

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide a complete substitute.

IN THE SENATE OF THE UNITED STATES—107th Cong., 1st Sess.

S. 565

To establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. DODD (for himself, Mr. McCONNELL, Mr. SCHUMER, Mr. BOND, and Mr. TORRICELLI)

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Equal Protection of Voting Rights Act of 2001”.

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

Sec. 1. Short title; table of contents.

**TITLE I—UNIFORM AND NONDISCRIMINATORY ELECTION
TECHNOLOGY AND ADMINISTRATION REQUIREMENTS**

- Sec. 101. Voting systems standards.
- Sec. 102. Provisional voting and voting information requirements.
- Sec. 103. Computerized statewide voter registration list requirements and requirements for voters who register by mail.
- Sec. 104. Enforcement by the Civil Rights Division of the Department of Justice.

TITLE II—GRANT PROGRAMS

**Subtitle A—Uniform and Nondiscriminatory Election Technology and
Administration Requirements Grant Program**

- Sec. 201. Establishment of the Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program.
- Sec. 202. State plans.
- Sec. 203. Application.
- Sec. 204. Approval of applications.
- Sec. 205. Authorized activities.
- Sec. 206. Payments.
- Sec. 207. Audits and examinations of States and localities.
- Sec. 208. Reports to Congress and the Attorney General.
- Sec. 209. Authorization of appropriations.
- Sec. 210. Effective date.

Subtitle B—Federal Election Reform Incentive Grant Program

- Sec. 211. Establishment of the Federal Election Reform Incentive Grant Program.
- Sec. 212. Application.
- Sec. 213. Approval of applications.
- Sec. 214. Authorized activities.
- Sec. 215. Payments; Federal share.
- Sec. 216. Audits and examinations of States and localities.
- Sec. 217. Reports to Congress and the Attorney General.
- Sec. 218. Authorization of appropriations.
- Sec. 219. Effective date.

Subtitle C—Federal Election Accessibility Grant Program

- Sec. 221. Establishment of the Federal Election Accessibility Grant Program.
- Sec. 222. Application.
- Sec. 223. Approval of applications.

- Sec. 224. Authorized activities.
- Sec. 225. Payments; Federal share.
- Sec. 226. Audits and examinations of States and localities.
- Sec. 227. Reports to Congress and the Attorney General.
- Sec. 228. Authorization of appropriations.
- Sec. 229. Effective date.

TITLE III—ADMINISTRATION

Subtitle A—Election Administration Commission

- Sec. 301. Establishment of the Election Administration Commission.
- Sec. 302. Membership of the Commission.
- Sec. 303. Duties of the Commission.
- Sec. 304. Meetings of the Commission.
- Sec. 305. Powers of the Commission.
- Sec. 306. Commission personnel matters.
- Sec. 307. Authorization of appropriations.

Subtitle B—Transition Provisions

- Sec. 311. Equal Protection of Voting Rights Act of 2001.
- Sec. 312. Federal Election Campaign Act of 1971.
- Sec. 313. National Voter Registration Act of 1993.
- Sec. 314. Transfer of property, records, and personnel.
- Sec. 315. Coverage of Election Administration Commission under certain laws and programs.
- Sec. 316. Effective date; transition.

TITLE IV—MISCELLANEOUS

- Sec. 401. Criminal penalties.
- Sec. 402. Relationship to other laws.

1 **TITLE I—UNIFORM AND NON-**
 2 **DISCRIMINATORY ELECTION**
 3 **TECHNOLOGY AND ADMINIS-**
 4 **TRATION REQUIREMENTS**

5 **SEC. 101. VOTING SYSTEMS STANDARDS.**

6 (a) REQUIREMENTS.—Each voting system used in an
 7 election for Federal office shall meet the following require-
 8 ments:

9 (1) IN GENERAL.—

10 (A) Except as provided in subparagraph

11 (B), the voting system (including any lever vot-

1 ing system, optical scanning voting system, or
2 direct recording electronic system) shall—

3 (i) permit the voter to verify the votes
4 selected by the voter on the ballot before
5 the ballot is cast and counted;

6 (ii) provide the voter with the oppor-
7 tunity to change the ballot or correct any
8 error before the ballot is cast and counted
9 (including the opportunity to correct the
10 error through the issuance of a replace-
11 ment ballot if the voter was otherwise un-
12 able to change the ballot or correct any
13 error); and

14 (iii) if the voter selects votes for more
15 than 1 candidate for a single office, the
16 voting system shall—

17 (I) notify the voter that the voter
18 has selected more than 1 candidate
19 for a single office on the ballot;

20 (II) notify the voter before the
21 ballot is cast and counted of the effect
22 of casting multiple votes for the office;
23 and

1 (III) provide the voter with the
2 opportunity to correct the ballot be-
3 fore the ballot is cast and counted.

4 (B) A State or locality that uses a paper
5 ballot voting system or a punchcard voting sys-
6 tem may meet the requirement of subparagraph
7 (A) by—

8 (i) establishing a voter education pro-
9 gram specific to that voting system that
10 notifies each voter of the effect of casting
11 multiple votes for an office; and

12 (ii) providing the voter with the op-
13 portunity to correct the ballot before it is
14 cast and counted.

15 (C) The voting system shall ensure that
16 any notification required under this paragraph
17 preserves the privacy of the voter and the con-
18 fidentiality of the ballot.

19 (2) AUDIT CAPACITY.—The voting system shall
20 produce a record with an audit capacity for such
21 system.

22 (3) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
23 ABILITIES.—The voting system shall—

24 (A) be accessible for individuals with dis-
25 abilities, including nonvisual accessibility for the

1 blind and visually impaired, in a manner that
2 provides the same opportunity for access and
3 participation (including privacy and independ-
4 ence) as for other voters;

5 (B) satisfy the requirement of subpara-
6 graph (A) through the use of at least 1 direct
7 recording electronic voting system or other vot-
8 ing system equipped for individuals with disabil-
9 ities at each polling place; and

10 (C) meet the voting system standards for
11 disability access if purchased with funds made
12 available under title II on or after January 1,
13 2007.

14 (4) MULTILINGUAL VOTING MATERIALS.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), the voting system shall pro-
17 vide alternative language accessibility—

18 (i) with respect to a language other
19 than English in a State or jurisdiction if,
20 as determined by the Director of the Bu-
21 reau of the Census—

22 (I)(aa) at least 5 percent of the
23 total number of voting-age citizens
24 who reside in such State or jurisdic-
25 tion speak that language as their first

1 language and who are limited-English
2 proficient; or

3 (bb) there are at least 10,000
4 voting-age citizens who reside in that
5 jurisdiction who speak that language
6 as their first language and who are
7 limited-English proficient; and

8 (II) the illiteracy rate of the
9 group of citizens who speak that lan-
10 guage is higher than the national illit-
11 eracy rate; or

12 (ii) with respect to a language other
13 than English that is spoken by Native
14 American or Alaskan native citizens in a
15 jurisdiction that contains all or any part of
16 an Indian reservation if, as determined by
17 the Director of the Bureau of the
18 Census—

19 (I) at least 5 percent of the total
20 number of citizens on the reservation
21 are voting-age Native American or
22 Alaskan native citizens who speak
23 that language as their first language
24 and who are limited-English pro-
25 ficient; and

1 (II) the illiteracy rate of the
2 group of citizens who speak that lan-
3 guage is higher than the national illit-
4 eracy rate.

5 (B) EXCEPTION.—If a State meets the cri-
6 teria of item (aa) of subparagraph (A)(i)(I)
7 with respect to a language, a jurisdiction of
8 that State shall not be required to provide al-
9 ternative language accessibility under this para-
10 graph with respect to that language if—

11 (i) less than 5 percent of the total
12 number of voting age citizens who reside in
13 that jurisdiction speak that language as
14 their first language and are limited-
15 English proficient; and

16 (ii) the jurisdiction does not meet the
17 criteria of item (bb) of such subparagraph
18 with respect to that language.

19 (5) ERROR RATES.—The error rate of the vot-
20 ing system in counting ballots (determined by taking
21 into account only those errors which are attributable
22 to the voting system and not attributable to an act
23 of the voter) shall not exceed the error rate stand-
24 ards established under the voting systems standards
25 issued and maintained by the Director of the Office

1 of Election Administration of the Federal Election
2 Commission (as revised by the Director of such Of-
3 fice under subsection (c)).

4 (b) VOTING SYSTEM DEFINED.—In this section, the
5 term “voting system” means—

6 (1) the total combination of mechanical,
7 electromechanical, or electronic equipment (including
8 the software, firmware, and documentation required
9 to program, control, and support the equipment)
10 that is used—

11 (A) to define ballots;

12 (B) to cast and count votes;

13 (C) to report or display election results;

14 and

15 (D) to maintain and produce any audit
16 trail information;

17 (2) the practices and associated documentation
18 used—

19 (A) to identify system components and
20 versions of such components;

21 (B) to test the system during its develop-
22 ment and maintenance;

23 (C) to maintain records of system errors
24 and defects;

1 (D) to determine specific system changes
2 to be made to a system after the initial quali-
3 fication of the system; and

4 (E) to make available any materials to the
5 voter (such as notices, instructions, forms, or
6 paper ballots).

