

that actual adults, and no children, were used to create the visual images involved. This change would provide no help to defendants seeking to assert a "virtual porn" defense, which would still be blocked both for the new category of material created by the statute and any obscene child pornography. But in the case of a defendant who can, for instance, actually produce in court the 25-year old that is shown in the allegedly obscene material and prove that it is not, in fact, child pornography, or even virtual child pornography, the defense would be available. Indeed, Justice O'Connor in her concurring opinion in the Free Speech case specifically concluded that the prior law's prohibition on such "youthful adult" pornography was overbroad. As the testimony at our Committee hearing made clear, we should be careful not to repeat this mistake.

Other than that, this substitute is the exactly same as the substitute circulated by Senator HATCH before the Judiciary Committee's meeting on October 8, 2002. The definitions of child pornography are the same; the new tools for prosecutors to catch and punish those who exploit children are the same; the new tools given to the Center for Missing and Exploited Children are the same. This is, for all intent and purposes, the same as the Hatch-Leahy substitute.

This is a bipartisan compromise that will protect our children and honor the Constitution. I urge members from the other side of the aisle to join us. Do not hold this bill hostage as part of some effort at political payback or a "tit for tat" strategy. Let this bill pass the Senate and give law enforcement the tools they need to protect our children in the internet age.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HELP AMERICA VOTE ACT OF 2002—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 3295, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany (H.R. 3295), a bill to establish a program to provide funds to States to replace punchcard voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

Mr. DODD. I ask unanimous consent the conference report be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, there will now be 20 minutes of debate on the conference report.

Mr. DODD. I presume that time is equally divided between Senator MCCONNELL and myself.

The PRESIDING OFFICER. That is correct.

Mr. DODD. We spoke at some length yesterday, and my colleague from Missouri was very involved. I am prepared to reserve my time until Senator BOND and Senator MCCONNELL have time to talk about this report.

Mr. MCCONNELL. I yield 8 minutes to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today with a sense of relief and satisfaction that we have come to the end of this marathon to do something I believe everybody in this body and in the other body believe is vitally important. We need to change the system to make it easier to vote and tougher to cheat. I begin by offering my sincere thanks and congratulations to Senator DODD, to Senator MCCONNELL on our side, for their great work, to our good friends on the House side, Chairman NEY and Congressman HOYER. We have gotten to know them much better over the last months as we have worked together. This has been truly an heroic effort.

The 2000 election opened the eyes of many Americans to the flaws and failures of our election machinery, our voting systems, and even how we determine what a vote is.

We learned of hanging chads and inactive lists. We discovered our military's votes were mishandled and lost. We learned of legal voters turned away, while dead voters cast ballots. We discovered that many people voted twice, while too many weren't even counted once.

This final compromise bill—and it is a compromise in the truest sense of the word—tries to address each of the fundamental problems we have discovered.

For starters, this bill provides \$3.9 billion in funding over the next 5 years to help States and localities improve and update their voting systems. In addition to providing this financial help, we also provide specific minimum requirements for the voting systems so that we can be assured that the machinery meets minimum error rates and that voters are given the opportunity to correct any errors that they have made prior to their vote being cast.

This bill also provides funding to help ensure the disabled have access to the polling place and that the voting system is fully accessible to those with disabilities. A very special thanks to the Senator from Connecticut for this unwavering commitment to those goals.

We also create a new Election Administration Commission to be a clearinghouse for the latest technologies and improvements, as well as the agen-

cy who will be responsible for funneling the federal funds to States and localities. This reflects a great deal of effort by the distinguished Senator from Kentucky.

Then the bill attempts to address one of my key concerns, and that of course is the issue of vote fraud.

Now, I like dogs and I have respect for the dearly departed, but I do not think we should allow them to vote. Protecting the integrity of the ballot box is important to all Americans, but especially to Missouri because of our State's sad history of widespread vote fraud. This legislation recognizes that illegal votes dilute the value of legally cast votes—a kind of disenfranchisement no less serious than not being able to cast a ballot.

If your vote is canceled by the vote of a dog or a dead person, it is as if you did not have a right to vote. Much has been said about this. We have even heard from some colleagues in groups that vote fraud does not really exist. We have been told by professors and other learned folks in ivory towers that vote fraud really only exists in movies. Well, gang, come down out of your ivory towers. We can explain it to you. We know better.

In just the past month we learned of voter scams in Pennsylvania, and now we are learning of an ongoing FBI investigation in South Dakota where the media reports:

Every vote counts—unless ballots are being cast by people who don't exist, are dead, or who don't even live in South Dakota. A major case involving those voter fraud issues has been under investigation by the FBI for the past month.

If vote fraud is happening in South Dakota, it could be happening everywhere. In fact, in a report just released, which reviewed voter file information across State lines, nearly 700,000 people were registered in more than one State and over 3,000 double-voted in the 2000 election. That is 3,000 vote fraud penalties, felonies, waiting to be prosecuted. I hope local, State, and Federal officials involved will aggressively pursue these crimes.

But, as I have said numerous times since I began this quest with Senators DODD and MCCONNELL many months ago, I believe that an election reform bill must have two goals—make it easier to vote but tougher to cheat.

Lets discuss for a moment a few of our registered voters: Barnabas Miller of California, Parker Carroll of North Carolina, Packie Lamont of Washington, D.C., Cocoa Fernandez of Florida, Holly Briscoe of Maryland, Maria Princess Salas of Texas and Ritzy Mekler of Missouri.

They are a new breed of American voter. Barnabas and Cocoa are poodles. Parker is a Labrador. Maria Princess is a Chihuahua, Holly is a Jack Russell Terrier, and Ritzy is a Springer-Spaniel.

So has our voting system really gone to the dogs? And what can we do about it? This final bill takes this issue

square on, and I am very pleased that this final agreement retains and strengthens the anti-vote fraud provisions we spend so much time fighting to include:

New voters who choose to register by mail must provide proof of identity at some point in the process, whether at initial registration, when they vote in person or by mail. Among the kinds of acceptable forms of identification: utility bill, government check, bank statement, or drivers license—no dog licenses, please. In lieu of the individual providing proof of identity, States may also electronically verify an individual's identity against existing State databases. This should go a long way toward solving the fraud occurring in South Dakota.

States will be required to maintain a statewide voter registration list.

Mail-in registration cards will now require applicants specifically to affirm their American citizenship.

The bill makes it a Federal crime to conspire to commit voter fraud. Those behind illegal vote fraud activities will be subject to penalties, not just the poor operatives who signed the fraudulent applications.

Voters who do not appear on a registration list must be allowed to cast a provisional ballot. Voters without proper identification are also allowed to vote provisionally, but no provisional ballot will be counted until it is properly verified as a legal vote under state law.

If a poll is held open beyond the time provided by State law, votes cast after that time would be provisional and held separately.

Finally, voters will be required to include either their driver's license number or the last four digits of their social security number on their voter registration form. Again, this reform will also help in uncovering the fraud that is occurring in South Dakota.

I believe that these meaningful reforms will go a long way to helping states clean up voter rolls, and thus clean-up elections.

Will Rogers once said, "I love a dog. He does nothing for political reasons." Our election laws should keep it that way.

Mr. President, the Help America Vote Act contains many important provisions that will improve the equipment voters use to cast ballots at the polls. It also will take major steps to prevent fraud, which disenfranchises voters by cancelling the votes of legal voters with illegal votes. This bill follows in the path of the Voting Rights Act, the National Voter Registration Act and other Federal voting statutes that enhance the voting rights of all Americans and protect the exercise of their franchise. These important provisions deserve further review so their meaning and the intent of Congress in including the provisions in the bill is clearly understood.

By passage of this legislation, Congress has made a statement that vote

fraud exists in this country. The many reported cases and incidents of registration and vote fraud revealed in testimony before Congress, in our debates and in the press make it imperative that we implement such standards that are clearly within the Constitutional power and prerogatives of Congress.

A principle concern of Congress addressed in this bill is the abuse of mail registration cards, created by Congress as part of the National Voter Registration Act, for the purpose of committing vote fraud. The creation by Congress of the mail registration cards opened a new avenue for vote fraud in many States. NVRA requires States and localities to accept registration cards through the mail while limiting the ability of states and localities to authenticate or verify the registrations. Accordingly, the mail-in registration cards have become a means of unscrupulous individuals to register the names of deceased, ineligible or simply non-existent people to vote.

In my home State of Missouri, there is abundant evidence of these cards being used for the purpose of getting phony names, the names of the deceased and even the names of pets on voter rolls. Someone even registered the deceased mother of the prosecuting attorney of the City of St. Louis. Names have been registered to drop-houses, businesses, union halls, Mail-box Etc. and vacant lots. From there the people behind the fraud can request an absentee ballot in the name of the voter or attempt to go to the polls and cast a vote under the assumed name.

Congress agreed that while the mail-in cards have made registration more accessible, the policy has also created increased opportunities for fraud. To address this, we created an identification requirement for first-time voters who register by mail. The security of the registration and voting process is of paramount concern to Congress and the identification provision and the fraud provisions in this bill are necessary to guarantee the integrity of our public elections and to protect the vote of individual citizens from being devalued by fraud. Every false registration and every fraudulent ballot cast harms the system by cancelling votes cast by legitimate voters. It undermines the confidence of the public that their vote counts and therefore undermines public confidence in the integrity of the electoral process.

Under this new Federal requirement, those who choose to register by mail will have to show identification before the first time they vote in that jurisdiction. If the voter is registering to vote in a State that has a statewide voter registration system complying with the requirements of this bill, the voter will have to show identification before the first time they vote in that state. The voter has to show identification at some point between the time they register and the time they vote. To comply with the identification re-

quirement, the voter can include a copy of the identification with their registration card, a copy of the identification can be included with an absentee ballot or it can be shown when the voter goes to the polling place. The option of the voter to vote absentee or to vote at the polls is not limited but the objective of Congress is fulfilled by voters who register by mail verifying the identify of the voter at some point before they cast their first vote.

It must be noted, that in drafting the bill, the authors of the Senate bill conducted extensive research. It was the conclusion of the authors based on the research that it is in the capacity of the chief state election official and the overwhelming majority of election jurisdictions to track the names of those who register by mail. With that information, the election jurisdictions will have accurate and ample information to determine which voters will be required under the terms of this statute to present identification at the polls. It has been argued that there is likely to be confusion at the polls because states will not have the information as to first time voters. This concern was carefully weighed by the bill's authors and the conferees and it was agreed that the evidence does not support the assertion.

Regarding the numerous criticisms of this section: this provision will not result in voters being denied the right to vote. Voters who do not have the identification required will be given the opportunity to cast a fail safe ballot. Voters who are at the polls will cast a provisional ballot and those who vote by mail will have their ballots subject to additional review to determine validity of the registration.

This provision does not single out those who register by mail in an improper manner, rather it builds on the existing structure Congress created in the National Voter Registration Act. When creating mail registration, Congress recognized the potential for fraud and authorized states to require mail registrants to vote in person the first time they vote. The approach proved to be inadequate so in this bill we took additional steps. The approach we took, however, was already paved in the passage of the National Voter Registration Act.

This provision is not discriminatory; the documents required for identification are widely available. The Department of Transportation statistics report that more than 90 percent of Americans of voting age have a drivers license. But to be certain no one will be negatively impacted, the conferees included carefully crafted and balanced identification requirements. The required pieces of identification include items widely available to all citizens, including the disabled, the poor, new citizens, students and minorities.

For example, positive identification is required to apply and receive food stamps. When applying for food stamps, the required identification is

very similar to that required in this bill, including a driver's license or some other identification that allows the state to verify the identify of the applicant for the purpose of preventing fraud. Provision and verification of an existing social security number is required before a person can qualify for Federal temporary assistance. The steps taken in this bill are in line with the steps taken by the Federal Government to prevent fraud in welfare assistance. Surely clean elections, accurate results and faith in the election process is as an important of an objective as preventing welfare fraud. The conferees also agree that the provision is something that can be readily complied with by the disabled. As we know, many of the disabled are in the work environment, therefore will be in possession of a paycheck or tax return or other government document bearing the name and address of the voter. As stated, Federal benefits require an identification. For those who use state or federal services, they again will have identification or another government document related to the provision of the service. Again, great steps have been taken to ensure that all Americans can comply with this provision.

The aged, disabled, the poor and members of minority groups are most often the target of fraudulent registration and absentee ballot fraud schemes that take advantage of the lack of security in the system, their ability to register to vote and cast a ballot will be enhanced most by this legislation.

The identification requirements do not run afoul of the Voting Rights Act. In fact, Assistant Attorney General for Civil Rights Ralph Boyd in a letter to the Senate stated that the identification provision does not violate the Voting Rights Act. The identification requirement gives the voter choices as to where and at what point in the process to produce identification. The ability of the states to apply this provision in an arbitrary or discriminatory manner is limited by giving the choice to the voter. Furthermore, Congress explicitly provided that the identification requirements are to be administered in a uniform and nondiscriminatory manner. Election officials must ask all people for identification when the legislation calls for it.

The first time voter ID requirements for those who register by mail are obviously not discriminatory since they apply to all voters regardless of race, color or ethnic origin and must be applied in a uniform and nondiscriminatory manner.

It must be noted that one form of identification required is a current valid photo identification. It is the intent of the conferees that this identification be issued by a government entity or a legitimate recognized employer. The conferees agree that the identification should not be that of a party organization, a political organization, a club or a retail establishment.

The conferees intend that the photo identification be something that is extremely difficult to falsify or procure under false pretenses.

Congress intends the Help America Vote Act to work along side the National Voter Registration Act. However, the identification provision, section 303(b) Requirements for Voters Who Register By Mail, may be read by some courts or other parties to require action or conduct prohibited by NVRA.

It is the intent of Congress that voters who register by mail show identification. If a court reads this obligation to conflict with any other statute, it is the intent of Congress that section 303(b) of the Help America Vote Act control in such a situation. Congressional intent is reflected by the presence of section 906, which clearly states that this section will be controlling.

The conferees recognize that many States have taken steps to address fraud. A number of those steps may go beyond that set in this bill. It is the agreement of the conferees that this bill in no way limits the ability of the states from taking steps beyond those required in this bill. For instance, several States require those who register by mail to vote in person the first time they vote. This bill does not limit a State from taking this additional step to address fraud. Each of the steps taken in this bill to address fraud shall be considered to be a minimum standard.

This legislation sets an additional Federal mandate. All people registering to vote for a Federal election will be required to provide a driver's license number or the last four digits of their social security number on the registration card when they register to vote. If an applicant has neither, the registrant should indicate so and the State will provide a number at the time the application is processed. No registration can be processed unless this information is included.

The authors of this bill found that voter rolls across the country are inaccurate or in very poor order, the condition in many jurisdictions, particularly the large jurisdictions, are in a state of crisis. Voter lists are swollen with the names of people who are no longer eligible to vote in that jurisdiction, are deceased or are disqualified from voting for another reason. It has been found that 650,000 in this country are registered in more than one State. As of October of 2002, 60,000 people were registered in Florida and at least one other state. In St. Louis County, some 30,000 people were registered to vote in the county and at least one other county in the State.

The conferees agree that a unique identification number attributed to each registered voter will be an extremely useful tool for State and local election officials in managing and maintaining clean and accurate voter lists. It is the agreement of the conferees that election officials must have such a tool. The conferees want the

number to be truly unique and something election officials can use to determine on a periodic basis if a voter is still eligible to vote in that jurisdiction. The social security number and driver's license number are issued by government entities and are truly unique to the voter. They are the most unique numbers available, that is why the conferees require the voter to give the number.

Again, it is the intent of the conferees to impose a new Federal mandate for voter registration.

Under this bill, the use of the full social security number is not required, a partial social security number is required. That requirement does not conflict with the terms of the Federal privacy act. The privacy act states that people cannot be required to give their social security number except for limited purposes. Registering to vote is not one of the exceptions. But the privacy act protection is limited to the full social security number, there.

The conferees do not want this requirement to conflict with the privacy act, therefore, language was included in the bill to clarify the privacy act with regard to the partial social security number. The bill clarifies that the partial social security number is not covered by the privacy act, so asking for four digits will not conflict in any way.

Finally, It is important to note that states that utilize full social security numbers for voter registration applicants can continue to do so after passage of this legislation. This new registration requirement is a minimum standard. If a state requires applicants to provide more information—such as their entire nine-digit social security number—this legislation will not override that state requirement.

Section three of the legislation is known as the minimum standards section. It includes minimum standards for federal election to be adopted by the states. The first of the mandates concerns the voting system, which includes the type of voting machine or method used by a jurisdiction. This section will require the voting system to meet minimum standards. However, the legislation does not seek to ban the use of a particular type of system and it does not instruct a jurisdiction as to what type of system to use. The intent of the bill is to improve the system used; it is not the intent of the legislation to prohibit a jurisdiction from using any type of system or to ban a voting system.

Under this minimum standard, the voting system in every jurisdiction will have three requirements. First, the voter has to be permitted to verify the votes they cast. This requirement gives the voter the opportunity to review the ballot after it is filled out and before it is cast so that the voter himself can determine if he made a mistake in filling out the ballot. The second requirement

gives the voter the right to a replacement ballot. The intent of this provision follows on the verification provisions; if a voter finds that he has made a mistake he can ask a poll worker for a replacement ballot for the voter to fill out and cast. The first ballot, of course, will be invalidated by the poll workers. This provision also applies to mail-in voting and absentee voting. It does not require a state or jurisdiction to do anything other than provide a voter the opportunity to get a replacement ballot. It is incumbent upon the voter to do so before any deadline for submitting the absentee or mail ballot.

The next voting machine related requirement has to do with over votes, voters who cast more than one vote in a single race and spoil their ballot. Certain voting technologies, such as the DRE, precinct-based opti-scan and lever machines, notify the voter that they have voted more than once in a single race. If the technology can notify the voter, this section requires that it is employed and voters be notified. There are certain technologies that do not notify the voters of overvotes, such as paper ballots, central count systems, punch-card systems and absentee ballots. To satisfy the requirement, jurisdictions that use this system will be required to have in place a voter education system to inform the voter of the consequences of overvoting and the remedies that are available should they overvote. This is a compromise and it is consistent with the clear intent of the authors of this bill not to eliminate any type of voting system and allow jurisdictions to choose the system that is best for that jurisdiction.

The legislation also requires every jurisdiction in every State to offer voters who claim to be registered in a jurisdiction but do not appear on the voter rolls for that jurisdiction the right to cast a provisional ballot. If the voter provides the required information and attests to their belief of being properly registered, the voter will be given a provisional ballot. No voter will be turned away from the polls because of a mistake or oversight at the administrative level.

There are several points I want to make as to how the provisional vote is to operate. I also want to clarify the intent of the authors as to the extent and limit of the right conferred on the voter by this section.

The provisional ballot will be extended to those who arrive at the polls to find that their name does not appear on the register of voters. The statute states that the poll worker shall inform the voter of the right to vote by provisional ballot. That right, however, is extended to those who believe that they are registered to vote and are registered to vote in that particular jurisdiction.

It is not the intent of the authors of this bill to extend the right to vote by provisional ballot to everyone who shows up at the polls and is not reg-

istered or for those who are not eligible to vote in the election. The intent is to provide protection to those who in fact registered but do not appear on the register because of an administrative mistake or oversight.

Before one can get a provisional ballot, the voter must sign an affidavit attesting to the fact that he believes he registered to vote in that jurisdiction and that he is eligible to vote in that election. So in addition to the registration question, the voter must also state that he is not disqualified from voting in the election, such a reason may include felony status or the voter has already cast an absentee vote in the race.

Once the voter turns over his ballot, it will not be tabulated until the information provided by the voter as to his registration status is verified. In verifying the information about the voter, the language of the statute states that the information provided shall be transmitted to a state or local election official for verification of the information. This language reflects the intent of the authors of the bill that the registration and eligibility of the voter be verified by an election official before the ballot is counted. It is also the intent of the authors that the verification be done by someone other than the poll workers and that the ballot be segregated from other ballots until that information is verified. The authors went to lengths to ensure that the ballot is not simply counted once cast, rather a review of the information is to be conducted on the status of the voter.

Furthermore, ballots will be counted according to state law. If it is determined that the voter is registered in a neighboring jurisdiction and state law requires the voter to vote in the jurisdiction in which he is registered, meaning the vote was not cast in accordance with State law, the vote will not count. It was contemplated by the authors of the statute that under such circumstances, the vote will not count. It is not the intent of the authors to overturn State laws regarding registration or state laws regarding the jurisdiction in which a ballot must be cast to be counted.

Additionally, it is inevitable that voters will mistakenly arrive at the wrong polling place. If it is determined by the poll workers that the voter is registered but has been assigned to a different polling place, it is the intent of the authors of this bill that the poll worker can direct the voter to the correct polling place. In most States, the law is specific on the polling place where the voter is to cast his ballot. Again, this bill upholds state law on that subject.

The legislation also speaks to efforts, through litigation or otherwise, to extend polling hours beyond those set by law. Under this bill, those who vote in an election as a result of an order extending polling hours, they will be required to cast a provisional ballot. This

section only covers those who vote as a result of the order, it does not cover those who are in line before the polls close but cast their ballot after the closing time.

Those who vote as a result of the order will cast a provisional ballot and the ballots are to be held separately from other provisional ballots cast in that race.

As we have seen before in elections, lower courts have issued orders to extend polling hours only to have their order overturned later in the day. But prior to passage of this bill, once ballots are cast, we have no way of retrieving those ballots and candidates will be credited with votes that should never have been cast. With the method required by this legislation, the ballots of those voting based on the order will be segregated and identifiable. If the order is overturned, the parties involved in the election and perhaps the courts can then determine how to reconcile those ballots. It only seems fair that if the order is overturned and a higher court decides that the polling hours should not have been extended, then the ballots cast as a result of that order should not count for or against any of the candidates.

The legislation also requires states to set up a computerized, statewide voter registration system to maintain the names of all registered, eligible voters. It has been discovered that in states across the country, registration lists contains the names of people who have left the jurisdiction, who are not eligible to vote because of their status as a felon, who are deceased or who are not eligible to vote in that jurisdiction for any number of reasons.

As I prepared to draft this legislation, I reviewed the voting lists in two jurisdictions in my State, St. Louis City and St. Louis County. In the city, I found that one in ten voters were also registered somewhere else in the State and at the time of the November 2000 election, there were more registered voters than there were city residents of voting age. In St. Louis County, I found nearly 35,000 people who were registered somewhere else in the State. It was not unusual to find people who were registered four times in the state.

