

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Help America Vote Act of 2002”.

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

Sec. 1. Short title; table of contents.

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1 **TITLE I—PAYMENTS TO STATES**  
 2 **DURING FISCAL YEAR 2002**  
 3 **Subtitle A—Automatic Payments**  
 4 **for Election Administration Im-**  
 5 **provements**

6 **SEC. 101. PAYMENTS TO STATES FOR ACTIVITIES TO IM-**  
 7 **PROVE ADMINISTRATION OF ELECTIONS.**

8 (a) IN GENERAL.—Not later than 45 days after the  
 9 date of the enactment of this Act, the Administrator of  
 10 General Services (hereafter in this title referred to as the  
 11 “Administrator”) shall establish a program under which

1 the Administrator shall make an automatic, one-time pay-  
2 ment to each State in which the chief State election official  
3 notifies the Administrator that the State intends to use  
4 the payment in accordance with this subtitle.

5 (b) USE OF PAYMENT.—A State shall use the funds  
6 provided under a payment made under this subtitle to  
7 carry out any of the following activities:

8 (1) Complying with the requirements imposed  
9 under title III.

10 (2) Improving the administration of the regu-  
11 larly scheduled general election for Federal office  
12 held in November 2002.

13 (3) Developing the State plan for Election  
14 Fund payments to be submitted under part 1 of sub-  
15 title C of title II.

16 (4) Improving, acquiring, leasing, modifying, or  
17 replacing voting systems and technology and meth-  
18 ods for casting and counting votes.

19 (5) Improving the accessibility, quantity, and  
20 quality of polling places, including providing physical  
21 access for individuals with disabilities, providing  
22 nonvisual access for individuals with visual impair-  
23 ments, and providing assistance to individuals with  
24 limited proficiency in the English language.

1           (6) Increasing voter participation and reducing  
2 disenfranchisement.

3           (7) Educating voters concerning voting proce-  
4 dures, voting rights, or voting technology, and train-  
5 ing election officials, poll workers, and election vol-  
6 unteers.

7           (8) Improving verification and identification of  
8 voters at the polling place and identifying, deterring,  
9 investigating, and referring allegations of voting  
10 fraud to the appropriate authority.

11           (9) Establishing toll-free telephone hotlines that  
12 voters may use to report possible voting fraud and  
13 voting rights violations and to obtain general elec-  
14 tion information.

15           (c) LIMITATION.—A State may not use the funds pro-  
16 vided under a payment made under this subtitle—

17           (1) to pay costs associated with any litigation;

18           or

19           (2) for the payment of any judgment.

20           (d) USE OF FUNDS TO BE CONSISTENT WITH OTHER  
21 LAWS AND REQUIREMENTS.—

22           (1) IN GENERAL.—In order to receive a pay-  
23 ment under the program under this subtitle, the  
24 State shall provide the Administrator with assur-  
25 ances that—

1 (A) the State will use the funds provided  
2 under the payment in a manner that is con-  
3 sistent with each of the laws described in para-  
4 graph (2), as such laws relate to the provisions  
5 of this Act; and

6 (B) the proposed uses of the funds are not  
7 inconsistent with the requirements of title III.

8 (2) LAWS DESCRIBED.—The laws described in  
9 this paragraph are as follows:

10 (A) The Voting Rights Act of 1965 (42  
11 U.S.C. 1973 et seq.), including sections 4(f)(4)  
12 and 203 of such Act (42 U.S.C. 1973b(f)(4)  
13 and 1973aa–1a).

14 (B) The Voting Accessibility for the Elder-  
15 ly and Handicapped Act (42 U.S.C. 1973ee et  
16 seq.).

17 (C) The Uniformed and Overseas Citizens  
18 Absentee Voting Act (42 U.S.C. 1973ff et seq.).

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

21 (E) The Americans with Disabilities Act of  
22 1990 (42 U.S.C. 1994 et seq.).

23 (F) The Rehabilitation Act of 1973 (29  
24 U.S.C. 701 et seq.).

1 **SEC. 102. AMOUNT OF PAYMENT.**

2 (a) IN GENERAL.—Subject to subsection (c), the  
3 amount of a payment made to a State under this subtitle  
4 shall be equal to the product of—

5 (1) the aggregate amount made available for  
6 payments under this subtitle (as provided in section  
7 131(a)(1)); and

8 (2) the State allocation percentage for the State  
9 (as determined under subsection (b)).

10 (b) STATE ALLOCATION PERCENTAGE DEFINED.—

11 The “State allocation percentage” for a State is the  
12 amount (expressed as a percentage) equal to the quotient  
13 of—

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

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

16 (c) MINIMUM AMOUNT OF PAYMENT.—The amount  
17 of a payment made to a State under this subtitle may not  
18 be less than—

19 (1) in the case of any of the several States or  
20 the District of Columbia,  $\frac{1}{2}$  of 1 percent of the ag-  
21 gregate amount made available for payments under  
22 this subtitle; or

23 (2) in the case of the Commonwealth of Puerto  
24 Rico, Guam, American Samoa, or the United States  
25 Virgin Islands, 20 percent of the amount described  
26 in paragraph (1).

1 (d) PRO RATA REDUCTIONS.—The Administrator  
2 shall make such pro rata reductions to the allocations de-  
3 termined under subsection (a) as are necessary to comply  
4 with the requirements of subsection (c).

5 **Subtitle B—Punch Card and Lever**  
6 **Voting Machines**

7 **PART 1—REPLACEMENT OF MACHINES**

8 **SEC. 111. ESTABLISHMENT OF PROGRAM.**

9 (a) IN GENERAL.—Not later than 45 days after the  
10 date of the enactment of this Act, the Administrator of  
11 General Services (hereafter in this title referred to as the  
12 “Administrator”) shall establish a program under which  
13 the Administrator shall make a one-time payment to each  
14 eligible State or unit of local government which used a  
15 punch card voting system or a lever voting system to ad-  
16 minister the regularly scheduled general election for Fed-  
17 eral office held in November 2000.

18 (b) USE OF FUNDS.—A State or unit of local govern-  
19 ment shall use the funds provided under a payment under  
20 this part (either directly or as reimbursement) to replace  
21 its punch card voting system or its lever voting system  
22 (as the case may be) in targeted precincts with a voting  
23 system which does not use punch cards or levers (by pur-  
24 chase, lease, or such other arrangement as may be appro-  
25 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 part shall ensure that all of the punch  
5 card voting systems or lever voting systems in the  
6 targeted precincts under its jurisdiction (as the case  
7 may be) have been replaced in time for the regularly  
8 scheduled general election for Federal office to be  
9 held in November 2004.

10 (2) WAIVER.—If a State or unit of local govern-  
11 ment certifies to the Election Assistance Commission  
12 (established under section 201) not later than Janu-  
13 ary 1, 2004, that the State or unit will not meet the  
14 deadline described in paragraph (1) for good cause  
15 and includes in the certification the reasons for the  
16 failure to meet such deadline, the State or unit shall  
17 ensure that all of the punch card voting systems or  
18 lever voting systems in the targeted precincts under  
19 its jurisdiction will be replaced not later than No-  
20 vember 1, 2005.

21 **SEC. 112. ELIGIBILITY.**

22 (a) STATES.—A State is eligible to receive a payment  
23 under the program under this part if it submits to the  
24 Administrator a notice not later than 120 days after the

1 date of the enactment of this Act (in such form as the  
2 Administrator may require) which contains—

3 (1) assurances that the State will use the pay-  
4 ment (either directly or as reimbursement) to re-  
5 place punch card voting systems or lever voting sys-  
6 tems (as the case may be) in the targeted precincts  
7 in jurisdictions within the State which used such  
8 systems to carry out the general Federal election  
9 held in November 2000;

10 (2) assurances that if the payment is used as  
11 a reimbursement for the replacement of a punch  
12 card voting system or a lever voting system in a unit  
13 of local government in the State and both the State  
14 and the unit incurred expenses in replacing the sys-  
15 tem, the payment under this part will be allocated  
16 between the State and the unit in the same propor-  
17 tion as the expenses incurred by the State and the  
18 unit in replacing the system;

19 (3) assurances that in replacing punch card vot-  
20 ing systems or lever voting systems the State will  
21 continue to meet its duties under the Voting Acces-  
22 sibility for the Elderly and Handicapped Act (42  
23 U.S.C. 1973ee et seq.) and the Americans With Dis-  
24 abilities Act, and will consider the use of new tech-

1 nology by individuals with disabilities (including  
2 blindness);

3 (4) assurances that in replacing punch card vot-  
4 ing systems or lever voting systems the State will  
5 provide for alternative language accessibility for in-  
6 dividuals with limited English proficiency, consistent  
7 with the requirements of the Voting Rights Act of  
8 1965 and any other applicable provisions of law; and  
9 (5) such other information and assurances as  
10 the Administrator may require which are necessary  
11 for the administration of the program.

12 (b) UNIT OF LOCAL GOVERNMENT.—A unit of local  
13 government is eligible to receive a payment under the pro-  
14 gram under this part if it submits to the Administrator—

15 (1) not later than November 1, 2003, a state-  
16 ment of its intent to participate in the program, in-  
17 cluding assurances that the State in which the unit  
18 is located—

19 (A) failed to submit a notice under sub-  
20 section (a) within the deadline specified under  
21 such subsection,

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

1 (C) will not use the payment to replace  
2 punch card voting systems or lever voting sys-  
3 tems in the unit; and

4 (2) a notice (at such time and in such form as  
5 the Administrator may require) which contains simi-  
6 lar assurances to those required to be provided by a  
7 State in its notice under subsection (a).

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

9 The amount of payment made to a State or unit of  
10 local government under the program under this part shall  
11 be equal to 66 percent of the product of—

12 (1) the number of the targeted precincts admin-  
13 istered by the State or unit which used a punch card  
14 voting system or a lever voting system (as the case  
15 may be) to carry out the general Federal election  
16 held in November 2000; and

17 (2) the lesser of—

18 (A) the cost to the State or unit (as the  
19 case may be) of replacing the punch card voting  
20 systems or lever voting systems used in each  
21 such precinct, or

22 (B) \$6,000.

1 **SEC. 114. REPAYMENT OF FUNDS FOR FAILURE TO MEET**  
2 **DEADLINES.**

3 (a) IN GENERAL.—If a State or unit of local govern-  
4 ment (as the case may be) receiving funds under the pro-  
5 gram under this part fails to meet the deadlines applicable  
6 to the State or unit under section 111(c), the State or  
7 unit shall pay to the Administrator an amount equal to  
8 the noncompliant precinct percentage of the amount of the  
9 funds provided to the State or unit under the program.

10 (b) NONCOMPLIANT PRECINCT PERCENTAGE DE-  
11 FINED.—In this section, the “noncompliant precinct per-  
12 centage” with respect to a State or unit of local govern-  
13 ment is the amount (expressed as a percentage) equal to  
14 the quotient of—

15 (1) the number of targeted precincts in the  
16 State or unit (as the case may be) for which State  
17 or unit failed to meet the applicable deadline; di-  
18 vided by

19 (2) the total number of targeted precincts in  
20 the State or unit.

21 **SEC. 115. PUNCH CARD VOTING SYSTEM DEFINED.**

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

- 24 (1) C.E.S.  
25 (2) Datavote.  
26 (3) PBC Counter.

- 1 (4) Pollstar.
- 2 (5) Punch Card.
- 3 (6) Vote Recorder.
- 4 (7) Votomatic.

5 **PART 2—ENHANCING PERFORMANCE OF**  
6 **EXISTING SYSTEMS**

7 **SEC. 121. ESTABLISHMENT OF PROGRAM.**

8 (a) IN GENERAL.—Not later than 45 days after the  
9 date of the enactment of this Act, the Administrator shall  
10 establish a program under which the Administrator shall  
11 make a one-time payment to each eligible State or unit  
12 of local government which used a punch card voting sys-  
13 tem or a lever voting system in targeted precincts to ad-  
14 minister the regularly scheduled general election for Fed-  
15 eral office held in November 2000.

16 (b) USE OF FUNDS.—A State or unit of local govern-  
17 ment shall use the funds provided under a payment under  
18 this part (either directly or as reimbursement) to make  
19 technical enhancements to the performance of its punch  
20 card voting system or its lever voting system (by any ar-  
21 rangement as may be appropriate) in the targeted pre-  
22 cincts.

23 (c) DEADLINE.—

24 (1) IN GENERAL.—A State or unit of local gov-  
25 ernment receiving a payment under the program

1 under this part shall ensure that technical enhance-  
2 ments have been made to the performance of all of  
3 the punch card voting systems or all of the lever vot-  
4 ing systems (as the case may be) in the targeted  
5 precincts under its jurisdiction in time for the regu-  
6 larly scheduled general election for Federal office to  
7 be held in November 2004.

8 (2) WAIVER.—If a State or unit of local govern-  
9 ment certifies to the Election Assistance Commission  
10 (established under section 201) not later than Janu-  
11 ary 1, 2004, that the State or unit will not meet the  
12 deadline described in paragraph (1) for good cause  
13 and includes in the certification the reasons for the  
14 failure to meet such deadline, the State or unit shall  
15 ensure that technical enhancements will be made to  
16 the performance of all of the punch card voting sys-  
17 tems or lever voting systems in the targeted pre-  
18 cincts under its jurisdiction not later than November  
19 1, 2005.

20 **SEC. 122. ELIGIBILITY.**

21 (a) STATES.—Subject to subsection (c), a State is eli-  
22 gible to receive a payment under the program under this  
23 part if it submits to the Administrator a notice not later  
24 than 120 days after the date of the enactment of this Act

1 (in such form as the Administrator may require) which  
2 contains—

3 (1) assurances that the State will use the pay-  
4 ment (either directly or as reimbursement) to make  
5 technical enhancements to the performance of the  
6 punch card voting systems or lever voting systems  
7 (as the case may be) in the targeted precincts in the  
8 jurisdictions within the State which used such sys-  
9 tems to carry out the general Federal election held  
10 in November 2000;

11 (2) assurances that in enhancing the perform-  
12 ance of such voting systems the State will continue  
13 to meets its duties under the Voting Accessibility for  
14 the Elderly and Handicapped Act (42 U.S.C. 1973ee  
15 et seq.) and the Americans With Disabilities Act;  
16 and

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

20 (b) UNITS OF LOCAL GOVERNMENT.—Subject to  
21 subsection (c), a unit of local government is eligible to re-  
22 ceive a payment under the program under this part if it  
23 submits to the Administrator—

24 (1) not later than January 1, 2003, a state-  
25 ment of its intent to participate in the program, in-

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

3 (A) failed to submit a notice under sub-  
4 section (a) within the deadline specified under  
5 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 enhance  
9 the performance of punch card voting systems  
10 or lever voting systems in the unit; and

11 (2) a notice (at such time and in such form as  
12 the Administrator may require) which contains simi-  
13 lar assurances to those required to be provided by a  
14 State in its notice under subsection (a).

15 (c) PROHIBITING PARTICIPATION OF UNITS OF  
16 LOCAL GOVERNMENT IN PUNCH CARD OR LEVER RE-  
17 PLACEMENT PROGRAM.—A unit of local government is not  
18 eligible to receive a payment under the program under this  
19 part if the unit receives a payment under the program  
20 under part 1.

21 **SEC. 123. AMOUNT OF PAYMENT.**

22 The amount of payment made to a State or unit of  
23 local government under the program under this part shall  
24 be equal to 66 percent of the product of—

1 (1) the number of the targeted precincts admin-  
2 istered by the State or unit which used a punch card  
3 voting system or a lever voting system (as the case  
4 may be) to carry out the general Federal election  
5 held in November 2000; and

6 (2) the lesser of—

7 (A) the cost to the State or unit (as the  
8 case may be) of replacing the punch card voting  
9 systems or lever voting systems used in each  
10 such precinct, or

11 (B) \$2,000.

12 **SEC. 124. REPAYMENT OF FUNDS FOR FAILURE TO MEET**  
13 **DEADLINES.**

14 (a) IN GENERAL.—If a State or unit of local govern-  
15 ment (as the case may be) receiving funds under the pro-  
16 gram under this subtitle fails to meet the deadlines appli-  
17 cable to the State or unit under section 121(c), the State  
18 or unit shall pay to the Administrator an amount equal  
19 to the noncompliant precinct percentage of the amount of  
20 the funds provided to the State or unit under the program.