7 (c) ADMINISTRATION BY THE OFFICE OF ELECTION
8 ADMINISTRATION.—

9 (1) IN GENERAL.—Not later than January 1,
10 2004, the Director of the Office of Election Admin-
11 istration of the Federal Election Commission, in
12 consultation with the Architectural and Transpor-
13 tation Barriers Compliance Board (as established
14 under section 502 of the Rehabilitation Act of 1973
15 (29 U.S.C. 792)), shall promulgate standards revis-
16 ing the voting systems standards issued and main-
17 tained by the Director of such Office so that such
18 standards meet the requirements established under
19 subsection (a).

20 (2) QUADRENNIAL REVIEW.—The Director of
21 the Office of Election Administration of the Federal
22 Election Commission shall review the voting systems
23 standards revised under paragraph (1) no less fre-
24 quently than once every 4 years.

1 (d) CONSTRUCTION.—Nothing in this section shall
2 require a jurisdiction to change the voting system or sys-
3 tems (including paper balloting systems, including in-per-
4 son, absentee, and mail-in paper balloting systems, lever
5 machine systems, punchcard systems, optical scanning
6 systems, and direct recording electronic systems) used in
7 an election in order to be in compliance with this Act.

8 (e) EFFECTIVE DATE.—Each State and locality shall
9 be required to comply with the requirements of this section
10 on and after January 1, 2006.

11 **SEC. 102. PROVISIONAL VOTING AND VOTING INFORMA-**
12 **TION REQUIREMENTS.**

13 (a) REQUIREMENTS.—If an individual declares that
14 such individual is a registered voter in the jurisdiction in
15 which the individual desires to vote and that the individual
16 is eligible to vote in an election for Federal office, but the
17 name of the individual does not appear on the official list
18 of eligible voters for the polling place, or an election offi-
19 cial asserts that the individual is not eligible to vote, such
20 individual shall be permitted to cast a provisional ballot
21 as follows:

22 (1) An election official at the polling place shall
23 notify the individual that the individual may cast a
24 provisional ballot in that election.

1 (2) The individual shall be permitted to cast a
2 provisional ballot at that polling place upon the exe-
3 cution of a written affirmation by the individual be-
4 fore an election official at the polling place stating
5 that the individual is—

6 (A) a registered voter in the jurisdiction in
7 which the individual desires to vote; and

8 (B) eligible to vote in that election.

9 (3) An election official at the polling place shall
10 transmit the ballot cast by the individual to an ap-
11 propriate State or local election official for prompt
12 verification of the written affirmation executed by
13 the individual under paragraph (2).

14 (4) If the appropriate State or local election of-
15 ficial to whom the ballot is transmitted under para-
16 graph (3) determines that the individual is eligible
17 under State law to vote in the jurisdiction, the indi-
18 vidual's provisional ballot shall be counted as a vote
19 in that election.

20 (5) At the time that an individual casts a provi-
21 sional ballot, the appropriate State or local election
22 official shall give the individual written information
23 that states that—

1 (A) the individual will not receive any fur-
2 ther notification if the individual's vote is
3 counted;

4 (B) if the individual's vote is not counted,
5 the individual will be notified not later than the
6 date that is 30 days after the date of the elec-
7 tion that the vote was not counted; and

8 (C) regardless of whether the individual's
9 vote was counted, any individual casting a pro-
10 visional ballot will be able to ascertain through
11 a free access system (such as a toll-free tele-
12 phone number or an Internet website) whether
13 the vote was counted, and if the vote was not
14 counted, the reason that the vote was not
15 counted.

16 (6) The appropriate State or local election offi-
17 cial shall—

18 (A) notify the individual who cast the bal-
19 lot in writing not later than the date that is 30
20 days after the date of the election if a provi-
21 sional ballot that is cast under this subsection
22 is not counted; and

23 (B) establish a free access system (such as
24 a toll-free telephone number or an Internet
25 website) that any individual casting a provi-

1 sional ballot may access to discover the reason
2 that such vote was not counted.

3 (b) VOTING INFORMATION REQUIREMENTS.—

4 (1) PUBLIC POSTING ON ELECTION DAY.—The
5 appropriate State or local election official shall cause
6 voting information to be publicly posted at each poll-
7 ing place on the day of each election for Federal of-
8 fice.

9 (2) VOTING INFORMATION DEFINED.—In this
10 section, the term “voting information” means—

11 (A) a sample version of the ballot that will
12 be used for that election;

13 (B) information regarding the date of the
14 election and the hours during which polling
15 places will be open;

16 (C) instructions on how to vote, including
17 how to cast a vote and how to cast a provisional
18 ballot;

19 (D) instructions for mail-in registrants and
20 first-time voters under section 103(b); and

21 (E) general information on voting rights
22 under applicable Federal and State laws, in-
23 cluding information on the right of an indi-
24 vidual to cast a provisional ballot and instruc-

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), each State, acting through
3 the chief State election official, shall implement
4 an interactive computerized statewide voter reg-
5 istration list that contains the name and reg-
6 istration information of every legally registered
7 voter in the State and assigns a unique identi-
8 fier to each legally registered voter in the State
9 (in this subsection referred to as the “comput-
10 erized list”).

11 (B) EXCEPTION.—The requirement under
12 subparagraph (A) shall not apply to a State in
13 which, under a State law in effect continuously
14 on and after the date of enactment of this Act,
15 there is no voter registration requirement for
16 individuals in the State with respect to elections
17 for Federal office.

18 (2) ACCESS.—The computerized list shall be ac-
19 cessible to each State and local election official in
20 the State.

21 (3) COMPUTERIZED LIST MAINTENANCE.—

22 (A) IN GENERAL.—The appropriate State
23 or local election official shall perform list main-
24 tenance with respect to the computerized list on
25 a regular basis as follows:

1 (i) If an individual is to be removed
2 from the computerized list, such individual
3 shall be removed in accordance with the
4 provisions of the National Voter Registra-
5 tion Act of 1993 (42 U.S.C. 1973gg et
6 seq.), including subsections (a)(4), (c)(2),
7 (d), and (e) of section 8 of such Act (42
8 U.S.C. 1973gg-6).

9 (ii) For purposes of removing names
10 of ineligible voters from the official list of
11 eligible voters—

12 (I) under section 8(a)(3)(B) of
13 such Act (42 U.S.C. 1973gg-
14 6(a)(3)(B)), the State shall coordinate
15 the computerized list with State agen-
16 cy records on felony status; and

17 (II) by reason of the death of the
18 registrant under section 8(a)(4)(A) of
19 such Act (42 U.S.C. 1973gg-
20 6(a)(4)(A)), the State shall coordinate
21 the computerized list with State agen-
22 cy records on death.

23 (B) CONDUCT.—The list maintenance per-
24 formed under subparagraph (A) shall be con-
25 ducted in a manner that ensures that—

1 (i) the name of each registered voter
2 appears in the computerized list;

3 (ii) only voters who are not registered
4 or who are not eligible to vote are removed
5 from the computerized list; and

6 (iii) duplicate names are eliminated
7 from the computerized list.

8 (b) REQUIREMENTS FOR VOTERS WHO REGISTER BY
9 MAIL.—

10 (1) IN GENERAL.—Notwithstanding section 6(c)
11 of the National Voter Registration Act of 1993 (42
12 U.S.C. 1973gg-4(c)) and subject to paragraph (3),
13 a State shall require an individual to meet the re-
14 quirements of paragraph (2) if—

15 (A) the individual registered to vote in a
16 jurisdiction by mail; and

17 (B) the individual has not previously voted
18 in an election for Federal office in that jurisdic-
19 tion.

20 (2) REQUIREMENTS.—

21 (A) IN GENERAL.—An individual meets the
22 requirements of this paragraph if the
23 individual—

24 (i) in the case of an individual who
25 votes in person—

1 (I) presents to the appropriate
2 State or local election official a cur-
3 rent and valid photo identification; or

4 (II) presents to the appropriate
5 State or local election official a copy
6 of a current utility bill, bank state-
7 ment, Government check, paycheck, or
8 other Government document that
9 shows the name and address of the
10 voter; or

11 (ii) in the case of an individual who
12 votes by mail, submits with the ballot—

13 (I) a copy of a current and valid
14 photo identification; or

15 (II) a copy of a current utility
16 bill, bank statement, Government
17 check, paycheck, or other Government
18 document that shows the name and
19 address of the voter.

20 (B) PROVISIONAL VOTING.—An individual
21 who desires to vote in person, but who does not
22 meet the requirements of subparagraph (A)(i),
23 may cast a provisional ballot under section
24 102(a).

