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(Original Signature of Member)

107TH CONGRESS
1ST SESSION

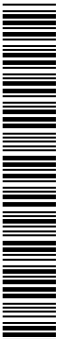
H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. NEY (for himself, Mr. HOYER, and Mr. BLUNT) introduced the following
bill; which was referred to the Committee on

A BILL

To establish a program to provide funds to States to replace punch card 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.



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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Help America Vote Act of 2001”.

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

Sec. 1. Short title; table of contents.

TITLE I—PUNCH CARD VOTING MACHINES

Subtitle A—Replacement of Machines

Sec. 101. Establishment of program.
Sec. 102. Eligibility.
Sec. 103. Amount of payment.
Sec. 104. Audit and repayment of funds.
Sec. 105. Punch card voting system defined.

Subtitle B—Enhancing Performance of Existing Systems

Sec. 111. Establishment of program.
Sec. 112. Eligibility.
Sec. 113. Amount of payment.
Sec. 114. Audit and repayment of funds.

Subtitle C—General Provisions

Sec. 121. Authorization of appropriations.
Sec. 122. Punch card voting system defined.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

Sec. 201. Establishment.
Sec. 202. Duties.
Sec. 203. Membership and appointment.
Sec. 204. Staff.
Sec. 205. Powers.
Sec. 206. Limitation on rulemaking authority.
Sec. 207. Authorization of appropriations.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND
BOARD OF ADVISORS

Sec. 211. Establishment.
Sec. 212. Duties.



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- Sec. 213. Membership of Standards Board.
- Sec. 214. Membership of Board of Advisors.
- Sec. 215. Powers of boards; no compensation for service.
- Sec. 216. Status of boards and members for purposes of claims against board.

Subtitle B—Voluntary Election Standards

- Sec. 221. Development of voluntary election standards.
- Sec. 222. Technical standards development committee.
- Sec. 223. Process for adoption of voluntary standards.
- Sec. 224. Certification and testing of voting systems.
- Sec. 225. Dissemination of information.

Subtitle C—Election Assistance

PART 1—ELECTION FUND PAYMENTS TO STATES FOR VOTING SYSTEM
IMPROVEMENTS

- Sec. 231. Election fund payments to States for voting system improvements.
- Sec. 232. Allocation of funds.
- Sec. 233. Conditions for receipt of funds.
- Sec. 234. Authorization of appropriations.

PART 2—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

- Sec. 241. Grants for research on voting technology improvements.
- Sec. 242. Report.
- Sec. 243. Authorization of appropriations.

PART 3—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

- Sec. 251. Pilot program.
- Sec. 252. Report.
- Sec. 253. Authorization of appropriations.

PART 4—MISCELLANEOUS

- Sec. 261. Role of National Institute of Standards and Technology.
- Sec. 262. Reports.
- Sec. 263. Audit.

TITLE III—HELP AMERICA VOTE COLLEGE PROGRAM

- Sec. 301. Establishment of Program.
- Sec. 302. Activities under Program.
- Sec. 303. Authorization of appropriations.

TITLE IV—HELP AMERICA VOTE FOUNDATION

- Sec. 401. Help America Vote Foundation.

TITLE V—MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS

- Sec. 501. Minimum standards for State election systems.
- Sec. 502. Standards described.
- Sec. 503. Enforcement.
- Sec. 504. Effective date.



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TITLE VI—VOTING RIGHTS OF MILITARY MEMBERS AND
OVERSEAS CITIZENS

- Sec. 601. Voting assistance programs.
- Sec. 602. Designation of single State office to provide information on registration and absentee ballots for all voters in State.
- Sec. 603. Report on absentee ballots transmitted and received after general elections.
- Sec. 604. Simplification of voter registration and absentee ballot application procedures for absent uniformed services and overseas voters.
- Sec. 605. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act.

TITLE VII—REDUCED POSTAGE RATES FOR OFFICIAL ELECTION
MAIL

- Sec. 701. Reduced postage rates for official election mail.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

- Sec. 801. Federal Election Campaign Act of 1971.
- Sec. 802. National Voter Registration Act of 1993.
- Sec. 803. Transfer of property, records, and personnel.
- Sec. 804. Effective date; transition.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

- Sec. 811. Treatment of Commission personnel under certain civil service laws.
- Sec. 812. Coverage under Inspector General Act of 1978.

TITLE IX—MISCELLANEOUS PROVISIONS

- Sec. 901. State defined.
- Sec. 902. Miscellaneous provisions to protect integrity of election process.
- Sec. 903. No effect on other laws.

1 **TITLE I—PUNCH CARD VOTING**

2 **MACHINES**

3 **Subtitle A—Replacement of**

4 **Machines**

5 **SEC. 101. ESTABLISHMENT OF PROGRAM.**

- 6 (a) IN GENERAL.—Not later than 30 days after the
- 7 date of the enactment of this Act, the Administrator of
- 8 General Services (hereafter in this title referred to as the
- 9 “Administrator”) shall establish a program under which



1 the Administrator shall make a one-time payment to each
2 eligible State or unit of local government which used a
3 punch card voting system to administer the regularly
4 scheduled general election for Federal office held in No-
5 vember 2000.

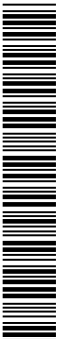
6 (b) USE OF FUNDS.—A State or unit of local govern-
7 ment shall use the funds provided under a payment under
8 this subtitle (either directly or as reimbursement) to re-
9 place its punch card voting system with a voting system
10 which does not use punch cards (by purchase, lease, or
11 such other arrangement as may be appropriate).

12 (c) DEADLINE.—

13 (1) IN GENERAL.—A State or unit of local gov-
14 ernment receiving a payment under the program
15 under this subtitle shall—

16 (A) obligate the funds provided for the
17 uses described in subsection (b) not later than
18 the date of the regularly scheduled general elec-
19 tion for Federal office to be held in November
20 2002; and

21 (B) ensure that all of the punch card vot-
22 ing systems under its jurisdiction have been re-
23 placed in time for the regularly scheduled gen-
24 eral election for Federal office to be held in No-
25 vember 2004.



1 (2) WAIVER.—If a State or unit of local govern-
2 ment provides the Election Assistance Commission
3 (established under section 201) (not later than the
4 date of the regularly scheduled general election for
5 Federal office to be held in November 2002) with a
6 notice that the State or unit will not meet the dead-
7 lines described in paragraph (1) and includes in the
8 notice the reasons for the failure to meet such dead-
9 lines, and the Commission finds that there is good
10 cause for the failure to meet such deadlines, para-
11 graph (1) shall apply to the State or unit as if—

12 (A) the reference in paragraph (1)(A) to
13 “November 2002” were a reference to “Novem-
14 ber 2004”; and

15 (B) the reference in paragraph (1)(B) to
16 “November 2004” were a reference to “Novem-
17 ber 2006”.

18 **SEC. 102. ELIGIBILITY.**

19 (a) STATES.—A State is eligible to receive a payment
20 under the program under this subtitle if it submits to the
21 Administrator an application not later than 120 days after
22 the date of the enactment of this Act (in such form as
23 the Administrator may require) which contains—

24 (1) assurances that the State will use the pay-
25 ment (either directly or as reimbursement) to re-



1 place punch card voting systems in jurisdictions
2 within the State which used such systems to carry
3 out the general Federal election held in November
4 2000;

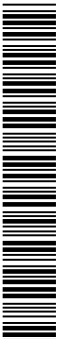
5 (2) assurances that in replacing punch card vot-
6 ing systems the State will continue to meets its du-
7 ties under the Voting Accessibility for the Elderly
8 and Handicapped Act (42 U.S.C. 1973ee et seq.)
9 and the Americans With Disabilities Act;

10 (3) assurances that in replacing punch card vot-
11 ing systems the State will provide for alternative
12 language accessibility for individuals with limited
13 English proficiency, consistent with the requirements
14 of the Voting Rights Act of 1965 and any other ap-
15 plicable provisions of law; and

16 (4) such other information and assurances as
17 the Administrator may require which are necessary
18 for the administration of the program.

19 (b) UNIT OF LOCAL GOVERNMENT.—A unit of local
20 government is eligible to receive a payment under the pro-
21 gram under this subtitle if it submits to the
22 Administrator—

23 (1) not later than the date of the regularly
24 scheduled general election for Federal office to be
25 held in November 2002, a statement of its intent to



1 participate in the program, including assurances
2 that the State in which the unit is located—

3 (A) failed to submit an application under
4 subsection (a) within the deadline specified
5 under such subsection,

6 (B) is otherwise not eligible to receive a
7 payment under the program, or

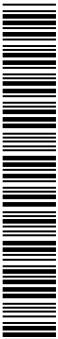
8 (C) will not use the payment to replace
9 punch card voting systems in the unit; and

10 (2) an application (at such time and in such
11 form as the Administrator may require) which con-
12 tains similar assurances to those required to be pro-
13 vided by a State in its application under subsection
14 (a).

15 **SEC. 103. AMOUNT OF PAYMENT.**

16 (a) IN GENERAL.—The amount of payment made to
17 a State or unit of local government under the program
18 under this subtitle shall be equal to the applicable per pre-
19 cinct matching rate of the cost to the State or unit (as
20 the case may be) of replacing the punch card voting sys-
21 tems used in each precinct in the State or unit (as the
22 case may be), except that in no case may the amount of
23 the payment exceed the product of—

24 (1) the number of voting precincts administered
25 by the State or unit which used a punch card voting



1 system to carry out the general Federal election held
2 in November 2000; and

3 (2) \$6,000.

4 (b) APPLICABLE PER PRECINCT MATCHING RATE
5 DEFINED.—In subsection (a), the “applicable per precinct
6 matching rate” is—

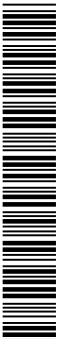
7 (1) 90 percent; or

8 (2) 95 percent, in the case of a precinct whose
9 average per capita income is within the lowest quar-
10 tile of average per capita incomes for all precincts in
11 the United States (as determined by the 2000 decen-
12 nial census).

13 **SEC. 104. AUDIT AND REPAYMENT OF FUNDS.**

14 (a) AUDIT.—Funds provided under the program
15 under this subtitle shall be subject to audit by the Admin-
16 istrator.

17 (b) REPAYMENT FOR FAILURE TO MEET DEAD-
18 LINES.—If a State or unit of local government (as the case
19 may be) receiving funds under the program under this
20 subtitle fails to meet the deadlines applicable to the State
21 or unit under section 101(c), the State or unit shall pay
22 to the Administrator an amount equal to the amount of
23 the funds provided to the State or unit under the program.



1 **SEC. 105. PUNCH CARD VOTING SYSTEM DEFINED.**

2 For purposes of this subtitle, a “punch card voting
3 system” means any of the following voting systems:

4 (1) C.E.S.

5 (2) Datavote.

6 (3) PBC Counter.

7 (4) Pollstar.

8 (5) Punch Card.

9 (6) Vote Recorder.

10 (7) Votomatic.

11 **Subtitle B—Enhancing**
12 **Performance of Existing Systems**

13 **SEC. 111. ESTABLISHMENT OF PROGRAM.**

14 (a) IN GENERAL.—Not later than 30 days after the
15 date of the enactment of this Act, the Administrator shall
16 establish a program under which the Administrator shall
17 make a one-time payment to each eligible State or unit
18 of local government which used a punch card voting sys-
19 tem to administer the regularly scheduled general election
20 for Federal office held in November 2000.

21 (b) USE OF FUNDS.—A State or unit of local govern-
22 ment shall use the funds provided under a payment under
23 this subtitle (either directly or as reimbursement) to make
24 technical enhancements to the performance of its punch
25 card voting system (by any arrangement as may be appro-
26 priate).



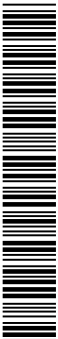
1 (c) DEADLINE.—

2 (1) IN GENERAL.—A State or unit of local gov-
3 ernment receiving a payment under the program
4 under this subtitle shall—

5 (A) obligate the funds provided for the
6 uses described in subsection (b) not later than
7 the date of the regularly scheduled general elec-
8 tion for Federal office to be held in November
9 2002; and

10 (B) ensure that technical enhancements
11 have been made to the performance of all of the
12 punch card voting systems under its jurisdiction
13 in time for the regularly scheduled general elec-
14 tion for Federal office to be held in November
15 2004.

16 (2) WAIVER.—If a State or unit of local govern-
17 ment provides the Election Assistance Commission
18 (established under section 201) (not later than the
19 date of the regularly scheduled general election for
20 Federal office to be held in November 2002) with a
21 notice that the State or unit will not meet the dead-
22 lines described in paragraph (1) and includes in the
23 notice the reasons for the failure to meet such dead-
24 lines, and the Commission finds that there is good



1 cause for the failure to meet such deadlines, para-
2 graph (1) shall apply to the State or unit as if—

3 (A) the reference in paragraph (1)(A) to
4 “November 2002” were a reference to “Novem-
5 ber 2004”; and

6 (B) the reference in paragraph (1)(B) to
7 “November 2004” were a reference to “Novem-
8 ber 2006”.

9 **SEC. 112. ELIGIBILITY.**

10 (a) STATES.—Subject to subsection (c), a State is eli-
11 gible to receive a payment under the program under this
12 subtitle if it submits to the Administrator an application
13 not later than 120 days after the date of the enactment
14 of this Act (in such form as the Administrator may re-
15 quire) which contains—

16 (1) assurances that the State will use the pay-
17 ment (either directly or as reimbursement) to make
18 technical enhancements to the performance of punch
19 card voting systems in jurisdictions within the State
20 which used such systems to carry out the general
21 Federal election held in November 2000;

22 (2) assurances that in enhancing the perform-
23 ance of such voting systems the State will continue
24 to meets its duties under the Voting Accessibility for
25 the Elderly and Handicapped Act (42 U.S.C. 1973ee



1 et seq.) and the Americans With Disabilities Act;
2 and

3 (3) such other information and assurances as
4 the Administrator may require which are necessary
5 for the administration of the program.

6 (b) UNITS OF LOCAL GOVERNMENT.—Subject to
7 subsection (c), a unit of local government is eligible to re-
8 ceive a payment under the program under this subtitle if
9 it submits to the Administrator—

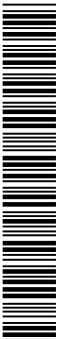
10 (1) not later than the date of the regularly
11 scheduled general election for Federal office to be
12 held in November 2002, a statement of its intent to
13 participate in the program, including assurances
14 that the State in which the unit is located—

15 (A) failed to submit an application under
16 subsection (a) within the deadline specified
17 under such subsection,

18 (B) is otherwise not eligible to receive a
19 payment under the program, or

20 (C) will not use the payment to enhance
21 the performance of punch card voting systems
22 in the unit; and

23 (2) an application (at such time and in such
24 form as the Administrator may require) which con-
25 tains similar assurances to those required to be pro-



1 vided by a State in its application under subsection
2 (a).