It is well documented that registration lists around the country as in disarray; they are bloated and contain the names of thousands of people that no longer belong on the list. In part, this is because we live in an increasingly mobile society. It is also because congress made it more difficult for localities to maintain clean lists when Motor Voter was passed.

Under this law, States will be required to maintain a State system and therefore the central database of information containing the names of all registered voters in the state.

In most States, registration will be maintained for the first time on a statewide basis rather than jurisdiction by jurisdiction. This will not affect the obligation on the States to

conduct list maintenance according to the provisions of the National Voter Registration Act. First, for those States who are exempt from motor voter, this will not affect that exemption and it will not affect the way they maintain their voter lists. All other States must comply with NVRA maintenance provisions. This legislation does not limit the circumstances under which States can remove names from voter lists. The notice provisions must still be complied with, although they have been altered by the terms of this legislation.

The requirement for a state-wide registration system will enhance the integrity of our election process, making it easier for citizens to vote and have their ballots counted, while clearing ineligible and false registrations from the voter rolls.

The Help America Vote Act also includes two new crimes directed at those who commit vote fraud. This should be taken as further evidence of the extent of the concern of the conferees and Congress at large about voter fraud and the lengths that should be gone to stop voter fraud. One section in particular section, 905(a), requires additional clarification.

This section is as well intended to work with NVRA. Under NVRA, people who use the mail registration card for the purpose of committing vote fraud are subject to a criminal penalty. The reading of NVRA appears to limit that to the person who actually commits the act, whether it be sign the false card, mail the false card or turn it in to the election officials. Section 905(a) of the Help America Vote Act, is intended to extend that reach of the statute to cover those who organize the fraudulent use of mail registration cards or who conspire with others to use the mail registration cards to commit vote fraud. Therefore, it is clear it is the intent of Congress to extend the reach of the law to get the conspirators and the ring leaders in committing vote fraud.

Mr. President, I close expressing my sincere appreciation to the staff. On Senator DODD's staff: Shawn Maher, Kennie Gill, and Ronnie Gillespie. On Senator MCCONNELL's staff: Brian Lewis, Leon Sequeira, and Chris Moore. On the staff of Congressman NEY: Paul Vinovich, Chet Kalis, Roman Buhler, Matt Peterson, Pat Leahy. On Congressman HOYER's staff: Keith Abouchar, Lennie Shambon, and Bill Cable.

Mr. MCCONNELL. Mr. President, I thank Senator DODD for that statement which clearly reflects the intent of the authors of the bill on these important sections. If the Senator would yield, I would like to ask him some questions regarding various sections of this bill.

This conference report has a section on alternative language accessibility of voting systems, but the bill does not expand the language accessibility beyond what is already required under

the Voting Rights Act. Is that the understanding of the conferees on alternative language accessibility?

Mr. BOND. That is correct. The Voting Rights Act requires certain voting materials to be available to the language groups delineated in the Voting Rights Act statute. The language in the bill simply States that the statute should be enforced. It is the intent of the authors to display our belief that enforcement of the Voting Rights Act is important but it is not the intent of the authors to expand that right.

Mr. MCCONNELL. If the Senator would yield, I have a few more questions.

This bill makes significant changes in the voter registration process for Federal elections. These changes are designed to clean up our Nation's voter registration lists and reduce fraudulent registrations and voting. Congress has a compelling interest in protecting the integrity of the Federal election process. This legislation will further that interest by helping to ensure accurate voter rolls, which is the first step in ensuring fair elections. The senior Senator from Missouri was a conferee on this bill and he has seen many instances of duplicate voter registrations and voter fraud in his State. I would like to ask the Senator from Missouri if his understanding of the function and purpose of these new provisions is consistent with my understanding and the intent of the conferees on this conference report.

The conference report on H.R. 3295 requires that individuals who register to vote on or after January 1, 2004, for Federal elections must provide their driver's license number on the registration form. If the individual has not been issued a valid driver's license number, then that individual must provide the last four digits of his or her social security number on the registration form. In the unlikely event that an individual has neither been issued a driver's license number, nor a social security number, the State shall issue that individual a random registration number.

The State will then verify the registration information provided by the individual with information in the State's department of motor vehicle database. The State's department of motor vehicle database will be also be cross-checked against Social Security Administration records. It is important to note that States that utilize full social security numbers for voter registration applicants can continue to do so after passage of this legislation. This new registration requirement is a minimum standard. If a State requires applicants to provide more information—such as their entire nine-digit social security number—this legislation will not override that State requirement.

Furthermore, the new computerized statewide registration systems that we require States to implement will also help safeguard voter registration lists

against fraud. A State's use of a statewide voter registration list will not, however, override State registration requirements. Thus, even though a voter's registration information has been entered into the statewide list that does not mean a voter will never have to re-register if that voter moves to a different jurisdiction within the State. The intent of the conferees is to provide a centralized list of registered voters to help guard against fraud. The intent is not to create one-time registration for voters and force States to let individuals vote from locations other than the precinct in which the voter is registered.

I ask the Senator from Missouri if my explanation of these provisions reflects the intent of the conferees on this legislation?

Mr. BOND. I agree with the Senator from Kentucky. His understanding of these new voter registration provisions is correct. These provisions were designed to create more accurate voter lists and help ensure the integrity of elections. Recent studies have found that there are more than 720,000 people registered in more than one State. Duplicate registrations provide the opportunity for unscrupulous people to commit fraud and undermine honest elections by, in effect, invalidating legally cast ballots.

Voter fraud can occur in many ways: submitting registration forms in the name of deceased or fictitious people is one of the most common. But some folks even fill out registration cards in the name of their pet. In my home State of Missouri and in several other States and localities across the country, we have seen serious documented cases of fraudulent voter registrations. I have spoken many times of the fraud in St. Louis in the 2000 election and this is an ongoing and indeed, a nationwide, problem. Just last week, we learned that the FBI is investigating widespread voter fraud in South Dakota and Pennsylvania.

Based on the extensive documentation we have seen, there can be no doubt that voter fraud is a serious and real problem in Federal elections. The use of driver's license numbers and full or partial social security numbers will help elections officials to verify the identity and eligibility of individuals and reduce fraudulent voter registrations from being added to our voter rolls.

I should also note that these provisions apply to all registrants for Federal elections regardless of the registrant's race, color or ethnic origin. It is not a burdensome or discriminatory requirement in any way. In fact, several States already require individuals to provide this type of information on voter registration applications. Some States require even more information from applicants, such as their full nine-digit social security number. We have seen that States that require additional identifying information from registrants have substantially fewer

duplicate and fraudulent registrations on their voter rolls.

So, again, I agree with the Senator from Kentucky and am pleased to report the conferees agreed that voter fraud is a serious problem and included these provisions to help reduce that fraud and clean up the Nation's voter rolls.

Mr. MCCONNELL. I would also like to ask my fellow conferee, the Senator from Missouri, about another voter registration provision in this legislation. It is my understanding that some voter registration applications currently in use are ambiguous with regard to questions about an applicant's citizenship status. Because of these ambiguous questions and instructions for answering the questions, the conferees concluded that registration forms should provide additional guidance to registration applicants and election officials who process voter registrations.

This legislation requires that voter registration applications contain a question asking whether the applicant is a U.S. citizen and boxes for the applicant to answer the question by checking "yes" or "no." If neither box is checked, the election official must return the application to the individual with instructions to complete the form. In effect, we have created a second-chance registration opportunity. The individual's registration application cannot be processed and the individual cannot be registered unless the citizenship question is answered—and answered affirmatively. The registration form shall also inform the applicant of this procedure I have just described.

Mr. BOND. The Senator from Kentucky has accurately described the intent and effect of this provision. I would also add, as I am sure the Senator from Kentucky recalls, we learned that many jurisdictions in this country have experienced continual confusion over citizenship questions on registration forms. Some jurisdictions simply discard registration applications or do not process the application when an individual does not answer the citizenship question. Other jurisdictions register individuals even though the individual did not answer the citizenship question. Both of these scenarios threaten the integrity of Federal elections. By requiring that incomplete registration cards be returned to applicants, we help ensure that those who innocently overlooked part of the registration form will be provided a second opportunity to complete it.

As previously Stated, Congress has a compelling interest in protecting the integrity of the Federal election process. The conferees on H.R. 3295 believe that through this additional instruction about the citizenship question, both voter registration applicants and elections officials will take the appropriate actions to ensure those who are entitled to register are actually registered. Through this clarification and requirement that individuals affirma-

tively declare their U.S. citizenship, we help ensure that only eligible voters vote in Federal elections.

Mr. MCCONNELL. I would also like to ask the senior Senator from Missouri about language in section 301 of the conference report. Section 301(a)(1), regarding Voting System Standards, says a voting system shall permit a voter to verify in a private and independent manner the votes selected. Section 301(a)(1) also says a voting system shall provide a voter an opportunity in a private and independent manner to change his or her ballot before the ballot is cast and counted.

Am I correct that the conferees included the language "in a private and independent manner" to ensure that individuals can verify and change their votes free from intimidation or coercion from poll workers, election officials or others?

Mr. BOND. The Senator from Kentucky is correct. The language "in a private and independent manner" was added to the Voting System Standards requirements to underscore the conferees' belief that voters should not be harassed or intimidated at the polling place. Section 301(a)(1)(C) of the conference report also emphasizes that the privacy of the voter and confidentiality of the ballot is paramount. If a voter chooses to review his ballot and or make changes to his ballot, he should be able to do so free from the interference of others.

Mr. MCCONNELL. I have a couple of more questions for the Senator from Missouri. The Conference Report on H.R. 3295 contains a new requirement that voters in Federal elections have the opportunity to cast a provisional ballot in cases where that person's name does not appear on the list of eligible voters at a polling site and the voter declares that he or she is properly registered to vote at that polling site. I would like to ask the senior Senator from Missouri about the provisional ballot requirement.

Am I correct that this legislation does not require a State or locality to count a provisional ballot cast by an individual who is not properly registered in the jurisdiction where the individual attempts to vote? And furthermore, this legislation does not require a State or locality to permit a voter who is not registered in a jurisdiction to vote from that jurisdiction?

And am I also correct that a provisional ballot will be provided to a voter if a poll worker or other individual, pursuant to State law, challenges a voter's eligibility to cast a ballot?

Mr. BOND. I agree completely with the Senator's description of this provision. Congress has said only that voters in Federal elections should be given a provisional ballot if they claim to be registered in a particular jurisdiction and that jurisdiction does not have the voter's name on the list of registered voters. The voter's ballot will be counted only if it is subsequently determined that the voter was in fact properly reg-

istered and eligible to vote in that jurisdiction.

In other words, the provisional ballot will be counted only if it is determined that the voter was properly registered, but the voter's name was erroneously absent from the list of registered voters. This provision is in no way intended to require any State or locality to allow voters to vote from any place other than the polling site where the voter is registered.

Further, as the Senator from Kentucky correctly pointed out, if State law permits the challenge of provisional voters by someone other than election officials, this legislation does not prevent that particular State practice.

Mr. MCCONNELL. I thank the distinguished Senator from Missouri for his insightful answers to my questions and for his tireless work on this conference report. I urge my colleagues to vote for the conference report.

Today is a monumental day for the United States Senate. After 22 months of hard work, we are finally ready to vote, and hopefully overwhelmingly approve, election reform legislation. The House-Senate conference committee has presented this body with an outstanding piece of legislation.

This conference report will usher in tremendous improvements to the elections process across this country and the Federal Government will share the costs. Through the establishment of an independent bipartisan commission, States will receive the best objective information on improving election systems.

The conference report will ensure that those who are legally registered and eligible to vote are able to do so, and do so only once. The new requirements for the creation of statewide voter registration databases, voter registration and mail-in registrants voting for the first times are the core of the new protections against fraudulent registration and fraudulent voting.

I thank the State and local organizations that have been there with us from the beginning and a special thank you to Doug Lewis from the Election Center. Mr. President, I ask unanimous consent to have printed in the RECORD a list of those organizations whose expertise and support was invaluable throughout the process.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MCCONNELL. Once again I would like to thank and congratulate Senators' DODD and BOND and Congressmen NEY and HOYER and the rest of the election reform conferees.

I strongly urge my colleagues to join me in supporting this historic conference report.

In my remarks yesterday I thanked the various staff members on both sides of the aisle for their outstanding work.

Also I ask unanimous consent an editorial in today's Wall Street Journal

called "Dead Men Voting" about the scandal unfolding in South Dakota be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 16, 2002]

VOTER FRAUD WANDERS OFF THE RESERVATION

(By John H. Fund)

Today the Senate will approve and send to President Bush a landmark bill that will upgrade voting machines and begin to curb the voter fraud that is creeping into too many close elections. It can't come soon enough. Last week, a massive vote-fraud scandal broke out in a Senate race in Tom Daschel's home state of South Dakota that could determine control of that body.

The FBI and state authorities are investigating hundreds of possible cases of voter registration and absentee ballot fraud. Attorney General Mark Barnett, a Republican, says the probe centers on or near Indian reservations. "All of those counties are being flooded with new voters," says Adele Enright, the Democratic auditor of Dewey County. "We just got a huge envelope of 350 absentee ballot applications postmarked from the Sioux Falls office of the Democratic Party."

Steve Aberle, the Dewey County state's attorney, says, many of the applications are in the same handwriting. At least one voter, Richard Maxon, says his signature was forged. Mr. Aberle, a Democrat with relatives in the Cheyenne River Tribe, says many Native Americans have wanted little to do with "the white man's government." But this year many tribal elections have been scheduled for Nov. 5, the same day as the critical election for Democrat Tim Johnson's Senate seat. A Democratic Senatorial Campaign Committee memo last month noted that the "party has been working closely with the Native population to register voters and Senator Johnson has set up campaign offices on every reservation."

More and more counties are uncovering fraud. Rapid City officials are investigating two brothers who may have forged registrations. Denise Red Horse of Ziebach County died Sept. 3 in a car crash. But both Ziebach and Dewey counties found separate absentee-ballot applications from her dated Sept. 21 in bundles of applications mailed from Democratic headquarters. Maka Duta, who worked for the Democratic Party collecting registrations in Ziebach, bought a county history book that contains many local names. Some are turning up in the pile of new registrations. At least nine absentee ballot requests have been returned by the post office. Mable Romero says she receive a registration card for her three-year-old granddaughter, Ashley. Some voters claim to have been offered cash to register to vote. In both Dewey and Ziebach counties, the number of registered voters easily exceeds the number of residents over 18 counted by the 2000 census.

Renee Dross, an election clerk for Shannon County, says her office has received some 1,100 new voter registrations in a county with only 10,000 people. "Many were clearly signed by the same person," she says. Some registrants actually live in neighboring Nebraska. As in most states, South Dakotans are on an "honor system" and don't show photo ID to register or vote. Only the unprecedented flood of applications raised any suspicions.

State Democrats told the Christian Science Monitor they expect 10,000 new votes from the Indian reservations this year. In 1996, Sen. Johnson won by only 8,600 votes. Russell LaFountain, the director of Native

Vote 2008, says his organizers are encouraging "strong absentee balloting." Pine Ridge Reservation residents told me that 11 workers are being paid \$14 an hour to contact voters. The statewide Indian voter project is run by Brian Drapeaux and Rich Gordon, two former staffers for Sen. Daschle. Democratic officials say they've fired Ms. Duta and claim they were the first to bring the fraud to light. Ms. Enright, the Dewey County auditor, says that claim isn't true and is "pure spin."

Voter fraud isn't unknown on reservations. Democrats have often given out free tickets to Election Day picnics for voters on the Pine Ridge Reservation, where 63% of people live below the poverty level. In 1998, that prompted U.S. Attorney Karen Schreier, a Democrat, and Attorney General Barnett, a Republican, to write an unusual joint letter to county auditors noting that "simply offering to provide" food or gifts "in exchange for showing up to vote is clearly against the law." Amazingly, Kate Looby, the Democratic candidate for secretary of state this year, has criticized laws barring the holding of picnics for those who vote. She also wants to drop restrictions on absentee voting.

Making voting easy is desirable, but only if legitimate voters don't have their civil right cancelled out by those who shouldn't vote. In 1980, only about 5% of voters nationwide cast absentee or early ballots. Now nearly 20% do. "Absentee voting is the preferred choice of those who commit voter fraud," says Larry Sabato, a professor at the University of Virginia. He suggests media outlets set up "campaign corruption hotlines" and begin taking voter fraud seriously. The Miami Herald won a Pulitzer Prize in 1998 after its stories on how 56 absentee-ballot "vote brokers" forged ballots in a Miami election. The sitting mayor was removed from office.

In Texas, Democrat state Rep. Debra Danburg, who chairs the state House elections panel, has tried without success to reform absentee-ballot laws that are so loose she says they make "elderly voters a target group for fraud." Eric Mountain of the Dallas County district attorney's office says some campaigns have paid vote brokers \$10 to \$15 a ballot. Many seniors are visited at home and persuaded to have someone mark an absentee ballot for them. Others have absentee ballots stolen from their mailboxes.

The law Congress is passing addresses some of the problems the federal government created with the 1994 Motor Voter Law. Let's hope the latest scandal in South Dakota—uncovered only due to incredibly sloppy cheating—prompts states to examine their own absentee-ballot laws so they will stop being treated as an engraved invitation to fraud.

EXHIBIT 1

Thank you to the following organizations for their significant contributions and steadfast support:

Election Center;
National Association of Secretaries of State;
National Association of Counties;
National Conference of State Legislatures;
National Association of State Election Directors; and
National Association of County Recorders, Election Officials and Clerks.

CHALLENGE BALLOTS

Ms. COLLINS. Maine has same day registration so a voter can register at the polls or at a public office nearby and vote on the same day. If someone challenges the voter's right on that day, the ballot is marked as a challenged ballot. If a voter goes to the

polls to vote and does not have identification or does not appear on the voting rolls, the presiding election official will challenge the voter, and his or her ballot will be treated as a challenged vote. The presiding election official keeps a list of voters challenged and the reason why they were challenged. After the time for voting expires, the presiding election official seals the list. The challenged votes are counted on election day. In the even of a recount, and if the challenged ballots could make a difference in the outcome of the election, the ballots and list are examined by the appropriate authority. The distinguished Chairman and Ranking Member of the Senate Committee on Rules have done excellent work crafting the important bill before us. I would ask them whether, then, Maine's system complies with this Election Reform Act?

Mr. DODD. I thank the Senator from Maine for her excellent question and for her steadfast support for election reform efforts. Let me assure her that Maine's system does comply with the Election Reform Act. Senator MCCONNELL, the distinguished Ranking Member of the Rules Committee, do you agree?

Mr. MCCONNELL. I thank the distinguished Chairman, and I also thank Senator COLLINS for her excellent question and for her steadfast support for election reform efforts. Let me also assure her that I agree with Senator DODD that Maine's system does comply with the Election Reform Act.

Ms. COLLINS. I want to thank the Senior Senator from Connecticut and the Senior Senator from Kentucky for their assistance and congratulate them on the impending passage of this bill.

ELECTION REFORM REIMBURSEMENT

Mr. ALLEN. Mr. President, I have a question about the impact of provisions of this bill for the Ranking Member of the Rules Committee, the Senator from Kentucky, Mr. MCCONNELL and the Senator from Missouri, Mr. BOND, who has been involved in the conference committee that reconciled the House and Senate versions of H.R. 3295.

I understand that this bill does allow localities that have upgraded voting equipment in the past two years to be reimbursed retroactively, and I support this decision. We ought to reward, rather than penalize, those States and localities that have aggressively moved ahead since November 2000 to improve the processes and procedures for voting and elections.

In Sections 261-263, having to do with payments to States and units of local government to assure accessibility for individuals with disabilities, however, it is not clear whether the payments made may be made retroactively, and this concerns me. I expect that this was the intent. This is important, however, because in Virginia, and, I believe in several other States such as North Carolina and Rhode Island, the State Board of Elections and the localities

have made a concerted effort to improve polling place accessibility over the past two years. And I believe that for this November's elections Virginia will be very close to 100 percent of all polling places being 100 percent accessible. I would hate to have to tell my State and local officials that because they have stepped up to the plate and already made these polling places accessible over the past two years that they are ineligible to receive payment for the improvements they have made. So, I ask the Senators from Kentucky and Missouri if they can assure me that States such as Virginia, which have made polling place accessibility improvements during the past 24 months, are eligible for payment from the Secretary of Health and Human Services for their costs of making polling places accessible for individuals with disabilities that were incurred during that 24-month period?

Mr. McCONNELL. The Senator from Virginia is correct. States are eligible for reimbursement from the Secretary of Health and Human Services for costs incurred during the 24 months prior to the enactment of this bill of making polling places accessible to individuals with disabilities.

Mr. BOND. I agree with the Senator from Kentucky, Mr. McCONNELL.

Mr. HATCH. Mr. President, I rise today to speak in support of the conference report to the "Help American Vote Act of 2002."

First of all, I'd like to thank Chairman DODD and Senator McCONNELL, for their leadership and extraordinary efforts that have led us to final consideration of this legislation today. Also, I'd like to note that arriving at this point has not been easy for the members of the Conference, nor for their staffs, and I appreciate the hard work by everyone that led to this compromise.

That being said, I would be remiss if I failed to mention my concern about the impact that enactment of this legislation could have on States and localities, most of whom are experiencing extreme budget shortfalls. I raised this issue when we first debated this legislation in the Senate and I am disappointed that it has not been addressed in the conference report.

Title III of the Help America Vote Act of 2002 includes a series of new uniform and nondiscriminatory requirements for election technology and administration. These requirements include voter verification of votes cast, a paper record for auditability and recounts, and accessibility for individuals with disabilities. If enacted, these requirements would apply to each voting system used in an election for Federal office. There is no question that these provisions have far-reaching consequences.

Mr. President, I appreciate the intent underlying this legislation, which is that the system must be uniform in nature across the entire country, if it is to be successful in accomplishing the goal of election reform.

I also appreciate the Conference Committee's stated desire that the program be fully funded. That being said, I must ask my colleagues the difficult question: What if it isn't fully funded? We must consider the consequences if a future Congress fails to provide adequate funding for this legislation.

Mr. President, I stated my objections to the unfunded mandates in this conference report back in February when we first considered this legislation. Today, I am once again stating my strong objection to even the mere possibility that the burden of funding these mandates might fall upon the States.

Having expressed this concern, I also want to mention that this conference report makes several necessary and important changes to our current system of voting, which is burdened with problems ranging from claims of voter fraud to a lack of accessible voting devices for many disabled Americans. This conference report also includes an important Hatch-Leahy Internet voting study that will lay the groundwork for integrating new technology into the political process.