21 (b) NONCOMPLIANT PRECINCT PERCENTAGE DE-  
22 FINED.—In this section, the “noncompliant precinct per-  
23 centage” with respect to a State or unit of local govern-  
24 ment is the amount (expressed as a percentage) equal to  
25 the quotient of—

1 (1) the number of targeted precincts in the  
2 State or unit (as the case may be) for which State  
3 or unit failed to meet the applicable deadline; di-  
4 vided by

5 (2) the total number of targeted precincts in  
6 the State or unit.

## 7 **Subtitle C—General Provisions**

### 8 **SEC. 131. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) **IN GENERAL.**—There are authorized to be appro-  
10 priated for payments under this title—

11 (1) \$250,000,000 for payments under subtitle  
12 A; and

13 (2) \$400,000,000 for payments under subtitle  
14 B.

15 (b) **CONTINUING AVAILABILITY OF FUNDS AFTER**  
16 **APPROPRIATION.**—Any payment made to a State under  
17 this title shall be available to the State without fiscal year  
18 limitation (subject to subsection (c)(2)(C)).

19 (c) **USE OF RETURNED FUNDS AND FUNDS REMAIN-**  
20 **ING UNEXPENDED FOR ELECTION FUND PAYMENTS.**—

21 (1) **IN GENERAL.**—The amounts referred to in  
22 paragraph (2) shall be transferred to the Election  
23 Assistance Commission (established under title II)  
24 and used by the Commission to make Election Fund  
25 payments under part 1 of subtitle C of title II.

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

3 (A) Any amounts paid to the Adminis-  
4 trator by a State or unit of local government  
5 under section 114(b).

6 (B) Any amounts paid to the Adminis-  
7 trator by a State or unit of local government  
8 under section 124(b).

9 (C) Any amounts appropriated for pay-  
10 ments under this title which remain unobligated  
11 as of January 1, 2005.

12 (d) AUTHORIZATION OF APPROPRIATIONS FOR AD-  
13 MINISTRATOR.—In addition to the amounts authorized  
14 under subsection (a), there are authorized to be appro-  
15 priated to the Administrator such sums as may be nec-  
16 essary to administer the programs under this title.

17 **SEC. 132. ADMINISTRATION OF PROGRAMS.**

18 In administering the programs under this title, the  
19 Administrator shall take such actions as the Adminis-  
20 trator considers appropriate to expedite the payment of  
21 funds to eligible States and units of local government, in-  
22 cluding using the Internet and other electronic means for  
23 receiving and disseminating requests for payments and  
24 other relevant information used under the programs.

1 **SEC. 133. EFFECTIVE DATE.**

2 The Administrator shall implement the program es-  
3 tablished under this subtitle in a manner that ensures that  
4 the Administrator is able to make payments under the  
5 program not later than the expiration of the 45-day period  
6 which begins on the date of the enactment of this Act.

7 **TITLE II—COMMISSION**

8 **Subtitle A—Establishment and**  
9 **General Organization**

10 **PART 1—ELECTION ASSISTANCE COMMISSION**

11 **SEC. 201. ESTABLISHMENT.**

12 There is hereby established as an independent entity  
13 the Election Assistance Commission (hereafter in this title  
14 referred to as the “Commission”), consisting of the mem-  
15 bers appointed under this part. Additionally, there is es-  
16 tablished the Election Assistance Commission Standards  
17 Board (including the Executive Board of such Board)  
18 under part 2 and the Election Assistance Commission  
19 Board of Advisors under part 2.

20 **SEC. 202. DUTIES.**

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

- 25 (1) carrying out the duties described in subtitle  
26 B (relating to voluntary election standards);

- 1           (2) carrying out the duties described in subtitle  
2           C (relating to election assistance), and providing in-  
3           formation and training on the management of the  
4           grants provided under such subtitle; and
- 5           (3) developing and carrying out the Help Amer-  
6           ica Vote College Program under title III.

7 **SEC. 203. MEMBERSHIP AND APPOINTMENT.**

8           (a) MEMBERSHIP.—

- 9           (1) IN GENERAL.—The Commission shall have  
10          4 members appointed by the President, by and with  
11          the consent of the Senate, of whom—

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

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

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

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

- 24           (2) QUALIFICATIONS.—Each member of the  
25          Commission shall have experience with or expertise

1 in election administration or the study of elections,  
2 except that no individual may serve as a member of  
3 the Commission if the individual is an officer or em-  
4 ployee of the Federal Government at any time dur-  
5 ing the period of service on the Commission.

6 (3) DATE OF APPOINTMENT.—The appoint-  
7 ments of the members of the Commission shall be  
8 made not later than 90 days after the date of enact-  
9 ment of this Act.

10 (4) REQUEST FOR ADDITIONAL NOMINEES.—  
11 After receiving the list of nominees from an official  
12 referred to in subparagraphs (A) through (D) of  
13 paragraph (1), the President may request that the  
14 official submit additional nominees, and may appoint  
15 an individual who is such an additional nominee as  
16 a member of the Commission under this subsection.

17 (b) TERM OF SERVICE.—

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

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

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

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

8 (3) VACANCIES.—

9 (A) IN GENERAL.—A vacancy on the Com-  
10 mission shall be filled in the manner in which  
11 the original appointment was made and shall be  
12 subject to any conditions which applied with re-  
13 spect to the original appointment.

14 (B) EXPIRED TERMS.—A member of the  
15 Commission shall serve on the Commission  
16 after the expiration of the member's term until  
17 the successor of such member has taken office  
18 as a member of the Commission.

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

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

1 (d) COMPENSATION.—

2 (1) IN GENERAL.—Members of the Commission  
3 shall each be paid at an annual rate equal to  
4 \$75,000.

5 (2) TRAVEL EXPENSES.—Members of the Com-  
6 mission shall each receive travel expenses, including  
7 per diem in lieu of subsistence, at rates authorized  
8 for employees of agencies under subchapter I of  
9 chapter 57 of title 5, United States Code, while  
10 away from their homes or regular places of business  
11 in the performance of services for the Commission.

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

17 **SEC. 204. STAFF.**

18 (a) EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND  
19 OTHER STAFF.—

20 (1) EXECUTIVE DIRECTOR.—The Commission  
21 shall have an Executive Director, who shall be paid  
22 at a rate not to exceed the rate of basic pay for level  
23 V of the Executive Schedule.

24 (2) TERM OF SERVICE FOR EXECUTIVE DIREC-  
25 TOR.—The Executive Director shall serve for a term

1 of 4 years. An Executive Director may serve for a  
2 longer period only if reappointed for an additional  
3 term or terms by a majority vote of the Commission.

4 (3) PROCEDURE FOR APPOINTMENT.—

5 (A) IN GENERAL.—When a vacancy exists  
6 in the position of the Executive Director, the  
7 Election Assistance Commission Standards  
8 Board and the Election Assistance Commission  
9 Board of Advisors (described in part 2) shall  
10 each appoint a search committee to recommend  
11 not fewer than 3 nominees for the position.

12 (B) REQUIRING CONSIDERATION OF NOMI-  
13 NEES.—Except as provided in subparagraph  
14 (C), the Commission shall consider the nomi-  
15 nees recommended by the Standards Board and  
16 the Board of Advisors in appointing the Execu-  
17 tive Director.

18 (C) INTERIM SERVICE OF GENERAL COUN-  
19 SEL.—If a vacancy exists in the position of the  
20 Executive Director, the General Counsel of the  
21 Commission shall serve as the acting Executive  
22 Director until the Commission appoints a new  
23 Executive Director in accordance with this  
24 paragraph.

1 (D) SPECIAL RULES FOR INTERIM EXECU-  
2 TIVE DIRECTOR.—

3 (i) CONVENING OF SEARCH COMMIT-  
4 TEES.—The Standards Board and the  
5 Board of Advisors shall each appoint a  
6 search committee and recommend nomi-  
7 nees for the position of Executive Director  
8 in accordance with subparagraph (A) as  
9 soon as practicable after the appointment  
10 of their members.

11 (ii) INTERIM INITIAL APPOINT-  
12 MENT.—Notwithstanding subparagraph  
13 (B), the Commission may appoint an indi-  
14 vidual to serve as an interim Executive Di-  
15 rector prior to the recommendation of  
16 nominees for the position by the Standards  
17 Board or the Board of Advisors, except  
18 that such individual's term of service may  
19 not exceed 6 months. Nothing in the pre-  
20 vious sentence may be construed to pro-  
21 hibit the individual serving as the interim  
22 Executive Director from serving any addi-  
23 tional term.

24 (4) GENERAL COUNSEL.—The Commission  
25 shall have a General Counsel, who shall be appointed

1 by the Commission and who shall serve under the  
2 Executive Director. The General Counsel shall serve  
3 for a term of 4 years, and may serve for a longer  
4 period only if reappointed for an additional term or  
5 terms by a majority vote of the Commission..

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

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

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 not fewer than 3 of the members of the Commission.

3 (c) STAFF OF FEDERAL AGENCIES.—Upon request  
4 of the Commission, the head of any Federal department  
5 or agency may detail, on a reimbursable basis, any of the  
6 personnel 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 siders necessary to carry out this Act. Upon request of  
15 the Commission, the head of such department or agency  
16 shall furnish such information to the Commission.

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

21 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon  
22 the request of the Commission, the Administrator of Gen-  
23 eral Services shall provide to the Commission, on a reim-  
24 bursable basis, the administrative support services that

1 are necessary to enable the Commission to carry out its  
2 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 of the United States (41 U.S.C. 5).

7 **SEC. 206. REQUIRING MAJORITY APPROVAL FOR ACTIONS.**

8 Any action which the Commission is authorized to  
9 carry out under this Act may be carried out only with the  
10 approval of not fewer than 3 of its members, except that  
11 the Commission may conduct an audit of a recipient of  
12 election assistance funds under subtitle C (in accordance  
13 with section 802) with the approval of any 2 of its mem-  
14 bers.

15 **SEC. 207. STUDIES AND REPORTS; OTHER ASSISTANCE.**

16 (a) ANNUAL REPORT ON ACTIVITIES TO CON-  
17 GRESS.—Not later than January 31 of each year (begin-  
18 ning with 2004), the Commission shall submit a report  
19 to Congress detailing its activities during the fiscal year  
20 which ended on September 30 of the previous calendar  
21 year, and shall include in the report the following informa-  
22 tion:

23 (1) A detailed description of activities con-  
24 ducted with respect to each program carried out by  
25 the Commission under this Act, including informa-

1       tion on each grant or other payment made under  
2       such programs.

3           (2) A copy of each report submitted to the  
4       Commission by a recipient of such grants or pay-  
5       ments which is required under such a program, in-  
6       cluding reports submitted by States receiving Elec-  
7       tion Fund payments under part 1 of subtitle C, and  
8       each other report submitted to the Commission  
9       under this Act or the amendments made by this Act.

10          (3) Information on any voluntary standards  
11       adopted or modified by the Commission under sub-  
12       title B.

13          (4) All votes taken by the Commission.

14          (5) Such other information and recommenda-  
15       tions as the Commission considers appropriate.

16       (b) **STUDY ON ESTABLISHMENT OF VOTING SYSTEM**  
17 **PERFORMANCE BENCHMARKS.**—The Commission shall  
18 conduct a study regarding the best methods for estab-  
19 lishing voting system performance benchmarks, expressed  
20 as a percentage of residual vote in the Federal contest at  
21 the top of the ballot.

22       (c) **ROLE OF COMMISSION IN PROMOTING COMPLI-**  
23 **ANCE WITH STANDARDS.**—The Commission shall assist  
24 each State in complying with the standards established  
25 under title III by carrying out the following activities:

1           (1) Providing voluntary guidance to the State  
2           in implementing the standards.

3           (2) Receiving reports from the State.

4           (3) Conducting program reviews.

5           (4) At the request of 2 or more of its members,  
6           conducting compliance, financial, or performance au-  
7           dits (or any combination thereof).

8   **SEC. 208. LIMITATION ON RULEMAKING AUTHORITY.**

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

14   **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

15          In addition to the amounts authorized for payments  
16          and grants under this title and the amounts authorized  
17          to be appropriated for the program under section 403,  
18          there are authorized to be appropriated for each of the  
19          fiscal years 2003 through 2005 such sums as may be nec-  
20          essary (but not to exceed \$10,000,000 for each such year)  
21          to carry out this title.

1     **PART 2—ELECTION ASSISTANCE COMMISSION**

2     **STANDARDS BOARD AND BOARD OF ADVISORS**

3     **SEC. 211. ESTABLISHMENT.**

4           There are hereby established the Election Assistance  
5 Commission Standards Board (hereafter in this title re-  
6 ferred to as the “Standards Board”) and the Election As-  
7 sistance Commission Board of Advisors (hereafter in this  
8 title referred to as the “Board of Advisors”).

9     **SEC. 212. DUTIES.**

10           The Standards Board and the Board of Advisors  
11 shall each, in accordance with the procedures described in  
12 section 223, review any of the voluntary engineering and  
13 procedural performance standards described in section  
14 221(a)(1), any of the voluntary standards described in sec-  
15 tion 221(a)(4), and any of the voluntary election manage-  
16 ment practice standards described in section 221(a)(6)  
17 (and any modifications to such standards) which are rec-  
18 ommended by the Commission under subtitle B.

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

20           (a) COMPOSITION.—

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

1 (A) 55 shall be State election officials se-  
2 lected by the chief State election officials of  
3 each State.

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

6 (2) LIST OF LOCAL ELECTION OFFICIALS.—  
7 Each State's local election officials shall select  
8 (under a process supervised by the chief election of-  
9 ficial of the State) a representative local election of-  
10 ficial from the State for purposes of paragraph  
11 (1)(B). In the case of the District of Columbia,  
12 Guam, and American Samoa, the chief election offi-  
13 cial shall establish a procedure for selecting an indi-  
14 vidual to serve as a local election official for pur-  
15 poses of such paragraph, except that under such a  
16 procedure the individual selected may not be a mem-  
17 ber of the same political party as the chief election  
18 official.

19 (3) REQUIRING MIX OF POLITICAL PARTIES  
20 REPRESENTED.—The 2 members of the Standards  
21 Board who represent the same State may not be  
22 members of the same political party.

23 (b) PROCEDURES FOR NOTICE AND CERTIFICATION  
24 OF APPOINTMENT.—

1           (1) NOTICE TO CHAIR OF FEDERAL ELECTION  
2           COMMISSION.—Not later than 90 days after the date  
3           of the enactment of this Act, the chief State election  
4           official of the State shall transmit a notice to the  
5           chair of the Federal Election Commission  
6           containing—

7                   (A) a statement that the selected State  
8                   election official agrees to serve on the Stand-  
9                   ards Board under this title; and

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

14           (2) CERTIFICATION.—Upon receiving a notice  
15           from a State under paragraph (1), the chair of the  
16           Federal Election Commission shall publish a certifi-  
17           cation that the selected State election official and  
18           the representative local election official are ap-  
19           pointed as members of the Standards Board under  
20           this title.

21           (3) EFFECT OF FAILURE TO PROVIDE NO-  
22           TICE.—If a State does not transmit a notice to the  
23           chair of the Federal Election Commission under  
24           paragraph (1) within the deadline described in such  
25           paragraph, no representative from the State may

1 participate in the selection of the Executive Board  
2 under subsection (c).

3 (4) ROLE OF COMMISSION.—Upon the appoint-  
4 ment of the members of the Election Assistance  
5 Commission, the Election Assistance Commission  
6 shall carry out the duties of the Federal Election  
7 Commission under this subsection.

8 (c) EXECUTIVE BOARD.—

9 (1) IN GENERAL.—Not later than 60 days after  
10 the last day on which the appointment of any of its  
11 members may be certified under subsection (b), the  
12 Standards Board shall select 9 of its members to  
13 serve as the Executive Board of the Standards  
14 Board, of whom—

15 (A) not more than 5 may be State election  
16 officials;

17 (B) not more than 5 may be local election  
18 officials; and

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

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

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

4           (A) 3 shall serve for one term;

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

6           and

7           (C) 3 shall serve for 3 consecutive terms,  
8 as determined by lot at the time the members are  
9 first appointed.

10          (4) DUTIES.—In addition to any other duties  
11 assigned under this title, the Executive Board of the  
12 Standards Board may carry out such duties of the  
13 Standards Board as the Standards Board may dele-  
14 gate.

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

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

18           (1) 2 members appointed by the United States  
19 Commission on Civil Rights.