3 (c) PROHIBITING PARTICIPATION IN PUNCH CARD
4 REPLACEMENT PROGRAM.—A State or unit of local gov-
5 ernment is not eligible to receive a payment under the pro-
6 gram under this subtitle if the State or unit receives a
7 payment under the program under subtitle A.

8 **SEC. 113. AMOUNT OF PAYMENT.**

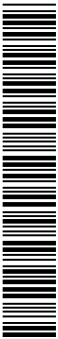
9 (a) IN GENERAL.—The amount of payment made to
10 a State or unit of local government under the program
11 under this subtitle shall be equal to the applicable per pre-
12 cinct matching rate of the cost to the State or unit (as
13 the case may be) of the activities to be funded with the
14 payment under the program in each precinct in the State
15 or unit (as the case may be) , except that in no case may
16 the amount of the payment exceed the product of—

17 (1) the number of voting precincts administered
18 by the State or unit which used a punch card voting
19 system to carry out the general Federal election held
20 in November 2000; and

21 (2) \$2,000.

22 (b) APPLICABLE PER PRECINCT MATCHING RATE
23 DEFINED.—In subsection (a), the “applicable per precinct
24 matching rate” is—

25 (1) 90 percent; or



1 (2) 95 percent, in the case of a precinct whose
2 average per capita income is within the lowest quar-
3 tile of average per capita incomes for all precincts in
4 the United States (as determined by the 2000 decen-
5 nial census).

6 **SEC. 114. AUDIT AND REPAYMENT OF FUNDS.**

7 (a) AUDIT.—Funds provided under the program
8 under this subtitle shall be subject to audit by the Admin-
9 istrator.

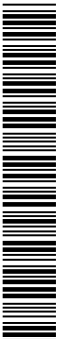
10 (b) REPAYMENT FOR FAILURE TO MEET REQUIRE-
11 MENTS.—If a State or unit of local government (as the
12 case may be) receiving funds under the program under
13 this subtitle fails to meet the deadlines applicable to the
14 State or unit under section 111(c), the State or unit shall
15 pay to the Administrator an amount equal to the amount
16 of the funds provided to the State or unit under the pro-
17 gram.

18 **Subtitle C—General Provisions**

19 **SEC. 121. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There are authorized to be appro-
21 priated for payments under this title \$400,000,000, to re-
22 main available until expended (subject to subsection (b)).

23 (b) USE OF RETURNED FUNDS AND FUNDS REMAIN-
24 ING UNEXPENDED FOR ELECTION FUND PAYMENTS.—



1 (1) IN GENERAL.—The amounts referred to in
2 paragraph (2) shall be transferred to the Election
3 Assistance Commission (established under title II)
4 and used by the Commission to make Election Fund
5 payments under part 1 of subtitle C of title II.

6 (2) AMOUNTS DESCRIBED.—The amounts re-
7 ferred to in this paragraph are as follows:

8 (A) Any amounts appropriated pursuant to
9 the authorization under this section which re-
10 main unobligated as of the date of the regularly
11 scheduled general election for Federal office
12 held in November 2002.

13 (B) Any amounts paid to the Adminis-
14 trator by a State or unit of local government
15 under section 104(b).

16 (B) Any amounts paid to the Adminis-
17 trator by a State or unit of local government
18 under section 114(b).

19 **SEC. 122. PUNCH CARD VOTING SYSTEM DEFINED.**

20 For purposes of this title, a “punch card voting sys-
21 tem” means any of the following voting systems:

- 22 (1) C.E.S.
23 (2) Datavote.
24 (3) PBC Counter.
25 (4) Pollstar.



1 (5) Punch Card.

2 (6) Vote Recorder.

3 (7) Votomatic.

4 **TITLE II—COMMISSION**

5 **Subtitle A—Establishment and**
6 **General Organization**

7 **PART 1—ELECTION ASSISTANCE COMMISSION**

8 **SEC. 201. ESTABLISHMENT.**

9 There is hereby established as an independent entity
10 in the executive branch the Election Assistance Commis-
11 sion (hereafter in this title referred to as the “Commis-
12 sion”), consisting of—

13 (1) the members appointed under this part;

14 (2) the Election Assistance Commission Stand-
15 ards Board established under part 2 (including the
16 Executive Board of such Board); and

17 (3) the Election Assistance Commission Board
18 of Advisors established under part 2.

19 **SEC. 202. DUTIES.**

20 The Commission shall serve as a national clearing-
21 house and resource for the compilation of information and
22 review of procedures with respect to the administration of
23 Federal elections by—

24 (1) carrying out the duties described in subtitle

25 B (relating to voluntary election standards);



1 (2) carrying out the duties described in subtitle
2 C (relating to election assistance); and

3 (3) developing and carrying out the Help Amer-
4 ica Vote College Program under title III.

5 **SEC. 203. MEMBERSHIP AND APPOINTMENT.**

6 (a) MEMBERSHIP.—

7 (1) IN GENERAL.—The Commission shall have
8 4 members appointed by the President, by and with
9 the consent of the Senate, of whom—

10 (A) 1 shall be appointed from among a list
11 of nominees submitted by the majority leader of
12 the Senate;

13 (B) 1 shall be appointed from among a list
14 of nominees submitted by the minority leader of
15 the Senate;

16 (C) 1 shall be appointed from among a list
17 of nominees submitted by the Speaker of the
18 House of Representatives; and

19 (D) 1 shall be appointed from among a list
20 of nominees submitted by the minority leader of
21 the House of Representatives.

22 (2) QUALIFICATIONS.—Each member of the
23 Commission shall have experience with or expertise
24 in election administration or the study of elections,
25 except that no individual may serve as a member of



1 the Commission if the individual is an officer or em-
2 ployee of the Federal Government at any time dur-
3 ing the period of service on the Commission.

4 (3) DATE OF APPOINTMENT.—The appoint-
5 ments of the members of the Commission shall be
6 made not later than 30 days after the date of enact-
7 ment of this Act.

8 (b) TERM OF SERVICE.—

9 (1) IN GENERAL.—Except as provided in para-
10 graphs (2) and (3), members shall serve for a term
11 of 4 years and may be reappointed for not more
12 than one additional term.

13 (2) TERMS OF INITIAL APPOINTEES.—As des-
14 ignated by the President at the time of appointment,
15 of the members first appointed—

16 (A) 2 of the members (not more than 1 of
17 whom may be affiliated with the same political
18 party) shall be appointed for a term of 2 years;
19 and

20 (B) 2 of the members (not more than 1 of
21 whom may be affiliated with the same political
22 party) shall be appointed for a term of 4 years.

23 (3) VACANCIES.—

24 (A) IN GENERAL.—A vacancy on the Com-
25 mission shall be filled in the manner in which



1 the original appointment was made and shall be
2 subject to any conditions which applied with re-
3 spect to the original appointment.

4 (B) EXPIRED TERMS.—A member of the
5 Commission may serve on the Commission after
6 the expiration of the member's term until the
7 successor of such member has taken office as a
8 member of the Commission.

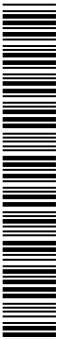
9 (C) UNEXPIRED TERMS.—An individual
10 chosen to fill a vacancy shall be appointed for
11 the unexpired term of the member replaced.

12 (c) CHAIR AND VICE CHAIR.—The Commission shall
13 select a chair and vice chair from among its members for
14 a term of 1 year, except that the chair and vice chair may
15 not be affiliated with the same political party.

16 (d) COMPENSATION.—

17 (1) IN GENERAL.—Members of the Commission
18 shall each be paid at an annual rate equal to
19 \$30,000.

20 (2) TRAVEL EXPENSES.—Members of the Com-
21 mission shall each receive travel expenses, including
22 per diem in lieu of subsistence, at rates authorized
23 for employees of agencies under subchapter I of
24 chapter 57 of title 5, United States Code, while



1 away from their homes or regular places of business
2 in the performance of services for the Commission.

3 (3) OUTSIDE EMPLOYMENT PERMITTED.—A
4 member of the Commission may hold any other of-
5 fice or employment not inconsistent or in conflict
6 with the member's duties, responsibilities, and pow-
7 ers as a member of the Commission.

8 **SEC. 204. STAFF.**

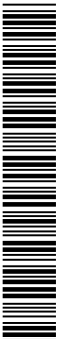
9 (a) EXECUTIVE DIRECTOR AND OTHER STAFF.—

10 (1) IN GENERAL.—The Commission shall have
11 an Executive Director, who shall be paid at a rate
12 not to exceed the rate of basic pay for level V of the
13 Executive Schedule.

14 (2) TERM OF SERVICE FOR EXECUTIVE DIREC-
15 TOR.—Except as provided in paragraph (3)(C), the
16 Executive Director shall serve for a term of 4 years.
17 An Executive Director may be reappointed for addi-
18 tional terms.

19 (3) PROCEDURE FOR APPOINTMENT.—

20 (A) IN GENERAL.—When a vacancy exists
21 in the position of the Executive Director, the
22 Election Assistance Commission Standards
23 Board and the Election Assistance Commission
24 Board of Advisors (described in part 2) shall



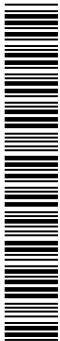
1 each appoint a search committee to recommend
2 not fewer than 3 nominees for the position.

3 (B) REQUIRING CONSIDERATION OF NOMI-
4 NEES.—Except as provided in subparagraph
5 (C), the Commission shall consider the nomi-
6 nees recommended by the Standards Board and
7 the Board of Advisors in appointing the Execu-
8 tive Director.

9 (C) SPECIAL RULES FOR FIRST EXECUTIVE
10 DIRECTOR.—

11 (i) CONVENING OF SEARCH COMMIT-
12 TEES.—The Standards Board and the
13 Board of Advisors shall each appoint a
14 search committee and recommend nomi-
15 nees for the position of Executive Director
16 in accordance with subparagraph (A) as
17 soon as practicable after the appointment
18 of their members.

19 (ii) INTERIM INITIAL APPOINT-
20 MENT.—Notwithstanding subparagraph
21 (B), the Commission may appoint an indi-
22 vidual to serve as the first Executive Di-
23 rector prior to the recommendation of
24 nominees for the position by the Standards
25 Board or the Board of Advisors, except

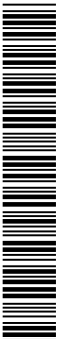


1 that such individual's term of service may
2 not exceed 6 months. Nothing in the pre-
3 vious sentence may be construed to pro-
4 hibit the individual serving as the first Ex-
5 ecutive Director from serving any addi-
6 tional term.

7 (4) OTHER STAFF.—Subject to rules prescribed
8 by the Commission, the Executive Director may ap-
9 point and fix the pay of such additional personnel as
10 the Executive Director considers appropriate.

11 (5) APPLICABILITY OF CERTAIN CIVIL SERVICE
12 LAWS.—The Executive Director and staff of the
13 Commission may be appointed without regard to the
14 provisions of title 5, United States Code, governing
15 appointments in the competitive service, and may be
16 paid without regard to the provisions of chapter 51
17 and subchapter III of chapter 53 of that title relat-
18 ing to classification and General Schedule pay rates,
19 except that an individual so appointed may not re-
20 ceive pay in excess of the annual rate of basic pay
21 for level V of the Executive Schedule.

22 (b) EXPERTS AND CONSULTANTS.—Subject to rules
23 prescribed by the Commission, the Executive Director may
24 procure temporary and intermittent services under section



1 3109(b) of title 5, United States Code, with the approval
2 of a majority of the members of the Commission.

3 (c) STAFF OF FEDERAL AGENCIES.—Upon request
4 of the Chair, the head of any Federal department or agen-
5 cy may detail, on a reimbursable basis, any of the per-
6 sonnel of that department or agency to the Commission
7 to assist it in carrying out its duties under this Act.

8 (d) ARRANGING FOR ASSISTANCE FOR BOARD OF AD-
9 VISORS AND STANDARDS BOARD.—At the request of the
10 Election Assistance Commission Board of Advisors or the
11 Election Assistance Commission Standards Board estab-
12 lished under part 2, the Executive Director shall enter into
13 such arrangements as the Executive Director considers
14 appropriate to make personnel available to assist the
15 Boards with carrying out their duties under this title (in-
16 cluding contracts with private individuals for providing
17 temporary personnel services or the temporary detailing
18 of personnel of the Commission).

19 (e) CONSULTATION WITH BOARD OF ADVISORS AND
20 STANDARDS BOARD ON CERTAIN MATTERS.—In pre-
21 paring the program goals, long-term plans, mission state-
22 ments, and related matters for the Commission, the Exec-
23 utive Director and staff of the Commission shall consult
24 with the Election Assistance Commission Board of Advi-



1 sors and the Election Assistance Commission Standards
2 Board established under part 2.

3 **SEC. 205. POWERS.**

4 (a) HEARINGS AND SESSIONS.—The Commission
5 may hold such hearings for the purpose of carrying out
6 this Act, sit and act at such times and places, take such
7 testimony, and receive such evidence as the Commission
8 considers advisable to carry out this Act. The Commission
9 may administer oaths and affirmations to witnesses ap-
10 pearing before the Commission.

11 (b) INFORMATION FROM FEDERAL AGENCIES.—The
12 Commission may secure directly from any Federal depart-
13 ment or agency such information as the Commission con-
14 sidered necessary to carry out this Act. Upon request of
15 the Chair of the Commission, the head of such department
16 or agency shall furnish such information to the Commis-
17 sion.

18 (c) POSTAL SERVICES.—The Commission may use
19 the United States mails in the same manner and under
20 the same conditions as other departments and agencies of
21 the Federal Government.

22 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
23 the request of the Chair of the Commission, the Adminis-
24 trator of General Services shall provide to the Commis-
25 sion, on a reimbursable basis, the administrative support



1 services that are necessary to enable the Commission to
2 carry out its duties under this Act.

3 (e) CONTRACTS.—The Commission may contract
4 with and compensate persons and Federal agencies for
5 supplies and services without regard to section 3709 of
6 the Revised Statutes (41 U.S.C. 5).

7 **SEC. 206. LIMITATION ON RULEMAKING AUTHORITY.**

8 The Commission shall not have any authority to issue
9 any rule, promulgate any regulation, or take any other ac-
10 tion which imposes any requirement on any State or unit
11 of local government, except to the extent permitted under
12 the National Voter Registration Act of 1993.

13 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

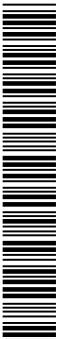
14 In addition to the amounts authorized for payments
15 and grants under subtitle C and the amounts authorized
16 to be appropriated for the program under section 303,
17 there are authorized to be appropriated for each of the
18 fiscal years 2002 through 2004 such sums as may be nec-
19 essary (but not to exceed \$10,000,000 for each such year)
20 for the Commission to carry out its duties under this title.

21 **PART 2—ELECTION ASSISTANCE COMMISSION**

22 **STANDARDS BOARD AND BOARD OF ADVISORS**

23 **SEC. 211. ESTABLISHMENT.**

24 There are hereby established the Election Assistance
25 Commission Standards Board (hereafter in this title re-



1 ferred to as the “Standards Board”) and the Election As-
2 sistance Commission Board of Advisors (hereafter in this
3 title referred to as the “Board of Advisors”).