1 (3) INAPPLICABILITY.—Paragraph (1) shall not
2 apply in the case of a person—

3 (A) who registers to vote by mail under
4 section 6 of the National Voter Registration Act
5 of 1993 (42 U.S.C. 1973gg-4) and submits as
6 part of such registration either—

7 (i) a copy of a current valid photo
8 identification; or

9 (ii) a copy of a current utility bill,
10 bank statement, Government check, pay-
11 check, or Government document that
12 shows the name and address of the voter;

13 or

14 (B) who is described in a subparagraph of
15 section 6(c)(2) of the National Voter Registra-
16 tion Act of 1993 (42 U.S.C. 1973gg-4(c)(2)).

17 (4) CONTENTS OF MAIL-IN REGISTRATION
18 FORM.—The mail voter registration form developed
19 under section 6 of the National Voter Registration
20 Act of 1993 (42 U.S.C. 1973gg-4) shall include:

21 (A) The question “Are you a citizen of the
22 United States of America?” and boxes for the
23 applicant to check to indicate whether the appli-
24 cant is or is not a citizen of the United States.

1 (B) The question “Will you be 18 years of
2 age on or before election day?” and boxes for
3 the applicant to check to indicate whether or
4 not the applicant will be 18 or older on election
5 day.

6 (C) The statement “If you checked ‘no’ in
7 response to either of these questions, do not
8 complete this form”.

9 (c) ADMINISTRATION BY THE CIVIL RIGHTS DIVI-
10 SION.—Not later than October 1, 2003, the Assistant At-
11 torney General in charge of the Civil Rights Division of
12 the Department of Justice shall promulgate such guide-
13 lines as are necessary to implement the requirements of
14 subsection (a).

15 (d) EFFECTIVE DATE.—

16 (1) COMPUTERIZED STATEWIDE VOTER REG-
17 ISTRATION LIST REQUIREMENTS.—Each State and
18 locality shall be required to comply with the require-
19 ments of subsection (a) on and after January 1,
20 2004.

21 (2) REQUIREMENTS FOR VOTERS WHO REG-
22 ISTER BY MAIL.—Each State and locality shall be
23 required to comply with the requirements of sub-
24 section (b) on and after the date of enactment of
25 this Act.

1 **SEC. 104. ENFORCEMENT BY THE CIVIL RIGHTS DIVISION**
2 **OF THE DEPARTMENT OF JUSTICE.**

3 (a) **IN GENERAL.**—Subject to subsection (b), the At-
4 torney General, acting through the Assistant Attorney
5 General in charge of the Civil Rights Division of the De-
6 partment of Justice, may bring a civil action in an appro-
7 priate district court for such declaratory or injunctive re-
8 lief as may be necessary to carry out this title.

9 (b) **SAFE HARBOR.**—

10 (1) **IN GENERAL.**—Except as provided in para-
11 graph (2), if a State or locality receives funds under
12 a grant program under subtitle A or B of title II for
13 the purpose of meeting a requirement under section
14 101, 102, or 103, such State or locality shall be
15 deemed to be in compliance with such requirement
16 until January 1, 2010, and no action may be
17 brought against such State or locality on the basis
18 that the State or locality is not in compliance with
19 such requirement before such date.

20 (2) **EXCEPTION.**—The safe harbor provision
21 under paragraph (1) shall not apply with respect to
22 the requirement described in section 101(a)(3).

23 (c) **RELATION TO OTHER LAWS.**—The remedies es-
24 tablished by this section are in addition to all other rights
25 and remedies provided by law.

1 **TITLE II—GRANT PROGRAMS**
2 **Subtitle A—Uniform and Non-**
3 **discriminatory Election Tech-**
4 **nology and Administration Re-**
5 **quirements Grant Program**

6 **SEC. 201. ESTABLISHMENT OF THE UNIFORM AND NON-**
7 **DISCRIMINATORY ELECTION TECHNOLOGY**
8 **AND ADMINISTRATION REQUIREMENTS**
9 **GRANT PROGRAM.**

10 (a) IN GENERAL.—There is established a Uniform
11 and Nondiscriminatory Election Technology and Adminis-
12 tration Requirements Grant Program under which the At-
13 torney General, subject to the general policies and criteria
14 for the approval of applications established under section
15 204 and in consultation with the Federal Election Com-
16 mission and the Architectural and Transportation Bar-
17 riers Compliance Board (as established under section 502
18 of the Rehabilitation Act of 1973 (29 U.S.C. 792)), is au-
19 thorized to make grants to States and localities to pay
20 the costs of the activities described in section 205.

21 (b) ACTION THROUGH OFFICE OF JUSTICE PRO-
22 GRAMS AND CIVIL RIGHTS DIVISION.—In carrying out
23 this subtitle, the Attorney General shall act through the
24 Assistant Attorney General in charge of the Office of Jus-
25 tice Programs of the Department of Justice and the As-

1 sistant Attorney General in charge of the Civil Rights Di-
2 vision of that Department.

3 **SEC. 202. STATE PLANS.**

4 (a) IN GENERAL.—Each State that desires to receive
5 a grant under this subtitle shall develop a State plan, in
6 consultation with State and local election officials of that
7 State, that provides for each of the following:

8 (1) UNIFORM AND NONDISCRIMINATORY ELEC-
9 TION TECHNOLOGY AND ADMINISTRATION REQUIRE-
10 MENTS.—A description of how the State will use the
11 funds made available under this subtitle to meet
12 each of the following requirements:

13 (A) The voting system standards under
14 section 101.

15 (B) The provisional voting requirements
16 under section 102.

17 (C) The computerized statewide voter reg-
18 istration list requirements under section 103(a),
19 including a description of—

20 (i) how State and local election offi-
21 cials will ensure the accuracy of the list of
22 eligible voters in the State to ensure that
23 only registered voters appear in such list;
24 and

1 (ii) the precautions that the State will
2 take to prevent the removal of eligible vot-
3 ers from the list.

4 (D) The requirements for voters who reg-
5 ister by mail under section 103(b), including
6 the steps that the State will take to ensure—

7 (i) the accuracy of mail-in and absen-
8 tee ballots; and

9 (ii) that the use of mail-in and absen-
10 tee ballots does not result in duplicate
11 votes.

12 (2) IDENTIFICATION, DETERRENCE, AND INVES-
13 TIGATION OF VOTING FRAUD.—An assessment of the
14 susceptibility of elections for Federal office in the
15 State to voting fraud and a description of how the
16 State intends to identify, deter, and investigate such
17 fraud.

18 (3) COMPLIANCE WITH EXISTING FEDERAL
19 LAW.—Assurances that the State will comply with
20 existing Federal laws, including the following:

21 (A) The Voting Rights Act of 1965 (42
22 U.S.C. 1973 et seq.), including sections 4(f)(4)
23 and 203 of such Act (42 U.S.C. 1973b(f)(4)
24 and 1973aa–1a).

1 (B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

2
3
4 (C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

5
6 (D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

7
8 (E) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

9
10 (4) TIMETABLE.—A timetable for meeting the elements of the State plan.

11
12 (b) AVAILABILITY OF STATE PLANS FOR REVIEW AND COMMENT.—A State shall make the State plan developed under subsection (a) available for public review and comment before the submission of an application under section 203(a).

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17 **SEC. 203. APPLICATION.**

18 (a) IN GENERAL.—Each State or locality that desires to receive a grant under this subtitle shall submit an application to the Attorney General at such time and in such manner as the Attorney General may require, and containing the information required under subsection (b) and such other information as the Attorney General may require.

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25 (b) CONTENTS.—

1 (1) STATES.—Each application submitted by a
2 State shall contain the State plan developed under
3 section 202 and a description of how the State pro-
4 poses to use funds made available under this subtitle
5 to implement such State plan.

6 (2) LOCALITIES.—Each application submitted
7 by a locality shall contain a description of how the
8 locality proposes to use the funds made available
9 under this subtitle in a manner that is consistent
10 with the State plan developed under section 202.

11 (c) SAFE HARBOR.—No action may be brought
12 against a State or locality on the basis of any information
13 contained in the application submitted under subsection
14 (a), including any information contained in the State plan
15 developed under section 202.

16 **SEC. 204. APPROVAL OF APPLICATIONS.**

17 The Attorney General shall establish general policies
18 and criteria with respect to the approval of applications
19 submitted by States and localities under section 203(a)
20 (including a review of State plans developed under section
21 202), the awarding of grants under this subtitle, and the
22 use of assistance made available under this subtitle.

23 **SEC. 205. AUTHORIZED ACTIVITIES.**

24 A State or locality may use grant payments received
25 under this subtitle for any of the following purposes:

1 (1) To implement voting system standards that
2 meet the requirements of section 101.

3 (2) To provide for provisional voting that meets
4 the requirements of section 102(a) and to meet the
5 voting information requirements under section
6 102(b).

7 (3) To establish a computerized statewide voter
8 registration list that meets the requirements of sec-
9 tion 103(a) and to meet the requirements for voters
10 who register by mail under section 103(b).

