meet the requirements of subparagraph (A)(i) and paragraph (2) by—

1 ''(i) allowing the voter to privately
2 and independently verify the permanent
3 paper ballot through the presentation, in
4 accessible form, of the printed or marked
5 vote selections from the same printed or
6 marked information that would be used for
7 any vote tabulation or auditing;
8 ''(ii) allowing the voter to privately
9 and independently verify and cast the per-
10 manent paper ballot without requiring the
11 voter to manually handle the paper ballot;
12 ''(iii) marking ballots that are iden-
13 tical in size, ink, and paper stock to those
14 ballots that would either be marked by
15 hand or be marked by a ballot marking de-
16 vice made generally available to voters; or
17 ''(iv) combining ballots produced by
18 any ballot marking devices reserved for in-
19 dividuals with disabilities with ballots that
20 have either been marked by voters by hand
21 or marked by ballot marking devices made
22 generally available to voters, in a way that
23 prevents identification of the ballots that
24 were cast using any ballot marking device

that was reserved for individuals with disabilities.

"(C) SUFFICIENT NUMBER.—For purposes of subparagraph (A)(ii)(II), the sufficient number of voting systems for any in-person polling location shall be determined based on guidance from the Attorney General, in consultation with the Architectural and Transportation Barriers Compliance Board established under section 502(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 792(a)(1)) (commonly referred to as the United States Access Board) and the Commission.".

(b) SPECIFIC REQUIREMENT OF STUDY, TESTING, AND DEVELOPMENT OF ACCESSIBLE VOTING OPTIONS.—

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

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

(B) by inserting after section 247 the following new section:

"SEC. 248. STUDY AND REPORT ON ACCESSIBLE VOTING OPTIONS.

"(a) GRANTS TO STUDY AND REPORT.—The Commission, in coordination with the Access Board and the Cybersecurity and Infrastructure Security Agency, shall make grants to not fewer than 2 eligible entities to study, test, and develop—

"(1) accessible and secure remote voting systems;

"(2) voting, verification, and casting devices to enhance the accessibility of voting and verification for individuals with disabilities; or

"(3) both of the matters described in paragraph (1) and (2).

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

"(1) a certification that the entity shall complete the activities carried out with the grant not later than January 1, 2024; and

"(2) such other information and certifications as the Commission may require.

"(c) AVAILABILITY OF TECHNOLOGY.—Any technology developed with the grants made under this section shall be treated as non-proprietary and shall be made

available to the public, including to manufacturers of voting systems.

"(d) COORDINATION WITH GRANTS FOR TECHNOLOGY IMPROVEMENTS.—The Commission shall carry out this section so that the activities carried out with the grants made under subsection (a) are coordinated with the research conducted under the grant program carried out by the Commission under section 271, to the extent that the Commission determine necessary to provide for the advancement of accessible voting technology.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $10,000,000, to remain available until expended.".

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended—

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

(B) by inserting after the item relating to section 247 the following new item:

"Sec. 248. Study and report on accessible voting options.".

(c) CLARIFICATION OF ACCESSIBILITY STANDARDS UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In adopting any voluntary guidance under subtitle B of title III of the Help America Vote Act with respect to the accessibility of the paper ballot verification requirements for individuals with disabilities, the Election Assistance Com-

mission shall include and apply the same accessibility standards applicable under the voluntary guidance adopted for accessible voting systems under such subtitle.

(d) PERMITTING USE OF FUNDS FOR PROTECTION AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO ENFORCE ELECTION-RELATED DISABILITY ACCESS.—Section 292(a) of the Help America Vote Act of 2002 (52 U.S.C. 21062(a)) is amended by striking "; except that" and all that follows and inserting a period.

SEC. 3904. DURABILITY AND READABILITY REQUIREMENTS FOR BALLOTS.

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

"(7) DURABILITY AND READABILITY REQUIREMENTS FOR BALLOTS.—

"(A) DURABILITY REQUIREMENTS FOR PAPER BALLOTS.—

"(i) IN GENERAL.—All voter-verifiable paper ballots required to be used under this Act shall be marked or printed on durable paper.

"(ii) DEFINITION.—For purposes of this Act, paper is 'durable' if it is capable of withstanding multiple counts and re-

counts by hand without compromising the fundamental integrity of the ballots, and capable of retaining the information marked or printed on them for the full duration of a retention and preservation period of 22 months.

''(B) READABILITY REQUIREMENTS FOR PAPER BALLOTS MARKED BY BALLOT MARKING DEVICE.—All voter-verifiable paper ballots completed by the voter through the use of a ballot marking device shall be clearly readable by the voter without assistance (other than eyeglasses or other personal vision enhancing devices) and by a ballot tabulation device or other device equipped for individuals with disabilities.''.

SEC. 3905. STUDY AND REPORT ON OPTIMAL BALLOT DESIGN.

(a) STUDY.—The Election Assistance Commission shall conduct a study of the best ways to design ballots used in elections for public office, including paper ballots and electronic or digital ballots, to minimize confusion and user errors.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Election Assistance Com-

mission shall submit to Congress a report on the study conducted under subsection (a).

SEC. 3906. BALLOT MARKING DEVICE CYBERSECURITY REQUIREMENTS.

Section 301(a) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)), as amended by section 3914, is further amended by adding at the end the following new paragraphs:

"(8) PROHIBITION OF USE OF WIRELESS COMMUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—No system or device upon which ballot marking devices or ballot tabulation devices are configured, upon which ballots are marked by voters at a polling place (except as necessary for individuals with disabilities to use ballot marking devices that meet the accessibility requirements of paragraph (3)), or upon which votes are cast, tabulated, or aggregated shall contain, use, or be accessible by any wireless, powerline, or concealed communication device.

"(9) PROHIBITING CONNECTION OF SYSTEM TO THE INTERNET.—No system or device upon which ballot marking devices or ballot tabulation devices are configured, upon which ballots are marked by voters at a voting place, or upon which votes are cast, tabulated, or aggregated shall be connected to

the internet or any non-local computer system via telephone or other communication network at any time.''.

SEC. 3907. EFFECTIVE DATE FOR NEW REQUIREMENTS.

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

''(d) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

''(2) SPECIAL RULE FOR CERTAIN REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the requirements of this section which are first imposed on a State or jurisdiction pursuant to the amendments made by the Voter Confidence and Increased Accessibility Act of 2021 shall apply with respect to voting systems used for any election for Federal office held in 2022 or any succeeding year.

''(B) SPECIAL RULE FOR JURISDICTIONS USING CERTAIN PAPER RECORD PRINTERS OR

CERTAIN SYSTEMS USING OR PRODUCING VOTER-VERIFIABLE PAPER RECORDS IN 2020.—

"(i) IN GENERAL.—In the case of a jurisdiction described in clause (ii), the requirements of paragraphs (2)(A)(i) and (7) of subsection (a) (as amended or added by the Voter Confidence and Increased Accessibility Act of 2021) shall not apply before the date on which the jurisdiction replaces the printers or systems described in clause (ii)(I) for use in the administration of elections for Federal office.

"(ii) JURISDICTIONS DESCRIBED.—A jurisdiction described in this clause is a jurisdiction—

"(I) which used voter-verifiable paper record printers attached to direct recording electronic voting machines, or which used other voting systems that used or produced paper records of the vote verifiable by voters but that are not in compliance with paragraphs (2)(A)(i) and (7) of subsection (a) (as amended or added by the Voter Confidence and Increased

Accessibility Act of 2021), for the administration of the regularly scheduled general election for Federal office held in November 2020; and

"(II) which will continue to use such printers or systems for the administration of elections for Federal office held in years before the applicable year.

"(iii) MANDATORY AVAILABILITY OF PAPER BALLOTS AT POLLING PLACES USING GRANDFATHERED PRINTERS AND SYSTEMS.—

"(I) REQUIRING BALLOTS TO BE OFFERED AND PROVIDED.—The appropriate election official at each polling place that uses a printer or system described in clause (ii)(I) for the administration of elections for Federal office shall offer each individual who is eligible to cast a vote in the election at the polling place the opportunity to cast the vote using a blank printed paper ballot which the individual may mark by hand and which is not pro-

duced by the direct recording electronic voting machine or other such system. The official shall provide the individual with the ballot and the supplies necessary to mark the ballot, and shall ensure (to the greatest extent practicable) that the waiting period for the individual to cast a vote is the lesser of 30 minutes or the average waiting period for an individual who does not agree to cast the vote using such a paper ballot under this clause.

''(II) TREATMENT OF BALLOT.—Any paper ballot which is cast by an individual under this clause shall be counted and otherwise treated as a regular ballot for all purposes (including by incorporating it into the final unofficial vote count (as defined by the State) for the precinct) and not as a provisional ballot, unless the individual casting the ballot would have otherwise been required to cast a provisional ballot.

"(III) POSTING OF NOTICE.—The appropriate election official shall ensure there is prominently displayed at each polling place a notice that describes the obligation of the official to offer individuals the opportunity to cast votes using a printed blank paper ballot. The notice shall comply with the requirements of section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503).

"(IV) TRAINING OF ELECTION OFFICIALS.—The chief State election official shall ensure that election officials at polling places in the State are aware of the requirements of this clause, including the requirement to display a notice under subclause (III), and are aware that it is a violation of the requirements of this title for an election official to fail to offer an individual the opportunity to cast a vote using a blank printed paper ballot.

"(V) PERIOD OF APPLICABILITY.—The requirements of this

clause apply only during the period beginning on January 1, 2022, and ending on the date on which the which the jurisdiction replaces the printers or systems described in clause (ii)(I) for use in the administration of elections for Federal office.

"(C) DELAY FOR CERTAIN JURISDICTIONS USING VOTING SYSTEMS WITH WIRELESS COMMUNICATION DEVICES OR INTERNET CONNECTIONS.—

"(i) DELAY.—In the case of a jurisdiction described in clause (ii), subparagraph (A) shall apply to a voting system in the jurisdiction as if the reference in such subparagraph to '2022' were a reference to 'the applicable year', but only with respect to the following requirements of this section.

"(I) Paragraph (8) of subsection (a) (relating to prohibition of wireless communication devices)

"(II) Paragraph (9) of subsection (a) (relating to prohibition of connecting systems to the internet)

"(ii) JURISDICTIONS DESCRIBED.—A jurisdiction described in this clause is a jurisdiction—

"(I) which used a voting system which is not in compliance with paragraphs (8) or (9) of subsection (a) (as amended or added by the Voter Confidence and Increased Accessibility Act of 2021) for the administration of the regularly scheduled general election for Federal office held in November 2020;

"(II) which was not able, to all extent practicable, to comply with paragraph (8) and (9) of subsection (a) before January 1, 2022; and

"(III) which will continue to use such printers or systems for the administration of elections for Federal office held in years before the applicable year.

"(iii) APPLICABLE YEAR.—

"(I) IN GENERAL.—Except as provided in subclause (II), the term 'applicable year' means 2026.

"(II) EXTENSION.—If a State or jurisdiction certifies to the Commission not later than January 1, 2026, that the State or jurisdiction will not meet the requirements described in subclauses (I) and (II) of clause (i) by such date because it would be impractical to do so and includes in the certification the reasons for the failure to meet the deadline, the term 'applicable year' means 2030.".

SEC. 3908. GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS.

(a) AVAILABILITY OF GRANTS.—

(1) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.), as amended by section 1302(c), is amended by adding at the end the following new part:

"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.

''(a) AVAILABILITY AND USE OF GRANT.—

''(1) IN GENERAL.—The Commission shall make a grant to each eligible State—

''(A) to replace a voting system—

''(i) which does not meet the requirements which are first imposed on the State pursuant to the amendments made by the Voter Confidence and Increased Accessibility Act of 2021 with a voting system which—

''(I) does meet such requirements; and

''(II) in the case of a grandfathered voting system (as defined in paragraph (2)), is in compliance with the most recent voluntary voting system guidelines; or

"(ii) which does meet such requirements but which is not in compliance with the most recent voluntary voting system guidelines with another system which does meet such requirements and is in compliance with such guidelines;

"(B) to carry out voting system security improvements described in section 298A with respect to the regularly scheduled general election for Federal office held in November 2022 and each succeeding election for Federal office;

"(C) to implement and model best practices for ballot design, ballot instructions, and the testing of ballots; and

"(D) to purchase or acquire accessible voting systems that meet the requirements of paragraph (2) and paragraph (3)(A)(i) of section 301(a) by the means described in paragraph (3)(B) of such section.

"(2) DEFINITION OF GRANDFATHERED VOTING SYSTEM.—In this subsection, the term 'grandfathered voting system' means a voting system that is used by a jurisdiction described in subparagraph (B)(ii) or (C)(ii) of section 301(d)(2).

"(b) AMOUNT OF PAYMENT.—

"(1) IN GENERAL.—The amount of payment made to an eligible State under this section shall be the minimum payment amount described in paragraph (2) plus the voting age population proportion amount described in paragraph (3).

"(2) MINIMUM PAYMENT AMOUNT.—The minimum payment amount described in this paragraph is—

"(A) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the aggregate amount made available for payments under this section; and

"(B) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, one-tenth of 1 percent of such aggregate amount.

"(3) VOTING AGE POPULATION PROPORTION AMOUNT.—The voting age population proportion amount described in this paragraph is the product of—

"(A) the aggregate amount made available for payments under this section minus the total of all of the minimum payment amounts determined under paragraph (2); and

"(B) the voting age population proportion for the State (as defined in paragraph (4)).

"(4) VOTING AGE POPULATION PROPORTION DEFINED.—The term 'voting age population proportion' means, with respect to a State, the amount equal to the quotient of—

"(A) the voting age population of the State (as reported in the most recent decennial census); and

"(B) the total voting age population of all States (as reported in the most recent decennial census).

"(5) REQUIREMENT RELATING TO PURCHASE OF ACCESSIBLE VOTING SYSTEMS.—An eligible State shall use not less than 10 percent of funds received by the State under this section to purchase accessible voting systems described in subsection (a)(1)(D).

"SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS DESCRIBED.

"(a) PERMITTED USES.—A voting system security improvement described in this section is any of the following:

"(1) The acquisition of goods and services from qualified election infrastructure vendors by purchase,

lease, or such other arrangements as may be appropriate.

''(2) Cyber and risk mitigation training.

''(3) A security risk and vulnerability assessment of the State's election infrastructure (as defined in section 3908(b) of the Voter Confidence and Increased Accessibility Act of 2021) which is carried out by a provider of cybersecurity services under a contract entered into between the chief State election official and the provider.

''(4) The maintenance of infrastructure used for elections, including addressing risks and vulnerabilities which are identified under either of the security risk and vulnerability assessments described in paragraph (3), except that none of the funds provided under this part may be used to renovate or replace a building or facility which is not a primary provider of information technology services for the administration of elections, and which is used primarily for purposes other than the administration of elections for public office.

''(5) Providing increased technical support for any information technology infrastructure that the chief State election official deems to be part of the State's election infrastructure (as so defined) or des-

ignates as critical to the operation of the State's election infrastructure (as so defined).

''(6) Enhancing the cybersecurity and operations of the information technology infrastructure described in paragraph (4).

''(7) Enhancing the cybersecurity of voter registration systems.

''(b) QUALIFIED ELECTION INFRASTRUCTURE VENDORS DESCRIBED.—For purposes of this part, a 'qualified election infrastructure vendor' is any person who provides, supports, or maintains, or who seeks to provide, support, or maintain, election infrastructure (as defined in section 3908(b) of the Voter Confidence and Increased Accessibility Act of 2021) on behalf of a State, unit of local government, or election agency (as defined in section 3908(b) of such Act) who meets the criteria described in section 3908(b) of such Act.

"SEC. 298B. ELIGIBILITY OF STATES.

''A State is eligible to receive a grant under this part if the State submits to the Commission, at such time and in such form as the Commission may require, an application containing—

''(1) a description of how the State will use the grant to carry out the activities authorized under this part;

"(2) a certification and assurance that, not later than 5 years after receiving the grant, the State will carry out voting system security improvements, as described in section 298A; and

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

"SEC. 298C. REPORTS TO CONGRESS.

"Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the Committees on Homeland Security, House Administration, and the Judiciary of the House of Representatives and the Committees on Homeland Security and Governmental Affairs, the Judiciary, and Rules and Administration of the Senate, on the activities carried out with the funds provided under this part.

"SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—There are authorized to be appropriated for grants under this part—

"(1) $2,400,000,000 for fiscal year 2022; and

"(2) $175,000,000 for each of the fiscal years 2024, 2026, 2028, and 2030.

"(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any amounts appropriated pursuant to the authorization of this section shall remain available until expended.".

(2) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 1402(c), is amended by adding at the end of the items relating to subtitle D 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.

(b) QUALIFIED ELECTION INFRASTRUCTURE VENDORS.—

(1) IN GENERAL.—The Secretary, in consultation with the Chair, shall establish and publish criteria for qualified election infrastructure vendors for purposes of section 298A of the Help America Vote Act of 2002 (as added by this Act).

(2) CRITERIA.—The criteria established under paragraph (1) shall include each of the following requirements:

(A) The vendor shall—

(i) be owned and controlled by a citizen or permanent resident of the United States or a member of the Five Eyes intelligence-sharing alliance; and

(ii) in the case of any election infrastructure which is a voting machine, en-

sure that such voting machine is assembled in the United States.

(B) The vendor shall disclose to the Secretary and the Chair, and to the chief State election official of any State to which the vendor provides any goods and services with funds provided under part 8 of subtitle D of title II of the Help America Vote Act of 2002 (as added by this Act), of any sourcing outside the United States for parts of the election infrastructure.

(C) The vendor shall disclose to the Secretary and the Chair, and to the chief State election official of any State to which the vendor provides any goods and services with funds provided under such part 8, the identification of any entity or individual with a more than 5 percent ownership interest in the vendor.

(D) The vendor agrees to ensure that the election infrastructure will be developed and maintained in a manner that is consistent with the cybersecurity best practices issued by the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(E) The vendor agrees to maintain its information technology infrastructure in a manner that is consistent with the cybersecurity best practices issued by the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(F) The vendor agrees to ensure that the election infrastructure will be developed and maintained in a manner that is consistent with the supply chain best practices issued by the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(G) The vendor agrees to ensure that it has personnel policies and practices in place that are consistent with personnel best practices, including cybersecurity training and background checks, issued by the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(H) The vendor agrees to ensure that the election infrastructure will be developed and maintained in a manner that is consistent with data integrity best practices, including requirements for encrypted transfers and validation,

testing and checking printed materials for accuracy, and disclosure of quality control incidents, issued by the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(I) The vendor agrees to meet the requirements of paragraph (3) with respect to any known or suspected cybersecurity incidents involving any of the goods and services provided by the vendor pursuant to a grant under part 8 of subtitle D of title II of the Help America Vote Act of 2002 (as added by this Act).

(J) The vendor agrees to permit independent security testing by the Election Assistance Commission (in accordance with section 231(a) of the Help America Vote Act of 2002 (52 U.S.C. 20971)) and by the Secretary of the goods and services provided by the vendor pursuant to a grant under part 8 of subtitle D of title II of the Help America Vote Act of 2002 (as added by this Act).

(3) CYBERSECURITY INCIDENT REPORTING REQUIREMENTS.—

(A) IN GENERAL.—A vendor meets the requirements of this paragraph if, upon becoming

aware of the possibility that an election cybersecurity incident has occurred involving any of the goods and services provided by the vendor pursuant to a grant under part 8 of subtitle D of title II of the Help America Vote Act of 2002 (as added by this Act)—

(i) the vendor promptly assesses whether or not such an incident occurred, and submits a notification meeting the requirements of subparagraph (B) to the Secretary and the Chair of the assessment as soon as practicable (but in no case later than 3 days after the vendor first becomes aware of the possibility that the incident occurred);

(ii) if the incident involves goods or services provided to an election agency, the vendor submits a notification meeting the requirements of subparagraph (B) to the agency as soon as practicable (but in no case later than 3 days after the vendor first becomes aware of the possibility that the incident occurred), and cooperates with the agency in providing any other nec-

essary notifications relating to the incident; and

(iii) the vendor provides all necessary updates to any notification submitted under clause (i) or clause (ii).

(B) CONTENTS OF NOTIFICATIONS.—Each notification submitted under clause (i) or clause (ii) of subparagraph (A) shall contain the following information with respect to any election cybersecurity incident covered by the notification:

(i) The date, time, and time zone when the election cybersecurity incident began, if known.

(ii) The date, time, and time zone when the election cybersecurity incident was detected.

(iii) The date, time, and duration of the election cybersecurity incident.

(iv) The circumstances of the election cybersecurity incident, including the specific election infrastructure systems believed to have been accessed and information acquired, if any.

(v) Any planned and implemented technical measures to respond to and recover from the incident.

(vi) In the case of any notification which is an update to a prior notification, any additional material information relating to the incident, including technical data, as it becomes available.

(C) DEVELOPMENT OF CRITERIA FOR REPORTING.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall, in consultation with the Election Infrastructure Sector Coordinating Council, develop criteria for incidents which are required to be reported in accordance with subparagraph (A).

(4) DEFINITIONS.—In this subsection:

(A) CHAIR.—The term ''Chair'' means the Chair of the Election Assistance Commission.

(B) CHIEF STATE ELECTION OFFICIAL.—The term ''chief State election official'' means, with respect to a State, the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (52

U.S.C. 20509) to be responsible for coordination of the State's responsibilities under such Act.

(C) ELECTION AGENCY.—The term ''election agency'' means any component of a State, or any component of a unit of local government in a State, which is responsible for the administration of elections for Federal office in the State.

(D) ELECTION INFRASTRUCTURE.—The term ''election infrastructure'' means storage facilities, polling places, and centralized vote tabulation locations used to support the administration of elections for public office, as well as related information and communications technology, including voter registration databases, voting machines, electronic mail and other communications systems (including electronic mail and other systems of vendors who have entered into contracts with election agencies to support the administration of elections, manage the election process, and report and display election results), and other systems used to manage the election process and to report and display election results on behalf of an election agency.

(E) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(F) STATE.—The term ''State'' has the meaning given such term in section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141).

Subtitle K—Provisional Ballots

SEC. 3911. REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS; ESTABLISHMENT OF UNIFORM AND NONDISCRIMINATORY STANDARDS.

(a) IN GENERAL.—Section 302 of the Help America Vote Act of 2002 (52 U.S.C. 21082), as amended by section 1601(a), is amended—

(1) by redesignating subsection (e) as subsection (h); and

(2) by inserting after subsection (d) the following new subsections:

''(e) COUNTING OF PROVISIONAL BALLOTS.—

''(1) IN GENERAL.—

''(A) For purposes of subsection (a)(4), if a provisional ballot is cast within the same county in which the voter is registered or otherwise eligible to vote, then notwithstanding the precinct or polling place at which a provisional ballot is cast within the county, the appropriate

election official of the jurisdiction in which the individual is registered or otherwise eligible to vote shall count each vote on such ballot for each election in which the individual who cast such ballot is eligible to vote.

''(B) In addition to the requirements under subsection (a), for each State or political subdivision that provides voters provisional ballots, challenge ballots, or affidavit ballots under the State's applicable law governing the voting processes for those voters whose eligibility to vote is determined to be uncertain by election officials, election officials shall—

''(i) provide clear written instructions indicating the reason the voter was given a provisional ballot, the information or documents the voter needs to prove eligibility, the location at which the voter must appear to submit these materials or alternative methods, including email or facsimile, that the voter may use to submit these materials, and the deadline for submitting these materials;

"(ii) provide a verbal translation of any written instructions to the voter if necessary;

"(iii) permit any voter who votes provisionally at any polling place on Indian lands to appear at any polling place or at a central location for the election board to submit the documentation or information to prove eligibility; and

"(iv) notify the voter as to whether the voter's provisional ballot was counted or rejected and provide the reason for rejection if the voter's provisional ballot was rejected after the voter provided the required information or documentation on eligibility.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall prohibit a State or jurisdiction from counting a provisional ballot which is cast in a different county within the State than the county in which the voter is registered or otherwise eligible to vote.

"(f) DUE PROCESS REQUIREMENTS FOR STATES REQUIRING SIGNATURE VERIFICATION.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—A State may not impose a signature verification requirement as a condition of accepting and counting a provisional ballot submitted by any individual with respect to an election for Federal office unless the State meets the due process requirements described in paragraph (2).

"(B) SIGNATURE VERIFICATION REQUIREMENT DESCRIBED.—In this subsection, a 'signature verification requirement' is a requirement that an election official verify the identification of an individual by comparing the individual's signature on the provisional ballot with the individual's signature on the official list of registered voters in the State or another official record or other document used by the State to verify the signatures of voters.

"(2) DUE PROCESS REQUIREMENTS.—

"(A) NOTICE AND OPPORTUNITY TO CURE DISCREPANCY IN SIGNATURES.—If an individual submits a provisional ballot and the appropriate State or local election official determines that a discrepancy exists between the signature on such ballot and the signature of such individual on the official list of registered voters

in the State or other official record or document used by the State to verify the signatures of voters, such election official, prior to making a final determination as to the validity of such ballot, shall—

"(i) as soon as practical, but no later than the next business day after such determination is made, make a good faith effort to notify the individual by mail, telephone, and (if available) text message and electronic mail that—

"(I) a discrepancy exists between the signature on such ballot and the signature of the individual on the official list of registered voters in the State or other official record or document used by the State to verify the signatures of voters; and

"(II) if such discrepancy is not cured prior to the expiration of the third day following the State's deadline for receiving mail-in ballots or absentee ballots, such ballot will not be counted ; and

"(ii) cure such discrepancy and count the ballot if, prior to the expiration of the third day following the State's deadline for receiving mail-in ballots or absentee ballots, the individual provides the official with information to cure such discrepancy, either in person, by telephone, or by electronic methods.

"(B) NOTICE AND OPPORTUNITY TO CURE MISSING SIGNATURE OR OTHER DEFECT.—If an individual submits a provisional ballot without a signature or submits a provisional ballot with another defect which, if left uncured, would cause the ballot to not be counted, the appropriate State or local election official, prior to making a final determination as to the validity of the ballot, shall—

"(i) as soon as practical, but no later than the next business day after such determination is made, make a good faith effort to notify the individual by mail, telephone, and (if available) text message and electronic mail that—

"(I) the ballot did not include a signature or has some other defect; and

"(II) if the individual does not provide the missing signature or cure the other defect prior to the expiration of the third day following the State's deadline for receiving mail-in ballots or absentee ballots, such ballot will not be counted; and

"(ii) count the ballot if, prior to the expiration of the third day following the State's deadline for receiving mail-in ballots or absentee ballots, the individual provides the official with the missing signature on a form proscribed by the State or cures the other defect.

"(C) OTHER REQUIREMENTS.—

"(i) IN GENERAL.—An election official may not make a determination that a discrepancy exists between the signature on a provisional ballot and the signature of the individual on the official list of registered voters in the State or other official record

or other document used by the State to verify the signatures of voters unless—

"(I) at least 2 election officials make the determination;

"(II) each official who makes the determination has received training in procedures used to verify signatures; and

"(III) of the officials who make the determination, at least one is affiliated with the political party whose candidate received the most votes in the most recent statewide election for Federal office held in the State and at least one is affiliated with the political party whose candidate received the second most votes in the most recent statewide election for Federal office held in the State.

"(ii) EXCEPTION.—Clause (i)(III) shall not apply to any State in which, under a law that is in effect continuously on and after the date of enactment of this section, determinations regarding signature discrepancies are made by election officials

who are not affiliated with a political party.

"(3) REPORT.—

"(A) IN GENERAL.—Not later than 120 days after the end of a Federal election cycle, each chief State election official shall submit to the Commission a report containing the following information for the applicable Federal election cycle in the State:

"(i) The number of provisional ballots invalidated due to a discrepancy under this subsection.

"(ii) Description of attempts to contact voters to provide notice as required by this subsection.

"(iii) Description of the cure process developed by such State pursuant to this subsection, including the number of provisional ballots determined valid as a result of such process.

"(B) SUBMISSION TO CONGRESS.—Not later than 10 days after receiving a report under subparagraph (A), the Commission shall transmit such report to Congress.

"(C) FEDERAL ELECTION CYCLE DEFINED.—For purposes of this subsection, the term 'Federal election cycle' means, with respect to any regularly scheduled election for Federal office, the period beginning on the day after the date of the preceding regularly scheduled general election for Federal office and ending on the date of such regularly scheduled general election.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed—

"(A) to prohibit a State from rejecting a ballot attempted to be cast in an election for Federal office by an individual who is not eligible to vote in the election; or

"(B) to prohibit a State from providing an individual with more time and more methods for curing a discrepancy in the individual's signature, providing a missing signature, or curing any other defect than the State is required to provide under this subsection.

"(5) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2022.

"(g) UNIFORM AND NONDISCRIMINATORY STANDARDS.—

"(1) IN GENERAL.—Consistent with the requirements of this section, each State shall establish uniform and nondiscriminatory standards for the issuance, handling, and counting of provisional ballots.

"(2) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2022.

"(h) ADDITIONAL CONDITIONS PROHIBITED.—If an individual in a State is eligible to cast a provisional ballot as provided under this section, the State may not impose any additional conditions or requirements (including conditions or requirements regarding the timeframe in which a provisional ballot may be cast) on the eligibility of the individual to cast such provisional ballot.".

(b) CONFORMING AMENDMENT.—Section 302(h) of such Act (52 U.S.C. 21082(g)), as amended by section 1601(a) and redesignated by subsection (a), is amended by striking "subsection (d)(4)" and inserting "subsections (d)(4), (e)(3), and (f)(2)".

TITLE IV—VOTING SYSTEM SECURITY

SEC. 4001. POST-ELECTION AUDIT REQUIREMENT.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 3601, is amended by inserting after section 303A the following new section:

"SEC. 303B. POST-ELECTION AUDITS.

"(a) DEFINITIONS.—In this section:

"(1) POST-ELECTION AUDIT.—Except as provided in subsection (c)(1)(B), the term 'post-election audit' means, with respect to any election contest, a post-election process that—

"(A) has a probability of at least 95 percent of correcting the reported outcome if the reported outcome is not the correct outcome;

"(B) will not change the outcome if the reported outcome is the correct outcome; and

"(C) involves a manual adjudication of voter intent from some or all of the ballots validly cast in the election contest.

"(2) REPORTED OUTCOME; CORRECT OUTCOME; OUTCOME.—

"(A) REPORTED OUTCOME.—The term 'reported outcome' means the outcome of an elec-

tion contest which is determined according to the canvass and which will become the official, certified outcome unless it is revised by an audit, recount, or other legal process.

"(B) CORRECT OUTCOME.—The term 'correct outcome' means the outcome that would be determined by a manual adjudication of voter intent for all votes validly cast in the election contest.

"(C) OUTCOME.—The term 'outcome' means the winner or set of winners of an election contest.

"(3) MANUAL ADJUDICATION OF VOTER INTENT.—The term 'manual adjudication of voter intent' means direct inspection and determination by humans, without assistance from electronic or mechanical tabulation devices, of the ballot choices marked by voters on each voter-verifiable paper record.

"(4) BALLOT MANIFEST.—The term 'ballot manifest' means a record maintained by each jurisdiction that—

"(A) is created without reliance on any part of the voting system used to tabulate votes;

1 ''(B) functions as a sampling frame for
2 conducting a post-election audit; and
3 ''(C) accounts for all ballots validly cast re-
4 gardless of how they were tabulated and in-
5 cludes a precise description of the manner in
6 which the ballots are physically stored, includ-
7 ing the total number of physical groups of bal-
8 lots, the numbering system for each group, a
9 unique label for each group, and the number of
10 ballots in each such group.
11 ''(b) REQUIREMENTS.—
12 ''(1) IN GENERAL.—
13 ''(A) AUDITS.—
14 ''(i) IN GENERAL.—Each State and
15 jurisdiction shall administer post-election
16 audits of the results of all election contests
17 for Federal office held in the State in ac-
18 cordance with the requirements of para-
19 graph (2).
20 ''(ii) EXCEPTION.—Clause (i) shall
21 not apply to any election contest for which
22 the State or jurisdiction conducts a full re-
23 count through a manual adjudication of
24 voter intent.

1 "(B) FULL MANUAL TABULATION.—If a
2 post-election audit conducted under subpara-
3 graph (A) corrects the reported outcome of an
4 election contest, the State or jurisdiction shall
5 use the results of the manual adjudication of
6 voter intent conducted as part of the post-elec-
7 tion audit as the official results of the election
8 contest.
9 "(2) AUDIT REQUIREMENTS.—
10 "(A) RULES AND PROCEDURES.—
11 "(i) IN GENERAL.—Not later than 6
12 years after the date of the enactment of
13 this section, the chief State election official
14 of the State shall establish rules and proce-
15 dures for conducting post-election audits.
16 "(ii) MATTERS INCLUDED.—The rules
17 and procedures established under clause (i)
18 shall include the following:
19 "(I) Rules and procedures for en-
20 suring the security of ballots and doc-
21 umenting that prescribed procedures
22 were followed.
23 "(II) Rules and procedures for
24 ensuring the accuracy of ballot mani-
25 fests produced by jurisdictions.

1 "(III) Rules and procedures for
2 governing the format of ballot mani-
3 fests and other data involved in post-
4 election audits.
5 "(IV) Methods to ensure that
6 any cast vote records used in a post-
7 election audit are those used by the
8 voting system to tally the results of
9 the election contest sent to the chief
10 State election official of the State and
11 made public.
12 "(V) Rules and procedures for
13 the random selection of ballots to be
14 inspected manually during each audit.
15 "(VI) Rules and procedures for
16 the calculations and other methods to
17 be used in the audit and to determine
18 whether and when the audit of each
19 election contest is complete.
20 "(VII) Rules and procedures for
21 testing any software used to conduct
22 post-election audits.
23 "(B) PUBLIC REPORT.—
24 "(i) IN GENERAL.—After the comple-
25 tion of the post-election audit and at least

5 days before the election contest is certified by the State, the State shall make public and submit to the Commission a report on the results of the audit, together with such information as necessary to confirm that the audit was conducted properly.

"(ii) FORMAT OF DATA.—All data published with the report under clause (i) shall be published in machine-readable, open data formats.

"(iii) PROTECTION OF ANONYMITY OF VOTES.—Information and data published by the State under this subparagraph shall not compromise the anonymity of votes.

"(iv) REPORT MADE AVAILABLE BY COMMISSION.—After receiving any report submitted under clause (i), the Commission shall make such report available on its website.

"(3) EFFECTIVE DATE; WAIVER.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), each State and jurisdiction shall be required to comply with the requirements of this subsection for the first reg-

ularly scheduled election for Federal office occurring in 2032 and for each subsequent election for Federal office.

"(B) WAIVER.—Except as provided in subparagraph (C), if a State certifies to the Commission not later than the first regularly scheduled election for Federal office occurring in 2032, that the State will not meet the deadline described in subparagraph (A) because it would be impracticable to do so and includes in the certification the reasons for the failure to meet such deadline, subparagraph (A) of this subsection and subsection (c)(2)(A) shall apply to the State as if the reference in such subsections to '2032' were a reference to '2034'.

"(C) ADDITIONAL WAIVER PERIOD.—If a State certifies to the Commission not later than the first regularly scheduled election for Federal office occurring in 2034, that the State will not meet the deadline described in subparagraph (B) because it would be impracticable to do so and includes in the certification the reasons for the failure to meet such deadline, subparagraph (B) of this subsection and subsection (c)(2)(A) shall apply to the State as if the reference in

such subsections to '2034' were a reference to '2036'.

''(c) PHASED IMPLEMENTATION.—

''(1) POST-ELECTION AUDITS.—

''(A) IN GENERAL.—For the regularly scheduled elections for Federal office occurring in 2024 and 2026, each State shall administer a post-election audit of the result of at least one statewide election contest for Federal office held in the State, or if no such statewide contest is on the ballot, one election contest for Federal office chosen at random.

''(B) POST-ELECTION AUDIT DEFINED.—In this subsection, the term 'post-election audit' means a post-election process that involves a manual adjudication of voter intent from a sample of ballots validly cast in the election contest.

''(2) POST-ELECTION AUDITS FOR SELECT CONTESTS.—Subject to subparagraphs (B) and (C) of subsection (b)(3), for the regularly scheduled elections for Federal office occurring in 2028 and for each subsequent election for Federal office that occurs prior to the first regularly scheduled election for Federal office occurring in 2032, each State

shall administer a post-election audit of the result of at least one statewide election contest for Federal office held in the State, or if no such statewide contest is on the ballot, one election contest for Federal office chosen at random.

"(3) STATES THAT ADMINISTER POST-ELECTION AUDITS FOR ALL CONTESTS.—A State shall be exempt from the requirements of this subsection for any regularly scheduled election for Federal office in which the State meets the requirements of subsection (b).".

(b) CLERICAL AMENDMENT.—The table of contents for such Act, as amended by section 3601, is amended by inserting after the item relating to section 303A the following new item:

"Sec. 303B. Post-election audits.".

(c) STUDY ON POST-ELECTION AUDIT BEST PRACTICES.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology shall establish an advisory committee to study post-election audits and establish best practices for post-election audit methodologies and procedures.

(2) ADVISORY COMMITTEE.—The Director of the National Institute of Standards and Technology

shall appoint individuals to the advisory committee and secure the representation of—

(A) State and local election officials;

(B) individuals with experience and expertise in election security;

(C) individuals with experience and expertise in post-election audit procedures; and

(D) individuals with experience and expertise in statistical methods.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this subsection.

SEC. 4002. ELECTION INFRASTRUCTURE DESIGNATION.

Subparagraph (J) of section 2001(3) of the Homeland Security Act of 2002 (6 U.S.C. 601(3)) is amended by inserting ", including election infrastructure" before the period at the end.

SEC. 4003. GUIDELINES AND CERTIFICATION FOR ELECTRONIC POLL BOOKS AND REMOTE BALLOT MARKING SYSTEMS.

(a) INCLUSION UNDER VOLUNTARY VOTING SYSTEM GUIDELINES.—Section 222 of the Help America Vote Act of 2002 (52 U.S.C. 20962) is amended—

(1) by redesignating subsections (a), (b), (c), (d), and (e) as subsections (b), (c), (d), (e), and (f);

(2) by inserting after the section heading the following:

''(a) VOLUNTARY VOTING SYSTEM GUIDELINES.—The Commission shall adopt voluntary voting system guidelines that describe functionality, accessibility, and security principles for the design, development, and operation of voting systems, electronic poll books, and remote ballot marking systems.''; and

(3) by adding at the end the following new subsections:

''(g) INITIAL GUIDELINES FOR ELECTRONIC POLL BOOKS AND REMOTE BALLOT MARKING SYSTEMS.—

''(1) ADOPTION DATE.—The Commission shall adopt initial voluntary voting system guidelines for electronic poll books and remote ballot marking systems not later than 1 year after the date of the enactment of the Freedom to Vote: John R. Lewis Act.

''(2) SPECIAL RULE FOR INITIAL GUIDELINES.—The Commission may adopt initial voluntary voting system guidelines for electronic poll books and remote ballot marking systems without modifying the most recently adopted voluntary voting system guidelines for voting systems.

1 ''(h) DEFINITIONS.—In this section:
2 ''(1) ELECTRONIC POLL BOOK.—The term 'elec-
3 tronic poll book' means the total combination of me-
4 chanical, electromechanical, or electronic equipment
5 (including the software, firmware, and documenta-
6 tion required to program, control, and support the
7 equipment) that is used—
8 ''(A) to retain the list of registered voters
9 at a polling location, or vote center, or other lo-
10 cation at which voters cast votes in an election
11 for Federal office; and
12 ''(B) to identify registered voters who are
13 eligible to vote in an election.
14 ''(2) REMOTE BALLOT MARKING SYSTEM.—The
15 term 'remote ballot marking system' means an elec-
16 tion system that—
17 ''(A) is used by a voter to mark their bal-
18 lots outside of a voting center or polling place;
19 and
20 ''(B) allows a voter to receive a blank bal-
21 lot to mark electronically, print, and then cast
22 by returning the printed ballot to the elections
23 office or other designated location.''.
24 (b) PROVIDING FOR CERTIFICATION OF ELECTRONIC
25 POLL BOOKS AND REMOTE BALLOT MARKING SYSTEM.—

Section 231(a) of the Help America Vote Act of 2002 (52 U.S.C. 20971(a)) is amended in paragraphs (1) and (2) by inserting ", electronic poll books, and remote ballot marking systems" after "software".

SEC. 4004. PRE-ELECTION REPORTS ON VOTING SYSTEM USAGE.

(a) REQUIRING STATES TO SUBMIT REPORTS.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended by inserting after section 301 the following new section:

"SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM USAGE.

"(a) REQUIRING STATES TO SUBMIT REPORTS.—Not later than 120 days before the date of each regularly scheduled general election for Federal office, the chief State election official of a State shall submit a report to the Commission containing a detailed voting system usage plan for each jurisdiction in the State which will administer the election, including a detailed plan for the usage of electronic poll books and other equipment and components of such system. If a jurisdiction acquires and implements a new voting system within the 120 days before the date of the election, it shall notify the chief State election official of the State, who shall submit to the Commission

in a timely manner an updated report under the preceding sentence.

"(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to the regularly scheduled general election for Federal office held in November 2022 and each succeeding regularly scheduled general election for Federal office".

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 301 the following new item:

"Sec. 301A. Pre-election reports on voting system usage.".

SEC. 4005. USE OF VOTING MACHINES MANUFACTURED IN THE UNITED STATES.

(a) REQUIREMENT.—Section 301(a) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)), as amended by section 3904 and section 3906, is further amended by adding at the end the following new paragraph:

"(10) VOTING MACHINE REQUIREMENTS.—

"(A) MANUFACTURING REQUIREMENTS.—By not later than the date of the regularly scheduled general election for Federal office occurring in November 2024, each State shall seek to ensure to the extent practicable that any voting machine used in such election and in any subsequent election for Federal office is manufactured in the United States.

"(B) ASSEMBLY REQUIREMENTS.—By not later than the date of the regularly scheduled general election for Federal office occurring in November 2024, each State shall seek to ensure that any voting machine purchased or acquired for such election and in any subsequent election for Federal office is assembled in the United States.