4 **SEC. 212. DUTIES.**

5 The Standards Board and the Board of Advisors
6 shall each, in accordance with the procedures described in
7 section 223, review any of the voluntary engineering and
8 procedural performance standards described in section
9 221(a)(1), any of the voluntary standards described in sec-
10 tion 221(a)(4), and any of the voluntary election manage-
11 ment practice standards described in section 221(a)(6)
12 (and any modifications to such standards) which are rec-
13 ommended by the Commission under subtitle B.

14 **SEC. 213. MEMBERSHIP OF STANDARDS BOARD.**

15 (a) COMPOSITION.—

16 (1) IN GENERAL.—Subject to certification by
17 the chair of the Federal Election Commission under
18 subsection (b), the Standards Board shall be com-
19 posed of 110 members as follows:

20 (A) 55 shall be the chief State election of-
21 ficials of each State.

22 (B) 55 shall be local election officials se-
23 lected in accordance with paragraph (2).

24 (2) LIST OF LOCAL ELECTION OFFICIALS.—

25 Each State’s local election officials shall select



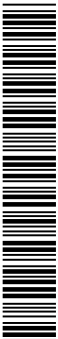
1 (under a process supervised by the chief election of-
2 ficial of the State) a representative local election of-
3 ficial from the State for purposes of paragraph
4 (1)(B). In the case of the District of Columbia,
5 Guam, and American Samoa, the chief election offi-
6 cial shall establish a procedure for selecting an indi-
7 vidual to serve as a local election official for pur-
8 poses of such paragraph, except that under such a
9 procedure the individual selected may not be a mem-
10 ber of the same political party as the chief election
11 official.

12 (3) REQUIRING MIX OF POLITICAL PARTIES
13 REPRESENTED.—The 2 members of the Standards
14 Board who represent the same State may not be
15 members of the same political party.

16 (b) PROCEDURES FOR NOTICE AND CERTIFICATION
17 OF APPOINTMENT.—

18 (1) NOTICE TO CHAIR OF FEDERAL ELECTION
19 COMMISSION.—Not later than 90 days after the date
20 of the enactment of this Act, a State shall transmit
21 a notice to chair of the Federal Election Commission
22 containing—

23 (A) a statement that the chief election offi-
24 cial of the State agrees to serve on the Stand-
25 ards Board under this title; and



1 (B) the name of the representative local
2 election official from the State selected under
3 subsection (a)(2) who will serve on the Stand-
4 ards Board under this title.

5 (2) CERTIFICATION.—Upon receiving a notice
6 from a State under paragraph (1), the chair of the
7 Federal Election Commission shall publish a certifi-
8 cation that the chief election official and the rep-
9 resentative local election official are appointed as
10 members of the Standards Board under this title.

11 (3) EFFECT OF FAILURE TO PROVIDE NO-
12 TICE.—If a State does not transmit a notice to the
13 chair of the Federal Election Commission under
14 paragraph (1) within the deadline described in such
15 paragraph, no representative from the State may
16 participate in the selection of the Executive Board
17 under subsection (c).

18 (4) ROLE OF COMMISSION.—Upon the appoint-
19 ment of the members of the Election Assistance
20 Commission, the Election Assistance Commission
21 shall carry out the duties of the Federal Election
22 Commission under this subsection.

23 (c) EXECUTIVE BOARD.—

24 (1) IN GENERAL.—Not later than 60 days after
25 the last day on which the appointment of any of its



1 members may be certified under subsection (b), the
2 Standards Board shall select 9 of its members to
3 serve as the Executive Board of the Standards
4 Board, of whom—

5 (A) not more than 5 may be chief State
6 election officials;

7 (B) not more than 5 may be local election
8 officials; and

9 (C) not more than 5 may be members of
10 the same political party.

11 (2) TERMS.—Except as provided in paragraph
12 (3), members of the Executive Board of the Stand-
13 ards Board shall serve for a term of 2 years and
14 may not serve for more than 3 consecutive terms.

15 (3) STAGGERING OF INITIAL TERMS.—Of the
16 members first selected to serve on the Executive
17 Board of the Standards Board—

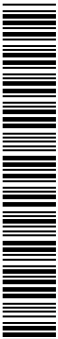
18 (A) 3 shall serve for one term;

19 (B) 3 shall serve for 2 consecutive terms;

20 and

21 (C) 3 shall serve for 3 consecutive terms,
22 as determined by lot at the time the members are
23 first appointed.

24 (4) DUTIES.—In addition to any other duties
25 assigned under this title, the Executive Board of the



1 Standards Board may carry out such duties of the
2 Standards Board as the Standards Board may dele-
3 gate.

4 **SEC. 214. MEMBERSHIP OF BOARD OF ADVISORS.**

5 (a) IN GENERAL.—The Board of Advisors shall be
6 composed of 25 members appointed as follows:

7 (1) 2 members appointed by the United States
8 Commission on Civil Rights.

9 (2) 2 members appointed by the Architectural
10 and Transportation Barrier Compliance Board
11 under section 502 of the Rehabilitation Act of 1973
12 (29 U.S.C. 792).

13 (3) 2 members appointed by the National Gov-
14 ernors Association.

15 (4) 2 members appointed by the National Con-
16 ference of State Legislatures.

17 (5) 2 members appointed by the National Asso-
18 ciation of Secretaries of State.

19 (6) 2 members appointed by the National Asso-
20 ciation of State Election Directors.

21 (7) 2 members appointed by the National Asso-
22 ciation of Counties.

23 (8) 2 members appointed by the National Asso-
24 ciation of County Recorders, Election Administra-
25 tors, and Clerks.



1 (9) 2 members appointed by the United States
2 Conference of Mayors.

3 (10) 2 members appointed by the Election Cen-
4 ter.

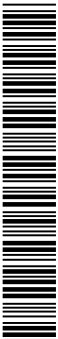
5 (11) 2 members appointed by the International
6 Association of County Recorders, Election Officials,
7 and Treasurers.

8 (12) 2 members representing professionals in
9 the field of science and technology, of whom 1 shall
10 be appointed by the Speaker of the House of Rep-
11 resentatives and 1 shall be appointed by the majority
12 leader of the Senate (or, if the majority leader is a
13 member of the same political party as the Speaker,
14 by the minority leader of the Senate).

15 (13) The chief of the Office of Public Integrity
16 of the Department of Justice, or the chief's des-
17 ignee.

18 (b) DIVERSITY IN APPOINTMENTS.—Appointments
19 shall be made to the Board of Advisors under subsection
20 (a) in a manner which ensures that the Board of Advisors
21 will be bipartisan in nature and will reflect the various
22 geographic regions of the United States.

23 (c) TERM OF SERVICE; VACANCY.—Members of the
24 Board of Advisors shall serve for a term of 2 years, and
25 may be reappointed. Any vacancy in the Board of Advisors



1 shall be filled in the manner in which the original appoint-
2 ment was made.

3 (d) CHAIR.—The Board of Advisors shall elect a
4 Chair from among its members.

5 **SEC. 215. POWERS OF BOARDS; NO COMPENSATION FOR**
6 **SERVICE.**

7 (a) HEARINGS AND SESSIONS.—

8 (1) IN GENERAL.—To the extent that funds are
9 made available by the Commission, the Standards
10 Board (acting through the Executive Board) and the
11 Board of Advisors may each hold such hearings for
12 the purpose of carrying out this Act, sit and act at
13 such times and places, take such testimony, and re-
14 ceive such evidence as each such Board considers ad-
15 visable to carry out this title, except that the Boards
16 may not issue subpoenas requiring the attendance
17 and testimony of witnesses or the production of any
18 evidence.

19 (2) MEETINGS.—The Standards Board and the
20 Board of Advisors shall each hold a meeting of its
21 members—

22 (A) not less frequently than once every
23 year for purposes of voting on the standards re-
24 ferred to it under section 223;



1 (B) in the case of the Standards Board,
2 not less frequently than once every 2 years for
3 purposes of selecting the Executive Board; and

4 (C) at such other times as it considers ap-
5 propriate for purposes of conducting such other
6 business as it considers appropriate consistent
7 with this title.

8 (b) INFORMATION FROM FEDERAL AGENCIES.—The
9 Standards Board and the Board of Advisors may each se-
10 cure directly from any Federal department or agency such
11 information as the Board considers necessary to carry out
12 this Act. Upon request of the Executive Board (in the case
13 of the Standards Board) or the Chair (in the case of the
14 Board of Advisors), the head of such department or agen-
15 cy shall furnish such information to the Board.

16 (c) POSTAL SERVICES.—The Standards Board and
17 the Board of Advisors may use the United States mails
18 in the same manner and under the same conditions as a
19 department or agency of the Federal Government.

20 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
21 the request of the Executive Board (in the case of the
22 Standards Board) or the Chair (in the case of the Board
23 of Advisors), the Administrator of the General Services
24 Administration shall provide to the Board, on a reimburs-
25 able basis, the administrative support services that are



1 necessary to enable the Board to carry out its duties under
2 this title.

3 (e) NO COMPENSATION FOR SERVICE.—Members of
4 the Standards Board and members of the Board of Advi-
5 sors shall not receive any compensation for their service,
6 but shall be paid travel expenses, including per diem in
7 lieu of subsistence, at rates authorized for employees of
8 agencies under subchapter I of chapter 57 of title 5,
9 United States Code, while away from their homes or reg-
10 ular places of business in the performance of services for
11 the Board.

12 **SEC. 216. STATUS OF BOARDS AND MEMBERS FOR PUR-**
13 **POSES OF CLAIMS AGAINST BOARD.**

14 (a) IN GENERAL.—The provisions of chapters 161
15 and 171 of title 28, United States Code, shall apply with
16 respect to the liability of the Standards Board, the Board
17 of Advisors, and their members for acts or omissions per-
18 formed pursuant to and in the course of the duties and
19 responsibilities of the Board.

20 (b) EXCEPTION FOR CRIMINAL ACTS AND OTHER
21 WILLFUL CONDUCT.—Subsection (a) may not be con-
22 strued to limit personal liability for criminal acts or omis-
23 sions, willful or malicious misconduct, acts or omissions
24 for private gain, or any other act or omission outside the



1 scope of the service of a member of the Standards Board
2 or the Board of Advisors.

3 **Subtitle B—Voluntary Election**
4 **Standards**

5 **SEC. 221. DEVELOPMENT OF VOLUNTARY ELECTION**
6 **STANDARDS.**

7 (a) IN GENERAL.—The Commission shall:

8 (1) In accordance with section 223, develop
9 (through the Executive Director of the Commission),
10 adopt, and update (not less often than every 4 years
11 thereafter) voluntary engineering and procedural
12 performance standards for voting systems used in
13 Federal elections which shall meet the following re-
14 quirements:

15 (A) The scope of the standards should in-
16 clude security (including a documentary audit
17 for non-ballot systems), the procedures for cer-
18 tification and decertification of software and
19 hardware, the assessment of usability, and oper-
20 ational guidelines for the proper use and main-
21 tenance of equipment.

22 (B) The standards should provide that vot-
23 ers have the opportunity to correct errors at the
24 precinct or other polling place, either within the
25 voting equipment itself or in the operational



1 guidelines to administrators for using the
2 equipment, under conditions which assure pri-
3 vacy to the voter.

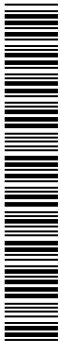
4 (C) Each voting tally system certified for
5 use should include as part of the certification a
6 proposed statement of what constitutes a prop-
7 er vote in the design and operation of the sys-
8 tem.

9 (D) New voting equipment systems cer-
10 tified either by the Federal government or by
11 any State should provide a practical and effec-
12 tive means for voters with physical disabilities
13 to cast a secret ballot.

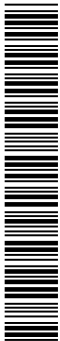
14 (2) Maintain a clearinghouse of information on
15 the experiences of State and local governments in
16 implementing the voluntary standards described in
17 paragraph (1) and in operating voting systems in
18 general.

19 (3) In accordance with section 224, provide for
20 the voluntary testing, certification, decertification,
21 and recertification of voting systems.

22 (4) Advise States and units of local government
23 regarding compliance with the requirements of the
24 Voting Accessibility for the Elderly and Handi-
25 capped Act (42 U.S.C. 1973ee et seq.) and compli-



1 ance with other Federal laws regarding accessibility
2 of registration facilities and polling places. Addition-
3 ally, in accordance with section 223, the Commission
4 shall develop (through the Executive Director of the
5 Commission), adopt, and update (not less often than
6 every 4 years thereafter) voluntary standards for
7 maintaining and enhancing the accessibility and pri-
8 vacy of registration facilities, polling places, and vot-
9 ing methods with the goal of promoting for all indi-
10 viduals, including the elderly and individuals with
11 disabilities, the accessibility of polling places and the
12 effective use of voting systems and voting equipment
13 which provide the opportunity for casting a secure
14 and secret ballot, and shall include in such stand-
15 ards voluntary guidelines regarding accessibility and
16 ease-of-use for States and units of local government
17 to use when obtaining voting equipment and select-
18 ing polling places. In carrying out this paragraph,
19 the Commission shall consult with the Architectural
20 and Transportation Barrier Compliance Board
21 under section 502 of the Rehabilitation Act of 1973
22 (29 U.S.C. 792) and other individuals and entities
23 with expertise in the accessibility of facilities for in-
24 dividuals with disabilities.



1 (5) Make periodic studies available to the public
2 regarding the election administration issues de-
3 scribed in subsection (b), with the goal of promoting
4 methods of voting and administering elections
5 which—

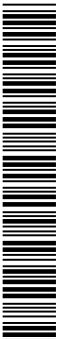
6 (A) will be the most convenient, accessible,
7 and easy to use for voters, including members
8 of the uniformed services, blind and disabled
9 voters, and voters with limited English pro-
10 ficiency;

11 (B) will yield the most accurate, secure,
12 and expeditious system for voting and tab-
13 ulating election results;

14 (C) will be nondiscriminatory and afford
15 each registered and eligible voter an equal op-
16 portunity to vote; and

17 (D) will be efficient and cost-effective for
18 use.

19 (6) In accordance with section 223, develop
20 (through the Executive Director of the Commission),
21 adopt, and update (not less often than every 4
22 years) voluntary election management practice
23 standards for State and local election officials to
24 maintain and enhance the administration of Federal
25 elections, including standards developed in consulta-



1 tion with the Secretary of Defense to govern the
2 treatment of absent uniformed services voters (as
3 defined in section 107(1) of the Uniformed and
4 Overseas Citizens Absentee Voting Act) and overseas
5 voters (as defined in section 107(5) of such Act)
6 which will include provisions to address each of the
7 following:

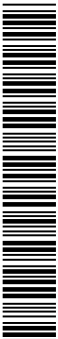
8 (A) The rights of residence of uniformed
9 services voters absent due to military orders.