As Americans, we have the right to participate in the greatest democracy in the world, and most will agree that the act of voting is the bedrock of our democratic society. Americans take pride in the role they play in shaping issues and determining their leaders, and yet, we see that voter participation in recent years has decreased among people of every age, race, and gender. I find these statistics both disappointing and tragic because, as Thomas Jefferson stated, "that government is the strongest of which every man himself feels a part."

Why is voter turnout so low? Of the 21.3 million people who registered but did not vote in the 1996 election, more than one in five reported that they did not vote because they could not take time off of work or school or because they were too busy. Can technological advances, like the Internet, increase participation in the electoral process by making voter registration easier or by simplifying the method of voting itself? As the elected representatives of the people, we should consider every option available that might help involve more of our country's citizens in America's democratic process. Federal, State and local governments are duty bound to encourage all eligible Americans to exercise their right to vote.

In the past, attempts have been made to increase voter registration and turnout. Unfortunately, these attempts have met with limited success. The Motor Voter Act of 1993, for example, attempted to increase voter participation by permitting the registration of voters in conjunction with the issuance of driver's licenses. According to recent U.S. Census Bureau reports, 28 percent of the 19.5 million people who have registered to vote since 1995 have done so at their local Department of Motor Vehicles. Notwithstanding this simplified

voter registration procedure, voter participation continues to decline. Although registering to vote at the DMV generally is more convenient than other methods of registration, a substantial portion of registered voters nevertheless continue to fail to register to vote and fail to go to the polls on election day.

Voting via the Internet has been suggested as one possible solution to the problem. The Internet has revolutionized the way people communicate and conduct business by permitting millions of people to access the world instantaneously, at the click of a mouse. The Internet has already increased voter awareness on issues of public policy as well as on candidates and their views. In the future, the Internet may very well increase voter registration and participation, and thereby strengthen our country's electoral process.

Mr. President, as many of us have seen in the recent past, more and more States are looking at ways to utilize the Internet in the political process. Proposals include online voter registration, online access to voter information, and online voting. State and local officials around the country are anxious to use the Internet to foster civic action. I think that this is a positive step. In fact, today many States already allow for portions of the voter registration process to be completed online. For example, the Arizona State Democratic Party allowed online voting in the 2000 presidential primary and nearly 36,000 Arizona Democrats took advantage of this opportunity. We can anticipate that this trend toward online voting will continue.

Real questions remain, however, as to the feasibility of securely using the Internet for these functions. How can we be sure that the person who registers to vote online is whom he or she claims to be? How can we ensure that an Internet voting process is free from fraud? How much will this technology cost? There are also important sociological and political questions to consider. For example, will options like online registration and voting increase political participation? Can the Internet be equitably used in the political process?

We must be carefully evaluate the issues that will arise as the civic privilege of voting meets with technological advances. The original study I proposed would have created a special commission to conduct the study, which would have comprised of various experts ranging from First Amendment and election law experts to technical experts on the Internet and cyber-security. While this type of Commission is not part of this final conference report, it is my hope that the Commission will nonetheless call upon advisors with special expertise in these areas.

Proponents of "electronic voting" (so-called e-voting) contend that there are numerous advantages to the

emerging “cyber” political participation, including the immediate disclosure of campaign contributions, an increase in the number of grassroots volunteers, and the creation of a more accessible forum for political advertising.

Skeptics assert, to the contrary, that e-voting would only serve to decrease “real” electoral participation, place personal privacy at risk, and pave the way for election fraud. The late Senator Sam Ervin opposed simplifying voter registration and voting, stating that he did not “believe [in] making it easy for apathetic, lazy people” to vote.

As we seek to ensure equal access to the voting place and integrity of the voting process, it would be irresponsible for us to ignore the potential effects, both good and bad, that new technology may have on the political process. As I stand before you today, Mr. President, I do not know whether online voter registration and e-voting will halt the decline in voter participation. I do not know whether online voting registration and e-voting even is wise. I firmly believe, however, that these issues deserve serious examination as we seek to ensure that our democratic republic engages as many citizens as is possible. I am pleased that the Hatch-Leahy provision will enable the study of forward-looking measures that will ensure our ability to properly integrate new technology in the political process.

In closing, Mr. President, I reiterate my concern that this Conference Report is an unfunded mandate on already overburdened states. However, I must look past that serious concern, and vote for this conference report because of the important changes it makes to our current system.

No American who has exercised the right to vote should ever have to wonder if his or her properly cast vote will be counted. We must preserve the integrity of the voting process and I, again, commend the efforts of those who worked this compromise. Further, I believe that the Hatch-Leahy Internet voting study is an important step forward in ensuring the legitimacy of the voting process, and serves as a major enhancement to the conference report.

I urge my colleagues to join me in voting for this measure.

Mr. DURBIN. Mr. President, I would like to commend the Senate for passing the Help America Vote Act of 2002 today. This landmark legislation will help the Nation avoid another debacle like the one that occurred during the Presidential election in November of 2000. In that election, thousands of ballots in Florida and in my home State of Illinois went uncounted for a variety of reasons. In fact, over 120,000 voters in Cook County and thousands more throughout the rest of the State did their civic duty and cast a vote during the last Federal election, only to have their ballots discounted because of problems with machinery and inac-

curacies on the rolls of registered voters. This is unacceptable in the United States of America, where we take pride in our freedom to cast a vote for our leaders.

With the Help America Vote Act of 2002, Congress has finally agreed on a bipartisan solution to these problems. The conference report contains several items to improve the administration of elections for Federal office. First, it requires that voting systems meet certain minimum requirements, including notifying voters of overvotes, allowing voters the opportunity to correct their ballots, and having a manual audit capacity. The voting system must give disabled voters the ability to vote “in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.” In addition, voting systems must operate under a maximum error rate as currently established by the Federal Election Commission. These national requirements for voting systems should significantly improve the ability of all voters to cast ballots that accurately reflect their intentions.

Next, the legislation provides a fail-safe mechanism for voting on election day. It requires that all states allow voters to cast a provisional ballot at their chosen polling place if the voter's name isn't on the list of eligible voters, or an election official, for whatever reason, declares a voter ineligible. Included in the right to vote provisionally is the right to have one's eligibility to vote promptly verified by the State and then to have one's ballot counted in that election, according to State law. Finally, provisional voters have the right to know whether their vote was in fact counted, and if not, why it wasn't. These measures seem dictated by common sense and fairness. Yet, many States, including Illinois, do not guarantee voters such rights today.

To secure the rights afforded by this legislation, the Department of Justice can ask the Federal courts to act. In addition, States are required to establish an administrative procedure open to any person who believes a violation of any of the requirements has occurred, is occurring or will occur. States are free to add additional safeguards to protect these rights and are encouraged to provide the most effective remedy available to enforce them.

Another key component of this legislation is the requirement that States implement an up-to-date, computerized, interactive, statewide list of all registered voters that is accessible to election officials in every jurisdiction. This list is intended to help keep voter rolls current and accurate and to reduce, if not eliminate, confusion about a voter's registration and identification when a voter arrives at the polling place. This section also provides safeguards to preserve the confidentiality of voter identification information and to protect against improper purging of names from the list. Make no mistake:

In order to remove a voter's name from the list of registered voters, for any reason, election officials must comply with all of the preexisting requirements of the National Voter Registration Act of 1993. This act doesn't change that.

To further the study and improvement of voting and the conduct of elections nationwide, the legislation creates an Election Assistance Commission, which will serve as a central clearinghouse on election administration issues. Advised by State and local officials, this commission will, among other things, provide for the testing and certification of voting systems. Ultimately, the commission should identify and report to Congress on continuing problems with election administration and potential solutions.

To facilitate voting by Americans living abroad, particularly those serving their country in the Armed Forces, the Act enhances the provision of election information, extends the duration of an application for an absentee ballot, and requires states to accept early submissions of ballots by such voters.

Finally, the conference report authorizes \$3.9 billion in Federal funding over the next few years to replace antiquated voting systems, to educate voters on procedures and on their rights, to train election officials, poll workers and volunteers, to improve polling place accessibility for individuals with disabilities, to promote research on voting technology, and to otherwise comply with the requirements of the act. Of this amount, \$650 million is to be made available on an expedited basis, in part for the immediate replacement of punchcard voting systems, the bane of the 2000 Presidential election. This should be particularly helpful for Illinois, where the overwhelming majority of voters still vote by means of this troublesome technology. In fact, Illinois will be eligible for up to \$45 million of this early money. The bulk of funds - \$3 billion over the next 3 years - is authorized specifically to help States meet the requirements set forth in this act. Illinois stands to receive up to \$155 million under this section. When these sums are appropriated, states will at long last have the resources to provide citizens with the best means available to exercise their right to vote.

Still, this legislation is not without its shortcomings. These include new limitations on the way first-time and newly registering voters are permitted to identify themselves, which could create obstacles for some groups; the lack of an explicit, strong federal remedy through which voters can individually vindicate the rights granted them in this legislation; and the absence of a guarantee that the funds authorized by this legislation will actually be appropriated by Congress and the President. Thus, Congress has an ongoing responsibility to provide the funds called for in this Act and to monitor the implementation of its provisions over the next several years.

Nonetheless, on balance, this legislation embodies a good faith, bipartisan attempt to ensure that every eligible vote in an election for Federal office is accurately cast and counted and I support its worthy goals.

Mr. KENNEDY. The "Help America Vote Act" is timely and important bipartisan legislation to strengthen our Nation's election system and I urge the Senate to approve it.

The right to vote is the cornerstone of our democracy. As Chief Justice Earl Warren said in 1964: "The right to vote freely for the candidate of one's choice is the essence of a democratic society, and any restrictions on that right strike at the heart of representative government."

Over the past century and a half, a number of constitutional amendments and major laws have been acted to expand and help protect this fundamental right, including the 15th Amendment in 1870 prohibiting voting discrimination because of race; the 19th Amendment in 1920 prohibiting voting discrimination because of gender; the Voting Rights Act of 1965 outlawing racially discriminatory voting practices; the 26th Amendment in 1971 lowering the voting age to 18; the Voting Rights Act Amendments of 1982 which expanded the protections against racial discrimination in the Voting Rights Act; and, the National Voter Registration Act of 1993—the "Motor Voter" law—which simplified voter registration procedures.

Now, the passage of the "Help America Vote Act" will add another important chapter to our continuing efforts to protect and strengthen the right to vote.

The 2000 election taught the entire nation a valuable lesson. We learned that every vote does matter—but that every vote is not always counted. Too often and in too many communities across the nation, individuals who went to the polls on election day were denied the right to vote or did not have their votes counted. The reasons varied—such as confusing ballots, outdated or malfunctioning equipment, inadequately trained poll workers, and the lack of access for the disabled. But the outcome was the same—the voices of well over one million Americans were not heard. The legislation before us today will help to ensure that this unacceptable result does not happen again.

The bill includes three core components. It establishes uniform requirements for voting systems, provisional voting, and computerized voter registration lists, which all States must meet in Federal elections. It creates a new four-member, bi-partisan, independent Federal agency—the Election Administration Commission—to provide guidance to the States, conduct studies and issue reports on Federal election issues, and administer a new Federal grant program. Third, it authorizes \$3.9 billion in grants over the next three years to assist States and

localities in meeting the new requirements, modernizing their voting systems, and making polling places accessible to the disabled.

These are all important and needed reforms and I strongly support them. Their effectiveness will depend on the participation of all levels of government, including adequate appropriations by Congress, and vigorous implementation of the reforms at the State and local level.

At the same time, however, I have serious concerns that some provisions of this legislation create new Federal requirements that could make it more difficult for certain groups, particularly racial and ethnic minorities, the poor, the elderly, and people with disabilities to register and to exercise their right to vote.

The bill requires first time-voters who register by mail to provide specific forms of identification. It requires the invalidation of a registration when a voter inadvertently forgets to check off a duplicative "citizenship box." It requires that, when registering to vote, voters must either provide their driver's license number, or, if they lack one, the last four digits of their Social Security number. We all have a strong interest in preventing voter fraud, but these requirements may not be an effective way to verify voter identity and, at the same time, they are very likely to create unnecessary barriers for voters.

Congress, the new Election Administration Commission created by the bill, and the Department of Justice must be vigilant in ensuring that these provisions do not restrict voting by certain groups and that they are enforced in a "uniform and nondiscriminatory manner," as the legislation requires. We know the potential harsh impact of these provisions on those groups who have historically been denied full participation in elections, and we must do all we can to prevent any such impact. To implement the bill in good faith, Congress and the Bush Administration should see that individuals who respect these basic voting rights concerns are named to the new Commission.

With proper support and enforcement, the "Help America Vote Act" can significantly increase political participation for every American. We all share the great goal of protecting the most fundamental of all rights in our democracy—the right to vote.

Mr. KERRY. Mr. President, it has been nearly 2 years since the presidential election left many Americans disenfranchised. In that time, this country has faced other tremendous crises, and perhaps the fervor with which people supported election reform two years ago has waned somewhat. But I believe that after all we have faced as a country, it is even more important that we preserve and improve the integrity of our democracy by ensuring that every eligible voter who wants to vote is able to vote.

We can be thankful that we are past the days of poll taxes, literacy tests,

and other discriminatory practices that kept voters away from the polls. But if there is even an inadvertent flaw in the design or administration of our voting systems that prevents Americans from having their votes counted, it is our utmost responsibility to ensure that we remedy the situation.

There is simply no excuse for the most technologically savvy Nation in the world to be using voting equipment that is 30 years old. And it is disturbing, to say the least, that much of the oldest and least reliable equipment is found in the poorest counties across the country. Often, people of color make up the majority of the population in those counties. None of us should ever again be in the position of having to explain to urban, minority voters why a portion of their votes didn't get counted, while their white suburban neighbors, using better equipment, could rest assured that there were no voting irregularities in their precincts that would have caused their votes to be discarded.

If we can't promise all of our citizens that their votes will count equally, then all of the past work this Nation has done to guarantee the right to vote to women, people of color and the poor will have been squandered.

I have some serious concerns about a number of provisions in this legislation. But, because I believe we must use every tool available to us to uphold our citizens' right to vote, I have decided to support this conference report. On balance, I believe this bill will enable more people to exercise their fundamental right to vote by setting uniform, minimum standards for Federal elections, by providing voters with a chance to check for and correct ballot errors, and by providing for provisional ballots. These provisions, along with funding to replace outmoded voting systems, provide substantial improvements to the current system.

Unfortunately, the compromise has significant shortcomings that my colleagues on the other side of the aisle insisted upon, ostensibly to reduce voter fraud, but which may make registration and voting difficult for first-time voters. The bill's requirement that first-time voters who register by mail provide specified forms of identification at the polls may disenfranchise a large number of voters, especially people with disabilities, racial and ethnic minorities, students, and the poor, who are far less likely to have photo identification than other voters.

I am also concerned about new language that will invalidate an individual's registration if the person registering forgets to check off a box declaring that he or she is a U.S. citizen. Because voters already must affirm their citizenship when they sign the registration form, it is unnecessary to require that this box be checked for registration. Many elderly voters, visually impaired voters and voters with low levels of literacy may inadvertently fail to check the box and will, as

a result, disproportionately be kept off the registration rolls. This legislation is supposed to be an effort to make voting easier for qualified voters, and this provision adds an unnecessary, complicating step.

This bill also requires that, in order to register, voters provide a driver's license number or the last four digits of their Social Security number, and those numbers must be verified. This provision directly conflicts with the protections of the National Voter Registration Act, which prohibit the use of a driver's license or Social Security number to authenticate a voter's registration. Although I understand the desire to reduce instances of voter fraud, I believe these provisions are overly burdensome and unfair to many voters. This provision also has serious privacy implications.

I hope that the problems with the conference report are fixed in the very near future, and I would strongly support efforts to rectify these disenfranchising provisions before the next election. However, as a whole, this bill solves more election-related problems than it creates. If it is properly implemented by state elections agencies, Congress's intent to improve the voting system will be satisfied. This is an important piece of legislation that must be enacted now if we are to have any improvements in place before the next national election.

Mr. MCCAIN. Mr. President, I would like to urge my colleagues to support the conference report to H.R. 3295, the "Help America Vote Act of 2002." I congratulate the conferees on their dedicated and persistent effort in reaching a compromise agreement on this issue. I believe that this historic legislation will play a major role in correcting many of the problems that the country suffered during the Year 2000 elections.

In my judgment, this legislation is inextricably linked with the campaign finance reform bill that became law earlier this year. Both of these pieces of legislation are aimed at the heart of any successful democracy: restoring the voters' trust in their government. The new campaign finance reform law is intended to reduce the influences of special interests by eliminating the large flow of unregulated soft money. This election reform legislation is designed to assure voters that votes will be counted accurately, and that legally registered voters will not be disenfranchised. I am especially proud that this legislation will ensure for the first time in history that voters who are blind or visually-impaired will be able to cast a vote privately and confidentially.

However, I would urge my colleagues not to treat this legislation as the conclusion of our work on the issue of election reform. The Congress must ensure that this legislation is implemented fairly and effectively. I know that concerns have been raised about the identification requirements for first-time voters who have registered

by mail. While I applaud the goal of eliminating instances of fraud, it is important that these provisions be implemented equitably to prevent the disenfranchisement of minority or disabled voters.

In addition, I also would like to make a few recommendations regarding the implementation of this legislation. As the states develop their plans for meeting the new federal voting requirements and receiving grant funding, I would urge them to solicit advice on solutions to address the needs of disabled voters and others who have historically faced impediments at polling places. I also urge the Secretary of Health and Human Services to consult closely with the Election Assistance Commission on the grant program to help states making polling places accessible to disabled voters. The applications for grant funding and reports on the uses of these funds may be helpful to the Commission as it studies accessibility-related issues and develops voluntary voting system guidelines. It is also important to emphasize that concerns have been raised about the legislation's enforcement provisions. I appreciate that the Department of Justice has a role in bringing civil actions against states that are not in compliance with the mandatory requirements. We will have to be diligent in ensuring that these enforcement provisions are implemented.

On this historic day, I look forward to passage of this significant piece of legislation. As the recent events in Florida show, our voters still face major challenges in getting their votes counted at the polling place. This legislation will present solutions to these problems and reassure the American public that the best system of government ever created continues to function in its 226th year.

Mr. BYRD. Mr. President, the right to vote is one of the fundamental components of our Republic. It is the central means by which the American people can influence the direction of government, and thereby the future of the nation. But, as we saw in the 2000 Presidential election, just casting one's ballot is not the end of the process. Votes must be verified and counted, and done so quickly and accurately so that the American people have confidence in our elections. Preserving the integrity of our voting system is critical to preserving our representative form of government.

Over the years, I have watched as the percentage of eligible voters who actually take the time to go to the polls and cast votes has declined. I find it beyond disappointing that American citizens would fail to exercise this precious right—in fact, this important responsibility. Yet, I well understand how the spectacle of last year's elections and the irregularities that were widely reported can exacerbate a common misconception that one's vote does not count, a belief that has permitted far too many minds in our nation. The fed-

eral government can do more to re-ignite a passion for citizen participation, and we must do so if we are to ensure that our Constitutional form of government will survive for future generations.

This bill establishes grant programs that will provide states with the resources to replace outdated voting machines and train poll workers. It establishes minimum federal voting standards for states, but leaves responsibility for election administration at the local level.

The bill includes a number of safeguards designed to improve voter access, including provisional ballot requirements, being able to correct improperly marked ballots, and funding for equipment to allow a disabled voter to cast a private vote without assistance. In an effort to avoid a repeat of the Florida debacle of 2000, this bill mandates that states create uniform standards for counting ballots.

I congratulate the members of the conference committee for their efforts to bring this bill to conclusion. I support this reform because it is an important first step in restoring confidence in our election process.

● Mr. ALLARD. Mr. President, I want to show my support for the election reform proposal that will shortly be approved. There are a litany of provisions too numerous to outline that are extremely positive steps toward ironing out very serious problems in our current voting system. My thanks go out to Senators MCCONNELL and DODD, their counterparts in the House, and all of the other conferees who fought long and hard during the last few months to help ensure the electorates' right to vote.

Secondly, and with much more remorse, I believe that many of the shortcomings that our men and women in the military face as potential overseas voters have not been fully addressed in the underlying conference proposal. I have stood in this body many times since the 2000 election and have pushed for election reforms that would show those who defend our way of life that their vote will not be cast-off for technicalities through no fault of their own. Of course, I would be remiss if I failed to mention that some focus was paid to military voters in this bill. I am pleased that early submission will no longer be grounds for refusal of registration or absentee ballots. The focus on requiring the Department of Defense to have more support for Voting Assistance Officers and emphasis on including postmarks on all ballots mailed is also favorably noted. However, the House has thrown up roadblocks to other important overseas voter measures, while the Senate as an institution has continued to show leadership in this effort. I hope that we will continue to do so in the future.

That being said, it is time now to look ahead. My support for the election reform bill will not sway my feelings that there are still many egregious errors in the process of overseas military

voting. I promise to continue the fight and protect the rights of those men and women who would give their lives for the country that they dearly love. The underlying election reform bill is a step in the right direction, and I hope that congress can continue to follow that path.●

Mr. WELLSTONE. Mr. President, I am pleased that today Congress addressed the debacle that occurred to diminish democracy during our last Presidential election in Florida and other States. Access to the polls is a fundamental right; it is essential to our democracy. The 2000 elections raised to the national stage problems that have been all too common and all too familiar to many voters around the country. Systems of administering elections are in many places flawed, arbitrary, and discriminatory. I believe it is appropriate, even necessary, for Congress to impose high voter participation standards on States while providing the resources to meet those standards.

The Help America Vote Act contains a number of important reforms of America's elections. The conference report authorizes funds to States to reform their election systems. It sets uniform, minimum standards for Federal elections. It will ensure the accuracy of state voter registration databases. It requires provisional balloting so registered voters are not turned away from polling places. And it will help ensure that disabled voters may cast their ballots independently and privately. The legislation is an important step forward, and I support it.

However, I have reservations about provisions which have the potential, if not monitored and implemented carefully, to make voter registration more onerous for some voters. In particular, provisions that require voters to register using a driver's license number or Social Security number could cause problems. While the act would require States to assign voters a number if they do not have either of these forms of identification, I worry that some States may abuse this provision to make it harder for certain citizens, particularly new citizens and low income voters, to become registered.

One technical clarification I want to make about that provision: In Minnesota we have same day voter registration. It is my understanding that this act would require the State to issue a voter ID number to a nonregistered voter who seeks to register on the day of the election, if the voter has a Social Security number or driver's license but does not have either number physically with him or her at the polling place on election day.