"(C) SOFTWARE AND CODE REQUIREMENTS.—By not later than the date of the regularly scheduled general election for Federal office occurring in November 2024, each State shall seek to ensure that any software or code developed for any voting system purchased or acquired for such election and in any subsequent election for Federal office is developed and stored in the United States.".

(b) CONFORMING AMENDMENT RELATING TO EFFECTIVE DATE.—Section 301(d)(1) of such Act (52 U.S.C. 21081(d)(1)), as amended by section 3907, is amended by striking "paragraph (2)" and inserting "subsection (a)(10) and paragraph (2)".

SEC. 4006. USE OF POLITICAL PARTY HEADQUARTERS BUILDING FUND FOR TECHNOLOGY OR CYBERSECURITY-RELATED PURPOSES.

(a) PERMITTING USE OF FUND.—Section 315(a)(9)(B) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(a)(9)(B)) is amended by striking the period at the end and inserting the following: ", and to defray technology or cybersecurity-related expenses.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to calendar year 2022 and each succeeding calendar year.

SEC. 4007. SEVERABILITY.

If any provision of this title or any amendment made by this title, or the application of any such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title, and the application of such provision or amendment to any other person or circumstance, shall not be affected by the holding.

DIVISION C—CIVIC PARTICIPATION AND EMPOWERMENT

TITLE V—NONPARTISAN REDISTRICTING REFORM

SEC. 5001. FINDING OF CONSTITUTIONAL AUTHORITY.

Congress finds that it has the authority to establish the terms and conditions States must follow in carrying

1 out congressional redistricting after an apportionment of
2 Members of the House of Representatives because—
3 (1) the authority granted to Congress under ar-
4 ticle I, section 4 of the Constitution of the United
5 States gives Congress the power to enact laws gov-
6 erning the time, place, and manner of elections for
7 Members of the House of Representatives;
8 (2) the authority granted to Congress under
9 section 5 of the 14th amendment to the Constitution
10 gives Congress the power to enact laws to enforce
11 section 2 of such amendment, which requires Rep-
12 resentatives to be apportioned among the several
13 States according to their number;
14 (3) the authority granted to Congress under
15 section 5 of the 14th amendment to the Constitution
16 gives Congress the power to enact laws to enforce
17 section 1 of such amendment, including protections
18 against excessive partisan gerrymandering that Fed-
19 eral courts have not enforced because they under-
20 stand such enforcement to be committed to Congress
21 by the Constitution;
22 (4) of the authority granted to Congress to en-
23 force article IV, section 4, of the Constitution, and
24 the guarantee of a Republican Form of Government
25 to every State, which Federal courts have not en-

forced because they understand such enforcement to be committed to Congress by the Constitution;

(5) requiring States to use uniform redistricting criteria is an appropriate and important exercise of such authority; and

(6) partisan gerrymandering dilutes citizens' votes because partisan gerrymandering injures voters and political parties by infringing on their First Amendment right to associate freely and their Fourteenth Amendment right to equal protection of the laws.

SEC. 5002. BAN ON MID-DECADE REDISTRICTING.

A State that has been redistricted in accordance with this title may not be redistricted again until after the next apportionment of Representatives under section 22(a) of the Act entitled ''An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress'', approved June 18, 1929 (2 U.S.C. 2a), unless a court requires the State to conduct such subsequent redistricting to comply with the Constitution of the United States, the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), the terms or conditions of this title, or applicable State law.

SEC. 5003. CRITERIA FOR REDISTRICTING.

(a) REQUIRING PLANS TO MEET CRITERIA.—A State may not use a congressional redistricting plan enacted following the notice of apportionment transmitted to the President on April 26, 2021, or any subsequent notice of apportionment, if such plan is not in compliance with this section, without regard to whether or not the plan was enacted by the State before, on, or after the effective date of this title.

(b) RANKED CRITERIA.—Under the redistricting plan of a State, there shall be established single-member congressional districts using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the United States Constitution, including the requirement that they substantially equalize total population, without regard to age, citizenship status, or immigration status.

(2) Districts shall comply with the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), including by creating any districts where, if based upon the totality of the circumstances, 2 or more politically cohesive groups protected by such Act are able to elect representatives of choice in coalition with one another, and all applicable Federal laws.

(3)(A) Districts shall be drawn, to the extent that the totality of the circumstances warrant, to ensure the practical ability of a group protected under the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.) to participate in the political process and to nominate candidates and to elect representatives of choice is not diluted or diminished, regardless of whether or not such protected group constitutes a majority of a district's population, voting age population, or citizen voting age population.

(B) For purposes of subparagraph (A), the assessment of whether a protected group has the practical ability to nominate candidates and to elect representatives of choice shall require the consideration of the following factors:

(i) Whether the group is politically cohesive.

(ii) Whether there is racially polarized voting in the relevant geographic region.

(iii) If there is racially polarized voting in the relevant geographic region, whether the preferred candidates of the group nevertheless receive a sufficient amount of consistent crossover support from other voters such that the group is a functional majority with the ability to both

nominate candidates and elect representatives of choice.

(4)(A) Districts shall be drawn to respect communities of interest and neighborhoods to the extent practicable after compliance with the requirements of paragraphs (1) through (3). A community of interest is defined as an area for which the record before the entity responsible for developing and adopting the redistricting plan demonstrates the existence of broadly shared interests and representational needs, including shared interests and representational needs rooted in common ethnic, racial, economic, Indian, social, cultural, geographic, or historic identities, or arising from similar socioeconomic conditions. The term communities of interest may, if the record warrants, include political subdivisions such as counties, municipalities, Indian lands, or school districts, but shall not include common relationships with political parties or political candidates.

(B) For purposes of subparagraph (A), in considering the needs of multiple, overlapping communities of interest, the entity responsible for developing and adopting the redistricting plan shall give greater weight to those communities of interest

whose representational needs would most benefit from the community's inclusion in a single congressional district.

(c) NO FAVORING OR DISFAVORING OF POLITICAL PARTIES.—

(1) PROHIBITION.—A State may not use a redistricting plan to conduct an election if the plan's congressional districts, when considered cumulatively on a statewide basis, have been drawn with the intent or have the effect of materially favoring or disfavoring any political party.

(2) DETERMINATION OF EFFECT.—The determination of whether a redistricting plan has the effect of materially favoring or disfavoring a political party shall be based on an evaluation of the totality of circumstances which, at a minimum, shall involve consideration of each of the following factors:

(A) Computer modeling based on relevant statewide general elections for Federal office held over the 8 years preceding the adoption of the redistricting plan setting forth the probable electoral outcomes for the plan under a range of reasonably foreseeable conditions.

(B) An analysis of whether the redistricting plan is statistically likely to result in

partisan advantage or disadvantage on a statewide basis, the degree of any such advantage or disadvantage, and whether such advantage or disadvantage is likely to be present under a range of reasonably foreseeable electoral conditions.

(C) A comparison of the modeled electoral outcomes for the redistricting plan to the modeled electoral outcomes for alternative plans that demonstrably comply with the requirements of paragraphs (1), (2), and (3) of subsection (b) in order to determine whether reasonable alternatives exist that would result in materially lower levels of partisan advantage or disadvantage on a statewide basis. For purposes of this subparagraph, alternative plans considered may include both actual plans proposed during the redistricting process and other plans prepared for purposes of comparison.

(D) Any other relevant information, including how broad support for the redistricting plan was among members of the entity responsible for developing and adopting the plan and whether the processes leading to the development and adoption of the plan were transparent

and equally open to all members of the entity and to the public.

(3) REBUTTABLE PRESUMPTION.—

(A) TRIGGER.—In any civil action brought under section 5006 in which a party asserts a claim that a State has enacted a redistricting plan which is in violation of this subsection, a party may file a motion not later than 30 days after the enactment of the plan (or, in the case of a plan enacted before the effective date of this Act, not later than 30 days after the effective date of this Act) requesting that the court determine whether a presumption of such a violation exists. If such a motion is timely filed, the court shall hold a hearing not later than 15 days after the date the motion is filed to assess whether a presumption of such a violation exists.

(B) ASSESSMENT.—To conduct the assessment required under subparagraph (A), the court shall do the following:

(i) Determine the number of congressional districts under the plan that would have been carried by each political party's candidates for the office of President and

the office of Senator in the 2 most recent general elections for the office of President and the 2 most recent general elections for the office of Senator (other than special general elections) immediately preceding the enactment of the plan, except that if a State conducts a primary election for the office of Senator which is open to candidates of all political parties, the primary election shall be used instead of the general election and the number of districts carried by a party's candidates for the office of Senator shall be determined on the basis of the combined vote share of all candidates in the election who are affiliated with such party.

(ii) Determine, for each of the 4 elections assessed under clause (i), whether the number of districts that would have been carried by any party's candidate as determined under clause (i) results in partisan advantage or disadvantage in excess of the applicable threshold described in subparagraph (C). The degree of partisan advantage or disadvantage shall be deter-

mined by one or more standard quantitative measures of partisan fairness that—

(I) use a party's share of the statewide vote to calculate a corresponding benchmark share of seats; and

(II) measure the amount by which the share of seats the party's candidates would have won in the election involved exceeds that benchmark share of seats.

(C) APPLICABLE THRESHOLD DESCRIBED.—The applicable threshold described in this subparagraph is, with respect to a State and a number of seats, the greater of—

(i) an amount equal to 7 percent of the number of congressional districts in the State; or

(ii) one congressional district.

(D) DESCRIPTION OF QUANTITATIVE MEASURES; PROHIBITING ROUNDING.—In carrying out this subsection—

(i) the standard quantitative measures of partisan fairness used by the court may

include the simplified efficiency gap but may not include strict proportionality; and

(ii) the court may not round any number.

(E) PRESUMPTION OF VIOLATION.—A plan is presumed to violate paragraph (1) if, on the basis of at least one standard quantitative measure of partisan fairness, it exceeds the applicable threshold described in subparagraph (C) with respect to 2 or more of the 4 elections assessed under subparagraph (B).

(F) STAY OF USE OF PLAN.—Notwithstanding any other provision of this title, in any action under this paragraph, the following rules shall apply:

(i) Upon filing of a motion under subparagraph (A), a State's use of the plan which is the subject of the motion shall be automatically stayed pending resolution of such motion.

(ii) If after considering the motion, the court rules that the plan is presumed under subparagraph (B) to violate paragraph (1), a State may not use such plan until and unless the court which is car-

rying out the determination of the effect of the plan under paragraph (2) determines that, notwithstanding the presumptive violation, the plan does not violate paragraph (1).

(G) NO EFFECT ON OTHER ASSESSMENTS.—The absence of a presumption of a violation with respect to a redistricting plan as determined under this paragraph shall not affect the determination of the effect or intent of the plan under this section.

(4) DETERMINATION OF INTENT.—A court may rely on all available evidence when determining whether a redistricting plan was drawn with the intent to materially favor or disfavor a political party, including evidence of the partisan effects of a plan, the degree of support the plan received from members of the entity responsible for developing and adopting the plan, and whether the processes leading to development and adoption of the plan were transparent and equally open to all members of the entity and to the public.

(5) NO VIOLATION BASED ON CERTAIN CRITERIA.—No redistricting plan shall be found to be in violation of paragraph (1) because of the proper

application of the criteria set forth in paragraphs (1), (2), or (3) of subsection (b), unless one or more alternative plans could have complied with such paragraphs without having the effect of materially favoring or disfavoring a political party.

(d) FACTORS PROHIBITED FROM CONSIDERATION.—In developing the redistricting plan for the State, the State may not take into consideration any of the following factors, except as necessary to comply with the criteria described in paragraphs (1) through (3) of subsection (b), to achieve partisan fairness and comply with subsection (b), and to enable the redistricting plan to be measured against the external metrics described in section 5004(c):

(1) The residence of any Member of the House of Representatives or candidate.

(2) The political party affiliation or voting history of the population of a district.

(e) ADDITIONAL CRITERIA.—A State may not rely upon criteria, districting principles, or other policies of the State which are not set forth in this section to justify noncompliance with the requirements of this section.

(f) APPLICABILITY.—

(1) IN GENERAL.—This section applies to any authority, whether appointed, elected, judicial, or

otherwise, responsible for enacting the congressional redistricting plan of a State.

(2) DATE OF ENACTMENT.—This section applies to any congressional redistricting plan enacted following the notice of apportionment transmitted to the President on April 26, 2021, regardless of the date of enactment by the State of the congressional redistricting plan.

(g) SEVERABILITY OF CRITERIA.—If any provision of this section or any amendment made by this section, or the application of any such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this section, and the application of such provision or amendment to any other person or circumstance, shall not be affected by the holding.

SEC. 5004. DEVELOPMENT OF PLAN.

(a) PUBLIC NOTICE AND INPUT.—

(1) USE OF OPEN AND TRANSPARENT PROCESS.—The entity responsible for developing and adopting the congressional redistricting plan of a State shall solicit and take into consideration comments from the public throughout the process of developing the plan, and shall carry out its duties in an open and transparent manner which provides for

the widest public dissemination reasonably possible of its proposed and final redistricting plans.

(2) WEBSITE.—

(A) FEATURES.—The entity shall maintain a public Internet site which is not affiliated with or maintained by the office of any elected official and which includes the following features:

(i) All proposed redistricting plans and the final redistricting plan, including the accompanying written evaluation under subsection (c).

(ii) All comments received from the public submitted under paragraph (1).

(iii) Access in an easily usable format to the demographic and other data used by the entity to develop and analyze the proposed redistricting plans, together with any reports analyzing and evaluating such plans and access to software that members of the public may use to draw maps of proposed districts.

(iv) A method by which members of the public may submit comments directly to the entity.

(B) SEARCHABLE FORMAT.—The entity shall ensure that all information posted and maintained on the site under this paragraph, including information and proposed maps submitted by the public, shall be maintained in an easily searchable format.

(3) MULTIPLE LANGUAGE REQUIREMENTS FOR ALL NOTICES.—The entity responsible for developing and adopting the plan shall make each notice which is required to be posted and published under this section available in any language in which the State (or any jurisdiction in the State) is required to provide election materials under section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503).

(b) DEVELOPMENT OF PLAN.—

(1) HEARINGS.—The entity responsible for developing and adopting the congressional redistricting plan shall hold hearings both before and after releasing proposed plans in order to solicit public input on the content of such plans. These hearings shall—

(A) be held in different regions of the State and streamed live on the public Internet site maintained under subsection (a)(2);

(B) be sufficient in number, scheduled at times and places, and noticed and conducted in

a manner to ensure that all members of the public, including members of racial, ethnic, and language minorities protected under the Voting Rights Act of 1965, have a meaningful opportunity to attend and provide input both before and after the entity releases proposed plans.

(2) POSTING OF MAPS.—The entity responsible for developing and adopting the congressional redistricting plan shall make proposed plans, amendments to proposed plans, and the data needed to analyze such plans for compliance with the criteria of this title available for public review, including on the public Internet site required under subsection (a)(2), for a period of not less than 5 days before any vote or hearing is held on any such plan or any amendment to such a plan.

(c) RELEASE OF WRITTEN EVALUATION OF PLAN AGAINST EXTERNAL METRICS REQUIRED PRIOR TO VOTE.—The entity responsible for developing and adopting the congressional redistricting plan for a State may not hold a vote on a proposed redistricting plan, including a vote in a committee, unless at least 48 hours prior to holding the vote the State has released a written evaluation that measures each such plan against external metrics which cover the criteria set forth in section 5003(b), in-

1 cluding the impact of the plan on the ability of members
2 of a class of citizens protected by the Voting Rights Act
3 of 1965 (52 U.S.C. 10301 et seq.) to elect candidates of
4 choice, the degree to which the plan preserves or divides
5 communities of interest, and any analysis used by the
6 State to assess compliance with the requirements of sec-
7 tion 5003(b) and (c).

8 (d) PUBLIC INPUT AND COMMENTS.—The entity re-
9 sponsible for developing and adopting the congressional
10 redistricting plan for a State shall make all public com-
11 ments received about potential plans, including alternative
12 plans, available to the public on the Internet site required
13 under subsection (a)(2), at no cost, not later than 24
14 hours prior to holding a vote on final adoption of a plan.

15 **SEC. 5005. FAILURE BY STATE TO ENACT PLAN.**

16 (a) DEADLINE FOR ENACTMENT OF PLAN.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), each State shall enact a final congres-
19 sional redistricting plan following transmission of a
20 notice of apportionment to the President by the ear-
21 liest of—

22 (A) the deadline set forth in State law, in-
23 cluding any extension to the deadline provided
24 in accordance with State law;

(B) February 15 of the year in which regularly scheduled general elections for Federal office are held in the State; or

(C) 90 days before the date of the next regularly scheduled primary election for Federal office held in the State.

(2) SPECIAL RULE FOR PLANS ENACTED PRIOR TO EFFECTIVE DATE OF TITLE.—If a State enacted a final congressional redistricting plan prior to the effective date of this title and the plan is not in compliance with the requirements of this title, the State shall enact a final redistricting plan which is in compliance with the requirements of this title not later than 45 days after the effective date of this title.

(b) DEVELOPMENT OF PLAN BY COURT IN CASE OF MISSED DEADLINE.—If a State has not enacted a final congressional redistricting plan by the applicable deadline under subsection (a), or it appears reasonably likely that a State will fail to enact a final congressional redistricting plan by such deadline—

(1) any citizen of the State may file an action in the United States district court for the applicable venue asking the district court to assume jurisdiction;

(2) the United States district court for the applicable venue, acting through a 3-judge court convened pursuant to section 2284 of title 28, United States Code, shall have the exclusive authority to develop and publish the congressional redistricting plan for the State; and

(3) the final congressional redistricting plan developed and published by the court under this section shall be deemed to be enacted on the date on which the court publishes the final congressional redistricting plan, as described in subsection (e).

(c) APPLICABLE VENUE.—For purposes of this section, the ''applicable venue'' with respect to a State is the District of Columbia or the judicial district in which the capital of the State is located, as selected by the first party to file with the court sufficient evidence that a State has failed to, or is reasonably likely to fail to, enact a final redistricting plan for the State prior to the expiration of the applicable deadline set forth in subsection (a).

(d) PROCEDURES FOR DEVELOPMENT OF PLAN.—

(1) CRITERIA.—In developing a redistricting plan for a State under this section, the court shall adhere to the same terms and conditions that applied (or that would have applied, as the case may

be) to the development of a plan by the State under section 5003.

(2) ACCESS TO INFORMATION AND RECORDS.—The court shall have access to any information, data, software, or other records and material that was used (or that would have been used, as the case may be) by the State in carrying out its duties under this title.

(3) HEARING; PUBLIC PARTICIPATION.—In developing a redistricting plan for a State, the court shall—

(A) hold one or more evidentiary hearings at which interested members of the public may appear and be heard and present testimony, including expert testimony, in accordance with the rules of the court; and

(B) consider other submissions and comments by the public, including proposals for redistricting plans to cover the entire State or any portion of the State.

(4) USE OF SPECIAL MASTER.—To assist in the development and publication of a redistricting plan for a State under this section, the court may appoint a special master to make recommendations to the court on possible plans for the State.

(e) PUBLICATION OF PLAN.—

(1) PUBLIC AVAILABILITY OF INITIAL PLAN.—Upon completing the development of one or more initial redistricting plans, the court shall make the plans available to the public at no cost, and shall also make available the underlying data used to develop the plans and a written evaluation of the plans against external metrics (as described in section 5004(c)).

(2) PUBLICATION OF FINAL PLAN.—At any time after the expiration of the 14-day period which begins on the date the court makes the plans available to the public under paragraph (1), and taking into consideration any submissions and comments by the public which are received during such period, the court shall develop and publish the final redistricting plan for the State.

(f) USE OF INTERIM PLAN.—In the event that the court is not able to develop and publish a final redistricting plan for the State with sufficient time for an upcoming election to proceed, the court may develop and publish an interim redistricting plan which shall serve as the redistricting plan for the State until the court develops and publishes a final plan in accordance with this section. Nothing in this subsection may be construed to limit or

otherwise affect the authority or discretion of the court to develop and publish the final redistricting plan, including the discretion to make any changes the court deems necessary to an interim redistricting plan.

(g) APPEALS.—Review on appeal of any final or interim plan adopted by the court in accordance with this section shall be governed by the appellate process in section 5006.

(h) STAY OF STATE PROCEEDINGS.—The filing of an action under this section shall act as a stay of any proceedings in State court with respect to the State's congressional redistricting plan unless otherwise ordered by the court.

SEC. 5006. CIVIL ENFORCEMENT.

(a) CIVIL ENFORCEMENT.—

(1) ACTIONS BY ATTORNEY GENERAL.—The Attorney General may bring a civil action for such relief as may be appropriate to carry out this title.

(2) AVAILABILITY OF PRIVATE RIGHT OF ACTION.—

(A) IN GENERAL.—Any person residing or domiciled in a State who is aggrieved by the failure of the State to meet the requirements of the Constitution or Federal law, including this title, with respect to the State's congressional

redistricting, may bring a civil action in the United States district court for the applicable venue for such relief as may be appropriate to remedy the failure.

(B) SPECIAL RULE FOR CLAIMS RELATING TO PARTISAN ADVANTAGE.—For purposes of subparagraph (A), a person who is aggrieved by the failure of a State to meet the requirements of section 5003(c) may include—

(i) any political party or committee in the State; and

(ii) any registered voter in the State who resides in a congressional district that the voter alleges was drawn in a manner that contributes to a violation of such section.

(C) NO AWARDING OF DAMAGES TO PREVAILING PARTY.—Except for an award of attorney's fees under subsection (d), a court in a civil action under this section shall not award the prevailing party any monetary damages, compensatory, punitive, or otherwise.

(3) DELIVERY OF COMPLAINT TO HOUSE AND SENATE.—In any action brought under this section, a copy of the complaint shall be delivered promptly

to the Clerk of the House of Representatives and the Secretary of the Senate.

(4) EXCLUSIVE JURISDICTION AND APPLICABLE VENUE.—The district courts of the United States shall have exclusive jurisdiction to hear and determine claims asserting that a congressional redistricting plan violates the requirements of the Constitution or Federal law, including this title. The applicable venue for such an action shall be the United States District Court for the District of Columbia or for the judicial district in which the capital of the State is located, as selected by the person bringing the action. In a civil action that includes a claim that a redistricting plan is in violation of section 5003(b) or (c), the United States District Court for the District of Columbia shall have jurisdiction over any defendant who has been served in any United States judicial district in which the defendant resides, is found, or has an agent, or in the United States judicial district in which the capital of the State is located. Process may be served in any United States judicial district where a defendant resides, is found, or has an agent, or in the United States judicial district in which the capital of the State is located.

(5) USE OF 3-JUDGE COURT.—If an action under this section raises statewide claims under the Constitution or this title, the action shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(6) REVIEW OF FINAL DECISION.—A final decision in an action brought under this section shall be reviewable on appeal by the United States Court of Appeals for the District of Columbia Circuit, which shall hear the matter sitting en banc. There shall be no right of appeal in such proceedings to any other court of appeals. Such appeal shall be taken by the filing of a notice of appeal within 10 days of the entry of the final decision. A final decision by the Court of Appeals may be reviewed by the Supreme Court of the United States by writ of certiorari.

(b) EXPEDITED CONSIDERATION.—In any action brought under this section, it shall be the duty of the district court, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court of the United States (if it chooses to hear the action) to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(c) REMEDIES.—

(1) ADOPTION OF REPLACEMENT PLAN.—

(A) IN GENERAL.—If the district court in an action under this section finds that the congressional redistricting plan of a State violates, in whole or in part, the requirements of this title—

(i) the court shall adopt a replacement congressional redistricting plan for the State in accordance with the process set forth in section 5005; or

(ii) if circumstances warrant and no delay to an upcoming regularly scheduled election for the House of Representatives in the State would result, the district court, in its discretion, may allow a State to develop and propose a remedial congressional redistricting plan for review by the court to determine whether the plan is in compliance with this title, except that—

(I) the State may not develop and propose a remedial plan under this clause if the court determines that the congressional redistricting plan of the State was enacted with discriminatory intent in violation of

the Constitution or section 5003(b); and

(II) nothing in this clause may be construed to permit a State to use such a remedial plan which has not been approved by the court.

(B) PROHIBITING USE OF PLANS IN VIOLATION OF REQUIREMENTS.—No court shall order a State to use a congressional redistricting plan which violates, in whole or in part, the requirements of this title, or to conduct an election under terms and conditions which violate, in whole or in part, the requirements of this title.

(C) SPECIAL RULE IN CASE FINAL ADJUDICATION NOT EXPECTED WITHIN 3 MONTHS OF ELECTION.—

(i) DUTY OF COURT.—If final adjudication of an action under this section is not reasonably expected to be completed at least 3 months prior to the next regularly scheduled primary election for the House of Representatives in the State, the district court shall—

(I) develop, adopt, and order the use of an interim congressional redis-

tricting plan in accordance with section 5005(f) to address any claims under this title for which a party seeking relief has demonstrated a substantial likelihood of success; or

(II) order adjustments to the timing of primary elections for the House of Representatives and other related deadlines, as needed, to allow sufficient opportunity for adjudication of the matter and adoption of a remedial or replacement plan for use in the next regularly scheduled general elections for the House of Representatives.

(ii) PROHIBITING FAILURE TO ACT ON GROUNDS OF PENDENCY OF ELECTION.—The court may not refuse to take any action described in clause (i) on the grounds of the pendency of the next election held in the State or the potential for disruption, confusion, or additional burdens with respect to the administration of the election in the State.

(2) NO STAY PENDING APPEAL.—Notwithstanding the appeal of an order finding that a congressional redistricting plan of a State violates, in whole or in part, the requirements of this title, no stay shall issue which shall bar the development or adoption of a replacement or remedial plan under this subsection, as may be directed by the district court, pending such appeal. If such a replacement or remedial plan has been adopted, no appellate court may stay or otherwise enjoin the use of such plan during the pendency of an appeal, except upon an order holding, based on the record, that adoption of such plan was an abuse of discretion.

(3) SPECIAL AUTHORITY OF COURT OF APPEALS.—

(A) ORDERING OF NEW REMEDIAL PLAN.—If, upon consideration of an appeal under this title, the Court of Appeals determines that a plan does not comply with the requirements of this title, it shall direct that the District Court promptly develop a new remedial plan with assistance of a special master for consideration by the Court of Appeals.

(B) FAILURE OF DISTRICT COURT TO TAKE TIMELY ACTION.—If, at any point during

the pendency of an action under this section, the District Court fails to take action necessary to permit resolution of the case prior to the next regularly scheduled election for the House of Representatives in the State or fails to grant the relief described in paragraph (1)(C), any party may seek a writ of mandamus from the Court of Appeals for the District of Columbia Circuit. The Court of Appeals shall have jurisdiction over the motion for a writ of mandamus and shall establish an expedited briefing and hearing schedule for resolution of the motion. If the Court of Appeals determines that a writ should be granted, the Court of Appeals shall take any action necessary, including developing a congressional redistricting plan with assistance of a special master to ensure that a remedial plan is adopted in time for use in the next regularly scheduled election for the House of Representatives in the State.

(4) EFFECT OF ENACTMENT OF REPLACEMENT PLAN.—A State's enactment of a redistricting plan which replaces a plan which is the subject of an action under this section shall not be construed to limit or otherwise affect the authority of the court

to adjudicate or grant relief with respect to any claims or issues not addressed by the replacement plan, including claims that the plan which is the subject of the action was enacted, in whole or in part, with discriminatory intent, or claims to consider whether relief should be granted under section 3(c) of the Voting Rights Act of 1965 (52 U.S.C. 10302(c)) based on the plan which is the subject of the action.

(d) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(e) RELATION TO OTHER LAWS.—

(1) RIGHTS AND REMEDIES ADDITIONAL TO OTHER RIGHTS AND REMEDIES.—The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this title shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.).

(2) VOTING RIGHTS ACT OF 1965.—Nothing in this title authorizes or requires conduct that is pro-

1 hibited by the Voting Rights Act of 1965 (52 U.S.C.
2 10301 et seq.).
3 (f) LEGISLATIVE PRIVILEGE.—No person, legisla-
4 ture, or State may claim legislative privilege under either
5 State or Federal law in a civil action brought under this
6 section or in any other legal challenge, under either State
7 or Federal law, to a redistricting plan enacted under this
8 title.
9 (g) REMOVAL.—
10 (1) IN GENERAL.—At any time, a civil action
11 brought in a State court which asserts a claim for
12 which the district courts of the United States have
13 exclusive jurisdiction under this title may be re-
14 moved by any party in the case, including an inter-
15 venor, by filing, in the district court for an applica-
16 ble venue under this section, a notice of removal
17 signed pursuant to Rule 11 of the Federal Rules of
18 Civil Procedure containing a short and plain state-
19 ment of the grounds for removal. Consent of parties
20 shall not be required for removal.
21 (2) CLAIMS NOT WITHIN THE ORIGINAL OR
22 SUPPLEMENTAL JURISDICTION.—If a civil action re-
23 moved in accordance with paragraph (1) contains
24 claims not within the original or supplemental juris-
25 diction of the district court, the district court shall

sever all such claims and remand them to the State court from which the action was removed.

SEC. 5007. NO EFFECT ON ELECTIONS FOR STATE AND LOCAL OFFICE.

Nothing in this title or in any amendment made by this title may be construed to affect the manner in which a State carries out elections for State or local office, including the process by which a State establishes the districts used in such elections.

SEC. 5008. EFFECTIVE DATE.

(a) IN GENERAL.—This title and the amendments made by this title shall apply on the date of enactment of this title.

(b) APPLICATION TO CONGRESSIONAL REDISTRICTING PLANS RESULTING FROM 2020 DECENNIAL CENSUS.—Notwithstanding subsection (a), this title and the amendments made by this title, other than section 5004, shall apply with respect to each congressional redistricting plan enacted pursuant to the notice of apportionment transmitted to the President on April 26, 2021, without regard to whether or not a State enacted such a plan prior to the date of the enactment of this Act.

TITLE VI—CAMPAIGN FINANCE TRANSPARENCY

Subtitle A—DISCLOSE Act

SEC. 6001. SHORT TITLE.

This subtitle may be cited as the ''Democracy Is Strengthened by Casting Light On Spending in Elections Act of 2021'' or the ''DISCLOSE Act of 2021''.

SEC. 6002. FINDINGS.

Congress finds the following:

(1) Campaign finance disclosure is a narrowly tailored and minimally restrictive means to advance substantial government interests, including fostering an informed electorate capable of engaging in self-government and holding their elected officials accountable, detecting and deterring quid pro quo corruption, and identifying information necessary to enforce other campaign finance laws, including campaign contribution limits and the prohibition on foreign money in U.S. campaigns. To further these substantial interests, campaign finance disclosure must be timely and complete, and must disclose the true and original source of money given, transferred, and spent to influence Federal elections. Current law does not meet this objective because corporations and other entities that the Supreme Court has per-

1 mitted to spend money to influence Federal elections
2 are subject to few if any transparency requirements.
3 (2) As the Supreme Court recognized in its per
4 curiam opinion in *Buckley v. Valeo*, 424 U.S. 1,
5 (1976), ''disclosure requirements certainly in most
6 applications appear to be the least restrictive means
7 of curbing the evils of campaign ignorance and cor-
8 ruption that Congress found to exist.'' *Buckley*, 424
9 U.S. at 68. In *Citizens United v. FEC*, the Court re-
10 iterated that ''disclosure is a less restrictive alter-
11 native to more comprehensive regulations of speech.''
12 558 U.S. 310, 369 (2010).
13 (3) No subsequent decision has called these
14 holdings into question, including the Court's decision
15 in *Americans for Prosperity Foundation v. Bonta*,
16 141 S. Ct. 2373 (2021). That case did not involve
17 campaign finance disclosure, and the Court did not
18 overturn its longstanding recognition of the substan-
19 tial interests furthered by such disclosure.
20 (4) Campaign finance disclosure is also essen-
21 tial to enforce the Federal Election Campaign Act's
22 prohibition on contributions by and solicitations of
23 foreign nationals. *See* section 319 of the Federal
24 Election Campaign Act of 1971 (52 U.S.C. 30121).

(5) Congress should close loopholes allowing spending by foreign nationals in domestic elections. For example, in 2021, the Federal Election Commission, the independent Federal agency charged with protecting the integrity of the Federal campaign finance process, found reason to believe and conciliated a matter where an experienced political consultant knowingly and willfully violated Federal law by soliciting a contribution from a foreign national by offering to transmit a $2,000,000 contribution to a super PAC through his company and two 501(c)(4) organizations, to conceal the origin of the funds. This scheme was only unveiled after appearing in a The Telegraph UK article and video capturing the solicitation. *See* Conciliation Agreement, MURs 7165 & 7196 (Great America PAC, et al.), date June 28, 2021; Factual and Legal Analysis, MURs 7165 & 7196 (Jesse Benton), dated Mar. 2, 2021.

PART 1—CLOSING LOOPHOLES ALLOWING SPENDING BY FOREIGN NATIONALS IN ELECTIONS

SEC. 6003. CLARIFICATION OF APPLICATION OF FOREIGN MONEY BAN TO CERTAIN DISBURSEMENTS AND ACTIVITIES.

Section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs 2 ems to the right;

(2) by striking ''As used in this section, the term'' and inserting the following: ''DEFINITIONS.—For purposes of this section—

''(1) FOREIGN NATIONAL.—The term'';

(3) by moving paragraphs (1) and (2) two ems to the right and redesignating them as subparagraphs (A) and (B), respectively; and

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

''(2) CONTRIBUTION AND DONATION.—For purposes of paragraphs (1) and (2) of subsection (a), the term 'contribution or donation' includes any disbursement to a political committee which accepts donations or contributions that do not comply with any of the limitations, prohibitions, and reporting re-

quirements of this Act (or any disbursement to or on behalf of any account of a political committee which is established for the purpose of accepting such donations or contributions), or to any other person for the purpose of funding an expenditure, independent expenditure, or electioneering communication (as defined in section 304(f)(3)).''.

SEC. 6004. STUDY AND REPORT ON ILLICIT FOREIGN MONEY IN FEDERAL ELECTIONS.

(a) STUDY.—For each 4-year election cycle (beginning with the 4-year election cycle ending in 2020), the Comptroller General shall conduct a study on the incidence of illicit foreign money in all elections for Federal office held during the preceding 4-year election cycle, including what information is known about the presence of such money in elections for Federal office.

(b) REPORT.—

(1) IN GENERAL.—Not later than the applicable date with respect to any 4-year election cycle, the Comptroller General shall submit to the appropriate congressional committees a report on the study conducted under subsection (a).

(2) MATTERS INCLUDED.—The report submitted under paragraph (1) shall include a description of the extent to which illicit foreign money was

used to target particular groups, including rural communities, African-American and other minority communities, and military and veteran communities, based on such targeting information as is available and accessible to the Comptroller General.

(3) APPLICABLE DATE.—For purposes of paragraph (1), the term ''applicable date'' means—

(A) in the case of the 4-year election cycle ending in 2020, the date that is 1 year after the date of the enactment of this Act; and

(B) in the case of any other 4-year election cycle, the date that is 1 year after the date on which such 4-year election cycle ends.

(c) DEFINITIONS.—As used in this section:

(1) 4-YEAR ELECTION CYCLE.—The term ''4-year election cycle'' means the 4-year period ending on the date of the general election for the offices of President and Vice President.

(2) ILLICIT FOREIGN MONEY.—The term ''illicit foreign money'' means any contribution, donation, expenditure, or disbursement by a foreign national (as defined in section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C.30121(b))) prohibited under such section.

(3) ELECTION; FEDERAL OFFICE.—The terms ''election'' and ''Federal office'' have the meanings given such terms under section 301 of the Federal Election Campaign Act of 1971 (53 U.S.C. 30101).

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on House Administration of the House of Representatives;

(B) the Committee on Rules and Administration of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on the Judiciary of the Senate.

(d) SUNSET.—This section shall not apply to any 4-year election cycle beginning after the election for the offices of President and Vice President in 2032.

SEC. 6005. PROHIBITION ON CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS IN CONNECTION WITH BALLOT INITIATIVES AND REFERENDA.

(a) IN GENERAL.—Section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(b)), as

amended by section 6003, is amended by adding at the end the following new paragraph:

"(3) FEDERAL, STATE, OR LOCAL ELECTION.—The term 'Federal, State, or local election' includes a State or local ballot initiative or referendum, but only in the case of—

"(A) a covered foreign national described in section 304(j)(3)(C);

"(B) a foreign principal described in section 1(b)(2) or 1(b)(3) of the Foreign Agent Registration Act of 1938, as amended (22 U.S.C. 611(b)(2) or (b)(3)) or an agent of such a foreign principal under such Act.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections held in 2022 or any succeeding year.

SEC. 6006. DISBURSEMENTS AND ACTIVITIES SUBJECT TO FOREIGN MONEY BAN.

(a) DISBURSEMENTS DESCRIBED.—Section 319(a)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)) is amended—

(1) by striking "or" at the end of subparagraph (B); and

(2) by striking subparagraph (C) and inserting the following:

"(C) an expenditure;

"(D) an independent expenditure;

"(E) a disbursement for an electioneering communication (within the meaning of section 304(f)(3));

"(F) a disbursement for a communication which is placed or promoted for a fee on a website, web application, or digital application that refers to a clearly identified candidate for election for Federal office and is disseminated within 60 days before a general, special or run-off election for the office sought by the candidate or 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate for the office sought by the candidate;

"(G) a disbursement by a covered foreign national described in section 304(j)(3)(C) for a broadcast, cable or satellite communication, or for a communication which is placed or promoted for a fee on a website, web application, or digital application, that promotes, supports, attacks or opposes the election of a clearly identified candidate for Federal, State, or local of-

fice (regardless of whether the communication contains express advocacy or the functional equivalent of express advocacy);

''(H) a disbursement for a broadcast, cable, or satellite communication, or for any communication which is placed or promoted for a fee on an online platform (as defined in section 304(k)(3)), that discusses a national legislative issue of public importance in a year in which a regularly scheduled general election for Federal office is held, but only if the disbursement is made by a covered foreign national described in section 304(j)(3)(C);

''(I) a disbursement by a covered foreign national described in section 304(j)(3)(C) to compensate any person for internet activity that promotes, supports, attacks or opposes the election of a clearly identified candidate for Federal, State, or local office (regardless of whether the activity contains express advocacy or the functional equivalent of express advocacy); or

''(J) a disbursement by a covered foreign national described in section 304(j)(3)(C) for a Federal judicial nomination communication (as defined in section 324(g)(2));''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to disbursements made on or after the date of the enactment of this Act.

SEC. 6007. PROHIBITING ESTABLISHMENT OF CORPORATION TO CONCEAL ELECTION CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS.

(a) PROHIBITION.—Chapter 29 of title 18, United States Code, as amended by section 2001(a) and section 3101(a), is amended by adding at the end the following:

"§ 614. Establishment of corporation to conceal election contributions and donations by foreign nationals

''(a) OFFENSE.—It shall be unlawful for an owner, officer, attorney, or incorporation agent of a corporation, company, or other entity to establish or use the corporation, company, or other entity with the intent to conceal an activity of a foreign national (as defined in section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121)) prohibited under such section 319.

''(b) PENALTY.—Any person who violates subsection (a) shall be imprisoned for not more than 5 years, fined under this title, or both.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 29 of title 18, United States Code, as amended

by section 2001(b) and section 3101(b), is amended by inserting after the item relating to section 612 the following:

"614. Establishment of corporation to conceal election contributions and donations by foreign nationals.".

PART 2—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

SEC. 6011. REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS.

(a) IN GENERAL.—Section 324 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30126) is amended to read as follows:

"SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSEMENTS BY COVERED ORGANIZATIONS.

"(a) DISCLOSURE STATEMENT.—

"(1) IN GENERAL.—Any covered organization that makes campaign-related disbursements aggregating more than $10,000 in an election reporting cycle shall, not later than 24 hours after each disclosure date, file a statement with the Commission made under penalty of perjury that contains the information described in paragraph (2)—

"(A) in the case of the first statement filed under this subsection, for the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year be-

fore the first such disclosure date) and ending on the first such disclosure date; and

"(B) in the case of any subsequent statement filed under this subsection, for the period beginning on the previous disclosure date and ending on such disclosure date.

"(2) INFORMATION DESCRIBED.—The information described in this paragraph is as follows:

"(A) The name of the covered organization and the principal place of business of such organization and, in the case of a covered organization that is a corporation (other than a business concern that is an issuer of a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports under section 15(d) of that Act (15 U.S.C. 78o(d))) or an entity described in subsection (e)(2), a list of the beneficial owners (as defined in paragraph (4)(A)) of the entity that—

"(i) identifies each beneficial owner by name and current residential or business street address; and

"(ii) if any beneficial owner exercises control over the entity through another

legal entity, such as a corporation, partnership, limited liability company, or trust, identifies each such other legal entity and each such beneficial owner who will use that other entity to exercise control over the entity.

''(B) The amount of each campaign-related disbursement made by such organization during the period covered by the statement of more than $1,000, and the name and address of the person to whom the disbursement was made.

''(C) In the case of a campaign-related disbursement that is not a covered transfer, the election to which the campaign-related disbursement pertains and if the disbursement is made for a public communication, the name of any candidate identified in such communication and whether such communication is in support of or in opposition to a candidate.

''(D) A certification by the chief executive officer or person who is the head of the covered organization that the campaign-related disbursement is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate, authorized committee, or

agent of a candidate, political party, or agent of a political party.

''(E)(i) If the covered organization makes campaign-related disbursements using exclusively funds in a segregated bank account consisting of funds that were paid directly to such account by persons other than the covered organization that controls the account, for each such payment to the account—

''(I) the name and address of each person who made such payment during the period covered by the statement;

''(II) the date and amount of such payment; and

''(III) the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date,

but only if such payment was made by a person who made payments to the account in an aggregate amount of $10,000 or more during the period beginning on the first day of the election

reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date.

"(ii) In any calendar year after 2022, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the 'base period' shall be calendar year 2022.

"(F)(i) If the covered organization makes campaign-related disbursements using funds other than funds in a segregated bank account described in subparagraph (E), for each payment to the covered organization—

"(I) the name and address of each person who made such payment during the period covered by the statement;

"(II) the date and amount of such payment; and

"(III) the aggregate amount of all such payments made by the person during the period beginning on the first day of the

election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date,

but only if such payment was made by a person who made payments to the covered organization in an aggregate amount of $10,000 or more during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date.