10 (B) The rights of absent uniformed serv-
11 ices voters and overseas voters to register to
12 vote and cast absentee ballots.

13 (C) The rights of absent uniformed serv-
14 ices voters and overseas voters to submit absen-
15 tee ballot applications early during an election
16 year.

17 (D) The appropriate pre-election deadline
18 for mailing absentee ballots to absent uniformed
19 services voters and overseas voters.

20 (E) The appropriate minimum period be-
21 tween the mailing of absentee ballots to absent
22 uniformed services voters and overseas voters
23 and the deadline for receipt of such ballots.



1 (F) The timely transmission of balloting
2 materials to absent uniformed services voters
3 and overseas voters.

4 (G) Security and privacy concerns in the
5 transmission, receipt, and processing of ballots
6 from absent uniformed services voters and over-
7 seas voters, including the need to protect
8 against fraud.

9 (H) The use of a single application by ab-
10 sent uniformed services voters and overseas vot-
11 ers for absentee ballots for all Federal elections
12 occurring during a year.

13 (I) The use of a single application for voter
14 registration and absentee ballots by absent uni-
15 formed services voters and overseas voters.

16 (J) The use of facsimile machines and elec-
17 tronic means of transmission of absentee ballot
18 applications and absentee ballots to absent uni-
19 formed services voters and overseas voters.

20 (K) Other issues related to the rights of
21 absent uniformed services voters and overseas
22 voters to participate in elections.

23 (7) Carry out the provisions of section 9 of the
24 National Voter Registration Act of 1993 (42 U.S.C.
25 1973gg-7) regarding mail voter registration.



1 (8) Make information on the Federal election
2 system available to the public and the media.

3 (9) At the request of State officials, assist such
4 officials in the review of election or vote counting
5 procedures in Federal elections, through bipartisan
6 panels of election professionals assembled by the
7 Commission for such purpose.

8 (10) Compile and make available to the public
9 the official certified results of general elections for
10 Federal office and reports comparing the rates of
11 voter registration, voter turnout, voting system func-
12 tions, and ballot errors among jurisdictions in the
13 United States.

14 (11) Gather information and serve as a clear-
15 inghouse concerning issues relating to Federal,
16 State, and local elections.

17 (b) ELECTION ADMINISTRATION ISSUES DE-
18 SCRIBED.—The election administration issues described in
19 this subsection are as follows:

20 (1) Current and alternate methods and mecha-
21 nisms of voting and counting votes in elections for
22 Federal office.

23 (2) Current and alternate ballot designs for
24 elections for Federal office.



1 (3) Current and alternate methods of voter reg-
2 istration, maintaining secure and accurate lists of
3 registered voters (including the establishment of a
4 centralized, interactive, statewide voter registration
5 list linked to relevant agencies and all polling sites),
6 and ensuring that all registered voters appear on the
7 polling list at the appropriate polling site.

8 (4) Current and alternate methods of con-
9 ducting provisional voting.

10 (5) Current and alternate methods of ensuring
11 the accessibility of voting, registration, polling
12 places, and voting equipment to all voters, including
13 disabled voters and voters with limited English pro-
14 ficiency.

15 (6) Current and alternate methods of voter reg-
16 istration for members of the uniformed services and
17 overseas voters, and methods of ensuring that such
18 voters receive timely ballots that will be properly and
19 expeditiously handled and counted.

20 (7) Current and alternate methods of recruiting
21 and improving the performance of poll workers.

22 (8) Federal and State laws governing the eligi-
23 bility of persons to vote.

24 (9) Current and alternate methods of educating
25 voters about the process of registering to vote and



1 voting, the operation of voting mechanisms, the loca-
2 tion of polling places, and all other aspects of par-
3 ticipating in elections.

4 (10) Matters particularly relevant to voting and
5 administering elections in rural and urban areas.

6 (11) Conducting elections for Federal office on
7 different days, at different places, and during dif-
8 ferent hours, including the advisability of estab-
9 lishing a uniform poll closing time.

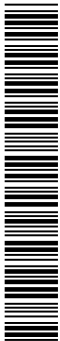
10 (12) The ways that the Federal Government
11 can best assist State and local authorities to improve
12 the administration of elections for Federal office and
13 what levels of funding would be necessary to provide
14 such assistance.

15 (c) CONSULTATION WITH STANDARDS BOARD AND
16 BOARD OF ADVISORS.—The Commission shall carry out
17 its duties under this subtitle in consultation with the
18 Standards Board and the Board of Advisors.

19 **SEC. 222. TECHNICAL STANDARDS DEVELOPMENT COM-**
20 **MITTEE.**

21 (a) ESTABLISHMENT.—There is hereby established
22 the Technical Standards Development Committee (here-
23 after in this subtitle referred to as the “Development Com-
24 mittee”).

25 (b) DUTIES.—



1 (1) IN GENERAL.—The Development Committee
2 shall assist the Executive Director of the Commis-
3 sion in the development of voluntary standards
4 under this subtitle by recommending standards (and
5 modifications to standards) to ensure the usability,
6 accuracy, security, accessibility, and integrity of vot-
7 ing systems and voting equipment.

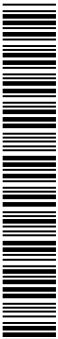
8 (2) DEADLINE FOR INITIAL SET OF REC-
9 OMMENDATIONS.—The Development Committee
10 shall provide its first set of recommendations under
11 this section to the Executive Director of the Com-
12 mission not later than 9 months after all of its mem-
13 bers have been appointed.

14 (c) MEMBERSHIP.—

15 (1) IN GENERAL.—The Development Committee
16 shall be composed of the Director of the National
17 Institute of Standards and Technology (who shall
18 serve as its chair), together with a group of 14 other
19 individuals appointed jointly by the Commission and
20 the Director of the National Institute of Standards
21 and Technology, consisting of the following:

22 (A) An equal number of each of the fol-
23 lowing:

24 (i) Members of the Standards Board.



1 (ii) Members of the Board of Advi-
2 sors.

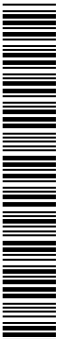
3 (iii) Members of the Architectural and
4 Transportation Barrier Compliance Board
5 under section 502 of the Rehabilitation Act
6 of 1973 (29 U.S.C. 792).

7 (B) A representative of the American Na-
8 tional Standards Institute.

9 (C) Other individuals with technical and
10 scientific expertise relating to voting systems
11 and voting equipment.

12 (2) QUORUM.—A majority of the members of
13 the Development Committee shall constitute a
14 quorum, except that the Development Committee
15 may not conduct any business prior to the appoint-
16 ment of all of its members.

17 (d) NO COMPENSATION FOR SERVICE.—Members of
18 the Development Committee shall not receive any com-
19 pensation for their service, but shall be paid travel ex-
20 penses, including per diem in lieu of subsistence, at rates
21 authorized for employees of agencies under subchapter I
22 of chapter 57 of title 5, United States Code, while away
23 from their homes or regular places of business in the per-
24 formance of services for the Development Committee.



1 (e) TECHNICAL SUPPORT FROM NATIONAL INSTI-
2 TUTE OF STANDARDS AND TECHNOLOGY.—At the request
3 of the Development Committee, the Director of the Na-
4 tional Institute of Standards and Technology shall provide
5 the Development Committee with technical support nec-
6 essary for the Development Committee to carry out its du-
7 ties under this subtitle.

8 (f) PUBLICATION OF RECOMMENDATIONS IN FED-
9 ERAL REGISTER.—At the time the Commission adopts any
10 standard pursuant to section 223, the Development Com-
11 mittee shall cause to have published in the Federal Reg-
12 ister the recommendations it provided under this section
13 to the Executive Director of the Commission concerning
14 the standard adopted.

15 **SEC. 223. PROCESS FOR ADOPTION OF VOLUNTARY STAND-**
16 **ARDS.**

17 (a) CONSIDERATION OF RECOMMENDATIONS OF DE-
18 VELOPMENT COMMITTEE; SUBMISSION OF PROPOSED
19 VOLUNTARY STANDARDS TO BOARD OF ADVISORS AND
20 STANDARDS BOARD.—

21 (1) CONSIDERATION OF RECOMMENDATIONS OF
22 DEVELOPMENT COMMITTEE.—In developing stand-
23 ards and modifications for purposes of this section,
24 the Executive Director of the Commission shall take
25 into consideration the recommendations provided by



1 the Technical Standards Development Committee
2 under section 222.

3 (2) BOARD OF ADVISORS.—The Executive Di-
4 rector of the Commission shall submit each of the
5 voluntary engineering and procedural performance
6 standards (described in section 221(a)(1)), each of
7 the voluntary standards described in section
8 221(a)(4), and each of the voluntary election man-
9 agement practice standards (described in section
10 221(a)(6)) developed by the Executive Director (or
11 any modifications to such standards) to the Board
12 of Advisors.

13 (3) STANDARDS BOARD.—The Executive Direc-
14 tor of the Commission shall submit each of the vol-
15 untary engineering and procedural performance
16 standards (described in section 221(a)(1)), each of
17 the voluntary standards described in section
18 221(a)(4), and each of the voluntary election man-
19 agement practice standards (described in section
20 221(a)(6)) developed by the Executive Director (or
21 any modifications to such standards) to the Execu-
22 tive Board of the Standards Board, who shall review
23 the standard (or modification) and forward its rec-
24 ommendations to the Standards Board.

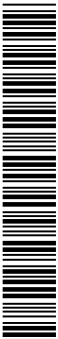


1 (b) REVIEW.—Upon receipt of a voluntary standard
2 described in subsection (a) (or modification of such a
3 standard) from the Executive Director of the Commission,
4 the Board of Advisors and the Standards Board shall each
5 review and submit comments and recommendations re-
6 garding the standard (or modification) to the Commission.

7 (c) FINAL APPROVAL.—

8 (1) IN GENERAL.—A voluntary standard de-
9 scribed in subsection (a) (or modification of such a
10 standard) shall not be considered to be finally adopt-
11 ed by the Commission unless the majority of the
12 members of the Commission vote to approve the
13 final adoption of the standard (or modification), tak-
14 ing into consideration the comments and rec-
15 ommendations submitted by the Board of Advisors
16 and the Standards Board under subsection (b).

17 (2) MINIMUM PERIOD FOR CONSIDERATION OF
18 COMMENTS AND RECOMMENDATIONS.—The Commis-
19 sion may not vote on the final adoption of a vol-
20 untary standard described in subsection (a) (or
21 modification of such a standard) until the expiration
22 of the 90-day period which begins on the date the
23 Executive Director of the Commission submits the
24 standard (or modification) to the Board of Advisors
25 and the Standards Board under subsection (a).



1 **SEC. 224. CERTIFICATION AND TESTING OF VOTING SYS-**
2 **TEMS.**

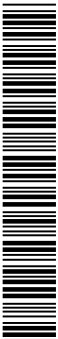
3 (a) CERTIFICATION AND TESTING.—

4 (1) IN GENERAL.—The Commission shall pro-
5 vide for the testing, certification, decertification, and
6 recertification of voting system hardware and soft-
7 ware by accredited laboratories.

8 (2) OPTIONAL USE BY STATES.—At the option
9 of a State, the State may provide for the testing,
10 certification, decertification, or recertification of its
11 voting system hardware and software by the labora-
12 tories accredited by the Commission under this sec-
13 tion.

14 (b) LABORATORY ACCREDITATION.—

15 (1) RECOMMENDATIONS BY NATIONAL INSTI-
16 TUTE OF STANDARDS AND TECHNOLOGY.—Not later
17 than 6 months after the Commission first adopts
18 voluntary engineering and procedural performance
19 standards under this subtitle, the Director of the
20 National Institute of Standards and Technology
21 shall conduct an evaluation of independent, non-Fed-
22 eral laboratories and shall submit to the Commission
23 a list of those laboratories the Director proposes to
24 be accredited to carry out the testing, certification,
25 decertification, and recertification provided for under
26 this section.

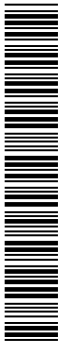


1 (2) APPROVAL BY COMMISSION.—The Commis-
2 sion shall vote on the proposed accreditation of each
3 laboratory on the list submitted under paragraph
4 (1), and no laboratory may be accredited for pur-
5 poses of this section unless its accreditation is ap-
6 proved by a majority vote of the members of the
7 Commission.

8 (c) CONTINUING REVIEW BY NATIONAL INSTITUTE
9 OF STANDARDS AND TECHNOLOGY.—

10 (1) IN GENERAL.—In cooperation with the
11 Commission and in consultation with the Standards
12 Board and the Board of Advisors, the Director of
13 the National Institute of Standards and Technology
14 shall monitor and review, on an ongoing basis, the
15 performance of the laboratories accredited by the
16 Commission under this section, and shall make such
17 recommendations to the Commission as it considers
18 appropriate with respect to the continuing accredita-
19 tion of such laboratories, including recommendations
20 to revoke the accreditation of any such laboratory.

21 (2) APPROVAL BY COMMISSION REQUIRED FOR
22 REVOCATION.—The accreditation of a laboratory for
23 purposes of this section may not be revoked unless
24 the revocation is approved by a majority vote of the
25 members of the Commission.



1 **SEC. 225. DISSEMINATION OF INFORMATION.**

2 On an ongoing basis, the Commission shall dissemi-
3 nate to the public (through the Internet, published re-
4 ports, and such other methods as the Commission con-
5 siderers appropriate) information on the activities carried
6 out under this subtitle, including—

7 (1) the voluntary election standards adopted by
8 the Commission, together with guidelines for apply-
9 ing the standards and other information to assist in
10 their implementation;

11 (2) the list of laboratories accredited to carry
12 out testing, certification, decertification, and recer-
13 tification of voting system hardware and software
14 under section 224; and

15 (3) a list of voting system hardware and soft-
16 ware products which have been certified pursuant to
17 section 224 as meeting the applicable voluntary
18 standards adopted by the Commission under this
19 subtitle.

20 **Subtitle C—Election Assistance**

21 **PART 1—ELECTION FUND PAYMENTS TO STATES**
22 **FOR VOTING SYSTEM IMPROVEMENTS**

23 **SEC. 231. ELECTION FUND PAYMENTS TO STATES FOR VOT-**
24 **ING SYSTEM IMPROVEMENTS.**

25 (a) IN GENERAL.—The Commission shall make an
26 Election Fund payment each year in an amount deter-



1 mined under section 232 to each State which meets the
2 requirements described in section 233 for the year.

3 (b) USE OF FUNDS.—A State receiving an Election
4 Fund payment shall use the payment for any or all of the
5 following activities:

6 (1) Establishing and maintaining accurate lists
7 of eligible voters.

8 (2) Encouraging eligible voters to vote.

9 (3) Improving verification and identification of
10 voters at the polling place.

11 (4) Improving equipment and methods for cast-
12 ing and counting votes.

13 (5) Recruiting and training election official and
14 poll workers.

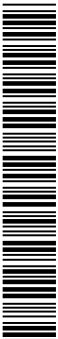
15 (6) Improving the quantity and quality of avail-
16 able polling places.