11 **SEC. 206. PAYMENTS.**

12 (a) IN GENERAL.—The Attorney General shall pay
13 to each State or locality having an application approved
14 under section 203 the cost of the activities described in
15 that application.

16 (b) RETROACTIVE PAYMENTS.—The Attorney Gen-
17 eral may make retroactive payments to States and local-
18 ities having an application approved under section 203 for
19 any costs for election technology or administration that
20 meets a requirement of section 101, 102, or 103 that were
21 incurred during the period beginning on January 1, 2001,
22 and ending on the date on which such application was ap-
23 proved under such section.

1 **SEC. 207. AUDITS AND EXAMINATIONS OF STATES AND LO-**
2 **CALITIES.**

3 (a) RECORDKEEPING REQUIREMENT.—Each recipi-
4 ent of a grant under this subtitle shall keep such records
5 as the Attorney General, in consultation with the Federal
6 Election Commission, shall prescribe.

7 (b) AUDITS AND EXAMINATIONS.—The Attorney
8 General and the Comptroller General, or any authorized
9 representative of the Attorney General or the Comptroller
10 General, may audit or examine any recipient of a grant
11 under this subtitle and shall, for the purpose of conducting
12 an audit or examination, have access to any record of a
13 recipient of a grant under this subtitle that the Attorney
14 General or the Comptroller General determines may be re-
15 lated to the grant.

16 **SEC. 208. REPORTS TO CONGRESS AND THE ATTORNEY**
17 **GENERAL.**

18 (a) REPORTS TO CONGRESS.—

19 (1) IN GENERAL.—Not later than January 31,
20 2003, and each year thereafter, the Attorney Gen-
21 eral shall submit to the President and Congress a
22 report on the grant program established under this
23 subtitle for the preceding year.

24 (2) CONTENTS.—Each report submitted under
25 paragraph (1) shall contain the following:

1 (A) A description and analysis of any ac-
2 tivities funded by a grant awarded under this
3 subtitle.

4 (B) Any recommendation for legislative or
5 administrative action that the Attorney General
6 considers appropriate.

7 (b) REPORTS TO THE ATTORNEY GENERAL.—The
8 Attorney General shall require each recipient of a grant
9 under this subtitle to submit reports to the Attorney Gen-
10 eral at such time, in such manner, and containing such
11 information as the Attorney General considers appro-
12 priate.

13 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There are authorized to be appro-
15 priated to carry out the provisions of this subtitle the fol-
16 lowing amounts:

17 (1) For fiscal year 2003, \$1,000,000,000.

18 (2) For fiscal year 2004, \$1,300,000,000.

19 (3) For fiscal year 2005, \$500,000,000.

20 (4) For fiscal year 2006, \$200,000,000.

21 (5) For each subsequent fiscal year, such sums
22 as may be necessary.

23 (b) AVAILABILITY.—Any amounts appropriated pur-
24 suant to the authority of subsection (a) shall remain avail-
25 able until expended.

1 **SEC. 210. EFFECTIVE DATE.**

2 The Attorney General shall establish the general poli-
3 cies and criteria for the approval of applications under sec-
4 tion 204 in a manner that ensures that the Attorney Gen-
5 eral is able to approve applications not later than October
6 1, 2002.

7 **Subtitle B—Federal Election**
8 **Reform Incentive Grant Program**

9 **SEC. 211. ESTABLISHMENT OF THE FEDERAL ELECTION RE-**
10 **FORM INCENTIVE GRANT PROGRAM.**

11 (a) IN GENERAL.—There is established a Federal
12 Election Reform Incentive Grant Program under which
13 the Attorney General, subject to the general policies and
14 criteria for the approval of applications established under
15 section 213(a) and in consultation with the Federal Elec-
16 tion Commission and the Architectural and Transpor-
17 tation Barriers Compliance Board (as established under
18 section 502 of the Rehabilitation Act of 1973 (29 U.S.C.
19 792)), is authorized to make grants to States and localities
20 to pay the costs of the activities described in section 214.

21 (b) ACTION THROUGH OFFICE OF JUSTICE PRO-
22 GRAMS AND CIVIL RIGHTS DIVISION.—In carrying out
23 this subtitle, the Attorney General shall act through—

24 (1) the Assistant Attorney General in charge of
25 the Office of Justice Programs of the Department of
26 Justice; and

1 (2) the Assistant Attorney General in charge of
2 the Civil Rights Division of the Department of Jus-
3 tice (in this subtitle referred to as the “Assistant At-
4 torney General for Civil Rights”).

5 **SEC. 212. APPLICATION.**

6 (a) IN GENERAL.—Each State or locality that desires
7 to receive a grant under this subtitle shall submit an appli-
8 cation to the Attorney General at such time, in such man-
9 ner, and containing such information as the Attorney Gen-
10 eral shall require, consistent with the provisions of this
11 section.

12 (b) CONTENTS.—Each application submitted under
13 subsection (a) shall—

14 (1) describe the activities for which assistance
15 under this section is sought;

16 (2) contain a request for certification by the
17 Assistant Attorney General for Civil Rights de-
18 scribed in subsection (c);

19 (3) provide assurances that the State or locality
20 will pay the non-Federal share of the cost of the ac-
21 tivities for which assistance is sought from non-Fed-
22 eral sources; and

23 (4) provide such additional assurances as the
24 Attorney General determines to be essential to en-

1 sure compliance with the requirements of this sub-
2 title.

3 (c) REQUEST FOR CERTIFICATION BY THE CIVIL
4 RIGHTS DIVISION.—

5 (1) COMPLIANCE WITH CURRENT FEDERAL
6 ELECTION LAW.—

7 (A) IN GENERAL.—Except as provided in
8 subparagraph (B), each request for certification
9 described in subsection (b)(2) shall contain a
10 specific and detailed demonstration that the
11 State or locality is in compliance with each of
12 the following laws:

13 (i) The Voting Rights Act of 1965 (42
14 U.S.C. 1973 et seq.), including sections
15 4(f)(4) and 203 of such Act (42 U.S.C.
16 1973b(f)(4) and 1973aa-1a).

17 (ii) The Voting Accessibility for the
18 Elderly and Handicapped Act (42 U.S.C.
19 1973ee et seq.).

20 (iii) The Uniformed and Overseas
21 Citizens Absentee Voting Act (42 U.S.C.
22 1973ff et seq.).

23 (iv) The National Voter Registration
24 Act of 1993 (42 U.S.C. 1973gg et seq.).

1 (v) The Americans with Disabilities
2 Act of 1990 (42 U.S.C. 1994 et seq.).

3 (vi) The Rehabilitation Act of 1973
4 (29 U.S.C. 701 et seq.).

5 (B) APPLICANTS UNABLE TO MEET RE-
6 QUIREMENTS.—Each State or locality that, at
7 the time it applies for a grant under this sub-
8 title, does not demonstrate that it meets each
9 requirement described in subparagraph (A),
10 shall submit to the Attorney General a detailed
11 and specific demonstration of how the State or
12 locality intends to use grant funds to meet each
13 such requirement.

14 (2) UNIFORM AND NONDISCRIMINATORY RE-
15 QUIREMENTS FOR ELECTION TECHNOLOGY AND AD-
16 MINISTRATION.—In addition to the demonstration
17 required under paragraph (1), each request for cer-
18 tification described in subsection (b)(2) shall contain
19 a specific and detailed demonstration that the pro-
20 posed use of grant funds by the State or locality is
21 not inconsistent with the requirements under section
22 101, 102, or 103.

23 (d) SAFE HARBOR.—No action may be brought
24 against a State or locality on the basis of any information
25 contained in the application submitted under subsection

1 (a), including any information contained in the request for
2 certification described in subsection (c).

3 **SEC. 213. APPROVAL OF APPLICATIONS.**

4 (a) IN GENERAL.—Subject to subsection (b), the At-
5 torney General shall establish general policies and criteria
6 for the approval of applications submitted under section
7 212(a).

8 (b) CERTIFICATION PROCEDURE.—

9 (1) IN GENERAL.—The Attorney General may
10 not approve an application of a State or locality sub-
11 mitted under section 212(a) unless the Attorney
12 General has received a certification from the Assist-
13 ant Attorney General for Civil Rights under para-
14 graph (4) with respect to such State or locality.

15 (2) TRANSMITTAL OF REQUEST.—Upon receipt
16 of the request for certification submitted under sec-
17 tion 212(b)(2), the Attorney General shall transmit
18 such request to the Assistant Attorney General for
19 Civil Rights.

20 (3) CERTIFICATION; NONCERTIFICATION.—

21 (A) CERTIFICATION.—If the Assistant At-
22 torney General for Civil Rights finds that the
23 request for certification demonstrates that—

24 (i) a State or locality meets the re-
25 quirements of subparagraph (A) of section

1 212(c)(1), or that a State or locality has
2 provided a detailed and specific demonstra-
3 tion of how it will use funds received under
4 this section to meet such requirements
5 under subparagraph (B) of such section;
6 and

7 (ii) the proposed use of grant funds
8 by the State or locality meets the require-
9 ments of section 212(c)(2),

10 the Assistant Attorney General for Civil Rights
11 shall certify that the State or locality is eligible
12 to receive a grant under this subtitle.