''(ii) In any calendar year after 2022, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the 'base period' shall be calendar year 2022.

''(G) Such other information as required in rules established by the Commission to promote the purposes of this section.

''(3) EXCEPTIONS.—

"(A) AMOUNTS RECEIVED IN ORDINARY COURSE OF BUSINESS.—The requirement to include in a statement filed under paragraph (1) the information described in paragraph (2) shall not apply to amounts received by the covered organization in commercial transactions in the ordinary course of any trade or business conducted by the covered organization or in the form of investments (other than investments by the principal shareholder in a limited liability corporation) in the covered organization. For purposes of this subparagraph, amounts received by a covered organization as remittances from an employee to the employee's collective bargaining representative shall be treated as amounts received in commercial transactions in the ordinary course of the business conducted by the covered organization.

"(B) DONOR RESTRICTION ON USE OF FUNDS.—The requirement to include in a statement submitted under paragraph (1) the information described in subparagraph (F) of paragraph (2) shall not apply if—

"(i) the person described in such subparagraph prohibited, in writing, the use of

the payment made by such person for campaign-related disbursements; and

"(ii) the covered organization agreed to follow the prohibition and deposited the payment in an account which is segregated from any account used to make campaign-related disbursements.

"(C) THREAT OF HARASSMENT OR REPRISAL.—The requirement to include any information relating to the name or address of any person (other than a candidate) in a statement submitted under paragraph (1) shall not apply if the inclusion of the information would subject the person to serious threats, harassment, or reprisals.

"(4) OTHER DEFINITIONS.—For purposes of this section:

"(A) BENEFICIAL OWNER DEFINED.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'beneficial owner' means, with respect to any entity, a natural person who, directly or indirectly—

"(I) exercises substantial control over an entity through ownership, voting rights, agreement, or otherwise; or

"(II) has a substantial interest in or receives substantial economic benefits from the assets of an entity.

"(ii) EXCEPTIONS.—The term 'beneficial owner' shall not include—

"(I) a minor child;

"(II) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

"(III) a person acting solely as an employee of an entity and whose control over or economic benefits from the entity derives solely from the employment status of the person;

"(IV) a person whose only interest in an entity is through a right of inheritance, unless the person also meets the requirements of clause (i); or

"(V) a creditor of an entity, unless the creditor also meets the requirements of clause (i).

1 "(iii) ANTI-ABUSE RULE.—The exceptions under clause (ii) shall not apply if used for the purpose of evading, circumventing, or abusing the provisions of clause (i) or paragraph (2)(A).

6 "(B) DISCLOSURE DATE.—The term 'disclosure date' means—

8 "(i) the first date during any election reporting cycle by which a person has made campaign-related disbursements aggregating more than $10,000; and

12 "(ii) any other date during such election reporting cycle by which a person has made campaign-related disbursements aggregating more than $10,000 since the most recent disclosure date for such election reporting cycle.

18 "(C) ELECTION REPORTING CYCLE.—The term 'election reporting cycle' means the 2-year period beginning on the date of the most recent general election for Federal office.

22 "(D) PAYMENT.—The term 'payment' includes any contribution, donation, transfer, payment of dues, or other payment.

25 "(b) COORDINATION WITH OTHER PROVISIONS.—

"(1) OTHER REPORTS FILED WITH THE COMMISSION.—Information included in a statement filed under this section may be excluded from statements and reports filed under section 304.

"(2) TREATMENT AS SEPARATE SEGREGATED FUND.—A segregated bank account referred to in subsection (a)(2)(E) may be treated as a separate segregated fund for purposes of section 527(f)(3) of the Internal Revenue Code of 1986.

"(c) FILING.—Statements required to be filed under subsection (a) shall be subject to the requirements of section 304(d) to the same extent and in the same manner as if such reports had been required under subsection (c) or (g) of section 304.

"(d) CAMPAIGN-RELATED DISBURSEMENT DEFINED.—

"(1) IN GENERAL.—In this section, the term 'campaign-related disbursement' means a disbursement by a covered organization for any of the following:

"(A) An independent expenditure which expressly advocates the election or defeat of a clearly identified candidate for election for Federal office, or is the functional equivalent of express advocacy because, when taken as a whole,

it can be interpreted by a reasonable person only as advocating the election or defeat of a candidate for election for Federal office.

"(B) An applicable public communication.

"(C) An electioneering communication, as defined in section 304(f)(3).

"(D) A covered transfer.

"(2) APPLICABLE PUBLIC COMMUNICATIONS.—

"(A) IN GENERAL.—The term 'applicable public communication' means any public communication that refers to a clearly identified candidate for election for Federal office and which promotes or supports the election of a candidate for that office, or attacks or opposes the election of a candidate for that office, without regard to whether the communication expressly advocates a vote for or against a candidate for that office.

"(B) EXCEPTION.—Such term shall not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, publication, or periodical, unless such facilities are owned or controlled by

any political party, political committee, or candidate.

"(3) INTENT NOT REQUIRED.—A disbursement for an item described in subparagraph (A), (B), (C) or (D) of paragraph (1) shall be treated as a campaign-related disbursement regardless of the intent of the person making the disbursement.

"(e) COVERED ORGANIZATION DEFINED.—In this section, the term 'covered organization' means any of the following:

"(1) A corporation (other than an organization described in section 501(c)(3) of the Internal Revenue Code of 1986).

"(2) A limited liability corporation that is not otherwise treated as a corporation for purposes of this Act (other than an organization described in section 501(c)(3) of the Internal Revenue Code of 1986).

"(3) An organization described in section 501(c) of such Code and exempt from taxation under section 501(a) of such Code (other than an organization described in section 501(c)(3) of such Code).

"(4) A labor organization (as defined in section 316(b)).

1 ''(5) Any political organization under section
2 527 of the Internal Revenue Code of 1986, other
3 than a political committee under this Act (except as
4 provided in paragraph (6)).
5 ''(6) A political committee with an account that
6 accepts donations or contributions that do not com-
7 ply with the contribution limits or source prohibi-
8 tions under this Act, but only with respect to such
9 accounts.
10 ''(f) COVERED TRANSFER DEFINED.—
11 ''(1) IN GENERAL.—In this section, the term
12 'covered transfer' means any transfer or payment of
13 funds by a covered organization to another person if
14 the covered organization—
15 ''(A) designates, requests, or suggests that
16 the amounts be used for—
17 ''(i) campaign-related disbursements
18 (other than covered transfers); or
19 ''(ii) making a transfer to another
20 person for the purpose of making or pay-
21 ing for such campaign-related disburse-
22 ments;
23 ''(B) made such transfer or payment in re-
24 sponse to a solicitation or other request for a
25 donation or payment for—

1 ''(i) the making of or paying for cam-
2 paign-related disbursements (other than
3 covered transfers); or
4 ''(ii) making a transfer to another
5 person for the purpose of making or pay-
6 ing for such campaign-related disburse-
7 ments;
8 ''(C) engaged in discussions with the re-
9 cipient of the transfer or payment regarding—
10 ''(i) the making of or paying for cam-
11 paign-related disbursements (other than
12 covered transfers); or
13 ''(ii) donating or transferring any
14 amount of such transfer or payment to an-
15 other person for the purpose of making or
16 paying for such campaign-related disburse-
17 ments; or
18 ''(D) knew or had reason to know that the
19 person receiving the transfer or payment would
20 make campaign-related disbursements in an ag-
21 gregate amount of $50,000 or more during the
22 2-year period beginning on the date of the
23 transfer or payment.
24 ''(2) EXCLUSIONS.—The term 'covered transfer'
25 does not include any of the following:

"(A) A disbursement made by a covered organization in a commercial transaction in the ordinary course of any trade or business conducted by the covered organization or in the form of investments made by the covered organization.

"(B) A disbursement made by a covered organization if—

"(i) the covered organization prohibited, in writing, the use of such disbursement for campaign-related disbursements; and

"(ii) the recipient of the disbursement agreed to follow the prohibition and deposited the disbursement in an account which is segregated from any account used to make campaign-related disbursements.

"(3) SPECIAL RULE REGARDING TRANSFERS AMONG AFFILIATES.—

"(A) SPECIAL RULE.—A transfer of an amount by one covered organization to another covered organization which is treated as a transfer between affiliates under subparagraph (C) shall be considered a covered transfer by the covered organization which transfers the

amount only if the aggregate amount transferred during the year by such covered organization to that same covered organization is equal to or greater than $50,000.

"(B) DETERMINATION OF AMOUNT OF CERTAIN PAYMENTS AMONG AFFILIATES.—In determining the amount of a transfer between affiliates for purposes of subparagraph (A), to the extent that the transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.

"(C) DESCRIPTION OF TRANSFERS BETWEEN AFFILIATES.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

"(i) one of the organizations is an affiliate of the other organization; or

"(ii) each of the organizations is an affiliate of the same organization,

1 except that the transfer shall not be treated as
2 a transfer between affiliates if one of the orga-
3 nizations is established for the purpose of mak-
4 ing campaign-related disbursements.

5 ''(D) DETERMINATION OF AFFILIATE STA-
6 TUS.—For purposes of subparagraph (C), a
7 covered organization is an affiliate of another
8 covered organization if—

9 ''(i) the governing instrument of the
10 organization requires it to be bound by de-
11 cisions of the other organization;

12 ''(ii) the governing board of the orga-
13 nization includes persons who are specifi-
14 cally designated representatives of the
15 other organization or are members of the
16 governing board, officers, or paid executive
17 staff members of the other organization, or
18 whose service on the governing board is
19 contingent upon the approval of the other
20 organization; or

21 ''(iii) the organization is chartered by
22 the other organization.

23 ''(E) COVERAGE OF TRANSFERS TO AF-
24 FILIATED SECTION 501(c)(3) ORGANIZA-
25 TIONS.—This paragraph shall apply with re-

spect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this paragraph applies to an amount transferred by a covered organization to another covered organization.

''(g) NO EFFECT ON OTHER REPORTING REQUIREMENTS.—Except as provided in subsection (b)(1), nothing in this section shall be construed to waive or otherwise affect any other requirement of this Act which relates to the reporting of campaign-related disbursements.''.

(b) CONFORMING AMENDMENT.—Section 304(f)(6) of such Act (52 U.S.C. 30104) is amended by striking ''Any requirement'' and inserting ''Except as provided in section 324(b), any requirement''.

(c) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Federal Election Commission shall promulgate regulations relating the application of the exemption under section 324(a)(3)(C) of the Federal Election Campaign Act of 1971 (as added by paragraph (1)). Such regulations—

(1) shall require that the legal burden of establishing eligibility for such exemption is upon the or-

ganization required to make the report required under section 324(a)(1) of such Act (as added by paragraph (1)), and

(2) shall be consistent with the principles applied in *Citizens United* v. *Federal Election Commission*, 558 U.S. 310 (2010).

SEC. 6012. REPORTING OF FEDERAL JUDICIAL NOMINATION DISBURSEMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) A fair and impartial judiciary is critical for our democracy and crucial to maintain the faith of the people of the United States in the justice system. As the Supreme Court held in *Caperton* v. *Massey*, ''there is a serious risk of actual bias—based on objective and reasonable perceptions—when a person with a personal stake in a particular case had a significant and disproportionate influence in placing the judge on the case.'' (*Caperton* v. *A. T. Massey Coal Co.*, 556 U.S. 868, 884 (2009)).

(2) Public trust in government is at a historic low. According to polling, most Americans believe that corporations have too much power and influence in politics and the courts.

(3) The prevalence and pervasiveness of dark money drives public concern about corruption in politics and the courts. Dark money is funding for organizations and political activities that cannot be traced to actual donors. It is made possible by loopholes in our tax laws and regulations, weak oversight by the Internal Revenue Service, and donor-friendly court decisions.

(4) Under current law, ''social welfare'' organizations and business leagues can use funds to influence elections so long as political activity is not their ''primary'' activity. Super PACs can accept and spend unlimited contributions from any non-foreign source. These groups can spend tens of millions of dollars on political activities. Such dark money groups spent an estimated $1,050,000,000 in the 2020 election cycle.

(5) Dark money is used to shape judicial decision-making. This can take many forms, akin to agency capture: influencing judicial selection by controlling who gets nominated and funding candidate advertisements; creating public relations campaigns aimed at mobilizing the judiciary around particular issues; and drafting law review articles, amicus briefs, and other products which tell judges how to

decide a given case and provide ready-made arguments for willing judges to adopt.

(6) Over the past decade, nonprofit organizations that do not disclose their donors have spent hundreds of millions of dollars to influence the nomination and confirmation process for Federal judges. One organization alone has spent nearly $40,000,000 on advertisements supporting or opposing Supreme Court nominees since 2016.

(7) Anonymous money spent on judicial nominations is not subject to any disclosure requirements. Federal election laws only regulate contributions and expenditures relating to electoral politics; thus, expenditures, contributions, and advocacy efforts for Federal judgeships are not covered under the Federal Election Campaign Act of 1971. Without more disclosure, the public has no way of knowing whether the people spending money supporting or opposing judicial nominations have business before the courts.

(8) Congress and the American people have a compelling interest in knowing who is funding these campaigns to select and confirm judges to lifetime appointments on the Federal bench.

(b) REPORTING.—Section 324 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30126), as amended by section 6011, is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) APPLICATION TO FEDERAL JUDICIAL NOMINATIONS.—

"(1) IN GENERAL.—For purposes of this section—

"(A) a disbursement by a covered organization for a Federal judicial nomination communication shall be treated as a campaign-related disbursement; and

"(B) in the case of campaign-related disbursements which are for Federal judicial nomination communications—

"(i) the dollar amounts in paragraphs (1) and (2) of subsection (a) shall be applied separately with respect to such disbursements and other campaign-related disbursements;

"(ii) the election reporting cycle shall be the calendar year in which the disbursement for the Federal judicial nomination communication is made;

"(iii) references to a candidate in subsections (a)(2)(C), (a)(2)(D), and (a)(3)(C) shall be treated as references to a nominee for a Federal judge or justice;

"(iv) the reference to an election in subsection (a)(2)(C) shall be treated as a reference to the nomination of such nominee.

"(2) FEDERAL JUDICIAL NOMINATION COMMUNICATION.—

"(A) IN GENERAL.—The term 'Federal judicial nomination communication' means any communication—

"(i) that is by means of any broadcast, cable, or satellite, paid internet, or paid digital communication, paid promotion, newspaper, magazine, outdoor advertising facility, mass mailing, telephone bank, telephone messaging effort of more than 500 substantially similar calls or electronic messages within a 30-day period, or any other form of general public political advertising; and

"(ii) which promotes, supports, attacks, or opposes the nomination or Senate

confirmation of an individual as a Federal judge or justice.

"(B) EXCEPTION.—Such term shall not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, publication, or periodical, unless such facilities are owned or controlled by any political party, political committee, or candidate.

"(C) INTENT NOT REQUIRED.—A disbursement for an item described in subparagraph (A) shall be treated as a disbursement for a Federal judicial nomination communication regardless of the intent of the person making the disbursement.".

SEC. 6013. COORDINATION WITH FINCEN.

(a) IN GENERAL.—The Director of the Financial Crimes Enforcement Network of the Department of the Treasury shall provide the Federal Election Commission with such information as necessary to assist in administering and enforcing section 324 of the Federal Election Campaign Act of 1971, as amended by this part.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Chairman of the Federal

Election Commission, in consultation with the Director of the Financial Crimes Enforcement Network of the Department of the Treasury, shall submit to Congress a report with recommendations for providing further legislative authority to assist in the administration and enforcement of such section 324.

SEC. 6014. APPLICATION OF FOREIGN MONEY BAN TO DISBURSEMENTS FOR CAMPAIGN-RELATED DISBURSEMENTS CONSISTING OF COVERED TRANSFERS.

Section 319(b)(2) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amended by section 6003, is amended—

(1) by striking ''includes any disbursement'' and inserting ''includes—

''(A) any disbursement'';

(2) by striking the period at the end and inserting ''; and'', and

(3) by adding at the end the following new subparagraph:

''(B) any disbursement, other than a disbursement described in section 324(a)(3)(A), to another person who made a campaign-related disbursement consisting of a covered transfer (as described in section 324) during the 2-year

period ending on the date of the disbursement.''.

SEC. 6015. EFFECTIVE DATE.

The amendments made by this part shall apply with respect to disbursements made on or after January 1, 2022, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

PART 3—OTHER ADMINISTRATIVE REFORMS

SEC. 6021. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by inserting ''(including a proceeding before the Supreme Court on certiorari)'' after ''appeal''.

SEC. 6022. JUDICIAL REVIEW OF ACTIONS RELATED TO CAMPAIGN FINANCE LAWS.

(a) IN GENERAL.—Title IV of the Federal Election Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is amended by inserting after section 406 the following new section:

''SEC. 407. JUDICIAL REVIEW.

''(a) IN GENERAL.—If any action is brought for declaratory or injunctive relief to challenge, whether facially or as-applied, the constitutionality or lawfulness of any provision of this Act, including title V, or of chapter 95

or 96 of the Internal Revenue Code of 1986, or is brought to with respect to any action of the Commission under chapter 95 or 96 of the Internal Revenue Code of 1986, the following rules shall apply:

"(1) The action shall be filed in the United States District Court for the District of Columbia and an appeal from the decision of the district court may be taken to the Court of Appeals for the District of Columbia Circuit.

"(2) In the case of an action relating to declaratory or injunctive relief to challenge the constitutionality of a provision, the party filing the action shall concurrently deliver a copy of the complaint to the Clerk of the House of Representatives and the Secretary of the Senate.

"(3) It shall be the duty of the United States District Court for the District of Columbia and the Court of Appeals for the District of Columbia Circuit to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

"(b) CLARIFYING SCOPE OF JURISDICTION.—If an action at the time of its commencement is not subject to subsection (a), but an amendment, counterclaim, cross-claim, affirmative defense, or any other pleading or motion

is filed challenging, whether facially or as-applied, the constitutionality or lawfulness of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986, or is brought to with respect to any action of the Commission under chapter 95 or 96 of the Internal Revenue Code of 1986, the district court shall transfer the action to the District Court for the District of Columbia, and the action shall thereafter be conducted pursuant to subsection (a).

"(c) INTERVENTION BY MEMBERS OF CONGRESS.—In any action described in subsection (a) relating to declaratory or injunctive relief to challenge the constitutionality of a provision, any Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require interveners taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

"(d) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory

or injunctive relief to challenge, whether facially or as-applied, the constitutionality of any provision of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 9011 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 9011. JUDICIAL REVIEW.

''For provisions relating to judicial review of certifications, determinations, and actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.''.

(2) Section 9041 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 9041. JUDICIAL REVIEW.

''For provisions relating to judicial review of actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.''.

(3) Section 310 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30110) is repealed.

(4) Section 403 of the Bipartisan Campaign Reform Act of 2002 (52 U.S.C. 30110 note) is repealed.

SEC. 6023. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect and apply on the date of the enactment of this Act,

without regard to whether or not the Federal Election Commission has promulgated regulations to carry out this subtitle and the amendments made by this subtitle.

Subtitle B—Honest Ads

SEC. 6101. SHORT TITLE.

This subtitle may be cited as the ''Honest Ads Act''.

SEC. 6102. PURPOSE.

The purpose of this subtitle is to enhance the integrity of American democracy and national security by improving disclosure requirements for online political advertisements in order to uphold the Supreme Court's well-established standard that the electorate bears the right to be fully informed.

SEC. 6103. FINDINGS.

Congress makes the following findings:

(1) In 2002, the Bipartisan Campaign Reform Act of 2002 (Public Law 107–155) became law, establishing disclosure requirements for political advertisements distributed from a television or radio broadcast station or provider of cable or satellite television. In 2003, the Supreme Court upheld regulations on electioneering communications established under the Act, noting that such requirements ''provide the electorate with information and insure that the voters are fully informed about the person or

group who is speaking.'' The Court reaffirmed this conclusion in 2010 by an 8–1 vote.

(2) In its 2006 rulemaking, the Federal Election Commission, the independent Federal agency charged with protecting the integrity of the Federal campaign finance process, noted that 18 percent of all Americans cited the internet as their leading source of news about the 2004 Presidential election. By contrast, Gallup and the Knight Foundation found in 2020 that the majority of Americans, 58 percent, got most of their news about elections online.

(3) According to a study from Borrell Associates, in 2016, $1,415,000,000 was spent on online advertising, more than quadruple the amount in 2012.

(4) Effective and complete transparency for voters must include information about the true and original source of money given, transferred, and spent on political advertisements made online.

(5) Requiring the disclosure of this information is a necessary and narrowly tailored means to inform the voting public of who is behind digital advertising disseminated to influence their votes and to enable the Federal Election Commission and the De-

1 partment of Justice to detect and prosecute illegal
2 foreign spending on local, State, and Federal elec-
3 tions and other campaign finance violations.

4 (6) Paid advertising on large online platforms is
5 different from advertising placed on other common
6 media in terms of the comparatively low cost of
7 reaching large numbers of people, the availability of
8 sophisticated microtargeting, and the ease with
9 which online advertisers, particularly those located
10 outside the United States, can evade disclosure re-
11 quirements. Requiring large online platforms to
12 maintain public files of information about the online
13 political ads they disseminate is the best and least
14 restrictive means to ensure the voting public has
15 complete information about who is trying to influ-
16 ence their votes and to aid enforcement of other
17 laws, including the prohibition on foreign money in
18 domestic campaigns.

19 (7) The reach of a few large internet plat-
20 forms—larger than any broadcast, satellite, or cable
21 provider—has greatly facilitated the scope and effec-
22 tiveness of disinformation campaigns. For instance,
23 the largest platform has over 210,000,000 American
24 users—over 160,000,000 of them on a daily basis.
25 By contrast, the largest cable television provider has

22,430,000 subscribers, while the largest satellite television provider has 21,000,000 subscribers. And the most-watched television broadcast in United States history had 118,000,000 viewers.

(8) The public nature of broadcast television, radio, and satellite ensures a level of publicity for any political advertisement. These communications are accessible to the press, fact-checkers, and political opponents. This creates strong disincentives for a candidate to disseminate materially false, inflammatory, or contradictory messages to the public. Social media platforms, in contrast, can target portions of the electorate with direct, ephemeral advertisements often on the basis of private information the platform has on individuals, enabling political advertisements that are contradictory, racially or socially inflammatory, or materially false.

(9) According to comscore, 2 companies own 8 of the 10 most popular smart phone applications as of June 2017, including the most popular social media and email services which deliver information and news to users without requiring proactivity by the user. Those same 2 companies accounted for 99 percent of revenue growth from digital advertising in 2016, including 77 percent of gross spending. 79

percent of online Americans—representing 68 percent of all Americans—use the single largest social network, while 66 percent of these users are most likely to get their news from that site.

(10) Large social media platforms are the only entities in possession of certain key data related to paid online ads, including the exact audience targeted by those ads and their number of impressions. Such information, which cannot be reliably disclosed by the purchasers of ads, is extremely useful for informing the electorate, guarding against corruption, and aiding in the enforcement of existing campaign finance regulations.

(11) Paid advertisements on social media platforms have served as critical tools for foreign online influence campaigns—even those that rely on large amounts of unpaid content—because such ads allow foreign actors to test the effectiveness of different messages, expose their messages to audiences who have not sought out such content, and recruit audiences for future campaigns and posts.

(12) In testimony before the Senate Select Committee on Intelligence titled, ''Disinformation: A Primer in Russian Active Measures and Influence Campaigns'', multiple expert witnesses testified that

while the disinformation tactics of foreign adversaries have not necessarily changed, social media services now provide ''platform[s] practically purpose-built for active measures[.]'' Similarly, as Gen. Keith B. Alexander (RET.), the former Director of the National Security Agency, testified, during the Cold War ''if the Soviet Union sought to manipulate information flow, it would have to do so principally through its own propaganda outlets or through active measures that would generate specific news: planting of leaflets, inciting of violence, creation of other false materials and narratives. But the news itself was hard to manipulate because it would have required actual control of the organs of media, which took long-term efforts to penetrate. Today, however, because the clear majority of the information on social media sites is uncurated and there is a rapid proliferation of information sources and other sites that can reinforce information, there is an increasing likelihood that the information available to average consumers may be inaccurate (whether intentionally or otherwise) and may be more easily manipulable than in prior eras.''.

(13) On November 24, 2016, The Washington Post reported findings from 2 teams of independent

researchers that concluded Russians ''exploited American-made technology platforms to attack U.S. democracy at a particularly vulnerable moment *** as part of a broadly effective strategy of sowing distrust in U.S. democracy and its leaders.''.

(14) On January 6, 2017, the Office of the Director of National Intelligence published a report titled ''Assessing Russian Activities and Intentions in Recent U.S. Elections'', noting that ''Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the US presidential election * * *''. Moscow's influence campaign followed a Russian messaging strategy that blends covert intelligence operation—such as cyber activity—with overt efforts by Russian Government agencies, state-funded media, third-party intermediaries, and paid social media users or ''trolls''.

(15) On September 6, 2017, the nation's largest social media platform disclosed that between June 2015 and May 2017, Russian entities purchased $100,000 in political advertisements, publishing roughly 3,000 ads linked to fake accounts associated with the Internet Research Agency, a pro-Kremlin organization. According to the company,

the ads purchased focused ''on amplifying divisive social and political messages ***''.

(16) Findings from a 2017 study on the manipulation of public opinion through social media conducted by the Computational Propaganda Research Project at the Oxford Internet Institute found that the Kremlin is using pro-Russian bots to manipulate public discourse to a highly targeted audience. With a sample of nearly 1,300,000 tweets, researchers found that in the 2016 election's 3 decisive States, propaganda constituted 40 percent of the sampled election-related tweets that went to Pennsylvanians, 34 percent to Michigan voters, and 30 percent to those in Wisconsin. In other swing States, the figure reached 42 percent in Missouri, 41 percent in Florida, 40 percent in North Carolina, 38 percent in Colorado, and 35 percent in Ohio.

(17) 2018 reporting by the Washington Post estimated that paid Russian ads received more than 37,000,000 impressions in 2016 and 2017.

(18) A 2019 Senate Select Committee on Intelligence's Report on Russian Active Measures Campaigns and Interference in the 2016 U.S. Election Volume 2: Russia's Use of Social Media with Additional Views, the Committee recommended

"that Congress examine legislative approaches to ensuring Americans know the sources of online political advertisements. The Federal Election Campaign Act of 1971 requires political advertisements on television, radio and satellite to disclose the sponsor of the advertisement. The same requirements should apply online. This will also help to ensure that the IRA or any similarly situated actors cannot use paid advertisements for purposes of foreign interference.".

(19) A 2020 study by researchers at New York University found undisclosed political advertisement purchases on a large social media platform by a Chinese state media company in violation of that platform's supposed prohibitions on foreign spending on ads of social, national, or electoral importance.

(20) The same study also found that "there are persistent issues with advertisers failing to disclose political ads" and that in one social media platform's political ad archive, 68,879 pages (54.6 percent of pages with political ads included in the archive) never provided a disclosure. Overall, there were 357,099 ads run on that platforms without a disclosure, accounting for at least $37,000,000 in spending on political ads.

(21) A 2020 report by the bipartisan and bicameral U.S. Cyberspace Solarium Commission found that ''Although foreign nationals are banned from contributing to U.S. political campaigns, they are still allowed to purchase U.S. political advertisements online, making the internet a fertile environment for conducting a malign influence campaign to undermine American elections.'' The Commission concluded that Russian interference in the 2016 election was and still is possible, ''because the FECA, which establishes rules for transparency in television, radio, and print media political advertising, has not been amended to extend the same political advertising requirements to internet platforms,'' and that ''[a]pplying these standards across all media of communication would, among other things, increase transparency of funding for political advertisements, which would in turn strengthen regulators' ability to reduce improper foreign influence in our elections.''

(22) On March 16, 2021, the Office of the Director of National Intelligence released the declassified Intelligence Community assessment of foreign threats to the 2020 U.S. Federal elections. The declassified report found: ''Throughout the election

cycle, Russia's online influence actors sought to affect U.S. public perceptions of the candidates, as well as advance Moscow's longstanding goals of undermining confidence in US election processes and increasing sociopolitical divisions among the American people.'' The report also determined that Iran sought to influence the election by ''creating and amplifying social media content that criticized [candidates].''

(23) According to a Wall Street Journal report in April 2021, voluntary ad libraries operated by major platforms rely on foreign governments to self-report political ad purchases. These ad-buys, including those diminishing major human rights violations like the Uighur genocide, are under-reported by foreign government purchasers, with no substantial oversight or repercussions from the platforms.

(24) Multiple reports have indicated that online ads have become a key vector for strategic influence by the People's Republic of China. An April 2021 Wall Street Journal report noted that the Chinese government and Chinese state-owned enterprises are major purchasers of ads on the U.S.'s largest social media platform, including to advance Chinese propaganda.

(25) Large online platforms have made changes to their policies intended to make it harder for foreign actors to purchase political ads. However, these private actions have not been taken by all platforms, have not been reliably enforced, and are subject to immediate change at the discretion of the platforms.

(26) The Federal Election Commission has failed to take action to address online political advertisements and current regulations on political advertisements do not provide sufficient transparency to uphold the public's right to be fully informed about political advertisements made online.

SEC. 6104. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the dramatic increase in digital political advertisements, and the growing centrality of online platforms in the lives of Americans, requires the Congress and the Federal Election Commission to take meaningful action to ensure that laws and regulations provide the accountability and transparency that is fundamental to our democracy;

(2) free and fair elections require both transparency and accountability which give the public a right to know the true sources of funding for political advertisements, be they foreign or domestic, in

order to make informed political choices and hold elected officials accountable; and

(3) transparency of funding for political advertisements is essential to enforce other campaign finance laws, including the prohibition on campaign spending by foreign nationals.

SEC. 6105. EXPANSION OF DEFINITION OF PUBLIC COMMUNICATION.

(a) IN GENERAL.—Paragraph (22) of section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(22)) is amended by striking ''or satellite communication'' and inserting ''satellite, paid internet, or paid digital communication''.

(b) TREATMENT OF CONTRIBUTIONS AND EXPENDITURES.—Section 301 of such Act (52 U.S.C. 30101) is amended—

(1) in paragraph (8)(B)(v), by striking ''on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising'' and inserting ''in any public communication''; and

(2) in paragraph (9)(B)—

(A) by amending clause (i) to read as follows:

"(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, print, online, or digital facilities are owned or controlled by any political party, political committee, or candidate;"; and

(B) in clause (iv), by striking "on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising" and inserting "in any public communication".

(c) DISCLOSURE AND DISCLAIMER STATEMENTS.—Subsection (a) of section 318 of such Act (52 U.S.C. 30120) is amended—

(1) by striking "financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising" and inserting "financing any public communication"; and

(2) by striking "solicits any contribution through any broadcasting station, newspaper, maga-

zine, outdoor advertising facility, mailing, or any other type of general public political advertising'' and inserting ''solicits any contribution through any public communication''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall take effect without regard to whether or not the Federal Election Commission has promulgated the final regulations necessary to carry out this part and the amendments made by this part by the deadline set forth in subsection (e).

(e) REGULATION.—Not later than 1 year after the date of the enactment of this Act, the Federal Election Commission shall promulgate regulations on what constitutes a paid internet or paid digital communication for purposes of paragraph (22) of section 301 of the Federal Election Campaign Act of 1971(52 U.S.C. 30101(22)), as amended by subsection (a), except that such regulation shall not define a paid internet or paid digital communication to include communications for which the only payment consists of internal resources, such as employee compensation, of the entity paying for the communication.

SEC. 6106. EXPANSION OF DEFINITION OF ELECTIONEERING COMMUNICATION.

(a) EXPANSION TO ONLINE COMMUNICATIONS.—

(1) APPLICATION TO QUALIFIED INTERNET AND DIGITAL COMMUNICATIONS.—

(A) IN GENERAL.—Subparagraph (A) of section 304(f)(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(f)(3)(A)) is amended by striking ''or satellite communication'' each place it appears in clauses (i) and (ii) and inserting ''satellite, or qualified internet or digital communication''.

(B) QUALIFIED INTERNET OR DIGITAL COMMUNICATION.—Paragraph (3) of section 304(f) of such Act (52 U.S.C. 30104(f)) is amended by adding at the end the following new subparagraph:

''(D) QUALIFIED INTERNET OR DIGITAL COMMUNICATION.—The term 'qualified internet or digital communication' means any communication which is placed or promoted for a fee on an online platform (as defined in subsection (k)(3)).''.

(2) NONAPPLICATION OF RELEVANT ELECTORATE TO ONLINE COMMUNICATIONS.—Section 304(f)(3)(A)(i)(III) of such Act (52 U.S.C. 30104(f)(3)(A)(i)(III)) is amended by inserting ''any

broadcast, cable, or satellite'' before ''communication''.

(3) NEWS EXEMPTION.—Section 304(f)(3)(B)(i) of such Act (52 U.S.C. 30104(f)(3)(B)(i)) is amended to read as follows:

''(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station or any online or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, online, or digital facilities are owned or controlled by any political party, political committee, or candidate;''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to communications made on or after January 1, 2022 and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

SEC. 6107. APPLICATION OF DISCLAIMER STATEMENTS TO ONLINE COMMUNICATIONS.

(a) CLEAR AND CONSPICUOUS MANNER REQUIREMENT.—Subsection (a) of section 318 of the Federal Elec-

tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is amended—

(1) by striking ''shall clearly state'' each place it appears in paragraphs (1), (2), and (3) and inserting ''shall state in a clear and conspicuous manner''; and

(2) by adding at the end the following flush sentence: ''For purposes of this section, a communication does not make a statement in a clear and conspicuous manner if it is difficult to read or hear or if the placement is easily overlooked.''.

(b) SPECIAL RULES FOR QUALIFIED INTERNET OR DIGITAL COMMUNICATIONS.—

(1) IN GENERAL.—Section 318 of such Act (52 U.S.C. 30120) is amended by adding at the end the following new subsection:

''(e) SPECIAL RULES FOR QUALIFIED INTERNET OR DIGITAL COMMUNICATIONS.—

''(1) SPECIAL RULES WITH RESPECT TO STATEMENTS.—In the case of any qualified internet or digital communication (as defined in section 304(f)(3)(D)) which is disseminated through a medium in which the provision of all of the information specified in this section is not possible, the communication shall, in a clear and conspicuous manner—

"(A) state the name of the person who paid for the communication; and

"(B) provide a means for the recipient of the communication to obtain the remainder of the information required under this section with minimal effort and without receiving or viewing any additional material other than such required information.

"(2) SAFE HARBOR FOR DETERMINING CLEAR AND CONSPICUOUS MANNER.—A statement in qualified internet or digital communication (as defined in section 304(f)(3)(D)) shall be considered to be made in a clear and conspicuous manner as provided in subsection (a) if the communication meets the following requirements:

"(A) TEXT OR GRAPHIC COMMUNICATIONS.—In the case of a text or graphic communication, the statement—

"(i) appears in letters at least as large as the majority of the text in the communication; and

"(ii) meets the requirements of paragraphs (2) and (3) of subsection (c).

"(B) AUDIO COMMUNICATIONS.—In the case of an audio communication, the statement

is spoken in a clearly audible and intelligible manner at the beginning or end of the communication and lasts at least 3 seconds.

"(C) VIDEO COMMUNICATIONS.—In the case of a video communication which also includes audio, the statement—

"(i) is included at either the beginning or the end of the communication; and

"(ii) is made both in—

"(I) a written format that meets the requirements of subparagraph (A) and appears for at least 4 seconds; and

"(II) an audible format that meets the requirements of subparagraph (B).

"(D) OTHER COMMUNICATIONS.—In the case of any other type of communication, the statement is at least as clear and conspicuous as the statement specified in subparagraph (A), (B), or (C).".

(2) NONAPPLICATION OF CERTAIN EXCEPTIONS.—The exceptions provided in section 110.11(f)(1)(i) and (ii) of title 11, Code of Federal Regulations, or any successor to such rules, shall

have no application to qualified internet or digital communications (as defined in section 304(f)(3)(D) of the Federal Election Campaign Act of 1971).

(c) MODIFICATION OF ADDITIONAL REQUIREMENTS FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such Act (52 U.S.C. 30120(d)) is amended—

(1) in paragraph (1)(A)—

(A) by striking ''which is transmitted through radio'' and inserting ''which is in an audio format''; and

(B) by striking ''BY RADIO'' in the heading and inserting ''AUDIO FORMAT'';

(2) in paragraph (1)(B)—

(A) by striking ''which is transmitted through television'' and inserting ''which is in video format''; and

(B) by striking ''BY TELEVISION'' in the heading and inserting ''VIDEO FORMAT''; and

(3) in paragraph (2)—

(A) by striking ''transmitted through radio or television'' and inserting ''made in audio or video format''; and

(B) by striking ''through television'' in the second sentence and inserting ''in video format''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

SEC. 6108. POLITICAL RECORD REQUIREMENTS FOR ONLINE PLATFORMS.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104), as amended by section 3802, is amended by adding at the end the following new subsection:

''(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISEMENTS.—

''(1) IN GENERAL.—

''(A) REQUIREMENTS FOR ONLINE PLATFORMS.—

''(i) IN GENERAL.—An online platform shall maintain, and make available for online public inspection in machine readable format, a complete record of any request to purchase on such online platform a qualified political advertisement which is made by a person whose aggregate requests to purchase qualified political

advertisements on such online platform during the calendar year exceeds $500.

"(ii) REQUIREMENT RELATING TO POLITICAL ADS SOLD BY THIRD PARTY ADVERTISING VENDORS.—An online platform that displays a qualified political advertisement sold by a third party advertising vendor as defined in (3)(C), shall include on its own platform an easily accessible and identifiable link to the records maintained by the third-party advertising vendor under clause (i) regarding such qualified political advertisement.

"(B) REQUIREMENTS FOR ADVERTISERS.—Any person who requests to purchase a qualified political advertisement on an online platform shall provide the online platform with such information as is necessary for the online platform to comply with the requirements of subparagraph (A).

"(2) CONTENTS OF RECORD.—A record maintained under paragraph (1)(A) shall contain—

"(A) a digital copy of the qualified political advertisement;

1 ''(B) a description of the audience targeted
2 by the advertisement, the number of views gen-
3 erated from the advertisement, and the date
4 and time that the advertisement is first dis-
5 played and last displayed; and
6 ''(C) information regarding—
7 ''(i) the total cost of the advertise-
8 ment;
9 ''(ii) the name of the candidate to
10 which the advertisement refers and the of-
11 fice to which the candidate is seeking elec-
12 tion, the election to which the advertise-
13 ment refers, or the national legislative
14 issue to which the advertisement refers (as
15 applicable);
16 ''(iii) in the case of a request made
17 by, or on behalf of, a candidate, the name
18 of the candidate, the authorized committee
19 of the candidate, and the treasurer of such
20 committee; and
21 ''(iv) in the case of any request not
22 described in clause (iii), the name of the
23 person purchasing the advertisement, the
24 name and address of a contact person for
25 such person, and a list of the chief execu-

tive officers or members of the executive committee or of the board of directors of such person.

"(3) ONLINE PLATFORM.—

"(A) IN GENERAL.—For purposes of this subsection, subject to subparagraph (B), the term 'online platform' means any public-facing website, web application, or digital application (including a social network, ad network, or search engine) which—

"(i)(I) sells qualified political advertisements; and

"(II) has 50,000,000 or more unique monthly United States visitors or users for a majority of months during the preceding 12 months; or

"(ii) is a third-party advertising vendor that has 50,000,000 or more unique monthly United States visitors in the aggregate on any advertisement space that it has sold or bought for a majority of months during the preceding 12 months, as measured by an independent digital ratings service accredited by the Media Ratings Council (or its successor).

"(B) EXEMPTION.—Such term shall not include any online platform that is a distribution facility of any broadcasting station or newspaper, magazine, blog, publication, or periodical.

"(C) THIRD-PARTY ADVERTISING VENDOR DEFINED.—For purposes of this subsection, the term 'third-party advertising vendor' includes, but is not limited to, any third-party advertising vendor network, advertising agency, advertiser, or third-party advertisement serving company that buys and sells advertisement space on behalf of unaffiliated third-party websites, search engines, digital applications, or social media sites.

"(4) QUALIFIED POLITICAL ADVERTISEMENT.—For purposes of this subsection, the term 'qualified political advertisement' means any advertisement (including search engine marketing, display advertisements, video advertisements, native advertisements, and sponsorships) that—

"(A) is made by or on behalf of a candidate; or

"(B) communicates a message relating to any political matter of national importance, including—

"(i) a candidate;

"(ii) any election to Federal office; or

"(iii) a national legislative issue of public importance.

"(5) TIME TO MAINTAIN FILE.—The information required under this subsection shall be made available as soon as possible and shall be retained by the online platform for a period of not less than 4 years.

"(6) SPECIAL RULE.—For purposes of this subsection, multiple versions of an advertisement that contain no material differences (such as versions that differ only because they contain a recipient's name, or differ only in size, color, font, or layout) may be treated as a single qualified political advertisement.

"(7) PENALTIES.—For penalties for failure by online platforms, and persons requesting to purchase a qualified political advertisement on online platforms, to comply with the requirements of this subsection, see section 309.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall take effect without regard to whether or not the Federal Election Commission has promulgated the final regulations necessary to carry out this part and the amendments made by this part by the deadline set forth in subsection (c).

(c) RULEMAKING.—Not later than 120 days after the date of the enactment of this Act, the Federal Election Commission shall establish rules—

(1) requiring common data formats for the record required to be maintained under section 304(k) of the Federal Election Campaign Act of 1971 (as added by subsection (a)) so that all online platforms submit and maintain data online in a common, machine-readable and publicly accessible format; and

(2) establishing search interface requirements relating to such record, including searches by candidate name, issue, purchaser, and date.

(d) REPORTING.—Not later than 2 years after the date of the enactment of this Act, and biannually thereafter, the Chairman of the Federal Election Commission shall submit a report to Congress on—

(1) matters relating to compliance with and the enforcement of the requirements of section 304(k) of the Federal Election Campaign Act of 1971, as added by subsection (a);

(2) recommendations for any modifications to such section to assist in carrying out its purposes; and

(3) identifying ways to bring transparency and accountability to political advertisements distributed online for free.

