

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Martin Luther King, Jr. Equal Protection of Voting
4 Rights Act of 2002”.

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

Sec. 1. Short title; table of contents.

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Subtitle A—Automatic Payments for Election Administration Improvements

Sec. 101. Payments to States for activities to improve administration of elec-
tions.

Sec. 102. Amount of payment.

Subtitle B—Punch Card and Other Voting Systems

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PART 2—ENHANCING PERFORMANCE OF EXISTING SYSTEMS

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Sec. 131. Authorization of appropriations.

Sec. 132. Administration of programs.

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Sec. 201. Establishment.

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- Sec. 207. Studies and reports; other assistance.
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- Sec. 211. Establishment.
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- Sec. 213. Membership of Standards Board.
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- Sec. 221. Development of voluntary election standards.
- Sec. 222. Report on human factor research.
- Sec. 223. Study of voters who register by mail and use of Social Security information.
- Sec. 224. Study and report on electronic voting and the electoral process.
- Sec. 225. Study and report on free absentee ballot postage.
- Sec. 226. Technical standards development committee.
- Sec. 227. Process for adoption of voluntary standards.
- Sec. 228. Certification and testing of voting systems.
- Sec. 229. Dissemination of information.

Subtitle C—Election Assistance

PART 1—ELECTION FUND PAYMENTS TO STATES TO MEET UNIFORM AND
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- Sec. 231. Election fund payments to States for voting system improvements.
- Sec. 232. Allocation of funds.
- Sec. 233. Conditions for receipt of funds.
- Sec. 234. State plans.
- Sec. 235. Process for development and filing of application.
- Sec. 236. Authorization of appropriations.
- Sec. 237. Reports.

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

- Sec. 241. Payments to States and units of local government to assure access for disabled voters.
- Sec. 242. Amount of payment.
- Sec. 243. Requirements for eligibility.
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- Sec. 245. Reports.

PART 3—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

- Sec. 251. Grants for research on voting technology improvements.
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Sec. 253. Authorization of appropriations.

PART 4—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

Sec. 261. Pilot program.

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PART 5—PROTECTION AND ADVOCACY SYSTEMS

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TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION
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Sec. 304. Minimum standards.

Sec. 305. Methods of implementation left to discretion of State.

TITLE IV—ENFORCEMENT

Sec. 401. Actions by the attorney general for declaratory and injunctive relief.

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OVERSEAS CITIZENS

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Sec. 702. Designation of single State office to provide information on registration and absentee ballots for all voters in State.

Sec. 703. Extension of period covered by single absentee ballot application.

Sec. 704. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act.

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Sec. 706. Other requirements to promote participation of overseas and absent uniformed services voters.

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Sec. 803. Transfer of property, records, and personnel.

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Sec. 905. No effect on other laws.

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
12 the Administrator shall make an automatic, one-time pay-
13 ment to each State in which the chief State election official
14 notifies the Administrator that the State intends to use
15 the payment in accordance with this subtitle.

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

1 (1) Complying with the requirements under title
2 III.

3 (2) Improving the administration of the regu-
4 larly scheduled general election for Federal office
5 held in November 2002.

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

9 (4) Improving, acquiring, leasing, modifying, or
10 replacing voting systems and technology and meth-
11 ods for casting and counting votes.

12 (5) Improving the accessibility, quantity, and
13 quality of polling places, including providing physical
14 access for individuals with disabilities, providing
15 nonvisual access for individuals with visual impair-
16 ments, and providing assistance to Native Americans
17 or Alaska Native citizens and to individuals with
18 limited proficiency in the English language.

19 (6) Increasing voter participation and reducing
20 disenfranchisement through such procedures as
21 same-day registration.

22 (7) Educating voters concerning voting proce-
23 dures, voting rights, or voting technology, and train-
24 ing election officials, poll workers, and election vol-
25 unteers.

1 (8) Improving verification and identification of
2 voters at the polling place and identifying, deterring,
3 investigating, and referring allegations of voting
4 fraud to the appropriate authority.

5 (9) Establishing toll-free telephone hotlines that
6 voters may use to report possible voting fraud and
7 voting rights violations, to obtain general election in-
8 formation, and to access detailed automated infor-
9 mation on their own voter registration status, spe-
10 cific polling place locations, and other relevant infor-
11 mation.