17 (7) Educating voters about their rights and re-
18 sponsibilities.

19 (8) Assuring access for voters with physical dis-
20 abilities.

21 (9) Carrying out other activities to improve the
22 administration of elections in the State.

23 (c) ADOPTION OF COMMISSION STANDARDS NOT RE-
24 QUIRED TO RECEIVE PAYMENT.—Nothing in this part
25 may be construed to require a State to implement any of



1 the voluntary standards adopted by the Commission with
2 respect to any matter as a condition for receiving an Elec-
3 tion Fund payment.

4 (d) SCHEDULE OF PAYMENTS.—As soon as prac-
5 ticable after all members of the Commission are appointed
6 (but in no event later than 6 months thereafter), and not
7 less frequently than once each calendar year thereafter,
8 the Commission shall make Election Fund payments to
9 States under this part.

10 **SEC. 232. ALLOCATION OF FUNDS.**

11 (a) IN GENERAL.—Subject to subsection (c), the
12 amount of an Election Fund payment made to a State
13 for a year shall be equal to the product of—

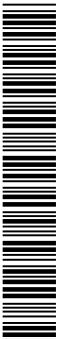
14 (1) the total amount appropriated for Election
15 Fund payments for the year under section 234; and

16 (2) the State allocation percentage for the State
17 (as determined under subsection (b)).

18 (b) STATE ALLOCATION PERCENTAGE DEFINED.—
19 The “State allocation percentage” for a State is the
20 amount (expressed as a percentage) equal to the quotient
21 of—

22 (1) the voting age population of the State; and

23 (2) the total voting age population of all States.



1 (c) MINIMUM AMOUNT OF PAYMENT.—The amount
2 of an Election Fund payment made to a State for a year
3 may not be less than—

4 (1) in the case of any of the several States or
5 the District of Columbia, $\frac{1}{2}$ of 1 percent of the total
6 amount appropriated for Election Fund payments
7 for the year under section 234; or

8 (2) in the case of the Commonwealth of Puerto
9 Rico, Guam, American Samoa, or the United States
10 Virgin Islands, 20% of the amount described in
11 paragraph (1).

12 (d) CONTINUING AVAILABILITY OF FUNDS AFTER
13 APPROPRIATION.—An Election Fund payment made to a
14 State under this part shall be available to the State with-
15 out fiscal year limitation.

16 **SEC. 233. CONDITIONS FOR RECEIPT OF FUNDS.**

17 (a) IN GENERAL.—In order to receive an Election
18 Fund payment for a fiscal year, the chief State election
19 official of the State shall provide the Commission with the
20 following certifications:

21 (1) A certification that the State has authorized
22 and appropriated funds for carrying out the activi-
23 ties for which the Election Fund payment is made
24 in an amount equal to 25 percent of the total
25 amount to be spent for such activities (taking into



1 account the Election Fund payment and the amount
2 spent by the State).

3 (2) A certification that the State has set a uni-
4 form Statewide benchmark for voting system per-
5 formance in each local jurisdiction administering
6 elections, expressed as a percentage of residual vote
7 in the contest at the top of the ballot, and requires
8 local jurisdictions to report data relevant to this
9 benchmark after each general election for Federal
10 office.

11 (3) A certification that the State is in compli-
12 ance with the voluntary voting system standards and
13 certification processes adopted by the Commission or
14 that the State has enacted legislation establishing its
15 own State voting system standards and processes
16 which (at a minimum) ensure that new voting mech-
17 anisms have the audit capacity to produce a record
18 for each ballot cast.

19 (4) A certification that—

20 (A) in each precinct or polling place in the
21 State, there is at least one voting system avail-
22 able which is fully accessible to individuals with
23 physical disabilities; and

24 (B) if the State uses any portion of its
25 Election Fund payment to obtain new voting



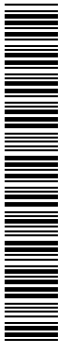
1 machines, at least one voting machine in each
2 polling place in the State will be fully accessible
3 to individuals with physical disabilities.

4 (5) A certification that the State has estab-
5 lished a fund described in subsection (b) for pur-
6 poses of administering its activities under this part.

7 (6) A certification that, in administering elec-
8 tion systems, the State is in compliance with the ex-
9 isting applicable requirements of the Voting Rights
10 Act of 1965 (42 U.S.C. 1973 et seq.), the National
11 Voter Registration Act of 1993 (42 U.S.C. 1973gg
12 et seq.), the Voting Accessibility for the Elderly and
13 Handicapped Act (42 U.S.C. 1973ee et seq.), and
14 the Americans With Disabilities Act of 1990 (42
15 U.S.C. 12101 et seq.).

16 (7) A certification that the State provides for
17 voter education and poll worker training programs
18 to improve access to and participation in the elec-
19 toral process, and provides relevant training in the
20 requirements of the National Voter Registration Act
21 of 1993 for personnel of State motor vehicle author-
22 ity offices and other voter registration agencies des-
23 ignated by the State under such Act.

24 (8) A certification that the Election Fund pay-
25 ment has not and will not supplant funds provided



1 under existing programs funded in the State for car-
2 rying out the activities for which the Election Fund
3 payment is made.

4 (b) REQUIREMENTS FOR ELECTION FUND.—

5 (1) ELECTION FUND DESCRIBED.—For pur-
6 poses of subsection (a)(5), a fund described in this
7 subsection with respect to a State is a fund which
8 is established in the treasury of the State govern-
9 ment, which is used in accordance with paragraph
10 (2), and which consists of the following amounts:

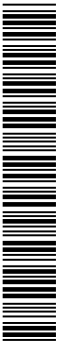
11 (A) Amounts appropriated or otherwise
12 made available by the State for carrying out the
13 activities for which the Election Fund payment
14 is made to the State under this part.

15 (B) The Election Fund payment made to
16 the State under this part.

17 (C) Such other amounts as may be appro-
18 priated under law.

19 (D) Interest earned on deposits of the
20 fund.

21 (2) USE OF FUND.—Amounts in the fund shall
22 be used by the State exclusively to carry out the ac-
23 tivities for which the Election Fund payment is
24 made to the State under this part.



1 (c) METHODS OF COMPLIANCE LEFT TO DISCRETION
2 OF STATE.—The specific choices on the methods of com-
3 plying with the requirements described in subsection (a)
4 shall be left to the discretion of the State.

5 (d) CHIEF STATE ELECTION OFFICIAL DEFINED.—
6 In this subtitle, the “chief State election official” of a
7 State is the individual designated by the State under sec-
8 tion 10 of the National Voter Registration Act of 1993
9 (42 U.S.C. 1973gg–8) to be responsible for coordination
10 of the State’s responsibilities under such Act.

11 **SEC. 234. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated for Election
13 Fund payments under this part an aggregate amount of
14 \$2,250,000,000 for fiscal years 2002 through 2004.

15 **PART 2—GRANTS FOR RESEARCH ON VOTING**

16 **TECHNOLOGY IMPROVEMENTS**

17 **SEC. 241. GRANTS FOR RESEARCH ON VOTING TECH-**
18 **NOLOGY IMPROVEMENTS.**

19 (a) IN GENERAL.—The Commission shall make
20 grants to assist entities in carrying out research and devel-
21 opment to improve the quality, reliability, accuracy, acces-
22 sibility, affordability, and security of voting equipment,
23 election systems, and voting technology.

24 (b) ELIGIBILITY.—An entity is eligible to receive a
25 grant under this part if it submits to the Commission (at



1 such time and in such form as the Commission may re-
2 quire) an application containing—

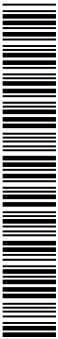
3 (1) assurances that the research and develop-
4 ment funded with the grant will take into account
5 the need to make voting equipment fully accessible
6 for individuals with disabilities (including blind indi-
7 viduals), the need to ensure that such individuals
8 can vote independently and with privacy, and the
9 need to provide alternative language accessibility for
10 individuals with limited proficiency in the English
11 language (consistent with the requirements of the
12 Voting Rights Act of 1965); and

13 (2) such other information and assurances as
14 the Commission may require.

15 (c) APPLICABILITY OF REGULATIONS GOVERNING
16 PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL
17 ASSISTANCE.—Any invention made by the recipient of a
18 grant under this part using funds provided under this part
19 shall be subject to chapter 18 of title 35, United States
20 Code (relating to patent rights in inventions made with
21 Federal assistance).

22 **SEC. 242. REPORT.**

23 (a) IN GENERAL.—Each entity which receives a
24 grant under this part shall submit to the Commission,



1 Congress, and the President a report describing the activi-
2 ties carried out with the funds provided under the grant.

3 (b) DEADLINE.—An entity shall submit a report re-
4 quired under subsection (a) not later than 60 days after
5 the end of the fiscal year for which the entity received
6 the grant which is the subject of the report.

7 **SEC. 243. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated for grants
9 under this part \$20,000,000 for fiscal year 2002.

10 **PART 3—PILOT PROGRAM FOR TESTING OF**
11 **EQUIPMENT AND TECHNOLOGY**

12 **SEC. 251. PILOT PROGRAM.**

13 (a) IN GENERAL.—The Commission shall make
14 grants to carry out pilot programs under which new tech-
15 nologies in voting systems and equipment are implemented
16 on a trial basis.

17 (b) ELIGIBILITY.—An entity is eligible to receive a
18 grant under this part if it submits to the Commission (at
19 such time and in such form as the Commission may re-
20 quire) an application containing—

21 (1) assurances that the pilot programs funded
22 with the grant will take into account the need to
23 make voting equipment fully accessible for individ-
24 uals with disabilities (including blind individuals),
25 the need to ensure that such individuals can vote



1 independently and with privacy, and the need to pro-
2 vide alternative language accessibility for individuals
3 with limited proficiency in the English language
4 (consistent with the requirements of the Voting
5 Rights Act of 1965); and

6 (2) such other information and assurances as
7 the Commission may require.

8 **SEC. 252. REPORT.**

9 (a) IN GENERAL.—Each entity which receives a
10 grant under this part shall submit to the Commission,
11 Congress, and the President a report describing the activi-
12 ties carried out with the funds provided under the grant.

13 (b) DEADLINE.—An entity shall submit a report re-
14 quired under subsection (a) not later than 60 days after
15 the end of the fiscal year for which the entity received
16 the grant which is the subject of the report.

17 **SEC. 253. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated for grants
19 under this part \$10,000,000 for fiscal year 2002.

20 **PART 4—MISCELLANEOUS**

21 **SEC. 261. ROLE OF NATIONAL INSTITUTE OF STANDARDS**

22 **AND TECHNOLOGY.**

23 (a) RECOMMENDATION OF TOPICS FOR RESEARCH
24 UNDER VOTING RESEARCH GRANTS AND PILOT PRO-
25 GRAMS.—The Director of the National Institute of Stand-



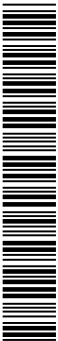
ards and Technology (hereafter in this section referred to as the “Director”) shall submit to the Commission an annual list of the Director’s suggestions for issues which may be the subject of research funded with grants awarded under part 2 and part 3 during the year.

(b) REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION.—The Commission shall submit each application it receives for a grant under part 2 or part 3 to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(c) MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES.—After the Commission has awarded a grant under part 2 or part 3, the Director shall monitor the grant and (to the extent permitted under the terms of the grant as awarded) may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(d) EVALUATION OF COMPLETED GRANTS.—

(1) IN GENERAL.—After the recipient of a grant awarded by the Commission has completed the terms of the grant, the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.



1 (2) INCLUSION IN REPORTS.—The Commission
2 shall include the evaluations submitted under para-
3 graph (1) for a year in the report submitted for the
4 year under section 262.

5 (e) INTRAMURAL RESEARCH AND DEVELOPMENT.—
6 The Director shall establish a program for intramural re-
7 search and development in areas to support the develop-
8 ment of voluntary technical standards for voting products
9 and systems, including—

10 (1) the security of computers, computer net-
11 works, and computer data storage used in voting
12 products and systems, including the Statewide voter
13 registration networks required under the minimum
14 standard described in section 502(1);

15 (2) methods to detect and prevent fraud;

16 (3) the protection of voter privacy;

17 (4) the role of human factors in the design and
18 application of voting products and systems, including
19 assistive technologies for individuals with disabilities
20 and varying levels of literacy; and

21 (5) remote access voting, including voting
22 through the Internet.

23 **SEC. 262. REPORTS.**

24 (a) ANNUAL REPORTS ON ACTIVITIES.—Not later
25 than 90 days after the end of each fiscal year, the Com-

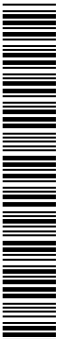


1 mission shall submit a report to the Committee on House
2 Administration of the House of Representatives and the
3 Committee on Rules and Administration of the Senate on
4 the activities carried out by the Commission under this
5 subtitle during the previous fiscal year, and shall include
6 in the report a description of all applications for Election
7 Fund payments and grants received by the Commission
8 during the year under this subtitle and the disposition of
9 such applications.

10 (b) REPORT ON HUMAN FACTOR RESEARCH.—Not
11 later than 1 year after the date of the enactment of this
12 Act, the Commission, in consultation with the Director of
13 the National Institute of Standards and Technology, shall
14 submit a report to Congress which assesses the areas of
15 human factor research, including usability engineering
16 and human-computer and human-machine interaction,
17 which feasibly could be applied to voting products and sys-
18 tems design to ensure the usability and accuracy of voting
19 products and systems, including methods to improve ac-
20 cess for individuals with disabilities and to reduce voter
21 error and the number of spoiled ballots in elections.

22 **SEC. 263. AUDIT.**

23 (a) IN GENERAL.—As a condition of receiving funds
24 under this subtitle, a State or entity described in part 2
25 or part 3 shall agree that such funds shall be subject to



1 audit if 2 or more members of the Commission vote to
2 require an audit.

3 (b) MANDATORY AUDIT.—In addition to audits con-
4 ducted pursuant to subsection (a), all funds provided
5 under this subtitle shall be subject to mandatory audit at
6 least once during the lifetime of the programs under this
7 subtitle.

8 **TITLE III—HELP AMERICA VOTE**
9 **COLLEGE PROGRAM**

10 **SEC. 301. ESTABLISHMENT OF PROGRAM.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 appointment of its members, the Election Assistance Com-
13 mission shall develop a program to be known as the “Help
14 America Vote College Program” (hereafter in this title re-
15 ferred to as the “Program”).

16 (b) PURPOSES OF PROGRAM.—The purpose of the
17 Program shall be—

18 (1) to encourage students enrolled at institu-
19 tions of higher education (including community col-
20 leges) to assist State and local governments in the
21 administration of elections by serving as nonpartisan
22 poll workers or assistants; and

23 (2) to encourage State and local governments to
24 use the services of the students participating in the
25 Program.