SEC. 6109. PREVENTING CONTRIBUTIONS, EXPENDITURES, INDEPENDENT EXPENDITURES, AND DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS BY FOREIGN NATIONALS IN THE FORM OF ONLINE ADVERTISING.

Section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121) is amended by adding at the end the following new subsection:

"(c) RESPONSIBILITIES OF BROADCAST STATIONS, PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND ONLINE PLATFORMS.—

"(1) IN GENERAL.—Each television or radio broadcast station, provider of cable or satellite television, or online platform (as defined in section 304(k)(3)) shall make reasonable efforts to ensure

that communications described in section 318(a) and made available by such station, provider, or platform are not purchased by a foreign national, directly or indirectly.

"(2) REGULATIONS.— Not later than 1 year after the date of the enactment of this subsection, the Commission shall promulgate regulations on what constitutes reasonable efforts under paragraph (1).".

SEC. 6110. REQUIRING ONLINE PLATFORMS TO DISPLAY NOTICES IDENTIFYING SPONSORS OF POLITICAL ADVERTISEMENTS AND TO ENSURE NOTICES CONTINUE TO BE PRESENT WHEN ADVERTISEMENTS ARE SHARED.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104), as amended by section 3802 and section 6108(a), is amended by adding at the end the following new subsection:

"(l) ENSURING DISPLAY AND SHARING OF SPONSOR IDENTIFICATION IN ONLINE POLITICAL ADVERTISEMENTS.—

"(1) REQUIREMENT.—An online platform displaying a qualified political advertisement shall—

"(A) display with the advertisement a visible notice identifying the sponsor of the adver-

tisement (or, if it is not practical for the platform to display such a notice, a notice that the advertisement is sponsored by a person other than the platform); and

"(B) ensure that the notice will continue to be displayed if a viewer of the advertisement shares the advertisement with others on that platform.

"(2) DEFINITIONS.—In this subsection—

"(A) the term 'online platform' has the meaning given such term in subsection (k)(3); and

"(B) the term "qualified political advertisement' has the meaning given such term in subsection (k)(4).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to advertisements displayed on or after the 120–day period which begins on the date of the enactment of this Act and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

Subtitle C—Spotlight Act

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the "Spotlight Act".

SEC. 6202. INCLUSION OF CONTRIBUTOR INFORMATION ON ANNUAL RETURNS OF CERTAIN ORGANIZATIONS.

(a) REPEAL OF REGULATIONS.—The final regulations of the Department of the Treasury relating to guidance under section 6033 regarding the reporting requirements of exempt organizations (published at 85 Fed. Reg. 31959 (May 28, 2020)) shall have no force and effect.

(b) INCLUSION OF CONTRIBUTOR INFORMATION.—

(1) SOCIAL WELFARE ORGANIZATIONS.—Section 6033(f)(1) of the Internal Revenue Code of 1986 is amended by inserting ''(5),'' after ''paragraphs''.

(2) LABOR ORGANIZATIONS AND BUSINESS LEAGUES.—Section 6033 of such Code is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

''(o) ADDITIONAL REQUIREMENTS FOR ORGANIZATIONS DESCRIBED IN SUBSECTIONS (c)(5) AND (c)(6) OF SECTION 501.—Every organization which is described in paragraph (5) or (6) of section 501(c) and which is subject to the requirements of subsection (a) shall include on the return required under subsection (a) the information referred to in subsection (b)(5).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to returns required to be filed for taxable years ending after the date of the enactment of this Act.

(c) MODIFICATION TO DISCRETIONARY EXCEPTIONS.—Section 6033(a)(3)(B) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) DISCRETIONARY EXCEPTIONS.—

"(i) IN GENERAL.—Paragraph (1) shall not apply to any organization if the Secretary made a determination under this subparagraph before July 16, 2018, that such filing is not necessary to the efficient administration of the internal revenue laws.

"(ii) RECOMMENDATIONS FOR OTHER EXCEPTIONS.—The Secretary may recommend to Congress that Congress relieve any organization required under paragraph (1) to file an information return from filing such a return if the Secretary determines that such filing does not advance a national security, law enforcement, or tax administration purpose.".

TITLE VII—CAMPAIGN FINANCE OVERSIGHT

Subtitle A—Stopping Super PAC–Candidate Coordination

SEC. 7001. SHORT TITLE.

This subtitle may be cited as the ''Stop Super PAC–Candidate Coordination Act''.

SEC. 7002. CLARIFICATION OF TREATMENT OF COORDINATED EXPENDITURES AS CONTRIBUTIONS TO CANDIDATES.

(a) TREATMENT AS CONTRIBUTION TO CANDIDATE.—Section 301(8)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

(1) by striking ''or'' at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(iii) any payment made by any person (other than a candidate, an authorized committee of a candidate, or a political committee of a political party) for a coordinated expenditure (as such term is defined in section 325) which is not otherwise treated as a contribution under clause (i) or clause (ii).''.

(b) DEFINITIONS.—Title III of such Act (52 U.S.C. 30101 et seq.) is amended by adding at the end the following new section:

"SEC. 325. PAYMENTS FOR COORDINATED EXPENDITURES.

"(a) COORDINATED EXPENDITURES.—

"(1) IN GENERAL.—For purposes of section 301(8)(A)(iii), the term 'coordinated expenditure' means—

"(A) any expenditure, or any payment for a covered communication described in subsection (d), which is made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, an authorized committee of a candidate, a political committee of a political party, or agents of the candidate or committee, as defined in subsection (b); or

"(B) any payment for any communication which republishes, disseminates, or distributes, in whole or in part, any video or broadcast or any written, graphic, or other form of campaign material prepared by the candidate or committee or by agents of the candidate or committee (including any excerpt or use of any video from any such broadcast or written, graphic, or other form of campaign material).

1 "(2) EXCEPTION FOR PAYMENTS FOR CERTAIN
2 COMMUNICATIONS.—A payment for a communication
3 (including a covered communication described in
4 subsection (e)) shall not be treated as a coordinated
5 expenditure under this subsection if—
6 "(A) the communication appears in a news
7 story, commentary, or editorial distributed
8 through the facilities of any broadcasting sta-
9 tion, newspaper, magazine, or other periodical
10 publication, unless such facilities are owned or
11 controlled by any political party, political com-
12 mittee, or candidate; or
13 "(B) the communication constitutes a can-
14 didate debate or forum conducted pursuant to
15 regulations adopted by the Commission pursu-
16 ant to section 304(f)(3)(B)(iii), or which solely
17 promotes such a debate or forum and is made
18 by or on behalf of the person sponsoring the de-
19 bate or forum.
20 "(b) COORDINATION DESCRIBED.—
21 "(1) IN GENERAL.—For purposes of this sec-
22 tion, a payment is made 'in cooperation, consulta-
23 tion, or concert with, or at the request or suggestion
24 of,' a candidate, an authorized committee of a can-
25 didate, a political committee of a political party, or

agents of the candidate or committee, if the payment, or any communication for which the payment is made, is not made entirely independently of the candidate, committee, or agents. For purposes of the previous sentence, a payment or communication not made entirely independently of the candidate or committee includes any payment or communication made pursuant to any general or particular understanding with, or pursuant to any communication with, the candidate, committee, or agents about the payment or communication.

''(2) NO FINDING OF COORDINATION BASED SOLELY ON SHARING OF INFORMATION REGARDING LEGISLATIVE OR POLICY POSITION.—For purposes of this section, a payment shall not be considered to be made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or committee, solely on the grounds that the person or the person's agent engaged in discussions with the candidate or committee, or with any agent of the candidate or committee, regarding that person's position on a legislative or policy matter (including urging the candidate or committee to adopt that person's position), so long as there is no communication between the person and the can-

1 didate or committee, or any agent of the candidate
2 or committee, regarding the candidate's or commit-
3 tee's campaign advertising, message, strategy, pol-
4 icy, polling, allocation of resources, fundraising, or
5 other campaign activities.

6 ''(3) NO EFFECT ON PARTY COORDINATION
7 STANDARD.—Nothing in this section shall be con-
8 strued to affect the determination of coordination
9 between a candidate and a political committee of a
10 political party for purposes of section 315(d).

11 ''(c) PAYMENTS BY COORDINATED SPENDERS FOR
12 COVERED COMMUNICATIONS.—

13 ''(1) PAYMENTS MADE IN COOPERATION, CON-
14 SULTATION, OR CONCERT WITH CANDIDATES.—For
15 purposes of subsection (a)(1)(A), if the person who
16 makes a payment for a covered communication, as
17 defined in subsection (e), is a coordinated spender
18 under paragraph (2) with respect to the candidate
19 as described in paragraph (2), the payment for the
20 covered communication is made in cooperation, con-
21 sultation, or concert with the candidate.

22 ''(2) COORDINATED SPENDER DEFINED.—For
23 purposes of this subsection, the term 'coordinated
24 spender' means, with respect to a candidate or an
25 authorized committee of a candidate, a person (other

than a political committee of a political party) for which any of the following applies:

"(A) During the 4-year period ending on the date on which the person makes the payment, the person was directly or indirectly formed or established by or at the request or suggestion of, or with the encouragement of, the candidate (including an individual who later becomes a candidate) or committee or agents of the candidate or committee, including with the approval of the candidate or committee or agents of the candidate or committee.

"(B) The candidate or committee or any agent of the candidate or committee solicits funds, appears at a fundraising event, or engages in other fundraising activity on the person's behalf during the election cycle involved, including by providing the person with names of potential donors or other lists to be used by the person in engaging in fundraising activity, regardless of whether the person pays fair market value for the names or lists provided. For purposes of this subparagraph, the term 'election cycle' means, with respect to an election for Federal office, the period beginning on the day

after the date of the most recent general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election) and ending on the date of the next general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election).

''(C) The person is established, directed, or managed by the candidate or committee or by any person who, during the 4-year period ending on the date on which the person makes the payment, has been employed or retained as a political, campaign media, or fundraising adviser or consultant for the candidate or committee or for any other entity directly or indirectly controlled by the candidate or committee, or has held a formal position with the candidate or committee (including a position as an employee of the office of the candidate at any time the candidate held any Federal, State, or local public office during the 4-year period).

''(D) The person has retained the professional services of any person who, during the 2-year period ending on the date on which the person makes the payment, has provided or is

providing professional services relating to the campaign to the candidate or committee, unless the person providing the professional services used a firewall or similar procedure in accordance with subsection (d). For purposes of this subparagraph, the term 'professional services' includes any services in support of the candidate's or committee's campaign activities, including advertising, message, strategy, policy, polling, allocation of resources, fundraising, and campaign operations, but does not include accounting or legal services.

''(E) The person is established, directed, or managed by a member of the immediate family of the candidate, or the person or any officer or agent of the person has had more than incidental discussions about the candidate's campaign with a member of the immediate family of the candidate. For purposes of this subparagraph, the term 'immediate family' has the meaning given such term in section 9004(e) of the Internal Revenue Code of 1986.

''(d) USE OF FIREWALL AS SAFE HARBOR.—

''(1) NO COORDINATION IF FIREWALL APPLIES.—A person shall not be determined to have

made a payment in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or committee in accordance with this section if the person established and used a firewall or similar procedure to restrict the sharing of information between individuals who are employed by or who are serving as agents for the person making the payment, but only if the firewall or similar procedures meet the requirements of paragraph (2).

''(2) REQUIREMENTS DESCRIBED.—The requirements described in this paragraph with respect to a firewall or similar procedure are as follows:

''(A) The firewall or procedure is designed and implemented to prohibit the flow of information between employees and consultants providing services for the person paying for the communication and those employees or consultants providing, or who previously provided, services to a candidate who is clearly identified in the communication or an authorized committee of the candidate, the candidate's opponent or an authorized committee of the candidate's opponent, or a committee of a political party.

"(B) The firewall or procedure must be described in a written policy that is distributed, signed, and dated by all relevant employees, consultants, and clients subject to the policy.

"(C) The policy must be preserved and retained by the person for at least 5 years following any termination or cessation of representation by employees, consultants, and clients who are subject to the policy.

"(D) The policy must prohibit any employees, consultants, and clients who are subject to the policy from attending meetings, trainings, or other discussions where nonpublic plans, projects, activities, or needs of candidates for election for Federal office or political committees are discussed.

"(E) The policy must prohibit each owner of an organization, and each executive, manager, and supervisor within an organization, from simultaneously overseeing the work of employees and consultants who are subject to the firewall or procedure.

"(F) The policy must place restrictions on internal and external communications, including by establishing separate emailing lists, for em-

ployees, consultants, and clients who are subject to the firewall or procedure and those who are not subject to the firewall or procedure.

''(G) The policy must require the person to establish separate files, including electronic file folders—

''(i) for employees, consultants, and clients who are subject to the firewall or procedure and to prohibit access to such files by employees, consultants, and clients who are not subject to the firewall or procedure; and

''(ii) for employees, consultants, and clients who are not subject to the firewall or procedure and to prohibit access to such files by employees, consultants, and clients who are subject to the firewall or procedure.

''(H) The person must conduct a training on the applicable requirements and obligations of this Act and the policy for all employees, consultants, and clients.

''(3) EXCEPTION IF INFORMATION IS SHARED REGARDLESS OF FIREWALL.—A person who established and used a firewall or similar procedure which

meets the requirements of paragraph (2) shall be determined to have made a payment in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or committee in accordance with this section if specific information indicates that, notwithstanding the establishment and use of the firewall or similar procedure, information about the candidate's or committee's campaign plans, projects, activities, or needs that is material to the creation, production, or distribution of the covered communication was used or conveyed to the person paying for the communication.

"(4) USE AS DEFENSE TO ENFORCEMENT ACTION.—If, in a procedure or action brought by the Commission under section 309, a person who is alleged to have committed a violation of this Act which involves the making of a contribution which consists of a payment for a coordinated expenditure raises the use of a firewall or similar procedure as a defense, the person shall provide the Commission with—

"(A) a copy of the signed and dated firewall or procedure policy which applied to the person's employees, consultants, or clients

whose conduct is at issue in the procedure or action; and

"(B) a sworn, written affidavit of the employees, consultants, or clients who were subject to the policy that the terms, conditions, and requirements of the policy were met.

"(e) COVERED COMMUNICATION DEFINED.—

"(1) IN GENERAL.—For purposes of this section, the term 'covered communication' means, with respect to a candidate or an authorized committee of a candidate, a public communication (as defined in section 301(22)) which—

"(A) expressly advocates the election of the candidate or the defeat of an opponent of the candidate (or contains the functional equivalent of express advocacy);

"(B) promotes or supports the election of the candidate, or attacks or opposes the election of an opponent of the candidate (regardless of whether the communication expressly advocates the election or defeat of a candidate or contains the functional equivalent of express advocacy); or

"(C) refers to the candidate or an opponent of the candidate but is not described in

subparagraph (A) or subparagraph (B), but only if the communication is disseminated during the applicable election period.

"(2) APPLICABLE ELECTION PERIOD.—In paragraph (1)(C), the 'applicable election period' with respect to a communication means—

"(A) in the case of a communication which refers to a candidate in a general, special, or runoff election, the 120-day period which ends on the date of the election; or

"(B) in the case of a communication which refers to a candidate in a primary or preference election, or convention or caucus of a political party that has authority to nominate a candidate, the 60-day period which ends on the date of the election or convention or caucus.

"(3) SPECIAL RULES FOR COMMUNICATIONS INVOLVING CONGRESSIONAL CANDIDATES.—For purposes of this subsection, a public communication shall not be considered to be a covered communication with respect to a candidate for election for an office other than the office of President or Vice President unless it is publicly disseminated or distributed in the jurisdiction of the office the candidate is seeking.

1 ''(f) PENALTY.—
2 ''(1) DETERMINATION OF AMOUNT.—Any per-
3 son who knowingly and willfully commits a violation
4 of this Act which involves the making of a contribu-
5 tion which consists of a payment for a coordinated
6 expenditure shall be fined an amount equal to the
7 greater of—
8 ''(A) in the case of a person who makes a
9 contribution which consists of a payment for a
10 coordinated expenditure in an amount exceeding
11 the applicable contribution limit under this Act,
12 300 percent of the amount by which the
13 amount of the payment made by the person ex-
14 ceeds such applicable contribution limit; or
15 ''(B) in the case of a person who is prohib-
16 ited under this Act from making a contribution
17 in any amount, 300 percent of the amount of
18 the payment made by the person for the coordi-
19 nated expenditure.
20 ''(2) JOINT AND SEVERAL LIABILITY.—Any di-
21 rector, manager, or officer of a person who is subject
22 to a penalty under paragraph (1) shall be jointly and
23 severally liable for any amount of such penalty that
24 is not paid by the person prior to the expiration of
25 the 1-year period which begins on the date the Com-

mission imposes the penalty or the 1-year period which begins on the date of the final judgment following any judicial review of the Commission's action, whichever is later.''.

(c) EFFECTIVE DATE.—

(1) REPEAL OF EXISTING REGULATIONS ON COORDINATION.—Effective upon the expiration of the 90-day period which begins on the date of the enactment of this Act—

(A) the regulations on coordinated communications adopted by the Federal Election Commission which are in effect on the date of the enactment of this Act (as set forth under the heading ''Coordination'' in subpart C of part 109 of title 11, Code of Federal Regulations) are repealed; and

(B) the Federal Election Commission shall promulgate new regulations on coordinated communications which reflect the amendments made by this Act.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to payments made on or after the expiration of the 120-day period which begins on the date of the enactment of this Act, without regard to whether or not the Fed-

eral Election Commission has promulgated regulations in accordance with paragraph (1)(B) as of the expiration of such period.

Subtitle B—Restoring Integrity to America's Elections

SEC. 7101. SHORT TITLE.

This subtitle may be cited as the ''Restoring Integrity to America's Elections Act''.

SEC. 7102. REVISION TO ENFORCEMENT PROCESS.

(a) STANDARD FOR INITIATING INVESTIGATIONS AND DETERMINING WHETHER VIOLATIONS HAVE OCCURRED.—

(1) REVISION OF STANDARDS.—Section 309(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(a)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2)(A) The general counsel, upon receiving a complaint filed with the Commission under paragraph (1) or upon the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, shall make a determination as to whether or not there is reason to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and as to whether or not the Commission should

either initiate an investigation of the matter or that the complaint should be dismissed. The general counsel shall promptly provide notification to the Commission of such determination and the reasons therefore, together with any written response submitted under paragraph (1) by the person alleged to have committed the violation. Upon the expiration of the 30-day period which begins on the date the general counsel provides such notification, the general counsel's determination shall take effect, unless during such 30-day period the Commission, by vote of a majority of the members of the Commission who are serving at the time, overrules the general counsel's determination. If the determination by the general counsel that the Commission should investigate the matter takes effect, or if the determination by the general counsel that the complaint should be dismissed is overruled as provided under the previous sentence, the general counsel shall initiate an investigation of the matter on behalf of the Commission.

''(B) If the Commission initiates an investigation pursuant to subparagraph (A), the Commission, through the Chair, shall notify the subject of the investigation of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. The Commission shall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance

with the provisions of this section. The general counsel shall provide notification to the Commission of any intent to issue a subpoena or conduct any other form of discovery pursuant to the investigation. Upon the expiration of the 15-day period which begins on the date the general counsel provides such notification, the general counsel may issue the subpoena or conduct the discovery, unless during such 15-day period the Commission, by vote of a majority of the members of the Commission who are serving at the time, prohibits the general counsel from issuing the subpoena or conducting the discovery.

''(3)(A) Upon completion of an investigation under paragraph (2), the general counsel shall make a determination as to whether or not there is probable cause to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and shall promptly submit such determination to the Commission, and shall include with the determination a brief stating the position of the general counsel on the legal and factual issues of the case.

''(B) At the time the general counsel submits to the Commission the determination under subparagraph (A), the general counsel shall simultaneously notify the respondent of such determination and the reasons therefore,

shall provide the respondent with an opportunity to submit a brief within 30 days stating the position of the respondent on the legal and factual issues of the case and replying to the brief of the general counsel. The general counsel shall promptly submit such brief to the Commission upon receipt.

''(C) Upon the expiration of the 30-day period which begins on the date the general counsel submits the determination to the Commission under subparagraph (A) (or, if the respondent submits a brief under subparagraph (B), upon the expiration of the 30-day period which begins on the date the general counsel submits the respondent's brief to the Commission under such subparagraph), the general counsel's determination shall take effect, unless during such 30-day period the Commission, by vote of a majority of the members of the Commission who are serving at the time, overrules the general counsel's determination. If the determination by the general counsel that there is probable cause to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986, or if the determination by the general counsel that there is not probable cause that a person has committed or is about to commit such a violation is overruled as provided under the previous sentence, for purposes of this subsection, the

Commission shall be deemed to have determined that there is probable cause that the person has committed or is about to commit such a violation.''.

(2) CONFORMING AMENDMENT RELATING TO INITIAL RESPONSE TO FILING OF COMPLAINT.—Section 309(a)(1) of such Act (52 U.S.C. 30109(a)(1)) is amended—

(A) in the third sentence, by striking ''the Commission'' and inserting ''the general counsel''; and

(B) by amending the fourth sentence to read as follows: ''Not later than 15 days after receiving notice from the general counsel under the previous sentence, the person may provide the general counsel with a written response that no action should be taken against such person on the basis of the complaint.''.

(b) REVISION OF STANDARD FOR REVIEW OF DISMISSAL OF COMPLAINTS.—

(1) IN GENERAL.—Section 309(a)(8) of such Act (52 U.S.C. 30109(a)(8)) is amended to read as follows:

''(8)(A)(i) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party may file a petition with the United States District Court

for the District of Columbia. Any petition under this subparagraph shall be filed within 60 days after the date on which the party received notice of the dismissal of the complaint.

''(ii) In any proceeding under this subparagraph, the court shall determine by de novo review whether the agency's dismissal of the complaint is contrary to law. In any matter in which the penalty for the alleged violation is greater than $50,000, the court should disregard any claim or defense by the Commission of prosecutorial discretion as a basis for dismissing the complaint.

''(B)(i) Any party who has filed a complaint with the Commission and who is aggrieved by a failure of the Commission, within one year after the filing of the complaint, to act on such complaint, may file a petition with the United States District Court for the District of Columbia.

''(ii) In any proceeding under this subparagraph, the court shall determine by de novo review whether the agency's failure to act on the complaint is contrary to law.

''(C) In any proceeding under this paragraph the court may declare that the dismissal of the complaint or the failure to act is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the

name of such complainant, a civil action to remedy the violation involved in the original complaint.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply—

(A) in the case of complaints which are dismissed by the Federal Election Commission, with respect to complaints which are dismissed on or after the date of the enactment of this Act; and

(B) in the case of complaints upon which the Federal Election Commission failed to act, with respect to complaints which were filed on or after the date of the enactment of this Act.

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Election Commission shall promulgate new regulations on the enforcement process under section 309 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109) to take into account the amendments made by this section.

SEC. 7103. OFFICIAL EXERCISING THE RESPONSIBILITIES OF THE GENERAL COUNSEL.

Section 306(f)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30106(f)(1)) is amended by adding at the end the following new sentence: ''In the event of a vacancy in the position of the General Counsel, the

most senior attorney employed within the Office of the General Counsel at the time the vacancy arises shall exercise all the responsibilities of the General Counsel until the vacancy is filled.''.

SEC. 7104. PERMITTING APPEARANCE AT HEARINGS ON REQUESTS FOR ADVISORY OPINIONS BY PERSONS OPPOSING THE REQUESTS.

(a) IN GENERAL.—Section 308 of such Act (52 U.S.C. 30108) is amended by adding at the end the following new subsection:

''(e) To the extent that the Commission provides an opportunity for a person requesting an advisory opinion under this section (or counsel for such person) to appear before the Commission to present testimony in support of the request, and the person (or counsel) accepts such opportunity, the Commission shall provide a reasonable opportunity for an interested party who submitted written comments under subsection (d) in response to the request (or counsel for such interested party) to appear before the Commission to present testimony in response to the request.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to requests for advisory opinions under section 308 of the Federal Election

Campaign Act of 1971 which are made on or after the date of the enactment of this Act.

SEC. 7105. PERMANENT EXTENSION OF ADMINISTRATIVE PENALTY AUTHORITY.

Section 309(a)(4)(C)(v) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amended by striking ", and that end on or before December 31, 2023".

SEC. 7106. RESTRICTIONS ON EX PARTE COMMUNICATIONS.

Section 306(e) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30106(e)) is amended—

(1) by striking "(e) The Commission" and inserting "(e)(1) The Commission"; and

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

"(2) Members and employees of the Commission shall be subject to limitations on ex parte communications, as provided in the regulations promulgated by the Commission regarding such communications which are in effect on the date of the enactment of this paragraph.".

SEC. 7107. CLARIFYING AUTHORITY OF FEC ATTORNEYS TO REPRESENT FEC IN SUPREME COURT.

(a) CLARIFYING AUTHORITY.—Section 306(f)(4) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30106(f)(4)) is amended by striking "any action instituted

under this Act, either (A) by attorneys'' and inserting ''any action instituted under this Act, including an action before the Supreme Court of the United States, either (A) by the General Counsel of the Commission and other attorneys''.

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to actions instituted before, on, or after the date of the enactment of this Act.

SEC. 7108. REQUIRING FORMS TO PERMIT USE OF ACCENT MARKS.

(a) REQUIREMENT.—Section 311(a)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30111(a)(1)) is amended by striking the semicolon at the end and inserting the following: '', and shall ensure that all such forms (including forms in an electronic format) permit the person using the form to include an accent mark as part of the person's identification;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect upon the expiration of the 90-day period which begins on the date of the enactment of this Act.

SEC. 7109. EXTENSION OF THE STATUTES OF LIMITATIONS FOR OFFENSES UNDER THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) CIVIL OFFENSES.—Section 309(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(a)) is amended by inserting after paragraph (9) the following new paragraph:

''(10) No person shall be subject to a civil penalty under this subsection with respect to a violation of this Act unless a complaint is filed with the Commission with respect to the violation under paragraph (1), or the Commission responds to information with respect to the violation which is ascertained in the normal course of carrying out its supervisory responsibilities under paragraph (2), not later than 10 years after the date on which the violation occurred.''.

(b) CRIMINAL OFFENSES.—Section 406(a) of such Act (52 U.S.C. 30145(a)) is amended by striking ''5 years'' and inserting ''10 years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after the date of enactment of this Act.

SEC. 7110. EFFECTIVE DATE; TRANSITION.

(a) IN GENERAL.—Except as otherwise provided, this subtitle and the amendments made by this subtitle shall take effect and apply on the date of the enactment of this

Act, without regard to whether or not the Federal Election Commission has promulgated regulations to carry out this subtitle and the amendments made by this subtitle.

(b) TRANSITION.—

(1) NO EFFECT ON EXISTING CASES OR PROCEEDINGS.—Nothing in this subtitle or in any amendment made by this subtitle shall affect any of the powers exercised by the Federal Election Commission prior to the date of the enactment of this Act, including any investigation initiated by the Commission prior to such date or any proceeding (including any enforcement action) pending as of such date.

(2) TREATMENT OF CERTAIN COMPLAINTS.—If, as of the date of the enactment of this Act, the General Counsel of the Federal Election Commission has not made any recommendation to the Commission under section 309(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109) with respect to a complaint filed prior to the date of the enactment of this Act, this subtitle and the amendments made by this subtitle shall apply with respect to the complaint in the same manner as this subtitle and the amendments made by this subtitle apply with re-

spect to a complaint filed on or after the date of the enactment of this Act.

Subtitle C—Imposition of Fee for Reports Filed by Paper

SEC. 7201. IMPOSITION OF FEE FOR REPORTS FILED BY PAPER.

Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(a)(11)(A)) is amended—

(1) by striking ''and'' at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(iii) shall be assessed a $20.00 filing fee for any designation, statement, or report under this Act filed by paper, with the fees received by the Commission under this clause deposited into the general fund of the Treasury for the purposes of deficit reduction.''.

TITLE VIII—CITIZEN EMPOWERMENT

Subtitle A—Funding to Promote Democracy

PART 1—PAYMENTS AND ALLOCATIONS TO STATES

SEC. 8001. DEMOCRACY ADVANCEMENT AND INNOVATION PROGRAM.

(a) ESTABLISHMENT.—There is established a program to be known as the ''Democracy Advancement and Innovation Program'' under which the Director of the Office of Democracy Advancement and Innovation shall make allocations to each State for each fiscal year to carry out democracy promotion activities described in subsection (b).

(b) DEMOCRACY PROMOTION ACTIVITIES DESCRIBED.—The democracy promotion activities described in this subsection are as follows:

(1) Activities to promote innovation to improve efficiency and smooth functioning in the administration of elections for Federal office and to secure the infrastructure used in the administration of such elections, including making upgrades to voting equipment and voter registration systems, securing voting locations, expanding polling places and the

availability of early and mail voting, recruiting and training nonpartisan election officials, and promoting cybersecurity.

(2) Activities to ensure equitable access to democracy, including the following:

(A) Enabling candidates who seek office in the State to receive payments as participating candidates under title V of the Federal Election Campaign Act of 1971 (as added by subtitle B), but only if the State will enable candidates to receive such payments during an entire election cycle.

(B) Operating a Democracy Credit Program under part 1 of subtitle B, but only if the State will operate the program during an entire election cycle.

(C) Other activities to ensure equitable access to democracy, including administering a ranked-choice voting system and carrying out Congressional redistricting through independent commissions.

(3) Activities to increase access to voting in elections for Federal office by underserved communities, individuals with disabilities, racial and language minority groups, individuals entitled to vote

by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, and voters residing in Indian lands.

(c) PERMITTING STATES TO RETAIN AND RESERVE ALLOCATIONS FOR FUTURE USE.—A State may retain and reserve an allocation received for a fiscal year to carry out democracy promotion activities in any subsequent fiscal year.

(d) REQUIRING SUBMISSION AND APPROVAL OF STATE PLAN.—

(1) IN GENERAL.—A State shall receive an allocation under the Program for a fiscal year if—

(A) not later than 90 days before the first day of the fiscal year, the chief State election official of the State submits to the Director the State plan described in section 8002; and

(B) not later than 45 days before the first day of the fiscal year, the Director, in consultation with the Election Assistance Commission and the Federal Election Commission as described in paragraph (3), determines that the State plan will enable the State to carry out democracy promotion activities and approves the plan.

(2) SUBMISSION AND APPROVAL OF REVISED PLAN.—If the Director does not approve the State plan as submitted by the State under paragraph (1) with respect to a fiscal year, the State shall receive a payment under the Program for the fiscal year if, at any time prior to the end of the fiscal year—

(A) the chief State election official of the State submits a revised version of the State plan; and

(B) the Director, in consultation with the Election Assistance Commission and the Federal Election Commission as described in paragraph (3), determines that the revised version of the State plan will enable the State to carry out democracy promotion activities and approves the plan.

(3) ELECTION ASSISTANCE COMMISSION AND FEDERAL ELECTION COMMISSION CONSULTATION.—With respect to a State plan submitted under paragraph (1) or a revised plan submitted under paragraph (2)—

(A) the Director shall, prior to making a determination on approval of the plan, consult with the Election Assistance Commission with respect to the proposed State activities de-

scribed in subsection (b)(1) and with the Federal Election Commission with respect to the proposed State activities described in subsection (b)(2)(A) and (b)(2)(B); and

(B) the Election Assistance Commission and the Federal Election Commission shall submit to the Director a written assessment with respect to whether the proposed activities of the plan satisfy the requirements of this Act.

(4) CONSULTATION WITH LEGISLATURE.—The chief State election official of the State shall develop the State plan submitted under paragraph (1) and the revised plan submitted under paragraph (2) in consultation with the majority party and minority party leaders of each house of the State legislature.

(e) STATE REPORT ON USE OF ALLOCATIONS.—Not later than 90 days after the last day of a fiscal year for which an allocation was made to the State under the Program, the chief State election official of the State shall submit a report to the Director describing how the State used the allocation, including a description of the democracy promotion activities the State carried out with the allocation.

(f) PUBLIC AVAILABILITY OF INFORMATION.—

(1) PUBLICLY AVAILABLE WEBSITE.—The Director shall make available on a publicly accessible website the following:

(A) State plans submitted under paragraph (1) of subsection (d) and revised plans submitted under paragraph (2) of subsection (d).

(B) The Director's notifications of determinations with respect to such plans under subsection (d).

(C) Reports submitted by States under subsection (e).

(2) REDACTION.— The Director may redact information required to be made available under paragraph (1) if the information would be properly withheld from disclosure under section 552 of title 5, United States Code, or if the public disclosure of the information is otherwise prohibited by law.

(g) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2023 and each succeeding fiscal year.

SEC. 8002. STATE PLAN.

(a) CONTENTS.—A State plan under this section with respect to a State is a plan containing each of the following:

(1) A description of the democracy promotion activities the State will carry out with the payment made under the Program.

(2) A statement of whether or not the State intends to retain and reserve the payment for future democracy promotion activities.

(3) A description of how the State intends to allocate funds to carry out the proposed activities, which shall include the amount the State intends to allocate to each such activity, including (if applicable) a specific allocation for—

(A) activities described in subsection 8001(b)(1) (relating to election administration);

(B) activities described in section 8001(b)(2)(A) (relating to payments to participating candidates in the State under title V of the Federal Election Campaign Act of 1971), together with the information required under subsection (c);

(C) activities described in section 8001(b)(2)(B) (relating to the operation of a Democracy Credit Program under part 1 of subtitle B);

(D) activities described in section 8001(b)(2)(C) (relating to other activities to ensure equitable access to democracy; and

(E) activities described in section 8001(b)(3) (relating to activities to increase access to voting in elections for Federal office by certain communities).

(4) A description of how the State will establish the fund described in subsection (b) for purposes of administering the democracy promotion activities which the State will carry out with the payment, including information on fund management.

(5) A description of the State-based administrative complaint procedures established for purposes of section 8003(b).

(6) A statement regarding whether the proposed activities to be funded are permitted under State law, or whether the official intends to seek legal authorization for such activities.

(b) REQUIREMENTS FOR FUND.—

(1) FUND DESCRIBED.—For purposes of subsection (a)(4), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is

used in accordance with paragraph (2), and which consists of the following amounts:

(A) Amounts appropriated or otherwise made available by the State for carrying out the democracy promotion activities for which the payment is made to the State under the Program.

(B) The payment made to the State under the Program.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

(2) USE OF FUND.—Amounts in the fund shall be used by the State exclusively to carry out democracy promotion activities for which the payment is made to the State under the Program.

(3) TREATMENT OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to establish the fund described in this subsection, the Director shall defer disbursement of the payment to such State under the Program until such time as legislation establishing the fund is enacted.

(c) SPECIFIC INFORMATION ON USE OF FUNDS TO ENABLE CANDIDATES TO PARTICIPATE IN MATCHING FUNDS PROGRAM.—If the State plan under this section includes an allocation for activities described in section 8001(b)(2)(A) (relating to payments to participating candidates in the State under title V of the Federal Election Campaign Act of 1971), the State shall include in the plan specific information on how the amount of the allocation will enable the State to provide for the viable participation of candidates in the State under such title, including the assumptions made by the State in determining the amount of the allocation.

SEC. 8003. PROHIBITING REDUCTION IN ACCESS TO PARTICIPATION IN ELECTIONS.

(a) PROHIBITING USE OF PAYMENTS.—A State may not use a payment made under the Program to carry out any activity which has the purpose or effect of diminishing the ability of any citizen of the United States to participate in the electoral process.

(b) STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES.—

(1) ESTABLISHMENT.—A State receiving a payment under the Program shall establish uniform and nondiscriminatory State-based administrative complaint procedures under which any person who be-

lieves that a violation of subsection (a) has occurred, is occurring, or is about to occur may file a complaint.

(2) NOTIFICATION TO DIRECTOR.—The State shall transmit to the Director a description of each complaint filed under the procedures, together with—

(A) if the State provides a remedy with respect to the complaint, a description of the remedy; or

(B) if the State dismisses the complaint, a statement of the reasons for the dismissal.

(3) REVIEW BY DIRECTOR.—

(A) REQUEST FOR REVIEW.—Any person who is dissatisfied with the final decision under a State-based administrative complaint procedure under this subsection may, not later than 60 days after the decision is made, file a request with the Director to review the decision.

(B) ACTION BY DIRECTOR.—Upon receiving a request under subparagraph (A), the Director shall review the decision and, in accordance with such procedures as the Director may establish, including procedures to provide notice and an opportunity for a hearing, may uphold

the decision or reverse the decision and provide an appropriate remedy.

(C) PUBLIC AVAILABILITY OF MATERIAL.—The Director shall make available on a publicly accessible website all material relating to a request for review and determination by the Director under this paragraph, shall be made available on a publicly accessible website, except that the Director may redact material required to be made available under this subparagraph if the material would be properly withheld from disclosure under section 552 of title 5, United States Code, or if the public disclosure of the material is otherwise prohibited by law.

(4) RIGHT TO PETITION FOR REVIEW.—

(A) IN GENERAL.—Any person aggrieved by an action of the Director under subparagraph (B) of paragraph (3) may file a petition with the United States District Court for the District of Columbia.

(B) DEADLINE TO FILE PETITION.—Any petition under this subparagraph shall be filed not later than 60 days after the date of the ac-

tion taken by the Director under subparagraph (B) of paragraph (3).

(C) STANDARD OF REVIEW.—In any proceeding under this paragraph, the court shall determine whether the action of the Director was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law under section 706 of title 5, United States Code, and may direct the Office to conform with any such determination within 30 days.

(c) ACTION BY ATTORNEY GENERAL FOR DECLARATORY AND INJUNCTIVE RELIEF.—The Attorney General may bring a civil action against any State in an appropriate United States District Court for such declaratory and injunctive relief (including a temporary restraining order, a permanent or temporary injunction, or other order) as may be necessary to enforce subsection (a).

SEC. 8004. AMOUNT OF STATE ALLOCATION.

(a) STATE-SPECIFIC AMOUNT.—The amount of the allocation made to a State under the Program for a fiscal year shall be equal to the product of—

(1) the Congressional district allocation amount (determined under subsection (b)); and

(2) the number of Congressional districts in the State for the next regularly scheduled general election for Federal office held in the State.

(b) CONGRESSIONAL DISTRICT ALLOCATION AMOUNT.—For purposes of subsection (a), the ''Congressional district allocation amount'' with respect to a fiscal year is equal to the quotient of—

(1) the aggregate amount available for allocations to States under the Program for the fiscal year, as determined by the Director under subsection (c); divided by

(2) the total number of Congressional districts in all States.

(c) DETERMINATION OF AGGREGATE AMOUNT AVAILABLE FOR ALLOCATIONS; NOTIFICATION TO STATES.—Not later than 120 days before the first day of each fiscal year, the Director—

(1) shall, in accordance with section 8012, determine and establish the aggregate amount available for allocations to States under the Program for the fiscal year; and

(2) shall notify each State of the amount of the State's allocation under the Program for the fiscal year.

(d) SOURCE OF PAYMENTS.—The amounts used to make allocations and payments under the Program shall be derived solely from the Trust Fund.

SEC. 8005. PROCEDURES FOR DISBURSEMENTS OF PAYMENTS AND ALLOCATIONS.

(a) DIRECT PAYMENTS TO STATES FOR CERTAIN ACTIVITIES UNDER STATE PLAN.—

(1) DIRECT PAYMENT.—If the approved State plan of a State includes activities for which allocations are not made under subsections (b), (c), or (d), upon approving the State plan under section 8002, the Director shall direct the Secretary of the Treasury to disburse amounts from the Trust Fund for payment to the State in the aggregate amount provided under the plan for such activities.

(2) TIMING.—As soon as practicable after the Director directs the Secretary of the Treasury to disburse amounts for payment to a State under paragraph (1), the Secretary of the Treasury shall make the payment to the State under such paragraph.

(3) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A payment made to a State under this subsection shall be available without fiscal year limitation.

(b) ALLOCATION TO ELECTION ASSISTANCE COMMISSION FOR PAYMENTS TO STATES FOR CERTAIN ELECTION ADMINISTRATION ACTIVITIES.—

(1) ALLOCATION.—If the approved State plan of a State includes activities described in section 8001(b)(1), upon approving the State plan under section 8002, the Director shall direct the Secretary of the Treasury to allocate to the Election Assistance Commission the amount provided for such activities under the plan.

(2) PAYMENT TO STATE.—As soon as practicable after receiving an allocation under paragraph (1) with respect to a State, the Election Assistance Commission shall make a payment to the State in the amount of the State's allocation.

(3) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A payment made to a State by the Election Assistance Commission under this subsection shall be available without fiscal year limitation.

(c) ALLOCATION TO FEDERAL ELECTION COMMISSION FOR PAYMENTS TO PARTICIPATING CANDIDATES FROM STATE.—If the approved State plan of a State includes activities described in section 8001(b)(2)(A), relating to payments to participating candidates in the State

under title V of the Federal Election Campaign Act of 1971, upon approving the State plan under section 8002, the Director shall direct the Secretary of the Treasury to allocate to the Federal Election Commission the amount provided for such activities under the plan.

(d) ALLOCATION TO FEDERAL ELECTION COMMISSION FOR PAYMENTS FOR DEMOCRACY CREDIT PROGRAM.—If the approved State plan of a State includes activities described in section 8001(b)(2)(B), relating to payments to the State for the operation of a Democracy Credit Program under part 1 of subtitle B, upon approving the State plan under section 8002, the Director shall direct the Secretary of the Treasury to allocate to the Federal Election Commission the amount provided for such activities under the plan.

(e) CERTAIN PAYMENTS MADE DIRECTLY TO LOCAL ELECTION ADMINISTRATORS.—Under rules established by the Director not later than 270 days after the date of the enactment of this Act, portions of amounts disbursed to States by the Secretary of the Treasury under subsection (a) and payments made to States by the Election Assistance Commission under subsection (b) may be provided directly to local election administrators carrying out activities in the State plan which may be carried out with such amounts and payments.

SEC. 8006. OFFICE OF DEMOCRACY ADVANCEMENT AND INNOVATION.

(a) ESTABLISHMENT.—There is established as an independent establishment in the executive branch the Office of Democracy Advancement and Innovation.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director, who shall be appointed by the President with the advice and consent of the Senate.