The act requires new voters to check a box on the voter registration form to indicate they are a citizen. Since new voters are already required to attest that they are citizens on voter registration forms under current law, this seems to be a needless, redundant requirement which puts a hurdle, however small, in the way of new voters es-

pecially new citizens. These provisions are probably unnecessary.

Finally, this legislation will only be fully effective if Congress and the administration step up the plate to fund it. I will urge my colleagues to fully fund this program.

On balance, this bill is a step forward. I hope reality lives up to its promise.

Mrs. CLINTON. Mr. President, I want to express my views on the Help America Vote Act of 2002.

The Help America Vote Act of 2002 has many strong provisions that will improve our Federal election system. This legislation requires that election districts across the nation provide provisional voting and post sample ballots and other voter information. It allows voters the opportunity to verify and change their vote before casting their vote. The act implements a statewide voter registration system to help reduce fraud and ensures that individuals are not wrongly refused the right to vote. It authorizes \$3.9 billion in Federal funding to help states improve voting systems, make the polls more accessible to the disabled, train poll workers, and educate the electorate.

Despite these positive provisions, however, I cannot vote for this bill because the voting rights of New Yorkers will be negatively affected by this legislation.

For many years, the State of New York has had provisional voting and what is called signature verification. In the 1980s, New York City put in place a digitized signature verification system. When a New Yorker registers to vote, his or her signature is scanned into a computer and placed in the election board's files. Then on election day, the voter signs the book of registered voters in that election district. If the signatures do not match, the poll worker has the right to prevent the voter from casting a ballot on the machine, but the voter is permitted to cast a provisional ballot. The board of elections later determines whether the provisional ballot is valid and should therefore be counted.

Because of New York State's system, there is no need for a voter to present a form of identification at the poll. In fact, the poll worker manual in New York explicitly states that poll workers cannot ask prospective voters for identification. This system was implemented in New York City and across the State of New York more than a decade ago. This system has worked in New York and should be a model for the Nation.

Unfortunately, the Help America Vote Act would reduce the rights of New Yorkers who are first-time voters in a federal election by requiring them to present a valid photo identification, utility bill, bank statement or government identification that verifies the name and address of the voter. If a first-time voter filled out a registration form and included either her driver's license number or the last four dig-

its of her Social Security number, then she would not have to present a form of identification to a poll worker before voting. While this may serve as a step in the right direction for other States, this is a new restriction for New York.

This provision will repress voter participation among those New Yorkers who are in fact eligible to vote. Moreover, it will disproportionately affect ethnic and racial minorities, recently naturalized American citizens, language minorities, the poor, the homeless, the millions of eligible New York voters who do not have a driver's license, and those individuals who otherwise would have exercised their right to vote without these new provisions.

Many civil rights groups who oppose this legislation have compared these provisions to poll taxes and literacy tests that were used to repress voter participation in the past. I do not believe this is an unfair analog because I believe this bill may indeed reduce voter participation. When voter participation numbers hover at 50 percent, I believe that we should make every effort to increase voter participation, not reduce it.

I know this bill will pass the Senate today and will shortly become law, no matter what I do. But despite the many provisions in the bill that may increase voter participation in some states across the country who do not currently have provisional voting, I cannot support this legislation because it will negatively affect the rights of voters in the state that I am proud to represent—the State of New York.

New York is a state with 19 million people and 11 million voters; a state that is home to the world's cultural and financial capitals. It is the gateway for millions of people from different countries and ethnicities. New York represents one of the best things about our country—its diversity. In America, the birthplace of modern democracy, we should do all we can to ensure that the right of every voter is not unduly hindered unnecessarily. Unfortunately, I believe the provisions in the Help America Vote Act will do just that.

I applaud the work of Senator DODD, as chairman of the Senate Committee on Rules and Administration, for all of his work on the bill, and the other members of the election reform conference committee. I also want to give a special thanks to the Rules Committee staff of Senator DODD, especially Kennie Gill and Veronica Gillespie, who have worked from the first inception of the Senate's election reform bill to the final words in this election reform conference report. I know many members of the conference committee and their staffs have done their best to produce legislation that will try to improve our federal election system.

I am also proud to have worked with Senator DODD on a provision included in the conference report that calls

upon the new Election Assistance Commission to study and report to Congress on the extent of residual votes. These are over votes, under votes, or "spoiled" votes that are created when a voter, unintentionally, makes a mistake in casting her ballot, either because she doesn't understand the ballot or the voting machinery I have fought hard to support the voting rights of the disenfranchised voter. But I cannot in good conscience, representing the State of New York, support legislation I believe will hurt the voting rights of New Yorkers. I will continue, however, to do all I can to ensure that our Federal election system and our democracy will be as strong as possible.

Mr. NELSON of Florida. Mr. President, Federal election reform is long overdue.

Two years ago, the election system's collapse became a public shame in my State. A lot of high-minded debate about the need to reform the system immediately followed the election, but since then this legislation has moved at a snail's pace.

Only now, three weeks before the next election, are we poised to send a reform bill to the President to upgrade voting equipment, require provisional balloting and improve election administration. It's a shame that it has taken so long to remedy such a serious failure. A failure which cast into doubt the winner of the most important elected office in the world.

As a result of the delays, these desperately needed improvements will come too late for the upcoming election. That's unfortunate, because in spite of the positive reforms made at the state level in Florida, some precincts experienced problems during the August primary election that might have been avoided, or at least mitigated, under the federal reforms.

Similar problems could occur again and the failures are not likely to be isolated to Florida when the general election is held in November. Our goal now must be to implement the changes in time for the 2004 elections.

Unfortunately, the administration has already chosen to slow down the reform process by rejecting a \$600 million appropriation passed by Congress earlier this year in anticipation of final passage of the authorizing legislation.

The administration unforgivably failed to accept the funds and the money must now be appropriated again. That process could take precious months that would otherwise be used by the States to prepare for the 2004 elections.

There's no excuse for the administration's failure to accept Congress' down payment, especially after promising to support these reforms.

I hope President Bush will reaffirm his support for election reform by asking Congress to include the full \$3.8 billion authorized by this bill in the next continuing resolution or, at the latest, as part of a supplemental appropriation

early next year. We shouldn't hesitate another day to send this money to the States so that they have every minute possible to prepare for 2004.

A strong election system requires top-notch equipment, informed and able poll workers, a provisional voting system and outstanding voter education programs. But it also requires sensible registration and voting procedures that prevent fraud without disenfranchising voters.

Despite my support for this legislation, I am concerned that the bill's anti-fraud provisions may unfairly burden minority, elderly and disabled voters. Eliminating voting fraud is absolutely essential, but the mechanisms used to prevent fraud should not be so complicated, or intrusive, that they discourage or prevent voting by qualified people who may not, as a consequence of their lifestyle, have the specific documentation required by this bill.

I support modifying these provisions to allow potential registrants or voters to use additional documentation to prove their identity or to attest, under penalty of perjury, that they are in fact who they say there are. I understand that the conference committee would not approve such a change and I do not believe the entire bill should be sacrificed.

In light of this problem, I intend to follow closely this legislation's implementation with a specific eye on how the anti-fraud provisions work in practice. If the photo identification requirements and registration procedures set out by this legislation cause more harm than good I will support their repeal.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky controls 1 minute 30 seconds.

Mr. MCCONNELL. I thank the Senator from Missouri for his solid work. Disenfranchised by this bill are dogs such as Gidget—Salish's Potomac Fervour—pictured here in front of the Capitol. A solid Republican, Gidget will nevertheless never know the joy of participating in the election process. I am advised she could have been a fine voter—with a vigorous appetite for punchcards and aptitude for touchscreens. These skills will now have to be channeled into canine agility trials, instead of the election process. I congratulate the Senator from Missouri for that. That is one of the many fine results of this outstanding piece of legislation which, regretfully, is one of the few pieces of legislation the second session of the 107 Congress has passed.

We will have passed only 2 of our 13 appropriations bills. We have no budget and no terrorism reinsurance bill. It has really been a dismal record. But we do have something to be thankful for today, which is that we are about to pass an extraordinarily important

piece of legislation on an overwhelmingly bipartisan basis. This is, indeed, the way the Senate should work.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time? The Senator from Connecticut.

Mr. DODD. Mr. President, in my remarks yesterday I commended my colleagues who have been involved in this. I want to do so again, Senator MCCONNELL and Senator BOND.

I also commended my new found friend from the House, BOB NEY, who did a remarkable job as the Chairman of the House Administration Committee. STENY HOYER has been involved in these issues for a long time, and I have known him for a long time. I will not take the time today, as I did yesterday, to thank him as profusely—but it is deeply felt. We would not have arrived here without a lot of people working very hard on this. I thank all of them, the leadership here and others who brought us to this particular point.

I mentioned yesterday the juxtaposition of the events that unfolded on November 7, 2000, and the events as they are unfolding today on October 16, 2002. When you consider the scenes that dominated the news media for days and days after the November 7 elections, with bulging eyeballs glaring and butterfly ballots and hanging chads and people bellowing at each other and outside auditors at registrars of voters offices in Florida, here we are today in the relative calm of this institution, about to adopt, I hope overwhelmingly, legislation that addresses many of the concerns that were raised as a result of the events in Florida.

But they were not just in Florida, as I said. There were other States as well, and it has been going on for some time. So this is an important day, one that will not demand or receive the kind of attention, obviously, that the events that provoked it did, almost 2 years ago shy 3 weeks in November-December of the year 2000.

So it is an important landmark. We are breaking new ground. This is the first time in more than 200 years that the Federal Government is going to take a very protective involvement in the conduct of elections. The Constitution insisted that both States and the Federal Government be involved in the election process in this country, but we have only been involved marginally at best. In the 1965 Voting Rights Act, of course, we prohibited certain activities in the States such as poll taxes and literacy tests. But over 213 years have gone by since we have had a proactive involvement in terms of what also must be done. This legislation lays that out and asserts new rights.

As I said before, this is truly the first civil rights act of the 21st century, insisting that all people who show up to vote will have a chance to do so, if only provisionally. My colleagues have had fun talking about dogs who may have voted. There were human beings who

were not allowed to vote, between 4 million and 6 million of them in the last election. While it is humorous to talk about the dogs who may have voted, it is not very funny to talk about the people who showed up and didn't and were denied the opportunity to do so.

This legislation, we hope, is going to solve at least part of that problem beginning in the year 2004, where every person who shows up to cast a ballot in every precinct in America is going to be allowed to cast a ballot and never again be asked to step out of line and go home. That ballot will be cast provisionally where there is a debate about whether or not they have a right to do so, but the right to cast a ballot is never again going to be denied to a person who shows up—the right to cast a ballot in America.

That is not an insignificant achievement. We also said for those who are blind and disabled, some 20 million who never showed up the last time to vote because they have not been able to cast a ballot independently and privately, those days are over with. Henceforth, beginning in 2006 or before, if the States can get it done earlier, people are going to be allowed to cast a ballot privately and independently. The idea in this country that you could use Braille and have sidewalks accessible to the handicapped, but ballots in America were not—the only State in the country that has made a difference in that is the State represented by the present Presiding Officer, the State of Rhode Island. As a result of your former secretary of state, who himself suffers from a disability as a result of having been injured, he understood it and went out and did it. The other States are now going to do it in this country.

There are new rights here: The right to look at your ballot, correct your ballot before it is finally cast. I know these are radical ideas, but these are important provisions. No longer will you have to leave a voting place wondering whether you might have voted twice—two people for the same office, as happened in butterfly ballots in Florida. You are going to be able to go back and check your ballot before it is actually cast. So those rights in here are important.

Statewide voter registration will be facilitated for the first time. If you move within a State—say from Lexington to Frankfurt, or if you move from Hartford to Bridgeport, or if you move from some county in Missouri to another, you are not going to have to register again if you are in the same State and the State has statewide voter registration. Statewide voter registration will do an awful lot to relieve a lot of burdens on voters as they move. And many people do in this country. We are a mobile society today.

We also include provisions which Senator BOND insisted on in terms of responsibility. We are going to make

sure we do our best to see to it that people who register to vote are who they say they are, so we don't have people registering fictitious people and casting ballots for them. To Senator BOND's credit, we worked very hard on that.

There will be for the first time a permanent Federal Election Assistance Commission, so we don't have to wait for another disaster in some State and then occupy the time and attention of this institution responding to it. On an ongoing basis, it will be a place where the States, counties, municipalities, and the Federal Government can work together when it comes to election issues.

Of the \$3.9 billion, 95 percent of the improvements will be borne by the Federal Government because we are requiring it to be done. I don't believe in unfunded mandates. I wanted 100 percent. We had to compromise at 95. We are now going to participate and support our States and localities in making the changes they need to make in order to make our system work that much better.

I am thankful to all of our colleagues for their support and help during the debate yesterday, I inserted a number of letters into the RECORD which expressed support for this conference report. Today I ask unanimous consent to include in the RECORD letters which express concerns about specific provisions of this legislation, including letters from the National Council of La Raza, the League of Women Voters, the American Civil Liberties Union, the Leadership Conference on Civil Rights, and People for the American Way.

There being no objection, the material was ordered to be printed in RECORD, as follows:

NATIONAL COUNCIL OF LA RAZA,
Washington, DC, October 9, 2002.

NCLR URGES CONGRESS TO VOTE NO ON THE
"HELP AMERICA VOTE ACT" (H.R. 3295)

DEAR MEMBER OF CONGRESS: The National Council of La Raza (NCLR), the largest national Latino civil rights organization, opposes the "Help America Vote Act" (H.R. 3295), because it will disproportionately affect Latino voters, suppresses voter registration and turnout, and in some instances will roll back civil rights laws.

Furthermore, we note with concern the continuing uncertainty of the appropriations process, which means that no one, including the authors of the compromise bill, can guarantee funding sufficient to implement the bill.

NCLR is an umbrella organization with over 280 local affiliated community-based organizations and a broader network of 33,000 individual associate members. In addition to providing capacity-building assistance to our affiliates and essential information to our individual associates, NCLR serves as a voice for all Hispanic subgroups in all regions of the country.

NCLR urges you to join us in opposing the "Help America Vote Act" (H.R. 3295) because the "compromise" bill:

Requires first-time voters who register by mail to provide specific forms of identification at the polls. This provision will have a discriminatory impact on a large number of voters, especially people with disabilities,

racial and ethnic minorities, students, the elderly, and the poor, who are substantially less likely to have photo identification than other voters. Additionally, having states implement this requirement prior to the 2004 presidential election, without the statewide list in place, is a dangerous experiment that runs the risk of creating additional chaos at the polls.

Contains weak enforcement provisions. Voters who are denied their right to vote because of this law cannot turn to the federal courts for a remedy. Rather, disenfranchised voters must either wait for the Department of Justice to take action or ask the same state election system that disenfranchised them to determine that there is a violation and provide a remedy for the problem.

Contains new language that will require any registration to be invalidated if the person registering forgets to check off boxes declaring that he or she is a U.S. citizen. Because voters already must affirm their citizenship when they sign the registration form, it is unnecessary to require that this box be checked for registration. Many elderly and low-income voters, as well as voters with low levels of literacy, who find filling out forms difficult, may inadvertently make the mistake of failing to check the box and will, as a result, disproportionately be kept off the registration rolls; and

Contains an intrusive, error-prone requirement that voters provide a driver's license Number or, in the event they do not have one, the last four digits of their Social Security number. Election officials must independently verify the number before registering someone, and any individual who has either number but fails to provide it will not be registered. This provision directly conflicts with the protections of the National Voter Registration Act, which prohibits the use of a driver's license or Social Security Number to authenticate a voter's registration.

For almost two years NCLR worked diligently with both Republicans and Democrats in the House and in the Senate on election reform legislation, to address the need for good election reform legislation. Today we oppose this bill because the Latino community cannot accept a bill that does more harm than good, and urge you to vote against it. Please be advised that NCLR will recommend that votes related to this bill and final passage be included in the National Hispanic Leadership Agenda Scorecard.

Sincerely,

RAUL YZAGUIRRE,
President.

THE LEAGUE OF WOMEN VOTERS,
Washington, DC, October 9, 2002.

ELECTION REFORM LEGISLATION IN U.S. CONGRESS—LEAGUE CAUTIONS: LEGISLATION IS A GAMBLE, IMPLEMENTATION KEY

WASHINGTON, DC.—"The compromise election reform legislation being considered this week by the U.S. Congress makes important reforms in the voting process but erects new bureaucratic hurdles for voters," stated Kay J. Maxwell, president of the league of Women Voters of the United States. "The Help America Vote bill is a tradeoff, providing stronger protections in our voting systems while taking away safeguards in voter registration."

"There are many good things in this bill, but it also undermines existing voter protections," Maxwell noted. "On the positive side, lawmakers are creating new federal standards and providing the states with funds to buy new voting machines that work, to better train and recruit poll workers, to create statewide voter registration databases, and put provisional balloting systems in place," said Maxwell.

"But the League cannot overlook the fact that this bill places voter protections at risk by cutting back existing federal standards for voter registration. It weakens and undercuts several of the hard-fought voter protections established in current law," Maxwell stated. "We are also concerned that the discriminatory identification provision in this legislation will erect barriers to voting. The identification requirements place additional burdens on poll workers and may create a mess at the polls in 2004," cautioned Maxwell.

"This bill is a gamble," said Maxwell, "and implementation will be the key in determining whether it succeeds or fails. We hope that states take seriously the larger role they now have in administering federal elections. They must step up to their constitutional responsibility to run elections effectively," stated Maxwell. "The League at the national, state and local levels will work closely with state and local election officials and citizens across this country to ensure that all the provisions of this bill are carried out to enfranchise rather than disenfranchise voters," concluded Maxwell.

AMERICAN CIVIL LIBERTIES UNION,
WASHINGTON NATIONAL OFFICE,
Washington, DC, October 9, 2002.

Re H.R. 3295/Help America Vote Act.

DEAR MEMBER OF CONGRESS: The American Civil Liberties Union (ACLU) urges you to oppose the conference report on HR 3295, Help America Vote Act, because the agreement contains provisions that would lead to discrimination and ultimately result in disenfranchising many voters. This legislative cure to the severe voting rights problems seen in the 2000 Presidential election could be even worse than the disease.

In many respects, the conference report rolls back many of the voting rights victories achieved over the past three decades through the Voting Rights Act of 1965 and the National Voting Registration Act of 1993. Instead of making sure that the voting process is as inclusive as possible, this agreement would exclude people, negatively impacting the elderly, the disabled, racial and ethnic minorities, students, and the poor. Not only would this bill make it more difficult to vote, it would make it more difficult to register to vote.

While the conference report purports to address the voting problems apparent during the 2000 Presidential election, its solutions are illusory. For example, the legislation establishes minimum standards for the performance of voting machinery, but provides an exemption for punch card machines, the most controversial and problematic technology used during the 2000 presidential election, for over-vote notification. Although this legislation requires election officials to permit voters whose name does not appear on the voter registration list to cast a provisional ballot, it gives complete discretion to the state to decide when and if provisional ballots will be counted, even in federal elections. As we have seen in the past, these ballots can determine the outcome of an election.

This election reform legislation is the only major piece of civil rights legislation the Senate and House have taken up in the 107th Congress. We urge you to carefully consider the negative implications associated with the provisions that will undermine critical advances the United States has made in voting rights. While this legislation would authorize much needed funding to states and local governments to improve their election systems, it simultaneously imposes requirements that will effectively suppress voter participation. New machines are meaning-

less if policies are enacted that prevent people from voting on them.

Outlined below are two problematic provisions contained within the conference report that threaten to exacerbate the very problems that the legislation is intended to correct, to ensure that every citizen eligible to vote can vote. They are the driver's license and social security number requirement to register to vote and the photo identification requirement to vote.

DRIVER'S LICENSE AND SOCIAL SECURITY
REQUIRED TO REGISTER TO VOTE

The conference report imposes additional requirements in order for citizens to register to vote. Under this legislation, the voter would be required to provide a driver's license number or, in the event they do not have one, the last four digits of their social security number. Any voter who has either number but does not provide it—even for privacy reasons—would not be registered.

When the voter provides either their driver's license number or the last four digits of their social security number, the state must verify the accuracy of the data provided. This includes checking data against state motor vehicle and Social Security Administration (SSA) databases, to verify the voter's name, date of birth and social security number. But, there are many reasons why the data provided by an eligible voter may not match the data in a motor vehicle or SSA database, even though it is the same person. For example, women may have married or divorced without changing their name in the SSA database. Many Latinos use both their mother and father's surname, or both their father's and spouse's surnames, which SSA may list incorrectly—resulting in a false "no-match." A simple juxtaposition of a number could result in a "no-match," whether due to the fault of the applicant, or an SSA employee who enters the number into the database incorrectly. This could result in either purging or the invalidation of a voter's registration application.

Also, this conference report would remove social security number disclosure (last four digits) from the protection of the Privacy Act of 1974, which makes it unlawful for local, state or federal agencies to deny someone a right provided by law for refusing to disclose their social security number. Congress did not limit the protection in Sec 7(a) of the Privacy Act to parts of the social security number. All nine digits of the social security number are part of the "social security account number" and are therefore protected. It was the use of the social security number for identification purposes that Congress was restricting. There can be no doubt that the requirement that voters disclose the last four digits of their social security in order to register to vote is an attempt to use the numbers as an identifier. If Congress intended to protect only five (5) of the nine (9) digits it would have written legislation that explicitly did so. Permitting a state to require parts of the social security account number creates an exception that would frustrate the intent of Congress. Furthermore, it is incorrect to suggest that by merely requiring a voter to disclose the last four digits of their social security number that their privacy is somehow protected.

In addition, forced disclosure of social security numbers threatens a citizens' privacy and could lead to identity fraud, where imposters armed with a person's name and social security number can raid bank accounts, establish fraudulent credit cards and even ruin a voter's credit. The Social Security Administration Office of Inspector General has registered a 500 percent increase in allegations of Social Security fraud in the past several years—from 11,000 in 1998 to 65,000 in fiscal year 2001.

PHOTO IDENTIFICATION REQUIRED TO VOTE

The second major setback in the conference report is the photo identification requirement. As with the other methods of disenfranchisement in American history, such as literacy tests and poll taxes, the photo identification requirement would present barriers to voting and have a chilling effect on voter participation. There are voters who simply do not have identification and requiring them to purchase photo identification would be tantamount to requiring them to pay a poll tax. As a disproportionate number of racial and ethnic minority voters, the homeless, as well as voters with disabilities and certain religious objectors, do not have photo identification nor the financial means to acquire it, the burden of this requirement would fall disproportionately and unfairly upon them, perhaps even violating the Voting Rights Act, 42 U.S.C. § 1973.