13 (B) NONCERTIFICATION.—If the Assistant
14 Attorney General for Civil Rights finds that the
15 request for certification does not demonstrate
16 that a State or locality meets the requirements
17 described in subparagraph (A), the Assistant
18 Attorney General for Civil Rights shall not cer-
19 tify that the State or locality is eligible to re-
20 ceive a grant under this subtitle.

21 (4) TRANSMITTAL OF CERTIFICATION.—The
22 Assistant Attorney General for Civil Rights shall
23 transmit to the Attorney General either—

24 (A) a certification under subparagraph (A)
25 of paragraph (3); or

1 (B) a notice of noncertification under sub-
2 paragraph (B) of such paragraph, together with
3 a report identifying the relevant deficiencies in
4 the State's or locality's system for voting or ad-
5 ministering elections for Federal office or in the
6 request for certification submitted by the State
7 or locality.

8 **SEC. 214. AUTHORIZED ACTIVITIES.**

9 A State or locality may use grant payments received
10 under this subtitle—

11 (1) to improve, acquire, lease, modify, or re-
12 place voting systems and technology and to improve
13 the accessibility of polling places, including providing
14 physical access for individuals with disabilities, pro-
15 viding nonvisual access for individuals with visual
16 impairments, and providing assistance to individuals
17 with limited proficiency in the English language;

18 (2) to implement new election administration
19 procedures to increase voter participation and to re-
20 duce disenfranchisement, such as “same-day” voter
21 registration procedures;

22 (3) to educate voters concerning voting proce-
23 dures, voting rights or voting technology, and to
24 train election officials, poll workers, and election vol-
25 unteers;

1 (4) to implement new election administration
2 procedures such as requiring individuals to present
3 identification at the polls and programs to identify,
4 to deter, and to investigate voting fraud and to refer
5 allegations of voting fraud to the appropriate au-
6 thority;

7 (5) to meet the requirements of current Federal
8 election law in accordance with the demonstration
9 submitted under section 212(c)(1)(B) of such sec-
10 tion; or

11 (6) to meet the requirements under section 101,
12 102, or 103.

13 **SEC. 215. PAYMENTS; FEDERAL SHARE.**

14 (a) PAYMENTS.—

15 (1) IN GENERAL.—The Attorney General shall
16 pay to each State or locality having an application
17 approved under section 213 the Federal share of the
18 costs of the activities described in that application.

19 (2) RETROACTIVE PAYMENTS.—The Attorney
20 General may make retroactive payments to States
21 and localities having an application approved under
22 section 213 for the Federal share of any costs for
23 election technology or administration that meets the
24 requirements of sections 101, 102, and 103 that
25 were incurred during the period beginning on Janu-

1 ary 1, 2001, and ending on the date on which such
2 application was approved under such section.

3 (b) FEDERAL SHARE.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the Federal share of the costs shall be a
6 percentage determined by the Attorney General that
7 does not exceed 80 percent.

8 (2) EXCEPTION.—The Attorney General may
9 provide for a Federal share of greater than 80 per-
10 cent of the costs for a State or locality if the Attor-
11 ney General determines that such greater percentage
12 is necessary due to the lack of resources of the State
13 or locality.

14 **SEC. 216. AUDITS AND EXAMINATIONS OF STATES AND LO-**
15 **CALITIES.**

16 (a) RECORDKEEPING REQUIREMENT.—Each recipi-
17 ent of a grant under this subtitle shall keep such records
18 as the Attorney General, in consultation with the Federal
19 Election Commission, shall prescribe.

20 (b) AUDITS AND EXAMINATIONS.—The Attorney
21 General and the Comptroller General, or any authorized
22 representative of the Attorney General or the Comptroller
23 General, may audit or examine any recipient of a grant
24 under this subtitle and shall, for the purpose of conducting
25 an audit or examination, have access to any record of a

1 recipient of a grant under this subtitle that the Attorney
2 General or the Comptroller General determines may be re-
3 lated to the grant.

4 (c) OTHER AUDITS.—If the Assistant Attorney Gen-
5 eral for Civil Rights has certified a State or locality as
6 eligible to receive a grant under this subtitle in order to
7 meet a certification requirement described in section
8 212(c)(1)(A) (as permitted under section 214(5)) and
9 such State or locality is a recipient of such a grant, such
10 Assistant Attorney General, in consultation with the Fed-
11 eral Election Commission shall—

12 (1) audit such recipient to ensure that the re-
13 cipient has achieved, or is achieving, compliance with
14 the certification requirements described in section
15 212(c)(1)(A); and

16 (2) have access to any record of the recipient
17 that the Attorney General determines may be related
18 to such a grant for the purpose of conducting such
19 an audit.

20 **SEC. 217. REPORTS TO CONGRESS AND THE ATTORNEY**
21 **GENERAL.**

22 (a) REPORTS TO CONGRESS.—

23 (1) IN GENERAL.—Not later than January 31,
24 2003, and each year thereafter, the Attorney Gen-
25 eral shall submit to the President and Congress a

1 report on the grant program established under this
2 subtitle for the preceding year.

3 (2) CONTENTS.—Each report submitted under
4 paragraph (1) shall contain the following:

5 (A) A description and analysis of any ac-
6 tivities funded by a grant awarded under this
7 subtitle.

8 (B) Any recommendation for legislative or
9 administrative action that the Attorney General
10 considers appropriate.

11 (b) REPORTS TO THE ATTORNEY GENERAL.—The
12 Attorney General shall require each recipient of a grant
13 under this subtitle to submit reports to the Attorney Gen-
14 eral at such time, in such manner, and containing such
15 information as the Attorney General considers appro-
16 priate.

17 **SEC. 218. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—There are authorized to be appro-
19 priated \$400,000,000 for fiscal year 2002 to carry out the
20 provisions of this subtitle.

21 (b) AVAILABILITY.—Any amounts appropriated pur-
22 suant to the authority of subsection (a) shall remain avail-
23 able without fiscal year limitation until expended.

1 **SEC. 219. EFFECTIVE DATE.**

2 The Attorney General shall establish the general poli-
3 cies and criteria for the approval of applications under sec-
4 tion 213(a) in a manner that ensures that the Attorney
5 General is able to approve applications not later than Oc-
6 tober 1, 2002.

7 **Subtitle C—Federal Election**
8 **Accessibility Grant Program**

9 **SEC. 221. ESTABLISHMENT OF THE FEDERAL ELECTION AC-**
10 **CESSIBILITY GRANT PROGRAM.**

11 (a) IN GENERAL.—There is established a Federal
12 Election Accessibility Grant Program under which the At-
13 torney General, subject to the general policies and criteria
14 for the approval of applications established under section
15 223 by the Architectural and Transportation Barriers
16 Compliance Board (as established under section 502 of the
17 Rehabilitation Act of 1973 (29 U.S.C. 792)) (in this sub-
18 title referred to as the “Access Board”), is authorized to
19 make grants to States and localities to pay the costs of
20 the activities described in section 224.

21 (b) ACTION THROUGH OFFICE OF JUSTICE PRO-
22 GRAMS AND CIVIL RIGHTS DIVISION.—In carrying out
23 this subtitle, the Attorney General shall act through—

24 (1) the Assistant Attorney General in charge of
25 the Office of Justice Programs of the Department of
26 Justice; and

1 (2) the Assistant Attorney General in charge of
2 the Civil Rights Division of that Department.

3 **SEC. 222. APPLICATION.**

4 (a) IN GENERAL.—Each State or locality that desires
5 to receive a grant under this subtitle shall submit an appli-
6 cation to the Attorney General at such time, in such man-
7 ner, and containing such information as the Attorney Gen-
8 eral shall require, consistent with the provisions of this
9 section.

10 (b) CONTENTS.—Each application submitted under
11 subsection (a) shall—

12 (1) describe the activities for which assistance
13 under this section is sought;

14 (2) provide assurances that the State or locality
15 will pay the non-Federal share of the cost of the ac-
16 tivities for which assistance is sought from non-Fed-
17 eral sources; and

18 (3) provide such additional assurances as the
19 Attorney General determines to be essential to en-
20 sure compliance with the requirements of this sub-
21 title.

22 (c) RELATION TO FEDERAL ELECTION REFORM IN-
23 CENTIVE GRANT PROGRAM.—A State or locality that de-
24 sires to do so may submit an application under this section
25 as part of any application submitted under section 212(a).

1 (d) SAFE HARBOR.—No action may be brought
2 against a State or locality on the basis of any information
3 contained in the application submitted under subsection
4 (a).

5 **SEC. 223. APPROVAL OF APPLICATIONS.**

6 The Access Board shall establish general policies and
7 criteria for the approval of applications submitted under
8 section 222(a).