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

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

15 (2) for the payment of any judgment; or

16 (3) to pay for administrative costs in excess of
17 1 percent of the total amount paid to the State
18 under this subtitle.

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

21 (1) IN GENERAL.—In order to receive a pay-
22 ment under the program under this subtitle, the
23 State shall provide the Administrator with assur-
24 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 Other** 6 **Voting Systems**

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 other voting system to admin-
16 ister the regularly scheduled general election for Federal
17 office held in November 2000.

18 (b) USE OF FUNDS.—A State or unit of local govern-
19 ment shall use (either directly or as reimbursement) the
20 funds provided under a payment under this part to replace
21 (by purchase, lease, or such other arrangement as may
22 be appropriate) a punch card voting system or other vot-
23 ing system in targeted precincts under its jurisdiction with
24 a voting system which does not use punch cards or other
25 voting system .

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 other 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 other 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 other 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 other 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 other 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 other 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;

9 (5) assurances that voting systems acquired
10 under this part will not be inconsistent with the re-
11 quirements under section 301; and

12 (6) such other information and assurances as
13 the Administrator may require which are necessary
14 for the administration of the program.

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

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

22 (A) failed to submit a notice under sub-
23 section (a) within the deadline specified under
24 such subsection,

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

3 (C) will not use the payment to replace
4 punch card voting systems or other voting sys-
5 tems in the unit; and

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

10 **SEC. 113. AMOUNT OF PAYMENT.**

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

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

19 (2) the lesser of—

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

24 (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 AND OTHER VOT-**
22 **ING SYSTEM DEFINED.**

23 (a) **PUNCH CARD VOTING SYSTEM.**—For purposes of
24 this subtitle, a “punch card voting system” means any of
25 the following voting systems:

26 (1) C.E.S.

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

7 (b) OTHER VOTING SYSTEM.—For purposes of this
8 subtitle, the term “other voting system” means a voting
9 system other than a punch card voting system or a direct
10 recording electronic voting system.

11 **PART 2—ENHANCING PERFORMANCE OF**
12 **EXISTING SYSTEMS**

13 **SEC. 121. ESTABLISHMENT OF PROGRAM.**

14 (a) IN GENERAL.—Not later than 45 days after the
15 date of the enactment of this Act, the Administrator shall
16 establish a program under which the Administrator shall
17 make a one-time payment to each eligible State or unit
18 of local government which used a punch card voting sys-
19 tem or other voting system in targeted precincts to admin-
20 ister the regularly scheduled general election for Federal
21 office held in November 2000.

22 (b) USE OF FUNDS.—A State or unit of local govern-
23 ment shall use the funds provided under a payment under
24 this part (either directly or as reimbursement) to make
25 technical enhancements to the performance of its punch

1 card voting system or its other voting system (by any ar-
2 rangement as may be appropriate) in the targeted pre-
3 cincts.

4 (c) DEADLINE.—

5 (1) IN GENERAL.—A State or unit of local gov-
6 ernment receiving a payment under the program
7 under this part shall ensure that technical enhance-
8 ments have been made to the performance of all of
9 the punch card voting systems or all of the other
10 voting systems (as the case may be) in the targeted
11 precincts under its jurisdiction in time for the regu-
12 larly scheduled general election for Federal office to
13 be held in November 2004.

14 (2) WAIVER.—If a State or unit of local govern-
15 ment certifies to the Election Assistance Commission
16 (established under section 201) not later than Janu-
17 ary 1, 2004, that the State or unit will not meet the
18 deadline described in paragraph (1) for good cause
19 and includes in the certification the reasons for the
20 failure to meet such deadline, the State or unit shall
21 ensure that technical enhancements will be made to
22 the performance of all of the punch card voting sys-
23 tems or other voting systems in the targeted pre-
24 cincts under its jurisdiction not later than November
25 1, 2005.