1 **SEC. 302. ACTIVITIES UNDER PROGRAM.**

2 (a) IN GENERAL.—In carrying out the Program, the
3 Commission (in consultation with the chief election official
4 of each State) shall develop materials, sponsor seminars
5 and workshops, engage in advertising targeted at stu-
6 dents, make grants, and take such other actions as it con-
7 siderers appropriate to meet the purposes described in sec-
8 tion 301(b).

9 (b) REQUIREMENTS FOR GRANT RECIPIENTS.—In
10 making grants under the Program, the Commission shall
11 ensure that the funds provided are spent for projects and
12 activities which are carried out without partisan bias or
13 without promoting any particular point of view regarding
14 any issue, and that each recipient is governed in a bal-
15 anced manner which does not reflect any partisan bias.

16 (c) COORDINATION WITH INSTITUTIONS OF HIGHER
17 EDUCATION.—The Commission shall encourage institu-
18 tions of higher education (including community colleges)
19 to participate in the Program, and shall make all nec-
20 essary materials and other assistance (including materials
21 and assistance to enable the institution to hold workshops
22 and poll worker training sessions) available without charge
23 to any institution which desires to participate in the Pro-
24 gram.



1 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

2 In addition to any funds authorized to be appro-
3 priated to the Commission under section 207, there are
4 authorized to be appropriated to carry out this title—

5 (1) \$5,000,000 for fiscal year 2002; and

6 (2) such sums as may be necessary for each
7 succeeding fiscal year.

8 **TITLE IV—HELP AMERICA VOTE**
9 **FOUNDATION**

10 **SEC. 401. HELP AMERICA VOTE FOUNDATION.**

11 (a) IN GENERAL.—Part B of subtitle II of title 36,
12 United States Code, is amended by inserting after chapter
13 1525 the following:

14 **“CHAPTER 1526—HELP AMERICA VOTE**
15 **FOUNDATION**

“Sec.

“152601. Organization.

“152602. Purposes.

“152603. Board of directors.

“152604. Officers and employees.

“152605. Powers.

“152606. Principal office.

“152607. Service of process.

“152608. Annual audit.

“152609. Civil action by Attorney General for equitable relief.

“152610. Immunity of United States Government.

“152611. Authorization of appropriations.

“152612. Annual report.

16 **“§ 152601. Organization**

17 “(a) FEDERAL CHARTER.—The Help America Vote
18 Foundation (in this chapter, the ‘foundation’) is a feder-
19 ally chartered corporation.



1 “(b) NATURE OF FOUNDATION.—The foundation is
2 a charitable and nonprofit corporation and is not an agen-
3 cy or establishment of the United States Government.

4 “(c) PERPETUAL EXISTENCE.—Except as otherwise
5 provided, the foundation has perpetual existence.

6 **“§ 152602. Purposes**

7 “(a) IN GENERAL.—The purposes of the foundation
8 are to—

9 “(1) mobilize secondary school students (includ-
10 ing students educated in the home) in the United
11 States to participate in the election process in a non-
12 partisan manner as poll workers or assistants;

13 “(2) place secondary school students (including
14 students educated in the home) as nonpartisan poll
15 workers or assistants to local election officials in
16 precinct polling places across the United States; and

17 “(3) establish cooperative efforts with State and
18 local election officials, local educational agencies, su-
19 perintendents and principals of public and private
20 secondary schools, and other appropriate nonprofit
21 charitable and educational organizations exempt
22 from taxation under section 501(a) of the Internal
23 Revenue Code of 1986 as an organization described
24 in section 501(c)(3) of such Code to further the pur-
25 poses of the foundation.



1 “(b) REQUIRING ACTIVITIES TO BE CARRIED OUT ON
2 NONPARTISAN BASIS.—The foundation shall carry out its
3 purposes without partisan bias or without promoting any
4 particular point of view regarding any issue, and shall en-
5 sure that each participant in its activities is governed in
6 a balanced manner which does not reflect any partisan
7 bias.

8 “(c) CONSULTATION WITH STATE ELECTION OFFI-
9 CIALS.—The foundation shall carry out its purposes under
10 this section in consultation with the chief election officials
11 of the States, the District of Columbia, the Commonwealth
12 of Puerto Rico, Guam, American Samoa, and the United
13 States Virgin Islands.

14 **“§ 152603. Board of directors**

15 “(a) GENERAL.—The board of directors is the gov-
16 erning body of the foundation.

17 “(b) MEMBERS AND APPOINTMENT.—(1) The board
18 consists of 12 directors, who shall be appointed not later
19 than 60 days after the date of the enactment of this chap-
20 ter as follows:

21 “(A) 4 directors (of whom not more than 2 may
22 be members of the same political party) shall be ap-
23 pointed by the President.

24 “(B) 2 directors shall be appointed by the
25 Speaker of the House of Representatives.



1 “(C) 2 directors shall be appointed by the mi-
2 nority leader of the House of Representatives.

3 “(D) 2 directors shall be appointed by the ma-
4 jority leader of the Senate.

5 “(E) 2 directors shall be appointed by the mi-
6 nority leader of the Senate.

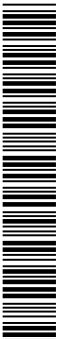
7 “(2) In addition to the directors described in para-
8 graph (1), the chair and ranking minority member of the
9 Committee on House Administration of the House of Rep-
10 resentatives (or their designees) and the chair and ranking
11 minority member of the Committee on Rules and Adminis-
12 tration of the Senate (or their designees) shall each serve
13 as an ex officio nonvoting member of the board.

14 “(3) A director is not an employee of the Federal gov-
15 ernment and appointment to the board does not constitute
16 appointment as an officer or employee of the United
17 States Government for the purpose of any law of the
18 United States (except as may otherwise be provided in this
19 chapter).

20 “(4) The terms of office of the directors are 4 years.

21 “(5) A vacancy on the board shall be filled in the
22 manner in which the original appointment was made.

23 “(c) CHAIR.—The directors shall select one of the di-
24 rectors as the chair of the board. The individual selected
25 may not be a current or former holder of any partisan



1 elected office or a current or former officer of any national
2 committee of a political party.

3 “(d) QUORUM.—The number of directors constituting
4 a quorum of the board shall be established under the by-
5 laws of the foundation.

6 “(e) MEETINGS.—The board shall meet at the call
7 of the chair of the board for regularly scheduled meetings,
8 except that the board shall meet not less often than annu-
9 ally.

10 “(f) REIMBURSEMENT OF EXPENSES.—Directors
11 shall serve without compensation but may receive travel
12 expenses, including per diem in lieu of subsistence, in ac-
13 cordance with sections 5702 and 5703 of title 5.

14 “(g) LIABILITY OF DIRECTORS.—Directors are not
15 personally liable, except for gross negligence.

16 **“§ 152604. Officers and employees**

17 “(a) APPOINTMENT OF OFFICERS AND EMPLOY-
18 EES.—The board of directors appoints, removes, and re-
19 places officers and employees of the foundation.

20 “(b) STATUS AND COMPENSATION OF EMPLOYEES.—

21 “(1) IN GENERAL.—Officers and employees of
22 the foundation—

23 “(A) are not employees of the Federal gov-
24 ernment (except as may otherwise be provided
25 in this chapter);



1 “(B) shall be appointed and removed with-
2 out regard to the provisions of title 5 governing
3 appointments in the competitive service; and

4 “(C) may be paid without regard to chap-
5 ter 51 and subchapter III of chapter 53 of title
6 5.

7 “(2) AVAILABILITY OF FEDERAL EMPLOYEE
8 RATES FOR TRAVEL.—For purposes of any schedules
9 of rates negotiated by the Administrator of General
10 Services for the use of employees of the Federal gov-
11 ernment who travel on official business, officers and
12 employees of the foundation who travel while en-
13 gaged in the performance of their duties under this
14 chapter shall be deemed to be employees of the Fed-
15 eral government.

16 **“§ 152605. Powers**

17 “(a) GENERAL.—The foundation may—

18 “(1) adopt a constitution and bylaws;

19 “(2) adopt a seal which shall be judicially no-
20 ticed; and

21 “(3) do any other act necessary to carry out
22 this chapter.

23 “(b) POWERS AS TRUSTEE.—To carry out its pur-
24 poses, the foundation has the usual powers of a corpora-



1 tion acting as a trustee in the District of Columbia, includ-
2 ing the power—

3 “(1) to accept, receive, solicit, hold, administer,
4 and use any gift, devise, or bequest, either absolutely
5 or in trust, of property or any income from or other
6 interest in property;

7 “(2) to acquire property or an interest in prop-
8 erty by purchase or exchange;

9 “(3) unless otherwise required by an instrument
10 of transfer, to sell, donate, lease, invest, or otherwise
11 dispose of any property or income from property;

12 “(4) to borrow money and issue instruments of
13 indebtedness;

14 “(5) to make contracts and other arrangements
15 with public agencies and private organizations and
16 persons and to make payments necessary to carry
17 out its functions;

18 “(6) to sue and be sued; and

19 “(7) to do any other act necessary and proper
20 to carry out the purposes of the foundation.

21 “(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift,
22 devise, or bequest may be accepted by the foundation even
23 though it is encumbered, restricted, or subject to beneficial
24 interests of private persons, if any current or future inter-
25 est is for the benefit of the foundation.



1 “(d) CONTRACTS.—The foundation may enter into
2 such contracts with public and private entities as it con-
3 siderers appropriate to carry out its purposes.

4 “(e) ANNUAL CONFERENCE IN WASHINGTON MET-
5 ROPOLITAN AREA.—During each year (beginning with
6 2003), the foundation may sponsor a conference in the
7 Washington, D.C., metropolitan area to honor secondary
8 school students and other individuals who have served (or
9 plan to serve) as poll workers and assistants and who have
10 otherwise participated in the programs and activities of
11 the foundation.

12 **“§ 152606. Principal office**

13 “The principal office of the foundation shall be in the
14 District of Columbia unless the board of directors deter-
15 mines otherwise. However, the foundation may conduct
16 business throughout the States, territories, and posses-
17 sions of the United States.

18 **“§ 152607. Service of process**

19 “The foundation shall have a designated agent to re-
20 ceive service of process for the foundation. Notice to or
21 service on the agent, or mailed to the business address
22 of the agent, is notice to or service on the foundation.



1 **“§ 152608. Annual audit**

2 “The foundation shall enter into a contract with an
3 independent auditor to conduct an annual audit of the
4 foundation.

5 **“§ 152609. Civil action by Attorney General for equi-**
6 **table relief**

7 “The Attorney General may bring a civil action in
8 the United States District Court for the District of Colum-
9 bia for appropriate equitable relief if the foundation—

10 “(1) engages or threatens to engage in any act,
11 practice, or policy that is inconsistent with the pur-
12 poses in section 152602 of this title; or

13 “(2) refuses, fails, or neglects to carry out its
14 obligations under this chapter or threatens to do so.

15 **“§ 152610. Immunity of United States Government**

16 “The United States Government is not liable for any
17 debts, defaults, acts, or omissions of the foundation. The
18 full faith and credit of the Government does not extend
19 to any obligation of the foundation.

20 **“§ 152611. Authorization of appropriations**

21 “There are authorized to be appropriated to the foun-
22 dation for carrying out the purposes of this chapter—

23 “(1) \$5,000,000 for fiscal year 2002; and

24 “(2) such sums as may be necessary for each
25 succeeding fiscal year.



1 **“§ 152612. Annual report**

2 “As soon as practicable after the end of each fiscal
3 year, the foundation shall submit a report to the Commis-
4 sion, the President, and Congress on the activities of the
5 foundation during the prior fiscal year, including a com-
6 plete statement of its receipts, expenditures, and invest-
7 ments. Such report shall contain information gathered
8 from participating secondary school students describing
9 the nature of the work they performed in assisting local
10 election officials and the value they derived from the expe-
11 rience of educating participants about the electoral proc-
12 ess.”.

13 (b) CLERICAL AMENDMENT.—The table of chapters
14 for part B of subtitle II of title 36, United States Code,
15 is amended by inserting after the item relating to chapter
16 1523 the following new item:

“1526. Help America Vote Foundation152601”.

17 **TITLE V—MINIMUM STANDARDS**
18 **FOR STATE ELECTION SYSTEMS**

19 **SEC. 501. MINIMUM STANDARDS FOR STATE ELECTION SYS-**
20 **TEMS.**

21 (a) IN GENERAL.—The chief State election official of
22 each State shall certify in writing to the Election Assist-
23 ance Commission that—



1 (1) in administering election systems, the State
2 is in compliance with the existing applicable require-
3 ments of the Voting Rights Act of 1965, the Na-
4 tional Voter Registration Act of 1993, the Uni-
5 formed and Overseas Citizens Absentee Voting Act,
6 the Voting Accessibility for the Elderly and Handi-
7 capped Act, and the Americans With Disabilities Act
8 of 1990; and

9 (2) the State has enacted legislation to enable
10 the State to meet each of the minimum standards
11 for State election systems described in section 502.

12 (b) METHODS OF IMPLEMENTATION LEFT TO DIS-
13 CRETION OF STATE.—The specific choices on the methods
14 of implementing the legislation enacted pursuant to sub-
15 section (a)(2) shall be left to the discretion of the State.

16 (c) CHIEF STATE ELECTION OFFICIAL DEFINED.—
17 In this title, the “chief State election official” of a State
18 is the individual designated by the State under section 10
19 of the National Voter Registration Act of 1993 (42 U.S.C.
20 1973gg–8) to be responsible for coordination of the State’s
21 responsibilities under such Act.

22 **SEC. 502. STANDARDS DESCRIBED.**

23 The minimum standards for State election systems
24 described in this section are as follows:



1 (1) The State will implement a Statewide voter
2 registration system networked to every local jurisdic-
3 tion in the State, with provisions for sharing data
4 with other States, except that this paragraph shall
5 not apply in the case of a State in which, under law
6 in effect continuously on and after the date of the
7 enactment of this Act, there is no voter registration
8 requirement for any voter in the State with respect
9 to an election for Federal office.

10 (2) The State election system includes provi-
11 sions to ensure that voter registration records in the
12 State are accurate and are updated regularly, in-
13 cluding the following:

14 (A) A system of file maintenance which re-
15 moves registrants who are ineligible to vote
16 from the official list of eligible voters. Under
17 such system, consistent with the National Voter
18 Registration Act of 1993, registrants who have
19 not voted in 2 or more consecutive general elec-
20 tions for Federal office and who have not re-
21 sponded to a notice shall be removed from the
22 official list of eligible voters, except that no reg-
23 istrant may be removed solely by reason of a
24 failure to vote.

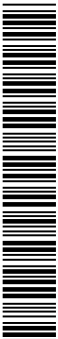


1 (B) Safeguards to ensure that eligible vot-
2 ers are not removed in error from the official
3 list of eligible voters.

4 (3) The State permits, by the deadline required
5 under section 504(b), in-precinct provisional voting
6 by every voter who claims to be qualified to vote in
7 the State, or has adopted an alternative which
8 achieves the same objective, except that this para-
9 graph shall not apply in the case of a State in
10 which, under law in effect continuously on and after
11 the date of the enactment of this Act, all votes in
12 the State in general elections for Federal office are
13 cast by mail.