9 **SEC. 224. AUTHORIZED ACTIVITIES.**

10 A State or locality may use grant payments received
11 under this subtitle—

12 (1) to make polling places, including the path
13 of travel, entrances, exits, and voting areas of each
14 polling facility, accessible to individuals with disabili-
15 ties, including the blind and visually impaired, in a
16 manner that provides the same opportunity for ac-
17 cess and participation (including privacy and inde-
18 pendence) as for other voters; and

19 (2) to provide individuals with disabilities and
20 the other individuals described in paragraph (1) with
21 information about the accessibility of polling places,
22 including outreach programs to inform the individ-
23 uals about the availability of accessible polling places
24 and to train election officials, poll workers, and elec-
25 tion volunteers on how best to promote the access

1 and participation of the individuals in elections for
2 Federal office.

3 **SEC. 225. PAYMENTS; FEDERAL SHARE.**

4 (a) PAYMENTS.—The Attorney General shall pay to
5 each State or locality having an application approved
6 under section 223 the Federal share of the costs of the
7 activities described in that application.

8 (b) FEDERAL SHARE.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the Federal share of the costs shall be a
11 percentage determined by the Attorney General that
12 does not exceed 80 percent.

13 (2) EXCEPTION.—The Attorney General may
14 provide for a Federal share of greater than 80 per-
15 cent of the costs for a State or locality if the Attor-
16 ney General determines that such greater percentage
17 is necessary due to the lack of resources of the State
18 or locality.

19 **SEC. 226. AUDITS AND EXAMINATIONS OF STATES AND LO-**
20 **CALITIES.**

21 (a) RECORDKEEPING REQUIREMENT.—Each recipi-
22 ent of a grant under this subtitle shall keep such records
23 as the Attorney General, in consultation with the Access
24 Board, shall prescribe.

1 (b) AUDITS AND EXAMINATIONS.—The Attorney
2 General and the Comptroller General, or any authorized
3 representative of the Attorney General or the Comptroller
4 General, may audit or examine any recipient of a grant
5 under this subtitle and shall, for the purpose of conducting
6 an audit or examination, have access to any record of a
7 recipient of a grant under this subtitle that the Attorney
8 General or the Comptroller General determines may be re-
9 lated to the grant.

10 **SEC. 227. REPORTS TO CONGRESS AND THE ATTORNEY**

11 **GENERAL.**

12 (a) REPORTS TO CONGRESS.—

13 (1) IN GENERAL.—Not later than January 31,
14 2003, and each year thereafter, the Attorney Gen-
15 eral shall submit to the President and Congress a
16 report on the grant program established under this
17 subtitle for the preceding year.

18 (2) CONTENTS.—Each report submitted under
19 paragraph (1) shall contain the following:

20 (A) A description and analysis of any ac-
21 tivities funded by a grant awarded under this
22 subtitle.

23 (B) Any recommendation for legislative or
24 administrative action that the Attorney General
25 considers appropriate.

1 (b) REPORTS TO THE ATTORNEY GENERAL.—The
2 Attorney General shall require each recipient of a grant
3 under this subtitle to submit reports to the Attorney Gen-
4 eral at such time, in such manner, and containing such
5 information as the Attorney General considers appro-
6 priate.

7 **SEC. 228. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) IN GENERAL.—There are authorized to be appro-
9 priated \$100,000,000 for fiscal year 2002 to carry out the
10 provisions of this subtitle.

11 (b) AVAILABILITY.—Any amounts appropriated pur-
12 suant to the authority of subsection (a) shall remain avail-
13 able without fiscal year limitation until expended.

14 **SEC. 229. EFFECTIVE DATE.**

15 The Access Board shall establish the general policies
16 and criteria for the approval of applications under section
17 223 in a manner that ensures that the Attorney General
18 is able to approve applications not later than October 1,
19 2002.

TITLE III—ADMINISTRATION

Subtitle A—Election

Administration Commission

4 SEC. 301. ESTABLISHMENT OF THE ELECTION ADMINISTRATION COMMISSION.

6 There is established the Election Administration
7 Commission (in this subtitle referred to as the “Commis-
8 sion”) as an independent establishment (as defined in sec-
9 tion 104 of title 5, United States Code).

10 SEC. 302. MEMBERSHIP OF THE COMMISSION.

11 (a) NUMBER AND APPOINTMENT.—

12 (1) COMPOSITION.—The Commission shall be
13 composed of 4 members appointed by the President,
14 by and with the advice and consent of the Senate.

15 (2) RECOMMENDATIONS.—Before the initial ap-
16 pointment of the members of the Commission and
17 before the appointment of any individual to fill a va-
18 cancy on the Commission, the Majority Leader of
19 the Senate, the Speaker of the House of Representa-
20 tives, the Minority Leader of the Senate, and the
21 Minority Leader of the House of Representatives
22 shall each submit to the President a candidate rec-
23 ommendation with respect to each vacancy on the
24 Commission affiliated with the political party of the
25 officer involved.

1 (b) QUALIFICATIONS.—

2 (1) IN GENERAL.—Each member appointed
3 under subsection (a) shall be appointed on the basis
4 of—

5 (A) knowledge of—

6 (i) and experience with, election law;

7 (ii) and experience with, election tech-
8 nology;

9 (iii) and experience with, Federal,
10 State, or local election administration;

11 (iv) the Constitution; or

12 (v) the history of the United States;

13 and

14 (B) integrity, impartiality, and good judg-
15 ment.

16 (2) PARTY AFFILIATION.—Not more than 2 of
17 the 4 members appointed under subsection (a) may
18 be affiliated with the same political party.

19 (3) FEDERAL OFFICERS AND EMPLOYEES.—
20 Members appointed under subsection (a) shall be in-
21 dividuals who, at the time appointed to the Commis-
22 sion, are not elected or appointed officers or employ-
23 ees of the Federal Government.

24 (4) OTHER ACTIVITIES.—No member appointed
25 to the Commission under subsection (a) may engage

1 in any other business, vocation, or employment while
2 serving as a member of the Commission and shall
3 terminate or liquidate such business, vocation, or
4 employment not later than the date on which the
5 Commission first meets.

6 (c) DATE OF APPOINTMENT.—The appointments of
7 the members of the Commission shall be made not later
8 than the date that is 90 days after the date of enactment
9 of this Act.

10 (d) PERIOD OF APPOINTMENT; VACANCIES.—

11 (1) PERIOD OF APPOINTMENT.—Members shall
12 be appointed for a term of 6 years, except that, of
13 the members first appointed, 2 of the members who
14 are not affiliated with the same political party shall
15 be appointed for a term of 4 years. Except as pro-
16 vided in paragraph (2), a member may only serve 1
17 term.

18 (2) VACANCIES.—

19 (A) IN GENERAL.—A vacancy on the Com-
20 mission shall not affect its powers, but shall be
21 filled in the manner in which the original ap-
22 pointment was made. The appointment made to
23 fill the vacancy shall be subject to any condi-
24 tions which applied with respect to the original
25 appointment.

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

6 (C) UNEXPIRED TERMS.—An individual
7 appointed to fill a vacancy on the Commission
8 occurring before the expiration of the term for
9 which the individual's predecessor was ap-
10 pointed shall be appointed for the unexpired
11 term of the member replaced. Such individual
12 may be appointed to a full term in addition to
13 the unexpired term for which that individual is
14 appointed.

15 (e) CHAIRPERSON; VICE CHAIRPERSON.—

16 (1) IN GENERAL.—The Commission shall elect
17 a chairperson and vice chairperson from among its
18 members for a term of 1 year.

19 (2) NUMBER OF TERMS.—A member of the
20 Commission may serve as the chairperson only twice
21 during the term of office to which such member is
22 appointed.

23 (3) POLITICAL AFFILIATION.—The chairperson
24 and vice chairperson may not be affiliated with the
25 same political party.

1 **SEC. 303. DUTIES OF THE COMMISSION.**

2 (a) IN GENERAL.—The Commission—

3 (1) shall serve as a clearinghouse, gather infor-
4 mation, conduct studies, and issue reports con-
5 cerning issues relating to elections for Federal office;

6 (2) shall carry out the provisions of section 9
7 of the National Voter Registration Act of 1993 (42
8 U.S.C. 1973gg-7);

9 (3) shall make available information regarding
10 the Federal election system to the public and media;

11 (4) shall compile and make available to the pub-
12 lic the official certified results of elections for Fed-
13 eral office and statistics regarding national voter
14 registration and turnout;

15 (5) shall establish an Internet website to facili-
16 tate public access, public comment, and public par-
17 ticipation in the activities of the Commission, and
18 shall make all information on such website available
19 in print;

20 (6) shall conduct the study on election tech-
21 nology and administration under subsection (b)(1)
22 and submit the report under subsection (b)(2); and

23 (7) beginning on the transition date (as defined
24 in section 316(a)(2)), shall administer—

25 (A) the voting systems standards under
26 section 101;

1 (B) the provisional voting requirements
2 under section 102;

3 (C) the computerized statewide voter reg-
4 istration list requirements and requirements for
5 voters who register by mail under section 103;

6 (D) the Uniform and Nondiscriminatory
7 Election Technology and Administration Re-
8 quirements Grant Program under subtitle A of
9 title II;

10 (E) the Federal Election Reform Incentive
11 Grant Program under subtitle C of title II; and

12 (F) the Federal Election Accessibility
13 Grant Program under subtitle B of title II.