1 **SEC. 122. ELIGIBILITY.**

2 (a) STATES.—Subject to subsection (c), a State is eli-
3 gible to receive a payment under the program under this
4 part if it submits to the Administrator a notice not later
5 than 120 days after the date of the enactment of this Act
6 (in such form as the Administrator may require) which
7 contains—

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

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

21 (3) assurances that enhancements of voting sys-
22 tems under this part will not be inconsistent with
23 the requirements of section 301; and

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

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

5 (1) not later than January 1, 2003, a state-
6 ment of its intent to participate in the program, in-
7 cluding assurances that the State in which the unit
8 is located—

9 (A) failed to submit a notice under sub-
10 section (a) within the deadline specified under
11 such subsection,

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

14 (C) will not use the payment to enhance
15 the performance of punch card voting systems
16 or other voting systems in the unit; and

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

21 (c) PROHIBITING PARTICIPATION OF UNITS OF
22 LOCAL GOVERNMENT IN PUNCH CARD OR OTHER VOTING
23 SYSTEM REPLACEMENT PROGRAM.—A unit of local gov-
24 ernment is not eligible to receive a payment under the pro-

1 gram under this part if the unit receives a payment under
2 the program under part 1.

3 **SEC. 123. AMOUNT OF PAYMENT.**

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

7 (1) the number of the targeted precincts admin-
8 istered by the State or unit which used a punch card
9 voting system or other voting system (as the case
10 may be) to carry out the general Federal election
11 held in November 2000; and

12 (2) the lesser of—

13 (A) the cost to the State or unit (as the
14 case may be) of replacing the punch card voting
15 systems or other voting systems used in each
16 such precinct, or

17 (B) \$2,000.

18 **SEC. 124. REPAYMENT OF FUNDS FOR FAILURE TO MEET**

19 **DEADLINES.**

20 (a) IN GENERAL.—If a State or unit of local govern-
21 ment (as the case may be) receiving funds under the pro-
22 gram under this part fails to meet the deadlines applicable
23 to the State or unit under section 121(c), the State or
24 unit shall pay to the Administrator an amount equal to

1 the noncompliant precinct percentage of the amount of the
2 funds provided to the State or unit under the program.

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

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

12 (2) the total number of targeted precincts in
13 the State or unit.

14 **Subtitle C—General Provisions**

15 **SEC. 131. AUTHORIZATION OF APPROPRIATIONS.**

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

18 (1) \$85,000,000 for payments under subtitle A;

19 and

20 (2) \$215,000,000 for payments under subtitle

21 B.

22 (b) CONTINUING AVAILABILITY OF FUNDS AFTER
23 APPROPRIATION.—Any payment made to a State under
24 this title shall be available to the State without fiscal year
25 limitation (subject to subsection (c)(2)(C)).

1 (c) USE OF RETURNED FUNDS AND FUNDS REMAIN-
2 ING UNEXPENDED FOR ELECTION FUND PAYMENTS.—

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

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

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

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

16 (C) Any amounts appropriated for pay-
17 ments under this title which remain unobligated
18 as of January 1, 2005.

19 (d) AUTHORIZATION OF APPROPRIATIONS FOR AD-
20 MINISTRATOR.—In addition to the amounts authorized
21 under subsection (a), there are authorized to be appro-
22 priated to the Administrator such sums as may be nec-
23 essary to administer the programs under this title.

1 **SEC. 132. ADMINISTRATION OF PROGRAMS.**

2 In administering the programs under this title, the
3 Administrator shall take such actions as the Adminis-
4 trator considers appropriate to expedite the payment of
5 funds to eligible States and units of local government, in-
6 cluding using the Internet and other electronic means for
7 receiving and disseminating requests for payments and
8 other relevant information used under the programs.

9 **SEC. 133. EFFECTIVE DATE.**

10 The Administrator shall implement the program es-
11 tablished under this subtitle in a manner that ensures that
12 the Administrator is able to make payments under the
13 program not later than the expiration of the 45-day period
14 which begins on the date of the enactment of this Act.

15 **TITLE II—COMMISSION**

16 **Subtitle A—Establishment and**
17 **General Organization**

18 **PART 1—ELECTION ASSISTANCE COMMISSION**

19 **SEC. 201. ESTABLISHMENT.**

20 There is hereby established, as an independent estab-
21 lishment (as defined in section 104 of title 5, United
22 States Code), the Election Assistance Commission (here-
23 after in this title referred to as the “Commission”), con-
24 sisting of the members appointed under this part. Addi-
25 tionally, there is established the Election Assistance Com-
26 mission Standards Board (including the Executive Board

1 of such Board) under part 2 and the Election Assistance
2 Commission Board of Advisors under part 2.