Further, the limited alternatives to photo identification provided in the bill—including a government check or government document, utility bill, or bank statement that shows the name and address of the voter—place the poor in no better position. Certain populations of battered women and homeless people, for example, cannot produce any of the required documents, because they often do not live in a house or apartment and if they do, the utility bills are not in their name, they do not have a bank account, and they may not receive a government check. American citizens should not be denied their constitutional right to vote because they do not have these documents, particularly when there are other alternatives to these requirements such as attestation or signature clauses which are currently used effectively by many states to prevent fraud.

The Department of Justice (DOJ) has consistently raised objections to imposing photo identification as a prerequisite for voting because such requirements are likely to have a disproportionately adverse impact on black voters and will lessen their political participation opportunities. In 1994, DOJ found that African-American persons in Louisiana were four to five times less likely than white persons to have driver's licenses or other picture identification cards. In addition, the Federal Elections Commission noted in its 1997 report to Congress that photo identification entails major expenses, both initially and in maintenance, and presents an undue and potentially discriminatory burden on citizens in exercising their basic right to vote.

Effective federal legislation should not erect new obstacles or weaken existing voting rights laws. Eliminating these discriminatory provisions is the most certain and complete way to guarantee that all states meet the requirements outlined by the Supreme Court in *Bush v. Gore*, 121 S. Ct. 525 (2000). Voters should not have to resort to the courts to ensure compliance with the "one person-one vote" rule.

We recognize that reform of our nation's electoral systems is critical. But it cannot be done in a manner that unduly prevents legitimate voters from exercising their constitutional right to vote. For the reasons indicated above, we urge you to vote "no" on final passage and will score a vote in favor of this legislation as a vote against voting rights. If you have questions, please contact ACLU Legislative Counsel LaShawn Warren.

Sincerely,

LAURA W. MURPHY,
Director.

LASHAWN Y. WARREN,
Legislative Counsel.

LEADERSHIP CONFERENCE ON
CIVIL RIGHTS,*Washington, DC, October 9, 2002.*

DEAR SENATOR: On behalf of the Leadership Conference on Civil Rights, nation's oldest, largest and most diverse civil rights coalition, we write to provide our assessment of the final conference report on H.R. 3295, the "Help America Vote Act of 2002." In a number of significant respects, the House-Senate election reform agreement is an important step forward in improving election procedures and administration throughout the nation. However, we do have several remaining concerns about the report language that prevent us from being able to endorse the final package.

Given the fact the millions of American citizens were denied their basic right to cast a vote and to have that vote counted in the 2000 election, the enactment of meaningful election reform has been the Leadership Conference's highest legislative priority. We greatly appreciate the efforts of Sens. Christopher Dodd (D-CT), Richard Durbin (D-IL), Charles Schumer (D-NY) as well as Reps. Bob Ney (R-OH), Steny Hoyer (D-MD), John Conyers (D-MI), Charlie Gonzalez (D-TX) and others to reach a bipartisan agreement on comprehensive election reform. Among its beneficial provisions, the conference agreement will:

Set uniform, minimum standards for federal elections nationwide, including providing voters with a chance to check for and correct ballot errors;

Ensure accuracy of state voter registration databases by implementing uniform, state-wide computerized lists;

Provide provisional ballots, which allow voters who are erroneously left off the voter registration lists to vote and be counted once eligibility can be verified;

Help eliminate outmoded punch-card and lever voting systems, and upgrade voting systems and equipment in every state; and

Provide funding to ensure that voters with disabilities are able to cast ballots privately and independently.

The conference report language, however, does contain several troubling provisions:

First, the report contains a requirement that all persons seeking to register must provide the state with a drivers license number or, in the event they do not have one, the last four digits of their social security number. Any person who has either number but does not provide it—even for privacy reasons—will not be registered. Once a voter provides either number, the state must verify the accuracy of the data provided by checking it against state motor vehicle or Social Security Administration (SSA) databases. This system set out by the conference report is both cumbersome and prone to error. There are many legitimate reasons why the data provided by an eligible voter may not match the data in a motor vehicle or SSA database. For example, a woman may marry or divorce without updating her last name in the database; many Latinos use two last names, which the SSA may list incorrectly; some Asians list their last name first; and in entering their date of birth, some people enter the date followed by the month, the opposite of U.S. customs. Even a simpler juxtaposition of a number could result in a "no-match."

Second, amendments that have been made to the ID requirement fail to reduce its disenfranchising impact upon first-time voters. While the conference report includes minor improvements, these provisions fall far short of reducing the disproportionate negative impact of the ID provision.

In order to reduce its harmful impact on first-time voters, the ID requirement should have been linked to the requirement that a

state have a computerized voter list in place. Instead, while the compromise bill requires mail-in registrants to meet the ID requirements in the 2004 election-cycle, it gives states a waiver until 2006 to create the state-wide computerized lists. As a result, voters in states without state-wide lists will have to comply with the ID provision anytime they move within the state. Thus, the burden of the ID requirement will fall more heavily on renters, who change residences more often than homeowners, and who generally have lower incomes.

Third, the conference report would invalidate the registration of any voter who does not check off a new box on the registration form declaring that he or she is a U.S. citizen. Many elderly voters and voters with low levels of literacy, who find filling out forms difficult, will be likely to inadvertently fail to check the boxes and will, as a result, disproportionately be kept off the registration rolls.

Provisional ballots will not solve the above problems. Even if a voter is allowed to file a provisional ballot, it will not be counted because he or she was never "properly" registered, due to these onerous registration and verification requirements.

We hope you will keep the above issues in mind when deciding how you will vote on the conference report to H.R. 3295. If you have any questions, please feel free to contact Rob Randhava, LCCR Policy Analyst, at 202/466-6058 or Nancy Zirkin, LCCR Deputy Director/Director of Public Policy. Thank you for your consideration.

Sincerely,

Dr. DOROTHY I. HEIGHT,
*Chairperson.*WADE HENDERSON,
Executive Director.

PEOPLE FOR THE AMERICAN WAY,

Washington, DC, October 10, 2002.

DEAR MEMBER OF CONGRESS: On behalf of the 600,000 members and supporters of People For the American Way (PFAW), we are writing to express our views on the conference report to HR 3295, the Help America Vote Act.

We are pleased by many of the bill's provisions, which we believe will significantly improve our nation's election system. The legislation will allow registered individuals to cast provisional ballots even if their names are mistakenly excluded from voter registration lists at their polling places. It will require states to develop centralized, statewide voter registration list to ensure the accuracy of their voter registration records. It will also require states to provide at least one voting machine per polling place that is accessible to the disabled, and ensure that their voting machines allow voters to verify and correct their votes before casting them. Finally, the legislation authorizes \$3.8 billion in critically needed funds to fix antiquated voting systems and to meet the minimum standards set forth in the bill.

At the same time, we are concerned by other provisions that may erect new barriers to voting. These provisions include the identification requirements for first time voters who register by mail and the provision (added by the conference committee) that allows election officials to return voter registration forms as incomplete if the "citizenship box" is left blank by the voter.

Since the effectiveness of this legislation depends on uniform and non-discriminatory enforcement, PFAW will be vigilant in our efforts to educate the public about new requirements and will monitor the application of these provisions in the states. We will be advocating for full funding of programs authorized by the bill in order to ensure that the bill does not contain empty promises.

Concurrently, we will begin to identify areas where we can strengthen the progress made by this bill, and work with our allies on legislation to correct deficiencies.

Finally, through PFAW Foundation's election protection program, now operating in six states, we will intensify efforts to educate voters to ensure that individuals know and understand their new rights and responsibilities. People For the American Way Foundation will also take other action as appropriate to protect voters' rights.

Sincerely,

RALPH G. NEAS,
*President.*STEPHENE FOSTER,
Director of Public Policy.

Mr. DODD. The concerns of these groups are reflected in three of the provisions of the conference report: (1) the first-time mail registration requirements of section 303(b); (2) the requirement that the drivers license, or last 4 digits of the voter's Social Security number, be provided on the registration form under section 303(a)(5); and (3) the citizenship check-off box requirements of section 303(b)(4). I intend to address each of these issues in turn.

Let me state from the start that each of these groups was significantly involved in the development of the original Dodd-Conyers legislation, and all continued to provide valuable input and comments as we worked to develop a bipartisan compromise in the Senate last December and then perfect that compromise in conference with the House this summer and fall. Many of these same groups expressed reservations at the time about the Senate compromise and withheld support for the bill when it passed the Senate. Each of these organizations played a pivotal role in the formation of this legislation and I continue to personally value their perspective and input.

Let me state for the record, that as the principal Senate author of this conference report, it has consistently been my goal and position that this legislation be uniform and nondiscriminatory in both intent and result without regard to color or class, gender or age, disability or native language, party or precinct. While I understand the collective, and individual, concerns of these organizations, the ultimate test of this legislation will be in its implementation by the States and I am confident that a fair reading of its provisions will produce the desired result. With that, let me offer my perspective on several issues raised by these organizations.

First, with regard to the anti-fraud provisions, I share the concern that the hearings and studies by numerous organizations, including the Senate Rules Committee, over the past two years did not unearth any evidence of widespread voter fraud. However, even the anecdotal evidence of dogs and deceased persons registering, and perhaps even voting, and registration lists with duplicate names in several different jurisdictions illustrate the frailties of current registration procedures. While I continue to believe that the most effective anti-fraud provision in the Senate-passed bill, and in this conference

report, remains the requirement that States establish a centralized computerized registration list, I also recognize that but for the provision of section 303(b) affecting first-time voters who register by mail, this legislation and all the good it contains would not have made it this far.

While I appreciate the sensitivities of these organizations to the potential that the first-time mail registrant voter requirement of section 303(b) will fall disproportionately on minorities and low income individuals, I am not convinced that the sound interpretation of this legislation will ultimately result in the disenfranchisement of such voters. In order to better establish empirical data on the prevalence of such fraud, the conference report directs the new Commission to make periodic studies and reports, with recommendations to Congress, on nationwide statistics on voter fraud and methods of identifying, deterring and investigating such fraud.

More importantly, the Commission is directed to conduct a special study, to be completed within 18 months of the effective date of the first-time voter provision, on the impact such requirement has on these voters and voter registration in general. The Commission is directed to also study the additional requirement that new registrants provide the last four digits of their Social Security number at registration if they do not have a valid drivers license number. If the results of these studies indicate either a lack of empirical evidence that widespread voter fraud exists, or that these new anti-fraud provisions are disenfranchising voters, particularly minority and low-income voters, Congress will be in a position to modify or repeal these provisions.

In the meantime, changes made to the conference report will work to mitigate, and perhaps even obviate, the need for States to implement the first-time mail registrant voter requirement.

To make clear that Congress intends that the first-time voter provision of section 303(b) must not result in a disparate impact on minority voters, the conferees agreed to add language to this section to require that it be implemented in a uniform and nondiscriminatory manner. The conference report also contains a new notice provision, section 303(b)(4)(iv), which requires that the NVRA registration form contain a statement informing the applicant that if they register by mail, appropriate information must be included in order to avoid the additional identification requirements upon voting for the first time. As in the Senate-passed bill, if any voter is challenged as not being eligible to vote, including for reasons that he or she is a first-time mail registrant voter without proper identification, such voter is entitled to vote by provisional ballot, and that ballot is counted according to State law.

As I stated yesterday, nothing in this bill establishes a Federal definition of

when a voter is registered or how a vote is counted. If a challenged voter submits a provisional ballot, the State may still determine that the voter is eligible to vote and so count that ballot, notwithstanding that the first-time mail registrant voter did not provide additional identification required under section 303(b). Whether a provisional ballot is counted or not depends solely on State law, and the conferees clarified this by adding language in section 302(a)(4) stating that a voter's eligibility to vote is determined under State law.

More importantly, however, is the combination of the existing language in the Senate-passed bill (offered by Senator WYDEN) and the provision, modified from the Senate-passed bill, which requires new registrants to provide a drivers license number upon registration, or the last 4 digits of their Social Security number if they do not have a drivers license number.

The Wyden amendment included in the Senate-passed bill, and retained without modification in the conference report, provides a means by which first-time mail registrant voters can avoid the additional verification requirements of section 303(b) altogether. At the choice of the individual, under section 303(b)(3), a first-time mail registrant voter can opt to submit their drivers license number, or at least the last 4 digits of their Social Security number, on the mail-in voter registration form in order for the State to match the information against a State database, such as the motor vehicle authority database. If such information matches, the additional identification requirements of section 303(b)(1) do not apply to that individual.

Under the new requirements added in conference as section 303(a)(5), effective in 2004 (unless waived until 2006), all new applicants must provide at the time of registration, a valid drivers license number, or if the individual does not have such, the last 4 digits of their Social Security number (or if they have neither, the State shall assign them a unique identifying number). States must then attempt to match such information, thereby satisfying the provisions of section 303(b)(3) which renders the first-time mail applicant provisions of section 303(b)(1) inapplicable. By operation of section 303(a)(5) added in conference, in conjunction with the existing language of the Senate-passed bill (as added by Senator WYDEN) in section 303(b)(3), the first-time voter identification requirement is obviated and essentially rendered moot, thereby avoiding the potential disenfranchisement of minority voters.

Secondly, with respect to the provisions of section 303(a)(5) which require verification of voter registration information, it is important to remember that nothing in this conference report establishes a Federal definition, or standard, for when a voter is duly registered. That authority continues to reside solely with State and local elec-

tion officials pursuant to State law. Nor does this conference report require States to enact legislation changing voter eligibility requirements to conform to the Act. As I pointed out yesterday, Chairman NEY, the principal author of this conference report on behalf of the House, stated last week that this bill provides for basic requirements that States shall meet, but leaves to the discretion of the States how they meet those requirements in order to tailor solutions to their own unique problems. This section is not an exception to that rule.

Section 303(a)(5) is a modification to provisions added to the Senate bill during floor debate which authorized States to request a voter's 9 digit Social Security number. Concerns had been expressed, which I shared, that even allowing States the discretion to require the full Social Security number potentially ran afoul of Privacy Act protections. While this provision goes further than I would have wished, it is simply not an accurate reading of this section to conclude that a lack of a match—or a “no-match” will result in the invalidation of a voter's registration application or the purging of the voter's name.

First, with respect to purging, this provision applies only prospectively to new applicants and as such cannot be used to purge names of existing voters from the rolls. More importantly, however, the language of the conference report, and the Statement of Managers on this point specifically, make it abundantly clear that any purging of names must conform to existing NVRA requirements. There is no provision in the current NVRA which would authorize purging for lack of a match of either a drivers license number or the last 4 digits of a Social Security number.

As for the argument that this provision will result in the invalidation of a voter's application, that conclusion is simply not supported by a reading of all the relevant provisions. Effective in 2004 (or 2006 if a waiver of section 303(a) is requested by the State), this section prohibits States from accepting or processing a voter registration application unless it contains the voter's drivers license number. However, there is no similar prohibition on local election officials who presumably will continue to have the authority to process voter applications until the State implements the centralized computerized registration list and becomes responsible for maintaining the official list of eligible voters under section 303(a)(1).

In the meantime, if an applicant has not been issued a current and valid drivers license, then the applicant must provide the last 4 digits of his or her Social Security number. If the applicant has neither number, the State shall issue the individual a number which becomes the voter's unique identifier (as required for the centralized computerize registration list). The chief state election official must also

enter into agreements with the State motor vehicle authority and the Commissioner of Social Security in order to match information supplied by the voter with these databases.

However, nothing in this section prohibits a State from accepting or processing an application with incomplete or inaccurate information. Section 303(a)(5)(A)(iii) specifically reserves to the States the determination as to whether the information supplied by the voter is sufficient to meet the disclosure requirements of this provision. So, for example, if a voter transposes his or her Social Security number, or provides less than a full drivers license number, the State can nonetheless determine that such information is sufficient to meet the verification requirements, in accordance with State law. Consequently, a State may establish what information is sufficient for verification, preserving the sole authority of the State to determine eligibility requirements for voters. Furthermore, nothing in this conference report requires a State to enact any specific legislation for determining eligibility to vote.

Moreover, nothing in this section prohibits a State from registering an applicant once the verification process takes place, notwithstanding that the applicant provided inaccurate or incomplete information at the time of registration (as anticipated by section 303(a)(5)(A)(iii)) or that the matching process did not verify the information. The provision requires only that a verification process be established but it does not define when an applicant is a duly registered voter. Again, this conference report does not establish Federal registration eligibility requirements those are found only in the U.S. Constitution. Section 303(a)(5)(A)(iii) makes it clear that State law is the ultimate determinant of whether the information supplied under this section is sufficient for determining if an applicant is duly registered under State law.

Finally, with respect to the issue of the citizenship check-off box on the voter application form under section 303(b)(4), the Senate-passed bill contained the requirement that the NVRA registration form include two new questions and a check-off box for voters to mark to indicate their answers to questions regarding age and citizenship eligibility. The conference agreement added a new provision in section 303(b)(4)(B) which requires that if a voter does not check-off the citizenship box, the appropriate election official must notify the applicant of the omission and provide the applicant an opportunity to complete the form in time for processing to be completed to allow the voter to participate in the next Federal election.

It is simply inaccurate to state that any registration application is required to be invalidated under this section if an applicant forgets to check-off the citizenship box. Nothing in this provi-

sion makes the completion of the check-off box a condition of Federal eligibility. The conference report does not establish Federal eligibility requirements for voting. NVRA only requires that an applicant sign the registration form attesting to his or her eligibility, including citizenship. The check-off box is a tool for registrars to use to verify citizenship, but nothing in the conference report requires a check-off or invalidates the form if the box is left blank.

In fact, this provision will ensure that if a voter did not check-off the citizenship box, his or her registration form cannot be discarded as invalid on its face. Ultimately, the registrar determines whether or not the voter has met the citizenship requirement notwithstanding whether or not the box is checked. A signed attestation as to citizenship eligibility is still sufficient under NVRA. Jurisdictions that currently use citizenship check-off boxes may continue to process such information pursuant to State law, but in fact will not be able to invalidate a form based on the lack of a check-off without notification to the voter first.

With respect to each of these three issues, it is important to note that each of these provisions will likely require some adjustment to the NVRA registration form. The new Election Assistance Commission specifically does not have rulemaking authority with the exception of the authority permitted, and currently exercised by the Federal Election Commission, under section 9(a) of the NVRA (42 U.S.C. 1973gg-7(a)) to prescribe such regulations necessary to develop the mail registration form used in Federal elections. Consequently, it is anticipated that the new Commission will be required to revise the current NVRA registration form in order to effectuate the requirements under this Act, including: notice requirements for first-time voters under section 303(b)(4)(iv); the collection of a drivers license number or last 4 digits of a Social Security number under sections 303(a)(5) and 303(b)(3); and the age and citizenship check-off boxes under section 303(b)(4), in addition to any other changes in the Federal registration application form that the Commission views as necessary to implement this Act. This exercise will afford interested parties an opportunity to ensure that these requirements do not result in the disenfranchisement of applicant voters.

As a final observation, let me state that while the enforcement provisions of the Senate-passed bill included tough preclearance-type reviews of grant applications by the Department of Justice, the conference report contains an important new administrative grievance procedure intended to provide voters, and others aggrieved by violation of the requirements of this Act, a timely and convenient means of redressing alleged violations. Each State that receives funds under Title I must establish a state-based adminis-

trative procedure for reviewing alleged grievances under Title III of this Act. If the State does not render a decision within 90 days of receiving a complaint, the proceeding is moved to an alternative dispute resolution process which must resolve the issue within 60 days.

While I would have preferred that we extend the private right of action afforded private parties under NVRA, the House simply would not entertain such an enforcement provisions. Nor would they accept Federal judicial review of any adverse decision by a State administrative body. However, the state-based administrative procedure must meet basic due process requirements and afford an aggrieved party a hearing on the record if they so choose.

It is important to note that this state-based administrative proceeding is in addition to any other rights the aggrieved has and is limited only to the adjudication of violations of the requirements under Title III of this Act. This enforcement scheme in no ways replaces or alters the adjudication provisions of any other civil rights or voting rights law.

As with all provisions of this legislation, the proof is in the implementation of these requirements by the States. But nothing in this conference report requires States or localities to change any voter eligibility requirements nor does this Act in any way infringe upon the sole authority of State and local election officials to determine who is a duly registered voter. I agree that it will require diligence and education of State and local election officials to ensure that these provisions do not serve to disenfranchise voters and I stand ready to monitor actions by the States to ensure that they do not undermine the purposes of this Act: to make it easier to vote, but harder to defraud the system.

Mr. President, the conference report that we are about to adopt is a true compromise. It is a melding of the House-passed and Senate-passed bills. While there was much in common in the legislation that passed each House, there were significant differences also. I commend my House counterparts, Chairman BOB NEY and Congressman STENY HOYER, for their willingness to spend countless hours and several long nights to hammer out the differences in these two approaches in order to reach the conference report we present to the Senate for adoption today.

On at least one occasion, Chairman NEY, Congressman HOYER and I, along with our staff, worked literally around the clock for twelve hours in order to reach consensus, with the final agreement being reached long after the midnight hour. Such effort is just one indication of the level of commitment that the House conferees demonstrated in reaching a consensus on this historic legislation, and I thank them for their dedication to seeing this process through to a satisfactory conclusion. The American people owe them a debt

of gratitude for their efforts to ensure that henceforth, in Federal elections, every eligible voter will be able to vote and have their vote counted.

The original House and Senate bills addressed the problems that came to light in the November 2000 presidential election in similar ways. While the Senate bill set out minimum requirements of the States to meet over the next four years, and funded those requirements at 100 percent of costs, the House bill used Federal funds as an incentive to encourage States to take preferred action, either by following Federal standards or by adopting standards of their own. Both bills however, preserved the traditional authority of State and local election officials to determine the specific means of meeting those requirements or standards. Both bills also preserved the authority of State and local election officials to be the sole determinants of whether an applicant is a duly registered voter. And both bills preserved the authority of State law to determine when a vote has been cast and whether a vote, once cast, will ultimately be counted.

My counterpart in the House, Chairman NEY, said it best last week during the House debate on the conference report, and I agree with his assessment. Let me quote Chairman NEY:

One size fits all solutions do not work and only lead to inefficiencies. States and locales must retain the power and the flexibility to tailor solutions to their own unique problems. This legislation will pose certain basic requirements that all jurisdictions will have to meet, but they will retain the flexibility to meet the requirements in the most effective manner.