(2) TERM OF SERVICE.—The Director shall serve for a term of 6 years and may be reappointed to an additional term, and may continue serving as Director until a replacement is appointed. A vacancy in the position of Director shall be filled in the same manner as the original appointment.

(3) COMPENSATION.—The Director shall be paid at an annual rate of pay equal to the annual rate in effect for level II of the Executive Schedule.

(4) REMOVAL.—The Director may be removed from office by the President. If the President removes the Director, the President shall communicate in writing the reasons for the removal to both Houses of Congress not later than 30 days beforehand. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law.

(c) GENERAL COUNSEL AND OTHER STAFF.—

(1) GENERAL COUNSEL.—The Director shall appoint a general counsel who shall be paid at an annual rate of pay equal to the annual rate in effect for level III of the Executive Schedule. In the event of a vacancy in the position of the Director, the General Counsel shall exercise all the responsibilities of the Director until such vacancy is filled.

(2) SENIOR STAFF.—The Director may appoint and fix the pay of staff designated as Senior staff, such as a Deputy Director, who may be paid at an annual rate of pay equal to the annual rate in effect for level IV of the Executive Schedule.

(3) OTHER STAFF.—In addition to the General Counsel and Senior staff, the Director may appoint and fix the pay of such other staff as the Director considers necessary to carry out the duties of the Office, except that no such staff may be compensated at an annual rate exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS-15 of the General Schedule.

(d) DUTIES.—The duties of the Office are as follows:

(1) ADMINISTRATION OF PROGRAM.—The Director shall administer the Program, in consultation with the Election Assistance Commission and the

1 Federal Election Commission, including by holding
2 quarterly meetings of representatives from such
3 Commissions.
4 (2) OVERSIGHT OF TRUST FUND.—The Direc-
5 tor shall oversee the operation of the Trust Fund
6 and monitor its balances, in consultation with the
7 Secretary of the Treasury. The Director may hold
8 funds in reserve to cover the expenses of the Office
9 and to preserve the solvency of the Trust Fund.
10 (3) REPORTS.—Not later than 180 days after
11 the date of the regularly scheduled general election
12 for Federal office held in 2024 and each succeeding
13 regularly scheduled general election for Federal of-
14 fice thereafter, the Director shall submit to the
15 Committee on House Administration of the House of
16 Representatives and the Committee on Rules and
17 Administration of the Senate a report on the activi-
18 ties carried out under the Program and the amounts
19 deposited into and paid from the Trust Fund during
20 the two most recent fiscal years.
21 (e) COVERAGE UNDER INSPECTOR GENERAL ACT OF
22 1978 FOR CONDUCTING AUDITS AND INVESTIGATIONS.—
23 (1) IN GENERAL.—Section 8G(a)(2) of the In-
24 spector General Act of 1978 (5 U.S.C. App.) is
25 amended by inserting ''the Office of Democracy Ad-

vancement and Innovation,'' after ''Election Assistance Commission,''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 180 days after the appointment of the Director.

(f) COVERAGE UNDER HATCH ACT.—Clause (i) of section 7323(b)(2)(B) of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of subclause (XIII); and

(2) by adding at the end the following new subclause:

''(XV) the Office of Democracy Advancement and Innovation; or''.

(g) REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 270 days after the date of enactment of this Act, the Director shall promulgate such rules and regulations as the Director considers necessary and appropriate to carry out the duties of the Office under this Act and the amendments made by this Act.

(2) STATE PLAN SUBMISSION AND APPROVAL AND DISTRIBUTION OF FUNDS.—Not later than 90 days after the date of the enactment of this Act, the

Director shall promulgate such rules and regulations as the Director considers necessary and appropriate to carry out the requirements of this part and the amendments made by this part.

(3) COMMENTS BY THE ELECTION ASSISTANCE COMMISSION AND THE FEDERAL ELECTION COMMISSION.—The Election Assistance Commission and the Federal Election Assistance shall timely submit comments with respect to any proposed regulations promulgated by the Director under this subsection.

(h) INTERIM AUTHORITY PENDING APPOINTMENT AND CONFIRMATION OF DIRECTOR.—

(1) AUTHORITY OF DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET.—Notwithstanding subsection (b), during the transition period, the Director of the Office of Management and Budget is authorized to perform the functions of the Office under this title, and shall act for all purposes as, and with the full powers of, the Director.

(2) INTERIM ADMINISTRATIVE SERVICES.—

(A) AUTHORITY OF OFFICE OF MANAGEMENT AND BUDGET.—During the transition period, the Director of the Office of Management and Budget may provide administrative services necessary to support the Office.

(B) TERMINATION OF AUTHORITY; PERMITTING EXTENSION.—The Director of the Office of Management and Budget shall cease providing interim administrative services under this paragraph upon the expiration of the transition period, except that the Director of the Office of Management and Budget may continue to provide such services after the expiration of the transition period if the Director and the Director of the Office of Management and Budget jointly transmit to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate—

(i) a written determination that an orderly implementation of this title is not feasible by the expiration of the transition period;

(ii) an explanation of why an extension is necessary for the orderly implementation of this title;

(iii) a description of the period during which the Director of the Office of Management and Budget shall continue pro-

viding services under the authority of this subparagraph; and

(iv) a description of the steps that will be taken to ensure an orderly and timely implementation of this title during the period described in clause (iii).

(3) TRANSITION PERIOD DEFINED.—In this subsection, the ''transition period'' is the period which begins on the effective date of this Act and ends on the date on which the Director is appointed and confirmed.

(4) LIMIT ON LENGTH OF PERIOD OF INTERIM AUTHORITIES.—Notwithstanding any other provision of this subsection, the Director of the Office of Management and Budget may not exercise any authority under this subsection after the expiration of the 24-month period which begins on the effective date of this Act.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Trust Fund such sums as may be necessary to carry out the activities of the Office for fiscal year 2023 and each succeeding fiscal year.

PART 2—STATE ELECTION ASSISTANCE AND INNOVATION TRUST FUND

SEC. 8011. STATE ELECTION ASSISTANCE AND INNOVATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the ''State Election Assistance and Innovation Trust Fund''.

(b) CONTENTS.—The Trust Fund shall consist solely of—

(1) amounts transferred under section 3015 of title 18, United States Code, section 9706 of title 31, United States Code, and section 6761 of the Internal Revenue Code of 1986 (as added by section 8013); and

(2) gifts or bequests deposited pursuant to subsection (d).

(c) USE OF FUNDS.—Amounts in the Trust Fund shall be used to make payments and allocations under the Program (as described in section 8012(a)) and to carry out the activities of the Office.

(d) ACCEPTANCE OF GIFTS.—The Office may accept gifts or bequests for deposit into the Trust Fund.

(e) NO TAXPAYER FUNDS PERMITTED.—No taxpayer funds may be deposited into the Trust Fund. For purposes of this subsection, the term ''taxpayer funds''

means revenues received by the Internal Revenue Service from tax liabilities.

(f) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this subtitle.

SEC. 8012. USES OF FUND.

(a) PAYMENTS AND ALLOCATIONS DESCRIBED.—For each fiscal year, amounts in the Fund shall be used as follows:

(1) Payments to States under the Program, as described in section 8005(a).

(2) Allocations to the Election Assistance Commission, to be used for payments for certain election administration activities, as described in section 8005(b).

(3) Allocations to the Federal Election Commission, to be used for payments to participating candidates under title V of the Federal Election Campaign Act of 1971, as described in section 8005(c).

(4) Allocations to the Federal Election Commission, to be used for payments to States operating a Democracy Credit Program under part 1 of subtitle B, as described in section 8005(d).

(b) DETERMINATION OF AGGREGATE AMOUNT OF STATE ALLOCATIONS.—The Director shall determine and establish the aggregate amount of State allocations for

each fiscal year, taking into account the anticipated balances of the Trust Fund. In carrying out this subsection, the Director shall consult with the Federal Election Commission and the Election Assistance Commission, but shall be solely responsible for making the final determinations under this subsection.

SEC. 8013. ASSESSMENTS AGAINST FINES AND PENALTIES.

(a) ASSESSMENTS RELATING TO CRIMINAL OFFENSES.—

(1) IN GENERAL.—Chapter 201 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3015. Special assessments for State Election Assistance and Innovation Trust Fund

''(a) ASSESSMENTS.—

''(1) CONVICTIONS OF CRIMES.—In addition to any assessment imposed under this chapter, the court shall assess on any organizational defendant or any defendant who is a corporate officer or person with equivalent authority in any other organization who is convicted of a criminal offense under Federal law an amount equal to 4.75 percent of any fine imposed on that defendant in the sentence imposed for that conviction.

1 "(2) SETTLEMENTS.—The court shall assess on
2 any organizational defendant or defendant who is a
3 corporate officer or person with equivalent authority
4 in any other organization who has entered into a
5 settlement agreement or consent decree with the
6 United States in satisfaction of any allegation that
7 the defendant committed a criminal offense under
8 Federal law an amount equal to 4.75 percent of the
9 amount of the settlement.

10 "(b) MANNER OF COLLECTION.—An amount as-
11 sessed under subsection (a) shall be collected in the man-
12 ner in which fines are collected in criminal cases.

13 "(c) TRANSFERS.—In a manner consistent with sec-
14 tion 3302(b) of title 31, there shall be transferred from
15 the General Fund of the Treasury to the State Election
16 Assistance and Innovation Trust Fund under section 8011
17 of the Freedom to Vote: John R. Lewis Act an amount
18 equal to the amount of the assessments collected under
19 this section.".

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions of chapter 201 of title 18, United States Code,
22 is amended by adding at the end the following:

"3015. Special assessments for State Election Assistance and Innovation Trust Fund.".

23 (b) ASSESSMENTS RELATING TO CIVIL PEN-
24 ALTIES.—

(1) IN GENERAL.—Chapter 97 of title 31, United States Code, is amended by adding at the end the following new section:

"§ 9706. Special assessments for State Election Assistance and Innovation Trust Fund

''(a) ASSESSMENTS.—

''(1) CIVIL PENALTIES.—Any entity of the Federal Government which is authorized under any law, rule, or regulation to impose a civil penalty shall assess on each person, other than a natural person who is not a corporate officer or person with equivalent authority in any other organization, on whom such a penalty is imposed an amount equal to 4.75 percent of the amount of the penalty.

''(2) ADMINISTRATIVE PENALTIES.—Any entity of the Federal Government which is authorized under any law, rule, or regulation to impose an administrative penalty shall assess on each person, other than a natural person who is not a corporate officer or person with equivalent authority in any other organization, on whom such a penalty is imposed an amount equal to 4.75 percent of the amount of the penalty.

''(3) SETTLEMENTS.—Any entity of the Federal Government which is authorized under any law, rule,

or regulation to enter into a settlement agreement or consent decree with any person, other than a natural person who is not a corporate officer or person with equivalent authority in any other organization, in satisfaction of any allegation of an action or omission by the person which would be subject to a civil penalty or administrative penalty shall assess on such person an amount equal to 4.75 percent of the amount of the settlement.

''(b) MANNER OF COLLECTION.—An amount assessed under subsection (a) shall be collected—

''(1) in the case of an amount assessed under paragraph (1) of such subsection, in the manner in which civil penalties are collected by the entity of the Federal Government involved;

''(2) in the case of an amount assessed under paragraph (2) of such subsection, in the manner in which administrative penalties are collected by the entity of the Federal Government involved; and

''(3) in the case of an amount assessed under paragraph (3) of such subsection, in the manner in which amounts are collected pursuant to settlement agreements or consent decrees entered into by the entity of the Federal Government involved.

1 "(c) TRANSFERS.—In a manner consistent with sec-
2 tion 3302(b) of this title, there shall be transferred from
3 the General Fund of the Treasury to the State Election
4 Assistance and Innovation Trust Fund under section 8011
5 of the Freedom to Vote: John R. Lewis Act an amount
6 equal to the amount of the assessments collected under
7 this section.

8 "(d) EXCEPTION FOR PENALTIES AND SETTLE-
9 MENTS UNDER AUTHORITY OF THE INTERNAL REVENUE
10 CODE OF 1986.—

11 "(1) IN GENERAL.—No assessment shall be
12 made under subsection (a) with respect to any civil
13 or administrative penalty imposed, or any settlement
14 agreement or consent decree entered into, under the
15 authority of the Internal Revenue Code of 1986.

16 "(2) CROSS REFERENCE.—For application of
17 special assessments for the State Election Assistance
18 and Innovation Trust Fund with respect to certain
19 penalties under the Internal Revenue Code of 1986,
20 see section 6761 of the Internal Revenue Code of
21 1986.".

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions of chapter 97 of title 31, United States Code,
24 is amended by adding at the end the following:

"9706. Special assessments for State Election Assistance and Innovation Trust Fund.".

(c) ASSESSMENTS RELATING TO CERTAIN PENALTIES UNDER THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Chapter 68 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

"Subchapter D—Special Assessments for State Election Assistance and Innovation Trust Fund

"SEC. 6761. SPECIAL ASSESSMENTS FOR STATE ELECTION ASSISTANCE AND INNOVATION TRUST FUND.

''(a) IN GENERAL.—Each person required to pay a covered penalty shall pay an additional amount equal to 4.75 percent of the amount of such penalty.

''(b) COVERED PENALTY.—For purposes of this section, the term 'covered penalty' means any addition to tax, additional amount, penalty, or other liability provided under subchapter A or B.

''(c) EXCEPTION FOR CERTAIN INDIVIDUALS.—

''(1) IN GENERAL.—In the case of a taxpayer who is an individual, subsection (a) shall not apply to any covered penalty if such taxpayer is an exempt taxpayer for the taxable year for which such covered penalty is assessed.

"(2) EXEMPT TAXPAYER.—For purposes of this subsection, a taxpayer is an exempt taxpayer for any taxable year if the taxable income of such taxpayer for such taxable year does not exceed the dollar amount at which begins the highest rate bracket in effect under section 1 with respect to such taxpayer for such taxable year.

"(d) APPLICATION OF CERTAIN RULES.—Except as provided in subsection (e), the additional amount determined under subsection (a) shall be treated for purposes of this title in the same manner as the covered penalty to which such additional amount relates.

"(e) TRANSFER TO STATE ELECTION ADMINISTRATION AND INNOVATION TRUST FUND.—The Secretary shall deposit any additional amount under subsection (a) in the General Fund of the Treasury and shall transfer from such General Fund to the State Election Assistance and Innovation Trust Fund under section 8011 of the Freedom to Vote: John R. Lewis Act an amount equal to the amounts so deposited (and, notwithstanding subsection (d), such additional amount shall not be the basis for any deposit, transfer, credit, appropriation, or any other payment, to any other trust fund or account). Rules similar to the rules of section 9601 shall apply for purposes of this subsection.".

(2) CLERICAL AMENDMENT.—The table of subchapters for chapter 68 of such Code is amended by adding at the end the following new item:

"SUBCHAPTER D—SPECIAL ASSESSMENTS FOR STATE ELECTION ASSISTANCE AND INNOVATION TRUST FUND".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to convictions, agreements, and penalties which occur on or after the date of the enactment of this Act.

(2) ASSESSMENTS RELATING TO CERTAIN PENALTIES UNDER THE INTERNAL REVENUE CODE OF 1986.—The amendments made by subsection (c) shall apply to covered penalties assessed after the date of the enactment of this Act.

PART 3—GENERAL PROVISIONS

SEC. 8021. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) The term "chief State election official" has the meaning given such term in section 253(e) of the Help America Vote Act of 2002 (52 U.S.C. 21003(e)).

(2) The term "Director" means the Director of the Office.

(3) The term ''election cycle'' means the period beginning on the day after the date of the most recent regularly scheduled general election for Federal office and ending on the date of the next regularly scheduled general election for Federal office.

(4) The term ''Indian lands'' includes—

(A) Indian country, as defined under section 1151 of title 18, United States Code;

(B) any land in Alaska owned, pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), by an Indian Tribe that is a Native village (as defined in section 3 of that Act (43 U.S.C. 1602)) or by a Village Corporation that is associated with an Indian Tribe (as defined in section 3 of that Act (43 U.S.C. 1602));

(C) any land on which the seat of the Tribal government is located; and

(D) any land that is part or all of a Tribal designated statistical area associated with an Indian Tribe, or is part or all of an Alaska Native village statistical area associated with an Indian Tribe, as defined by the Census Bureau for the purposes of the most recent decennial census.

(5) The term ''Office'' means the Office of Democracy Advancement and Innovation established under section 8005.

(6) The term ''Program'' means the Democracy Advancement and Innovation Program established under section 8001.

(7) The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(8) The term ''Trust Fund'' means the State Election Assistance and Innovation Trust Fund established under section 8011.

SEC. 8022. RULE OF CONSTRUCTION REGARDING CALCULATION OF DEADLINES.

(a) IN GENERAL.—With respect to the calculation of any period of time for the purposes of a deadline in this subtitle, the last day of the period shall be included in such calculation, unless such day is a Saturday, a Sunday, or a legal public holiday, in which case the period of such deadline shall be extended until the end of the next day which is not a Saturday, a Sunday, a legal public holiday.

(b) LEGAL PUBLIC HOLIDAY DEFINED.—For the purposes of this section, the term ''legal public holiday''

means a day described in section 6103(a) of title 5, United States Code.

Subtitle B—Elections for House of Representatives

SEC. 8101. SHORT TITLE.

This subtitle may be cited as the ''Government By the People Act of 2021''.

PART 1—OPTIONAL DEMOCRACY CREDIT PROGRAM

SEC. 8102. ESTABLISHMENT OF PROGRAM.

(a) ESTABLISHMENT.—The Federal Election Commission (hereafter in this part referred to as the ''Commission'') shall establish a program under which the Commission shall make payments to States to operate a credit program which is described in section 8103 during an election cycle.

(b) REQUIREMENTS FOR PROGRAM.—A State is eligible to operate a credit program under this part with respect to an election cycle if, not later than 120 days before the cycle begins, the State submits to the Commission a statement containing—

(1) information and assurances that the State will operate a credit program which contains the elements described in section 8103(a);

(2) information and assurances that the State will establish fraud prevention mechanisms described in section 8103(b);

(3) information and assurances that the State will establish a commission to oversee and implement the program as described in section 8103(c);

(4) information and assurances that the State will carry out a public information campaign as described in section 8103(d);

(5) information and assurances that the State will submit reports as required under section 8104;

(6) information and assurances that, not later than 60 days before the beginning of the cycle, the State will complete any actions necessary to operate the program during the cycle; and

(7) such other information and assurances as the Commission may require.

(c) REIMBURSEMENT OF COSTS.—

(1) REIMBURSEMENT.—Upon receiving the report submitted by a State under section 8104(a) with respect to an election cycle, the Commission shall transmit a payment to the State in an amount equal to the reasonable costs incurred by the State in operating the credit program under this part during the cycle.

(2) SOURCE OF FUNDS.—Payments to a State under the program shall be made using amounts allocated to the Commission for purposes of making payments under this part with respect to the State from the State Election Assistance and Innovation Trust Fund (hereafter referred to as the ''Fund'') under section 8012, in the amount allocated with respect to the State under section 8005(d).

(3) CAP ON AMOUNT OF PAYMENT.—The aggregate amount of payments made to any State with respect to two consecutive election cycles period may not exceed $10,000,000. If the State determines that the maximum payment amount under this paragraph with respect to such cycles is not, or may not be, sufficient to cover the reasonable costs incurred by the State in operating the program under this part for such cycles, the State shall reduce the amount of the credit provided to each qualified individual by such pro rata amount as may be necessary to ensure that the reasonable costs incurred by the State in operating the program will not exceed the amount paid to the State with respect to such cycles.

(d) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A payment made to a State under this part shall be available without fiscal year limitation.

SEC. 8103. CREDIT PROGRAM DESCRIBED.

(a) GENERAL ELEMENTS OF PROGRAM.—

(1) ELEMENTS DESCRIBED.—The elements of a credit program operated by a State under this part are as follows:

(A) The State shall provide each qualified individual upon the individual's request with a credit worth $25 to be known as a ''Democracy Credit'' during the election cycle which will be assigned a routing number and which at the option of the individual will be provided in either paper or electronic form.

(B) Using the routing number assigned to the Democracy Credit, the individual may submit the Democracy Credit in either electronic or paper form to qualified candidates for election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress and allocate such portion of the value of the Democracy Credit in increments of $5 as the individual may select to any such candidate.

(C) If the candidate transmits the Democracy Credit to the Commission, the Commission shall pay the candidate the portion of the value of the Democracy Credit that the individual allocated to the candidate, which shall be consid-

ered a contribution by the individual to the candidate for purposes of the Federal Election Campaign Act of 1971.

(2) DESIGNATION OF QUALIFIED INDIVIDUALS.—For purposes of paragraph (1)(A), a ''qualified individual'' with respect to a State means an individual—

(A) who is a resident of the State;

(B) who will be of voting age as of the date of the election for the candidate to whom the individual submits a Democracy Credit; and

(C) who is not prohibited under Federal law from making contributions to candidates for election for Federal office.

(3) TREATMENT AS CONTRIBUTION TO CANDIDATE.—For purposes of the Federal Election Campaign Act of 1971, the submission of a Democracy Credit to a candidate by an individual shall be treated as a contribution to the candidate by the individual in the amount of the portion of the value of the Credit that the individual allocated to the candidate.

(b) FRAUD PREVENTION MECHANISM.—In addition to the elements described in subsection (a), a State operating a credit program under this part shall permit an

individual to revoke a Democracy Credit not later than 2 days after submitting the Democracy Credit to a candidate.

(c) OVERSIGHT COMMISSION.—In addition to the elements described in subsection (a), a State operating a credit program under this part shall establish a commission or designate an existing entity to oversee and implement the program in the State, except that no such commission or entity may be comprised of elected officials.

(d) PUBLIC INFORMATION CAMPAIGN.—In addition to the elements described in subsection (a), a State operating a credit program under this part shall carry out a public information campaign to disseminate awareness of the program among qualified individuals.

(e) NO TAXPAYER FUNDS PERMITTED TO CARRY OUT PROGRAM.—No taxpayer funds shall be used to carry out the credit program under this part. For purposes of this subsection, the term ''taxpayer funds'' means revenues received by the Internal Revenue Service from tax liabilities.

SEC. 8104. REPORTS.

(a) STATE REPORTS.—Not later than 6 months after each first election cycle during which the State operates a program under this part, the State shall submit a report to the Commission and the Office of Democracy Advance-

ment and Innovation analyzing the operation and effectiveness of the program during the cycle and including such other information as the Commission may require.

(b) STUDY AND REPORT ON IMPACT AND EFFECTIVENESS OF CREDIT PROGRAMS.—

(1) STUDY.—The Commission shall conduct a study on the efficacy of political credit programs, including the program under this part and other similar programs, in expanding and diversifying the pool of individuals who participate in the electoral process, including those who participate as donors and those who participate as candidates.

(2) REPORT.—Not later than 1 year after the first election cycle for which States operate the program under this part, the Commission shall publish and submit to Congress a report on the study conducted under paragraph (1).

SEC. 8105. ELECTION CYCLE DEFINED.

In this part, the term ''election cycle'' means the period beginning on the day after the date of the most recent regularly scheduled general election for Federal office and ending on the date of the next regularly scheduled general election for Federal office.

PART 2—OPTIONAL SMALL DOLLAR FINANCING OF ELECTIONS FOR HOUSE OF REPRESENTATIVES

SEC. 8111. BENEFITS AND ELIGIBILITY REQUIREMENTS FOR CANDIDATES.

The Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is amended by adding at the end the following:

"TITLE V—SMALL DOLLAR FINANCING OF ELECTIONS FOR HOUSE OF REPRESENTATIVES

"Subtitle A—Benefits

"SEC. 501. BENEFITS FOR PARTICIPATING CANDIDATES.

''(a) IN GENERAL.—If a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress is certified as a participating candidate under this title with respect to an election for such office, the candidate shall be entitled to payments as provided under this title.

''(b) AMOUNT OF PAYMENT.—The amount of a payment made under this title shall be equal to 600 percent of the amount of qualified small dollar contributions received by the candidate since the most recent payment made to the candidate under this title during the election cycle, without regard to whether or not the candidate re-

ceived any of the contributions before, during, or after the Small Dollar Democracy qualifying period applicable to the candidate under section 511(c).

"(c) LIMIT ON AGGREGATE AMOUNT OF PAYMENTS.—The aggregate amount of payments made to a participating candidate with respect to an election cycle under this title may not exceed 50 percent of the average of the 20 greatest amounts of disbursements made by the authorized committees of any winning candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress during the most recent election cycle, rounded to the nearest $100,000.

"(d) NO TAXPAYER FUNDS PERMITTED.—No taxpayer funds shall be used to make payments under this title. For purposes of this subsection, the term 'taxpayer funds' means revenues received by the Internal Revenue Service from tax liabilities.

"SEC. 502. PROCEDURES FOR MAKING PAYMENTS.

"(a) IN GENERAL.—The Division Director shall make a payment under section 501 to a candidate who is certified as a participating candidate upon receipt from the candidate of a request for a payment which includes—

"(1) a statement of the number and amount of qualified small dollar contributions received by the candidate since the most recent payment made to

the candidate under this title during the election cycle;

"(2) a statement of the amount of the payment the candidate anticipates receiving with respect to the request;

"(3) a statement of the total amount of payments the candidate has received under this title as of the date of the statement; and

"(4) such other information and assurances as the Division Director may require.

"(b) RESTRICTIONS ON SUBMISSION OF REQUESTS.—A candidate may not submit a request under subsection (a) unless each of the following applies:

"(1) The amount of the qualified small dollar contributions in the statement referred to in subsection (a)(1) is equal to or greater than $5,000, unless the request is submitted during the 30-day period which ends on the date of a general election.

"(2) The candidate did not receive a payment under this title during the 7-day period which ends on the date the candidate submits the request.

"(c) TIME OF PAYMENT.—The Division Director shall, in coordination with the Secretary of the Treasury, take such steps as may be necessary to ensure that the Secretary is able to make payments under this section

from the Treasury not later than 2 business days after the receipt of a request submitted under subsection (a).

"SEC. 503. USE OF FUNDS.

"(a) USE OF FUNDS FOR AUTHORIZED CAMPAIGN EXPENDITURES.—A candidate shall use payments made under this title, including payments provided with respect to a previous election cycle which are withheld from remittance to the Commission in accordance with section 524(a)(2), only for making direct payments for the receipt of goods and services which constitute authorized expenditures (as determined in accordance with title III) in connection with the election cycle involved.

"(b) PROHIBITING USE OF FUNDS FOR LEGAL EXPENSES, FINES, OR PENALTIES.—Notwithstanding title III, a candidate may not use payments made under this title for the payment of expenses incurred in connection with any action, claim, or other matter before the Commission or before any court, hearing officer, arbitrator, or other dispute resolution entity, or for the payment of any fine or civil monetary penalty.

"SEC. 504. QUALIFIED SMALL DOLLAR CONTRIBUTIONS DESCRIBED.

"(a) IN GENERAL.—In this title, the term 'qualified small dollar contribution' means, with respect to a can-

1 didate and the authorized committees of a candidate, a
2 contribution that meets the following requirements:
3 ''(1) The contribution is in an amount that is—
4 ''(A) not less than $1; and
5 ''(B) not more than $200.
6 ''(2)(A) The contribution is made directly by an
7 individual to the candidate or an authorized com-
8 mittee of the candidate and is not—
9 ''(i) forwarded from the individual making
10 the contribution to the candidate or committee
11 by another person; or
12 ''(ii) received by the candidate or com-
13 mittee with the knowledge that the contribution
14 was made at the request, suggestion, or rec-
15 ommendation of another person.
16 ''(B) In this paragraph—
17 ''(i) the term 'person' does not include an
18 individual (other than an individual described in
19 section 304(i)(7) of the Federal Election Cam-
20 paign Act of 1971), a political committee of a
21 political party, or any political committee which
22 is not a separate segregated fund described in
23 section 316(b) of the Federal Election Cam-
24 paign Act of 1971 and which does not make
25 contributions or independent expenditures, does

not engage in lobbying activity under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.), and is not established by, controlled by, or affiliated with a registered lobbyist under such Act, an agent of a registered lobbyist under such Act, or an organization which retains or employs a registered lobbyist under such Act; and

''(ii) a contribution is not 'made at the request, suggestion, or recommendation of another person' solely on the grounds that the contribution is made in response to information provided to the individual making the contribution by any person, so long as the candidate or authorized committee does not know the identity of the person who provided the information to such individual.

''(3) The individual who makes the contribution does not make contributions to the candidate or the authorized committees of the candidate with respect to the election involved in an aggregate amount that exceeds the amount described in paragraph (1)(B), or any contribution to the candidate or the authorized committees of the candidate with respect to the

1 election involved that otherwise is not a qualified
2 small dollar contribution.
3 ''(b) TREATMENT OF DEMOCRACY CREDITS.—Any
4 payment received by a candidate and the authorized com-
5 mittees of a candidate which consists of a Democracy
6 Credit under the Freedom to Vote: John R. Lewis Act
7 shall be considered a qualified small dollar contribution
8 for purposes of this title, so long as the individual making
9 the payment meets the requirements of paragraphs (2)
10 and (3) of subsection (a).
11 ''(c) RESTRICTION ON SUBSEQUENT CONTRIBU-
12 TIONS.—
13 ''(1) PROHIBITING DONOR FROM MAKING SUB-
14 SEQUENT NONQUALIFIED CONTRIBUTIONS DURING
15 ELECTION CYCLE.—
16 ''(A) IN GENERAL.—An individual who
17 makes a qualified small dollar contribution to a
18 candidate or the authorized committees of a
19 candidate with respect to an election may not
20 make any subsequent contribution to such can-
21 didate or the authorized committees of such
22 candidate with respect to the election cycle
23 which is not a qualified small dollar contribu-
24 tion.

"(B) EXCEPTION FOR CONTRIBUTIONS TO CANDIDATES WHO VOLUNTARILY WITHDRAW FROM PARTICIPATION DURING QUALIFYING PERIOD.—Subparagraph (A) does not apply with respect to a contribution made to a candidate who, during the Small Dollar Democracy qualifying period described in section 511(c), submits a statement to the Commission under section 513(c) to voluntarily withdraw from participating in the program under this title.

"(2) TREATMENT OF SUBSEQUENT NONQUALIFIED CONTRIBUTIONS.—If, notwithstanding the prohibition described in paragraph (1), an individual who makes a qualified small dollar contribution to a candidate or the authorized committees of a candidate with respect to an election makes a subsequent contribution to such candidate or the authorized committees of such candidate with respect to the election which is prohibited under paragraph (1) because it is not a qualified small dollar contribution, the candidate may take one of the following actions:

"(A) Not later than 2 weeks after receiving the contribution, the candidate may return the subsequent contribution to the individual. In

the case of a subsequent contribution which is not a qualified small dollar contribution because the contribution fails to meet the requirements of paragraph (3) of subsection (a) (relating to the aggregate amount of contributions made to the candidate or the authorized committees of the candidate by the individual making the contribution), the candidate may return an amount equal to the difference between the amount of the subsequent contribution and the amount described in paragraph (1)(B) of subsection (a).

''(B) The candidate may retain the subsequent contribution, so long as not later than 2 weeks after receiving the subsequent contribution, the candidate remits to the Commission an amount equal to any payments received by the candidate under this title which are attributable to the qualified small dollar contribution made by the individual involved. Such amount shall be used to supplement the allocation made to the Commission with respect to candidates from the State in which the candidate seeks office, as described in section 541(a).

''(3) NO EFFECT ON ABILITY TO MAKE MULTIPLE CONTRIBUTIONS.—Nothing in this section

may be construed to prohibit an individual from making multiple qualified small dollar contributions to any candidate or any number of candidates, so long as each contribution meets each of the requirements of paragraphs (1), (2), and (3) of subsection (a).

"(d) NOTIFICATION REQUIREMENTS FOR CANDIDATES.—

"(1) NOTIFICATION.—Each authorized committee of a candidate who seeks to be a participating candidate under this title shall provide the following information in any materials for the solicitation of contributions, including any internet site through which individuals may make contributions to the committee:

"(A) A statement that if the candidate is certified as a participating candidate under this title, the candidate will receive matching payments in an amount which is based on the total amount of qualified small dollar contributions received.

"(B) A statement that a contribution which meets the requirements set forth in subsection (a) shall be treated as a qualified small dollar contribution under this title.

"(C) A statement that if a contribution is treated as qualified small dollar contribution under this title, the individual who makes the contribution may not make any contribution to the candidate or the authorized committees of the candidate during the election cycle which is not a qualified small dollar contribution.

"(2) ALTERNATIVE METHODS OF MEETING REQUIREMENTS.—An authorized committee may meet the requirements of paragraph (1)—

"(A) by including the information described in paragraph (1) in the receipt provided under section 512(b)(3) to a person making a qualified small dollar contribution; or

"(B) by modifying the information it provides to persons making contributions which is otherwise required under title III (including information it provides through the internet).

"Subtitle B—Eligibility and Certification

"SEC. 511. ELIGIBILITY.

"(a) IN GENERAL.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress is eligible to be certified as a participating

candidate under this title with respect to an election if the candidate meets the following requirements:

"(1) The candidate files with the Commission a statement of intent to seek certification as a participating candidate.

"(2) The candidate meets the qualifying requirements of section 512.

"(3) The candidate files with the Commission a statement certifying that the authorized committees of the candidate meet the requirements of section 504(d).

"(4) Not later than the last day of the Small Dollar Democracy qualifying period, the candidate files with the Commission an affidavit signed by the candidate and the treasurer of the candidate's principal campaign committee declaring that the candidate—

"(A) has complied and, if certified, will comply with the contribution and expenditure requirements of section 521;

"(B) if certified, will run only as a participating candidate for all elections for the office that such candidate is seeking during that election cycle; and

"(C) has either qualified or will take steps to qualify under State law to be on the ballot.

"(5) The candidate files with the Commission a certification that the candidate will not use any allocation from the Fund to directly or indirectly pay salaries, fees, consulting expenses, or any other compensation for services rendered to themselves, family members (including spouses as well as children, parents, siblings, or any of their spouses), or any entity or organization in which they have an ownership interest.

"(b) GENERAL ELECTION.—Notwithstanding subsection (a), a candidate shall not be eligible to be certified as a participating candidate under this title for a general election or a general runoff election unless the candidate's party nominated the candidate to be placed on the ballot for the general election or the candidate is otherwise qualified to be on the ballot under State law.

"(c) SMALL DOLLAR DEMOCRACY QUALIFYING PERIOD DEFINED.—The term 'Small Dollar Democracy qualifying period' means, with respect to any candidate for an office, the 180-day period (during the election cycle for such office) which begins on the date on which the candidate files a statement of intent under section 511(a)(1), except that such period may not continue after

the date that is 30 days before the date of the general election for the office.

"SEC. 512. QUALIFYING REQUIREMENTS.

"(a) RECEIPT OF QUALIFIED SMALL DOLLAR CONTRIBUTIONS.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress meets the requirement of this section if, during the Small Dollar Democracy qualifying period described in section 511(c), each of the following occurs:

"(1) Not fewer than 1,000 individuals make a qualified small dollar contribution to the candidate.

"(2) The candidate obtains a total dollar amount of qualified small dollar contributions which is equal to or greater than $50,000.

"(b) REQUIREMENTS RELATING TO RECEIPT OF QUALIFIED SMALL DOLLAR CONTRIBUTION.—Each qualified small dollar contribution—

"(1) may be made by means of a personal check, money order, debit card, credit card, electronic payment account, or any other method deemed appropriate by the Division Director;

"(2) shall be accompanied by a signed statement (or, in the case of a contribution made online or through other electronic means, an electronic

equivalent) containing the contributor's name and address; and

"(3) shall be acknowledged by a receipt that is sent to the contributor with a copy (in paper or electronic form) kept by the candidate for the Commission.

"(c) VERIFICATION OF CONTRIBUTIONS.—

"(1) PROCEDURES.—The Division Director shall establish procedures for the auditing and verification of the contributions received and expenditures made by participating candidates under this title, including procedures for random audits, to ensure that such contributions and expenditures meet the requirements of this title.

"(2) AUTHORITY OF COMMISSION TO REVISE PROCEDURES.—The Commission, by a vote of not fewer than four of its members, may revise the procedures established by the Division Director under this subsection.

"SEC. 513. CERTIFICATION.

"(a) DEADLINE AND NOTIFICATION.—

"(1) IN GENERAL.—Not later than 5 business days after a candidate files an affidavit under section 511(a)(4), the Division Director shall—

"(A) determine whether or not the candidate meets the requirements for certification as a participating candidate;

"(B) if the Division Director determines that the candidate meets such requirements, certify the candidate as a participating candidate; and

"(C) notify the candidate of the Division Director's determination.

"(2) DEEMED CERTIFICATION FOR ALL ELECTIONS IN ELECTION CYCLE.—If the Division Director certifies a candidate as a participating candidate with respect to the first election of the election cycle involved, the Division Director shall be deemed to have certified the candidate as a participating candidate with respect to all subsequent elections of the election cycle.

"(3) AUTHORITY OF COMMISSION TO REVERSE DETERMINATION BY DIVISION DIRECTOR.—During the 10-day period which begins on the date the Division Director makes a determination under this subsection, the Commission, by a vote of not fewer than four of its members, may review and reverse the determination. If the Commission reverses the deter-

mination, the Commission shall promptly notify the candidate involved.

"(b) REVOCATION OF CERTIFICATION.—

"(1) IN GENERAL.—The Division Director shall revoke a certification under subsection (a) if—

"(A) a candidate fails to qualify to appear on the ballot at any time after the date of certification (other than a candidate certified as a participating candidate with respect to a primary election who fails to qualify to appear on the ballot for a subsequent election in that election cycle);

"(B) a candidate ceases to be a candidate for the office involved, as determined on the basis of an official announcement by an authorized committee of the candidate or on the basis of a reasonable determination by the Commission; or

"(C) a candidate otherwise fails to comply with the requirements of this title, including any regulatory requirements prescribed by the Commission.

"(2) EXISTENCE OF CRIMINAL SANCTION.—The Division Director shall revoke a certification under subsection (a) if a penalty is assessed against the

candidate under section 309(d) with respect to the election.

"(3) EFFECT OF REVOCATION.—If a candidate's certification is revoked under this subsection—

"(A) the candidate may not receive payments under this title during the remainder of the election cycle involved; and

"(B) in the case of a candidate whose certification is revoked pursuant to subparagraph (A) or subparagraph (C) of paragraph (1)—

"(i) the candidate shall repay to the Commission an amount equal to the payments received under this title with respect to the election cycle involved plus interest (at a rate determined by the Commission on the basis of an appropriate annual percentage rate for the month involved) on any such amount received, which shall be used by the Commission to supplement the allocation made to the Commission with respect to the State in which the candidate seeks office, as described in section 541(a); and

"(ii) the candidate may not be certified as a participating candidate under this title with respect to the next election cycle.

"(4) PROHIBITING PARTICIPATION IN FUTURE ELECTIONS FOR CANDIDATES WITH MULTIPLE REVOCATIONS.—If the Division Director revokes the certification of an individual as a participating candidate under this title pursuant to subparagraph (A) or subparagraph (C) of paragraph (1) a total of 3 times, the individual may not be certified as a participating candidate under this title with respect to any subsequent election.

"(5) AUTHORITY OF COMMISSION TO REVERSE REVOCATION BY DIVISION DIRECTOR.—During the 10-day period which begins on the date the Division Director makes a determination under this subsection, the Commission, by a vote of not fewer than four of its members, may review and reverse the determination. If the Commission reverses the determination, the Commission shall promptly notify the candidate involved.

"(c) VOLUNTARY WITHDRAWAL FROM PARTICIPATING DURING QUALIFYING PERIOD.—At any time during the Small Dollar Democracy qualifying period de-

scribed in section 511(c), a candidate may withdraw from participation in the program under this title by submitting to the Commission a statement of withdrawal (without regard to whether or not the Commission has certified the candidate as a participating candidate under this title as of the time the candidate submits such statement), so long as the candidate has not submitted a request for payment under section 502.

''(d) PARTICIPATING CANDIDATE DEFINED.—In this title, a 'participating candidate' means a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress who is certified under this section as eligible to receive benefits under this title.

"Subtitle C—Requirements for Candidates Certified as Participating Candidates

"SEC. 521. CONTRIBUTION AND EXPENDITURE REQUIREMENTS.

''(a) PERMITTED SOURCES OF CONTRIBUTIONS AND EXPENDITURES.—Except as provided in subsection (c), a participating candidate with respect to an election shall, with respect to all elections occurring during the election cycle for the office involved, accept no contributions from any source and make no expenditures from any amounts, other than the following:

1 ''(1) Qualified small dollar contributions.
2 ''(2) Payments under this title.
3 ''(3) Contributions from political committees es-
4 tablished and maintained by a national or State po-
5 litical party, subject to the applicable limitations of
6 section 315.
7 ''(4) Subject to subsection (b), personal funds
8 of the candidate or of any immediate family member
9 of the candidate (other than funds received through
10 qualified small dollar contributions).
11 ''(5) Contributions from individuals who are
12 otherwise permitted to make contributions under
13 this Act, subject to the applicable limitations of sec-
14 tion 315, except that the aggregate amount of con-
15 tributions a participating candidate may accept from
16 any individual with respect to any election during
17 the election cycle may not exceed $1,000.
18 ''(6) Contributions from multicandidate political
19 committees, subject to the applicable limitations of
20 section 315.
21 ''(b) SPECIAL RULES FOR PERSONAL FUNDS.—
22 ''(1) LIMIT ON AMOUNT.—A candidate who is
23 certified as a participating candidate may use per-
24 sonal funds (including personal funds of any imme-
25 diate family member of the candidate) so long as—

"(A) the aggregate amount used with respect to the election cycle (including any period of the cycle occurring prior to the candidate's certification as a participating candidate) does not exceed $50,000; and

"(B) the funds are used only for making direct payments for the receipt of goods and services which constitute authorized expenditures in connection with the election cycle involved.

"(2) IMMEDIATE FAMILY MEMBER DEFINED.—In this subsection, the term 'immediate family member' means, with respect to a candidate—

"(A) the candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(c) EXCEPTIONS.—

"(1) EXCEPTION FOR CONTRIBUTIONS RECEIVED PRIOR TO FILING OF STATEMENT OF INTENT.—A candidate who has accepted contributions that are not described in subsection (a) is not in vio-

lation of subsection (a), but only if all such contributions are—

"(A) returned to the contributor;

"(B) submitted to the Commission, to be used to supplement the allocation made to the Commission with respect to the State in which the candidate seeks office, as described in section 541(a); or

"(C) spent in accordance with paragraph (2).