3 **SEC. 202. DUTIES.**

4 The Commission shall serve as a national clearing-
5 house and resource for the compilation of information and
6 review of procedures with respect to the administration of
7 Federal elections by—

8 (1) administering the requirements under title
9 III;

10 (2) carrying out the duties described in subtitle
11 B (relating to voluntary election standards);

12 (3) carrying out the duties described in subtitle
13 C (relating to election assistance); and

14 (4) developing and carrying out the Help Amer-
15 ica Vote College Program under title V.

16 **SEC. 203. MEMBERSHIP AND APPOINTMENT.**

17 (a) MEMBERSHIP.—

18 (1) IN GENERAL.—The Commission shall have
19 4 members appointed by the President, by and with
20 the advice and consent of the Senate.

21 (2) RECOMMENDATIONS.—Before the initial ap-
22 pointment of the members of the Commission and
23 before the appointment of any individual to fill a va-
24 cancy on the Commission, the Majority Leader of
25 the Senate, the Speaker of the House of Representa-

1 tives, the Minority Leader of the Senate, and the
2 Minority Leader of the House of Representatives
3 shall each submit to the President a candidate rec-
4 ommendation with respect to each vacancy on the
5 Commission affiliated with the political party of the
6 officer involved.

7 (3) QUALIFICATIONS.—Each member of the
8 Commission shall have experience with or expertise
9 in election administration or election technology, or
10 the study of elections, the Constitution, or the his-
11 tory of the United States, and shall be appointed on
12 the basis of integrity, impartiality, and good judg-
13 ment.

14 (4) DATE OF APPOINTMENT.—The appoint-
15 ments of the members of the Commission shall be
16 made not later than 90 days after the date of enact-
17 ment of this Act.

18 (b) TERM OF SERVICE.—

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

23 (2) TERMS OF INITIAL APPOINTEES.—As des-
24 ignated by the President at the time of appointment,
25 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 (D) OTHER ACTIVITIES.—No member ap-
23 pointed to the Commission under subsection
24 (a)(1) may engage in any other business, voca-
25 tion, or employment while serving as a member

1 of the Commission and shall terminate or liq-
2 uidate such business, vocation, or employment
3 before sitting as a member of the Commission.

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

8 (d) COMPENSATION.—Each member of the Commis-
9 sion shall be compensated at the annual rate of basic pay
10 prescribed for level IV of the Executive Schedule under
11 section 5315 of title 5, United States Code.

12 **SEC. 204. STAFF.**

13 (a) EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND
14 OTHER STAFF.—

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

19 (2) TERM OF SERVICE FOR EXECUTIVE DIREC-
20 TOR.—The Executive Director shall serve for a term
21 of 4 years. An Executive Director may serve for a
22 longer period only if reappointed for an additional
23 term or terms by a majority vote of the Commission.

24 (3) PROCEDURE FOR APPOINTMENT.—

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

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

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

21 (D) SPECIAL RULES FOR INTERIM EXECU-
22 TIVE DIRECTOR.—

23 (i) CONVENING OF SEARCH COMMIT-
24 TEES.—The Standards Board and the
25 Board of Advisors shall each appoint a

1 search committee and recommend nomi-
2 nees for the position of Executive Director
3 in accordance with subparagraph (A) as
4 soon as practicable after the appointment
5 of their members.

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

19 (4) GENERAL COUNSEL.—The Commission
20 shall have a General Counsel, who shall be appointed
21 by the Commission and who shall serve under the
22 Executive Director. The General Counsel shall serve
23 for a term of 4 years, and may serve for a longer
24 period only if reappointed for an additional term or
25 terms by a majority vote of the Commission..

1 (5) OTHER STAFF.—Subject to rules prescribed
2 by the Commission, the Executive Director may ap-
3 point and fix the pay of such additional personnel as
4 the Executive Director considers appropriate.

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

17 (b) EXPERTS AND CONSULTANTS.—Subject to rules
18 prescribed by the Commission, the Executive Director may
19 procure temporary and intermittent services under section
20 3109(b) of title 5, United States Code, with the approval
21 of not fewer than 3 of the members of the Commission.

22 (c) STAFF OF FEDERAL AGENCIES.—Upon request
23 of the Commission, the head of any Federal department
24 or agency may detail, on a reimbursable basis, any of the

1 personnel of that department or agency to the Commission
2 to assist it in carrying out its duties under this Act.