20           (2) 2 members appointed by the Architectural  
21 and Transportation Barrier Compliance Board  
22 under section 502 of the Rehabilitation Act of 1973  
23 (29 U.S.C. 792).

24           (3) 2 members appointed by the National Gov-  
25 ernors Association.

1 (4) 2 members appointed by the National Con-  
2 ference of State Legislatures.

3 (5) 2 members appointed by the National Asso-  
4 ciation of Secretaries of State.

5 (6) 2 members appointed by the National Asso-  
6 ciation of State Election Directors.

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

9 (8) 2 members appointed by the National Asso-  
10 ciation of County Recorders, Election Administra-  
11 tors, and Clerks.

12 (9) 2 members appointed by the United States  
13 Conference of Mayors.

14 (10) 2 members appointed by the Election Cen-  
15 ter.

16 (11) 2 members appointed by the International  
17 Association of County Recorders, Election Officials,  
18 and Treasurers.

19 (12) 2 members representing professionals in  
20 the field of science and technology, of whom 1 shall  
21 be appointed by the Speaker of the House of Rep-  
22 resentatives and 1 shall be appointed by the majority  
23 leader of the Senate (or, if the majority leader is a  
24 member of the same political party as the Speaker,  
25 by the minority leader of the Senate).

1 (13) The chief of the Office of Public Integrity  
2 of the Department of Justice, or the chief's des-  
3 ignee.

4 (b) DIVERSITY IN APPOINTMENTS.—Appointments  
5 shall be made to the Board of Advisors under subsection  
6 (a) in a manner which ensures that the Board of Advisors  
7 will be bipartisan in nature and will reflect the various  
8 geographic regions of the United States.

9 (c) TERM OF SERVICE; VACANCY.—Members of the  
10 Board of Advisors shall serve for a term of 2 years, and  
11 may be reappointed. Any vacancy in the Board of Advisors  
12 shall be filled in the manner in which the original appoint-  
13 ment was made.

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

16 **SEC. 215. POWERS OF BOARDS; NO COMPENSATION FOR**  
17 **SERVICE.**

18 (a) HEARINGS AND SESSIONS.—

19 (1) IN GENERAL.—To the extent that funds are  
20 made available by the Commission, the Standards  
21 Board (acting through the Executive Board) and the  
22 Board of Advisors may each hold such hearings for  
23 the purpose of carrying out this Act, sit and act at  
24 such times and places, take such testimony, and re-  
25 ceive such evidence as each such Board considers ad-

1       visible to carry out this title, except that the Boards  
2       may not issue subpoenas requiring the attendance  
3       and testimony of witnesses or the production of any  
4       evidence.

5               (2) MEETINGS.—The Standards Board and the  
6       Board of Advisors shall each hold a meeting of its  
7       members—

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

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

14              (C) at such other times as it considers ap-  
15              propriate for purposes of conducting such other  
16              business as it considers appropriate consistent  
17              with this title.

18       (b) INFORMATION FROM FEDERAL AGENCIES.—The  
19       Standards Board and the Board of Advisors may each se-  
20       cure directly from any Federal department or agency such  
21       information as the Board considers necessary to carry out  
22       this Act. Upon request of the Executive Board (in the case  
23       of the Standards Board) or the Chair (in the case of the  
24       Board of Advisors), the head of such department or agen-  
25       cy shall furnish such information to the Board.

1 (c) POSTAL SERVICES.—The Standards Board and  
2 the Board of Advisors may use the United States mails  
3 in the same manner and under the same conditions as a  
4 department or agency of the Federal Government.

5 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon  
6 the request of the Executive Board (in the case of the  
7 Standards Board) or the Chair (in the case of the Board  
8 of Advisors), the Administrator of the General Services  
9 Administration shall provide to the Board, on a reimburs-  
10 able basis, the administrative support services that are  
11 necessary to enable the Board to carry out its duties under  
12 this title.

13 (e) NO COMPENSATION FOR SERVICE.—Members of  
14 the Standards Board and members of the Board of Advi-  
15 sors shall not receive any compensation for their service,  
16 but shall be paid travel expenses, including per diem in  
17 lieu of subsistence, at rates authorized for employees of  
18 agencies under subchapter I of chapter 57 of title 5,  
19 United States Code, while away from their homes or reg-  
20 ular places of business in the performance of services for  
21 the Board.

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

24 (a) IN GENERAL.—The provisions of chapters 161  
25 and 171 of title 28, United States Code, shall apply with

1 respect to the liability of the Standards Board, the Board  
2 of Advisors, and their members for acts or omissions per-  
3 formed pursuant to and in the course of the duties and  
4 responsibilities of the Board.

5 (b) EXCEPTION FOR CRIMINAL ACTS AND OTHER  
6 WILLFUL CONDUCT.—Subsection (a) may not be con-  
7 strued to limit personal liability for criminal acts or omis-  
8 sions, willful or malicious misconduct, acts or omissions  
9 for private gain, or any other act or omission outside the  
10 scope of the service of a member of the Standards Board  
11 or the Board of Advisors.

## 12 **Subtitle B—Voluntary Election** 13 **Standards**

### 14 **SEC. 221. DEVELOPMENT OF VOLUNTARY ELECTION** 15 **STANDARDS.**

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

17 (1) In accordance with section 223, develop  
18 (through the Executive Director of the Commission),  
19 adopt, and update (not less often than every 4 years  
20 thereafter) voluntary engineering and procedural  
21 performance standards for voting systems used in  
22 Federal elections which shall meet the following re-  
23 quirements:

24 (A) The scope of the standards should in-  
25 clude security (including a documentary audit

1 for non-ballot systems), the procedures for cer-  
2 tification and decertification of software and  
3 hardware, the assessment of usability, and oper-  
4 ational guidelines for the proper use and main-  
5 tenance of equipment.

6 (B) The standards should provide that vot-  
7 ers have the opportunity to correct errors at the  
8 precinct or other polling place, either within the  
9 voting equipment itself or in the operational  
10 guidelines to administrators for using the  
11 equipment, under conditions which assure pri-  
12 vacy to the voter.

13 (C) Each voting tally system certified for  
14 use should include as part of the certification a  
15 proposed statement of what constitutes a prop-  
16 er vote in the design and operation of the sys-  
17 tem.

18 (D) New voting equipment systems cer-  
19 tified either by the Federal government or by  
20 any State should provide a practical and effec-  
21 tive means for voters with physical disabilities  
22 (including blindness) to cast a secret ballot.

23 (2) Maintain a clearinghouse of information on  
24 the experiences of State and local governments in  
25 implementing the voluntary standards described in

1 paragraph (1) and in operating voting systems in  
2 general.

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

6 (4) Advise States and units of local government  
7 regarding compliance with the requirements of the  
8 Voting Accessibility for the Elderly and Handi-  
9 capped Act (42 U.S.C. 1973ee et seq.) and compli-  
10 ance with other Federal laws regarding accessibility  
11 of registration facilities and polling places. Addition-  
12 ally, in accordance with section 223, the Commission  
13 shall develop (through the Executive Director of the  
14 Commission), adopt, and update (not less often than  
15 every 4 years thereafter) voluntary standards for  
16 maintaining and enhancing the accessibility and pri-  
17 vacy of registration facilities, polling places, and vot-  
18 ing methods with the goal of promoting for all indi-  
19 viduals, including the elderly and individuals with  
20 disabilities (including blindness), the accessibility of  
21 polling places and the effective use of voting systems  
22 and voting equipment which provide the opportunity  
23 for casting a secure and secret ballot, and shall in-  
24 clude in such standards voluntary guidelines regard-  
25 ing accessibility and ease-of-use for States and units

1 of local government to use when obtaining voting  
2 equipment and selecting polling places. In carrying  
3 out this paragraph, the Commission shall consult  
4 with the Architectural and Transportation Barrier  
5 Compliance Board under section 502 of the Reha-  
6 bilitation Act of 1973 (29 U.S.C. 792) and other in-  
7 dividuals and entities with expertise in the accessi-  
8 bility of facilities for individuals with disabilities.

9 (5) Make periodic studies available to the public  
10 regarding the election administration issues de-  
11 scribed in subsection (b), with the goal of promoting  
12 methods of voting and administering elections  
13 which—

14 (A) will be the most convenient, accessible,  
15 and easy to use for voters, including members  
16 of the uniformed services, blind and disabled  
17 voters, and voters with limited English pro-  
18 ficiency;

19 (B) will yield the most accurate, secure,  
20 and expeditious system for voting and tab-  
21 ulating election results;

22 (C) will be nondiscriminatory and afford  
23 each registered and eligible voter an equal op-  
24 portunity to vote; and

1 (D) will be efficient and cost-effective for  
2 use.

3 (6) In accordance with section 223, develop  
4 (through the Executive Director of the Commission),  
5 adopt, and update (not less often than every 4  
6 years) voluntary election management practice  
7 standards for State and local election officials to  
8 maintain and enhance the administration of Federal  
9 elections, including standards developed in consulta-  
10 tion with the Secretary of Defense to govern the  
11 treatment of absent uniformed services voters (as  
12 defined in section 107(1) of the Uniformed and  
13 Overseas Citizens Absentee Voting Act) and overseas  
14 voters (as defined in section 107(5) of such Act)  
15 which will include provisions to address each of the  
16 following:

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

19 (B) The rights of absent uniformed serv-  
20 ices voters and overseas voters to register to  
21 vote and cast absentee ballots, including the  
22 right of such voters to cast a secret ballot.

23 (C) The rights of absent uniformed serv-  
24 ices voters and overseas voters to submit absen-

1           tee ballot applications early during an election  
2           year.

3           (D) The appropriate pre-election deadline  
4           for mailing absentee ballots to absent uniformed  
5           services voters and overseas voters.

6           (E) The appropriate minimum period be-  
7           tween the mailing of absentee ballots to absent  
8           uniformed services voters and overseas voters  
9           and the deadline for receipt of such ballots.

10          (F) The timely transmission of balloting  
11          materials to absent uniformed services voters  
12          and overseas voters.

13          (G) Security and privacy concerns in the  
14          transmission, receipt, and processing of ballots  
15          from absent uniformed services voters and over-  
16          seas voters, including the need to protect  
17          against fraud.

18          (H) The use of a single application by ab-  
19          sent uniformed services voters and overseas vot-  
20          ers for absentee ballots for all Federal elections  
21          occurring during a year.

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

1           (J) The use of facsimile machines and elec-  
2           tronic means of transmission of absentee ballot  
3           applications and absentee ballots to absent uni-  
4           formed services voters and overseas voters.

5           (K) Other issues related to the rights of  
6           absent uniformed services voters and overseas  
7           voters to participate in elections.

8           (7) Carry out the provisions of section 9 of the  
9           National Voter Registration Act of 1993 (42 U.S.C.  
10          1973gg-7) regarding mail voter registration.

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

13          (9) At the request of State officials, assist such  
14          officials in the review of election or vote counting  
15          procedures in Federal elections, through bipartisan  
16          panels of election professionals assembled by the  
17          Commission for such purpose.

18          (10) Compile and make available to the public  
19          the official certified results of general elections for  
20          Federal office and reports comparing the rates of  
21          voter registration, voter turnout, voting system func-  
22          tions, and ballot errors among jurisdictions in the  
23          United States.

1           (11) Gather information and serve as a clear-  
2           inghouse concerning issues relating to Federal,  
3           State, and local elections.

4           (b) ELECTION ADMINISTRATION ISSUES DE-  
5           SCRIBED.—For purposes of subsection (a)(5), the election  
6           administration issues described in this subsection are as  
7           follows:

8           (1) Current and alternate methods and mecha-  
9           nisms of voting and counting votes in elections for  
10          Federal office.

11          (2) Current and alternate ballot designs for  
12          elections for Federal office.

13          (3) Current and alternate methods of voter reg-  
14          istration, maintaining secure and accurate lists of  
15          registered voters (including the establishment of a  
16          centralized, interactive, statewide voter registration  
17          list linked to relevant agencies and all polling sites),  
18          and ensuring that all registered voters appear on the  
19          polling list at the appropriate polling site.

20          (4) Current and alternate methods of con-  
21          ducting provisional voting.

22          (5) Current and alternate methods of ensuring  
23          the accessibility of voting, registration, polling  
24          places, and voting equipment to all voters, including

1 disabled voters and voters with limited English pro-  
2 ficiency.

3 (6) Current and alternate methods of voter reg-  
4 istration for members of the uniformed services and  
5 overseas voters, and methods of ensuring that such  
6 voters receive timely ballots that will be properly and  
7 expeditiously handled and counted.

8 (7) Current and alternate methods of recruiting  
9 and improving the performance of poll workers.

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

12 (9) Current and alternate methods of educating  
13 voters about the process of registering to vote and  
14 voting, the operation of voting mechanisms, the loca-  
15 tion of polling places, and all other aspects of par-  
16 ticipating in elections.

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

19 (11) Conducting elections for Federal office on  
20 different days, at different places, and during dif-  
21 ferent hours, including the advisability of estab-  
22 lishing a uniform poll closing time and the advis-  
23 ability of an election day holiday.

24 (12) The ways that the Federal Government  
25 can best assist State and local authorities to improve

1 the administration of elections for Federal office and  
2 what levels of funding would be necessary to provide  
3 such assistance.

4 (13) The feasibility and advisability of estab-  
5 lishing a program under which the Postal Service  
6 shall waive the amount of postage applicable with re-  
7 spect to absentee ballots submitted by voters in gen-  
8 eral elections for Federal office.

9 (14) Broadcasting practices that may result in  
10 the broadcast of false information concerning the lo-  
11 cation or time of operation of a polling place.

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

16 **SEC. 222. TECHNICAL STANDARDS DEVELOPMENT COM-**  
17 **MITTEE.**

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

22 (b) DUTIES.—

23 (1) IN GENERAL.—The Development Committee  
24 shall assist the Executive Director of the Commis-  
25 sion in the development of voluntary standards

1 under this subtitle by recommending standards (and  
2 modifications to standards) to ensure the usability,  
3 accuracy, security, accessibility, and integrity of vot-  
4 ing systems and voting equipment.

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

11 (c) MEMBERSHIP.—

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

19 (A) An equal number of each of the fol-  
20 lowing:

21 (i) Members of the Standards Board.

22 (ii) Members of the Board of Advi-  
23 sors.

24 (iii) Members of the Architectural and  
25 Transportation Barrier Compliance Board

1 under section 502 of the Rehabilitation Act  
2 of 1973 (29 U.S.C. 792).

3 (B) A representative of the American Na-  
4 tional Standards Institute.

5 (C) A representative of the Institute of  
6 Electrical and Electronics Engineers.

7 (D) 2 representatives of the National Asso-  
8 ciation of State Election Directors selected by  
9 such Association who are not members of the  
10 Standards Board or Board of Advisors, and  
11 who are not of the same political party.

12 (E) Other individuals with technical and  
13 scientific expertise relating to voting systems  
14 and voting equipment.

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

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

1 from their homes or regular places of business in the per-  
2 formance of services for the Development Committee.

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

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

17 **SEC. 223. PROCESS FOR ADOPTION OF VOLUNTARY STAND-**  
18 **ARDS.**

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

23 (1) CONSIDERATION OF RECOMMENDATIONS OF  
24 DEVELOPMENT COMMITTEE.—In developing stand-  
25 ards and modifications for purposes of this section,

1 the Executive Director of the Commission shall take  
2 into consideration the recommendations provided by  
3 the Technical Standards Development Committee  
4 under section 222.

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

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

1 the standard (or modification) and forward its rec-  
2 ommendations to the Standards Board.

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

9 (c) FINAL APPROVAL.—

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

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

1 standard (or modification) to the Board of Advisors  
2 and the Standards Board under subsection (a).

3 (d) SPECIAL RULE FOR INITIAL SET OF STAND-  
4 ARDS.—Notwithstanding any other provision of this sub-  
5 title, the most recent set of election system standards es-  
6 tablished by the Office of Election Administration within  
7 the Federal Election Commission prior to the date of the  
8 enactment of this Act shall be deemed to have been adopt-  
9 ed by the Commission as of the date of the enactment  
10 of this Act as the first set of voluntary standards adopted  
11 under this subtitle.

12 **SEC. 224. CERTIFICATION AND TESTING OF VOTING SYS-**  
13 **TEMS.**

14 (a) CERTIFICATION AND TESTING.—

15 (1) IN GENERAL.—The Commission shall pro-  
16 vide for the testing, certification, decertification, and  
17 recertification of voting system hardware and soft-  
18 ware by accredited laboratories.