"(2) EXCEPTION FOR EXPENDITURES MADE PRIOR TO FILING OF STATEMENT OF INTENT.—If a candidate has made expenditures prior to the date the candidate files a statement of intent under section 511(a)(1) that the candidate is prohibited from making under subsection (a) or subsection (b), the candidate is not in violation of such subsection if the aggregate amount of the prohibited expenditures is less than the amount referred to in section 512(a)(2) (relating to the total dollar amount of qualified small dollar contributions which the candidate is required to obtain) which is applicable to the candidate.

"(3) EXCEPTION FOR CAMPAIGN SURPLUSES FROM A PREVIOUS ELECTION.—Notwithstanding

paragraph (1), unexpended contributions received by the candidate or an authorized committee of the candidate with respect to a previous election may be retained, but only if the candidate places the funds in escrow and refrains from raising additional funds for or spending funds from that account during the election cycle in which a candidate is a participating candidate.

"(4) EXCEPTION FOR CONTRIBUTIONS RECEIVED BEFORE THE EFFECTIVE DATE OF THIS TITLE.—Contributions received and expenditures made by the candidate or an authorized committee of the candidate prior to the effective date of this title shall not constitute a violation of subsection (a) or (b). Unexpended contributions shall be treated the same as campaign surpluses under paragraph (3), and expenditures made shall count against the limit in paragraph (2).

"(d) SPECIAL RULE FOR COORDINATED PARTY EXPENDITURES.—For purposes of this section, a payment made by a political party in coordination with a participating candidate shall not be treated as a contribution to or as an expenditure made by the participating candidate.

"(e) PROHIBITION ON JOINT FUNDRAISING COMMITTEES.—

"(1) PROHIBITION.—An authorized committee of a candidate who is certified as a participating candidate under this title with respect to an election may not establish a joint fundraising committee with a political committee other than another authorized committee of the candidate.

"(2) STATUS OF EXISTING COMMITTEES FOR PRIOR ELECTIONS.—If a candidate established a joint fundraising committee described in paragraph (1) with respect to a prior election for which the candidate was not certified as a participating candidate under this title and the candidate does not terminate the committee, the candidate shall not be considered to be in violation of paragraph (1) so long as that joint fundraising committee does not receive any contributions or make any disbursements during the election cycle for which the candidate is certified as a participating candidate under this title.

"(f) PROHIBITION ON LEADERSHIP PACS.—

"(1) PROHIBITION.—A candidate who is certified as a participating candidate under this title with respect to an election may not associate with, establish, finance, maintain, or control a leadership PAC.

"(2) STATUS OF EXISTING LEADERSHIP PACS.—If a candidate established, financed, maintained, or controlled a leadership PAC prior to being certified as a participating candidate under this title and the candidate does not terminate the leadership PAC, the candidate shall not be considered to be in violation of paragraph (1) so long as the leadership PAC does not receive any contributions or make any disbursements during the election cycle for which the candidate is certified as a participating candidate under this title.

"(3) LEADERSHIP PAC DEFINED.—In this subsection, the term 'leadership PAC' has the meaning given such term in section 304(i)(8)(B).

"SEC. 522. ADMINISTRATION OF CAMPAIGN.

"(a) SEPARATE ACCOUNTING FOR VARIOUS PERMITTED CONTRIBUTIONS.—Each authorized committee of a candidate certified as a participating candidate under this title—

"(1) shall provide for separate accounting of each type of contribution described in section 521(a) which is received by the committee; and

"(2) shall provide for separate accounting for the payments received under this title.

"(b) ENHANCED DISCLOSURE OF INFORMATION ON DONORS.—

"(1) MANDATORY IDENTIFICATION OF INDIVIDUALS MAKING QUALIFIED SMALL DOLLAR CONTRIBUTIONS.—Each authorized committee of a participating candidate under this title shall, in accordance with section 304(b)(3)(A), include in the reports the committee submits under section 304 the identification of each person who makes a qualified small dollar contribution to the committee.

"(2) MANDATORY DISCLOSURE THROUGH INTERNET.—Each authorized committee of a participating candidate under this title shall ensure that all information reported to the Commission under this Act with respect to contributions and expenditures of the committee is available to the public on the internet (whether through a site established for purposes of this subsection, a hyperlink on another public site of the committee, or a hyperlink on a report filed electronically with the Commission) in a searchable, sortable, and downloadable manner.

"SEC. 523. PREVENTING UNNECESSARY SPENDING OF MATCHING FUNDS.

"(a) MANDATORY SPENDING OF AVAILABLE PRIVATE FUNDS.—An authorized committee of a candidate

1 certified as a participating candidate under this title may
2 not make any expenditure of any payments received under
3 this title in any amount unless the committee has made
4 an expenditure in an equivalent amount of funds received
5 by the committee which are described in paragraphs (1),
6 (3), (4), (5), and (6) of section 521(a).

7 ''(b) LIMITATION.—Subsection (a) applies to an au-
8 thorized committee only to the extent that the funds re-
9 ferred to in such subsection are available to the committee
10 at the time the committee makes an expenditure of a pay-
11 ment received under this title.

12 **''SEC. 524. REMITTING UNSPENT FUNDS AFTER ELECTION.**

13 ''(a) REMITTANCE REQUIRED.—Not later than the
14 date that is 180 days after the last election for which a
15 candidate certified as a participating candidate qualifies
16 to be on the ballot during the election cycle involved, such
17 participating candidate shall remit to the Commission an
18 amount equal to the balance of the payments received
19 under this title by the authorized committees of the can-
20 didate which remain unexpended as of such date, which
21 shall be used to supplement the allocation made to the
22 Commission with respect to the State in which the can-
23 didate seeks office, as described in section 541(a).

24 ''(b) PERMITTING CANDIDATES PARTICIPATING IN
25 NEXT ELECTION CYCLE TO RETAIN PORTION OF

UNSPENT FUNDS.—Notwithstanding subsection (a), a participating candidate may withhold not more than $100,000 from the amount required to be remitted under subsection (a) if the candidate files a signed affidavit with the Commission that the candidate will seek certification as a participating candidate with respect to the next election cycle, except that the candidate may not use any portion of the amount withheld until the candidate is certified as a participating candidate with respect to that next election cycle. If the candidate fails to seek certification as a participating candidate prior to the last day of the Small Dollar Democracy qualifying period for the next election cycle (as described in section 511), or if the Commission notifies the candidate of the Commission's determination does not meet the requirements for certification as a participating candidate with respect to such cycle, the candidate shall immediately remit to the Commission the amount withheld.

"Subtitle D—Enhanced Match Support

"SEC. 531. ENHANCED SUPPORT FOR GENERAL ELECTION.

"(a) AVAILABILITY OF ENHANCED SUPPORT.—In addition to the payments made under subtitle A, the Division Director shall make an additional payment to an eligible candidate under this subtitle.

"(b) USE OF FUNDS.—A candidate shall use the additional payment under this subtitle only for authorized expenditures in connection with the election involved.

"SEC. 532. ELIGIBILITY.

"(a) IN GENERAL.—A candidate is eligible to receive an additional payment under this subtitle if the candidate meets each of the following requirements:

"(1) The candidate is on the ballot for the general election for the office the candidate seeks.

"(2) The candidate is certified as a participating candidate under this title with respect to the election.

"(3) During the enhanced support qualifying period, the candidate receives qualified small dollar contributions in a total amount of not less than $50,000.

"(4) During the enhanced support qualifying period, the candidate submits to the Division Director a request for the payment which includes—

"(A) a statement of the number and amount of qualified small dollar contributions received by the candidate during the enhanced support qualifying period;

"(B) a statement of the amount of the payment the candidate anticipates receiving with respect to the request; and

"(C) such other information and assurances as the Division Director may require.

"(5) After submitting a request for the additional payment under paragraph (4), the candidate does not submit any other application for an additional payment under this subtitle.

"(b) ENHANCED SUPPORT QUALIFYING PERIOD DESCRIBED.—In this subtitle, the term 'enhanced support qualifying period' means, with respect to a general election, the period which begins 60 days before the date of the election and ends 14 days before the date of the election.

"SEC. 533. AMOUNT.

"(a) IN GENERAL.—Subject to subsection (b), the amount of the additional payment made to an eligible candidate under this subtitle shall be an amount equal to 50 percent of—

"(1) the amount of the payment made to the candidate under section 501(b) with respect to the qualified small dollar contributions which are received by the candidate during the enhanced support

qualifying period (as included in the request submitted by the candidate under section 532(a)(4)); or

''(2) in the case of a candidate who is not eligible to receive a payment under section 501(b) with respect to such qualified small dollar contributions because the candidate has reached the limit on the aggregate amount of payments under subtitle A for the election cycle under section 501(c), the amount of the payment which would have been made to the candidate under section 501(b) with respect to such qualified small dollar contributions if the candidate had not reached such limit.

''(b) LIMIT.—The amount of the additional payment determined under subsection (a) with respect to a candidate may not exceed $500,000.

''(c) NO EFFECT ON AGGREGATE LIMIT.—The amount of the additional payment made to a candidate under this subtitle shall not be included in determining the aggregate amount of payments made to a participating candidate with respect to an election cycle under section 501(c).

''SEC. 534. WAIVER OF AUTHORITY TO RETAIN PORTION OF UNSPENT FUNDS AFTER ELECTION.

''Notwithstanding section 524(a)(2), a candidate who receives an additional payment under this subtitle with re-

spect to an election is not permitted to withhold any portion from the amount of unspent funds the candidate is required to remit to the Commission under section 524(a)(1).

"Subtitle E—Administrative Provisions

"SEC. 541. SOURCE OF PAYMENTS.

''(a) ALLOCATIONS FROM STATE ELECTION ASSISTANCE AND INNOVATION TRUST FUND.—The amounts used to make payments to participating candidates under this title who seek office in a State shall be derived from the allocations made to the Commission with respect to the State from the State Election Assistance and Innovation Trust Fund (hereafter referred to as the 'Fund') under section 8012 of the Freedom to Vote: John R. Lewis Act, as provided under section 8005(c) of such Act.

''(b) USE OF ALLOCATIONS TO MAKE PAYMENTS TO PARTICIPATING CANDIDATES.—

''(1) PAYMENTS TO PARTICIPATING CANDIDATES.—The allocations made to the Commission as described in subsection (a) shall be available without further appropriation or fiscal year limitation to make payments to participating candidates as provided in this title.

1 "(2) ONGOING REVIEW TO DETERMINE SUFFI-
2 CIENCY OF STATE ALLOCATIONS.—
3 "(A) ONGOING REVIEW.—Not later than
4 90 days before the first day of each election
5 cycle (beginning with the first election cycle
6 that begins after the date of the enactment of
7 this title), and on an ongoing basis until the
8 end of the election cycle, the Division Director,
9 in consultation with the Director of the Office
10 of Democracy Advancement and Innovation,
11 shall determine whether the amount of the allo-
12 cation made to the Commission with respect to
13 candidates who seek office in a State as de-
14 scribed in subsection (a) will be sufficient to
15 make payments to participating candidates in
16 the State in the amounts provided in this title
17 during such election cycle.
18 "(B) OPPORTUNITY FOR STATE TO IN-
19 CREASE ALLOCATION.—If, at any time the Divi-
20 sion Director determines under subparagraph
21 (A) that the amount anticipated to be available
22 in the Fund for payments to participating can-
23 didates in a State with respect to the election
24 cycle involved is not, or may not be, sufficient
25 to satisfy the full entitlements of participating

candidates in the State to payments under this title for such election cycle—

"(i) the Division Director shall notify the State and Congress; and

"(ii) the State may direct the Director of the Office of Democracy Advancement and Innovation to direct the Secretary of the Treasury to use the funds described in subparagraph (C), in such amounts as the State may direct, as an additional allocation to the Commission with respect to the State for purposes of subsection (a), in accordance with section 8012 of the Freedom to Vote: John R. Lewis Act.

"(C) FUNDS DESCRIBED.—The funds described in this subparagraph are funds which were allocated to the State under the Democracy Advancement and Innovation Program under subtitle A of title VIII of the Freedom to Vote: John R. Lewis Act which, under the State plan under section 8002 of such Act, were to be used for democracy promotion activities described in paragraph (1), (2)(B), (2)(C), or (3) of section 8001(b) of such Act but which remain unobligated.

"(3) ELIMINATION OF LIMIT OF AMOUNT OF QUALIFIED SMALL DONOR CONTRIBUTIONS.—

"(A) ELIMINATION OF LIMIT.—If, after notifying the State under subparagraph (B)(i) and (if the State so elects) the State directs an additional allocation to the Commission as provided under such subparagraph, the Division Director determines that the amount anticipated to be available in the Fund for payments to participating candidates in the State with respect to the election cycle involved is still not, or may still not be, sufficient to satisfy the full entitlements of participating candidates in the State to payments under this title for such election cycle, the limit on the amount of a qualified small donor contribution under section 504(a)(1)(B) shall not apply with respect to a participating candidate in the State under this title. Nothing in this subparagraph may be construed to waive the limit on the aggregate amount of contributions a participating candidate may accept from any individual under section 521(a)(5).

"(B) DETERMINATION OF AMOUNT OF PAYMENT TO CANDIDATE.—In determining

under section 501(b) the amount of the payment made to a participating candidate for whom the limit on the amount of a qualified small donor contribution does not apply pursuant to subparagraph (A), there shall be excluded any qualified small donor contribution to the extent that the amount contributed by the individual involved exceeds the limit on the amount of such a contribution under section 504(a)(1)(B).

"(C) NO USE OF AMOUNTS FROM OTHER SOURCES.—In any case in which the Division Director determines that the allocation made to the Commission with respect to candidates in a State as described in subsection (a) is insufficient to make payments to participating candidates in the State under this title (taking into account any increase in the allocation under paragraph (2)), moneys shall not be made available from any other source for the purpose of making such payments.

"(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this title, without regard to whether or not regulations have been promulgated to carry out this section.

"SEC. 542. ADMINISTRATION THROUGH DEDICATED DIVISION WITHIN COMMISSION.

"(a) ADMINISTRATION THROUGH DEDICATED DIVISION.—

"(1) ESTABLISHMENT.—The Commission shall establish a separate division within the Commission which is dedicated to issuing regulations to carry out this title and to otherwise carrying out the operation of this title.

"(2) APPOINTMENT OF DIRECTOR AND STAFF.—

"(A) APPOINTMENT.—Not later than June 1, 2022, the Commission shall appoint a director to head the division established under this section (to be known as the 'Division Director') and such other staff as the Commission considers appropriate to enable the division to carry out its duties.

"(B) ROLE OF GENERAL COUNSEL.—If, at any time after the date referred to in subparagraph (A), there is a vacancy in the position of the Division Director, the General Counsel of the Commission shall serve as the acting Division Director until the Commission appoints a Division Director under this paragraph.

1 "(3) PRIVATE RIGHT OF ACTION.—Any person
2 aggrieved by the failure of the Commission to meet
3 the requirements of this subsection may file an ac-
4 tion in an appropriate district court of the United
5 States for such relief, including declaratory and in-
6 junctive relief, as may be appropriate.
7 "(b) REGULATIONS.—Not later than the deadline set
8 forth in section 8114 of the Freedom to Vote: John R.
9 Lewis Act, the Commission, acting through the dedicated
10 division established under this section, shall prescribe reg-
11 ulations to carry out the purposes of this title, including
12 regulations—
13 "(1) to establish procedures for verifying the
14 amount of qualified small dollar contributions with
15 respect to a candidate;
16 "(2) to establish procedures for effectively and
17 efficiently monitoring and enforcing the limits on the
18 raising of qualified small dollar contributions;
19 "(3) to establish procedures for effectively and
20 efficiently monitoring and enforcing the limits on the
21 use of personal funds by participating candidates;
22 "(4) to establish procedures for monitoring the
23 use of payments made from the allocation made to
24 the Commission as described in section 541(a) and
25 matching contributions under this title through au-

dits of not fewer than 1/10 (or, in the case of the first 3 election cycles during which the program under this title is in effect, not fewer than 1/3) of all participating candidates or other mechanisms;

"(5) to establish procedures for carrying out audits under section 541(b) and permitting States to make additional allocations as provided under section 541(b)(2)(B); and

"(6) to establish rules for preventing fraud in the operation of this title which supplement similar rules which apply under this Act.

"SEC. 543. VIOLATIONS AND PENALTIES.

"(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBUTION AND EXPENDITURE REQUIREMENTS.—If a candidate who has been certified as a participating candidate accepts a contribution or makes an expenditure that is prohibited under section 521, the Commission may assess a civil penalty against the candidate in an amount that is not more than 3 times the amount of the contribution or expenditure. Any amounts collected under this subsection shall be used to supplement the allocation made to the Commission with respect to the State in which the candidate seeks office, as described in section 541(a).

"(b) REPAYMENT FOR IMPROPER USE OF PAYMENTS.—

"(1) IN GENERAL.—If the Commission determines that any payment made to a participating candidate was not used as provided for in this title or that a participating candidate has violated any of the dates for remission of funds contained in this title, the Commission shall so notify the candidate and the candidate shall pay to the Commission an amount which shall be used to supplement the allocation made to the Commission with respect to the State in which the candidate seeks office, as described in section 541(a) and which shall be equal to—

"(A) the amount of payments so used or not remitted, as appropriate; and

"(B) interest on any such amounts (at a rate determined by the Commission).

"(2) OTHER ACTION NOT PRECLUDED.—Any action by the Commission in accordance with this subsection shall not preclude enforcement proceedings by the Commission in accordance with section 309(a), including a referral by the Commission to the Attorney General in the case of an apparent knowing and willful violation of this title.

"(c) PROHIBITING CERTAIN CANDIDATES FROM QUALIFYING AS PARTICIPATING CANDIDATES.—

"(1) CANDIDATES WITH MULTIPLE CIVIL PENALTIES.—If the Commission assesses 3 or more civil penalties under subsection (a) against a candidate (with respect to either a single election or multiple elections), the Commission may refuse to certify the candidate as a participating candidate under this title with respect to any subsequent election, except that if each of the penalties were assessed as the result of a knowing and willful violation of any provision of this Act, the candidate is not eligible to be certified as a participating candidate under this title with respect to any subsequent election.

"(2) CANDIDATES SUBJECT TO CRIMINAL PENALTY.—A candidate is not eligible to be certified as a participating candidate under this title with respect to an election if a penalty has been assessed against the candidate under section 309(d) with respect to any previous election.

"(d) IMPOSITION OF CRIMINAL PENALTIES.—For criminal penalties for the failure of a participating candidate to comply with the requirements of this title, see section 309(d).

"SEC. 544. INDEXING OF AMOUNTS.

"(a) INDEXING.—In any calendar year after 2026, section 315(c)(1)(B) shall apply to each amount described

in subsection (b) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the 'base period' shall be 2026.

"(b) AMOUNTS DESCRIBED.—The amounts described in this subsection are as follows:

"(1) The amount referred to in section 502(b)(1) (relating to the minimum amount of qualified small dollar contributions included in a request for payment).

"(2) The amounts referred to in section 504(a)(1) (relating to the amount of a qualified small dollar contribution).

"(3) The amount referred to in section 512(a)(2) (relating to the total dollar amount of qualified small dollar contributions).

"(4) The amount referred to in section 521(a)(5) (relating to the aggregate amount of contributions a participating candidate may accept from any individual with respect to an election).

"(5) The amount referred to in section 521(b)(1)(A) (relating to the amount of personal

funds that may be used by a candidate who is certified as a participating candidate).

''(6) The amounts referred to in section 524(a)(2) (relating to the amount of unspent funds a candidate may retain for use in the next election cycle).

''(7) The amount referred to in section 532(a)(3) (relating to the total dollar amount of qualified small dollar contributions for a candidate seeking an additional payment under subtitle D).

''(8) The amount referred to in section 533(b) (relating to the limit on the amount of an additional payment made to a candidate under subtitle D).

''SEC. 545. ELECTION CYCLE DEFINED.

''In this title, the term 'election cycle' means, with respect to an election for an office, the period beginning on the day after the date of the most recent general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election) and ending on the date of the next general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election).

"SEC. 546. DIVISION DIRECTOR DEFINED.

''In this title, the term 'Division Director' means the individual serving as the director of the division established under section 542.''.

SEC. 8112. CONTRIBUTIONS AND EXPENDITURES BY MULTICANDIDATE AND POLITICAL PARTY COMMITTEES ON BEHALF OF PARTICIPATING CANDIDATES.

(a) AUTHORIZING CONTRIBUTIONS ONLY FROM SEPARATE ACCOUNTS CONSISTING OF QUALIFIED SMALL DOLLAR CONTRIBUTIONS.—Section 315(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(a)) is amended by adding at the end the following new paragraph:

''(10) In the case of a multicandidate political committee or any political committee of a political party, the committee may make a contribution to a candidate who is a participating candidate under title V with respect to an election only if the contribution is paid from a separate, segregated account of the committee which consists solely of contributions which meet the following requirements:

''(A) Each such contribution is in an amount which meets the requirements for the amount of a qualified small dollar contribution under section 504(a)(1) with respect to the election involved.

"(B) Each such contribution is made by an individual who is not otherwise prohibited from making a contribution under this Act.

"(C) The individual who makes the contribution does not make contributions to the committee during the year in an aggregate amount that exceeds the limit described in section 504(a)(1).".

(b) PERMITTING UNLIMITED COORDINATED EXPENDITURES FROM SMALL DOLLAR SOURCES BY POLITICAL PARTIES.—Section 315(d) of such Act (52 U.S.C. 30116(d)) is amended—

(1) in paragraph (3), by striking "The national committee" and inserting "Except as provided in paragraph (6), the national committee"; and

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

"(6) The limits described in paragraph (3) do not apply in the case of expenditures in connection with the general election campaign of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress who is a participating candidate under title V with respect to the election, but only if—

"(A) the expenditures are paid from a separate, segregated account of the committee which is described in subsection (a)(10); and

"(B) the expenditures are the sole source of funding provided by the committee to the candidate.".

SEC. 8113. PROHIBITING USE OF CONTRIBUTIONS BY PARTICIPATING CANDIDATES FOR PURPOSES OTHER THAN CAMPAIGN FOR ELECTION.

Section 313 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30114) is amended by adding at the end the following new subsection:

"(d) RESTRICTIONS ON PERMITTED USES OF FUNDS BY CANDIDATES RECEIVING SMALL DOLLAR FINANCING.—Notwithstanding paragraph (2), (3), or (4) of subsection (a), if a candidate for election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress is certified as a participating candidate under title V with respect to the election, any contribution which the candidate is permitted to accept under such title may be used only for authorized expenditures in connection with the candidate's campaign for such office, subject to section 503(b).".

SEC. 8114. DEADLINE FOR REGULATIONS.

Not later than October 1, 2022, the Federal Election Commission shall promulgate such regulations as may be necessary to carry out this part and the amendments made by this part. This part and the amendments made by this

part shall take effect on such date without regard to whether the Commission has promulgated the regulations required under the previous sentence by such date.

Subtitle C—Personal Use Services as Authorized Campaign Expenditures

SEC. 8201. SHORT TITLE; FINDINGS; PURPOSE.

(a) SHORT TITLE.—This subtitle may be cited as the ''Help America Run Act''.

(b) FINDINGS.—Congress finds the following:

(1) Everyday Americans experience barriers to entry before they can consider running for office to serve their communities.

(2) Current law states that campaign funds cannot be spent on everyday expenses that would exist whether or not a candidate were running for office, like childcare and food. While the law seems neutral, its actual effect is to privilege the independently wealthy who want to run, because given the demands of running for office, candidates who must work to pay for childcare or to afford health insurance are effectively being left out of the process, even if they have sufficient support to mount a viable campaign.

(3) Thus current practice favors those prospective candidates who do not need to rely on a regular paycheck to make ends meet. The consequence is that everyday Americans who have firsthand knowledge of the importance of stable childcare, a safety net, or great public schools are less likely to get a seat at the table. This governance by the few is antithetical to the democratic experiment, but most importantly, when lawmakers do not share the concerns of everyday Americans, their policies reflect that.

(4) These circumstances have contributed to a Congress that does not always reflect everyday Americans. The New York Times reported in 2019 that fewer than 5 percent of representatives cite blue-collar or service jobs in their biographies. A 2015 survey by the Center for Responsive Politics showed that the median net worth of lawmakers was just over $1 million in 2013, or 18 times the wealth of the typical American household.

(5) These circumstances have also contributed to a governing body that does not reflect the nation it serves. For instance, women are 51 percent of the American population. Yet even with a record number of women serving in the One Hundred Sixteenth

Congress, the Pew Research Center notes that more than three out of four Members of this Congress are male. The Center for American Women And Politics found that one third of women legislators surveyed had been actively discouraged from running for office, often by political professionals. This type of discouragement, combined with the prohibitions on using campaign funds for domestic needs like childcare, burdens that still fall disproportionately on American women, particularly disadvantages working mothers. These barriers may explain why only 10 women in history have given birth while serving in Congress, in spite of the prevalence of working parents in other professions. Yet working mothers and fathers are best positioned to create policy that reflects the lived experience of most Americans.

(6) Working mothers, those caring for their elderly parents, and young professionals who rely on their jobs for health insurance should have the freedom to run to serve the people of the United States. Their networks and net worth are simply not the best indicators of their strength as prospective public servants. In fact, helping ordinary Americans to run may create better policy for all Americans.

(c) PURPOSE.—It is the purpose of this subtitle to ensure that all Americans who are otherwise qualified to serve this Nation are able to run for office, regardless of their economic status. By expanding permissible uses of campaign funds and providing modest assurance that testing a run for office will not cost one's livelihood, the Help America Run Act will facilitate the candidacy of representatives who more accurately reflect the experiences, challenges, and ideals of everyday Americans.

SEC. 8202. TREATMENT OF PAYMENTS FOR CHILD CARE AND OTHER PERSONAL USE SERVICES AS AUTHORIZED CAMPAIGN EXPENDITURE.

(a) PERSONAL USE SERVICES AS AUTHORIZED CAMPAIGN EXPENDITURE.—Section 313 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30114), as amended by section 8113, is amended by adding at the end the following new subsection:

"(e) TREATMENT OF PAYMENTS FOR CHILD CARE AND OTHER PERSONAL USE SERVICES AS AUTHORIZED CAMPAIGN EXPENDITURE.—

"(1) AUTHORIZED EXPENDITURES.—For purposes of subsection (a), the payment by an authorized committee of a candidate for any of the personal use services described in paragraph (3) shall be treated as an authorized expenditure if the serv-

ices are necessary to enable the participation of the candidate in campaign-connected activities.

"(2) LIMITATIONS.—

"(A) LIMIT ON TOTAL AMOUNT OF PAYMENTS.—The total amount of payments made by an authorized committee of a candidate for personal use services described in paragraph (3) may not exceed the limit which is applicable under any law, rule, or regulation on the amount of payments which may be made by the committee for the salary of the candidate (without regard to whether or not the committee makes payments to the candidate for that purpose).

"(B) CORRESPONDING REDUCTION IN AMOUNT OF SALARY PAID TO CANDIDATE.—To the extent that an authorized committee of a candidate makes payments for the salary of the candidate, any limit on the amount of such payments which is applicable under any law, rule, or regulation shall be reduced by the amount of any payments made to or on behalf of the candidate for personal use services described in paragraph (3), other than personal use services

described in subparagraph (D) of such paragraph.

"(C) EXCLUSION OF CANDIDATES WHO ARE OFFICEHOLDERS.—Paragraph (1) does not apply with respect to an authorized committee of a candidate who is a holder of Federal office.

"(3) PERSONAL USE SERVICES DESCRIBED.—The personal use services described in this paragraph are as follows:

"(A) Child care services.

"(B) Elder care services.

"(C) Services similar to the services described in subparagraph (A) or subparagraph (B) which are provided on behalf of any dependent who is a qualifying relative under section 152 of the Internal Revenue Code of 1986.

"(D) Health insurance premiums.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

Subtitle D—Empowering Small Dollar Donations

SEC. 8301. PERMITTING POLITICAL PARTY COMMITTEES TO PROVIDE ENHANCED SUPPORT FOR HOUSE CANDIDATES THROUGH USE OF SEPARATE SMALL DOLLAR ACCOUNTS.

(a) INCREASE IN LIMIT ON CONTRIBUTIONS TO CANDIDATES.—Section 315(a)(2)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30116(a)(2)(A)) is amended by striking ''exceed $5,000'' and inserting ''exceed $5,000 or, in the case of a contribution made by a national committee of a political party from an account described in paragraph (11), exceed $10,000''.

(b) ELIMINATION OF LIMIT ON COORDINATED EXPENDITURES.—Section 315(d)(5) of such Act (52 U.S.C. 30116(d)(5)) is amended by striking ''subsection (a)(9)'' and inserting ''subsection (a)(9) or subsection (a)(11)''.

(c) ACCOUNTS DESCRIBED.—Section 315(a) of such Act (52 U.S.C. 30116(a)), as amended by section 8112(a), is amended by adding at the end the following new paragraph:

''(11) An account described in this paragraph is a separate, segregated account of a national congressional campaign committee of a political party which—

"(A) supports only candidates for election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress; and

"(B) consists exclusively of contributions made during a calendar year by individuals whose aggregate contributions to the committee during the year do not exceed $200.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections held on or after the date of the enactment of this Act and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

Subtitle E—Severability

SEC. 8401. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

DIVISION D—VOTING RIGHTS

TITLE IX—VOTING RIGHTS

SEC. 9000. SHORT TITLE.

This division may be cited as the ''John R. Lewis Voting Rights Advancement Act of 2021''.

Subtitle A—Amendments to the Voting Rights Act

SEC. 9001. VOTE DILUTION, DENIAL, AND ABRIDGMENT CLAIMS.

(a) IN GENERAL.—Section 2(a) of the Voting Rights Act of 1965 (52 U.S.C. 10301(a)) is amended—

(1) by inserting after ''applied by any State or political subdivision'' the following: ''for the purpose of, or''; and

(2) by striking ''as provided in subsection (b)'' and inserting ''as provided in subsection (b), (c), (d), or (e)''.

(b) VOTE DILUTION.—Section 2 of such Act (52 U.S.C. 10301), as amended by subsection (a), is further amended by striking subsection (b) and inserting the following:

''(b) A violation of subsection (a) for vote dilution is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not

equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: *Provided,* That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population. The legal standard articulated in Thornburg v. Gingles, 478 U.S. 30 (1986), governs claims under this subsection. For purposes of this subsection a class of citizens protected by subsection (a) may include a cohesive coalition of members of different racial or language minority groups.''.

(c) VOTE DENIAL OR ABRIDGEMENT.—Section 2 of such Act (52 U.S.C. 10301), as amended by subsections (a) and (b), is further amended by adding at the end the following:

''(c)(1) A violation of subsection (a) for vote denial or abridgment is established if the challenged qualification, prerequisite, standard, practice, or procedure imposes a discriminatory burden on members of a class of citizens protected by subsection (a), meaning that—

1 ''(A) members of the protected class face dis-
2 proportionate costs or burdens in complying with the
3 qualification, prerequisite, standard, practice, or pro-
4 cedure, considering the totality of the circumstances;
5 and
6 ''(B) such disproportionate costs or burdens
7 are, at least in part, caused by or linked to social
8 and historical conditions that have produced or cur-
9 rently produce discrimination against members of
10 the protected class.
11 ''(2) The challenged qualification, prerequisite, stand-
12 ard, practice, or procedure need only be a but-for cause
13 of the discriminatory burden or perpetuate a pre-existing
14 discriminatory burden.
15 ''(3)(A) The totality of the circumstances for consid-
16 eration relative to a violation of subsection (a) for vote
17 denial or abridgment shall include the following factors,
18 which, individually and collectively, show how a voting
19 qualification, prerequisite, standard, practice, or proce-
20 dure can function to amplify the effects of past or present
21 racial discrimination:
22 ''(i) The history of official voting-related dis-
23 crimination in the State or political subdivision.

1 ''(ii) The extent to which voting in the elections
2 of the State or political subdivision is racially polar-
3 ized.
4 ''(iii) The extent to which members of the pro-
5 tected class bear the effects of discrimination in
6 areas such as education, employment, and health,
7 which hinder the ability of those members to partici-
8 pate effectively in the political process.
9 ''(iv) The use of overt or subtle racial appeals
10 either in political campaigns or surrounding the
11 adoption or maintenance of the challenged qualifica-
12 tion, prerequisite, standard, practice, or procedure.
13 ''(v) The extent to which members of the pro-
14 tected class have been elected to public office in the
15 jurisdiction, except that the fact that the protected
16 class is too small to elect candidates of its choice
17 shall not defeat a claim of vote denial or abridgment
18 under this section.
19 ''(vi) Whether there is a significant lack of re-
20 sponsiveness on the part of elected officials to the
21 particularized needs of members of the protected
22 class.
23 ''(vii) Whether the policy underlying the State
24 or political subdivision's use of the challenged quali-
25 fication, prerequisite, standard, practice, or proce-

dure has a tenuous connection to that qualification, prerequisite, standard, practice, or procedure. In making a determination under this clause, a court shall consider whether the qualification, prerequisite, standard, practice, or procedure in question was designed to advance and materially advances a valid and substantiated State interest.

''(B) A particular combination or number of factors under subparagraph (A) shall not be required to establish a violation of subsection (a) for vote denial or abridgment. Additionally, a litigant can show a variety of factors to establish a violation of subsection (a), and is not limited to those factors listed under subparagraph (A).

''(C) In evaluating the totality of the circumstances for consideration relative to a violation of subsection (a) for vote denial or abridgment, the following factors shall not weigh against a finding of a violation:

''(i) The total number or share of members of a protected class on whom a challenged qualification, prerequisite, standard, practice, or procedure does not impose a material burden.

''(ii) The degree to which the challenged qualification, prerequisite, standard, practice, or procedure has a long pedigree or was in widespread use at some earlier date.

"(iii) The use of an identical or similar qualification, prerequisite, standard, practice, or procedure in other States or political subdivisions.

"(iv) The availability of other forms of voting unimpacted by the challenged qualification, prerequisite, standard, practice, or procedure to all members of the electorate, including members of the protected class, unless the State or political subdivision is simultaneously expanding those other qualifications, prerequisites, standards, practices, or procedures to eliminate any disproportionate burden imposed by the challenged qualification, prerequisite, standard, practice, or procedure.

"(v) A prophylactic impact on potential criminal activity by individual voters, if such crimes have not occurred in the State or political subdivision in substantial numbers.

"(vi) Mere invocation of interests in voter confidence or prevention of fraud.".

(d) INTENDED VOTE DILUTION OR VOTE DENIAL OR ABRIDGMENT.—Section 2 of such Act (52 U.S.C. 10301), as amended by subsections (a), (b), and (c) is further amended by adding at the end the following:

"(d)(1) A violation of subsection (a) is also established if a challenged qualification, prerequisite, standard,

practice, or procedure is intended, at least in part, to dilute the voting strength of a protected class or to deny or abridge the right of any citizen of the United States to vote on account of race, color, or in contravention of the guarantees set forth in section 4(f)(2).

''(2) Discrimination on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), need only be one purpose of a qualification, prerequisite, standard, practice, or procedure in order to establish a violation of subsection (a), as described in this subsection. A qualification, prerequisite, standard, practice, or procedure intended to dilute the voting strength of a protected class or to make it more difficult for members of a protected class to cast a ballot that will be counted constitutes a violation of subsection (a), as described in this subsection, even if an additional purpose of the qualification, prerequisite, standard, practice, or procedure is to benefit a particular political party or group.

''(3) Recent context, including actions by official decisionmakers in prior years or in other contexts preceding the decision responsible for the challenged qualification, prerequisite, standard, practice, or procedure, and including actions by predecessor government actors or individual members of a decisionmaking body, may be relevant to

making a determination about a violation of subsection (a), as described under this subsection.

''(4) A claim that a violation of subsection (a) has occurred, as described under this subsection, shall require proof of a discriminatory impact but shall not require proof of violation of subsection (b) or (c).''.

SEC. 9002. RETROGRESSION.

Section 2 of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), as amended by section 9001 of this Act, is further amended by adding at the end the following:

''(e) A violation of subsection (a) is established when a State or political subdivision enacts or seeks to administer any qualification or prerequisite to voting or standard, practice, or procedure with respect to voting in any election that has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), to participate in the electoral process or elect their preferred candidates of choice. This subsection applies to any action taken on or after January 1, 2021, by a State or political subdivision to enact or seek to administer any such qualification or prerequisite to voting or standard, practice or procedure.

"(f) Notwithstanding the provisions of subsection (e), final decisions of the United States District Court of the District of Columbia on applications or petitions by States or political subdivisions for preclearance under section 5 of any changes in voting prerequisites, standards, practices, or procedures, supersede the provisions of subsection (e).".

SEC. 9003. VIOLATIONS TRIGGERING AUTHORITY OF COURT TO RETAIN JURISDICTION.

(a) TYPES OF VIOLATIONS.—Section 3(c) of the Voting Rights Act of 1965 (52 U.S.C. 10302(c)) is amended by striking "violations of the fourteenth or fifteenth amendment" and inserting "violations of the 14th or 15th Amendment, violations of this Act, or violations of any Federal law that prohibits discrimination in voting on the basis of race, color, or membership in a language minority group,".

(b) CONFORMING AMENDMENT.—Section 3(a) of such Act (52 U.S.C. 10302(a)) is amended by striking "violations of the fourteenth or fifteenth amendment" and inserting "violations of the 14th or 15th Amendment, violations of this Act, or violations of any Federal law that prohibits discrimination in voting on the basis of race, color, or membership in a language minority group,".

SEC. 9004. CRITERIA FOR COVERAGE OF STATES AND POLITICAL SUBDIVISIONS.

(a) DETERMINATION OF STATES AND POLITICAL SUBDIVISIONS SUBJECT TO SECTION 4(a).—

(1) IN GENERAL.—Section 4(b) of the Voting Rights Act of 1965 (52 U.S.C. 10303(b)) is amended to read as follows:

"(b) DETERMINATION OF STATES AND POLITICAL SUBDIVISIONS SUBJECT TO REQUIREMENTS.—

"(1) EXISTENCE OF VOTING RIGHTS VIOLATIONS DURING PREVIOUS 25 YEARS.—

"(A) STATEWIDE APPLICATION.—Subsection (a) applies with respect to a State and all political subdivisions within the State during a calendar year if—

"(i) fifteen or more voting rights violations occurred in the State during the previous 25 calendar years; or

"(ii) ten or more voting rights violations occurred in the State during the previous 25 calendar years, at least one of which was committed by the State itself (as opposed to a political subdivision within the State).

"(B) APPLICATION TO SPECIFIC POLITICAL SUBDIVISIONS.—Subsection (a) applies with re-

spect to a political subdivision as a separate unit during a calendar year if three or more voting rights violations occurred in the subdivision during the previous 25 calendar years.

''(2) PERIOD OF APPLICATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), if, pursuant to paragraph (1), subsection (a) applies with respect to a State or political subdivision during a calendar year, subsection (a) shall apply with respect to such State or political subdivision for the period—

''(i) that begins on January 1 of the year in which subsection (a) applies; and

''(ii) that ends on the date which is 10 years after the date described in clause (i).

''(B) NO FURTHER APPLICATION AFTER DECLARATORY JUDGMENT.—

''(i) STATES.—If a State obtains a declaratory judgment under subsection (a), and the judgment remains in effect, subsection (a) shall no longer apply to such State and all political subdivisions in the State pursuant to paragraph (1)(A) unless, after the issuance of the declaratory judg-

ment, paragraph (1)(A) applies to the State solely on the basis of voting rights violations occurring after the issuance of the declaratory judgment, or paragraph (1)(B) applies to the political subdivision solely on the basis of voting rights violations occurring after the issuance of the declaratory judgment.

"(ii) POLITICAL SUBDIVISIONS.—If a political subdivision obtains a declaratory judgment under subsection (a), and the judgment remains in effect, subsection (a) shall no longer apply to such political subdivision pursuant to paragraph (1), including pursuant to paragraph (1)(A) (relating to the statewide application of subsection (a)), unless, after the issuance of the declaratory judgment, paragraph (1)(B) applies to the political subdivision solely on the basis of voting rights violations occurring after the issuance of the declaratory judgment.

"(3) DETERMINATION OF VOTING RIGHTS VIOLATION.—For purposes of paragraph (1), a voting

rights violation occurred in a State or political subdivision if any of the following applies:

"(A) JUDICIAL RELIEF; VIOLATION OF THE 14TH OR 15TH AMENDMENT.—Any final judgment (that has not been reversed on appeal) occurred, in which the plaintiff prevailed and in which any court of the United States determined that a denial or abridgement of the right of any citizen of the United States to vote on account of race, color, or membership in a language minority group occurred, that a voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting created an undue burden on the right to vote in connection with a claim that the law unduly burdened voters of a particular race, color, or language minority group, or that race was the predominant factor motivating the decision to place a significant number of voters within or outside of a particular district, unless narrowly tailored in service of a compelling interest or in response to an objection interposed by the Department of Justice, in violation of the 14th or 15th Amendment to the Constitution of the

United States, anywhere within the State or subdivision.

"(B) JUDICIAL RELIEF; VIOLATIONS OF THIS ACT.—Any final judgment (that has not been reversed on appeal) occurred in which the plaintiff prevailed and in which any court of the United States determined that a voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting was imposed or applied or would have been imposed or applied anywhere within the State or subdivision in a manner that resulted or would have resulted in a denial or abridgement of the right of any citizen of the United States to vote on account of race, color, or membership in a language minority group, in violation of subsection (e) or (f) or section 2, 201, or 203, or any final judgment (that has not been reversed on appeal) occurred in which a court of the United States found a State or political subdivision failed to comply with section 5(a): *Provided*, That if the voting qualifications or prerequisites to voting or standards, practices, or procedures that the court finds required compliance with section 5(a) subsequently go into ef-

fect (without alteration or amendment) in accordance with the procedures in section 5(a), then such finding shall not count as a violation.