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

14 (e) CONSULTATION WITH BOARD OF ADVISORS AND
15 STANDARDS BOARD ON CERTAIN MATTERS.—In pre-
16 paring the program goals, long-term plans, mission state-
17 ments, and related matters for the Commission, the Exec-
18 utive Director and staff of the Commission shall consult
19 with the Election Assistance Commission Board of Advi-
20 sors and the Election Assistance Commission Standards
21 Board established under part 2.

22 **SEC. 205. POWERS.**

23 (a) HEARINGS AND SESSIONS.—The Commission
24 may hold such hearings for the purpose of carrying out
25 this Act, sit and act at such times and places, take such

1 testimony, and receive such evidence as the Commission
2 considers advisable to carry out this Act. The Commission
3 may administer oaths and affirmations to witnesses ap-
4 pearing before the Commission.

5 (b) INFORMATION FROM FEDERAL AGENCIES.—The
6 Commission may secure directly from any Federal depart-
7 ment or agency such information as the Commission con-
8 siders necessary to carry out this Act. Upon request of
9 the Commission, the head of such department or agency
10 shall furnish such information to the Commission.

11 (c) POSTAL SERVICES.—The Commission may use
12 the United States mails in the same manner and under
13 the same conditions as other departments and agencies of
14 the Federal Government.

15 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
16 the request of the Commission, the Administrator of Gen-
17 eral Services shall provide to the Commission, on a reim-
18 bursable basis, the administrative support services that
19 are necessary to enable the Commission to carry out its
20 duties under this Act.

21 (e) CONTRACTS.—The Commission may contract
22 with and compensate persons and Federal agencies for
23 supplies and services without regard to section 3709 of
24 the Revised Statutes of the United States (41 U.S.C. 5).

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

2 Any action which the Commission is authorized to
3 carry out under this Act may be carried out only with the
4 approval of not fewer than 3 of its members, except that
5 the Commission may conduct an audit of a recipient of
6 election assistance funds under subtitle C (in accordance
7 with section 902) with the approval of any 2 of its mem-
8 bers.

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

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

17 (1) A detailed description of activities con-
18 ducted with respect to each program carried out by
19 the Commission under this Act, including informa-
20 tion on each grant or other payment made under
21 such programs.

22 (2) A copy of each report submitted to the
23 Commission by a recipient of such grants or pay-
24 ments which is required under such a program, in-
25 cluding reports submitted by States receiving Elec-
26 tion Fund payments under part 1 of subtitle C, and

1 each other report submitted to the Commission
2 under this Act or the amendments made by this Act.

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

6 (4) All votes taken by the Commission.

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

9 (b) STUDY ON ESTABLISHMENT OF VOTING SYSTEM
10 PERFORMANCE BENCHMARKS.—The Commission shall
11 conduct a study regarding the best methods for estab-
12 lishing voting system performance benchmarks, expressed
13 as a percentage of residual vote in the Federal contest at
14 the top of the ballot.

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

16 The Commission shall not have any authority to issue
17 any rule, promulgate any regulation, or take any other ac-
18 tion which imposes any requirement on any State or unit
19 of local government, except to the extent permitted under
20 section 9(a) the National Voter Registration Act of 1993
21 (42 U.S.C. 1973gg-7) or required to enable the Commis-
22 sion to carry out its responsibilities under title III.

23 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

24 In addition to the amounts authorized for payments
25 and grants under this title and the amounts authorized

1 to be appropriated for the program under section 503,
2 there are authorized to be appropriated for each of the
3 fiscal years 2003 through 2005 such sums as may be nec-
4 essary (but not to exceed \$10,000,000 for each such year)
5 to carry out this title.

6 **PART 2—ELECTION ASSISTANCE COMMISSION**

7 **STANDARDS BOARD AND BOARD OF ADVISORS**

8 **SEC. 211. ESTABLISHMENT.**

9 There are hereby established the Election Assistance
10 Commission Standards Board (hereafter in this title re-
11 ferred to as the “Standards Board”) and the Election As-
12 sistance Commission Board of Advisors (hereafter in this
13 title referred to as the “Board of Advisors”).

14 **SEC. 212. DUTIES.**

15 The Standards Board and the Board of Advisors
16 shall each, in accordance with the procedures described in
17 section 227, review any of the voluntary engineering and
18 procedural performance standards described in section
19 221(a)(1), any of the voluntary standards that may be in-
20 cluded in the periodic studies described in section
21 221(a)(4), and any of the voluntary election management
22 practice standards described in section 221(a)(5) (and any
23 modifications to such standards) which are recommended
24 by the Commission under subtitle B.