19 (2) OPTIONAL USE BY STATES.—At the option  
20 of a State, the State may provide for the testing,  
21 certification, decertification, or recertification of its  
22 voting system hardware and software by the labora-  
23 tories accredited by the Commission under this sec-  
24 tion.

25 (b) LABORATORY ACCREDITATION.—

1           (1) RECOMMENDATIONS BY NATIONAL INSTI-  
2           TUTE OF STANDARDS AND TECHNOLOGY.—Not later  
3           than 6 months after the Commission first adopts  
4           voluntary engineering and procedural performance  
5           standards under this subtitle, the Director of the  
6           National Institute of Standards and Technology  
7           shall conduct an evaluation of independent, non-Fed-  
8           eral laboratories and shall submit to the Commission  
9           a list of those laboratories the Director proposes to  
10          be accredited to carry out the testing, certification,  
11          decertification, and recertification provided for under  
12          this section.

13          (2) APPROVAL BY COMMISSION.—The Commis-  
14          sion shall vote on the proposed accreditation of each  
15          laboratory on the list submitted under paragraph  
16          (1), and no laboratory may be accredited for pur-  
17          poses of this section unless its accreditation is ap-  
18          proved by a majority vote of the members of the  
19          Commission.

20          (c) CONTINUING REVIEW BY NATIONAL INSTITUTE  
21          OF STANDARDS AND TECHNOLOGY.—

22          (1) IN GENERAL.—In cooperation with the  
23          Commission and in consultation with the Standards  
24          Board and the Board of Advisors, the Director of  
25          the National Institute of Standards and Technology

1 shall monitor and review, on an ongoing basis, the  
2 performance of the laboratories accredited by the  
3 Commission under this section, and shall make such  
4 recommendations to the Commission as it considers  
5 appropriate with respect to the continuing accredita-  
6 tion of such laboratories, including recommendations  
7 to revoke the accreditation of any such laboratory.

8 (2) APPROVAL BY COMMISSION REQUIRED FOR  
9 REVOCATION.—The accreditation of a laboratory for  
10 purposes of this section may not be revoked unless  
11 the revocation is approved by a majority vote of the  
12 members of the Commission.

13 **SEC. 225. DISSEMINATION OF INFORMATION.**

14 On an ongoing basis, the Commission shall dissemi-  
15 nate to the public (through the Internet, published re-  
16 ports, and such other methods as the Commission con-  
17 siders appropriate) information on the activities carried  
18 out under this subtitle, including—

19 (1) the voluntary election standards adopted by  
20 the Commission, together with guidelines for apply-  
21 ing the standards and other information to assist in  
22 their implementation;

23 (2) the list of laboratories accredited to carry  
24 out testing, certification, decertification, and recer-

1 tification of voting system hardware and software  
2 under section 224; and

3 (3) a list of voting system hardware and soft-  
4 ware products which have been certified pursuant to  
5 section 224 as meeting the applicable voluntary  
6 standards adopted by the Commission under this  
7 subtitle.

## 8 **Subtitle C—Election Assistance**

### 9 **PART 1—ELECTION FUND PAYMENTS TO STATES**

#### 10 **FOR VOTING SYSTEM IMPROVEMENTS**

##### 11 **SEC. 231. ELECTION FUND PAYMENTS TO STATES FOR VOT-**

##### 12 **ING SYSTEM IMPROVEMENTS.**

13 (a) IN GENERAL.—The Commission shall make an  
14 Election Fund payment each year in an amount deter-  
15 mined under section 232 to each State which meets the  
16 requirements described in section 233 for the year.

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

20 (1) MEETING REQUIREMENTS.—Meeting the re-  
21 quirements of this Act and the amendments made by  
22 this Act.

23 (2) OTHER ACTIVITIES.—Carrying out any of  
24 the following activities:

1 (A) Establishing and maintaining accurate  
2 lists of eligible voters.

3 (B) Encouraging eligible voters to vote.

4 (C) Improving verification and identifica-  
5 tion of voters at the polling place.

6 (D) Improving equipment and methods for  
7 casting and counting votes.

8 (E) Recruiting and training election offi-  
9 cial and poll workers.

10 (F) Improving the quantity and quality of  
11 available polling places.

12 (G) Educating voters about their rights  
13 and responsibilities.

14 (c) PERMITTING USE OF PAYMENT AS REIMBURSE-  
15 MENT FOR CERTAIN ACTIVITIES.—Notwithstanding any  
16 other provision of this subtitle (including the required ele-  
17 ment of the State plan under section 234(a)(7) relating  
18 to how the Election Fund payment will not supplant other  
19 funds), a State may use the Election Fund payment as  
20 a reimbursement for costs incurred in obtaining voting  
21 equipment which meets the requirements of title III, if the  
22 equipment is obtained after the regularly scheduled gen-  
23 eral election for Federal office held in November 2000.

24 (d) ADOPTION OF COMMISSION STANDARDS NOT RE-  
25 QUIRED TO RECEIVE PAYMENT.—Nothing in this part

1 may be construed to require a State to implement any of  
2 the voluntary standards adopted by the Commission with  
3 respect to any matter as a condition for receiving an Elec-  
4 tion Fund payment.

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

11 (f) LIMITATION.—A State may not use any portion  
12 of an Election Fund payment—

13 (1) to pay costs associated with any litigation;

14 or

15 (2) for the payment of any judgment.

16 **SEC. 232. ALLOCATION OF FUNDS.**

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

20 (1) the total amount appropriated for Election  
21 Fund payments for the year under section 237; and

22 (2) the State allocation percentage for the State  
23 (as determined under subsection (b)).

24 (b) STATE ALLOCATION PERCENTAGE DEFINED.—

25 The “State allocation percentage” for a State is the

1 amount (expressed as a percentage) equal to the quotient  
2 of—

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

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

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

8 (1) in the case of any of the several States or  
9 the District of Columbia,  $\frac{1}{2}$  of 1 percent of the total  
10 amount appropriated for Election Fund payments  
11 for the year under section 237; or

12 (2) in the case of the Commonwealth of Puerto  
13 Rico, Guam, American Samoa, or the United States  
14 Virgin Islands, 20 percent of the amount described  
15 in paragraph (1).

16 (d) PRO RATA REDUCTIONS.—The Administrator  
17 shall make such pro rata reductions to the allocations de-  
18 termined under subsection (a) as are necessary to comply  
19 with the requirements of subsection (c).

20 (e) CONTINUING AVAILABILITY OF FUNDS AFTER  
21 APPROPRIATION.—An Election Fund payment made to a  
22 State under this part shall be available to the State with-  
23 out fiscal year limitation.

1 **SEC. 233. CONDITION FOR RECEIPT OF FUNDS.**

2 (a) IN GENERAL.—A State is eligible to receive an  
3 Election Fund payment for a fiscal year if the State has  
4 filed with the Commission a statement certifying that the  
5 State is in compliance with the requirements referred to  
6 in subsection (b). A State may meet the requirement of  
7 the previous sentence by filing with the Commission a  
8 statement which reads as follows: “\_\_\_\_\_ hereby  
9 certifies that it is compliance with the requirements re-  
10 ferred to in section 233(b) of the Help America Vote Act  
11 of 2002.” (with the blank to be filled in with the name  
12 of the State involved).

13 (b) STATE PLAN REQUIREMENT; CERTIFICATION OF  
14 COMPLIANCE WITH APPLICABLE LAWS AND REQUIRE-  
15 MENTS.—The requirements referred to in this subsection  
16 are as follows:

17 (1) The State has filed with the Commission a  
18 State plan covering the fiscal year which the State  
19 certifies—

20 (A) contains each of the elements described  
21 in section 234 with respect to the fiscal year;

22 (B) is developed in accordance with section  
23 235; and

24 (C) meets the public notice and comment  
25 requirements of section 236.

1           (2) The State will use the Election Fund pay-  
2           ment in a manner that is consistent with each of the  
3           laws described in subsection (e), as such laws relate  
4           to the provisions of this Act, and the proposed uses  
5           of the payment are not inconsistent with the require-  
6           ments of title III.

7           (3) The State has authorized and appropriated  
8           funds for carrying out the activities for which the  
9           Election Fund payment is made in an amount equal  
10          to 10 percent of the total amount to be spent for  
11          such activities (taking into account the Election  
12          Fund payment and the amount spent by the State).

13          (c) METHODS OF COMPLIANCE LEFT TO DISCRETION  
14          OF STATE.—The specific choices on the methods of com-  
15          plying with the elements of a State plan shall be left to  
16          the discretion of the State.

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

23          (e) LAWS DESCRIBED.—The laws described in this  
24          subsection are as follows:

1           (1) The Voting Rights Act of 1965 (42 U.S.C.  
2           1973 et seq.), including sections 4(f)(4) and 203 of  
3           such Act (42 U.S.C. 1973b(f)(4) and 1973aa-1a).

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

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

8           (4) The National Voter Registration Act of  
9           1993 (42 U.S.C. 1973gg et seq.).

10          (5) The Americans with Disabilities Act of  
11          1990 (42 U.S.C. 1994 et seq.).

12          (6) The Rehabilitation Act of 1973 (29 U.S.C.  
13          701 et seq.).

14   **SEC. 234. ELEMENTS OF STATE PLAN.**

15          (a) IN GENERAL.—The State plan shall contain a de-  
16          scription of each of the following:

17               (1) How the State will use the Election Fund  
18          payment to carry out the following activities:

19                       (A) Meeting the requirements of the voting  
20          system standards under section 301.

21                       (B) Meeting the provisional voting require-  
22          ments and voting information requirements  
23          under section 302.

1 (C) Meeting the computerized statewide  
2 voter registration list requirements under sec-  
3 tion 303(a), including—

4 (i) ensuring the accuracy of the list of  
5 eligible voters in the State to ensure that  
6 only registered voters appear in such list;  
7 and

8 (ii) taking precautions to prevent the  
9 removal of eligible voters from the list.

10 (D) Meeting the requirements for voters  
11 who register by mail under section 303(b), in-  
12 cluding ensuring—

13 (i) the accuracy of mail-in and absen-  
14 tee ballots; and

15 (ii) that the use of mail-in and absen-  
16 tee ballots does not result in duplicate  
17 votes.

18 (E) Meeting the other applicable require-  
19 ments of this Act and the amendments made by  
20 this Act.

21 (F) Assessing the susceptibility of elections  
22 for Federal office in the State to voting fraud  
23 and identifying, deterring, and investigating  
24 such fraud.

1 (G) Carrying out other activities to im-  
2 prove the administration of elections in the  
3 State.

4 (2) How the State will monitor the distribution  
5 of the Election Fund payment to units of local gov-  
6 ernment or other entities in the State for carrying  
7 out the activities described in paragraph (1), includ-  
8 ing a description of—

9 (A) the criteria to be used to determine the  
10 eligibility of such units or entities for receiving  
11 the payment; and

12 (B) the methods to be used by the State  
13 to monitor the performance of the units or enti-  
14 ties to whom the payment is distributed.

15 (3) How the State will provide that voter edu-  
16 cation and poll worker training programs will im-  
17 prove access to and participation in the electoral  
18 process, and how the State will provide relevant  
19 training in the requirements of the National Voter  
20 Registration Act of 1993 for personnel of State  
21 motor vehicle authority offices and other voter reg-  
22 istration agencies designated by the State under  
23 such Act.

24 (4) How the State will achieve compliance with  
25 the voluntary voting system standards and certifi-

1 cation processes adopted by the Commission, or will  
2 adopt the State's own voting system standards and  
3 processes which (at a minimum) meet the require-  
4 ments of section 301 and ensure that new voting  
5 mechanisms have the audit capacity to produce a  
6 record for each ballot cast.

7 (5) How the State will establish a fund de-  
8 scribed in subsection (b) for purposes of admin-  
9 istering the State's activities under this part.

10 (6) How the State will ensure that the Election  
11 Fund payment has not and will not supplant funds  
12 provided under existing programs funded in the  
13 State for carrying out the activities for which the  
14 Election Fund payment is made.

15 (7) How the State will adopt performance  
16 measures that will be used by the State to determine  
17 its success in carrying out the plan, including de-  
18 scriptions of the criteria the State will use to meas-  
19 ure performance and the process used to develop  
20 such criteria.

21 (8) How the State will conduct ongoing man-  
22 agement of the State plan.

23 (b) REQUIREMENTS FOR ELECTION FUND.—

24 (1) ELECTION FUND DESCRIBED.—For pur-  
25 poses of subsection (a)(5), a fund described in this

1 subsection with respect to a State is a fund which  
2 is established in the treasury of the State govern-  
3 ment, which is used in accordance with paragraph  
4 (2), and which consists of the following amounts:

5 (A) Amounts appropriated or otherwise  
6 made available by the State for carrying out the  
7 activities for which the Election Fund payment  
8 is made to the State under this part.

9 (B) The Election Fund payment made to  
10 the State under this part.

11 (C) Such other amounts as may be appro-  
12 priated under law.

13 (D) Interest earned on deposits of the  
14 fund.

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

19 (c) PROTECTION AGAINST ACTIONS BASED ON IN-  
20 FORMATION IN PLAN.—No action may be brought under  
21 this Act against a State or other jurisdiction on the basis  
22 of any information contained in the State plan filed under  
23 this part.

1 **SEC. 235. PROCESS FOR DEVELOPMENT AND FILING OF**  
2 **PLAN.**

3 The chief State election official shall develop the  
4 State plan under this subtitle through a committee of ap-  
5 propriate individuals, including local election officials and  
6 other citizens, appointed for such purpose by the chief  
7 State election official, and shall be responsible for filing  
8 the plan with the Commission.

9 **SEC. 236. REQUIREMENT FOR PUBLIC NOTICE AND COM-**  
10 **MENT.**

11 For purposes of section 231(a)(1)(C), a State plan  
12 meets the public notice and comment requirements of this  
13 section if—

14 (1) not later than 30 days prior to the submis-  
15 sion of the plan, the State made a preliminary ver-  
16 sion of the plan available for public inspection and  
17 comment; and

18 (2) the State took the public comments made  
19 regarding the preliminary version of the plan into  
20 account in preparing the version of the plan which  
21 was filed with the Commission.

22 **SEC. 237. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated for Election  
24 Fund payments under this part an aggregate amount of  
25 \$2,700,000,000 for fiscal years 2003 through 2005.

1 **SEC. 238. REPORTS.**

2 Not later than 6 months after the end of each fiscal  
3 year for which a State received an Election Fund payment  
4 under this part, the State shall submit a report to the  
5 Commission on the activities conducted with the funds  
6 provided during the year, and shall include in the report—

7 (1) a list of expenditures made with respect to  
8 each category of activities described in section  
9 231(b);

10 (2) the number and type of articles of voting  
11 equipment obtained with the funds; and

12 (3) an analysis and description of the activities  
13 funded under this part to meet the requirements of  
14 this Act and the amendments made by this Act and  
15 an analysis and description of how such activities  
16 conform to the State plan under section 234.

17 **PART 2—PAYMENTS TO STATES AND UNITS OF**  
18 **LOCAL GOVERNMENT TO ASSURE ACCESS**  
19 **FOR DISABLED VOTERS**

20 **SEC. 241. PAYMENTS TO STATES AND UNITS OF LOCAL GOV-**  
21 **ERNMENT TO ASSURE ACCESS FOR DISABLED**  
22 **VOTERS.**

23 (a) **IN GENERAL.**—The Secretary of Health and  
24 Human Services shall make a payment to each eligible  
25 State and each eligible unit of local government (as de-  
26 scribed in section 243).

1 (b) USE OF FUNDS.—An eligible State and eligible  
2 unit of local government shall use the payment to assure  
3 access for voters with physical disabilities (including blind-  
4 ness) by—

5 (1) making polling places, including the path of  
6 travel, entrances, exits, and voting areas of each  
7 polling facility, accessible to individuals with disabili-  
8 ties, including the blind and visually impaired, in a  
9 manner that provides the same opportunity for ac-  
10 cess and participation (including privacy and inde-  
11 pendence) as for other voters; and

12 (2) providing individuals with disabilities and  
13 the other individuals described in paragraph (1) with  
14 information about the accessibility of polling places,  
15 including outreach programs to inform the individ-  
16 uals about the availability of accessible polling places  
17 and training election officials, poll workers, and elec-  
18 tion volunteers on how best to promote the access  
19 and participation of the individuals in elections for  
20 Federal office.