14 (b) STUDIES AND REPORTS ON ELECTION TECH-
15 NOLOGY AND ADMINISTRATION.—

16 (1) STUDIES.—The Commission shall conduct
17 periodic studies of—

18 (A) methods of election technology and
19 voting systems in elections for Federal office,
20 including the over-vote and under-vote notifica-
21 tion capabilities of such technology and sys-
22 tems;

23 (B) ballot designs for elections for Federal
24 office;

1 (C) methods of ensuring the accessibility of
2 voting, registration, polling places, and voting
3 equipment to all voters, including blind and dis-
4 abled voters, and voters with limited proficiency
5 in the English language;

6 (D) nationwide statistics and methods of
7 identifying, deterring, and investigating voting
8 fraud in elections for Federal office;

9 (E) methods of voter intimidation;

10 (F) the recruitment and training of poll
11 workers;

12 (G) the feasibility and advisability of con-
13 ducting elections for Federal office on different
14 days, at different places, and during different
15 hours, including the advisability of establishing
16 a uniform poll closing time and establishing
17 election day as a Federal holiday;

18 (H) ways that the Federal Government can
19 best assist State and local authorities to im-
20 prove the administration of elections for Fed-
21 eral office and what levels of funding would be
22 necessary to provide such assistance; and

23 (I) such other matters as the Commission
24 determines are appropriate.

1 (2) REPORTS.—The Commission shall submit
2 to the President and Congress a report on each
3 study conducted under paragraph (1) together with
4 such recommendations for administrative and legis-
5 lative action as the Commission determines is appro-
6 priate.

7 **SEC. 304. MEETINGS OF THE COMMISSION.**

8 The Commission shall meet at the call of any member
9 of the Commission, but may not meet less often than
10 monthly.

11 **SEC. 305. POWERS OF THE COMMISSION.**

12 (a) HEARINGS.—The Commission or, at its direction,
13 any subcommittee or member of the Commission, may, for
14 the purpose of carrying out this subtitle hold such hear-
15 ings, sit and act at such times and places, take such testi-
16 mony, receive such evidence, administer such oaths as the
17 Commission or such subcommittee or member considers
18 advisable.

19 (b) VOTING.—

20 (1) IN GENERAL.—Each action of the Commis-
21 sion shall be approved by a majority vote of the
22 members of the Commission and each member of the
23 Commission shall have 1 vote.

24 (2) SPECIAL RULES.—

1 (A) UNIFORM AND NONDISCRIMINATORY
2 ELECTION TECHNOLOGY AND ADMINISTRATION
3 REQUIREMENTS.—

4 (i) ADOPTION OR REVISION OF
5 STANDARDS AND GUIDELINES.—If stand-
6 ards or guidelines have been promulgated
7 under section 101, 102, or 103 as of the
8 transition date (as defined in section
9 316(a)(2)), not later than 30 days after
10 the transition date, the Commission
11 shall—

12 (I) adopt such standards or
13 guidelines by a majority vote of the
14 members of the Commission; or

15 (II) promulgate revisions to such
16 standards or guidelines and such revi-
17 sions shall take effect only upon the
18 approval of a majority of the members
19 of the Commission.

20 (ii) ESTABLISHMENT OF STANDARDS
21 AND GUIDELINES.—

22 (I) If standards or guidelines
23 have not been promulgated under sec-
24 tion 101, 102, or 103 as of the transi-
25 tion date (as defined in section

1 316(a)(2)), the Commission shall pro-
2 mulgate such standards or guidelines
3 not later than the date described in
4 subclause (II) and such standards or
5 guidelines shall take effect only upon
6 the approval of a majority of the
7 members of the Commission.

8 (II) The date described this sub-
9 clause is the later of—

10 (aa) the date described in
11 section 101(c)(1), 102(c), or
12 103(c) (as applicable); or

13 (bb) the date that is 30 days
14 after the transition date (as de-
15 fined in section 316(a)(2)).

16 (B) GRANT PROGRAMS.—

17 (i) APPROVAL OR DENIAL.—The
18 grants shall be approved or denied under
19 sections 204, 213, and 223 by a majority
20 vote of the members of the Commission
21 not later than the date that is 30 days
22 after the date on which the application is
23 submitted to the Commission under section
24 203, 212, or 222.

1 (ii) ADOPTION OR REVISION OF GEN-
2 ERAL POLICIES AND CRITERIA.—If general
3 policies and criteria for the approval of ap-
4 plications have been established under sec-
5 tion 204, 213, or 223 as of the transition
6 date (as defined in section 316(a)(2)), not
7 later than 30 days after the transition
8 date, the Commission shall—

9 (I) adopt such general policies
10 and criteria by a majority vote of the
11 members of the Commission; or

12 (II) promulgate revisions to such
13 general policies and criteria and such
14 revisions shall take effect only upon
15 the approval of a majority of the
16 members of the Commission.

17 (iii) ESTABLISHMENT OF GENERAL
18 POLICIES AND CRITERIA.—

19 (I) If general policies and criteria
20 for the approval of applications have
21 been established under section 204,
22 213, or 223 as of the transition date
23 (as defined in section 316(a)(2)), the
24 Commission shall promulgate such
25 general policies and criteria not later

1 than the date described in subclause
2 (II) and such general policies and cri-
3 teria shall take effect only upon the
4 approval of a majority of the members
5 of the Commission.

6 (II) The date described this sub-
7 clause is the later of—

8 (aa) the date described in
9 section 101(c)(1), 102(c), or
10 103(c) (as applicable); or

11 (bb) the date that is 30 days
12 after the transition date (as de-
13 fined in section 316(a)(2)).

14 (c) INFORMATION FROM FEDERAL AGENCIES.—The
15 Commission may secure directly from any Federal depart-
16 ment or agency such information as the Commission con-
17 siders necessary to carry out this subtitle. Upon request
18 of the Commission, the head of such department or agency
19 shall furnish such information to the Commission.

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

1 **SEC. 306. COMMISSION PERSONNEL MATTERS.**

2 (a) COMPENSATION OF MEMBERS.—Each member of
3 the Commission shall be compensated at the annual rate
4 of basic pay prescribed for level IV of the Executive Sched-
5 ule under section 5315 of title 5, United States Code.

6 (b) STAFF.—

7 (1) APPOINTMENT AND TERMINATION.—Sub-
8 ject to paragraph (2), the Commission may, without
9 regard to the provisions of title 5, United States
10 Code, governing appointments in the competitive
11 service, appoint and terminate an Executive Direc-
12 tor, a General Counsel, and such other personnel as
13 may be necessary to enable the Commission to per-
14 form its duties.

15 (2) EXECUTIVE DIRECTOR; GENERAL COUN-
16 SEL.—

17 (A) APPOINTMENT AND TERMINATION.—

18 The appointment and termination of the Execu-
19 tive Director and General Counsel under para-
20 graph (1) shall be approved by a majority of
21 the members of the Commission.

22 (B) INITIAL APPOINTMENT.—Beginning on
23 the transition date (as defined in section
24 316(a)(2)), the Director of the Office of Elec-
25 tion Administration of the Federal Election
26 Commission shall serve as the Executive Direc-

1 tor of the Commission until such date as a suc-
2 cessor is appointed under paragraph (1).

3 (C) TERM.—The term of the Executive Di-
4 rector and the General Counsel shall be for a
5 period of 6 years. An individual may not serve
6 for more than 2 terms as the Executive Direc-
7 tor or the General Counsel. The appointment of
8 an individual with respect to each term shall be
9 approved by a majority of the members of the
10 Commission.

11 (D) CONTINUANCE IN OFFICE.—Notwith-
12 standing subparagraph (C), the Executive Di-
13 rector and General Counsel shall continue in of-
14 fice until a successor is appointed under para-
15 graph (1).

16 (3) COMPENSATION.—The Commission may fix
17 the compensation of the Executive Director, General
18 Counsel, and other personnel without regard to
19 chapter 51 and subchapter III of chapter 53 of title
20 5, United States Code, relating to classification of
21 positions and General Schedule pay rates, except
22 that the rate of pay for the Executive Director, Gen-
23 eral Counsel, and other personnel may not exceed
24 the rate payable for level V of the Executive Sched-
25 ule under section 5316 of such title.

1 (c) DETAIL OF GOVERNMENT EMPLOYEES.—Any
2 Federal Government employee may be detailed to the
3 Commission without reimbursement, and such detail shall
4 be without interruption or loss of civil service status or
5 privilege.