14 (4) The State has adopted uniform standards
15 that define what will constitute a vote on each cat-
16 egory of voting equipment certified for use in the
17 State.

18 (5) The State has implemented safeguards to
19 ensure that absent uniformed services voters (as de-
20 fined in section 107(1) of the Uniformed and Over-
21 seas Citizens Absentee Voting Act) and overseas vot-
22 ers (as defined in section 107(5) of such Act) in the
23 jurisdiction have the opportunity to vote and to have
24 their votes counted.



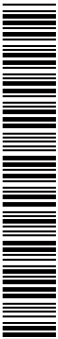
1 (6) The State requires new voting systems to
2 provide a practical and effective means for voters
3 with physical disabilities to cast a secret ballot.

4 (7) If the State uses voting systems which give
5 voters the opportunity to correct errors, the State
6 shall ensure that voters are able to check for and
7 correct errors under conditions which assure privacy.
8 States, and units of local government within the
9 States, replacing all voting machines within their ju-
10 risdiction shall ensure that the new voting system
11 gives voters the opportunity to correct errors before
12 the vote is cast.

13 **SEC. 503. ENFORCEMENT.**

14 (a) REPORT BY COMMISSION TO ATTORNEY GEN-
15 ERAL.—If a State does not provide a certification under
16 section 501 to the Election Assistance Commission, or if
17 the Commission has credible evidence that a State's cer-
18 tification is false or that a State is carrying out activities
19 in violation of the terms of the certification, the Commis-
20 sion shall notify the Attorney General.

21 (b) ACTION BY ATTORNEY GENERAL.—After receiv-
22 ing notice from the Commission under subsection (a), the
23 Attorney General may bring a civil action against a State
24 in an appropriate district court for such declaratory or in-

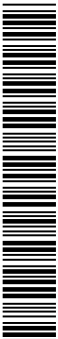


1 junctive relief as may be necessary to remedy a violation
2 of this title.

3 **SEC. 504. EFFECTIVE DATE.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (b), the requirements of this title shall take effect upon
6 the expiration of the 2-year period which begins on the
7 date of the enactment of this Act, except that if the chief
8 State election official of a State certifies that good cause
9 exists to waive the requirements of this title with respect
10 to the State until the date of the regularly scheduled gen-
11 eral election for Federal office held in November 2004,
12 the requirements shall apply with respect to the State be-
13 ginning on the date of such election.

14 (b) DEADLINES FOR IMPLEMENTATION OF PROVI-
15 SIONAL VOTING.—The minimum standard described in
16 section 502(3) (relating to permitting in-precinct provi-
17 sional voting) shall apply with respect to the regularly
18 scheduled general election for Federal office held in No-
19 vember 2002 and each succeeding election for Federal of-
20 fice, except that if the chief State election official of a
21 State certifies that good cause exists to delay the imple-
22 mentation of such standard in the State, the standard
23 shall apply in the State with respect to the regularly
24 scheduled general election for Federal office held in No-



1 vember 2004 and each succeeding election for Federal of-
2 fice held in the State.

3 **TITLE VI—VOTING RIGHTS OF**
4 **MILITARY MEMBERS AND**
5 **OVERSEAS CITIZENS**

6 **SEC. 601. VOTING ASSISTANCE PROGRAMS.**

7 (a) IN GENERAL.—(1) Chapter 80 of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

10 **“§ 1566. Voting assistance: compliance assessments;**
11 **assistance**

12 “(a) REGULATIONS.—The Secretary of Defense shall
13 prescribe regulations to require that the Army, Navy, Air
14 Force, and Marine Corps ensure their compliance with any
15 directives issued by the Secretary of Defense in imple-
16 menting any voting assistance program.

17 “(b) VOTING ASSISTANCE PROGRAMS DEFINED.—In
18 this section, the term ‘voting assistance programs’
19 means—

20 “(1) the Federal Voting Assistance Program
21 carried out under the Uniformed and Overseas Citi-
22 zens Absentee Voting Act (42 U.S.C. 1973ff et
23 seq.); and

24 “(2) any similar program.



1 “(c) ANNUAL EFFECTIVENESS AND COMPLIANCE
2 REVIEWS.—(1) The Inspector General of each of the
3 Army, Navy, Air Force, and Marine Corps shall conduct—

4 “(A) an annual review of the effectiveness of
5 voting assistance programs; and

6 “(B) an annual review of the compliance with
7 voting assistance programs of that armed force.

8 “(2) Upon the completion of each annual review
9 under paragraph (1), each Inspector General specified in
10 that paragraph shall submit to the Inspector General of
11 the Department of Defense a report on the results of each
12 such review. Such report shall be submitted in time each
13 year to be reflected in the report of the Inspector General
14 of the Department of Defense under paragraph (3).

15 “(3) Not later than March 31 each year, the Inspec-
16 tor General of the Department of Defense shall submit
17 to Congress a report on—

18 “(A) the effectiveness during the preceding cal-
19 endar year of voting assistance programs; and

20 “(B) the level of compliance during the pre-
21 ceding calendar year with voting assistance pro-
22 grams of each of the Army, Navy, Air Force, and
23 Marine Corps.

24 “(d) INSPECTOR GENERAL ASSESSMENTS.—(1) The
25 Inspector General of the Department of Defense shall pe-



1 riodically conduct at Department of Defense installations
2 unannounced assessments of the compliance at those in-
3 stallations with—

4 “(A) the requirements of the Uniformed and
5 Overseas Citizens Absentee Voting Act (42 U.S.C.
6 1973ff et seq.);

7 “(B) Department of Defense regulations re-
8 garding that Act and the Federal Voting Assistance
9 Program carried out under that Act; and

10 “(C) other requirements of law regarding voting
11 by members of the armed forces.

12 “(2) The Inspector General shall conduct an assess-
13 ment under paragraph (1) at not less than 10 Department
14 of Defense installations each calendar year.

15 “(3) Each assessment under paragraph (1) shall in-
16 clude a review of such compliance—

17 “(A) within units to which are assigned, in the
18 aggregate, not less than 20 percent of the personnel
19 assigned to duty at that installation;

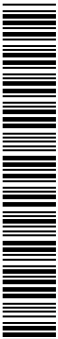
20 “(B) within a representative survey of members
21 of the armed forces assigned to that installation and
22 their dependents; and

23 “(C) within unit voting assistance officers to
24 measure program effectiveness.



1 “(e) REGULAR MILITARY DEPARTMENT ASSESS-
2 MENTS.—The Secretary of each military department shall
3 include in the set of issues and programs to be reviewed
4 during any management effectiveness review or inspection
5 at the installation level an assessment of compliance with
6 the Uniformed and Overseas Citizens Absentee Voting Act
7 (42 U.S.C. 1973ff et seq.) and with Department of De-
8 fense regulations regarding the Federal Voting Assistance
9 Program.

10 “(f) VOTING ASSISTANCE OFFICERS.—(1) Voting as-
11 sistance officers shall be appointed or assigned under De-
12 partment of Defense regulations. Commanders at all levels
13 are responsible for ensuring that unit voting officers are
14 trained and equipped to provide information and assist-
15 ance to members of the armed forces on voting matters.
16 Performance evaluation reports pertaining to a member
17 who has been assigned to serve as a voting assistance offi-
18 cer shall comment on the performance of the member as
19 a voting assistance officer. The Secretary of each military
20 department shall certify to Congress that (at a minimum)
21 a voting assistance officer has been appointed or assigned
22 for each military installation and major command under
23 the jurisdiction of the department and that a replacement
24 will be appointed if the original officer is no longer able
25 to serve.



1 “(2) Under regulations and procedures prescribed by
2 the Secretary, a member of the armed forces appointed
3 or assigned to duty as a voting assistance officer shall,
4 to the maximum extent practicable, be given the time and
5 resources needed to perform the member’s duties as a vot-
6 ing assistance officer during the period in advance of a
7 general election when members and their dependents are
8 preparing and submitting absentee ballots.

9 “(3) As part of each assessment prepared by the Sec-
10 retary of a military department under subsection (e), the
11 Secretary shall—

12 “(A) specify the number of members of the
13 armed forces under the jurisdiction of the Secretary
14 who are appointed or assigned to duty as voting as-
15 sistance officers;

16 “(B) specify the ratio of voting assistance offi-
17 cers to active duty members of the armed forces
18 under the jurisdiction of the Secretary;

19 “(C) indicate whether this number and ratio
20 comply with the requirements of the Federal Voting
21 Assistance Program; and

22 “(D) describe the training such members re-
23 ceive to perform their duties as voting assistance of-
24 ficers.



1 “(g) REGISTRATION AND VOTING INFORMATION FOR
2 MEMBERS AND DEPENDENTS.—(1) The Secretary of each
3 military department, using a variety of means including
4 both print and electronic media, shall, to the maximum
5 extent practicable, ensure that members of the armed
6 forces and their dependents who are qualified to vote have
7 ready access to information regarding voter registration
8 requirements and deadlines (including voter registration),
9 absentee ballot application requirements and deadlines,
10 and the availability of voting assistance officers to assist
11 members and dependents to understand and comply with
12 these requirement.

13 “(2) The Secretary of each military department shall
14 make the national voter registration form prepared for
15 purposes of the Uniformed and Overseas Citizens Absen-
16 tee Voting Act by the Federal Election Commission avail-
17 able so that each person who enlists, reenlists, or volun-
18 tarily extends an enlistment or who completes a perma-
19 nent change of station in an active or reserve component
20 of the Army, Navy, Air Force, or Marine Corps shall re-
21 ceive such form at the time of the enlistment, reenlist-
22 ment, extension, or completion of the permanent change
23 of station, or as soon thereafter as practicable.

24 “(3) Where practicable, a special day or days shall
25 be designated at each military installation for the purpose



1 of informing members of the armed forces and their de-
2 pendants of election timing, registration requirements, and
3 voting procedures.

4 “(h) DELIVERY OF MAIL FROM OVERSEAS PRE-
5 CEDING FEDERAL ELECTIONS.—(1) During the four
6 months preceding a general Federal election month, the
7 Secretary of Defense shall periodically conduct surveys of
8 all overseas locations and vessels at sea with military units
9 responsible for collecting mail for return shipment to the
10 United States and all port facilities in the United States
11 and overseas where military-related mail is collected for
12 shipment to overseas locations or to the United States.
13 The purpose of each survey shall be to determine if voting
14 materials are awaiting shipment at any such location and,
15 if so, the length of time that such materials have been
16 held at that location. During the fourth and third months
17 before a general Federal election month, such surveys
18 shall be conducted biweekly. During the second and first
19 months before a general Federal election month, such sur-
20 veys shall be conducted weekly.

21 “(2) The Secretary shall ensure that voting materials
22 are transmitted expeditiously by military postal authorities
23 at all times. The Secretary shall, to the maximum extent
24 practicable, implement measures to ensure that a post-
25 mark or other official proof of mailing date is provided



1 on each absentee ballot collected at any overseas location
2 or vessel at sea whenever the Department of Defense is
3 responsible for collecting mail for return shipment to the
4 United States. The Secretary shall submit to Congress a
5 report describing the measures to be implemented to en-
6 sure the timely transmittal and postmarking of voting ma-
7 terials and identifying the persons responsible for imple-
8 menting such measures.

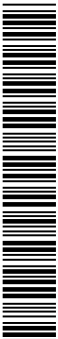
9 “(3) The Secretary of each military department, uti-
10 lizing the voting assistance officer network established for
11 each military installation, shall, to the maximum extent
12 practicable, provide notice to members of the armed forces
13 stationed at that installation of the last date before a gen-
14 eral Federal election for which absentee ballots mailed
15 from a postal facility located at that installation can rea-
16 sonably be expected to be timely delivered to the appro-
17 priate State and local election officials.

18 “(4) In this section, the term ‘general Federal elec-
19 tion month’ means November in an even-numbered year.”.

20 (2) The table of sections at the beginning of such
21 chapter is amended by adding at the end the following
22 new item:

“1566. Voting assistance: compliance assessments; assistance.”.

23 (b) INITIAL REPORT.—The first report under section
24 1566(c)(3) of title 10, United States Code, as added by



1 subsection (a), shall be submitted not later than March
2 31, 2003.

3 **SEC. 602. DESIGNATION OF SINGLE STATE OFFICE TO PRO-**
4 **VIDE INFORMATION ON REGISTRATION AND**
5 **ABSENTEE BALLOTS FOR ALL VOTERS IN**
6 **STATE.**

7 Section 102 of the Uniformed and Overseas Citizens
8 Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

9 (1) by inserting “(a) IN GENERAL.—” before
10 “Each State”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(b) DESIGNATION OF SINGLE STATE OFFICE TO
14 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-
15 TEE BALLOT PROCEDURES FOR ALL VOTERS IN
16 STATE.—

17 “(1) IN GENERAL.—Each State shall designate
18 a single office which shall be responsible for pro-
19 viding information regarding voter registration pro-
20 cedures and absentee ballot procedures (including
21 procedures relating to the use of the Federal write-
22 in absentee ballot) to all absent uniformed services
23 voters and overseas voters who wish to register to
24 vote or vote in any jurisdiction in the State.



1 “(2) RECOMMENDATION REGARDING USE OF
2 OFFICE TO ACCEPT AND PROCESS MATERIALS.—
3 Congress recommends that the State office des-
4 ignated under paragraph (1) be responsible for car-
5 rying out the State’s duties under this Act, including
6 accepting valid voter registration applications, absen-
7 tee ballot applications, and absentee ballots (includ-
8 ing Federal write-in absentee ballots) from all absent
9 uniformed services voters and overseas voters who
10 wish to register to vote or vote in any jurisdiction
11 in the State.”.

12 **SEC. 603. REPORT ON ABSENTEE BALLOTS TRANSMITTED**
13 **AND RECEIVED AFTER GENERAL ELECTIONS.**

14 (a) IN GENERAL.—Section 102 of the Uniformed and
15 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–
16 1), as amended by section 602, is amended by adding at
17 the end the following new subsection:

18 “(c) REPORT ON NUMBER OF ABSENTEE BALLOTS
19 TRANSMITTED AND RECEIVED.—Not later than 90 days
20 after the date of each regularly scheduled general election
21 for Federal office, each State and unit of local government
22 which administered the election shall (through the State,
23 in the case of a unit of local government) submit a report
24 to the Election Assistance Commission (established under
25 the Help America Vote Act of 2001) on the number of



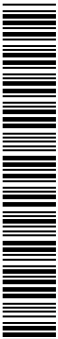
1 absentee ballots transmitted to absent uniformed services
2 voters and overseas voters for the election and the number
3 of such ballots which were returned by such voters and
4 cast in the election, and shall make such report available
5 to the general public.”.

6 (b) DEVELOPMENT OF STANDARDIZED FORMAT FOR
7 REPORTS.—The Election Assistance Commission, working
8 with the Election Assistance Commission Board of Advi-
9 sors and the Election Assistance Commission Standards
10 Board, shall develop a standardized format for the reports
11 submitted by States and units of local government under
12 section 102(c) of the Uniformed and Overseas Citizens
13 Absentee Voting Act (as added by subsection (a)), and
14 shall make the format available to the States and units
15 of local government submitting such reports.

