

***In the Senate of the United States,***

*September 24, 2024.*

*Resolved*, That the bill from the House of Representatives (H.R. 6513) entitled “An Act to amend the Help America Vote Act of 2002 to confirm the requirement that States allow access to designated congressional election observers to observe the election administration procedures in congressional elections.”, do pass with the following

**AMENDMENT:**

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2       *This Act may be cited as the “Confirmation Of Con-*  
3 *gressional Observer Access Act of 2024” or the “COCOA Act*  
4 *of 2024”.*

5 ***SEC. 2. ACCESS FOR CONGRESSIONAL ELECTION OBSERV-***  
6 ***ERS.***

7       *(a) ACCESS REQUIRED.—Title III of the Help Amer-*  
8 *ica Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—*

1           (1) by redesignating section 304 and 305 as sec-  
2           tions 305 and 306; and

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

5   **“SEC. 304. ACCESS FOR CONGRESSIONAL ELECTION OB-**  
6               **SERVERS.**

7           “(a) *FINDING OF CONSTITUTIONAL AUTHORITY.*—Con-  
8   gress finds that, regardless of legislative action, it has the  
9   authority to send congressional election observers to observe  
10   polling locations, any location where processing, scanning,  
11   tabulating, canvassing, recounting, auditing, or certifying  
12   voting results is occurring, or any other part of the process  
13   associated with elections for Federal office under the au-  
14   thorities granted under article 1, section 5, clause 1 and  
15   article 1, section 4, clause 1 of the Constitution of the  
16   United States. Procedures described herein do not establish  
17   any new authorities or procedures with respect to Congress’  
18   constitutional authority to observe congressional elections  
19   but are provided simply to permit a convenient statutory  
20   reference for existing congressional authority and activity.

21           “(b) *REQUIRING STATES TO PROVIDE ACCESS FOR*  
22   *OBSERVERS.*—

23           “(1) *REQUIREMENT.*—A State shall provide each  
24   individual who is acting as a designated congress-  
25   sional election observer for an election for Federal of-

1     *fice with full access to clearly observe all elements of*  
 2     *election administration procedures, including, but not*  
 3     *limited to, access to any area in which a ballot is*  
 4     *cast, processed, scanned, tabulated, canvassed, re-*  
 5     *counted, audited, or certified, including during pre-*  
 6     *and post-election procedures.*

7             “(2) *RESTRICTIONS ON ACTIVITIES OF OBSERV-*  
 8     *ERS.—No designated congressional election observer*  
 9     *may handle a ballot or election equipment (whether*  
 10    *voting or nonvoting or whether tabulating or nontab-*  
 11    *ulating), advocate for any position or candidate, take*  
 12    *any action to reduce ballot secrecy or voter privacy,*  
 13    *take any action to interfere with the ability of a voter*  
 14    *to cast a ballot or an election administrator to carry*  
 15    *the administrator’s duties, or otherwise interfere with*  
 16    *the election administration process.*

17            “(3) *RULE OF CONSTRUCTION.—Nothing in this*  
 18    *section shall prohibit a designated congressional elec-*  
 19    *tion observer from asking questions of an election ad-*  
 20    *ministrator, election official, or election worker, or*  
 21    *any other State or local official.*

22            “(c) *CONDUCT OF OBSERVERS.—*

23               “(1) *REMOVAL.—*

24                   “(A) *AUTHORIZATION REMOVAL BY ELEC-*  
 25    *TION OFFICIAL.—If a State or local election offi-*

1        *cial has a reasonable basis to believe that a des-*  
 2        *ignated congressional election observer has en-*  
 3        *gaged in or imminently will engage in intimidat-*  
 4        *ion or deceptive practices prohibited by Federal*  
 5        *law, or in the disruption of voting, processing,*  
 6        *scanning, tabulating, canvassing, or recounting*  
 7        *of ballots, or the certification of results, a State*  
 8        *or local election official may remove that ob-*  
 9        *server from the area involved.*

10        “(B) NOTICE TO COMMITTEE.—If a des-  
 11        *ignated congressional election observer is re-*  
 12        *moved from an area under subparagraph (A),*  
 13        *the election official shall, within 24 hours of the*  
 14        *observer’s removal—*

15                “(i) inform the chair and ranking mi-  
 16                *nority member of the Committee on House*  
 17                *Administration of the House of Representa-*  
 18                *tives or the Committee on Rules and Ad-*  
 19                *ministration of the Senate, as applicable;*  
 20                *and*

21                “(ii) provide written notice detailing  
 22                *the reason or reasons the designated con-*  
 23                *gressional election observer was removed.*

24        “(2) RULE OF CONSTRUCTION.—For purposes of  
 25        *this subsection, the mere presence of a designated con-*

1      *gressional election observer during an observation of*  
 2      *election administration procedures, without any addi-*  
 3      *tional indicia supporting a reasonable basis for re-*  
 4      *moval, is not a sufficient reason for removal under*  
 5      *paragraph (1)(A).*

6            “(3) *RIGHT TO REPLACE OBSERVER.*—*If a des-*  
 7      *ignated congressional election observer is properly re-*  
 8      *moved under paragraph (1)(A), the chair or ranking*  
 9      *minority member of the Committee on House Admin-*  
 10     *istration of the House of Representatives or the Com-*  
 11     *mittee on Rules and Administration of the Senate, as*  
 12     *appropriate, may send another designated congres-*  
 13     *sional election observer as a replacement for the re-*  
 14     *maining duration of the observation of election ad-*  
 15     *ministration procedures.*

16          “(d) *DESIGNATED CONGRESSIONAL ELECTION OB-*  
 17     *SERVER DESCRIBED.*—*In this section, a ‘designated con-*  
 18     *gressional election observer’ is a House or Senate employee*  
 19     *who is designated in writing by the chair or ranking minor-*  
 20     *ity member of the Committee on House Administration of*  
 21     *the House of Representatives or the Committee on Rules and*  
 22     *Administration of the Senate, or a successor committee, to*  
 23     *gather information with respect to an election, including*  
 24     *in the event that the election is contested in the House of*  
 25     *Representatives or the Senate and for other purposes per-*

mitted by article 1, section 5, clause 1 and article 1, section 4, clause 1 of the Constitution of the United States.

“(e) *STATE DEFINED.*—In this section, the term ‘State’ means each of the 50 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.”.

(b) *CONFORMING AMENDMENT RELATING TO ENFORCEMENT.*—Section 401 of such Act (52 U.S.C. 21111) is amended by striking “and 303” and inserting “303, and 304”.

(c) *CLERICAL AMENDMENT.*—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; and

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

“Sec. 304. Confirming access for congressional election observers.”.

Attest:

Secretary.



118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H.R. 6513**

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**AMENDMENT**