6 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-
7 TENT SERVICES.—The Commission may procure tem-
8 porary and intermittent services under section 3109(b) of
9 title 5, United States Code, at rates for individuals which
10 do not exceed the daily equivalent of the annual rate of
11 basic pay prescribed for level V of the Executive Schedule
12 under section 5316 of such title.

13 **SEC. 307. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to the Com-
15 mission such sums as may be necessary to carry out this
16 subtitle.

17 **Subtitle B—Transition Provisions**

18 **SEC. 311. EQUAL PROTECTION OF VOTING RIGHTS ACT OF**

19 **2001.**

20 (a) TRANSFER OF CERTAIN FUNCTIONS OF FED-
21 ERAL ELECTION COMMISSION.—There are transferred to
22 the Election Administration Commission established under
23 section 301 all functions of the Federal Election Commis-
24 sion under section 101 and under subtitles A and B of

1 title II before the transition date (as defined in section
2 316(a)(2)).

3 (b) TRANSFER OF CERTAIN FUNCTIONS OF THE AT-
4 TORNEY GENERAL.—

5 (1) TITLE I FUNCTIONS.—There are trans-
6 ferred to the Election Administration Commission
7 established under section 301 all functions of the
8 Assistant Attorney General in charge of the Civil
9 Rights Division of the Department of Justice under
10 sections 102 and 103 before the transition date (as
11 defined in section 316(a)(2)).

12 (2) GRANTMAKING FUNCTIONS.—

13 (A) IN GENERAL.—Except as provided in
14 paragraph (2), there are transferred to the
15 Election Administration Commission established
16 under section 301 all functions of the Attorney
17 General, the Assistant Attorney General in
18 charge of the Office of Justice Programs of the
19 Department of Justice, and the Assistant Attor-
20 ney General in charge of the Civil Rights Divi-
21 sion of the Department of Justice under sub-
22 titles A, B, and C of title II before the transi-
23 tion date (as defined in section 316(a)(2)).

24 (B) EXCEPTION.—The functions of the At-
25 torney General relating to the review of State

1 plans under section 204 and the certification
2 requirements under section 213 shall not be
3 transferred under paragraph (1).

4 (3) ENFORCEMENT.—The Attorney General
5 shall remain responsible for any enforcement action
6 required under this Act, including the enforcement
7 of the voting systems standards through the Assist-
8 ant Attorney General in charge of the Civil Rights
9 Division of the Department of Justice under section
10 104 and the criminal penalties under section 401.

11 (c) TRANSFER OF CERTAIN FUNCTIONS OF THE AC-
12 CESS BOARD.—There are transferred to the Election Ad-
13 ministration Commission established under section 301 all
14 functions of the Architectural and Transportation Bar-
15 riers Compliance Board (as established under section 502
16 of the Rehabilitation Act of 1973 (29 U.S.C. 792)) under
17 section 101 and under subtitles A, B, and C of title II
18 before the transition date (as defined in section
19 316(a)(2)).

20 **SEC. 312. FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

21 (a) TRANSFER OF FUNCTIONS OF OFFICE OF ELEC-
22 TION ADMINISTRATION.—There are transferred to the
23 Election Administration Commission established under
24 section 301 all functions of the Director of the Office of
25 the Election Administration of the Federal Election Com-

1 mission before the transition date (as defined in section
2 316(a)(2)).

3 (b) CONFORMING AMENDMENT.—Section 311(a) of
4 the Federal Election Campaign Act of 1971 (2 U.S.C.
5 438(a)) is amended—

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

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

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

12 **SEC. 313. NATIONAL VOTER REGISTRATION ACT OF 1993.**

13 (a) TRANSFER OF FUNCTIONS.—There are trans-
14 ferred to the Election Administration Commission estab-
15 lished under section 301 all functions of the Federal Elec-
16 tion Commission under the National Voter Registration
17 Act of 1993 before the transition date (as defined in sec-
18 tion 316(a)(2)).

19 (b) CONFORMING AMENDMENT.—For purposes of
20 section 9(a) of the National Voter Registration Act of
21 1993 (42 U.S.C. 1973gg–7(a)), the reference to the Fed-
22 eral Election Commission shall be deemed to be a ref-
23 erence to the Election Administration Commission.

1 **SEC. 314. TRANSFER OF PROPERTY, RECORDS, AND PER-**
2 **SONNEL.**

3 (a) PROPERTY AND RECORDS.—The contracts, liabil-
4 ities, records, property, and other assets and interests of,
5 or made available in connection with, the offices and func-
6 tions of the Federal Election Commission which are trans-
7 ferred by this subtitle are transferred to the Election Ad-
8 ministration Commission for appropriate allocation.

9 (b) PERSONNEL.—The personnel employed in con-
10 nection with the offices and functions of the Federal Elec-
11 tion Commission which are transferred by this subtitle are
12 transferred to the Election Administration Commission.

13 **SEC. 315. COVERAGE OF ELECTION ADMINISTRATION COM-**
14 **MISSION UNDER CERTAIN LAWS AND PRO-**
15 **GRAMS.**

16 (a) TREATMENT OF COMMISSION PERSONNEL
17 UNDER CERTAIN CIVIL SERVICE LAWS.—

18 (1) COVERAGE UNDER HATCH ACT.—Section
19 7323(b)(2)(B)(i)(I) of title 5, United States Code, is
20 amended by inserting “or the Election Administra-
21 tion Commission” after “Commission”.

22 (2) EXCLUSION FROM SENIOR EXECUTIVE
23 SERVICE.—Section 3132(a)(1)(C) of title 5, United
24 States Code, is amended by inserting “or the Elec-
25 tion Administration Commission” after “Commis-
26 sion”.

1 (b) COVERAGE UNDER INSPECTOR GENERAL ACT OF
2 1978.—Section 8G(a)(2) of the Inspector General Act of
3 1978 (5 U.S.C. App.) is amended by inserting “, the Elec-
4 tion Administration Commission,” after “Federal Election
5 Commission,”.

6 **SEC. 316. EFFECTIVE DATE; TRANSITION.**

7 (a) EFFECTIVE DATE.—

8 (1) IN GENERAL.—This subtitle and the
9 amendments made by this subtitle shall take effect
10 on the transition date (as defined in paragraph (2)).

11 (2) TRANSITION DATE DEFINED.—In this sec-
12 tion, the term “transition date” means the earlier
13 of—

14 (A) the date that is 1 year after the date
15 of enactment of this Act; or

16 (B) the date that is 60 days after the first
17 date on which all of the members of the Elec-
18 tion Administration Commission have been ap-
19 pointed under section 302.

20 (b) TRANSITION.—With the consent of the entity in-
21 volved, the Election Administration Commission is author-
22 ized to utilize the services of such officers, employees, and
23 other personnel of the entities from which functions have
24 been transferred to the Commission under this title or the
25 amendments made by this title for such period of time

1 as may reasonably be needed to facilitate the orderly
2 transfer of such functions.

3 **TITLE IV—MISCELLANEOUS**

4 **SEC. 401. CRIMINAL PENALTIES.**

5 (a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR
6 ELECTION.—Any individual who gives false information in
7 registering or voting in violation of section 11(c) of the
8 National Voting Rights Act of 1965 (42 U.S.C. 1973i(c)),
9 or conspires with another to violate such section, shall be
10 fined or imprisoned, or both, in accordance with such sec-
11 tion.

12 (b) FALSE INFORMATION IN REGISTERING AND VOT-
13 ING.—Any individual who commits fraud or makes a false
14 statement with respect to the naturalization, citizenry, or
15 alien registry of such individual in violation of section
16 1015 of title 18, United States Code, shall be fined or
17 imprisoned, or both, in accordance with such section.

18 **SEC. 402. RELATIONSHIP TO OTHER LAWS.**

19 (a) IN GENERAL.—Except as otherwise provided in
20 this Act, nothing in this Act may be construed to authorize
21 or require conduct prohibited under the following laws, or
22 supersede, restrict, or limit such laws:

23 (1) The Voting Rights Act of 1965 (42 U.S.C.
24 1973 et seq.).

1 (2) The Voting Accessibility for the Elderly and
2 Handicapped Act (42 U.S.C. 1973ee et seq.).

3 (3) The Uniformed and Overseas Citizens Ab-
4 sentee Voting Act (42 U.S.C. 1973ff et seq.).

5 (4) The National Voter Registration Act of
6 1993 (42 U.S.C. 1973gg et seq.).

7 (5) The Americans with Disabilities Act of
8 1990 (42 U.S.C. 1994 et seq.).

9 (6) The Rehabilitation Act of 1973 (29 U.S.C.
10 701 et seq.).

11 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-
12 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-
13 proval by the Attorney General of a State’s application
14 for a grant under title II, or any other action taken by
15 the Attorney General or a State under such title, shall not
16 be considered to have any effect on requirements for
17 preclearance under section 5 of the Voting Rights Act of
18 1965 (42 U.S.C. 1973e) or any other requirements of such
19 Act.