"(C) FINAL JUDGMENT; DENIAL OF DECLARATORY JUDGMENT.—In a final judgment (that has not been reversed on appeal), any court of the United States has denied the request of the State or subdivision for a declaratory judgment under section 3(c) or section 5, and thereby prevented a voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting from being enforced anywhere within the State or subdivision.

"(D) OBJECTION BY THE ATTORNEY GENERAL.—The Attorney General has interposed an objection under section 3(c) or section 5, and thereby prevented a voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting from being enforced anywhere within the State or subdivision. A violation under this subparagraph has not occurred where an objection has been withdrawn by the Attorney General, unless the withdrawal was in response to a change in the law or practice that served as the basis of the objection. A

violation under this subparagraph has not occurred where the objection is based solely on a State or political subdivision's failure to comply with a procedural process that would not otherwise count as an independent violation of this Act.

"(E) CONSENT DECREE, SETTLEMENT, OR OTHER AGREEMENT.—

"(i) AGREEMENT.—A consent decree, settlement, or other agreement was adopted or entered by a court of the United States that contains an admission of liability by the defendants, which resulted in the alteration or abandonment of a voting practice anywhere in the territory of such State or subdivision that was challenged on the ground that the practice denied or abridged the right of any citizen of the United States to vote on account of race, color, or membership in a language minority group in violation of subsection (e) or (f) or section 2, 201, or 203, or the 14th or 15th Amendment.

"(ii) INDEPENDENT VIOLATIONS.—A voluntary extension or continuation of a

consent decree, settlement, or agreement described in clause (i) shall not count as an independent violation under this subparagraph. Any other extension or modification of such a consent decree, settlement, or agreement, if the consent decree, settlement, or agreement has been in place for ten years or longer, shall count as an independent violation under this subparagraph. If a court of the United States finds that a consent decree, settlement, or agreement described in clause (i) itself denied or abridged the right of any citizen of the United States to vote on account of race, color, or membership in a language minority group, violated subsection (e) or (f) or section 2, 201, or 203, or created an undue burden on the right to vote in connection with a claim that the consent decree, settlement, or other agreement unduly burdened voters of a particular race, color, or language minority group, that finding shall count as an independent violation under this subparagraph.

"(F) MULTIPLE VIOLATIONS.—Each instance in which a voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting, including each redistricting plan, is found to be a violation by a court of the United States pursuant to subparagraph (A) or (B), or prevented from being enforced pursuant to subparagraph (C) or (D), or altered or abandoned pursuant to subparagraph (E) shall count as an independent violation under this paragraph. Within a redistricting plan, each violation under this paragraph found to violate the rights of any group of voters within an individual district based on race, color, or language minority group shall count as an independent violation under this paragraph.

"(4) TIMING OF DETERMINATIONS.—

"(A) DETERMINATIONS OF VOTING RIGHTS VIOLATIONS.—As early as practicable during each calendar year, the Attorney General shall make the determinations required by this subsection, including updating the list of voting rights violations occurring in each State and political subdivision for the previous calendar year.

"(B) EFFECTIVE UPON PUBLICATION IN FEDERAL REGISTER.—A determination or certification of the Attorney General under this section or under section 8 or 13 shall be effective upon publication in the Federal Register.".

(2) CONFORMING AMENDMENTS.—Section 4(a) of such Act (52 U.S.C. 10303(a)) is amended—

(A) in paragraph (1), in the first sentence of the matter preceding subparagraph (A), by striking "any State with respect to which" and all that follows through "unless" and inserting "any State to which this subsection applies during a calendar year pursuant to determinations made under subsection (b), or in any political subdivision of such State (as such subdivision existed on the date such determinations were made with respect to such State), though such determinations were not made with respect to such subdivision as a separate unit, or in any political subdivision with respect to which this subsection applies during a calendar year pursuant to determinations made with respect to such subdivision as a separate unit under subsection (b), unless";

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking the second sentence;

(C) in paragraph (1)(A), by striking ''(in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection)'';

(D) in paragraph (1)(B), by striking ''(in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection)'';

(E) in paragraph (3), by striking ''(in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection)'';

(F) in paragraph (5), by striking ''(in the case of a State or subdivision which sought a declaratory judgment under the second sentence of this subsection)'';

(G) by striking paragraphs (7) and (8); and

(H) by redesignating paragraph (9) as paragraph (7).

(b) CLARIFICATION OF TREATMENT OF MEMBERS OF LANGUAGE MINORITY GROUPS.—Section 4(a)(1) of such

1 Act (52 U.S.C. 10303(a)(1)), as amended by subsection
2 (a), is further amended, in the first sentence, by striking
3 ''race or color,'' and inserting ''race or color, or in con-
4 travention of the guarantees of subsection (f)(2),''.

5 (c) FACILITATING BAILOUT.—Section 4(a) of the
6 Voting Rights Act of 1965 (52 U.S.C. 10303(a)), as
7 amended by subsection (a), is further amended—

8 (1) by striking paragraph (1)(C);

9 (2) by inserting at the beginning of paragraph
10 (7), as redesignated by subsection (a)(2)(H), the fol-
11 lowing: ''Any plaintiff seeking a declaratory judg-
12 ment under this subsection on the grounds that the
13 plaintiff meets the requirements of paragraph (1)
14 may request that the Attorney General consent to
15 entry of judgment.''; and

16 (3) by adding at the end the following:

17 ''(8) If a political subdivision is subject to the applica-
18 tion of this subsection, due to the applicability of sub-
19 section (b)(1)(A), the political subdivision may seek a de-
20 claratory judgment under this section if the subdivision
21 demonstrates that the subdivision meets the criteria estab-
22 lished by the subparagraphs of paragraph (1), for the 10
23 years preceding the date on which subsection (a) applied
24 to the political subdivision under subsection (b)(1)(A).

"(9) If a political subdivision was not subject to the application of this subsection by reason of a declaratory judgment entered prior to the date of enactment of the John R. Lewis Voting Rights Advancement Act of 2021, and is not, subsequent to that date of enactment, subject to the application of this subsection under subsection (b)(1)(B), then that political subdivision shall not be subject to the requirements of this subsection.".

SEC. 9005. DETERMINATION OF STATES AND POLITICAL SUBDIVISIONS SUBJECT TO PRECLEARANCE FOR COVERED PRACTICES.

The Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.) is further amended by inserting after section 4 the following:

"SEC. 4A. DETERMINATION OF STATES AND POLITICAL SUBDIVISIONS SUBJECT TO PRECLEARANCE FOR COVERED PRACTICES.

"(a) PRACTICE-BASED PRECLEARANCE.—

"(1) IN GENERAL.—Each State and each political subdivision shall—

"(A) identify any change to a law, regulation, or policy that includes a voting qualification or prerequisite to voting, or a standard, practice, or procedure with respect to voting,

that is a covered practice described in subsection (b); and

"(B) ensure that no such covered practice is implemented unless or until the State or political subdivision, as the case may be, complies with subsection (c).

"(2) DETERMINATIONS OF CHARACTERISTICS OF VOTING-AGE POPULATION.—

"(A) IN GENERAL.—As early as practicable during each calendar year, the Attorney General, in consultation with the Director of the Bureau of the Census and the heads of other relevant offices of the government, shall make the determinations required by this section regarding voting-age populations and the characteristics of such populations, and shall publish a list of the States and political subdivisions to which a voting-age population characteristic described in subsection (b) applies.

"(B) PUBLICATION IN THE FEDERAL REGISTER.—A determination (including a certification) of the Attorney General under this paragraph shall be effective upon publication in the Federal Register.

1 "(b) COVERED PRACTICES.—To assure that the right
2 of citizens of the United States to vote is not denied or
3 abridged on account of race, color, or membership in a
4 language minority group as a result of the implementation
5 of certain qualifications or prerequisites to voting, or
6 standards, practices, or procedures with respect to voting
7 in a State or political subdivision, the following shall be
8 covered practices subject to the requirements described in
9 subsection (a):
10 "(1) CHANGES TO METHOD OF ELECTION.—
11 Any change to the method of election—
12 "(A) to add seats elected at-large in a
13 State or political subdivision where—
14 "(i) two or more racial groups or lan-
15 guage minority groups each represent 20
16 percent or more of the voting-age popu-
17 lation in the State or political subdivision,
18 respectively; or
19 "(ii) a single language minority group
20 represents 20 percent or more of the vot-
21 ing-age population on Indian lands located
22 in whole or in part in the State or political
23 subdivision; or
24 "(B) to convert one or more seats elected
25 from a single-member district to one or more

at-large seats or seats from a multi-member district in a State or political subdivision where—

"(i) two or more racial groups or language minority groups each represent 20 percent or more of the voting-age population in the State or political subdivision, respectively; or

"(ii) a single language minority group represents 20 percent or more of the voting-age population on Indian lands located in whole or in part in the State or political subdivision.

"(2) CHANGES TO POLITICAL SUBDIVISION BOUNDARIES.—Any change or series of changes within a year to the boundaries of a political subdivision that reduces by 3 or more percentage points the percentage of the political subdivision's voting-age population that is comprised of members of a single racial group or language minority group in the political subdivision where—

"(A) two or more racial groups or language minority groups each represent 20 percent or more of the political subdivision's voting-age population; or

"(B) a single language minority group represents 20 percent or more of the voting-age population on Indian lands located in whole or in part in the political subdivision.

"(3) CHANGES THROUGH REDISTRICTING.—Any change to the apportionment or boundaries of districts for Federal, State, or local elections in a State or political subdivision where any racial group or language minority group that is not the largest racial group or language minority group in the jurisdiction and that represents 15 percent or more of the State or political subdivision's voting-age population experiences a population increase of at least 20 percent of its voting-age population, over the preceding decade (as calculated by the Bureau of the Census under the most recent decennial census), in the jurisdiction.

"(4) CHANGES IN DOCUMENTATION OR QUALIFICATIONS TO VOTE.—Any change to requirements for documentation or proof of identity to vote or register to vote in elections for Federal, State, or local offices that will exceed or be more stringent than such requirements under State law on the day before the date of enactment of the John R. Lewis Voting Rights Advancement Act of 2021.

"(5) CHANGES TO MULTILINGUAL VOTING MATERIALS.—Any change that reduces multilingual voting materials or alters the manner in which such materials are provided or distributed, where no similar reduction or alteration occurs in materials provided in English for such election.

"(6) CHANGES THAT REDUCE, CONSOLIDATE, OR RELOCATE VOTING LOCATIONS, OR REDUCE VOTING OPPORTUNITIES.—Any change that reduces, consolidates, or relocates voting locations in elections for Federal, State, or local office, including early, absentee, and election-day voting locations, or reduces days or hours of in-person voting on any Sunday during a period occurring prior to the date of an election for Federal, State, or local office during which voters may cast ballots in such election, if the location change, or reduction in days or hours, applies—

"(A) in one or more census tracts in which two or more language minority groups or racial groups each represent 20 percent or more of the voting-age population; or

"(B) on Indian lands in which at least 20 percent of the voting-age population belongs to a single language minority group.

1 "(7) NEW LIST MAINTENANCE PROCESS.—Any
2 change to the maintenance process for voter reg-
3 istration lists that adds a new basis for removal
4 from the list of active voters registered to vote in
5 elections for Federal, State, or local office, or that
6 incorporates new sources of information in deter-
7 mining a voter's eligibility to vote in elections for
8 Federal, State, or local office, if such a change
9 would have a statistically significant disparate im-
10 pact, concerning the removal from voter rolls, on
11 members of racial groups or language minority
12 groups that constitute greater than 5 percent of the
13 voting-age population—
14 "(A) in the case of a political subdivision
15 imposing such change if—
16 "(i) two or more racial groups or lan-
17 guage minority groups each represent 20
18 percent or more of the voting-age popu-
19 lation of the political subdivision; or
20 "(ii) a single language minority group
21 represents 20 percent or more of the vot-
22 ing-age population on Indian lands located
23 in whole or in part in the political subdivi-
24 sion; or

"(B) in the case of a State imposing such change, if two or more racial groups or language minority groups each represent 20 percent or more of the voting-age population of—

"(i) the State; or

"(ii) a political subdivision in the State, except that the requirements under subsections (a) and (c) shall apply only with respect to each such political subdivision individually.

"(c) PRECLEARANCE.—

"(1) IN GENERAL.—

"(A) ACTION .—Whenever a State or political subdivision with respect to which the requirements set forth in subsection (a) are in effect shall enact, adopt, or seek to implement any covered practice described under subsection (b), such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such covered practice neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, and unless and until the court enters

such judgment such covered practice shall not be implemented.

"(B) SUBMISSION TO ATTORNEY GENERAL.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), such covered practice may be implemented without such proceeding if the covered practice has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within 60 days after such submission, or upon good cause shown, to facilitate an expedited approval within 60 days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. An exigency, including a natural disaster, inclement weather, or other unforeseeable event, requiring a changed qualification, prerequisite, standard, practice, or procedure within 30 days of a Federal, State, or local election shall constitute good cause requiring the Attorney General to expedite con-

sideration of the submission. To the extent feasible, expedited consideration shall consider the views of individuals affected by the changed qualification, prerequisite, standard, practice, or procedure.

''(ii) EFFECT OF INDICATION.—Neither an affirmative indication by the Attorney General that no objection will be made, nor the Attorney General's failure to object, nor a declaratory judgment entered under this subsection shall bar a subsequent action to enjoin implementation of such covered practice. In the event the Attorney General affirmatively indicates that no objection will be made within the 60-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to the Attorney General's attention during the remainder of the 60-day period which would otherwise require objection in accordance with this subsection.

''(C) COURT.—Any action under this subsection shall be heard and determined by a

court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court.

''(2) DENYING OR ABRIDGING THE RIGHT TO VOTE.—Any covered practice described in subsection (b) that has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race, color, or membership in a language minority group, to elect their preferred candidates of choice denies or abridges the right to vote within the meaning of paragraph (1).

''(3) PURPOSE DEFINED.—The term 'purpose' in paragraphs (1) and (2) shall include any discriminatory purpose.

''(4) PURPOSE OF PARAGRAPH (2).—The purpose of paragraph (2) is to protect the ability of such citizens to elect their preferred candidates of choice.

''(d) ENFORCEMENT.—The Attorney General or any aggrieved citizen may file an action in a district court of the United States to compel any State or political subdivision to satisfy the obligations set forth in this section. Such an action shall be heard and determined by a court of three judges under section 2284 of title 28, United

States Code. In any such action, the court shall provide as a remedy that implementation of any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting, that is the subject of the action under this subsection be enjoined unless the court determines that—

"(1) the voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting, is not a covered practice described in subsection (b); or

"(2) the State or political subdivision has complied with subsection (c) with respect to the covered practice at issue.

"(e) COUNTING OF RACIAL GROUPS AND LANGUAGE MINORITY GROUPS.—For purposes of this section, the calculation of the population of a racial group or a language minority group shall be carried out using the methodology in the guidance of the Department of Justice entitled 'Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act; Notice' (76 Fed. Reg. 7470 (February 9, 2011)).

"(f) SPECIAL RULE.—For purposes of determinations under this section, any data provided by the Bureau of the Census, whether based on estimation from a sample

or actual enumeration, shall not be subject to challenge or review in any court.

"(g) MULTILINGUAL VOTING MATERIALS.—In this section, the term 'multilingual voting materials' means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, provided in the language or languages of one or more language minority groups.".

SEC. 9006. PROMOTING TRANSPARENCY TO ENFORCE THE VOTING RIGHTS ACT.

(a) TRANSPARENCY.—The Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.) is amended by inserting after section 5 the following:

"SEC. 6. TRANSPARENCY REGARDING CHANGES TO PROTECT VOTING RIGHTS.

"(a) NOTICE OF ENACTED CHANGES.—

"(1) NOTICE OF CHANGES.—If a State or political subdivision makes any change in any qualification or prerequisite to voting or standard, practice, or procedure with respect to voting in any election for Federal office that will result in the qualification or prerequisite, standard, practice, or procedure being different from that which was in effect as of 180 days before the date of the election for Federal

office, the State or political subdivision shall provide reasonable public notice in such State or political subdivision and on the website of the State or political subdivision, of a concise description of the change, including the difference between the changed qualification or prerequisite, standard, practice, or procedure and the qualification, prerequisite, standard, practice, or procedure which was previously in effect. The public notice described in this paragraph, in such State or political subdivision and on the website of a State or political subdivision, shall be in a format that is reasonably convenient and accessible to persons with disabilities who are eligible to vote, including persons who have low vision or are blind.

"(2) DEADLINE FOR NOTICE.—A State or political subdivision shall provide the public notice required under paragraph (1) not later than 48 hours after making the change involved.

"(b) TRANSPARENCY REGARDING POLLING PLACE RESOURCES.—

"(1) IN GENERAL.—In order to identify any changes that may impact the right to vote of any person, prior to the 30th day before the date of an election for Federal office, each State or political

subdivision with responsibility for allocating registered voters, voting machines, and official poll workers to particular precincts and polling places shall provide reasonable public notice in such State or political subdivision and on the website of a State or political subdivision, of the information described in paragraph (2) for precincts and polling places within such State or political subdivision. The public notice described in this paragraph, in such State or political subdivision and on the website of a State or political subdivision, shall be in a format that is reasonably convenient and accessible to persons with disabilities who are eligible to vote, including persons who have low vision or are blind.

"(2) INFORMATION DESCRIBED.—The information described in this paragraph with respect to a precinct or polling place is each of the following:

"(A) The name or number.

"(B) In the case of a polling place, the location, including the street address, and whether such polling place is accessible to persons with disabilities.

"(C) The voting-age population of the area served by the precinct or polling place, broken down by demographic group if such breakdown

is reasonably available to such State or political subdivision.

"(D) The number of registered voters assigned to the precinct or polling place, broken down by demographic group if such breakdown is reasonably available to such State or political subdivision.

"(E) The number of voting machines assigned, including the number of voting machines accessible to persons with disabilities who are eligible to vote, including persons who have low vision or are blind.

"(F) The number of official paid poll workers assigned.

"(G) The number of official volunteer poll workers assigned.

"(H) In the case of a polling place, the dates and hours of operation.

"(3) UPDATES IN INFORMATION REPORTED.—If a State or political subdivision makes any change in any of the information described in paragraph (2), the State or political subdivision shall provide reasonable public notice in such State or political subdivision and on the website of a State or political subdivision, of the change in the information not

later than 48 hours after the change occurs or, if the change occurs fewer than 48 hours before the date of the election for Federal office, as soon as practicable after the change occurs. The public notice described in this paragraph and published on the website of a State or political subdivision shall be in a format that is reasonably convenient and accessible to persons with disabilities who are eligible to vote, including persons who have low vision or are blind.

''(c) TRANSPARENCY OF CHANGES RELATING TO DEMOGRAPHICS AND ELECTORAL DISTRICTS.—

''(1) REQUIRING PUBLIC NOTICE OF CHANGES.—Not later than 10 days after making any change in the constituency that will participate in an election for Federal, State, or local office or the boundaries of a voting unit or electoral district in an election for Federal, State, or local office (including through redistricting, reapportionment, changing from at-large elections to district-based elections, or changing from district-based elections to at-large elections), a State or political subdivision shall provide reasonable public notice in such State or political subdivision and on the website of a State or political subdivision, of the demographic and elec-

toral data described in paragraph (3) for each of the geographic areas described in paragraph (2).

"(2) GEOGRAPHIC AREAS DESCRIBED.—The geographic areas described in this paragraph are as follows:

"(A) The State as a whole, if the change applies statewide, or the political subdivision as a whole, if the change applies across the entire political subdivision.

"(B) If the change includes a plan to replace or eliminate voting units or electoral districts, each voting unit or electoral district that will be replaced or eliminated.

"(C) If the change includes a plan to establish new voting units or electoral districts, each such new voting unit or electoral district.

"(3) DEMOGRAPHIC AND ELECTORAL DATA.—The demographic and electoral data described in this paragraph with respect to a geographic area described in paragraph (2) are each of the following:

"(A) The voting-age population, broken down by demographic group.

"(B) The number of registered voters, broken down by demographic group if such break-

down is reasonably available to the State or political subdivision involved.

"(C)(i) If the change applies to a State, the actual number of votes, or (if it is not reasonably practicable for the State to ascertain the actual number of votes) the estimated number of votes received by each candidate in each statewide election held during the 5-year period which ends on the date the change involved is made; and

"(ii) if the change applies to only one political subdivision, the actual number of votes, or (if it is not reasonably practicable for the political subdivision to ascertain the actual number of votes) the estimated number of votes in each subdivision-wide election held during the 5-year period which ends on the date the change involved is made.

"(4) VOLUNTARY COMPLIANCE BY SMALLER JURISDICTIONS.—Compliance with this subsection shall be voluntary for a political subdivision of a State unless the subdivision is one of the following:

"(A) A county or parish.

"(B) A municipality with a population greater than 10,000, as determined by the Bu-

reau of the Census under the most recent decennial census.

"(C) A school district with a population greater than 10,000, as determined by the Bureau of the Census under the most recent decennial census. For purposes of this subparagraph, the term 'school district' means the geographic area under the jurisdiction of a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965).

"(d) RULES REGARDING FORMAT OF INFORMATION.—The Attorney General may issue rules specifying a reasonably convenient and accessible format that States and political subdivisions shall use to provide public notice of information under this section.

"(e) NO DENIAL OF RIGHT TO VOTE.—The right to vote of any person shall not be denied or abridged because the person failed to comply with any change made by a State or political subdivision to a voting qualification, prerequisite, standard, practice, or procedure if the State or political subdivision involved did not meet the applicable requirements of this section with respect to the change.

"(f) DEFINITIONS.—In this section—

"(1) the term 'demographic group' means each group which section 2 protects from the denial or abridgement of the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2);

"(2) the term 'election for Federal office' means any general, special, primary, or runoff election held solely or in part for the purpose of electing any candidate for the office of President, Vice President, Presidential elector, Senator, Member of the House of Representatives, or Delegate or Resident Commissioner to the Congress; and

"(3) the term 'persons with disabilities', means individuals with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall apply with respect to changes which are made on or after the expiration of the 60-day period which begins on the date of the enactment of this Act.

SEC. 9007. AUTHORITY TO ASSIGN OBSERVERS.

(a) CLARIFICATION OF AUTHORITY IN POLITICAL SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C. 10305(a)(2)(B)) is amended to read as follows:

"(B) in the Attorney General's judgment, the assignment of observers is otherwise necessary to enforce the guarantees of the 14th or 15th Amendment or any provision of this Act or any other Federal law protecting the right of citizens of the United States to vote; or".

(b) ASSIGNMENT OF OBSERVERS TO ENFORCE BILINGUAL ELECTION REQUIREMENTS.—Section 8(a) of such Act (52 U.S.C. 10305(a)) is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by inserting after paragraph (2) the following:

"(3) the Attorney General certifies with respect to a political subdivision that—

"(A) the Attorney General has received written meritorious complaints from residents, elected officials, or civic participation organizations that efforts to violate section 203 are likely to occur; or

"(B) in the Attorney General's judgment, the assignment of observers is necessary to enforce the guarantees of section 203;"; and

(3) by moving the margin for the continuation text following paragraph (3), as added by paragraph (2) of this subsection, 2 ems to the left.

(c) TRANSFERRAL OF AUTHORITY OVER OBSERVERS TO THE ATTORNEY GENERAL.—

(1) ENFORCEMENT PROCEEDINGS.—Section 3(a) of the Voting Rights Act of 1965 (52 U.S.C. 10302(a)) is amended by striking ''United States Civil Service Commission in accordance with section 6'' and inserting ''Attorney General in accordance with section 8''.

(2) OBSERVERS; APPOINTMENT AND COMPENSATION.—Section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) is amended—

(A) in subsection (a), in the flush matter at the end, by striking ''Director of the Office of Personnel Management shall assign as many observers for such subdivision as the Director'' and inserting ''Attorney General shall assign as many observers for such subdivision as the Attorney General'';

(B) in subsection (c), by striking ''Director of the Office of Personnel Management'' and inserting ''Attorney General''; and

(C) in subsection (c), by adding at the end the following: ''The Director of the Office of Personnel Management may, with the consent of the Attorney General, assist in the selection, recruitment, hiring, training, or deployment of these or other individuals authorized by the Attorney General for the purpose of observing whether persons who are entitled to vote are being permitted to vote and whether those votes are being properly tabulated.''.

(3) TERMINATION OF CERTAIN APPOINTMENTS OF OBSERVERS.—Section 13(a)(1) of the Voting Rights Act of 1965 (52 U.S.C. 10309(a)(1)) is amended by striking ''notifies the Director of the Office of Personnel Management,'' and inserting ''determines,''.

SEC. 9008. CLARIFICATION OF AUTHORITY TO SEEK RELIEF.

(a) POLL TAX.—Section 10(b) of the Voting Rights Act of 1965 (52 U.S.C. 10306(b)) is amended by striking ''the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions,'' and inserting ''an aggrieved person or (in the name of the United States) the Attorney General may institute such actions''.

(b) CAUSE OF ACTION.—Section 12(d) of the Voting Rights Act of 1965 (52 U.S.C. 10308(d)) is amended to read as follows:

''(d) Whenever there are reasonable grounds to believe that any person has engaged in, or is about to engage in, any act or practice that would (1) deny any citizen the right to register, to cast a ballot, or to have that ballot counted properly and included in the appropriate totals of votes cast in violation of the 14th, 15th, 19th, 24th, or 26th Amendments to the Constitution of the United States, (2) violate subsection (a) or (b) of section 11, or (3) violate any other provision of this Act or any other Federal voting rights law that prohibits discrimination on the basis of race, color, or membership in a language minority group, an aggrieved person or (in the name of the United States) the Attorney General may institute an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other appropriate order. Nothing in this subsection shall be construed to create a cause of action for civil enforcement of criminal provisions of this or any other Act.''.

(c) JUDICIAL RELIEF.—Section 204 of the Voting Rights Act of 1965 (52 U.S.C. 10504) is amended by striking the first sentence and inserting the following: ''Whenever there are reasonable grounds to believe that

a State or political subdivision has engaged or is about to engage in any act or practice prohibited by a provision of this title, an aggrieved person or (in the name of the United States) the Attorney General may institute an action in a district court of the United States, for a restraining order, a preliminary or permanent injunction, or such other order as may be appropriate.''.

(d) ENFORCEMENT OF TWENTY-SIXTH AMENDMENT.—Section 301(a)(1) of the Voting Rights Act of 1965 (52 U.S.C. 10701(a)(1)) is amended to read as follows:

''(a)(1) An aggrieved person or (in the name of the United States) the Attorney General may institute an action in a district court of the United States, for a restraining order, a preliminary or permanent injunction, or such other order as may be appropriate to implement the 26th Amendment to the Constitution of the United States.''.

SEC. 9009. PREVENTIVE RELIEF.

Section 12(d) of the Voting Rights Act of 1965 (52 U.S.C. 10308(d)), as amended by section 108, is further amended by adding at the end the following:

''(2)(A) In considering any motion for preliminary relief in any action for preventive relief described in this subsection, the court shall grant the relief if the court determines that the complainant has raised a serious question

as to whether the challenged voting qualification or prerequisite to voting or standard, practice, or procedure violates any of the provisions listed in section 111(a)(1) of the John R. Lewis Voting Rights Advancement Act and, on balance, the hardship imposed on the defendant by the grant of the relief will be less than the hardship which would be imposed on the plaintiff if the relief were not granted.

''(B) In making its determination under this paragraph with respect to a change in any voting qualification, prerequisite to voting, or standard, practice, or procedure with respect to voting, the court shall consider all relevant factors and give due weight to the following factors, if they are present:

''(i) Whether the qualification, prerequisite, standard, practice, or procedure in effect prior to the change was adopted as a remedy for a Federal court judgment, consent decree, or admission regarding—

''(I) discrimination on the basis of race or color in violation of the 14th or 15th Amendment to the Constitution of the United States;

''(II) a violation of the 19th, 24th, or 26th Amendments to the Constitution of the United States;

''(III) a violation of this Act; or

1 ''(IV) voting discrimination on the basis of
2 race, color, or membership in a language minor-
3 ity group in violation of any other Federal or
4 State law.
5 ''(ii) Whether the qualification, prerequisite,
6 standard, practice, or procedure in effect prior to the
7 change served as a ground for the dismissal or set-
8 tlement of a claim alleging—
9 ''(I) discrimination on the basis of race or
10 color in violation of the 14th or 15th Amend-
11 ment to the Constitution of the United States;
12 ''(II) a violation of the 19th, 24th, or 26th
13 Amendment to the Constitution of the United
14 States;
15 ''(III) a violation of this Act; or
16 ''(IV) voting discrimination on the basis of
17 race, color, or membership in a language minor-
18 ity group in violation of any other Federal or
19 State law.
20 ''(iii) Whether the change was adopted fewer
21 than 180 days before the date of the election with
22 respect to which the change is to take or takes ef-
23 fect.
24 ''(iv) Whether the defendant has failed to pro-
25 vide timely or complete notice of the adoption of the

change as required by applicable Federal or State law.

''(3) A jurisdiction's inability to enforce its voting or election laws, regulations, policies, or redistricting plans, standing alone, shall not be deemed to constitute irreparable harm to the public interest or to the interests of a defendant in an action arising under the Constitution or any Federal law that prohibits discrimination on the basis of race, color, or membership in a language minority group in the voting process, for the purposes of determining whether a stay of a court's order or an interlocutory appeal under section 1253 of title 28, United States Code, is warranted.''.

SEC. 9010. BILINGUAL ELECTION REQUIREMENTS.

Section 203(b)(1) of the Voting Rights Act of 1965 (52 U.S.C. 10503(b)(1)) is amended by striking ''2032'' and inserting ''2037''.

SEC. 9011. RELIEF FOR VIOLATIONS OF VOTING RIGHTS LAWS.

(a) IN GENERAL.—

(1) RELIEF FOR VIOLATIONS OF VOTING RIGHTS LAWS.—In this section, the term ''prohibited act or practice'' means—

(A) any act or practice—

(i) that creates an undue burden on the fundamental right to vote in violation of the 14th Amendment to the Constitution of the United States or violates the Equal Protection Clause of the 14th Amendment to the Constitution of the United States; or

(ii) that is prohibited by the 15th, 19th, 24th, or 26th Amendment to the Constitution of the United States, section 2004 of the Revised Statutes (52 U.S.C. 10101), the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), the National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.), the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.), the Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. 20101 et seq.), or section 2003 of the Revised Statutes (52 U.S.C. 10102); and

(B) any act or practice in violation of any Federal law that prohibits discrimination with respect to voting, including the Americans with

1 Disabilities Act of 1990 (42 U.S.C. 12101 et
2 seq.).
3 (2) RULE OF CONSTRUCTION.—Nothing in this
4 section shall be construed to diminish the authority
5 or scope of authority of any person to bring an ac-
6 tion under any Federal law.
7 (3) ATTORNEY'S FEES.—Section 722(b) of the
8 Revised Statutes (42 U.S.C. 1988(b)) is amended by
9 inserting "a provision described in section 111(a)(1)
10 of the John R. Lewis Voting Rights Advancement
11 Act of 2021," after "title VI of the Civil Rights Act
12 of 1964,".
13 (b) GROUNDS FOR EQUITABLE RELIEF.—In any ac-
14 tion for equitable relief pursuant to a law listed under sub-
15 section (a), proximity of the action to an election shall not
16 be a valid reason to deny such relief, or stay the operation
17 of or vacate the issuance of such relief, unless the party
18 opposing the issuance or continued operation of relief
19 meets the burden of proving by clear and convincing evi-
20 dence that the issuance of the relief would be so close in
21 time to the election as to cause irreparable harm to the
22 public interest or that compliance with such relief would
23 impose serious burdens on the party opposing relief.
24 (1) IN GENERAL.—In considering whether to
25 grant, deny, stay, or vacate any order of equitable

relief, the court shall give substantial weight to the public's interest in expanding access to the right to vote. A State's generalized interest in enforcing its enacted laws shall not be a relevant consideration in determining whether equitable relief is warranted.

(2) PRESUMPTIVE SAFE HARBOR.—Where equitable relief is sought either within 30 days of the adoption or reasonable public notice of the challenged policy or practice, or more than 60 days before the date of an election to which the relief being sought will apply, proximity to the election will be presumed not to constitute a harm to the public interest or a burden on the party opposing relief.

(c) GROUNDS FOR STAY OR VACATUR IN FEDERAL CLAIMS INVOLVING VOTING RIGHTS.—

(1) PROSPECTIVE EFFECT.—In reviewing an application for a stay or vacatur of equitable relief granted pursuant to a law listed in subsection (a), a court shall give substantial weight to the reliance interests of citizens who acted pursuant to such order under review. In fashioning a stay or vacatur, a reviewing court shall not order relief that has the effect of denying or abridging the right to vote of any citizen who has acted in reliance on the order.

(2) WRITTEN EXPLANATION.—No stay or vacatur under this subsection shall issue unless the reviewing court makes specific findings that the public interest, including the public's interest in expanding access to the ballot, will be harmed by the continuing operation of the equitable relief or that compliance with such relief will impose serious burdens on the party seeking such a stay or vacatur such that those burdens substantially outweigh the benefits to the public interest. In reviewing an application for a stay or vacatur of equitable relief, findings of fact made in issuing the order under review shall not be set aside unless clearly erroneous.

SEC. 9012. PROTECTION OF TABULATED VOTES.

The Voting Rights Act of 1965 (52 U.S.C. 10307) is amended—

(1) in section 11—

(A) by amending subsection (a) to read as follows:

''(a) No person acting under color of law shall—

''(1) fail or refuse to permit any person to vote who is entitled to vote under Federal law or is otherwise qualified to vote;

''(2) willfully fail or refuse to tabulate, count, and report such person's vote; or

"(3) willfully fail or refuse to certify the aggregate tabulations of such persons' votes or certify the election of the candidates receiving sufficient such votes to be elected to office."; and

(B) in subsection (b), by inserting "subsection (a) or" after "duties under"; and

(2) in section 12—

(A) in subsection (b)—

(i) by striking "a year following an election in a political subdivision in which an observer has been assigned" and inserting "22 months following an election for Federal office"; and

(ii) by adding at the end the following: "Whenever the Attorney General has reasonable grounds to believe that any person has engaged in or is about to engage in an act in violation of this subsection, the Attorney General may institute (in the name of the United States) a civil action in Federal district court seeking appropriate relief.";

(B) in subsection (c), by inserting "or solicits a violation of" after "conspires to violate"; and

(C) in subsection (e), by striking the first and second sentences and inserting the following: ''If, after the closing of the polls in an election for Federal office, persons allege that notwithstanding (1) their registration by an appropriate election official and (2) their eligibility to vote in the political subdivision, their ballots have not been counted in such election, and if upon prompt receipt of notifications of these allegations, the Attorney General finds such allegations to be well founded, the Attorney General may forthwith file with the district court an application for an order providing for the counting and certification of the ballots of such persons and requiring the inclusion of their votes in the total vote for all applicable offices before the results of such election shall be deemed final and any force or effect given thereto.''.

SEC. 9013. ENFORCEMENT OF VOTING RIGHTS BY ATTORNEY GENERAL.

Section 12 of the Voting Rights Act of 1965 (52 U.S.C. 10308), as amended by this Act, is further amended by adding at the end the following:

"(g) VOTING RIGHTS ENFORCEMENT BY ATTORNEY GENERAL.—

"(1) IN GENERAL.—In order to fulfill the Attorney General's responsibility to enforce this Act and other Federal laws that protect the right to vote, the Attorney General (or upon designation by the Attorney General, the Assistant Attorney General for Civil Rights) is authorized, before commencing a civil action, to issue a demand for inspection and information in writing to any State or political subdivision, or other governmental representative or agent, with respect to any relevant documentary material that the Attorney General has reason to believe is within their possession, custody, or control. A demand by the Attorney General under this subsection may require—

"(A) the production of such documentary material for inspection and copying;

"(B) answers in writing to written questions with respect to such documentary material; or

"(C) both the production described under subparagraph (A) and the answers described under subparagraph (B).

"(2) CONTENTS OF AN ATTORNEY GENERAL DEMAND.—

"(A) IN GENERAL.—Any demand issued under paragraph (1), shall include a sworn certificate to identify the voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting, or other voting related matter or issue, whose lawfulness the Attorney General is investigating and to identify the Federal law that protects the right to vote under which the investigation is being conducted. The demand shall be reasonably calculated to lead to the discovery of documentary material and information relevant to such investigation. Documentary material includes any material upon which relevant information is recorded, and includes written or printed materials, photographs, tapes, or materials upon which information is electronically or magnetically recorded. Such demands shall be aimed at the Attorney General having the ability to inspect and obtain copies of relevant materials (as well as obtain information) related to voting and are not aimed at the Attorney General taking possession of original records, particularly

those that are required to be retained by State and local election officials under Federal or State law.

"(B) NO REQUIREMENT FOR PRODUCTION.—Any demand issued under paragraph (1) may not require the production of any documentary material or the submission of any answers in writing to written questions if such material or answers would be protected from disclosure under the standards applicable to discovery requests under the Federal Rules of Civil Procedure in an action in which the Attorney General or the United States is a party.

"(C) DOCUMENTARY MATERIAL.—If the demand issued under paragraph (1) requires the production of documentary material, it shall—

"(i) identify the class of documentary material to be produced with such definiteness and certainty as to permit such material to be fairly identified; and

"(ii) prescribe a return date for production of the documentary material at least 20 days after issuance of the demand to give the State or political subdivision, or

other governmental representative or agent, a reasonable period of time for assembling the documentary material and making it available for inspection and copying.

"(D) ANSWERS TO WRITTEN QUESTIONS.—If the demand issued under paragraph (1) requires answers in writing to written questions, it shall—

"(i) set forth with specificity the written question to be answered; and

"(ii) prescribe a date at least 20 days after the issuance of the demand for submitting answers in writing to the written questions.

"(E) SERVICE.—A demand issued under paragraph (1) may be served by a United States marshal or a deputy marshal, or by certified mail, at any place within the territorial jurisdiction of any court of the United States.

"(3) RESPONSES TO AN ATTORNEY GENERAL DEMAND.—A State or political subdivision, or other governmental representative or agent, shall, with respect to any documentary material or any answer in writing produced under this subsection, provide a

sworn certificate, in such form as the demand issued under paragraph (1) designates, by a person having knowledge of the facts and circumstances relating to such production or written answer, authorized to act on behalf of the State or political subdivision, or other governmental representative or agent, upon which the demand was served. The certificate—

''(A) shall state that—

''(i) all of the documentary material required by the demand and in the possession, custody, or control of the State or political subdivision, or other governmental representative or agent, has been produced;

''(ii) with respect to every answer in writing to a written question, all information required by the question and in the possession, custody, control, or knowledge of the State or political subdivision, or other governmental representative or agent, has been submitted; or

''(iii) the requirements described in both clause (i) and clause (ii) have been met; or

"(B) provide the basis for any objection to producing the documentary material or answering the written question.

To the extent that any information is not furnished, the information shall be identified and reasons set forth with particularity regarding the reasons why the information was not furnished.

"(4) JUDICIAL PROCEEDINGS.—

"(A) PETITION FOR ENFORCEMENT.—Whenever any State or political subdivision, or other governmental representative or agent, fails to comply with demand issued by the Attorney General under paragraph (1), the Attorney General may file, in a district court of the United States in which the State or political subdivision, or other governmental representative or agent, is located, a petition for a judicial order enforcing the Attorney General demand issued under paragraph (1).

"(B) PETITION TO MODIFY.—

"(i) IN GENERAL.—Any State or political subdivision, or other governmental representative or agent, that is served with a demand issued by the Attorney General under paragraph (1) may file in the United

States District Court for the District of Columbia a petition for an order of the court to modify or set aside the demand of the Attorney General.

''(ii) PETITION TO MODIFY.—Any petition to modify or set aside a demand of the Attorney General issued under paragraph (1) must be filed within 20 days after the date of service of the Attorney General's demand or at any time before the return date specified in the Attorney General's demand, whichever date is earlier.

''(iii) CONTENTS OF PETITION.—The petition shall specify each ground upon which the petitioner relies in seeking relief under clause (i), and may be based upon any failure of the Attorney General's demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of the State or political subdivision, or other governmental representative or agent. During the pendency of the petition in the court, the court may stay, as it deems proper, the running

of the time allowed for compliance with the Attorney General's demand, in whole or in part, except that the State or political subdivision, or other governmental representative or agent, filing the petition shall comply with any portions of the Attorney General's demand not sought to be modified or set aside.''.

SEC. 9014. DEFINITIONS.

Title I of the Voting Rights Act of 1965 (52 U.S.C. 10301) is amended by adding at the end the following:

''SEC. 21. DEFINITIONS.

''In this Act:

''(1) INDIAN.—The term 'Indian' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(2) INDIAN LANDS.—The term 'Indian lands' means—

''(A) any Indian country of an Indian tribe, as such term is defined in section 1151 of title 18, United States Code;

''(B) any land in Alaska that is owned, pursuant to the Alaska Native Claims Settlement Act, by an Indian tribe that is a Native

village (as such term is defined in section 3 of such Act), or by a Village Corporation that is associated with the Indian tribe (as such term is defined in section 3 of such Act);

''(C) any land on which the seat of government of the Indian tribe is located; and

''(D) any land that is part or all of a tribal designated statistical area associated with the Indian tribe, or is part or all of an Alaska Native village statistical area associated with the tribe, as defined by the Bureau of the Census for the purposes of the most recent decennial census.

''(3) INDIAN TRIBE.—The term 'Indian Tribe' means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

''(4) TRIBAL GOVERNMENT.—The term 'Tribal Government' means the recognized governing body of an Indian Tribe.

"(5) VOTING-AGE POPULATION.—The term 'voting-age population' means the numerical size of the population within a State, within a political subdivision, or within a political subdivision that contains Indian lands, as the case may be, that consists of persons age 18 or older, as calculated by the Bureau of the Census under the most recent decennial census.".

SEC. 9015. ATTORNEYS' FEES.

Section 14(c) of the Voting Rights Act of 1965 (52 U.S.C. 10310(c)) is amended by adding at the end the following:

"(4) The term 'prevailing party' means a party to an action that receives at least some of the benefit sought by such action, states a colorable claim, and can establish that the action was a significant cause of a change to the status quo.".