21 (c) ADOPTION OF COMMISSION STANDARDS NOT RE-  
22 QUIRED TO RECEIVE PAYMENT.—Nothing in this part  
23 may be construed to require a State or a unit of local gov-  
24 ernment to implement any of the voluntary standards

1 adopted by the Commission with respect to any matter  
2 as a condition for receiving a payment under this part.

3 (d) SCHEDULE OF PAYMENTS.—As soon as prac-  
4 ticable after the date of the enactment of this Act (but  
5 in no event later than 6 months thereafter), and not less  
6 frequently than once each calendar year thereafter, the  
7 Secretary shall make payments under this part.

8 **SEC. 242. AMOUNT OF PAYMENT.**

9 (a) IN GENERAL.—The amount of a payment made  
10 to an eligible State or an eligible unit of local government  
11 for a year under this part shall be determined by the Sec-  
12 retary.

13 (b) CONTINUING AVAILABILITY OF FUNDS AFTER  
14 APPROPRIATION.—A payment made to an eligible State  
15 or eligible unit of local government under this part shall  
16 be available to the unit without fiscal year limitation.

17 **SEC. 243. REQUIREMENTS FOR ELIGIBILITY.**

18 (a) PLAN REQUIREMENT; CERTIFICATION OF COM-  
19 PLIANCE WITH EXISTING APPLICABLE LAWS.—A State  
20 or unit of local government is eligible to receive a payment  
21 under this part for a fiscal year if—

22 (1) the State or unit has filed with the Sec-  
23 retary an application for the payment which includes  
24 the information described in subsection (b); and

1           (2) the application is approved by the Sec-  
2       retary.

3       (b) CONTENTS OF APPLICATION.—The information  
4 described in this subsection is as follows:

5           (1) A certification that the State or unit of  
6       local government is responsible for registering voters  
7       in elections for Federal office.

8           (2) A plan covering the fiscal year which de-  
9       scribes how the State or unit will use the payment  
10      under this part to carry out activities to improve ac-  
11      cess for voters with physical disabilities (including  
12      blindness).

13          (3) A certification that, in administering elec-  
14      tion systems, the State or unit is in compliance with  
15      the existing applicable requirements of the Voting  
16      Rights Act of 1965 (42 U.S.C. 1973 et seq.), the  
17      National Voter Registration Act of 1993 (42 U.S.C.  
18      1973gg et seq.), the Voting Accessibility for the El-  
19      derly and Handicapped Act (42 U.S.C. 1973ee et  
20      seq.), and the Americans With Disabilities Act of  
21      1990 (42 U.S.C. 12101 et seq.).

22          (4) Such other information and assurances as  
23      the Secretary may require.

24      (c) JOINT APPLICATIONS PERMITTED.—An applica-  
25      tion under this section may be submitted by a State, joint-

1 ly by 2 or more units of local government, or on behalf  
2 of a unit of local government by the State or other unit  
3 of local government in which the unit is located.

4 (d) MODIFICATION OF REJECTED APPLICATIONS.—  
5 If the Secretary rejects an application under this section,  
6 the Secretary may permit the State or unit to resubmit  
7 a modified version of the application to address any of  
8 the reasons for the rejection.

9 **SEC. 244. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated for payments  
11 under this part an aggregate amount of \$100,000,000 for  
12 fiscal years 2003 through 2005.

13 **SEC. 245. REPORTS.**

14 (a) REPORTS BY RECIPIENTS.—Not later than the 6  
15 months after the end of each fiscal year for which an eligi-  
16 ble State or eligible unit of local government received a  
17 payment under this part, the State or unit shall submit  
18 a report to the Secretary on the activities conducted with  
19 the funds provided during the year, and shall include in  
20 the report a list of expenditures made with respect to each  
21 category of activities described in section 241(b).

22 (b) REPORT BY SECRETARY TO COMMITTEES.—With  
23 respect to each fiscal year for which the Secretary makes  
24 payments under this part, the Secretary shall submit a  
25 report on the activities carried out under this part to the

1 Committee on House Administration of the House of Rep-  
2 resentatives, the Committee on Rules and Administration  
3 of the Senate, and other appropriate committees of Con-  
4 gress.

5 **PART 3—GRANTS FOR RESEARCH ON VOTING**  
6 **TECHNOLOGY IMPROVEMENTS**

7 **SEC. 251. GRANTS FOR RESEARCH ON VOTING TECH-**  
8 **NOLOGY IMPROVEMENTS.**

9 (a) IN GENERAL.—The Commission shall make  
10 grants to assist entities in carrying out research and devel-  
11 opment to improve the quality, reliability, accuracy, acces-  
12 sibility, affordability, and security of voting equipment,  
13 election systems, and voting technology.

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

18 (1) assurances that the research and develop-  
19 ment funded with the grant will take into account  
20 the need to make voting equipment fully accessible  
21 for individuals with disabilities (including blind indi-  
22 viduals), the need to ensure that such individuals  
23 can vote independently and with privacy, and the  
24 need to provide alternative language accessibility for  
25 individuals with limited proficiency in the English

1 language (consistent with the requirements of the  
2 Voting Rights Act of 1965); and

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

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

12 **SEC. 252. REPORT.**

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

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

21 **SEC. 253. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) IN GENERAL.—There are authorized to be appro-  
23 priated for grants under this part \$20,000,000 for fiscal  
24 year 2003.

1 (b) AVAILABILITY OF FUNDS.—Amounts appro-  
2 priated pursuant to the authorization under this section  
3 shall remain available until expended.

4 **PART 4—PILOT PROGRAM FOR TESTING OF**  
5 **EQUIPMENT AND TECHNOLOGY**

6 **SEC. 261. PILOT PROGRAM.**

7 (a) IN GENERAL.—The Commission shall make  
8 grants to carry out pilot programs under which new tech-  
9 nologies in voting systems and equipment are tested and  
10 implemented on a trial basis so that the results of such  
11 tests and trials are reported to Congress.

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

16 (1) assurances that the pilot programs funded  
17 with the grant will take into account the need to  
18 make voting equipment fully accessible for individ-  
19 uals with disabilities (including blind individuals),  
20 the need to ensure that such individuals can vote  
21 independently and with privacy, and the need to pro-  
22 vide alternative language accessibility for individuals  
23 with limited proficiency in the English language  
24 (consistent with the requirements of the Voting

1 Rights Act of 1965 and the requirements of this Act  
2 and the amendments made by this Act); and

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

5 **SEC. 262. REPORT.**

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

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

14 **SEC. 263. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There are authorized to be appro-  
16 priated for grants under this part \$10,000,000 for fiscal  
17 year 2003.

18 (b) AVAILABILITY OF FUNDS.—Amounts appro-  
19 priated pursuant to the authorization under this section  
20 shall remain available until expended.

21 **PART 5—DISABILITY ADVOCACY GRANTS**

22 **SEC. 271. DISABILITY ADVOCACY GRANTS.**

23 In addition to any other payments made under this  
24 subtitle, the Secretary of Health and Human Services  
25 shall award grants to one or more entities in each State

1 that the Secretary determines are entities representing in-  
2 dividuals with disabilities (including membership organiza-  
3 tions of individuals who are blind) which will provide serv-  
4 ices to ensure full participation in the electoral process for  
5 individuals with disabilities, including registering to vote,  
6 casting a vote, and accessing polling places. In providing  
7 such services—

8 (1) grant recipients which are protection and  
9 advocacy systems under title I of the Developmental  
10 Disabilities Assistance and Bill of Rights Act of  
11 2000 (42 U.S.C. 15041 et seq.) shall have the same  
12 general authorities as are afforded to such systems  
13 under subtitle C of such title; and

14 (2) any other grant recipients shall have such  
15 authorities as determined by the Secretary.

16 **SEC. 272. MINIMUM GRANT AMOUNT.**

17 The minimum amount of each grant under this part  
18 to a recipient shall be determined and allocated as set  
19 forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of  
20 section 509 of the Rehabilitation Act of 1973 (29 U.S.C.  
21 794e), except that the amount of the grants to systems  
22 referred to in subsections (c)(3)(B) and (c)(4)(B) of that  
23 section shall be not less than \$70,000 and \$35,000, re-  
24 spectively.

1 **SEC. 273. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-  
3 priated for grants under this part \$10,000,000 for each  
4 of the fiscal years 2003, 2004, 2005, and 2006.

5 (b) PROHIBITING CERTAIN LITIGATION ACTIVITIES  
6 BY RECIPIENTS.—No entity which receives any funds  
7 under this part may support or participate in any litiga-  
8 tion related to election-related disability access.

9 **SEC. 274. REPORT TO COMMITTEES.**

10 With respect to each fiscal year for which the Sec-  
11 retary makes payments under this part, the Secretary  
12 shall submit a report on the activities carried out under  
13 this part to the Committee on House Administration of  
14 the House of Representatives, the Committee on Rules  
15 and Administration of the Senate, and other appropriate  
16 committees of Congress.

17 **TITLE III—UNIFORM AND NON-**  
18 **DISCRIMINATORY ELECTION**  
19 **TECHNOLOGY AND ADMINIS-**  
20 **TRATION REQUIREMENTS**

21 **Subtitle A—Standards and**  
22 **Requirements Described**

23 **SEC. 301. VOTING SYSTEMS STANDARDS.**

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

1 (1) IN GENERAL.—

2 (A) Except as provided in subparagraph  
3 (B), the voting system (including any lever vot-  
4 ing system, optical scanning voting system, or  
5 direct recording electronic system) shall—

6 (i) permit the voter to verify the votes  
7 selected by the voter on the ballot before  
8 the ballot is cast and counted;

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

17 (iii) if the voter selects votes for more  
18 than 1 candidate for a single office, the  
19 voting system shall—

20 (I) notify the voter that the voter  
21 has selected more than 1 candidate  
22 for a single office on the ballot;

23 (II) notify the voter before the  
24 ballot is cast and counted of the effect

1 of casting multiple votes for the office;  
2 and

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

6 (B) A State or locality that uses a paper  
7 ballot voting system, a punch card voting sys-  
8 tem, or a central count voting system (including  
9 mail-in absentee ballots or mail-in ballots), may  
10 meet the requirements of subparagraph (A)  
11 by—

12 (i) establishing a voter education pro-  
13 gram specific to that voting system that  
14 notifies each voter of the effect of casting  
15 multiple votes for an office; and

16 (ii) providing the voter with instruc-  
17 tions on how to correct the ballot before it  
18 is cast and counted (including instructions  
19 on how to correct the error through the  
20 issuance of a replacement ballot if the  
21 voter was otherwise unable to change the  
22 ballot or correct any error).

23 (C) The voting system shall ensure that  
24 any notification required under this paragraph

1 preserves the privacy of the voter and the con-  
2 fidentiality of the ballot.

3 (2) AUDIT CAPACITY.—

4 (A) IN GENERAL.—The voting system shall  
5 produce a record with an audit capacity for  
6 such system.

7 (B) MANUAL AUDIT CAPACITY.—

8 (i) PERMANENT PAPER RECORD.—

9 The voting system shall produce a perma-  
10 nent paper record with a manual audit ca-  
11 pacity for such system.

12 (ii) CORRECTION OF ERRORS.—The  
13 voting system shall provide the voter with  
14 an opportunity to change the ballot or cor-  
15 rect any error before the permanent paper  
16 record is produced.

17 (iii) OFFICIAL RECORD FOR RE-  
18 COUNTS.—The paper record produced  
19 under subparagraph (A) shall be available  
20 as an official record for any recount con-  
21 ducted with respect to any election for  
22 Federal office in which the system is used.

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

1 (A) be accessible for individuals with dis-  
2 abilities, including nonvisual accessibility for the  
3 blind and visually impaired, in a manner that  
4 provides the same opportunity for access and  
5 participation (including privacy and independ-  
6 ence) as for other voters;

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

12 (C) meet the voting system standards for  
13 disability access (as outlined in this paragraph)  
14 if purchased with funds made available under  
15 title II on or after January 1, 2007.

16 (4) UNIFORM STANDARD FOR DEFINITION OF A  
17 VOTE.—Each State shall adopt uniform standards  
18 that define what will constitute a vote on each cat-  
19 egory of voting equipment certified for use in the  
20 State.

21 (b) VOTING SYSTEM DEFINED.—In this section, the  
22 term “voting system” includes any materials made avail-  
23 able to the voter (such as notices, instructions, forms, or  
24 paper ballots).

1 (c) DEVELOPMENT OF VOLUNTARY VOTING SYSTEM  
2 GUIDELINES BY COMMISSION.—

3 (1) IN GENERAL.—Not later than January 1,  
4 2004, the Election Assistance Commission, in con-  
5 sultation with the Architectural and Transportation  
6 Barriers Compliance Board (as established under  
7 section 502 of the Rehabilitation Act of 1973 (29  
8 U.S.C. 792)) and the Director of the National Insti-  
9 tute of Standards and Technology, and in accord-  
10 ance with the procedures established under this Act,  
11 shall develop voluntary guidelines revising the voting  
12 system guidelines issued and maintained by the  
13 Commission so that such guidelines are consistent  
14 with the requirements established under subsection  
15 (a).

16 (2) REVIEW.—The Commission, in accordance  
17 with the procedures established under this Act, shall  
18 review the voluntary guidelines no less frequently  
19 than once every 4 years.

20 (d) CONSTRUCTION.—Nothing in this section shall  
21 require a jurisdiction to change the voting system or sys-  
22 tems (including paper balloting systems, including in-per-  
23 son, absentee, and mail-in paper balloting systems, lever  
24 machine systems, punch card systems, optical scanning

1 systems, and direct recording electronic systems) used in  
2 an election in order to be in compliance with this Act.

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

6 **SEC. 302. PROVISIONAL VOTING AND VOTING INFORMA-**  
7 **TION REQUIREMENTS.**

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

17 (1) An election official at the polling place shall  
18 notify the individual that the individual may cast a  
19 provisional ballot in that election.

20 (2) The individual shall be permitted to cast a  
21 provisional ballot at that polling place upon the exe-  
22 cution of a written affirmation by the individual be-  
23 fore an election official at the polling place stating  
24 that the individual is—

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

3 (B) eligible to vote in that election.

4 (3) An election official at the polling place shall  
5 transmit the ballot cast by the individual or voter in-  
6 formation contained in the written affirmation exe-  
7 cuted by the individual under paragraph (2) to an  
8 appropriate State or local election official for prompt  
9 verification under paragraph (4).

10 (4) If the appropriate State or local election of-  
11 ficial to whom the ballot or voter information is  
12 transmitted under paragraph (3) determines that  
13 the individual is eligible under State law to vote in  
14 the precinct, the individual's provisional ballot shall  
15 be counted as a vote in that election in accordance  
16 with State law.

17 (5) At the time that an individual casts a provi-  
18 sional ballot, the appropriate State or local election  
19 official shall give the individual written information  
20 that states that any individual who casts a provi-  
21 sional ballot will be able to ascertain through a free  
22 access system (such as a toll-free telephone number  
23 or an Internet website) whether the vote was count-  
24 ed, and, if the vote was not counted, the reason that  
25 the vote was not counted.

1           (6) The appropriate State or local election offi-  
2           cial shall establish a free access system (such as a  
3           toll-free telephone number or an Internet website)  
4           that any individual who casts a provisional ballot  
5           may access to discover whether the vote of that indi-  
6           vidual was counted, and, if the vote was not counted,  
7           the reason that the vote was not counted.

8           States described in section 4(b) of the National Voter Reg-  
9           istration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet  
10          the requirements of this subsection using voter registra-  
11          tion procedures established under applicable State law.  
12          The appropriate State or local official shall establish and  
13          maintain reasonable procedures necessary to protect the  
14          security, confidentiality, and integrity of personal informa-  
15          tion collected, stored, or otherwise used by the free access  
16          system established under paragraph (6). Access to infor-  
17          mation about an individual provisional ballot shall be re-  
18          stricted to the individual who cast the ballot.

19          (b) VOTING INFORMATION REQUIREMENTS.—

20                 (1) PUBLIC POSTING ON ELECTION DAY.—The  
21                 appropriate State or local election official shall cause  
22                 voting information to be publicly posted at each poll-  
23                 ing place on the day of each election for Federal of-  
24                 fice.