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

2 (a) COMPOSITION.—

3 (1) IN GENERAL.—Subject to certification by
4 the chair of the Federal Election Commission under
5 subsection (b), the Standards Board shall be com-
6 posed of 114 members as follows:

7 (A) 55 shall be State election officials se-
8 lected by the chief State election officials of
9 each State.

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

12 (C) 1 shall be a representative of the
13 League of Women Voters.

14 (D) 1 shall be a representative of the Na-
15 tional Association for the Advancement of Col-
16 ored People.

17 (E) 1 shall be a representative of the Para-
18 lyzed Veterans of America.

19 (F) 1 shall be a representative of the
20 American Association of Retired Persons.

21 (2) LIST OF LOCAL ELECTION OFFICIALS.—
22 Each State's local election officials shall select
23 (under a process supervised by the chief election of-
24 ficial of the State) a representative local election of-
25 ficial from the State for purposes of paragraph
26 (1)(B). In the case of the District of Columbia,

1 Puerto Rico, the United States Virgin Islands,
2 Guam, and American Samoa, the chief election offi-
3 cial shall establish a procedure for selecting an indi-
4 vidual to serve as a local election official for pur-
5 poses of such paragraph, except that under such a
6 procedure the individual selected may not be a mem-
7 ber of the same political party as the chief election
8 official.

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

13 (b) PROCEDURES FOR NOTICE AND CERTIFICATION
14 OF APPOINTMENT.—

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

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

24 (B) the name of the representative local
25 election official from the State selected under

1 subsection (a)(2) who will serve on the Stand-
2 ards Board under this title.

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

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

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

22 (c) EXECUTIVE BOARD.—

23 (1) IN GENERAL.—Not later than 60 days after
24 the last day on which the appointment of any of its
25 members may be certified under subsection (b), the

1 Standards Board shall select 9 of its members to
2 serve as the Executive Board of the Standards
3 Board, of whom—

4 (A) not more than 4 may be State election
5 officials;

6 (B) not more than 4 may be local election
7 officials;

8 (C) not more than 1 shall be selected from
9 among the members described in subparagraphs
10 (C) through (F) of subsection (a)(1); and

11 (D) not more than 5 may be members of
12 the same political party.

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

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

20 (A) 3 shall serve for one term;

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

22 and

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

1 (4) DUTIES.—In addition to any other duties
2 assigned under this title, the Executive Board of the
3 Standards Board may carry out such duties of the
4 Standards Board as the Standards Board may dele-
5 gate.

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

7 (a) IN GENERAL.—The Board of Advisors shall be
8 composed of 36 members appointed as follows:

9 (1) 2 members appointed by the United States
10 Commission on Civil Rights.

11 (2) 2 members appointed by the Architectural
12 and Transportation Barrier Compliance Board
13 under section 502 of the Rehabilitation Act of 1973
14 (29 U.S.C. 792).

15 (3) 2 members appointed by the National Gov-
16 ernors Association.

17 (4) 2 members appointed by the National Con-
18 ference of State Legislatures.

19 (5) 2 members appointed by the National Asso-
20 ciation of Secretaries of State.

21 (6) 2 members appointed by the National Asso-
22 ciation of State Election Directors.

23 (7) 2 members appointed by the National Asso-
24 ciation of Counties.

1 (8) 2 members appointed by the National Asso-
2 ciation of County Recorders, Election Administra-
3 tors, and Clerks.

4 (9) 2 members appointed by the United States
5 Conference of Mayors.

6 (10) 2 members appointed by the Election Cen-
7 ter.

8 (11) 2 members appointed by the International
9 Association of County Recorders, Election Officials,
10 and Treasurers.

11 (12) 4 members representing professionals in
12 the field of science and technology, of whom 1 shall
13 be appointed by the Speaker of the House of Rep-
14 resentatives, 1 shall be appointed by the Minority
15 Leader of the House of Representatives, 1 shall be
16 appointed by the Majority Leader of the Senate, and
17 1 shall be appointed by the Minority Leader of the
18 Senate.

19 (13) The chief of the Office of Public Integrity
20 of the Department of Justice, or the chief's des-
21 ignee.