That is the hallmark of this legislation, it requires that States and localities meet basic requirements in the type of voting system they use in Federal elections, in the offering of provisional ballots, in the creation of a centralized computerized registration list and the collection of data for that list, and in the verification of identification for new registrants. But in the implementation of these requirements, the sole determination is left to the State as to what type of voting system a jurisdiction chooses to use, and whether a provisional ballot is ultimately counted pursuant to State law, and whether an individual registrant is determined under State law to be duly registered and entered into the centralized registration list.

I am gratified that the conferees agreed to include in this conference report what this Senator believes are the most important provisions of the Senate bill: the requirements for voting system standards, provisional balloting, and the creation of statewide computerized registration lists. The conference report retains the core requirements and language of the Senate-passed bill, most of which were contained in the original bill reported by the Senate Rules Committee just fourteen months ago in August of 2001 as S. 565. These requirements were the fundamental elements of the Senate-

passed bill and are an equally integral component of the conference report. These provisions include required standards that all voting systems used in Federal elections must meet; the offering of provisional ballots so that no voter is ever turned away from the polls again; and the creation of an official centralized computerized registration list to include the names of all eligible voters and procedures for ensuring the accuracy of that list, as well as provisions for verifying the identity of certain new registrants.

Title III of the conference report contains the three basic requirements for voting system standards and administrative procedures to be used in Federal elections.

Section 301 establishes six standards that all voting systems used in Federal elections after January 1, 2006 must meet:

(1) While maintaining voter privacy and ballot confidentiality, permit voters to verify their selections on the ballot, notify voters of over-votes, and permit voters to change their votes and correct any errors before casting the ballot. The conference report retains the provisions of section 101 of the Senate-passed bill that created an alternative means of notifying voters of over-votes for jurisdictions using paper ballots, punch card, or central-count voting systems (including absentee and mail-in ballots). Such jurisdictions may instead use voter education and instruction programs for notification of over-votes only. However, all voting systems, including these paper ballot systems, must provide voters with so-called "second-chance" voting, i.e., the ability to verify the voter's selection and the ability to correct or change the ballot prior to it being cast. The conference report also clarifies that this requirement cannot be used to render a paper ballot invalid or unable to be modified in order to meet the requirements.

Notification to the voter of an over-vote is essential because it provides an eligible voter a "second chance" opportunity to correct his or her ballot before it is cast and tabulated. Any such notification must be accomplished in a private and independent manner. With regard to the notification, it is the voting system itself, or the educational document, and not a poll worker or election official, which notifies the voter of an over-vote. The sanctity of a private ballot is so fundamental to our system of elections, that the language of this compromise contains a specific requirement that any notification under this section preserve the privacy of the voter and the confidentiality of the ballot. The Caltech-MIT study noted that secrecy and anonymity of the ballot provide important checks on coercion and fraud in the form of widespread vote buying.

Paper ballot systems include those systems where the individual votes a paper ballot that is tabulated by hand. Central count systems include mail-in absentee ballots and mail-in balloting, such as that used extensively in Oregon

and Washington state, and other states where a paper ballot is voted and then sent off to a central location to be tabulated by an optical scanning or punch card system. A mail-in ballot or mail-in absentee ballot is treated as a paper ballot for purposes of notification of an over-vote under section 301 of the conference report, as is a ballot counted on a central count voting system. However, if an individual votes in person on a central count system, as is used in some states that allow early voting or in-person absentee voting, for that voter, such system is required to actually notify the voter of the over-vote.

As for the other types of voting systems, namely lever machines, precinct-based optical scanning systems, and direct recording electronic systems, or DREs, the voting system itself must meet the standard. Specifically, the functionality of the voting system shall permit the voter to verify the votes selected, provide the voter with an opportunity to change or correct the ballot before it is cast or tabulated, and actually notify the voter if he or she casts more than one vote for a single-candidate office.

The conference report recognizes the inherent differences between paper ballot systems and mechanical or electronic voting systems. The conferees retained the reasonable balance struck in the Senate-passed bill between ensuring that no voting system is eliminated as long as the requirement that all voters have the opportunity to verify their ballot and a "second-chance" to correct any error on the ballot or change the ballot, before it is cast and counted. Although this compromise provides an alternative method of notifying voters of over-votes for punch card and paper ballot systems, nothing in this legislation precludes jurisdictions from going beyond what is required, so long as such methods are not inconsistent with the Federal requirements under Title III or any law described in section 906 of Title IX of this Act.

The conference report is silent on the issue of notification to the voter of an under-vote and neither requires nor prohibits such notification. However, the Election Assistance Commission is charged with studying the feasibility of notifying voters of under-votes.

(2) Each voting system must produce a permanent paper record for the voting system that can be manually audited. Such record must be available as an official record for recounts, however, there is no intent to mandate that the paper record serve as the official record. Whether this record becomes the official record is left to the discretion of the States. As the Chairman of the Rules Committee, let me advise my colleagues of the importance of this feature in the unlikely event that a petition of election contest is filed with the Senate. Often, in order to resolve such contests, the Rules Committee must have access to an audit

trail in order to determine which candidate received the most votes. This standard will ensure that the Senate and the House will have access to reliable records in the case of election contests.

(3) Consistent with the Senate-passed provision, each voting system must provide to individuals with disabilities, including the blind and visually impaired, the same accessibility to voting as other voters. Jurisdictions may meet this standard through the use of at least one DRE, or other properly equipped voting system, at each polling place. However, any system purchased on or after January 1, 2007, if purchased with Federal funds made available under Title II of the Act, must meet the accessibility standard.

The accessibility standard for individuals with disabilities is perhaps one of the most important provisions of this legislation. Ten million blind voters did not vote in the 2000 elections in part because they cannot read the ballots used in their jurisdiction. With 21st century technology, this is simply unacceptable.

The Senate Rules Committee received a great deal of disturbing testimony regarding the disenfranchisement of Americans with disabilities. Mr. James Dickson, Vice President of the American Association of People with Disabilities, testified that our nation has a “. . . crisis of access to the polling places.” Twenty-one million Americans with disabilities did not vote in the last election—the single largest demographic groups of non-voters.

To statutorily address this “crisis of access,” the conference report contains the provisions of the Senate-passed bill requiring that by the Federal elections of 2006, all voting systems must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired. Most importantly, that accommodation must be provided in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters. Accessibility is required for individuals with all disabilities, not just physical disabilities.

In order to assist the States and localities in meeting this standard by 2006, the conference report retains the Senate-passed provision that allows jurisdictions to satisfy this standard through the use of at least one direct recording electronic (DRE) voting system, or any other voting system that is equipped to accommodate individuals with disabilities, in every polling place. It must be noted, moreover, that the compromise does not require that a jurisdiction purchase a DRE to meet the accessibility requirement since jurisdictions may also choose to modify existing systems to meet the needs of the disabled voter.

A DRE used to meet the accessibility standard under this requirement is not intended to be used solely by individ-

uals with disabilities. Obviously, any eligible voter should have access to such a machine, and in fact, may find voting on such a system to be preferable to other systems used in that polling place. Nothing in this conference report is intended to suggest that because each polling place must have an accessible machine, that machine is for the exclusive use of individuals with disabilities, nor that such machine, or individuals who use such system, should be separated from other voters. Such treatment would be contrary to the requirement in section 301(a)(3)(A) that such individuals be given the same opportunity for access and participation (including privacy and independence).

In addition, the Caltech-MIT study suggests that DREs have the potential to allow for more flexible user interface to accommodate multiple language ballots. Consequently, such DRE voting systems can also be used to meet the accessibility requirements for language minorities under the Voting Rights Act, and this conference report, as well.

It has been suggested that this may be a wasteful requirement for jurisdictions that have no known disabled voters. Let me make clear that the purpose of this requirement is to ensure that the disabled have an equal opportunity to cast a vote and have that vote counted, just as all other non-disabled Americans, with privacy and independence. It is simply not acceptable that individuals with disabilities should have to hide in their homes and not participate with other Americans on election day simply because no one knows that they exist. It is equally unacceptable to suggest that individuals with disabilities must come forward and declare their disability in order to participate in democracy through the polling place.

(4) Each voting system must provide alternative language accessibility as required by law. This is a slight modification to the Senate-passed bill in order to make clear that the alternative language requirements must conform to existing Voting Rights Act requirements.

The Voting Rights Act mandates that covered jurisdictions must provide translated voting materials, such as bilingual ballots, voter registration forms, voting instructions, other voting materials, oral translation services and interpreters to ensure accessibility to the right to cast a vote and have that vote counted. Nothing in this Act overturns or undermines the Voting Rights Act.

The alternative language accessibility standard follows the procedures for determining when a language minority (e.g., only the four general groups currently recognized by VRA: Asian Americans, people of Spanish heritage, Native Americans and native Alaskans) must be accommodated under section 203 of the Voting Rights Act. This conference report leaves in

place the numerical triggers under the Voting Rights Act, which require states and political subdivisions that meet the triggers of non-English speaking citizens of voting age to provide language assistance services at the polls for American voters. On July 26, 2002, the Department of Justice released new jurisdictions and languages covered under the language assistance provisions of the Voting Rights Act based on Census 2000 figures.

The conference report provides safeguards to ensure an equal opportunity for all eligible language minorities to cast a vote and have that vote counted. This is accomplished with uniform and nondiscriminatory requirements that ensure alternative language accessibility to voting systems, provisional balloting, and inclusion as a registered voter in the statewide voter registration lists. In addition, this compromise provides for the Election Assistance Commission to study and make recommendations as to whether the voting systems are, in fact, capable of accommodating all voters with a limited proficiency in the English language.

(5) Each voting system must comply with an “out-of-the-box” error rate standard as established in section 3.2.1 of the Federal voting system standards issued by the Federal Election Commission and in effect on the date of enactment. While the specific error rate will not change, it is anticipated that over time, should technology provide for an improved error rate, Congress will amend this provision to reflect changing technology. Neither the conference report, nor the Senate-passed bill, establishes performance error rates, or residual error rates, for particular types of voting systems, as recommended by the Carter-Ford Commission. However, the conference report does require that the new Commission study the best methods for establishing voting system performance benchmarks, expressed as a percentage of residual vote in the Federal contest at the top of the ballot. If such benchmarks can be established with reliability, a future Congress may decide to add a performance benchmark, or performance error rate, to the voting system standards.

Finally, (6) the conference report contains an additional standard, taken from the House-passed bill, requiring each State to adopt uniform standards defining what constitutes a vote and what will be counted as a vote for each certified voting system. This provision is an improvement over the Senate bill and will ensure that voters using similar machines will have their votes counted in a uniform and nondiscriminatory manner within a State.

Under this additional standard, States must define what constitutes a “legal” vote on a specific voting system with a companion definition of when that “legal” vote will be counted on that specific voting system. These two state-based definitions will provide another incremental step toward ensuring that votes are cast and counted

in a uniform, non-discriminatory manner and should help ensure against a repeat of the 4–6 million votes that were cast but not counted in the 2000 general election according to the Caltech-MIT study. Such state-based definitions will erase the inconsistent standards, practices, or procedures within states and localities that have diluted votes cast in certain communities. Now, no matter where the voter lives and votes, that voter will have an equal opportunity to cast his or her vote and an equal opportunity to have his or her vote counted.

The effective date for the voting system standards remains for any Federal election held in a jurisdiction after January 1, 2006. It is important to note, that with regard to effective dates, the actual date on which the standards under the voting system requirement must be implemented will vary from jurisdiction to jurisdiction depending upon when the first Federal election occurs in 2006. A federal election includes a general, primary, special, or runoff election for federal office.

Section 302 establishes the second requirement that all States and jurisdictions must meet beginning for Federal elections after January 1, 2004: the requirement that jurisdictions provide for provisional voting for any voter who is challenged as ineligible but who attests, in writing, that they are registered and eligible to vote. This provision ensures that never again can a voter who appears at the polls in order to vote and desires to vote can be turned away, for any reason. The conference report follows the Senate bill in laying out the steps that such provisional balloting must follow.

First, any voter who declares that they are registered to vote in a Federal election in a jurisdiction but are not on the official list of registered voters or are otherwise alleged to be ineligible, must be offered and permitted to cast a provisional ballot. Any challenge to the voter's eligibility qualifies the voter for a provisional ballot, including, but not limited to:

The voter's name does not appear on the official registration list; or

The voter's name, or other registration information, appears inaccurately on the registration list; or

The voter does not meet the requirements of section 303(a) because there is a question about, or they cannot provide, the number on their drivers license or the last 4-digits of their Social Security number, or the State/jurisdiction refuses to assign a unique identifier number that the voter could use for voter registration purposes; or

A voter is a first time voter who registered by mail and does not meet the requirements of section 303(b) because they do not have any of the specified identification, such as a photo-ID, utility bill, bank statement, paycheck or other government document required to be shown under this Act; or

There are questions about the voter's eligibility to vote, even if their name

appears on the official registration list; or

The voter believes he or she has registered within the States' registration deadline but their names does not appear on the official registration list; or

The voter has recently moved but his or her name does not appear on the official registration list; or

There are questions about the voters' eligibility to vote based upon section 303(c) that requires if polling hours are extended as a result of a court order, any ballot cast in a federal election during that extension be provisional and be held separately from other provisional ballots; or

There are questions about the voters' eligibility to vote based upon reassignment pursuant to state re-districting laws; or for any other reason.

Any and all of the above voters may, under the conference report, cast a provisional ballot. Not only must the State provide access to the provisional ballot, but the State or local election official has a legal obligation under this Act to provide notice to each individual voter, who has had his or her ability to cast a regular ballot questioned, that they may cast a provisional ballot in that Federal election at that polling place.

To receive and cast a provisional ballot, all the individual must do is execute a written affirmation that he or she is a registered voter in that jurisdiction and is eligible to vote in that election. If an individual is motivated enough to go to the polls and sign an affidavit, under perjury of law, that he or she is eligible to vote in that election, then the state or local election official shall protect that individual's right to cast a provisional ballot. That right is so fundamental, as is evidenced by its widespread use across this Nation, that we must ensure that it is offered to all Americans, not in an identical process, but in a uniform and non-discriminatory manner.

Once executed, the affidavit is handed over to the appropriate election official who must promptly verify the information and issue a provisional ballot. It is important to note that in some jurisdictions, the verification of voter eligibility will take place prior to the issuance of a ballot based upon the information in the written affidavit. In other jurisdictions, the ballot will be issued and then laid aside for verification later. Both procedures are equally valid under this compromise, which provides flexibility to states to meet the needs of their communities in slightly differing ways. States that offer same-day registration procedures similarly meet the requirements of section 302 provided the individual attests, in writing, to their eligibility and the State otherwise determines, pursuant to State law, that the voter is eligible to vote.

Any provisional ballot must be promptly verified and counted if the individual is eligible under State law to vote in the jurisdiction. Nothing in

this conference report establishes a rule for when a provisional ballot is counted or not counted. Once a provisional ballot is cast, it is within the sole authority of the State or local election official to determine whether or not that ballot should be counted, according to State law. Consequently, even if a voter does not meet the new Federal requirements for first-time voters to verify their identity, or for new registrants to provide their drivers license number, or the last four digits of their Social Security number, if that voter otherwise meets the requirements as set out in State law for eligibility, the State shall count that ballot pursuant to State law.

Finally, at the time that the voter casts a provisional ballot, the appropriate State or local election official shall give the individual written notice of how that voter can ascertain whether or not his or her ballot was counted through a free access system (such as a web site or toll-free telephone number). This is a particularly important provision as it ensures that a provisional voter will be able to cure any registration defect in time to become a regular voter in the next election. This provision, combined with the requirement in section 303 for establishing a centralized computerized registration list, will ensure that no eligible voter will be denied the right to vote and that State and local election officials will have access to accurate and up-to-date voting records.

All States must meet this requirement on provisional ballots for Federal elections in order to comply with this Act. However, those States which are described in section 4(b) of the National Voter Registration Act of 1993 (NVRA) and are currently exempt from the provisions of the NVRA or those States that permit same-day registration or require no registration may meet the requirements for provisional balloting through their current registration systems.

The Caltech-MIT report estimates that the aggressive use of provisional ballots could cut the lost votes due to registration problems in half. The Carter-Ford Commission recommended going even farther than this legislation in less time, recommending state-wide voter registration. The Commission noted, "No American qualified to vote anywhere in her or his State should be turned away from a polling place in that State." While the conference report does not require state-wide registration, nothing in the conference report prohibits, or is intended to discourage, States from enacting such a provision.

In addition to the provisions requiring provisional balloting, section 302 also contains the requirement in the Senate-passed bill that a sample ballot and other voter information be posted at polling places on election day. In order to ensure that voters are aware of the provisional balloting process,

the registration and voting requirements for first-time voters who register by mail, including the option of providing a drivers license number or at least the last four digits of a Social Security number, along with other new state standards, practices and procedures, such notice and information are required to be posted at polling places on election day. In this information age, the expectation is that targeted state education programs will compliment any required posted information to best educate the voters and train poll workers, volunteers, and election officials.

Finally, the conference report contains a modified version of the requirement that, if polling hours are extended as a result of a court order, any ballot cast in a Federal election during that extension be by provisional ballot. The Senate-passed bill could have been read to apply to any voter who votes after the polls close, and not just voters who vote pursuant to a court or other order. Consequently, the conference report clarifies that only voters who vote pursuant to such order vote by provisional ballot and such provisional ballots shall be held separately from other provisional ballots.

Section 303 of the conference report includes the provisions of the Senate-passed bill requiring that all States establish a centralized computerized registration list of all eligible voters. This requirement is the single greatest deterrent to election fraud, whether by unscrupulous poll workers or officials, voters, or outside individuals and organizations. The ability to capture every eligible voter in one centrally managed database with requirements for privacy and security of the information will help ensure the integrity of registration lists and ensure both the accuracy and authenticity of those lists.

The Carter-Ford Commission explicitly recommended that every state adopt a system of statewide voter registration. The Caltech-MIT report similarly recommended the development of better databases with a numerical identifier for each voter. The Constitution Project also called for the development of a state-wide computerized voter registration system that can be routinely updated and is accessible at polling places on election day.

The conference report contains much of the Senate-passed language on this provision with important additions to highlight the official, centrally managed nature of this list. Once implemented in 2004 (or 2006 if the State seeks a waiver for good cause), voters should never again have to be turned away from the polls because their name was not updated on the list. Never again should poll workers have to wait hours to get through a central phone line in order to verify a voter's registration. And once such a list is in place, every first-time mail registrant voter should be able to verify their identity through the matching of a drivers license number or at least the

last 4 digits of a Social Security number.

The conference report retains the Senate-passed provisions of section 303(a)(2) regarding list maintenance of the computerized list. Those provisions provide that any name that is removed from the list must be removed in accordance with provision of the National Voter Registration Act (NVRA), the so-called "Motor-Voter" law. This requirement will ensure that voters cannot be purged from the list unless they have not responded to a notice mailed by the appropriate election official and then have not voted in the subsequent two Federal general elections. Moreover, this provision ensures that voters who appear at the polls during this period and wish to vote will be allowed to as provided for in section 8(3) of the Motor-Voter law (42 U.S.C. 1973gg-6).

As a practical matter, once the computerized list has been developed and implemented, list maintenance will be almost automatic. While many of us have read of allegations of massive duplicate registrations, the fact is that even though alleged duplicate names appear on more than one jurisdiction's list, the vast majority of voters only live in one place and only vote in one place. In a highly mobile society like ours, voters move constantly. And while voters may remember to change their mailing address with the post office, with utility companies, and with the bank and credit card companies, they may not even think about changing their address with the local election official until it comes time to vote. At the end of the day, this conference report ensures that mobile voters are not disenfranchised.

The conference report also added a new minimum standard for ensuring the accuracy of the centralized computerized registration list. That provision, section 303(a)(4), was drawn from a provision contained in the House-passed measure, but with an important clarification. Consistent with section 303(a)(2), this provision parallels language in the NVRA that requires States to make a reasonable effort to remove registrants who are ineligible to vote, consistent with the provisions of NVRA, specifically the requirement that such voters fail to respond to a notice and then fail to vote in the subsequent two general Federal elections. Further, no voter may be removed from the list solely by reason of a failure to vote. As is stated in the Statement of Managers, this provision is completely consistent with NVRA.

Section 303(a)(5) of the conference report is a new provision that is a modification to provisions added to the Senate bill during floor debate that authorized States to request a voter's 9 digit Social Security number. Effective in 2004 (or 2006 if a waiver of section 303(a) is requested by the State), this section prohibits States from accepting or processing a voter registration application unless it contains the voter's

drivers license number. However, there is no similar prohibition on local election officials who presumably will continue to have the authority to process voter applications until the State implements the centralized computerized registration list and becomes responsible for maintaining the official list of eligible voters under section 303(a)(1).

In the meantime, if an applicant has not been issued a current and valid drivers license, then the applicant must provide the last 4 digits of his or her Social Security number. If the applicant has neither number, the State shall issue the individual a number that becomes the voter's unique identifier (as required for the centralized computerized registration list). The chief state election official must also enter into agreements with the State motor vehicle authority and the Commissioner of Social Security in order to match information supplied by the voter with these databases.

However, nothing in this section prohibits a State from accepting or processing an application with incomplete or inaccurate information. Section 303(a)(5)(A)(iii) specifically reserves to the States the determination as to whether the information supplied by the voter is sufficient to meet the disclosure requirements of this provision. So, for example, if a voter transposes his or her Social Security number, or provides less than a full drivers license number, the State can nonetheless determine that such information is sufficient to meet the verification requirements based on whatever information they already possess, in accordance with State law. Consequently, a State may establish what information is sufficient for verification, preserving the sole authority of the State to determine eligibility requirements for voters. Furthermore, nothing in this conference report requires a State to enact any specific legislation for determining eligibility to vote. In fact, State motor vehicle records are generally accurate and current and State and local election officials should affirmatively use these records to correct or complete the information wherever possible.

Moreover, nothing in this section prohibits a State from registering an applicant once the verification process takes place, notwithstanding that the applicant provided inaccurate or incomplete information at the time of registration (as anticipated by section 303(a)(5)(A)(iii)) or that the matching process did not verify the information. The provision requires only that a verification process be established but it does not define when an applicant is a duly registered voter. Again, this conference report does not establish Federal registration eligibility requirements those are found only in the U.S. Constitution. Section 303(a)(5)(A)(iii) makes it clear that State law is the ultimate determinant of whether the information supplied under this section is sufficient for determining if an applicant is duly registered under State law.