1           (2) VOTING INFORMATION DEFINED.—In this  
2 subsection, the term “voting information” means—

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

5           (B) information regarding the date of the  
6 election and the hours during which polling  
7 places will be open;

8           (C) instructions on how to vote, including  
9 how to cast a vote and how to cast a provisional  
10 ballot;

11           (D) instructions for mail-in registrants and  
12 first-time voters under section 303(b);

13           (E) general information on voting rights  
14 under applicable Federal and State laws, in-  
15 cluding information on the right of an indi-  
16 vidual to cast a provisional ballot and instruc-  
17 tions on how to contact the appropriate officials  
18 if these rights are alleged to have been violated;  
19 and

20           (F) general information on Federal and  
21 State laws regarding prohibitions against fraud  
22 and misrepresentation.

23       (c) VOTERS WHO VOTE AFTER THE POLLS CLOSE.—  
24 If an individual casts a vote in an election for Federal  
25 office as a result of a Federal or State court order extend-

1 ing the hours of operation of a polling place beyond those  
2 established by a law in effect 10 days before the date of  
3 that election—

4 (1) the individual's ballot shall be set aside and  
5 counted separately from ballots cast in the election  
6 by individuals who were not so affected by the order;

7 (2) if the order is overturned on appeal, the in-  
8 dividual's vote shall not be counted as part of the  
9 final tabulation of ballots for the election; and

10 (3) the individual's ballot otherwise shall be  
11 treated in accordance with this Act and other appli-  
12 cable Federal laws.

13 (d) EFFECTIVE DATE.—Each State and locality shall  
14 be required to comply with the requirements of this section  
15 on and after January 1, 2004.

16 **SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRA-**  
17 **TION LIST REQUIREMENTS AND REQUIRE-**  
18 **MENTS FOR VOTERS WHO REGISTER BY**  
19 **MAIL.**

20 (a) COMPUTERIZED STATEWIDE VOTER REGISTRA-  
21 TION LIST REQUIREMENTS.—

22 (1) IMPLEMENTATION.—

23 (A) IN GENERAL.—Except as provided in  
24 subparagraph (C), each State, acting through  
25 the chief State election official, shall implement

1 an official uniform, single, Statewide centralized  
2 electronic voter registration system with sup-  
3 porting infrastructure, to be defined, main-  
4 tained, and administered by the chief State  
5 election official so that each jurisdiction in the  
6 State will consistently apply an identical process  
7 and maintain identical records under a State-  
8 wide environment.

9 (B) ELEMENTS OF SYSTEM.—The system  
10 implemented under subparagraph (A) shall—

11 (i) be interactive;

12 (ii) be directly accessible at each city  
13 and county in the State which carries out  
14 voter registration activities, and provide  
15 that all other units of local government in  
16 the State which carry out voter registra-  
17 tion activities are networked in a manner  
18 determined by the chief State election offi-  
19 cial;

20 (iii) include State-assigned unique  
21 identifier numbers for each legally reg-  
22 istered voter in the State (consistent with  
23 paragraph (6)); and

1 (iv) interface with other data bases,  
2 including the voter registration systems of  
3 other States.

4 (C) EXCEPTION.—The requirement under  
5 subparagraph (A) shall not apply to a State in  
6 which, under a State law in effect continuously  
7 on and after the date of enactment of this Act,  
8 there is no voter registration requirement for  
9 individuals in the State with respect to elections  
10 for Federal office.

11 (2) ACCESS.—The computerized list shall be ac-  
12 cessible to each State and local election official in  
13 the State.

14 (3) VOTER ACCESS.—The appropriate State  
15 election official responsible for the Statewide data-  
16 base under this subsection shall establish a free ac-  
17 cess system (such as a toll-free telephone number or  
18 an Internet web site) under which individuals may  
19 access detailed automated information on their own  
20 voter registration status, specific polling place loca-  
21 tions, and other relevant information.

22 (4) COMPUTERIZED LIST MAINTENANCE.—

23 (A) IN GENERAL.—The appropriate State  
24 or local election official shall perform list main-

1           tenance with respect to the computerized list on  
2           a regular basis as follows:

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

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

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

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

1 (iii) Notwithstanding the preceding  
2 provisions of this subparagraph, if a State  
3 is described in section 4(b) of the National  
4 Voter Registration Act of 1993 (42 U.S.C.  
5 1973gg-2(b)), that State shall remove the  
6 names of ineligible voters from the comput-  
7 erized list in accordance with State law.

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

11 (i) the name of each registered voter  
12 appears in the computerized list;

13 (ii) only voters who are not registered  
14 or who are not eligible to vote are removed  
15 from the computerized list; and

16 (iii) duplicate names are eliminated  
17 from the computerized list.

18 (5) TECHNOLOGICAL SECURITY OF COMPUTER-  
19 IZED LIST.—The appropriate State or local official  
20 shall provide adequate technological security meas-  
21 ures to prevent the unauthorized access to the com-  
22 puterized list established under this section.

23 (6) VERIFICATION OF VOTER REGISTRATION IN-  
24 FORMATION.—

1 (A) REQUIRING PROVISION OF CERTAIN  
 2 INFORMATION BY APPLICANTS.—Notwith-  
 3 standing any other provision of law, an applica-  
 4 tion for voter registration for an election for  
 5 Federal office may not be accepted or processed  
 6 by a State unless the application includes—

7 (i) in the case of an applicant who has  
 8 a valid driver’s license, the applicant’s  
 9 driver’s license number; or

10 (ii) in the case of any other applicant,  
 11 the last 4 digits of the applicant’s Social  
 12 Security number.

13 (B) REQUIREMENTS FOR STATE OFFI-  
 14 CIALS.—

15 (i) SHARING INFORMATION IN DATA  
 16 BASES.—The chief State election official  
 17 and the head of the State motor vehicle  
 18 authority of a State shall enter into an  
 19 agreement to match information in the  
 20 data base of the Statewide voter registra-  
 21 tion system with information in the data  
 22 base of the motor vehicle authority to the  
 23 extent required to enable each such official  
 24 to verify the accuracy of the information

1 provided on applications for voter registra-  
2 tion.

3 (ii) AGREEMENTS WITH COMMIS-  
4 SIONER OF SOCIAL SECURITY.—The head  
5 of the State motor vehicle authority shall  
6 enter into an agreement with the Commis-  
7 sioner of Social Security under section  
8 205(r)(8) of the Social Security Act (as  
9 added by subparagraph (C)).

10 (C) ACCESS TO FEDERAL INFORMATION.—  
11 Section 205(r) of the Social Security Act (42  
12 U.S.C. 205(r)) is amended by adding at the end  
13 the following new paragraph:

14 “(8)(A) The Commissioner of Social Security shall,  
15 upon the request of the head of a State drivers license  
16 agency pursuant to the Help America Vote Act of 2002—

17 “(i) enter into an agreement with the head of  
18 such agency for the purpose of verifying applicable  
19 information, so long as the requirements of subpara-  
20 graphs (A) and (B) of paragraph (3) are met; and

21 “(ii) include in such agreement safeguards to  
22 assure the maintenance of the confidentiality of any  
23 applicable information disclosed and procedures to  
24 permit such agency to use the applicable information  
25 for the purpose of maintaining its records.

1       “(B) Information provided pursuant to an agreement  
2 under this paragraph shall be provided at such time, in  
3 such place, and in such manner as the Commissioner de-  
4 termines appropriate.

5       “(C) The Commissioner shall develop methods to ver-  
6 ify the accuracy of information provided by the agency  
7 with respect to applications for voter registration, includ-  
8 ing applications for which the last 4 digits of a Social Se-  
9 curity number are provided instead of a driver’s license  
10 number.

11       “(D) For purposes of this paragraph—

12               “(i) the term ‘applicable information’ means in-  
13 formation regarding whether—

14                       “(I) the name and Social Security number  
15 of an individual provided to the Commissioner  
16 match the information contained in the Com-  
17 missioner’s records, and

18                       “(II) such individual is shown on the  
19 records of the Commissioner as being deceased;  
20 and

21               “(ii) the term ‘State drivers license agency’  
22 means the State agency which issues drivers licenses  
23 to individuals within the State and maintains  
24 records relating to such licensure.

1           “(E) Nothing in this paragraph may be construed to  
2 require the provision of applicable information with regard  
3 to a request for a record of an individual if the Commis-  
4 sioner determines there are exceptional circumstances  
5 warranting an exception (such as safety of the individual  
6 or interference with an investigation).

7           “(F) Applicable information provided by the Commis-  
8 sion pursuant to an agreement under this paragraph or  
9 by an individual to any agency that has entered into an  
10 agreement under this paragraph shall be considered as  
11 strictly confidential and shall be used only for the pur-  
12 poses described in this paragraph and for carrying out an  
13 agreement under this paragraph. Any officer or employee  
14 or former officer or employee of a State, or any officer  
15 or employee or former officer or employee of a contractor  
16 of a State who, without the written authority of the Com-  
17 missioner, publishes or communicates any applicable infor-  
18 mation in such individual’s possession by reason of such  
19 employment or position as such an officer, shall be guilty  
20 of a felony and upon conviction thereof shall be fined or  
21 imprisoned, or both, as described in section 208.”.

22                           (D) SPECIAL RULE FOR CERTAIN  
23 STATES.—In the case of a State which is per-  
24 mitted to use Social Security numbers, and pro-  
25 vides for the use of Social Security numbers, on

1 applications for voter registration, in accord-  
2 ance with section 7 of the Privacy Act of 1975  
3 (Public Law 93-579), the provisions of this  
4 paragraph shall be optional.

5 (b) REQUIREMENTS FOR VOTERS WHO REGISTER BY  
6 MAIL.—

7 (1) IN GENERAL.—Notwithstanding section 6(c)  
8 of the National Voter Registration Act of 1993 (42  
9 U.S.C. 1973gg-4(c)) and subject to paragraph (3),  
10 a State shall, in a uniform and nondiscriminatory  
11 manner, require an individual to meet the require-  
12 ments of paragraph (2) if—

13 (A) the individual registered to vote in a  
14 jurisdiction by mail; and

15 (B)(i) the individual has not previously  
16 voted in an election in the State; or

17 (ii) the individual has not previously voted  
18 in an election in the jurisdiction and the juris-  
19 diction is located in a State that does not have  
20 a computerized list that complies with the re-  
21 quirements of section 303(a).

22 (2) REQUIREMENTS.—

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

1 (i) in the case of an individual who  
2 votes in person—

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

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

13 (III) in the case of an individual  
14 who registers to vote in a State which  
15 (at the time individual registers to  
16 vote) has in effect a program de-  
17 scribed in subparagraph (B), presents  
18 to the appropriate State or local elec-  
19 tion official the current and valid  
20 photo identification or attestation re-  
21 ferred to in such subparagraph; or

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

24 (I) a copy of a current and valid  
25 photo identification; or

1 (II) a copy of a current utility  
2 bill, bank statement, Government  
3 check, paycheck, or other Government  
4 document that shows the name and  
5 address of the voter.

6 (B) STATE PROGRAM DESCRIBED.—A  
7 State program described in this subparagraph  
8 is a program operated by a State under which  
9 each individual who desires to vote in person is  
10 required to present to the appropriate State or  
11 local election official—

12 (i) a current and valid photo identi-  
13 fication; or

14 (ii) in the case of an individual who  
15 does not have a current and valid photo  
16 identification, an attestation of the individ-  
17 ual's identity, on a standard, State-issued  
18 form which shall be provided at the polling  
19 place to each individual who does not have  
20 such identification.

21 (C) FAIL-SAFE VOTING.—

22 (i) IN PERSON.—An individual who  
23 desires to vote in person, but who does not  
24 meet the requirements of subparagraph

1 (A)(i), may cast a provisional ballot under  
2 section 302(a).

3 (ii) BY MAIL.—An individual who de-  
4 sires to vote by mail but who does not  
5 meet the requirements of subparagraph  
6 (A)(ii) may cast such a ballot by mail and  
7 the ballot shall be counted as a provisional  
8 ballot in accordance with section 302(a).

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

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

15 (i) a copy of a current valid photo  
16 identification; or

17 (ii) a copy of a current utility bill,  
18 bank statement, Government check, pay-  
19 check, or Government document that  
20 shows the name and address of the voter;

21 (B)(i) who registers to vote by mail under  
22 section 6 of the National Voter Registration Act  
23 of 1993 (42 U.S.C. 1973gg-4) and submits  
24 with such registration either—

25 (I) a driver's license number; or

1 (II) at least the last 4 digits of the in-  
2 dividual's social security number; and

3 (ii) with respect to whom a State or local  
4 election official determines that the information  
5 submitted under clause (i) matches an existing  
6 State identification record bearing the same  
7 number, name and date of birth as provided in  
8 such registration; or

9 (C) who is—

10 (i) entitled to vote by absentee ballot  
11 under the Uniformed and Overseas Citi-  
12 zens Absentee Voting Act (42 U.S.C.  
13 1973ff-1 et seq.);

14 (ii) provided the right to vote other-  
15 wise than in person under section  
16 3(b)(2)(B)(ii) of the Voting Accessibility  
17 for the Elderly and Handicapped Act (42  
18 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

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

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

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

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

10 (C) The statement “If you checked ‘no’ in  
11 response to either of these questions, or if you  
12 failed to respond to either of these questions,  
13 your application will be rendered invalid”.

14 (D) Any information required to be in-  
15 cluded on the form in order for the form to be  
16 accepted and processed under subsection (a)(6).

17 (5) VALID PHOTO IDENTIFICATION DEFINED.—  
18 For purposes of this subsection, the term “valid  
19 photo identification” means a photo identification  
20 which includes the name of the individual involved  
21 and is issued by—

22 (A) a State, an agency or office of the  
23 State, or a local election authority of a State;

24 (B) the Federal Government or an agency  
25 or office of the Federal Government; and

1 (C) an accredited institution of higher edu-  
2 cation, including a university, college, or voca-  
3 tional or technical school.

4 (6) CONSTRUCTION.—Nothing in this sub-  
5 section shall be construed to require a State that  
6 was not required to comply with a provision of the  
7 National Voter Registration Act of 1993 (42 U.S.C.  
8 1973gg et seq.) before the date of enactment of this  
9 Act to comply with such a provision after such date.

10 (c) CLARIFICATION OF STATE AUTHORITY.—Nothing  
11 in this section may be construed to preempt or otherwise  
12 affect any State law or regulation which provides that the  
13 final decision on an individual's eligibility to register to  
14 vote in an election for Federal office held within a jurisdic-  
15 tion rests with the jurisdiction involved.

16 (d) EFFECTIVE DATE.—

17 (1) COMPUTERIZED STATEWIDE VOTER REG-  
18 ISTRATION LIST REQUIREMENTS.—

19 (A) IN GENERAL.—Each State and locality  
20 shall be required to comply with the require-  
21 ments of subsection (a) on and after January 1,  
22 2006.

23 (B) WAIVER.—If a State or unit of local  
24 government certifies to the Commission not  
25 later than January 1, 2006, that the State or

1 unit will not meet the deadline described in sub-  
2 paragraph (A) for good cause and includes in  
3 the certification the reasons for the failure to  
4 meet such deadline, subparagraph (A) shall  
5 apply to the State or unit as if the reference in  
6 such paragraph to “January 1, 2006” were a  
7 reference to “January 1, 2008”.

8 (2) REQUIREMENT FOR VOTERS WHO REGISTER  
9 BY MAIL.—

10 (A) IN GENERAL.—Each State and locality  
11 shall be required to comply with the require-  
12 ments of subsection (b) on and after January  
13 1, 2004, and shall be prepared to receive reg-  
14 istration materials submitted by individuals de-  
15 scribed in subparagraph (B) on and after the  
16 date described in such subparagraph.

17 (B) APPLICABILITY WITH RESPECT TO IN-  
18 DIVIDUALS.—The provisions of section (b) shall  
19 apply to any individual who registers to vote on  
20 or after January 1, 2003.

21 **SEC. 304. MINIMUM STANDARDS.**

22 The requirements established by this title are min-  
23 imum requirements and nothing in this title shall be con-  
24 strued to prevent a State from establishing election tech-  
25 nology and administration requirements, that are more

1 strict than the requirements established under this title,  
2 so long as such State requirements are not inconsistent  
3 with the Federal requirements under this title or any law  
4 described in section 1008.