22 (14) The Director of the Department of De-
23 fense Federal Voting Assistance Program.

1 (15) 2 members appointed by, and from among
2 members of, the Leadership Conference on Civil
3 Rights.

4 (16) 2 members appointed by, and from among
5 members of, the American Federation of Labor and
6 Congress of Industrial Organizations.

7 (17) 2 members appointed by, and from among
8 members of, the National Council of La Raza.

9 (18) 2 members appointed by, and from among
10 members of, the American Association of People
11 with Disabilities.

12 (b) APPOINTMENTS.—Appointments shall be made to
13 the Board of Advisors under subsection (a) in a manner
14 which ensures that the Board of Advisors will be bipar-
15 tisan in nature and will reflect the various geographic re-
16 gions of the United States.

17 (c) TERM OF SERVICE; VACANCY.—Members of the
18 Board of Advisors shall serve for a term of 2 years, and
19 may be reappointed. Any vacancy in the Board of Advisors
20 shall be filled in the manner in which the original appoint-
21 ment was made.

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

1 **SEC. 215. POWERS OF BOARDS; NO COMPENSATION FOR**
2 **SERVICE.**

3 (a) HEARINGS AND SESSIONS.—

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

15 (2) MEETINGS.—The Standards Board and the
16 Board of Advisors shall each hold a meeting of its
17 members—

18 (A) not less frequently than once every
19 year for purposes of voting on the standards re-
20 ferred to it under section 227;

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

24 (C) at such other times as it considers ap-
25 propriate for purposes of conducting such other

1 business as it considers appropriate consistent
2 with this title.

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

11 (c) POSTAL SERVICES.—The Standards Board and
12 the Board of Advisors may use the United States mails
13 in the same manner and under the same conditions as a
14 department or agency of the Federal Government.

15 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
16 the request of the Executive Board (in the case of the
17 Standards Board) or the Chair (in the case of the Board
18 of Advisors), the Administrator of General Services shall
19 provide to the Board, on a reimbursable basis, the admin-
20 istrative support services that are necessary to enable the
21 Board to carry out its duties under this title.

22 (e) NO COMPENSATION FOR SERVICE.—Members of
23 the Standards Board and members of the Board of Advi-
24 sors shall not receive any compensation for their service,
25 but shall be paid travel expenses, including per diem in

1 lieu of subsistence, at rates authorized for employees of
2 agencies under subchapter I of chapter 57 of title 5,
3 United States Code, while away from their homes or reg-
4 ular places of business in the performance of services for
5 the Board.

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

8 (a) IN GENERAL.—The provisions of chapters 161
9 and 171 of title 28, United States Code, shall apply with
10 respect to the liability of the Standards Board, the Board
11 of Advisors, and their members for acts or omissions per-
12 formed pursuant to and in the course of the duties and
13 responsibilities of the Board.

14 (b) EXCEPTION FOR CRIMINAL ACTS AND OTHER
15 WILLFUL CONDUCT.—Subsection (a) may not be con-
16 strued to limit personal liability for criminal acts or omis-
17 sions, willful or malicious misconduct, acts or omissions
18 for private gain, or any other act or omission outside the
19 scope of the service of a member of the Standards Board
20 or the Board of Advisors.

21 **Subtitle B—Voluntary Election**
22 **Standards**

23 **SEC. 221. DEVELOPMENT OF VOLUNTARY ELECTION**
24 **STANDARDS.**

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

1 (1) In accordance with section 227, develop
2 (through the Executive Director of the Commission),
3 adopt, and update (not less often than every 4 years
4 thereafter) voluntary engineering and procedural
5 performance standards for voting systems used in
6 Federal elections which shall meet the following re-
7 quirements:

8 (A) The scope of the standards should in-
9 clude security (including a documentary audit
10 for non-ballot systems), the procedures for cer-
11 tification and decertification of software and
12 hardware, the assessment of usability, and oper-
13 ational guidelines for the proper use and main-
14 tenance of equipment.

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

20 (2) Maintain a clearinghouse of information on
21 the experiences of State and local governments in
22 implementing the voluntary standards described in
23 paragraph (1) and in operating voting systems in
24 general.

1 (3) In accordance with section 228, provide for
2 the voluntary testing, certification, decertification,
3 and recertification of voting systems.