SEC. 9016. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) ACTIONS COVERED UNDER SECTION 3.—Section 3(c) of the Voting Rights Act of 1965 (52 U.S.C. 10302(c)) is amended—

(1) by striking "any proceeding instituted by the Attorney General or an aggrieved person under any statute to enforce" and inserting "any action

under any statute in which a party (including the Attorney General) seeks to enforce''; and

(2) by striking ''at the time the proceeding was commenced'' and inserting ''at the time the action was commenced''.

(b) CLARIFICATION OF TREATMENT OF MEMBERS OF LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act (52 U.S.C. 10303(f)) is amended—

(1) in paragraph (1), by striking the second sentence; and

(2) by striking paragraphs (3) and (4).

(c) PERIOD DURING WHICH CHANGES IN VOTING PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER SECTION 5.—Section 5 of such Act (52 U.S.C. 10304) is amended—

(1) in subsection (a), by striking ''based upon determinations made under the first sentence of section 4(b) are in effect'' and inserting ''are in effect during a calendar year'';

(2) in subsection (a), by striking ''November 1, 1964'' and all that follows through ''November 1, 1972'' and inserting ''the applicable date of coverage''; and

(3) by adding at the end the following new subsection:

"(e) The term 'applicable date of coverage' means, with respect to a State or political subdivision—

"(1) January 1, 2021, if the most recent determination for such State or subdivision under section 4(b) was made during the first calendar year in which determinations are made following the date of enactment of the John R. Lewis Voting Rights Advancement Act of 2021; or

"(2) the date on which the most recent determination for such State or subdivision under section 4(b) was made following the date of enactment of the John R. Lewis Voting Rights Advancement Act of 2021, if the most recent determination for such State or subdivision under section 4(b) was made after the first calendar year in which determinations are made following the date of enactment of the John R. Lewis Voting Rights Advancement Act of 2021.".

(d) REVIEW OF PRECLEARANCE SUBMISSION UNDER SECTION 5 DUE TO EXIGENCY.—Section 5 of such Act (52 U.S.C. 10304) is amended, in subsection (a), by inserting "An exigency, including a natural disaster, inclement weather, or other unforeseeable event, requiring such different qualification, prerequisite, standard, practice, or procedure within 30 days of a Federal, State, or local elec-

tion shall constitute good cause requiring the Attorney General to expedite consideration of the submission. To the extent feasible, expedited consideration shall consider the views of individuals affected by the different qualification, prerequisite, standard, practice, or procedure.'' after ''will not be made.''.

SEC. 9017. SEVERABILITY.

If any provision of the John R. Lewis Voting Rights Advancement Act of 2021 or any amendment made by this title, or the application of such a provision or amendment to any person or circumstance, is held to be unconstitutional or is otherwise enjoined or unenforceable, the remainder of this title and amendments made by this title, and the application of the provisions and amendments to any other person or circumstance, and any remaining provision of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), shall not be affected by the holding. In addition, if any provision of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), or any amendment to the Voting Rights Act of 1965, or the application of such a provision or amendment to any person or circumstance, is held to be unconstitutional or is otherwise enjoined or unenforceable, the application of the provision and amendment to any other person or circumstance, and any remaining pro-

visions of the Voting Rights Act of 1965, shall not be affected by the holding.

SEC. 9018. GRANTS TO ASSIST WITH NOTICE REQUIREMENTS UNDER THE VOTING RIGHTS ACT OF 1965.

(a) IN GENERAL.—The Attorney General shall make grants each fiscal year to small jurisdictions who submit applications under subsection (b) for purposes of assisting such small jurisdictions with compliance with the requirements of the Voting Rights Act of 1965 to submit or publish notice of any change to a qualification, prerequisite, standard, practice or procedure affecting voting.

(b) APPLICATION.—To be eligible for a grant under this section, a small jurisdiction shall submit an application to the Attorney General in such form and containing such information as the Attorney General may require regarding the compliance of such small jurisdiction with the provisions of the Voting Rights Act of 1965.

(c) SMALL JURISDICTION DEFINED.—For purposes of this section, the term ''small jurisdiction'' means any political subdivision of a State with a population of 10,000 or less.

Subtitle B—Election Worker and Polling Place Protection

SEC. 9101. SHORT TITLE.

This title may be cited as the ''Election Worker and Polling Place Protection Act''.

SEC. 9102. ELECTION WORKER AND POLLING PLACE PROTECTION.

Section 11 of the Voting Rights Act of 1965 (52 U.S.C. 10307) is amended by adding at the end the following:

''(f)(1) Whoever, whether or not acting under color of law, by force or threat of force, or violence, or threat of harm to any person or property, willfully intimidates or interferes with, or attempts to intimidate or interfere with, the ability of any person or any class of persons to vote or qualify to vote, or to qualify or act as a poll watcher, or any legally authorized election official, in any primary, special, or general election, or any person who is, or is employed by, an agent, contractor, or vendor of a legally authorized election official assisting in the administration of any primary, special, or general election, shall be fined not more than $5,000, or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this paragraph or if such acts include the use, attempted use, or threatened

use of a dangerous weapon, explosives, or fire, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both.

''(2) Whoever, whether or not acting under color of law, willfully physically damages or threatens to physically damage any physical property being used as a polling place or tabulation center or other election infrastructure, with the intent to interfere with the administration of an election or the tabulation or certification of votes, shall be fined not more than $5,000, or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this paragraph or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both.

''(3) For purposes of this subsection, de minimus damage or threats of de minimus damage to physical property shall not be considered a violation of this subsection.

''(4) For purposes of this subsection, the term 'election infrastructure' means any office of an election official, staff, worker, or volunteer or any physical, mechanical, or electrical device, structure, or tangible item used in the process of creating, distributing, voting, returning, count-

ing, tabulating, auditing, storing, or other handling of voter registration or ballot information.

''(g) No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that—

''(1) the State does not have jurisdiction;

''(2) the State has requested that the Federal Government assume jurisdiction; or

''(3) a prosecution by the United States is in the public interest and necessary to secure substantial justice.''.

Subtitle C—Native American Voting Rights Act

SEC. 9201. SHORT TITLE.

This title may be cited as the ''Frank Harrison, Elizabeth Peratrovich, and Miguel Trujillo Native American Voting Rights Act of 2021''.

SEC. 9202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Constitution explicitly and implicitly grants Congress broad general powers to legislate on issues relating to Indian Tribes, powers consistently described as plenary and exclusive. These powers arise from the grant of authority in the Indian Com-

merce Clause and through legislative matters arising under the Treaty Clause.

(2) The Federal Government is responsible for upholding the obligations to which the Federal Government has agreed through treaties, legislation, and executive orders, referred to as the Federal trust responsibility toward Indian Tribes and their members.

(3) The Supreme Court has repeatedly relied on the nature of this ''government to government'' relationship between the United States and sovereign Indian Tribes for congressional authority to enact ''legislation that singles out Indians for particular and special treatment''. Morton v. Mancari, 417 U.S. 535, 554–555 (1974).

(4) Legislation removing barriers to Native American voting is vital for the fulfillment of Congress' ''unique obligation'' toward Indians, particularly ensuring that Native American voters are fully included as ''qualified members of the modern body politic''. Board of County Comm'rs v. Seber, 318 U.S. 705, 715 (1943).

(5) Under the Elections Clause of article I, section 4 of the Constitution, Congress has additional power to regulate any election conducted to select

Members of Congress. Taken together, the Indian Commerce Clause and the Election Clause give Congress broad authority to enact legislation to safeguard the voting rights of Native American voters.

(6) Despite Congress' decision to grant Native Americans Federal citizenship, and with it the protections of the Fifteenth Amendment, with passage of the Act of June 2, 1924 (Chapter 233; 43 Stat. 253) (commonly known as the ''Indian Citizenship Act of 1924''), States continued to deploy distinct methods for disenfranchising Indians by enacting statutes to exclude from voter rolls Indians living on Indian lands, requiring that Indians first terminate their relationship with their Indian Tribe, restricting the right to vote on account of a Tribal member's ''guardianship'' status, and imposing literacy tests.

(7) Barriers to voter access for Native Americans persist today, and such barriers range from obstructing voter access to vote dilution and intentional malapportionment of electoral districts.

(8) The Native American Voting Rights Coalition's nine field hearings in Indian Country and four-State survey of voter discrimination revealed a number of additional obstacles that Native Americans must overcome in some States, including—

(A) a lack of accessible registration and polling sites, either due to conditions such as geography, lack of paved roads, the absence of reliable and affordable broadband connectivity, and restrictions on the time, place, and manner that eligible people can register and vote, including unequal opportunities for absentee, early, mail-in, and in-person voting;

(B) nontraditional or nonexistent addresses for residents on Indian reservations, lack of residential mail delivery and pick up, reliance on distant post offices with abbreviated operating hours for mail services, insufficient housing units, overcrowded homes, and high incidence of housing insecurity and homelessness, lack of access to vehicles, and disproportionate poverty which make voter registration, acquisition and dropping off of mail-in ballots, receipt of voting information and materials, and securing required identification difficult, if not impossible;

(C) inadequate language assistance for Tribal members, including lack of outreach and publicity, the failure to provide complete, accurate, and uniform translations of all voting materials in the relevant Native language, and an

insufficient number of trained bilingual poll workers; and

(D) voter identification laws that discriminate against Native Americans.

(9) The Department of Justice and courts also recognized that some jurisdictions have been unresponsive to reasonable requests from federally recognized Indian Tribes for more accessible voter registration sites and in-person voting locations.

(10) According to the National Congress of American Indians, there is a wide gap between the voter registration and turnout rates of eligible American Indians and Alaska Natives and the voter registration and turnout rates of non-Hispanic White and other racial and ethnic groups.

(11) Despite these obstacles, the Native American vote continues to play a significant role in Federal, State, and local elections.

(12) In Alaska, New Mexico, Oklahoma, and South Dakota, Native Americans, American Indians, and Alaska Natives comprise approximately 10 percent or more of the voting population.

(13) The Native American vote also holds great potential, with over 1,000,000 voters who are eligible to vote, but are not registered to vote.

(b) PURPOSES.—The purposes of this title are—

(1) to fulfill the Federal Government's trust responsibility to protect and promote Native Americans' exercise of their constitutionally guaranteed right to vote, including the right to register to vote and the ability to access all mechanisms for voting;

(2) to establish Tribal administrative review procedures for a specific subset of State actions that have been used to restrict access to the polls on Indian lands;

(3) to expand voter registration under the National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) to cover Federal facilities;

(4) to afford equal treatment to forms of identification unique to Indian Tribes and their members;

(5) to ensure American Indians and Alaska Natives experiencing homelessness, housing insecurity, or lacking residential mail pickup and delivery can pool resources to pick up and return ballots;

(6) to clarify the obligations of States and political subdivisions regarding the provision of translated voting materials for American Indians and Alaska Natives under section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503);

(7) to provide Tribal leaders with a direct pathway to request Federal election observers and to allow public access to the reports of those election observers;

(8) to study the prevalence of nontraditional or nonexistent mailing addresses in Native communities and identify solutions to voter access that arise from the lack of an address; and

(9) to direct the Department of Justice to consult on an annual basis with Indian Tribes on issues related to voting.

SEC. 9203. DEFINITIONS.

In this title:

(1) ATTORNEY GENERAL.—The term ''Attorney General'' means the United States Attorney General.

(2) INDIAN; INDIAN LANDS; INDIAN TRIBE.—The terms ''Indian'', ''Indian lands'', and ''Indian Tribe'' have the meanings given those terms in section 21 of the Voting Rights Act of 1965 (as added by section 9014 of this Act).

(3) POLLING PLACE.—The term ''polling place'' means any location where a ballot is cast in elections for Federal office, and includes a voter center, poll, polling location, or polling place, depending on the State nomenclature.

SEC. 9204. ESTABLISHMENT OF A NATIVE AMERICAN VOTING TASK FORCE GRANT PROGRAM.

(a) IN GENERAL.—The United States Election Assistance Commission (referred to in this section as the ''Commission'') shall establish and administer, in coordination with the Department of the Interior, a Native American voting task force grant program, through which the Commission shall provide financial assistance to eligible applicants to enable those eligible applicants to establish and operate a Native American Voting Task Force in each State with a federally recognized Indian Tribe.

(b) PURPOSES.—The purposes of the Native American voting task force grant program are to—

(1) increase voter outreach, education, registration, and turnout in Native American communities;

(2) increase access to the ballot for Native American communities, including additional satellite, early voting, and absentee voting locations;

(3) streamline and reduce inconsistencies in the voting process for Native Americans;

(4) provide, in the community's dominant language, educational materials and classes on Indian lands about candidacy filing;

(5) train and educate State and local employees, including poll workers, about—

(A) the language assistance and voter assistance requirements under sections 203 and 208 of the Voting Rights Act of 1965 (52 U.S.C. 10503; 10508);

(B) voter identification laws as affected by section 9008 of this title; and

(C) the requirements of Tribes, States, and precincts established under this title;

(6) identify model programs and best practices for providing language assistance to Native American communities;

(7) provide nonpartisan poll watchers on election day in Native American communities;

(8) participate in and evaluate future redistricting efforts;

(9) address issues of internet connectivity as it relates to voter registration and ballot access in Native American communities;

(10) work with Indian Tribes, States, and the Federal Government to establish mailing addresses that comply with applicable State and Federal requirements for receipt of voting information and materials; and

(11) facilitate collaboration between local election officials, Native American communities, and Tribal elections offices.

(c) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means—

(1) an Indian Tribe;

(2) a Secretary of State of a State, or another official of a State entity responsible for overseeing elections;

(3) a nonprofit organization that works, in whole or in part, on voting issues; or

(4) a consortium of entities described in paragraphs (1) through (3).

(d) APPLICATION AND SELECTION PROCESS.—

(1) IN GENERAL.—The Commission, in coordination with the Department of the Interior and following consultation with Indian Tribes about the implementation of the Native American voting task force grant program, shall establish guidelines for the process by which eligible applicants will submit applications.

(2) APPLICATIONS.—Each eligible applicant desiring a grant under this section shall submit an application, according to the process established under paragraph (1), and at such time, in such manner,

and containing such information as the Commission may require. Such application shall include—

(A) a certification that the applicant is an eligible applicant;

(B) a proposed work plan addressing how the eligible applicant will establish and administer a Native American Voting Task Force that achieves the purposes described in subsection (b);

(C) if the eligible applicant is a consortium as described in subsection (c)(4), a description of the proposed division of responsibilities between the participating entities;

(D) an explanation of the time period that the proposed Native American Voting Task Force will cover, which shall be a time period that is not more than 3 years; and

(E) the goals that the eligible applicant desires to achieve with the grant funds.

(e) USES OF FUNDS.—A grantee receiving funds under this section shall use such funds to carry out one or more of the activities described in subsection (b), through the grantee's Native American Voting Task Force.

(f) REPORTS.—

(1) REPORT TO THE COMMISSION.—

(A) IN GENERAL.—Not later than 1 year after the date on which an eligible applicant receives grant funds under this section, and annually thereafter for the duration of the grant, each eligible applicant shall prepare and submit a written report to the Commission describing the eligible applicant's progress in achieving the goals outlined in the application under subsection (d)(2).

(B) RESPONSE.—Not later than 30 days after the date on which the Commission receives the report described in paragraph (1), the Commission will provide feedback, comments, and input to the eligible applicant in response to such report.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Commission shall prepare and submit a report to the Committee on Indian Affairs of the Senate and Committee on Natural Resources of the House of Representatives containing the results of the reports described under paragraph (1).

(g) RELATIONSHIP WITH OTHER LAWS.—Nothing in this section reduces State or local obligations provided for by the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), the National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.), the Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.), or any other Federal law or regulation related to voting or the electoral process.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2022 through 2037.

SEC. 9205. VOTER REGISTRATION SITES AT INDIAN SERVICE PROVIDERS AND ON INDIAN LANDS.

Section 7(a) of the National Voter Registration Act of 1993 (52 U.S.C. 20506(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(C) any Federal facility or federally funded facility that is primarily engaged in providing services to an Indian Tribe; and

"(D) not less than one Federal facility or federally funded facility that is located within the Indian lands of an Indian Tribe, as applicable, (which may be the Federal facility or federally funded facility described in subparagraph (C))."; and

(2) by adding at the end the following:

"(8) Where practicable, each Federal agency that operates a Federal facility or a federally funded facility that is a designated voter registration agency in accordance with subparagraph (C) or (D) of paragraph (2) shall designate one or more special days per year at a centralized location within the boundaries of the Indian lands of each applicable Indian Tribe for the purpose of informing members of the Indian Tribe of the timing, registration requirements, and voting procedures in elections for Federal office, at no cost to the Indian Tribe.".

SEC. 9206. ACCESSIBLE TRIBAL DESIGNATED POLLING SITES.

(a) IN GENERAL.—

(1) DESIGNATION OF STATE OFFICER.—Each of the several States whose territory contains all or part of an Indian Tribe's Indian lands shall designate an officer within that State who will be re-

sponsible for compliance with the provisions of this section and who shall periodically consult with the Indian Tribes located wholly or partially within that State regarding compliance with the provisions of this section and coordination between the State and the Indian Tribe. The State shall provide written notice to each such Indian Tribe of the officer so designated.

(2) PROVISION OF POLLING PLACES.—For each Indian Tribe that satisfies the obligations of subsection (c), and for each election for a Federal official or State official that is held 180 days or later after the date on which the Indian Tribe initially satisfies such obligations, any State or political subdivision whose territory contains all or part of an Indian Tribe's Indian lands—

(A) shall provide a minimum of one polling place in each precinct in which there are eligible voters who reside on Indian lands, in a location selected by the Indian Tribe and at no cost to the Indian Tribe, regardless of the population or number of registered voters residing on Indian lands;

(B) shall not reduce the number of polling locations on Indian lands based on population numbers;

(C) shall provide, at no cost to the Indian Tribe, additional polling places in locations on Indian lands selected by an Indian Tribe and requested under subsection (c) if, based on the totality of circumstances described in subsection (b), it is shown that not providing those additional polling places would result in members of the Indian Tribe and living on Indian lands or other individuals residing on the Indian Tribe's Indian lands having less opportunity to vote than eligible voters in that State or political subdivision who are not members of an Indian Tribe or do not reside on Indian lands;

(D) shall, at each polling place located on Indian lands and at no cost to the Indian Tribe, make voting machines, tabulation machines, official receptacles designated for the return of completed absentee ballots, ballots, provisional ballots, and other voting materials available to the same or greater extent that such equipment and materials are made available at other poll-

ing places in the State or political subdivision that are not located on Indian lands;

(E) shall, at each polling place located on Indian lands, conduct the election using the same voting procedures that are used at other polling places in the State or political subdivision that are not located on Indian lands, or other voting procedures that provide greater access for voters;

(F) shall, at each polling place located on Indian lands and at no cost to the Indian Tribe, make voter registration available during the period the polling place is open to the maximum extent allowable under State law;

(G) shall, at each polling place located on Indian lands, provide training, compensation, and other benefits to election officials and poll workers at no cost to the Indian Tribe and, at a minimum, to the same or greater extent that such training, compensation, and benefits are provided to election officials and poll workers at other polling places in the State or political subdivision that are not located on Indian lands;

(H) shall, in all cases, provide the Indian Tribe an opportunity to designate election officials and poll workers to staff polling places within the Indian lands of the applicable Indian Tribe on every day that the polling places will be open;

(I) shall allow for any eligible voting member of the Indian Tribe or any eligible voting individual residing on Indian lands to vote early or in person at any polling place on Indian lands, regardless of that member or individual's residence or residential address, and shall not reject the ballot of any such member or individual on the grounds that the ballot was cast at the wrong polling place; and

(J) may fulfill the State's obligations under subparagraphs (A) and (C) by relocating existing polling places, by creating new polling places, or both.

(b) EQUITABLE OPPORTUNITIES TO VOTE.—

(1) IN GENERAL.—When assessing the opportunities to vote provided to members of an Indian Tribe and to other eligible voters in the State residing on Indian lands in order to determine the number of additional polling places (if any) that a State

or political subdivision must provide in accordance with subsection (a)(2)(C), the State, political subdivision, or any court applying this section, shall consider the totality of circumstances of—

(A) the number of voting-age citizens assigned to each polling place;

(B) the distances that voters must travel to reach the polling places;

(C) the time that voters must spend traveling to reach the polling places, including under inclement weather conditions;

(D) the modes of transportation, if any, that are regularly and broadly available to voters to use to reach the polling places;

(E) the existence of and access to frequent and reliable public transportation to the polling places;

(F) the length of lines and time voters waited to cast a ballot in previous elections; and

(G) any other factor relevant to effectuating the aim of achieving equal voting opportunity for individuals living on Indian lands.

(2) ABSENCE OF FACTORS.—When assessing the opportunities to vote in accordance with paragraph (1), the State, political subdivision, or court

shall ensure that each factor described in paragraph (1) is considered regardless of whether any one factor would lead to a determination not to provide additional polling places under subsection (a)(2)(C).

(c) FORM; PROVISION OF FORM; OBLIGATIONS OF THE INDIAN TRIBE.—

(1) FORM.—The Attorney General shall establish the form described in this subsection through which an Indian Tribe can fulfill its obligations under this subsection.

(2) PROVISION OF FORM.—Each State or political subdivision whose territory contains all or part of an Indian Tribe's Indian lands—

(A) shall provide the form established under paragraph (1) to each applicable Indian Tribe not less than 30 days prior to the deadline set by the State or political subdivision for completion of the obligations under this subsection (which deadline shall be not less than 30 days prior to a Federal election) whereby an Indian Tribe can fulfill its obligations under this subsection by providing the information described in paragraph (3) on that form and submitting the form back to the applicable State or political subdivision by such deadline;

(B) shall not edit the form established under paragraph (1) or apply any additional obligations on the Indian Tribe with respect to this section; and

(C) shall cooperate in good faith with the efforts of the Indian Tribe to satisfy the requirements of this subsection.

(3) OBLIGATIONS OF THE INDIAN TRIBE.—The requirements for a State and political subdivision under subsection (a)(2) shall apply with respect to an Indian Tribe once an Indian Tribe meets the following obligations by completing the form specified in paragraph (1):

(A) The Indian Tribe specifies the number and locations of requested polling places, early voting locations, and ballot drop boxes to be provided on the Indian lands of that Indian Tribe.

(B) The Indian Tribe certifies that curbside voting will be available for any facilities that lack accessible entrances and exits in accordance with Federal and State law.

(C) The Indian Tribe certifies that the Indian Tribe will ensure that each such requested polling place will be open and available to all el-

igible voters who reside in the precinct or other geographic area assigned to such polling place, regardless of whether such eligible voters are members of the Indian Tribe or of any other Indian Tribe.

(D) The Indian Tribe requests that the State or political subdivision shall designate election officials and poll workers to staff such requested polling places, or certifies that the Indian Tribe will designate election officials and poll workers to staff such polling places on every day that the polling places will be open.

(E) The Indian Tribe may request that the State or political subdivision provide absentee ballots without requiring an excuse, an absentee ballot request, or residential address to all eligible voters who reside in the precinct or other geographic area assigned to such polling place, regardless of whether such eligible voters are members of the Indian Tribe or of any other Indian Tribe.

(4) ESTABLISHED POLLING PLACES.—Once a polling place is established under subsection (a)(2)(A) or subsection (a)(2)(C) the Tribe need not fill out the form designated under paragraph (1)

again unless or until that Indian Tribe requests modifications to the requests specified in the most recent form under paragraph (1).

(5) OPT OUT.—At any time that is 60 days or more before the date of an election, an Indian Tribe that previously has satisfied the obligations of paragraph (3) may notify the State or political subdivision that the Indian Tribe intends to opt out of the standing obligation for one or more polling places that were established in accordance with subsection (a)(2)(A) or subsection (a)(2)(C) for a particular election or for all future elections. A Tribe may opt back in at any time.

(d) FEDERAL POLLING SITES.—Each State shall designate as voter polling facilities any of the facilities identified in accordance with subparagraph (C) or (D) of section 7(a)(2) of the National Voter Registration Act of 1993 (52 U.S.C. 20506(a)(2)), at no cost to the Indian Tribe, provided that the facility meets the requirements of Federal and State law as applied to other polling places within the State or political subdivision. The applicable agency of the Federal Government shall ensure that such designated facilities are made available as polling places.

(e) MAIL-IN BALLOTING.—In States or political subdivisions that permit absentee or mail-in balloting, the fol-

lowing shall apply with respect to an election for Federal office:

(1) An Indian Tribe may designate at least one building per precinct as a ballot pickup and collection location (referred to in this section as a ''tribally designated buildings'') at no cost to the Indian Tribe. The applicable State or political subdivision shall collect and timely deposit all ballots from each tribally designated building.

(2) At the applicable Tribe's request, the State or political subdivision shall provide mail-in and absentee ballots to each registered voter residing on Indian lands in the State or political subdivision without requiring a residential address, a mail-in or absentee ballot request, or an excuse for a mail-in or absentee ballot.

(3) The address of a tribally designated building may serve as the residential address and mailing address for voters living on Indian lands if the tribally designated building is in the same precinct as that voter.

(4) If there is no tribally designated building within the precinct of a voter residing on Indian lands (including if the tribally designated building is

on Indian lands but not in the same precinct as the voter), the voter may—

(A) use another tribally designated building within the Indian lands where the voter is located; or

(B) use such tribally designated building as a mailing address and may separately designate the voter's appropriate precinct through a description of the voter's address, as specified in section 9428.4(a)(2) of title 11, Code of Federal Regulations.

(5) In the case of a State or political subdivision that is a covered State or political subdivision under section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503), that State or political subdivision shall provide absentee or mail-in voting materials with respect to an election for Federal office in the language of the applicable minority group as well as in the English language, bilingual election voting assistance, and written translations of all voting materials in the language of the applicable minority group, as required by section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503), as amended by this title.

(6) A State or political division shall make reasonable efforts to contact a voter who resides within Indian lands located within its jurisdiction and offer such voter a reasonable opportunity to cure any defect in an absentee ballot issued to and completed and returned by the voter, or appearing on or pertaining to the materials provided for the purpose of returning the absentee ballot, if State law would otherwise require the absentee ballot to be rejected due to such defect and the defect does not compromise ballot secrecy or involve a lack of witness or assistant signature, where such signature is mandated by State law.

(7) In a State or political subdivision that does not permit absentee or mail-in balloting for all eligible voters in the State or political subdivision, that State or political subdivision shall nonetheless provide for absentee or mail-in balloting for voters who reside on Indian lands consistent with this section if the State, political subdivision, or any court applying this section determines that the totality of circumstances described in subsection (b) warrants establishment of absentee or mail-in balloting for voters who reside on Indian lands located within the jurisdiction of the State or political subdivision.

(f) BALLOT DROP BOXES.—Each State shall—

(1) provide not less than one ballot drop box for each precinct on Indian lands, at no cost to the Indian Tribe, at either the tribally designated building under subsection (e)(2) or an alternative site selected by the applicable Indian Tribe; and

(2) provide additional drop boxes at either the tribally designated building under subsection (e)(2) or an alternative site selected by the applicable Indian Tribe if the State or political subdivision determines that additional ballot drop boxes should be provided based on the criteria considered under the totality of circumstances enumerated under subsection (b).

(g) EARLY VOTING.—

(1) EARLY VOTING LOCATIONS.—In a State or political subdivision that permits early voting in an election for Federal office, that State or political subdivision shall provide not less than one early voting location for each precinct on Indian lands, at no cost to the Indian Tribe, at a site selected by the applicable Indian Tribe, to allow individuals living on Indian lands to vote during an early voting period in the same manner as early voting is allowed on such date in the rest of the State or precinct. Additional

early voting sites shall be determined based on the criteria considered under the totality of circumstances described in subsection (b).

(2) LENGTH OF PERIOD.—In a State or political subdivision that permits early voting in an election for Federal office, that State or political subdivision shall provide an early voting period with respect to that election that shall consist of a period of consecutive days (including weekends) which begins on the 15th day before the date of the election (or, at the option of the State or political subdivision, on a day prior to the 15th day before the date of the election) and ends on the date of the election for all early voting locations on Indian lands.

(3) MINIMUM EARLY VOTING REQUIREMENTS.—Each polling place that allows voting during an early voting period under this subsection shall—

(A) allow such voting for no less than 10 hours on each day;

(B) have uniform hours each day for which such voting occurs; and

(C) allow such voting to be held for some period of time prior to 9:00 a.m. (local time)

and some period of time after 5:00 p.m. (local time).

(4) BALLOT PROCESSING AND SCANNING REQUIREMENTS.—

(A) IN GENERAL.—To the greatest extent practicable, ballots cast during the early voting period in an election for Federal office at voting locations and drop boxes on Indian lands shall be processed and scanned for tabulation in advance of the close of polls on the date of the election.

(B) LIMITATION.—Nothing in this subsection shall be construed to permit a State or political subdivision to tabulate and count ballots in an election for Federal office before the closing of the polls on the date of the election.

(h) PROVISIONAL BALLOTS.—

(1) IN GENERAL.—In addition to the requirements under section 302(a) of the Help America Vote Act of 2002 (52 U.S.C. 21082(a)), for each State or political subdivision that provides voters provisional ballots, challenge ballots, or affidavit ballots under the State's applicable law governing the voting processes for those voters whose eligibility to

vote is determined to be uncertain by election officials, election officials shall—

(A) provide clear written instructions indicating the reason the voter was given a provisional ballot, the information or documents the voter needs to prove eligibility, the location at which the voter must appear to submit these materials or alternative methods, including email or facsimile, that the voter may use to submit these materials, and the deadline for submitting these materials;

(B) permit any voter who votes provisionally at any polling place on Indian lands to appear at any polling place or at the central location for the election board to submit the documentation or information to prove eligibility;

(C) permit any voter who votes provisionally at any polling place to submit the required information or documentation via email or facsimile, if the voter prefers to use such methods as an alternative to appearing in person to submit the required information or documentation to prove eligibility;

(D) notify the voter on whether the voter's provisional ballot was counted or rejected by

telephone, email, or postal mail, or any other available method, including notifying the voter of any online tracking website if State law provides for such a mechanism; and

(E) provide the reason for rejection if the voter's provisional ballot was rejected after the voter provided the required information or documentation on eligibility.

(2) DUTIES OF ELECTION OFFICIALS.—A State or political subdivision described in paragraph (1) shall ensure in each case in which a provisional ballot is cast, that election officials—

(A) request and collect the voter's email address, if the voter has one, and transmit any written instructions issued to the voter in person to the voter via email; and

(B) provide a verbal translation of any written instructions to the voter.

(i) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this section.

(2) PRIVATE RIGHT OF ACTION.—

(A) A person or Indian Tribe who is aggrieved by a violation of this section may provide written notice of the violation to the chief election official of the State involved.

(B) An aggrieved person or Indian Tribe may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to a violation of this section, if—

(i) that person or Indian Tribe provides the notice described in subparagraph (A); and

(ii)(I) in the case of a violation that occurs more than 120 days before the date of an election for Federal office, the violation remains and 90 days or more have passed since the date on which the chief election official of the State receives the notice under subparagraph (A); or

(II) in the case of a violation that occurs 120 days or less but more than 30 days before the date of an election for Federal office, the violation remains and 20 days or more have passed since the date on which the chief election official of the State

receives the notice under subparagraph (A).

(C) In the case of a violation of this section that occurs 30 days or less before the date of an election for Federal office, an aggrieved person or Indian Tribe may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation without providing notice to the chief election official of the State under subparagraph (A).

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent a State or political subdivision from providing additional polling places or early voting locations on Indian lands.

SEC. 9207. PROCEDURES FOR REMOVAL OF POLLING PLACES AND VOTER REGISTRATION SITES ON INDIAN LANDS.

(a) ACTIONS REQUIRING TRIBAL ADMINISTRATIVE REVIEW.—No State or political subdivision may carry out any of the following activities in an election for Federal office unless the requirements of subsection (b) have been met:

(1) Eliminating polling places or voter registration sites on the Indian lands of an Indian Tribe.

(2) Moving or consolidating a polling place or voter registration site on the Indian lands of an Indian Tribe to a location 1 mile or further from the existing location of the polling place or voter registration site.

(3) Moving or consolidating a polling place on the Indian lands of an Indian Tribe to a location across a river, lake, mountain, or other natural boundary such that it increases travel time for a voter, regardless of distance.

(4) Eliminating in-person voting on the Indian lands of an Indian Tribe by designating an Indian reservation as a permanent absentee voting location, unless the Indian Tribe requests such a designation and has not later requested that the designation as a permanent absentee voting location be reversed.

(5) Removing an early voting location or otherwise diminishing early voting opportunities on Indian lands.

(6) Removing a ballot drop box or otherwise diminishing ballot drop boxes on Indian lands.

(7) Decreasing the number of days or hours that an in-person or early voting polling place is open on Indian lands only or changing the dates of

in-person or early voting only on the Indian lands of an Indian Tribe.

(b) TRIBAL ADMINISTRATIVE REVIEW.—

(1) IN GENERAL.—The requirements of this subsection have been met if—

(A) the impacted Indian Tribe submits to the Attorney General the Indian Tribe's written consent to the proposed activity described in subsection (a);

(B) the State or political subdivision, after consultation with the impacted Indian Tribe and after attempting to have the impacted Indian Tribe give consent as described in subparagraph (A), institutes an action in the United States District Court for the District of Columbia for a declaratory judgment, and a declaratory judgment is issued based upon affirmative evidence provided by the State or political subdivision, that conclusively establishes that the specified activity described in subsection (a) proposed by the State or political subdivision neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color, membership in an Indian

Tribe, or membership in a language minority group; or

(C) the chief legal officer or other appropriate official of such State or political subdivision, after consultation with the impacted Indian Tribe and after attempting to have the impacted Indian Tribe give consent as described in subparagraph (A), submits a request to carry out the specified activity described in subsection (a) to the Attorney General and the Attorney General affirmatively approves the specified activity.

(2) NO LIMITATION ON FUTURE ACTIONS.—

(A) NO BAR TO SUBSEQUENT ACTION.—Neither an affirmative indication by the Attorney General that no objection will be made, nor the Attorney General's failure to object, nor a declaratory judgment entered under this section, nor a written consent issued under paragraph (1)(A) shall bar a subsequent action to enjoin enforcement of an activity described in subsection (a).

(B) REEXAMINATION.—The Attorney General reserves the right to reexamine any submission under paragraph (1)(C) if additional rel-

evant information comes to the Attorney General's attention.

(C) DISTRICT COURT.—Any action under this section shall be heard and determined by a district court of 3 judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court.

SEC. 9208. TRIBAL VOTER IDENTIFICATION.

(a) TRIBAL IDENTIFICATION.—If a State or political subdivision requires an individual to present identification for the purposes of voting or registering to vote in an election for Federal office, an identification card issued by a federally recognized Indian Tribe, the Bureau of Indian Affairs, the Indian Health Service, or any other Tribal or Federal agency issuing identification cards to eligible Indian voters shall be treated as a valid form of identification for such purposes.

(b) ONLINE REGISTRATION.—If a State or political subdivision requires an identification card for an individual to register to vote online or to vote online, that State or political subdivision shall annually consult with an Indian Tribe to determine whether a tribal identification can feasibly be used to register to vote online or vote online.

(c) LIMITATION ON REQUIRING MULTIPLE FORMS OF IDENTIFICATION.—If a State or political subdivision requires an individual to present more than one form of identification for the purposes of voting or registering to vote in an election for Federal office, or for registering to vote online or to vote online, that State or political subdivision shall not require any member of an Indian Tribe to provide more than one form of identification if the member provides orally or in writing that the member does not possess more than one form of identification.

SEC. 9209. PERMITTING VOTERS TO DESIGNATE OTHER PERSON TO RETURN BALLOT.

Each State or political subdivision—

(1) shall permit any family member (including extended family member, such as a cousin, grandchild, or relation through marriage), caregiver, tribal assistance provider, or household member to return a sealed ballot of a voter that resides on Indian lands to a post office on Indian lands, a ballot drop box location in a State or political subdivision that provides ballot drop boxes, a tribally designated building under section 9206(e)(2), or an election office, so long as the person designated to return the ballot or ballots on behalf of another voter does not receive any form of compensation based on the num-

ber of ballots that the person has returned and no individual, group, or organization provides compensation on this basis;

(2) may not put any limit on how many voted and sealed absentee ballots any designated person can return to the post office, ballot drop box location, tribally designated building, or election office under paragraph (1); and

(3) shall permit, at a minimum, any family member (including extended family member, such as a cousin, grandchild, or relation through marriage), caregiver, tribal assistance provider, or household member, including the voter, to return voter registration applications, absentee ballot applications, or absentee ballots to ballot drop box locations in a State or political subdivision that provides ballot drop boxes for these purposes.

SEC. 9210. BILINGUAL ELECTION REQUIREMENTS.

Section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503) is amended—

(1) in subsection (b)(3)(C), by striking ''1990'' and inserting ''most recent''; and

(2) by striking subsection (c) and inserting the following:

1 "(c) PROVISION OF VOTING MATERIALS IN THE LAN-
2 GUAGE OF A MINORITY GROUP.—
3 "(1) IN GENERAL.—Whenever any State or po-
4 litical subdivision subject to the prohibition of sub-
5 section (b), provides any registration or voting no-
6 tices, forms, instructions, assistance, or other mate-
7 rials or information relating to the electoral process,
8 including ballots, it shall provide them in the lan-
9 guage of the applicable minority group as well as in
10 the English language.
11 "(2) EXCEPTIONS.—
12 "(A) In the case of a minority group that
13 is not American Indian or Alaska Native and
14 the language of that minority group is oral or
15 unwritten, the State or political subdivision
16 shall only be required to furnish, in the covered
17 language, oral instructions, assistance, trans-
18 lation of voting materials, or other information
19 relating to registration and voting.
20 "(B) In the case of a minority group that
21 is American Indian or Alaska Native, the State
22 or political subdivision shall only be required to
23 furnish in the covered language oral instruc-
24 tions, assistance, or other information relating
25 to registration and voting, including all voting

materials, if the Indian Tribe of that minority group has certified that the language of the applicable American Indian or Alaska Native language is presently unwritten or the Indian Tribe does not want written translations in the minority language.

''(3) WRITTEN TRANSLATIONS FOR ELECTION WORKERS.—Notwithstanding paragraph (2), the State or political division may be required to provide written translations of voting materials, with the consent of any applicable Indian Tribe, to election workers to ensure that the translations from English to the language of a minority group are complete, accurate, and uniform.''.

SEC. 9211. FEDERAL OBSERVERS TO PROTECT TRIBAL VOTING RIGHTS.

(a) AMENDMENT TO THE VOTING RIGHTS ACT OF 1965.—Section 8(a) of the Voting Rights Act of 1965 (52 U.S.C. 10305(a)) is amended—

(1) in paragraph (1), by striking ''or'' after the semicolon;

(2) in paragraph (2)(B), by adding ''or'' after the semicolon; and

(3) by inserting after paragraph (2) the following:

"(3) the Attorney General has received a written complaint from an Indian Tribe that efforts to deny or abridge the right to vote under the color of law on account of race or color, membership in an Indian Tribe, or in contravention of the guarantees set forth in section 4(f)(2), are likely to occur;".

(b) PUBLICLY AVAILABLE REPORTS.—The Attorney General shall make publicly available the reports of a Federal election observer appointed pursuant to section (8)(a)(3) of the Voting Rights Act of 1965 (52 U.S.C. 10305(a)(3)), as added by subsection (a), not later than 6 months after the date that such reports are submitted to the Attorney General, except that any personally identifiable information relating to a voter or the substance of the voter's ballot shall not be made public.

SEC. 9212. TRIBAL JURISDICTION.

(a) IN GENERAL.—Tribal law enforcement have the right to exercise their inherent authority to detain and or remove any non-Indian, not affiliated with the State, its political subdivision, or the Federal Government, from Indian lands for intimidating, harassing, or otherwise impeding the ability of people to vote or of the State and its political subdivisions to conduct an election.

(b) CIVIL ACTION BY ATTORNEY GENERAL FOR RELIEF.—Whenever any person has engaged or there are

reasonable grounds to believe that any person is about to engage in any act or practice prohibited by this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them to permit persons to vote and to count such votes.

SEC. 9213. TRIBAL VOTING CONSULTATION.

The Attorney General shall consult annually with Indian Tribes regarding issues related to voting in elections for Federal office.

SEC. 9214. ATTORNEYS' FEES, EXPERT FEES, AND LITIGATION EXPENSES.

In a civil action under this title, the court shall award the prevailing party, other than the United States, reasonable attorney fees, including litigation expenses, reasonable expert fees, and costs.

SEC. 9215. GAO STUDY AND REPORT.

The Comptroller General shall study the prevalence of nontraditional or nonexistent mailing addresses among Indians, those who are members of Indian Tribes, and those residing on Indian lands and identify alternatives to remove barriers to voter registration, receipt of voter

information and materials, and receipt of ballots. The Comptroller General shall report the results of that study to Congress not later than 1 year after the date of enactment of this title.

SEC. 9216. UNITED STATES POSTAL SERVICE CONSULTATION.

The Postmaster General shall consult with Indian Tribes, on an annual basis, regarding issues relating to the United States Postal Service that present barriers to voting for eligible voters living on Indian lands.

SEC. 9217. SEVERABILITY; RELATIONSHIP TO OTHER LAWS; TRIBAL SOVEREIGN IMMUNITY.

(a) SEVERABILITY.—If any provision of this title, or the application of such a provision to any person, entity, or circumstance, is held to be invalid, the remaining provisions of this title and the application of all provisions of this title to any other person, entity, or circumstance shall not be affected by the invalidity.

(b) RELATIONSHIP TO OTHER LAWS.—Nothing in this title shall invalidate, or limit the rights, remedies, or procedures available under, or supersede, restrict, or limit the application of, the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), the National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.), the Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.), or any other

Federal law or regulation related to voting or the electoral process. Notwithstanding any other provision of law, the provisions of this title, and the amendments made by this title, shall be applicable within the State of Maine.

(c) TRIBAL SOVEREIGN IMMUNITY.—Nothing in this title shall be construed as—

(1) affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian Tribe; or

(2) authorizing or requiring the termination of any existing trust responsibility of the United States with respect to Indian people.

SEC. 9218. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.