5 **SEC. 305. MINIMUM STANDARD FOR ACCURACY OF STATE**  
6 **VOTER REGISTRATION RECORDS.**

7 The State election system shall include provisions to  
8 ensure that voter registration records in the State are ac-  
9 curate and are updated regularly, including the following:

10 (1) A system of file maintenance which removes  
11 registrants who are ineligible to vote from the offi-  
12 cial list of eligible voters. Under such system, con-  
13 sistent with the National Voter Registration Act of  
14 1993, registrants who have not voted in 2 or more  
15 consecutive general elections for Federal office and  
16 who have not responded to a notice shall be removed  
17 from the official list of eligible voters, except that no  
18 registrant may be removed solely by reason of a fail-  
19 ure to vote.

20 (2) Safeguards to ensure that eligible voters are  
21 not removed in error from the official list of eligible  
22 voters.

1 **SEC. 306. METHODS OF IMPLEMENTATION LEFT TO DIS-**  
2 **CRETION OF STATE.**

3 (a) IN GENERAL.—The specific choices on the meth-  
4 ods of implementing any legislation enacted to meet the  
5 requirements of this title shall be left to the discretion of  
6 the State.

7 (b) GUIDELINES OF COMMISSION.—The Election As-  
8 sistance Commission may, by majority vote, adopt vol-  
9 untary guidelines to assist States and units of local gov-  
10 ernment in complying with the requirements of this title,  
11 but nothing in this title may be construed to prohibit a  
12 State or unit from choosing other means of complying with  
13 such requirements.

14 **Subtitle B—Enforcement**

15 **SEC. 311. ENFORCEMENT BY THE CIVIL RIGHTS DIVISION**  
16 **OF THE DEPARTMENT OF JUSTICE.**

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

23 (b) 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 IV—HELP AMERICA VOTE**  
2 **COLLEGE PROGRAM**

3 **SEC. 401. ESTABLISHMENT OF PROGRAM.**

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

9 (b) PURPOSES OF PROGRAM.—The purpose of the  
10 Program shall be—

11 (1) to encourage students enrolled at institu-  
12 tions of higher education (including community col-  
13 leges) to assist State and local governments in the  
14 administration of elections by serving as nonpartisan  
15 poll workers or assistants; and

16 (2) to encourage State and local governments to  
17 use the services of the students participating in the  
18 Program.

19 **SEC. 402. ACTIVITIES UNDER PROGRAM.**

20 (a) IN GENERAL.—In carrying out the Program, the  
21 Commission (in consultation with the chief election official  
22 of each State) shall develop materials, sponsor seminars  
23 and workshops, engage in advertising targeted at stu-  
24 dents, make grants, and take such other actions as it con-

1 siders appropriate to meet the purposes described in sec-  
2 tion 401(b).

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

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

19 **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

20 In addition to any funds authorized to be appro-  
21 priated to the Commission under section 209, there are  
22 authorized to be appropriated to carry out this title—

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     **TITLE V—HELP AMERICA VOTE**  
2                     **FOUNDATION**

3     **SEC. 501. HELP AMERICA VOTE FOUNDATION.**

4             (a) IN GENERAL.—Part B of subtitle II of title 36,  
5 United States Code, is amended by inserting after chapter  
6 1525 the following:

7             **“CHAPTER 1526—HELP AMERICA VOTE**  
8                     **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.

9     **“§ 152601. Organization**

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

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

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

1 **“§ 152602. Purposes**

2 “(a) IN GENERAL.—The purposes of the foundation  
3 are to—

4 “(1) mobilize secondary school students (includ-  
5 ing students educated in the home) in the United  
6 States to participate in the election process in a non-  
7 partisan manner as poll workers or assistants (to the  
8 extent permitted under applicable State law);

9 “(2) place secondary school students (including  
10 students educated in the home) as nonpartisan poll  
11 workers or assistants to local election officials in  
12 precinct polling places across the United States (to  
13 the extent permitted under applicable State law);  
14 and

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

24 “(b) REQUIRING ACTIVITIES TO BE CARRIED OUT  
25 ON NONPARTISAN BASIS.—The foundation shall carry out  
26 its purposes without partisan bias or without promoting

1 any particular point of view regarding any issue, and shall  
2 ensure that each participant in its activities is governed  
3 in a balanced manner which does not reflect any partisan  
4 bias.

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

11 **“§ 152603. Board of directors**

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

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

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

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

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

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

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

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

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

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

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

21          “(c) CHAIR.—The directors shall select one of the di-  
22          rectors as the chair of the board. The individual selected  
23          may not be a current or former holder of any partisan  
24          elected office or a current or former officer of any national  
25          committee of a political party.

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

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

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

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

14 **“§ 152604. Officers and employees**

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

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

19                   “(1) IN GENERAL.—Officers and employees of  
20 the foundation—

21                           “(A) are not employees of the Federal gov-  
22 ernment (except as may otherwise be provided  
23 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 siders 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 1525 the following new item:

**“1526. Help America Vote Foundation .....152601”.**

17 **TITLE VI—VOTING RIGHTS OF**  
18 **MILITARY MEMBERS AND**  
19 **OVERSEAS CITIZENS**

20 **SEC. 601. VOTING ASSISTANCE PROGRAMS.**

21 (a) ISSUES CONSIDERED IN ASSESSMENTS OF MILI-  
22 TARY DEPARTMENT COMPLIANCE.—Subsection (e) of sec-  
23 tion 1566 of title 10, United States Code, as added by  
24 section 1602(a) of the National Defense Authorization Act

1 for Fiscal Year 2002 (Public Law 107–107; 115 Stat.  
2 1274), is amended—

3 (1) by striking “The Secretary” and inserting  
4 “(1) The Secretary”; and

5 (2) by adding at the end the following new  
6 paragraphs:

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

15 “(3) As part of each assessment prepared by the Sec-  
16 retary of a military department under paragraph (1), the  
17 Secretary shall—

18 “(A) specify the number of members of the  
19 armed forces under the jurisdiction of the Secretary  
20 who are appointed or assigned to duty as voting as-  
21 sistance officers;

22 “(B) specify the ratio of voting assistance offi-  
23 cers to active duty members of the armed forces  
24 under the jurisdiction of the Secretary;

1           “(C) indicate whether this number and ratio  
2           comply with the requirements of the Federal Voting  
3           Assistance Program; and

4           “(D) describe the training such members re-  
5           ceive to perform their duties as voting assistance of-  
6           ficers.”.

7           (b) POSTMARKING OF OVERSEAS VOTING MATE-  
8           RIALS.—Subsection (g)(2) of such section is amended by  
9           adding at the end the following: “The Secretary shall, to  
10          the maximum extent practicable, implement measures to  
11          ensure that a postmark or other official proof of mailing  
12          date is provided on each absentee ballot collected at any  
13          overseas location or vessel at sea whenever the Depart-  
14          ment of Defense is responsible for collecting mail for re-  
15          turn shipment to the United States. The Secretary shall  
16          submit to Congress a report describing the measures to  
17          be implemented to ensure the timely transmittal and  
18          postmarking of voting materials and identifying the per-  
19          sons responsible for implementing such measures.”.

20          (c) PROVIDING NOTICE OF DEADLINES AND RE-  
21          QUIREMENTS.—Such section is amended by adding at the  
22          end the following new subsection:

23          “(h) NOTICE OF DEADLINES AND REQUIREMENTS.—  
24          The Secretary of each military department, utilizing the  
25          voting assistance officer network established for each mili-

1 tary installation, shall, to the maximum extent practicable,  
2 provide notice to members of the armed forces stationed  
3 at that installation of the last date before a general Fed-  
4 eral election for which absentee ballots mailed from a post-  
5 al facility located at that installation can reasonably be  
6 expected to be timely delivered to the appropriate State  
7 and local election officials.”.

8 (d) REGISTRATION AND VOTING INFORMATION FOR  
9 MEMBERS AND DEPENDENTS.—Such section is further  
10 amended by adding at the end the following new sub-  
11 section:

12 “(i) REGISTRATION AND VOTING INFORMATION FOR  
13 MEMBERS AND DEPENDENTS.—(1) The Secretary of each  
14 military department, using a variety of means including  
15 both print and electronic media, shall, to the maximum  
16 extent practicable, ensure that members of the armed  
17 forces and their dependents who are qualified to vote have  
18 ready access to information regarding voter registration  
19 requirements and deadlines (including voter registration),  
20 absentee ballot application requirements and deadlines,  
21 and the availability of voting assistance officers to assist  
22 members and dependents to understand and comply with  
23 these requirements.

24 “(2) The Secretary of each military department shall  
25 make the national voter registration form prepared for

1 purposes of the Uniformed and Overseas Citizens Absen-  
2 tee Voting Act by the Federal Election Commission avail-  
3 able so that each person who enlists shall receive such  
4 form at the time of the enlistment, or as soon thereafter  
5 as practicable.

6 “(3) Where practicable, a special day or days shall  
7 be designated at each military installation for the purpose  
8 of informing members of the armed forces and their de-  
9 pendants of election timing, registration requirements, and  
10 voting procedures.”.

11 **SEC. 602. DESIGNATION OF SINGLE STATE OFFICE TO PRO-**  
12 **VIDE INFORMATION ON REGISTRATION AND**  
13 **ABSENTEE BALLOTS FOR ALL VOTERS IN**  
14 **STATE.**

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

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

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

21 “(b) DESIGNATION OF SINGLE STATE OFFICE TO  
22 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-  
23 TEE BALLOT PROCEDURES FOR ALL VOTERS IN  
24 STATE.—

1           “(1) IN GENERAL.—Each State shall designate  
2           a single office which shall be responsible for pro-  
3           viding information regarding voter registration pro-  
4           cedures and absentee ballot procedures (including  
5           procedures relating to the use of the Federal write-  
6           in absentee ballot) to all absent uniformed services  
7           voters and overseas voters who wish to register to  
8           vote or vote in any jurisdiction in the State.

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

20 **SEC. 603. REPORT ON ABSENTEE BALLOTS TRANSMITTED**  
21 **AND RECEIVED AFTER GENERAL ELECTIONS.**

22          (a) IN GENERAL.—Section 102 of the Uniformed and  
23          Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-  
24          1), as amended by section 602, is amended by adding at  
25          the end the following new subsection:

1           “(c) REPORT ON NUMBER OF ABSENTEE BALLOTS  
2 TRANSMITTED AND RECEIVED.—Not later than 90 days  
3 after the date of each regularly scheduled general election  
4 for Federal office, each State and unit of local government  
5 which administered the election shall (through the State,  
6 in the case of a unit of local government) submit a report  
7 to the Election Assistance Commission (established under  
8 the Help America Vote Act of 2001) on the number of  
9 absentee ballots transmitted to absent uniformed services  
10 voters and overseas voters for the election and the number  
11 of such ballots which were returned by such voters and  
12 cast in the election, and shall make such report available  
13 to the general public.”.

14           (b) DEVELOPMENT OF STANDARDIZED FORMAT FOR  
15 REPORTS.—The Election Assistance Commission, working  
16 with the Election Assistance Commission Board of Advi-  
17 sors and the Election Assistance Commission Standards  
18 Board, shall develop a standardized format for the reports  
19 submitted by States and units of local government under  
20 section 102(c) of the Uniformed and Overseas Citizens  
21 Absentee Voting Act (as added by subsection (a)), and  
22 shall make the format available to the States and units  
23 of local government submitting such reports.

1 **SEC. 604. EXTENSION OF PERIOD COVERED BY SINGLE AB-**  
2 **SENTEE BALLOT APPLICATION.**

3 Section 104(a) of the Uniformed and Overseas Citi-  
4 zens Absentee Voting Act (42 U.S.C. 1973ff-1), as  
5 amended by section 1606(b) of the National Defense Au-  
6 thorization Act for Fiscal Year 2002 (Public Law 107-  
7 107; 115 Stat. 1279), is amended by striking “during that  
8 year,” and all that follows and inserting the following:  
9 “through the next 2 regularly scheduled general elections  
10 for Federal office (including any runoff elections which  
11 may occur as a result of the outcome of such general elec-  
12 tions), the State shall provide an absentee ballot to the  
13 voter for each such subsequent election.”.

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 ensure that  
22 such officials are aware of the requirements of this Act;”.

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

25 (1) IN GENERAL.—Section 101(b) of such Act  
26 (42 U.S.C. 1973ff(b)) is amended—

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

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

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

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

12 (2) REQUIRING STATES TO USE STANDARD  
13 OATH.—Section 102(a) of such Act (42 U.S.C.  
14 1973ff–1(b)), as amended by section 602, is  
15 amended—

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

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

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

22 “(5) if the State requires an oath or affirmation  
23 to accompany any document under this title, use the  
24 standard oath prescribed by the Presidential des-  
25 ignee under section 101(b)(7).”.

1 (c) PROVIDING STATISTICAL ANALYSIS OF VOTER  
2 PARTICIPATION FOR BOTH OVERSEAS VOTERS AND AB-  
3 SENT UNIFORMED SERVICES VOTERS.—Section 101(b)(6)  
4 of such Act (42 U.S.C. 1973ff(b)(6)) is amended by strik-  
5 ing “a general assessment” and inserting “a separate sta-  
6 tistical analysis”.

7 **SEC. 606. USE OF BUILDINGS ON MILITARY INSTALLATIONS**  
8 **AND RESERVE COMPONENT FACILITIES AS**  
9 **POLLING PLACES.**

10 (a) LIMITED USE OF MILITARY INSTALLATIONS AU-  
11 THORIZED.—Section 2670(b) of title 10, United States  
12 Code, as added by section 1607(a) of the National Defense  
13 Authorization Act for Fiscal Year 2002 (Public Law 107–  
14 107; 115 Stat. 1279), is amended to read as follows:

15 “(b) USE AS POLLING PLACES.—(1) Notwith-  
16 standing any other provision of law, the Secretary of a  
17 military department may make a building located on a  
18 military installation under the jurisdiction of the Secretary  
19 available for use as a polling place in any Federal, State,  
20 or local public election, but only if such use is limited to  
21 eligible voters who reside on that military installation.

22 “(2) If a building located on a military installation  
23 is made available under paragraph (1) as the site of a  
24 polling place, the Secretary shall continue to make the  
25 building available for subsequent elections unless the Sec-

1   retary provides to the appropriate State or local election  
2   officials advance notice, in a reasonable and timely man-  
3   ner, of the reasons why the building will no longer be made  
4   available as a polling place.

5       “(3) In this section, the term ‘military installation’  
6   has the meaning given the term in section 2687(e) of this  
7   title.”.

8       (b) USE OF RESERVE COMPONENT FACILITIES.—(1)  
9   Section 18235 of title 10, United States Code, is amended  
10  by adding at the end the following new subsection:

11       “(c) Pursuant to a lease or other agreement under  
12  subsection (a)(2), the Secretary may make a facility cov-  
13  ered by subsection (a) available for use as a polling place  
14  in any Federal, State, or local public election notwith-  
15  standing any other provision of law. If a facility is made  
16  available as the site of a polling place with respect to an  
17  election, the Secretary shall continue to make the facility  
18  available for subsequent elections unless the Secretary  
19  provides to the appropriate State or local election officials  
20  advance notice, in a reasonable and timely manner, of the  
21  reasons why the facility will no longer be made available  
22  as a polling place.”.

23       (2) Section 18236 of such title is amended by adding  
24  at the end the following:

1       “(e) Pursuant to a lease or other agreement under  
2 subsection (c)(1), a State may make a facility covered by  
3 subsection (c) available for use as a polling place in any  
4 Federal, State, or local public election notwithstanding  
5 any other provision of law.”.

6       (c) CONFORMING AMENDMENTS TO TITLE 18.—(1)  
7 Section 592 of title 18, United States Code, is amended  
8 by adding at the end the following new sentence:

9       “‘This section shall not apply to the actions of mem-  
10 bers of the Armed Forces at any polling place on a mili-  
11 tary installation where a general or special election is held  
12 in accordance with section 2670(b), 18235, or 18236 of  
13 title 10.’”.

14       (2) Section 593 of such title is amended by adding  
15 at the end the following new sentence:

16       “‘This section shall not apply to the actions of mem-  
17 bers of the Armed Forces at any polling place on a mili-  
18 tary installation where a general or special election is held  
19 in accordance with section 2670(b), 18235, or 18236 of  
20 title 10.’”.