16 **SEC. 604. SIMPLIFICATION OF VOTER REGISTRATION AND**
17 **ABSENTEE BALLOT APPLICATION PROCE-**
18 **DURES FOR ABSENT UNIFORMED SERVICES**
19 **AND OVERSEAS VOTERS.**

20 (a) REQUIRING STATES TO ACCEPT OFFICIAL FORM
21 FOR SIMULTANEOUS VOTER REGISTRATION AND ABSEN-
22 TEE BALLOT APPLICATION; DEADLINE FOR PROCESSING
23 APPLICATION.—

24 (1) IN GENERAL.—Section 102(a) of the Uni-
25 formed and Overseas Citizens Absentee Voting Act



1 (42 U.S.C. 1973ff-1), as amended by section 602,
2 is amended—

3 (A) by amending paragraph (2) to read as
4 follows:

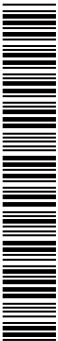
5 “(2) accept and process, with respect to any
6 election for Federal office, any otherwise valid voter
7 registration application and absentee ballot applica-
8 tion from an absent uniformed services voter or
9 overseas voter, if the application is received by the
10 appropriate State election official not less than 30
11 days before the election;”;

12 (B) by striking the period at the end of
13 paragraph (3) and inserting “; and”; and

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

16 “(4) use the official post card form (prescribed
17 under section 101) for simultaneous voter registra-
18 tion application and absentee ballot application.”.

19 (2) CONFORMING AMENDMENTS.—Section
20 101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2) is
21 amended by striking “as recommended in section
22 104” and inserting “as required under section
23 102(4)”.



1 (b) USE OF SINGLE APPLICATION FOR ALL SUBSE-
2 QUENT ELECTIONS.—Section 104 of such Act (42 U.S.C.
3 1973ff–3) is amended to read as follows:

4 **“SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSE-**
5 **QUENT ELECTIONS.**

6 “(a) IN GENERAL.—If a State accepts and processes
7 an official post card form (prescribed under section 101)
8 submitted by an absent uniformed services voter or over-
9 seas voter for simultaneous voter registration and absen-
10 tee ballot application (in accordance with section
11 102(a)(4)) and the voter requests that the application be
12 considered an application for an absentee ballot for each
13 subsequent election for Federal office held in the State
14 during that year, the State shall provide an absentee ballot
15 to the voter for each subsequent election for Federal office
16 held in the State during that year.

17 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-
18 TION.—Subsection (a) shall not apply with respect to a
19 voter registered to vote in a State for any election held
20 after the voter notifies the State that the voter no longer
21 wishes to be registered to vote in the State or after the
22 State determines that the voter has registered to vote in
23 another State.

24 “(c) REVISION OF OFFICIAL POST CARD FORM.—
25 The Presidential designee shall revise the official post card



1 form (prescribed under section 101) to enable a voter
2 using the form to—

3 “(1) request an absentee ballot for each election
4 for Federal office held in a State during a year; or
5 “(2) request an absentee ballot for only the
6 next scheduled election for Federal office held in a
7 State.

8 “(d) NO EFFECT ON VOTER REMOVAL PROGRAMS.—
9 Nothing in this section may be construed to prevent a
10 State from removing any voter from the rolls of registered
11 voters in the State under any program or method per-
12 mitted under section 8 of the National Voter Registration
13 Act of 1993.”.

14 **SEC. 605. ADDITIONAL DUTIES OF PRESIDENTIAL DES-**
15 **IGNEE UNDER UNIFORMED AND OVERSEAS**
16 **CITIZENS ABSENTEE VOTING ACT.**

17 (a) EDUCATING ELECTION OFFICIALS ON RESPON-
18 SIBILITIES UNDER ACT.—Section 101(b)(1) of the Uni-
19 formed and Overseas Citizens Absentee Voting Act (42
20 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon
21 at the end and inserting the following: “, and ensuring
22 that such officials are aware of the requirements of this
23 Act;”.

24 (b) DEVELOPMENT OF STANDARD OATH FOR USE
25 WITH MATERIALS.—



1 (1) IN GENERAL.—Section 101(b) of such Act
2 (42 U.S.C. 1973ff(b)) is amended—

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

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

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

9 “(7) prescribe a standard oath for use with any
10 document under this title affirming that a material
11 misstatement of fact in the completion of such a
12 document may constitute grounds for a conviction
13 for perjury.”.

14 (2) REQUIRING STATES TO USE STANDARD
15 OATH.—Section 102(a) of such Act (42 U.S.C.
16 1973ff–1(b)), as amended by sections 603 and
17 605(a), is amended—

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

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

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

24 “(5) if the State requires an oath or affirmation
25 to accompany any document under this title, use the



1 standard oath prescribed by the Presidential des-
2 ignee under section 101(b)(7).”.

3 (c) PROVIDING BREAKDOWN BETWEEN OVERSEAS
4 VOTERS AND ABSENT UNIFORMED SERVICES VOTERS IN
5 STATISTICAL ANALYSIS OF VOTER PARTICIPATION.—Sec-
6 tion 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is
7 amended by inserting after “participation” the following:
8 “(listed separately for overseas voters and absent uni-
9 formed services voters)”.

10 **TITLE VII—REDUCED POSTAGE**
11 **RATES FOR OFFICIAL ELEC-**
12 **TION MAIL**

13 **SEC. 701. REDUCED POSTAGE RATES FOR OFFICIAL ELEC-**
14 **TION MAIL.**

15 (a) IN GENERAL.—Section 3629 of title 39, United
16 States Code, is amended to read as follows:

17 **“§ 3629. Reduced rates for official election mail**

18 “(a) Notwithstanding any other provision of this title,
19 the rate of postage for any first-class mail matter shall,
20 in the case of official election mail, be equal to 50 percent
21 of the regular first-class rate, subject to subsection (c).

22 “(b) For purposes of this section, the term ‘official
23 election mail’ means any mailing by a State or local elec-
24 tion official that—

25 “(1) is mailed in the course of official business;



1 “(2) consists of voter registration or election in-
2 formation or assistance prepared and mailed in a
3 nonpartisan manner; and

4 “(3) bears such logo or other markings as the
5 Postal Service may require.

6 Such term does not include any mailing that includes any
7 mail matter intended to promote government action unre-
8 lated to the conduct of an election.

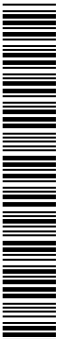
9 “(c) Nothing in this section shall, with respect to any
10 official election mail, be considered to make unavailable—

11 “(1) any free mailing privilege under section
12 3406 or any other provision of law for which such
13 mail otherwise qualifies; or

14 “(2) any reduced rate of postage under section
15 3626 or any other provision of law for which such
16 mail otherwise qualifies, if lower than the rate that
17 would otherwise apply under subsection (a).”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 for chapter 36 of title 39, United States Code, is amended
20 by striking the item relating to section 3629 and inserting
21 the following:

“3629. Reduced rates for official election mail.”.



1 **TITLE VIII—TRANSITION**
2 **PROVISIONS**
3 **Subtitle A—Transfer to Commis-**
4 **sion of Functions Under Certain**
5 **Laws**

6 **SEC. 801. FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

7 (a) TRANSFER OF FUNCTIONS OF OFFICE OF ELEC-
8 TION ADMINISTRATION OF FEDERAL ELECTION COMMIS-
9 SION.—There are transferred to the Election Assistance
10 Commission established under section 201 all functions
11 which the Office of the Election Administration, estab-
12 lished within the Federal Election Commission, exercised
13 before the date of enactment of this Act.

14 (b) CONFORMING AMENDMENT.—Section 311(a) of
15 the Federal Election Campaign Act of 1971 (2 U.S.C.
16 438(a)) is amended—

17 (1) in paragraph (8), by inserting “and” at the
18 end;

19 (2) in paragraph (9), by striking “; and” and
20 inserting a period; and

21 (3) by striking paragraph (10) and the second
22 and third sentences.

23 **SEC. 802. NATIONAL VOTER REGISTRATION ACT OF 1993.**

24 (a) TRANSFER OF FUNCTIONS.—There are trans-
25 ferred to the Election Assistance Commission established



1 under section 201 all functions which the Federal Election
2 Commission exercised under the National Voter Registra-
3 tion Act of 1993 before the date of enactment of this Act.

4 (b) CONFORMING AMENDMENT.—Section 9(a) of the
5 National Voter Registration Act of 1993 (42 U.S.C.
6 1973gg-7(a)) is amended by striking “Federal Election
7 Commission” and inserting “Election Assistance Commis-
8 sion”.

9 **SEC. 803. TRANSFER OF PROPERTY, RECORDS, AND PER-**
10 **SONNEL.**

11 (a) PROPERTY AND RECORDS.—The contracts, liabil-
12 ities, records, property, and other assets and interests of,
13 or made available in connection with, the offices and func-
14 tions of the Federal Election Commission which are trans-
15 ferred by this subtitle are transferred to the Election As-
16 sistance Commission for appropriate allocation.

17 (b) PERSONNEL.—

18 (1) IN GENERAL.—The personnel employed in
19 connection with the offices and functions of the Fed-
20 eral Election Commission which are transferred by
21 this subtitle are transferred to the Election Assist-
22 ance Commission.

23 (2) EFFECT.—Any full-time or part-time per-
24 sonnel employed in permanent positions shall not be
25 separated or reduced in grade or compensation be-



1 cause of the transfer under this subsection during
2 the 1-year period beginning on the date of the enact-
3 ment of this Act.

4 **SEC. 804. EFFECTIVE DATE; TRANSITION.**

5 (a) **EFFECTIVE DATE.**—This title and the amend-
6 ments made by this title shall take effect upon the ap-
7 pointment of all members of the Election Assistance Com-
8 mission under section 203.

9 (b) **TRANSITION.**—With the consent of the entity in-
10 volved, the Election Assistance Commission is authorized
11 to utilize the services of such officers, employees, and
12 other personnel of the entities from which functions have
13 been transferred to the Election Assistance Commission
14 under this title or the amendments made by this title for
15 such period of time as may reasonably be needed to facili-
16 tate the orderly transfer of such functions.

17 **Subtitle B—Coverage of Commis-**
18 **sion Under Certain Laws and**
19 **Programs**

20 **SEC. 811. TREATMENT OF COMMISSION PERSONNEL UNDER**
21 **CERTAIN CIVIL SERVICE LAWS.**

22 (a) **COVERAGE UNDER HATCH ACT.**—Section
23 7323(b)(2)(B)(i)(I) of title 5, United States Code, is
24 amended by inserting “or the Election Assistance Com-
25 mission” after “Commission”.



1 (b) EXCLUSION FROM SENIOR EXECUTIVE SERV-
2 ICE.—Section 3132(a)(1)(C) of title 5, United States
3 Code, is amended by inserting “or the Election Assistance
4 Commission” after “Commission”.

5 **SEC. 812. COVERAGE UNDER INSPECTOR GENERAL ACT OF**
6 **1978.**

7 (a) IN GENERAL.—Section 8G(a)(2) of the Inspector
8 General Act of 1978 (5 U.S.C. App.) is amended by insert-
9 ing “, the Election Assistance Commission,” after “Fed-
10 eral Election Commission,”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall take effect 180 days after the appoint-
13 ment of all members of the Election Assistance Commis-
14 sion under section 203.

15 **TITLE IX—MISCELLANEOUS**
16 **PROVISIONS**

17 **SEC. 901. STATE DEFINED.**

18 In this Act, the term “State” includes the District
19 of Columbia, the Commonwealth of Puerto Rico, Guam,
20 American Samoa, and the United States Virgin Islands.

21 **SEC. 902. MISCELLANEOUS PROVISIONS TO PROTECT IN-**
22 **TEGRITY OF ELECTION PROCESS.**

23 (a) CLARIFICATION OF ABILITY OF ELECTION OFFI-
24 CIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST
25 OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.—



1 Section 8(b)(2) of the National Voter Registration Act of
2 1993 (42 U.S.C. 1973gg-6(b)(2)) is amended by striking
3 the period at the end and inserting the following: “, except
4 that nothing in this paragraph may be construed to pro-
5 hibit a State from using the procedures described in sub-
6 sections (c) and (d) to remove an individual from the offi-
7 cial list of eligible voters if the individual has not voted
8 or appeared to vote in 2 or more consecutive general elec-
9 tions for Federal office and has not notified the applicable
10 registrar (in person or in writing) or responded to a notice
11 sent by the applicable registrar during the period in which
12 such elections are held that the individual intends to re-
13 main registered in the registrar’s jurisdiction.”.

14 (b) PROHIBITING EFFORTS BY POLL WORKERS TO
15 COERCE VOTERS TO CAST VOTES FOR EVERY OFFICE ON
16 BALLOT.—Section 594 of title 18, United States Code, is
17 amended—

18 (1) by striking “Whoever” and inserting “(a)
19 Whoever”; and

20 (2) by adding at the end the following new sub-
21 section:

22 “(b) For purposes of subsection (a), a poll worker
23 who urges or encourages a voter who has not cast a vote
24 for each office listed on the ballot to return to the voting
25 booth to cast votes for every office, or who otherwise in-



1 intimidates, harasses, or coerces the voter to vote for each
2 such office (or who attempts to intimidate, harass, or co-
3 erce the voter to vote for each such office), shall be consid-
4 ered to have intimidated, threatened, or coerced (or to
5 have attempted to intimidate, threaten, or coerce) the
6 voter for the purpose of interfering with the voter's right
7 to vote as the voter may choose. Nothing in this subsection
8 shall prohibit a poll worker from providing information to
9 a voter who requests assistance.”.

10 **SEC. 903. NO EFFECT ON OTHER LAWS.**

11 (a) IN GENERAL.—Nothing in this Act and no action
12 taken pursuant to this Act shall supersede, restrict, or
13 limit the application of the Voting Rights Act of 1965,
14 the National Voter Registration Act of 1993, the Voting
15 Accessibility for the Elderly and Handicapped Act, or the
16 Americans with Disabilities Act of 1990.

17 (b) NO CONDUCT AUTHORIZED WHICH IS PROHIB-
18 ITED UNDER OTHER LAWS.—Nothing in this Act author-
19 izes or requires any conduct which is prohibited by the
20 Voting Rights Act of 1965, the National Voter Registra-
21 tion Act of 1993, or the Americans with Disabilities Act
22 of 1990.

23 (c) APPLICATION TO STATES, LOCAL GOVERNMENTS,
24 AND COMMISSION.—Except as specifically provided in the
25 case of the National Voter Registration Act of 1993, noth-



1 ing in this Act may be construed to affect the application
2 of the Voting Rights Act of 1965, the National Voter Reg-
3 istration Act of 1993, or the Americans with Disabilities
4 Act of 1990 to any State, unit of local government, or
5 other person, or to grant to the Election Assistance Com-
6 mission the authority to carry out activities inconsistent
7 with such Acts.