The conference report also retains the provision championed by Senator BOND which will require that voters who register by mail must provide additional verification of their identity the first time that they appear to vote in person or by absentee ballot. To make clear that Congress intends that the first-time voter provision of section 303(b) must not result in a disparate impact on minority voters, the conferees agreed to add language to this section to require that it be implemented in a uniform and nondiscriminatory manner. The conference report also contains a new notice provision, section 303(b)(4)(iv), which requires that the NVRA registration form contain a statement informing the applicant that if they register by mail, appropriate information must be included in order to avoid the additional identification requirements upon voting for the first time. As in the Senate-passed bill, if any voter is challenged as not being eligible to vote, including for reasons that he or she is a first-time mail registrant voter without proper identification, such voter is entitled to vote by provisional ballot, and that ballot is counted according to State law.

In the case of an individual who registers by mail, the first time the individual goes to vote in person in a jurisdiction, he or she must present to the appropriate election official one of the following pieces of identification: a current valid photo-ID; or a copy of any of the following documents: a current utility bill; a bank statement; a government check; a paycheck; or another government document with the voter's name and address. This compromise does not specify any particular type of acceptable photo identification. It is clear, however, that a driver's license, a photo-ID issued by the a DMV, a student ID, or a work ID that has a photograph of the individual would be sufficient. Additionally, states may continue to define its own form of acceptable photo-ID so long as such definitions are inclusive and not have the unintended consequences of targeting the persons with disabilities, poor, elderly, students, racial and ethnic minorities and otherwise legitimate voters.

The conference report also preserves the existing exemptions under the NVRA law under section 1973gg-4(c)(2) of title 42 in the implementation of this compromise. A state may not by law require a person to vote in-person if that first-time voter is: (1) entitled to vote by absentee ballot under section 1973ff-1 of title 42 of the Uniformed and Overseas Citizens Absentee Voting Act; (2) provided the right to vote otherwise than in-person under section 1973ee-1(b)(2)(b)(ii) and 1973ee-3(b)(2)(b)(ii) of the Voting Accessibility for the Elderly and Handicapped act; and (3) entitled to vote otherwise than in-person under any other federal law. These exemptions have the practical affect of preserving existing laws that

provide the long-standing practice of states permitting eligible uniform service and overseas voters to continue to vote by absentee ballot without this first-time voters requirement attaching. Similarly, these exemptions have the practical affect of preserving the rights of persons with disabilities not to be required to show-up in-person to vote or to be required to provide copies of photo-IDs or documents by mail.

As I stated yesterday, nothing in this bill establishes a Federal definition of when a voter is registered or how a vote is counted. If a challenged voter submits a provisional ballot, the State may still determine that the voter is eligible to vote and so count that ballot, notwithstanding that the first-time mail registrant voter did not provide additional identification required under section 303(b). Whether a provisional ballot is counted or not depends solely on State law, and the conferees clarified this by adding language in section 302(a)(4) stating that a voter's eligibility to vote is determined under State law.

More importantly, however, is the combination of the existing language in the Senate-passed bill (offered by Senator WYDEN) and the provision, modified from the Senate-passed bill, which requires new registrants to provide a drivers license number upon registration, or the last 4 digits of their Social Security number if they do not have a drivers license number.

The Wyden amendment included in the Senate-passed bill, and retained without modification in the conference report, provides a means by which first-time mail registrant voters can avoid the additional verification requirements of section 303(b) altogether. At the choice of the individual, under section 303(b)(3), a first-time mail registrant voter can opt to submit their drivers license number, or at least the last 4 digits of their Social Security number, on the mail-in voter registration form in order for the State to match the information against a State database, such as the motor vehicle authority database. If such information matches, the additional identification requirements of section 303(b)(1) do not apply to that individual.

Under the new requirements added in conference as section 303(a)(5), effective in 2004 (unless waived until 2006), all new applicants must provide at the time of registration, a valid drivers license number, or if the individual does not have such, the last 4 digits of their Social Security number (or if they have neither, the State shall assign them a unique identifying number). States must then attempt to match such information, thereby satisfying the provisions of section 303(b)(3) which renders the first-time mail applicant provisions of section 303(b)(1) inapplicable. By operation of section 303(a)(5) added in conference, in conjunction with the existing language of the Senate-passed bill (as added by Senator WYDEN) in section 303(b)(3), the first-

time voter identification requirement is obviated and essentially rendered moot, thereby avoiding the potential disenfranchisement of minority voters.

The conference report also retains the Senate-passed provision that adds questions and check-off boxes to the NVRA registration form regarding age and citizenship. Under section 303(b)(4), the Senate-passed bill contained the requirement that the NVRA registration form include two new questions and a check-off box for voters to mark to indicate their answers to questions regarding age and citizenship eligibility. The Senate-passed bill was silent as to the result of an unmarked box and left to States to determine whether such an omission was a fatal defect in the registration form.

In order to clarify that States may not just summarily discard such incomplete forms, the conferees agreed to include language requiring that the registrar notify the voter of an incomplete form. Such notice must be provided in time for the registration application to be completed and processed prior to the next Federal election. However, nothing in this provision requires that the application be invalidated under this section if an applicant forgets to check-off the citizenship box. Nor does anything in this provision make the completion of the check-off box a condition of Federal eligibility. The conference report does not establish Federal eligibility requirements for voting. NVRA only requires that an applicant sign the registration form attesting to his or her eligibility, including citizenship. The check-off box is a tool for registrars to use to verify citizenship, but nothing in the conference report requires the check-off to be complete to process the registration form or invalidates the form if the box is left blank.

In fact, this provision will ensure that if a voter did not check-off the citizenship box, his or her registration form cannot be discarded as invalid on its face. Ultimately, the registrar determines whether or not the voter has met the citizenship requirement notwithstanding whether or not the box is checked. A signed attestation as to citizenship eligibility is still sufficient under NVRA. Jurisdictions that currently use citizenship check-off boxes may continue to process such information pursuant to State law, but in fact will not be able to invalidate a form based on the lack of a check-off without notification to the voter first.

This compromise provides state and local election officials with the necessary additional tools to make the ultimate decision regarding eligibility of voters to register to vote, eligibility of the voter to cast a regular vote and the eligibility of vote to be counted. Nothing in this compromise usurps the state or local election official's sole authority to make the final determination with respect to whether or not an applicant is duly registered, whether the voter can cast a regular vote, or whether that vote is duly counted.

In the case of any missing information on a mail-in registration form, the election official may process it as he or she determines is appropriate under State law. That applies equally to the requirement for the citizenship check-off box, the requirement to provide one's drivers license number or the last 4 digit of the Social Security number, or any other provision of this Act. This means that State law governs whether the form is returned, whether and how the voter is contacted regarding the omission or whether the form is discarded. Current law under the NVRA does not require that voters be registered—only that the voter be given the opportunity to register through a wider variety of State and local offices, including the DMV (thus the title, "Motor-Voter"). Current law under the NVRA does not supercede the sole authority of State and local election officials to determine whether or not an applicant is duly registered. Similarly, this compromise does not supercede state law with respect to registration. After this law is enacted, there will still be no Federal law that overrides state law and preempts the field with respect to voter registration.

Again, as with almost every aspect of this compromise, state implementation of the individual provisions of this compromise is key and will determine if the franchise is preserved and protected for all eligible American voters and if the integrity and security of the elections system is protected from corruption. Once again almost all the civil rights organizations and civil liberties coalitions, but particularly our language minority communities, raised legitimate concerns about the potential discriminatory solution to the check-off questions. At the end of the day, it will be the State and local election officials who will interpret what the omission on a citizenship box and an age box mean with respect to registration, consistent with State law, standards, practices or procedures. These State laws must implement all of these requirements in a uniform and non-discriminatory manner. There is no cover of law under this compromise for any State or locality to establish a standard, practice or procedure that permits the check-off boxes to act as anti-registration vehicles by voiding otherwise legal registrations under state law.

In implementing these requirements, the States will have to rely on voluntary guidelines and voluntary guidance issued by the new Federal Election Assistance Commission. While the conference report includes the House prohibition on rule making authority for the new Commission, the conferees included an important modification to this language. Section 209 provides an exception to the no rule making authority to the extent permitted under section 9(a) of NVRA (42 U.S.C. 1973gg-7(a)).

With respect to the provisions of the requirements affecting notification to

first-time mail registrant voters, the submission of a drivers license number or the last 4 digits of a Social Security number, or the change in the citizenship check-off box, some adjustment to the NVRA registration form will be necessary. The exception provided to the no rule making authority would allow the new Commission to proscribe such regulations necessary to develop the mail registration form used in Federal elections.

Consequently, it is anticipated that the new Commission will be required to revise the current NVRA registration form in order to effectuate the requirements under this Act, including: notice requirements for first-time voters under section 303(b)(4)(iv); the collection of a drivers license number or last 4 digits of a Social Security number under sections 303(a)(5) and 303(b)(3); and the age and citizenship check-off boxes under section 303(b)(4), in addition to any other changes in the Federal registration application form that the Commission views as necessary to implement this Act. This exercise will afford interested parties an opportunity to ensure that these requirements do not result in the disenfranchisement of applicant voters.

With regard to effective dates, the conference report continues to harmonize the effective date of the computerized registration list with the 2004 effective date for provisional balloting. However, since it was widely acknowledged that some States may have legitimate difficulty in implementing the statewide registration list by January 1, 2004, a certification of good cause will be sufficient to request a waiver of the effective date until January 1, 2006. This waiver recognizes the administrative burden of the provision on both States and voters and so provides adequate time for jurisdictions to come into compliance and educate voters. This compromise also establishes a uniform effective date of January 1, 2003 for first-time voter registration subject to the first-time voter provision. This assures that all eligible voters, regardless of where they live or vote, will know that if they register to vote after that date, they will have to meet the new requirements for first-time mail-registrant voters.

Finally, the conference report strikes a middle ground between the House-passed and Senate-passed bills with regard to how funds will be directed to the States to meet the requirements and fund other election reform initiatives. The conference report provides initial funds by means of a combination of targeted buy-outs of punch cards and lever systems, as well as a formula grant program, with a guaranteed \$5 million payment per each State. The requirements payments are similarly disbursed through a formula based on the relative voting age population of the State, with a minimum guaranteed payment of one-half of one percent per fiscal year.

Borrowing from the Senate-passed bill, in order to receive requirements

payments, States must first submit a State plan outlining how they will spend such funds to meet the requirements of Title III and otherwise meet the requirements of the Act. Such a plan is developed by a committee headed by the chief state election official, with community input and public review for a 30 day comment period. Once the plan is submitted to the Commission, it is published in the Federal Register and a State must wait 45 days after submitting the initial plan before it can apply for a requirements payment.

While the enforcement provisions of the Senate-passed bill included tough pre-clearance reviews of grant applications by the Department of Justice, the conference report contains an important new administrative grievance procedure intended to provide voters, and others aggrieved by violation of the requirements of this Act, a timely and convenient means of redressing alleged violations. Each State that receives funds under Title I must establish a state-based administrative procedure for reviewing alleged grievances under Title III of this Act. Such procedure must allow for a party to request a hearing on the record and if the State does not render a decision within 90 days of receiving a complaint, the proceeding is moved to an alternative dispute resolution process that must resolve the issue within 60 days.

Voters have the legal right to turn to their State to seek a remedy if their right to register or vote or have their vote counted has been violated. Aggrieved persons have a legal right to file the complaint and are entitled to a hearing on the record. If the State determines that there is a violation, then the State is required to order a remedy. If the State does not make a final determination within 90 days of the date that the complaint is filed, then the complainant may seek to initiate the alternative dispute resolution procedures (ADR). Under the enforcement provisions of this compromise, the State shall create a procedure to use ADR if they fail to meet the 90 day deadline for resolution of the complaint. The ADR procedure is an important guarantee within the state complaint process. However, the ADR procedure shall not be implemented to supplant any administrative judicial review which States already provide under State law.

The complaint procedures, set up under this conference report, are in addition to, and are not intended to override or preempt, the procedures by which a State guarantees judicial review of state administrative procedures. The determination made by the State under this conference report shall be subject to the existing State laws which may, or may not, allow for judicial review of administrative decision making. Furthermore, this conference report is not intended to in any way limit or prohibit a state from creating, if they do not already have one,

a provision to allow state courts to review the administrative decisions made in accordance with this bill.

Most importantly, this conference report preserves and protects existing voting rights laws, which provide for enforcement by private individuals who have either been denied the right to vote or had that right infringed. The conference report is designed to protect the enforcement provisions of many laws, including the Voting Rights Act and the National Voter Registration Act. Therefore, nothing in this legislation limits the enforcement measures or avenues of redress available to persons under those critical civil rights laws enumerated in Section 906 of Title IX of this Act.

While I would have preferred that we extend the private right of action afforded private parties under the NVRA, the House simply would not entertain such an enforcement provisions. Nor would they accept Federal judicial review of any adverse decision by a State administrative body. However, the state-based administrative procedure must meet basic due process requirements, including a hearing on the record if the aggrieved individual so chooses.

It is important to note that this state-based administrative proceeding is in addition to any other rights the aggrieved has and is limited only to the adjudication of violations of the requirements under Title III of this Act. This enforcement scheme in no ways replaces or alters the adjudication or enforcement provisions of any other civil rights or voting rights law.

As with all provisions of this legislation, the proof is in the implementation of these requirements by the States. But nothing in this conference report requires States or localities to change any voter eligibility requirements nor does this Act in any way infringe upon the sole authority of State and local election officials to determine who is a duly registered voter. It will require diligence and education of State and local election officials to ensure that these provisions do not serve to disenfranchise voters undermine the purposes of this Act: to make it easier to vote, but harder to defraud the system.

As is the case with any historic legislation that goes to the core of our democracy, a number of organizations participated in this effort. Yesterday, I recognized the efforts of over 60 staff members who participated in this effort. As is often the case when trying to develop a comprehensive list, there is a danger that someone's name will be inadvertently omitted. Unfortunately, that did occur and I would be remiss in not recognizing the significant efforts of Stuart Gottlieb of my staff. In addition to staff, I want to list the numerous organizations that have assisted in the development of this legislation. While not every organization supported every provision in this measure, each organization provided us with

thoughtful input and suggestions and were of considerable help in the formation of this legislation over. The list of organizations that have provided invaluable assistance to this effort over the last 23 months is almost too lengthy to include here. But it is important to note the breadth and depth of the input that went into crafting this historic legislation. At the risk of again inadvertently leaving someone out, I want to recognize and thank the following organizations which have provided their expertise to this effort:

American Association for People With Disabilities.

American Association of Retired Persons (AARP).

American Civil Liberties Union.

American Federation of State, County and Municipal Employees.

American Foundation for the Blind.

American Institute of Graphic Arts.

Asian American Legal Defense and Education Fund.

Brennan Center for Justice.

Center for Constitutional Rights.

Common Cause.

Commission on Civil Rights.

Caltech-MIT Voting Technology Project.

Constitution Project.

Disability Rights Education Defense Fund, Inc.

Election Center.

International Union, United Automobile, Aerospace & Agricultural Implement Workers of America.

Judge David L. Bazelon Center for Mental Health Law.

Lawyers Committee for Civil Rights Under Law.

Leadership Conference on Civil Rights.

League of Women Voters.

Mexican American Legal Defense & Education Fund.

National Asian Pacific American Legal Consortium.

National Association for the Advancement of Colored People.

National Association for the Advancement of Colored People (NAACP) Legal Defense & Education Fund, Inc.

National Association of Counties.

National Association of Latino Elected and Appointed Officials (NALEO) Education Fund.

National Association of Protection & Advocacy Systems.

National Association of Secretaries of State.

National Association of State Election Directors.

National Coalition on Black Civic Participation.

National Commission on Federal Election Reform (Carter-Ford Commission).

National Congress of American Indians.

National Conference of State Legislatures.

National Council of La Raza.

National Federation of the Blind.

National Puerto Rican Coalition, Inc.

Paralyzed Veterans of America.

People for the American Way.

Public Citizen.

Puerto Rican Legal Defense and Education Fund.

United Cerebral Palsy Associations.

United States Public Interest Research Group.

On balance, this is a good bill. It is an historic bill. It is landmark legislation. Members of the House of Representatives referred to this legislation last week as the first civil rights bill of the 21st century. It is worthy of such a

title and I am honored to have been able to be a part of the effort to bring this important legislation to pass. In the view of this Senator, at the end of this historic process, the Congress will have made a lasting contribution to the continued health and stability of this democracy for the people, by the people and of the people. I urge my colleagues to vote for the conference report.

I ask unanimous consent that a series of editorials from Greensboro, as well as from Sarasota, the New York Times, Wall Street Journal, Hartford Courant, New Haven Register, and others be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hartford Courant, Oct. 16, 2002]

SCORE ONE FOR SEN. DODD

Congress' accomplishments have been few and far between over the past year. But count as one of them the imminent passage of bipartisan election reform legislation that chief sponsor Sen. Christopher J. Dodd of Connecticut calls "the first civil rights act of the 21st century."

Mr. Dodd is proud of this measure, and rightly so.

It addresses many of the procedural and technological flaws that cast a cloud over the 2000 presidential election in Florida and other states. Badly designed ballots that confused voters, punch-card ballots that were difficult to count, eligible voters who were turned away from the polls and other problems disenfranchised many voters in Florida and elsewhere.

Congress promised to act quickly to address the irregularities, but Senate and House versions ran aground in the conference committee for months.

But earlier this month, after intense negotiations between House and Senate conferees of both parties, Mr. Dodd announced agreement on a bill that is expected to pass and be signed by President Bush. Senate action is scheduled today. Here, in part, is what the legislation will do:

The federal government is authorized to spend \$3.8 billion over the next three years to help states replace and renovate voting equipment, train poll workers, educate voters, upgrade voter lists and make polling places more accessible to the disabled. Connecticut will be able to tap some of that money, perhaps to complete its statewide voter registration list and to buy new equipment if state officials decide to replace the ancient mechanical voting machines.

A voter who does not appear on a registration list cannot be turned away from the polls, but must be allowed to cast a provisional ballot. The ballot would be counted if election officials later confirmed that the voter was eligible.

Voters must be given a chance to correct any errors on their ballots before they are finally cast.

States will be required to develop uniform standards for counting ballots so that procedures don't vary from county to county or precinct to precinct.

Anyone registering to vote after January 2004 must provide a driver's license number or the last four digits of his or her Social Security number for verification.

Some Democrats were uncomfortable with the identification requirements, saying they would discourage first-time voters, the poor and immigrants. Requiring ID's to cut down

on fraud is sensible, however. Some Republicans were opposed to Washington interfering in local elections. But clearly, minimum statewide standards are needed. This is an acceptable compromise.

[From the Washington Post, Oct. 10, 2002]

FIXING DEMOCRACY'S MACHINERY

As recently as a month ago, hope of fixing serious flaws in the nation's creaky voting system appeared doomed on Capitol Hill. House and Senate negotiators, stalled over some seemingly modest sticking points, appeared to have lost their stamina for repairing glitches that have kept thousands of Americans from exercising their right to participate in the political process. Election reform was poised to become one more casualty of the partisan gridlock that has stymied this Congress for much of the year. But last month's chaotic Florida primary was a bracing reminder that the nation's damaged election system poses a continuing threat to our form of democracy. It was, fortunately, the spark that ignited renewed fervor for election reform and the event that galvanized congressional negotiators to produce a compromise bill the president has said he will sign.

If the bill is enacted this week, as House and Senate leaders anticipate, the 2004 presidential election could be a far cry from the 2000 Florida debacle. The days of antiquated punch-card voting machines, voter registration roll confusion and botched elections may be numbered. The bill adopted by the House and Senate negotiators would, for the first time, impose minimum federal standards meant to guarantee the basic quality of elections; allow voters to check their ballots and correct errors; improve polling place access for the disabled; discourage fraud by requiring new voters to provide a driver's license number or the last four digits of their Social Security number and, if they apply by mail, a current photo ID card or utility bill; and require states to have a computerized, statewide voter registration database to prevent a person from voting in multiple jurisdictions. To help states upgrade their voting machinery and train poll workers, the bill calls for \$3.9 billion in federal money over three years—\$1 billion of which congressional leaders believe can be appropriated during the current fiscal year to jump-start the reform effort.

While the election reform bill is every bit the "historic" federal response to Election Day flaws that sponsors claim it to be, it would not supplant the functions of state and local election officials. Their roles would remain essential. The legislation would, however, substantially fund the new requirements imposed on the states, with the federal government shouldering 95 percent of the costs. That the final measure has drawn bipartisan congressional backing is testimony to the broad support across the nation for revamping America's election system.

[From the New York Times, Oct. 8, 2002]

UPGRADING THE WAY WE VOTE

Congress now seems on the verge, at long last, of passing meaningful legislation to improve the reliability of American elections.

The House and Senate had earlier passed bills addressing the flaws in voting equipment and procedures that were so manifest in the 2000 presidential vote. The sense of urgency, however, seemed to erode as negotiators sought to reconcile the two measures. Democrats had second thoughts about signing on to anti-fraud provisions, while Republicans had qualms about expanding the federal government's role in running elections. Then last month, Florida's chaotic Congressional primaries provided a fresh re-

minder of the price of inaction. Last week the conferees struck a deal that the full Congress is expected to approve within days and that President Bush is expected to sign into law. The legislation calls for a big infusion of federal resources into the administration of elections—\$3.9 billion over three years. Until Congress actually appropriates the money, however, this amounts to little more than a promise—one on which Mr. Bush and the Congressional leadership are obliged to deliver.

The funds will enable states to upgrade their equipment, train poll workers and otherwise improve how elections are administered. The legislation also imposes federal standards, starting in 2004. States must offer "provisional balloting" for voters whose eligibility is questioned at the polls, and a means of allowing voters who have made mistakes in casting their ballots a chance to rectify them. States must also ensure access to disabled voters, establish uniform vote-counting standards and create computerized registration lists.

The legislation requires first-time voters who register by mail to verify their identity when they vote. Some argue that this imposes too onerous a burden on minority voters. We disagree, although the Justice Department will have to be vigilant to ensure that this anti-fraud provision is not abused. The final draft of the legislation should also spell out that this provision will not take effect until the full \$3.9 billion is appropriated.

More might have been done to nationalize election procedures, but in the context of America's federalism, this legislation is a sound accomplishment.

[From the Wall Street Journal, Oct. 7, 2002]

CLEANING UP ELECTIONS

One of the most underreported stories in recent American politics has been the growth in election fraud. We'd even say that the politicians have been far ahead of the press corps on this problem, perhaps because their futures depend on honest vote counting.

Two useful cases in point are now coming out of Washington, of all unlikely places. One is the election reform bill that finally looks ready to emerge from House-Senate conference. The other is Attorney General John Ashcroft's effort this week to mobilize his department to counter fraud from now through this Election Day of November 5.