21       (d) CONFORMING AMENDMENT TO VOTING RIGHTS  
22 LAW.—Section 2003 of the Revised Statutes of the United  
23 States (42 U.S.C. 1972) is amended by adding at the end  
24 the following new sentence: “Making a military installa-  
25 tion or reserve component facility available as a polling

1 place in a Federal, State, or local public election in accord-  
2 ance with section 2670(b), 18235, or 18236 of title 10,  
3 United States Code, is deemed to be consistent with this  
4 section.”.

5 **SEC. 607. PROHIBITION OF REFUSAL OF VOTER REGISTRA-**  
6 **TION AND ABSENTEE BALLOT APPLICATIONS**  
7 **ON GROUNDS OF EARLY SUBMISSION.**

8 (a) IN GENERAL.—Section 104 of the Uniformed and  
9 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–  
10 3), as amended by section 1606(b) of the National De-  
11 fense Authorization Act for Fiscal Year 2002 (Public Law  
12 107–107; 115 Stat. 1279), is amended by adding at the  
13 end the following new subsection:

14 “(e) PROHIBITION OF REFUSAL OF APPLICATIONS  
15 ON GROUNDS OF EARLY SUBMISSION.—A State may not  
16 refuse to accept or process, with respect to any election  
17 for Federal office, any otherwise valid voter registration  
18 application or absentee ballot application (including the  
19 postcard form prescribed under section 101) submitted by  
20 an absent uniformed services voter during a year on the  
21 grounds that the voter submitted the application before  
22 the first date on which the State otherwise accepts or  
23 processes such applications for that year submitted by ab-  
24 sentee voters who are not members of the uniformed serv-  
25 ices.”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall apply with respect to elections for  
3 Federal office that occur after the date of enactment of  
4 this Act.

5 **TITLE VII—TRANSITION**  
6 **PROVISIONS**  
7 **Subtitle A—Transfer to Commis-**  
8 **sion of Functions Under Certain**  
9 **Laws**

10 **SEC. 701. FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

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

18 (b) CONFORMING AMENDMENT.—Section 311(a) of  
19 the Federal Election Campaign Act of 1971 (2 U.S.C.  
20 438(a)) is amended—

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

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

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

3 **SEC. 702. NATIONAL VOTER REGISTRATION ACT OF 1993.**

4 (a) TRANSFER OF FUNCTIONS.—There are trans-  
5 ferred to the Election Assistance Commission established  
6 under section 201 all functions which the Federal Election  
7 Commission exercised under the National Voter Registra-  
8 tion Act of 1993 before the date of enactment of this Act.

9 (b) CONFORMING AMENDMENT.—Section 9(a) of the  
10 National Voter Registration Act of 1993 (42 U.S.C.  
11 1973gg-7(a)) is amended by striking “Federal Election  
12 Commission” and inserting “Election Assistance Commis-  
13 sion”.

14 **SEC. 703. TRANSFER OF PROPERTY, RECORDS, AND PER-**  
15 **SONNEL.**

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

22 (b) PERSONNEL.—

23 (1) IN GENERAL.—The personnel employed in  
24 connection with the offices and functions of the Fed-  
25 eral Election Commission which are transferred by

1 this subtitle are transferred to the Election Assist-  
2 ance Commission.

3 (2) EFFECT.—Any full-time or part-time per-  
4 sonnel employed in permanent positions shall not be  
5 separated or reduced in grade or compensation be-  
6 cause of the transfer under this subsection during  
7 the 1-year period beginning on the date of the enact-  
8 ment of this Act.

9 **SEC. 704. EFFECTIVE DATE; TRANSITION.**

10 (a) EFFECTIVE DATE.—This title and the amend-  
11 ments made by this title shall take effect upon the ap-  
12 pointment of all members of the Election Assistance Com-  
13 mission under section 203.

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

22 (c) NO EFFECT ON AUTHORITIES OF OFFICE OF  
23 ELECTION ADMINISTRATION PRIOR TO APPOINTMENT OF  
24 MEMBERS OF COMMISSION.—During the period which be-  
25 gins on the date of the enactment of this Act and ends

1 on the effective date described in subsection (a), the Office  
2 of Election Administration of the Federal Election Com-  
3 mission shall continue to have the authority to carry out  
4 any of the functions (including the development of vol-  
5 untary standards for voting systems and procedures for  
6 the certification of voting systems) which it has the au-  
7 thority to carry out as of the date of the enactment of  
8 this Act.

9 **Subtitle B—Coverage of Commis-**  
10 **sion Under Certain Laws and**  
11 **Programs**

12 **SEC. 711. TREATMENT OF COMMISSION PERSONNEL UNDER**  
13 **CERTAIN CIVIL SERVICE LAWS.**

14 (a) **COVERAGE UNDER HATCH ACT.**—Section  
15 7323(b)(2)(B)(i)(I) of title 5, United States Code, is  
16 amended by inserting “or the Election Assistance Com-  
17 mission” after “Commission”.

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

22 **SEC. 712. COVERAGE UNDER INSPECTOR GENERAL ACT OF**  
23 **1978.**

24 (a) **IN GENERAL.**—Section 8G(a)(2) of the Inspector  
25 General Act of 1978 (5 U.S.C. App.) is amended by insert-

1 ing “the Election Assistance Commission,” after “Federal  
2 Election Commission,”.

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

## 7 **TITLE VIII—MISCELLANEOUS** 8 **PROVISIONS**

### 9 **SEC. 801. STATE DEFINED.**

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

### 13 **SEC. 802. AUDITS AND REPAYMENT OF FUNDS.**

14 (a) RECORDKEEPING REQUIREMENT.—Each recipi-  
15 ent of a grant or other payment made under this Act shall  
16 keep such records with respect to the payment as are con-  
17 sistent with sound accounting principles, including records  
18 which fully disclose the amount and disposition by such  
19 recipient of funds, the total cost of the project or under-  
20 taking for which such funds are used, and the amount of  
21 that portion of the cost of the project or undertaking sup-  
22 plied by other sources, and such other records as will fa-  
23 cilitate an effective audit.

24 (b) AUDITS AND EXAMINATIONS.—

1           (1) AUDIT AND EXAMINATION.—Each office  
2 making a grant or other payment under this Act, or  
3 any duly authorized representative of such office,  
4 may audit or examine any recipient of the grant or  
5 payment and shall have access for the purpose of  
6 audit and examination to any books, documents, pa-  
7 pers, and records of the recipient which in the opin-  
8 ion of the entity may be related or pertinent to the  
9 grant or payment.

10           (2) RECIPIENTS OF ASSISTANCE SUBJECT TO  
11 PROVISIONS OF SECTION.—The provisions of this  
12 section shall apply to all recipients of grants or other  
13 payments under this Act, whether by direct grant,  
14 cooperative agreement, or contract under this Act or  
15 by subgrant or subcontract from primary grantees  
16 or contractors under this Act.

17           (3) MANDATORY AUDIT.—In addition to audits  
18 conducted pursuant to subsection (a), all funds pro-  
19 vided under this Act shall be subject to mandatory  
20 audit by the Comptroller General at least once dur-  
21 ing the lifetime of the program involved. For pur-  
22 poses of an audit under this paragraph, the Comp-  
23 troller General shall have access to books, docu-  
24 ments, papers, and records of recipients of funds in  
25 the same manner as the office making the grant or

1 payment involved has access to such books, docu-  
2 ments, papers, and records under paragraph (1).

3 (4) SPECIAL RULE FOR PAYMENTS BY GENERAL  
4 SERVICES ADMINISTRATION.—With respect to any  
5 grant or payment made under this Act by the Ad-  
6 ministrator of General Services, the Election Assist-  
7 ance Commission shall be deemed to be the office  
8 making the grant or payment for purposes of this  
9 section.

10 (c) RECOUPMENT OF FUNDS.—If the Comptroller  
11 General determines as a result of an audit conducted  
12 under subsection (b) that—

13 (1) a recipient of funds under this Act is not  
14 in compliance with each of the requirements of the  
15 program under which the funds are provided; or

16 (2) an excess payment has been made to the re-  
17 cipient under the program,

18 the recipient shall pay to the office which made the grant  
19 or payment involved a portion of the funds provided which  
20 reflects the proportion of the requirements with which the  
21 recipient is not in compliance, or the extent to which the  
22 payment is in excess, under the program involved.

1 **SEC. 803. MISCELLANEOUS PROVISIONS TO PROTECT IN-**  
2 **TEGRITY OF ELECTION PROCESS.**

3 (a) CLARIFICATION OF ABILITY OF ELECTION OFFI-  
4 CIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST  
5 OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.—  
6 Section 8(b)(2) of the National Voter Registration Act of  
7 1993 (42 U.S.C. 1973gg-6(b)(2)) is amended by striking  
8 the period at the end and inserting the following: “, except  
9 that nothing in this paragraph may be construed to pro-  
10 hibit a State from using the procedures described in sub-  
11 sections (c) and (d) to remove an individual from the offi-  
12 cial list of eligible voters if the individual has not voted  
13 or appeared to vote in 2 or more consecutive general elec-  
14 tions for Federal office and has not either notified the ap-  
15 plicable registrar (in person or in writing) or responded  
16 to a notice sent by the applicable registrar during the pe-  
17 riod in which such elections are held that the individual  
18 intends to remain registered in the registrar’s jurisdic-  
19 tion.”.

20 (b) PROHIBITING EFFORTS BY POLL WORKERS TO  
21 COERCE VOTERS TO CAST VOTES FOR EVERY OFFICE ON  
22 BALLOT.—Section 594 of title 18, United States Code, is  
23 amended—

24 (1) by striking “Whoever” and inserting “(a)  
25 Whoever”; and

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

3           “(b) For purposes of subsection (a), a poll worker  
4 who urges or encourages a voter who has not cast a vote  
5 for each office listed on the ballot to return to the voting  
6 booth to cast votes for every office, or who otherwise in-  
7 timidates, harasses, or coerces the voter to vote for each  
8 such office (or who attempts to intimidate, harass, or co-  
9 erce the voter to vote for each such office), shall be consid-  
10 ered to have intimidated, threatened, or coerced (or to  
11 have attempted to intimidate, threaten, or coerce) the  
12 voter for the purpose of interfering with the voter’s right  
13 to vote as the voter may choose. Nothing in this subsection  
14 shall prohibit a poll worker from providing information to  
15 a voter who requests assistance.”.

16 **SEC. 804. REVIEW AND REPORT ON ADEQUACY OF EXIST-**  
17 **ING ELECTORAL FRAUD STATUTES AND PEN-**  
18 **ALTIES.**

19           (a) REVIEW.—The Attorney General shall conduct a  
20 review of existing criminal statutes concerning election of-  
21 fenses to determine—

22           (1) whether additional statutory offenses are  
23 needed to secure the use of the Internet for election  
24 purposes; and

1           (2) whether existing penalties provide adequate  
2           punishment and deterrence with respect to such of-  
3           fenses.

4           (b) REPORT.—The Attorney General shall submit a  
5           report to the Committees on the Judiciary of the Senate  
6           and House of Representatives, the Committee on Rules  
7           and Administration of the Senate, and the Committee on  
8           House Administration of the House of Representatives on  
9           the review conducted under subsection (a) together with  
10          such recommendations for legislative and administrative  
11          action as the Attorney General determines appropriate.

12   **SEC. 805. OTHER CRIMINAL PENALTIES.**

13          (a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR  
14          ELECTION.—Any individual who knowingly and willfully  
15          gives false information in registering or voting in violation  
16          of section 11(c) of the National Voting Rights Act of 1965  
17          (42 U.S.C. 1973i(c)), or conspires with another to violate  
18          such section, shall be fined or imprisoned, or both, in ac-  
19          cordance with such section.

20          (b) FALSE INFORMATION IN REGISTERING AND VOT-  
21          ING.—Any individual who knowingly commits fraud or  
22          knowingly makes a false statement with respect to the nat-  
23          uralization, citizenry, or alien registry of such individual  
24          in violation of section 1015 of title 18, United States

1 Code, shall be fined or imprisoned, or both, in accordance  
2 with such section.

3 **SEC. 806. NO EFFECT ON OTHER LAWS.**

4 (a) IN GENERAL.—Except as specifically provided in  
5 section 303(b) of this Act with regard to the National  
6 Voter Registration Act of 1993 (42 U.S.C. 1973gg et  
7 seq.), nothing in this Act may be construed to authorize  
8 or require conduct prohibited under any the following  
9 laws, to supersede, restrict, or limit the application of such  
10 laws to any State, unit of local government, or other per-  
11 son, or to grant to the Election Assistance Commission  
12 the authority to carry out activities inconsistent with such  
13 laws:

14 (1) The Voting Rights Act of 1965 (42 U.S.C.  
15 1973 et seq.).

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

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

20 (4) The National Voter Registration Act of  
21 1993 (42 U.S.C. 1973gg et seq.).

22 (5) The Americans with Disabilities Act of  
23 1990 (42 U.S.C. 1994 et seq.).

24 (6) The Rehabilitation Act of 1973 (29 U.S.C.  
25 701 et seq.).

1 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-  
2 QUIREMENTS UNDER VOTING RIGHTS ACT.—The making  
3 of an Election Fund payment to a State by the Election  
4 Assistance Commission under title II, or any other action  
5 taken by the Commission or a State under such title, shall  
6 not be considered to have any effect on requirements for  
7 preclearance under section 5 of the Voting Rights Act of  
8 1965 (42 U.S.C. 1973c) or any other requirements of such  
9 Act.

10 **SEC. 807. VOTERS WITH DISABILITIES.**

11 (a) FINDINGS.—Congress makes the following find-  
12 ings:

13 (1) The Americans with Disabilities Act of  
14 1990 (42 U.S.C. 12101 et seq.) requires that people  
15 with disabilities have the same kind of access to pub-  
16 lic places as the general public.

17 (2) The Voting Accessibility for the Elderly and  
18 Handicapped Act (42 U.S.C. 1973ee et seq.) re-  
19 quires that all polling places for Federal elections be  
20 accessible to the elderly and the handicapped.

21 (3) The General Accounting Office in 2001  
22 issued a report based on their election day random  
23 survey of 496 polling places during the 2000 election  
24 across the country and found that 84 percent of  
25 those polling places had one or more potential im-

1 pediments that prevented individuals with disabil-  
2 ities, especially those who use wheelchairs, from  
3 independently and privately voting at the polling  
4 place in the same manner as everyone else.

5 (4) The Department of Justice has interpreted  
6 accessible voting to allow curbside voting or absentee  
7 voting in lieu of making polling places physically ac-  
8 cessible.

9 (5) Curbside voting does not allow the voter the  
10 right to vote in privacy.

11 (b) SENSE OF CONGRESS.—It is the sense of Con-  
12 gress that the right to vote in a private and independent  
13 manner is a right that should be afforded to all eligible  
14 citizens, including citizens with disabilities, and that  
15 curbside voting should only be an alternative of the last  
16 resort in providing equal voting access to all eligible Amer-  
17 ican citizens.

18 **SEC. 808. SENSE OF CONGRESS ON COMPLIANCE WITH**  
19 **ELECTION TECHNOLOGY AND ADMINISTRA-**  
20 **TION REQUIREMENTS.**

21 It is the sense of Congress that full funding shall be  
22 provided to each State and locality to meet the require-  
23 ments relating to compliance with election technology and  
24 administration pursuant to this Act.

1 **SEC. 809. SENSE OF CONGRESS REGARDING CHANGES**  
2 **MADE TO THE ELECTORAL PROCESS AND**  
3 **HOW SUCH CHANGES IMPACT STATES.**

4 It is the sense of Congress that—

5 (1) the provisions of this Act shall not prohibit  
6 States to use curbside voting as a last resort to sat-  
7 isfy the voter accessibility requirements under sec-  
8 tion 301(a)(3);

9 (2) the provisions of this Act permit States—

10 (A) to use Federal funds to purchase new  
11 voting machines; and

12 (B) to elect to retrofit existing voting ma-  
13 chines in lieu of purchasing new machines to  
14 meet the voting machine accessibility require-  
15 ments under section 301(a)(3);

16 (3) nothing in this Act requires States to re-  
17 place existing voting machines;

18 (4) nothing under section 301(a) specifically re-  
19 quires States to install wheelchair ramps or pave  
20 parking lots at each polling location for the accessi-  
21 bility needs of individuals with disabilities; and

22 (5) the Election Assistance Commission, the At-  
23 torney General, and the Architectural and Transpor-  
24 tation Barriers Compliance Board should recognize  
25 the differences that exist between urban and rural

- 1 areas with respect to the administration of Federal
- 2 elections under this Act.