Mr. Ashcroft has summoned assistant U.S. attorneys from around the country to a day-long seminar tomorrow to focus on elections crimes. There are plenty of anti-vote fraud laws on the books, but rarely if ever are allegations of fraud investigated, much less prosecuted. Mr. Ashcroft has invited three assistant U.S. attorneys with experience in election crimes—from the ripe climates of Kentucky, Alabama and New York—to share their lessons and case studies.

The Chihuahuas of the Beltway press corps will be inclined to treat this as little more than political public relations. But that's why they miss so many stories, including the outbreak of voting fraud in places like Philadelphia, San Francisco and St. Louis. In the latter, the dead and pets cast ballots in 2000; only last year the voter rolls in St. Louis included 13,000 more names than the U.S. Census lists as the total number of adults over age 18. In New York City earlier this year, the name of a candidate for lieutenant governor was discovered to have voted twice in a previous election. He dropped out after the New York Post broke the story.

It's helpful for Mr. Ashcroft to draw public attention to this before Election Day, both to mobilize his own department and perhaps to deter those looking to commit fraud. He's

asking each of his U.S. Attorneys to meet with state election and law enforcement officials in the next month, says a recent internal memo, to find ways to "work together to deter electoral corruption and bring violators to justice."

The election reform bill compromise also includes much-needed attention to ballot integrity. The heart of the bill is of course aimed at avoiding another Florida butterfly-ballot fiasco, by sending \$3.9 billion to the states to upgrade their voting equipment and train poll workers, as if the job were all that difficult.

But the best provisions are those aimed at cleaning up voter lists. Beginning this January 1, new voters who register by mail will have to provide a photo ID or another document, such as a utility bill, that shows a name and address. States will also have to maintain a statewide voter registration list. And voters who do not appear on a registration list will be able to cast a provisional ballot, to be counted only if its data can be later verified.

Our own view is that if a citizen is too lazy to register before an election, he's disqualified himself from voting. But these reforms will at least address some of the problems created by the disastrous "motor voter law" of 1994 that was supposed to increase voter turnout; instead it created many more opportunities for cheating.

The people who pushed motor voter are also the same folks now raising public doubts about the anti-fraud provisions of this election reform. They are liberal lobbies who like to shout about the "possible disenfranchisement of voters," as Kay Maxwell of the increasingly ideological League of Women Voters put it to the Los Angeles Times. This is a subtle race-card play, suggesting that the U.S. in 2002 resembles Birmingham, Alabama circa 1956.

Even in the contested Florida election of 2000, the black share of the total vote was a record high, which is hard to square with allegations of voter intimidation. Connecticut Senator Chris Dodd and other Democrats deserve credit for overruling their staffs and the liberal lobbies to cut a reform deal with Republicans.

With American politics now closely divided, many elections are bound to be close and the temptation on both sides will be to shout fraud whenever they lose. That's all the more reason to attempt to deter fraud before Election Day.

[From Newsday, Oct. 8, 2002]

ENACT BALLOTING REFORMS BUT ONLY IF MONEY'S ATTACHED

In resuscitating a bill to reform the nation's voting procedures, House and Senate negotiators have crafted a solid approach to reduce the likelihood of future voting fiascoes like those that roiled the 2000 presidential election, whose results were unclear for more than a month.

Congress dawdled too long for its reform to have any impact Nov. 5. But the next presidential race is just two years away, so lawmakers should pass the bill—but only if the money to fund it is assured. The bill sets minimum federal standards for voting, including error rates, and authorizes \$3.9 billion to help states cover the cost of compliance. Without that money, reform would be a sham; change would come slowly, if at all.

That would be a shame as the bill strikes a pretty good balance between autonomy and accountability. Washington would monitor performance and offer guidance on equipment procedural changes, but its recommendations would not have the force of law. State and local officials would have wide discretion on how to meet the standards, for instance, in choosing types of voting machines. The Justice Department could

sue to enforce the new standards. But election reform wouldn't be micromanaged from Washington.

Election-reform bills passed the House and Senate months ago, but the effort to reconcile the two versions ran aground. Republicans sought safeguards against fraud; Democrats wanted to make sure that new identification requirements would not disenfranchise voters.

Under the current agreement, people registering to vote would have to provide a driver's license number or Social Security number. First-time voters who register by mail would have to present one of those documents to poll workers before casting their ballots.

Civil rights advocates worry that poor or minority voters would be deterred by those requirements and by poll workers who might not apply them fairly and consistently. Those concerns are important and should be closely monitored. But they should not derail reform.

Voting is too fundamental to democracy for the nation not to get it right.

[From the Pittsburgh Post-Gazette, Oct. 10, 2002]

VOTING FOR PROGRESS: CONGRESSIONAL NEGOTIATORS AGREE ON ELECTION REFORM

If the 2000 presidential election in Florida weren't enough of a debacle, the problems experienced in the same state's primary election last month made the point anew:

If American democracy is to retain any respect, Congress had better help the states improve the way they hold elections. After months of wrangling, Congress has risen to the challenge, although controversy may still sink the effort.

After House and Senate negotiators reached agreement last week, Sen. Christopher J. Dodd, a Connecticut Democrat, correctly observed that it "will help America move beyond the days of hanging chads, butterfly ballots and illegal purges of qualified voters." Some \$3.9 billion in federal money would be provided to the states over three years for upgrading voting equipment, training poll workers and setting up a computerized voter database.

But so much for the mechanics of voting, the principal concern of Democrats. What about the Republican fear of voter fraud? This might be called the historic Tammany Hall problem, immortalized by the line "Vote early and often."

The Republicans had a point, whatever their political motives. Just as it is important to make sure votes are counted properly, it is also crucial to the integrity of the system to make sure that those voting are entitled to do so.

But civil rights groups and the League of Women Voters of America object to any provision that would require checking the IDs of voters; they say such requirements would unfairly discourage minorities and elderly people from voting. It is an understandable concern, but it has been overblown.

The compromise legislation is hardly onerous. Beginning Jan. 1, new voters who register by mail would be required to provide a current photo ID or another document such as a utility bill with name and address. Eventually, voters would have to supply part of a driver's license number or Social Security number (or be assigned a number if they didn't have one). If questions arose about a person's eligibility to vote, he or she would receive a provisional ballot that would be counted if the registration were later verified.

In a sign that the agreement is not as bad as advertised, the Congressional Black Caucus endorsed it. Former presidents Gerald

Ford and Jimmy Carter, who are honorary co-chairs of the National Commission on Federal Election Reform, said the bill "represents a delicate balance of shared responsibilities between levels of government." They're right—and the House and Senate should approve what their negotiators have worked out.

There is a local footnote to the federal debate: When the Post-Gazette suggested recently that some sort of voter ID was not a bad idea for Pennsylvania, a couple of Democratic legislators objected strongly. As this development in Washington illustrates, once again the commonwealth is behind the curve.

[From the Baltimore Sun, Oct. 15, 2002]

GETTING OVER IT

Angry and embarrassed over the election debacle of 2000, the newly chosen Congress vowed to make reforming the antiquated, 50-state patchwork system its first order of business. Now, it appears the election reform bill will be among the last items enacted as the 107th Congress stumbles to a messy close.

A final vote of the Senate tomorrow and the expected signature of President Bush will establish federal standards intended to ensure that eligible voters will never again be turned away from the polls or have their votes voided because of confusing ballots. The reforms come too late to apply to this year's congressional elections, and may not have been approved at all but for the botched Florida primary last month that kick-started a stalled legislative drive.

Much of the delay centered on a dispute over a requirement that first-time voters who register by mail show one of several forms of identification at the polls. Republican senators, in particular, insisted on an ID requirement to fight voter fraud.

Civil rights groups complained such a requirement would impose a barrier to voting for low-income Americans who don't have drivers licenses or other common forms of identification. At a minimum, they argued, the request for such papers would be used as a way to harass or discourage voters.

Rep. Steny H. Hoyer of Maryland, a leading Democratic negotiator on the bill, won House approval for a version of the measure without an ID requirement. But he faced a Senate that had voted 99-1 to include one. He and the vast majority of his colleagues, including the Congressional Black Caucus, decided to accept the provision rather than let the bill die.

That was the right choice. The legislation directs \$3.9 billion in aid to the states to replace outdated punch-card and lever voting machines and to train poll workers. Among its innovative features is a \$5 million program to recruit college students to serve as poll workers and take over tasks now often being performed by elderly party volunteers.

Safeguards were also included: Voters without identification or whose eligibility is otherwise challenged would be allowed to cast provisional ballots so that no one who turns up at the polls is turned away.

The most scandalous aspect of our voting process is neither fraud nor errors but the failure of half or more of all eligible voters to even bother to cast ballots.

Congress cannot mandate civic enthusiasm. But it can help increase confidence in the election process by doing away with a system that routinely lets thousands of votes from those who do bother to show up go uncounted.

Activists in both parties as well as voter and civil rights advocates should work together to implement the new procedures as quickly as possible and correct any flaws.

It is long past time to get over it.

[From the News and Record, Oct. 12, 2002]
NEARLY TWO YEARS LATER, VOTING SYSTEM IS REFORMED

Until last week, reform of the nation's voting process was as dead as an uncounted hanging chad. National outrage over Florida's voting debacle in the 2000 presidential election had been high-pitched, but Congress lost interest. Florida's botched primary last month—equipment failure, human error—put reform back on the radar screen. Congress passed bipartisan legislation last week that authorizes \$3.9 billion over the next three years to help states buy new voting equipment, computerize registered voter lists and train poll workers.

The bill also requires new voters who register by mail to provide personal identification, such as a driver's license or Social Security number, when they arrive at the polls. The proviso prevents election fraud.

The bill also requires "provisional voting," meaning a voter who goes to the polls and whose registration cannot be validated is allowed to vote. If election officials later verify the voter's registration, the vote counts. North Carolina commendably adopted "provisional voting" years ago.

The legislation carefully pays constitutional obeisance to states' rights. States, not the federal government, will determine what constitutes a legal vote. That raises the specter of Florida's recount of hanging chads. Yet Florida, and other states, will supposedly have improved voting machines and better trained poll workers before the 2004 presidential election when the reforms become operative.

The bill enjoys bipartisan support but not without prior hassles. Republicans feared voter fraud and insisted on identification for new voters who register by mail. Fair enough. Democrats sought to expand the franchise with "provisional voting" and registering by mail. They, too, got their wish.

President Bush, whose brother, Jeb, is governor of Florida and has been tarnished by his state's flawed voting system, is eager to avoid a messy repeat performance. The president is expected to sign the authorization bill and, ultimately, the appropriations bill that funds it.

It has taken a dawdling Congress two years after the embarrassing 2000 presidential election to adopt voting reforms. If it had failed to do so, voters' rights would have been egregiously undermined.

[From the Sarasota Herald-Tribune, Oct. 12, 2002]

FEDERAL ELECTION REFORM, FINALLY; FLORIDA'S PROBLEMS HELPED CONGRESS RESOLVE DIFFERENCES

Federal election reform appears to be a reality at last. The nation can thank South Florida, whose recently bungled primary inspired Congress to resolve stubborn differences over a voting bill and push it toward final passage.

The federal breakthrough comes too late for Florida, but it's welcome nonetheless. Once it gains expected final approval, the measure will address the kind of fundamental election problems that savaged the 2000 presidential contest and—despite state reforms enacted in 2001—bit Florida again in the September primary. That federal reform took so long is really a shame—but then, so are botched elections. The Bush/Gore battle of 2000 taught Americans how frustrating the act of voting can be when rules vary from state to state, county to county and chad to chad.

As time passed, however, Congress' zeal to reform the mess devolved into partisan quibbling. Though both the House and Senate

passed election bills, the chambers lacked the resolve to work out their differences; the bills lay comatose for months and by summer were presumed dead.

Then came the September primary: Florida's newfangled machines and revised procedures brought on precisely what they were designed to avoid—angry voters, disputed ballot and official confusion.

Congress took note, resuscitated the election bills and finally worked out a deal. It was announced last Friday in a ceremony long on self-congratulation and short on details. Here are some of the key points:

The legislation would authorize nearly \$4 billion to help states modernize voting machines, educate voters, train poll workers and improve the administration of elections. (Separate appropriations bills are needed to actually come up with the cash.)

It would set more uniform election standards in machines, counting, and other related procedures, and set up a commission to lead this effort.

It would modernize the lists of registered voters; require voters to have the opportunity to correct their ballots if they err; and allow provisional votes for people whose eligibility is questioned.

It would require certain anti-fraud measures; encourage better access for overseas and military voters; and contain criminal penalties for people who provide false information in registering or voting. People who conspire to deprive voters of fair elections also would face criminal sanctions.

Florida already has initiated many of these reforms, but the troubled September primary proved that implementation requires lots of time and training. Congress should bear this in mind and funds its legislation accordingly, lest Florida-style embarrassments pop up nationwide.

Some civil rights groups oppose certain identification requirements in the legislation, but these measures are needed to discourage fraud—a crime that injures every voter's right to be counted.

Uniformity in election procedures, and money to achieve it, are the key benefits of the federal legislation. Without consistency from state to state and precinct to precinct, it's difficult to guarantee that voters receive equal protection—the concept on which the Supreme Court leaned for its controversial ruling deciding the 2000 standoff.

As the court wrote with notable understatement, "The problem of equal protection in election processes generally presents many complexities."

This legislation could simplify many of those complexities. It deserves final approval and full funding. Now.

Mr. DODD. Mr. President, I say to my colleagues how much I appreciate their patience on this. This has been a very long and arduous effort to get to this point. This is not a perfect piece of legislation, but I think it advances considerably the role the United States ought to be playing as a Federal Government in the conduct of elections. The world looks and watches us. We are not shy about lecturing people about democracy. When we have error rates as we do and millions of people turned away at the polls, it is long overdue that we correct the system. This bill goes a long way in doing that. It is a proud day. It ought to be for all of us here who responded to the challenge that was asked of us as a result of the elections of 2000.

I commend my colleagues in the other body, and the leadership there

and the leadership here, for allowing us to reach this point.

I urge the adoption of this conference report.

I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER (Mr. EDWARDS). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have a number of Senators who are stuck on a train. As a result of that, we are going to start the vote now and give ample opportunity for them to get here to vote. It is terribly unusual that we extend the vote, but we will this one time. I ask for the regular order on the vote.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI), the Senator from Colorado (Mr. ALLARD), the Senator from Texas (Mr. GRAMM), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—92

Akaka	DeWine	Landrieu
Allen	Dodd	Leahy
Baucus	Domenici	Levin
Bayh	Dorgan	Lieberman
Bennett	Durbin	Lincoln
Biden	Edwards	Lott
Bingaman	Ensign	Lugar
Bond	Feingold	McCain
Boxer	Feinstein	McConnell
Breaux	Fitzgerald	Mikulski
Brownback	Frist	Miller
Bunning	Graham	Murkowski
Burns	Grassley	Murray
Byrd	Gregg	Nelson (FL)
Campbell	Hagel	Nelson (NE)
Cantwell	Harkin	Nickles
Carnahan	Hatch	Reed
Carper	Helms	Reid
Chafee	Hollings	Roberts
Cleland	Hutchinson	Rockefeller
Cochran	Inhofe	Santorum
Collins	Inouye	Sarbanes
Conrad	Jeffords	Shelby
Corzine	Johnson	Smith (NH)
Craig	Kennedy	Smith (OR)
Crapo	Kerry	Snowe
Daschle	Kohl	Specter
Dayton	Kyl	Stabenow

Stevens	Thurmond	Wellstone
Thomas	Voinovich	Wyden
Thompson	Warner	

NAYS—2

Clinton	Schumer
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NOT VOTING—6

Allard	Gramm	Sessions
Enzi	Hutchinson	Torricelli

The conference report was agreed to.

Mr. DODD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleagues for their overwhelming support for this legislation. As I said earlier, it has been a long journey to bring us to this juncture.

We never claimed perfection in this bill. It is a compromise, obviously. We think it advances the cause of enfranchising people. I mentioned earlier people who talked about dogs who may have voted. I find a certain amount of humor in that and a degree of seriousness, if that is the case. When we end up with 4 million to 6 million human beings who could not vote, I hope we will spend a lot of time talking about this legislation, making sure people show up to vote who are alive and well.

I thank my colleagues for their backing of this legislation. I look forward to, I hope, a Presidential signature on this legislation, and then doing the hard work of implementing the provisions of this bill.

Mr. REID. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. REID. I say to the Senator, I can remember his managing the bill. It was very tough. He did a wonderful job of moving this most contentious legislation through the Senate.

He was able to develop bipartisan support for it in committee and on the floor. There were many who felt we could never get this bill out of conference, but the Senator from Connecticut was persistent, unyielding, and we now have a bill.

I hope people understand what a sea change this is going to be for voting in America. In Nevada, we need this legislation. The Secretary of State—who, by the way, is a Republican—was one of the first supporters of this legislation and developed a friendship with the Senator from Connecticut as a result of this legislation. It is that way all over the country. I only hope in the months and years to come, we understand how important this is and put our money where our mouths are. We have now authorized this most important legislation and have to fund it.

This is groundbreaking, but I repeat, we have to put our money where our mouth is so we can implement this legislation. I hope we do that. If we do that, it is going to make elections fair, and it will make people feel good about their votes counting.

None of this would have happened but for the doggedness of the Senator from Connecticut. He simply would not give up when many said it could not be done.

Mr. DODD. Mr. President, I noted earlier the support of House Members who did a tremendous job in getting a bill done. I talked about BOB NEY and STENY HOYER. Obviously, bills do not get done just because they get done in the Senate. They can only finally get to the President's desk if the other body also acts, and without the leadership of BOB NEY of Ohio and STENY HOYER of Maryland, the Chair and ranking Members of the House Administration Committee, we never would have had a negotiation to produce this product.

So I want to extend my appreciation to them and to JOHN CONYERS, who was my coarchitect of this bill going back now a year and a half ago, who wanted to be available in Washington this morning, but he got delayed on a flight and could not be present for this final vote. When I first announced this bill, I stood in the room with two people. One was John Sweeney of the AFL-CIO. The other one was JOHN CONYERS, the dean of the Congressional Black Caucus in the House. JOHN CONYERS was a tremendous supporter of this effort all the way through. I am very grateful to him, again grateful to STENY HOYER, BOB NEY, and a whole host of people who made this possible: The NAACP, the AFL-CIO, disability groups across the country, the National Association of Secretaries of State. There is a long list of organizations that rallied behind this effort, and without their support we would not have been able to arrive at this moment.

So I thank all of those who were involved in this. I thank my colleague from Nevada for his very kind and generous comments.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORZINE).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 5010, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5010), making appropriations for the Department of Defense for the fiscal year ending

September 30, 2003, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of October 9, 2002.)

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes for debate, 5 minutes each for the Senator from Hawaii, Mr. INOUE, and the Senator from Alaska, Mr. STEVENS, and the Senator from Minnesota, Mr. WELLSTONE.

The Senator from Hawaii.

Mr. INOUE. Mr. President, I am pleased to be here today with my co-chairman Senator STEVENS to present our recommendations to the Senate on the conference report for H.R. 5010, the Department of Defense Appropriations Act for fiscal year 2003.

The conference agreement represents a compromise reached after a month-long series of discussions by the managers.

Our recommendations bring the total in the bill to \$355.1 billion, \$298 million below the Senate passed bill and \$395 million above the House level.

This conference agreement represents a good faith effort to balance the priorities of the House and Senate in meeting our National Security requirements. I am confident it achieves that objective.

Our time is brief today, so I will not detail all of the items in this measure. But I want to make three points.

First, this bill is likely to be one of the two appropriations bills to be completed before the election. As such, there were many items that members sought to have included in this conference report. I am happy to report to the Senate that no extraneous matters were included by the conferees. This is a very clean bill.

Second, last week the Senate passed a resolution authorizing the use of force against Iraq. It is imperative we pass this bill before we recess to ensure our forces have the support they require to carry out whatever missions our Nation asks them.

Third, I commend my co chairman, Senator STEVENS, for his work on this bill. He was instrumental in defending many of the priorities of the Senate, including our efforts to support strong financial management in DoD: Fully funding the C-17 program and paying off our unfunded liability on shipbuilding programs.

As always, my friend was assisted in this by his very capable staff led by Steve Cortese, and including Sid Ashworth, Kraig Siracuse, Jennifer Chartrand, Alicia Farrell, and Nicole Royal. I also want to note the fine work of my staff: Charlie Houy, David Morrison, Susan Hogan, Mazie Mattson, Tom Hawkins, Bob Henke,

Leslie Kalan, Menda Fife, and Betsy Schmid.

Mr. President, finally I commend the House for their courtesy and cooperation. Chairman LEWIS and Representative MURTHA could not have been more gracious. While there were many issues upon which we differed, we were able to resolve those in a friendly and constructive fashion.

I note as well the great work of their fine staff led by Kevin Roper and Greg Dahlberg, and including:

Betsy Phillips, Doug Gregory, Alicia Jones, Greg Walters, Paul Juola, Steve Nixon, David Norquist, Greg Lankler, Clelia Alvarado, Paul Terry, Sarah Young, Sherry Young, Chris Mallard, David Killian and Bill Gnacek.

Mr. President this is a good bill, it is exactly what our armed forces need, and I urge all my colleagues to support it.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am pleased to be here with my distinguished colleague from Hawaii to offer this bill. It is the largest Defense bill in history. It is a bill that merits the support of every Member of the Senate.

I do congratulate Senator INOUE for his leadership and for his hard work and cooperation with the Members of the House, whom he has named, with whom we have worked on this bill.

We have had different views on this bill, but we have proceeded without rancor and I think worked out a compromise that is satisfactory to the administration, particularly the Department of Defense and the President. I believe it is a balanced and fair bill.

There were nearly \$18 billion in differences between the House and Senate bills. All of these have been reconciled within the limits of discretion and with good will. I think these compromises should receive overwhelming support from the Department because they actually make the bill much more functional, more workable. It is the kind of bill that we should have in the times we are in now, where we are close to a very difficult problem as far as Iraq is concerned.

This bill fully funds all military requirements for the armed services. It contains a 4.1-percent pay increase and lifetime health care benefits for the military retirees.

It further reduces the out-of-pocket costs for some of the military families who do not have the benefit of on-base housing.

We really have tried to strike a balance between near-term readiness and the investments we must make for the future, as far as our defense establishment is concerned.

This bill mandates full funding for six Stryker brigades to transform our ground combat forces and adds funds for future combat systems.

For the Navy, funding the CVN-X and the DD-X and the littoral combat ship and the *Virginia* class submarine,