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

9 (A) will be the most convenient, accessible,
10 and easy to use for voters, including members
11 of the uniformed services and overseas voters,
12 blind and disabled voters, and voters with lim-
13 ited English proficiency;

14 (B) will yield the most accurate, secure,
15 and expeditious system for voting and tab-
16 ulating election results;

17 (C) will be nondiscriminatory and afford
18 each registered and eligible voter an equal op-
19 portunity to vote and have that vote counted;
20 and

21 (D) will be efficient and cost-effective for
22 use.

23 (5) In accordance with section 227, develop
24 (through the Executive Director of the Commission),
25 adopt, and update (not less often than every 4

1 years) voluntary election management practice
2 standards for State and local election officials to
3 maintain and enhance the administration of Federal
4 elections, including standards developed in consulta-
5 tion with the Secretary of Defense to govern the
6 treatment of absent uniformed services voters (as
7 defined in section 107(1) of the Uniformed and
8 Overseas Citizens Absentee Voting Act) and overseas
9 voters (as defined in section 107(5) of such Act)
10 which will include provisions to address each of the
11 following:

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

14 (B) The rights of absent uniformed serv-
15 ices voters and overseas voters to register to
16 vote and cast absentee ballots, including the
17 right of such voters to cast a secret ballot.

18 (C) The rights of absent uniformed serv-
19 ices voters and overseas voters to submit absen-
20 tee ballot applications early during an election
21 year.

22 (D) The appropriate pre-election deadline
23 for mailing absentee ballots to absent uniformed
24 services voters and overseas voters.

1 (E) The appropriate minimum period be-
2 tween the mailing of absentee ballots to absent
3 uniformed services voters and overseas voters
4 and the deadline for receipt of such ballots.

5 (F) The timely transmission of balloting
6 materials to absent uniformed services voters
7 and overseas voters.

8 (G) Security and privacy concerns in the
9 transmission, receipt, and processing of ballots
10 from absent uniformed services voters and over-
11 seas voters, including the need to protect
12 against fraud.

13 (H) The use of a single application by ab-
14 sent uniformed services voters and overseas vot-
15 ers for absentee ballots for all Federal elections
16 occurring during a year.

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

20 (J) The use of facsimile machines and elec-
21 tronic means of transmission of absentee ballot
22 applications and absentee ballots to absent uni-
23 formed services voters and overseas voters.

1 (K) Other issues related to the rights of
2 absent uniformed services voters and overseas
3 voters to participate in elections.

4 (6) Carry out the provisions of section 9 of the
5 National Voter Registration Act of 1993 (42 U.S.C.
6 1973gg-7) regarding mail voter registration.

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

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

15 (9) Gather information and serve as a clearing-
16 house concerning issues relating to Federal, State,
17 and local elections.

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

22 (1) Methods and mechanisms of election tech-
23 nology and voting systems used in voting and count-
24 ing votes in elections for Federal office, including

1 the over-vote and under-vote notification capabilities
2 of such technology and systems.

3 (2) Ballot designs for elections for Federal of-
4 fice.

5 (3) Methods of voter registration, maintaining
6 secure and accurate lists of registered voters, and
7 ensuring that all registered voters appear on the
8 polling list at the appropriate polling site.

9 (4) Methods of conducting provisional voting.

10 (5) Methods of ensuring the accessibility of vot-
11 ing, registration, polling places, and voting equip-
12 ment to all voters, including blind and disabled vot-
13 ers, Native American or Alaska Native citizens, and
14 voters with limited proficiency in the English lan-
15 guage.

16 (6) Nationwide statistics and methods of identi-
17 fying, deterring, and investigating voting fraud in
18 elections for Federal office.

19 (7) Methods of voter intimidation.

20 (8) The recruitment and training of poll work-
21 ers.

22 (9) Methods of educating voters about the proc-
23 ess of registering to vote and voting, the operation
24 of voting mechanisms, the location of polling places,
25 and all other aspects of participating in elections.

1 (10) The feasibility and advisability of con-
2 ducting elections for Federal office on different days,
3 at different places, and during different hours, in-
4 cluding the advisability of establishing a uniform poll
5 closing time and establishing election day or an ex-
6 isting legal public holiday as a Federal holiday.

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

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

14 (13)(A) The laws and procedures used by each
15 State that govern—

16 (i) recounts of ballots cast in elections for
17 Federal office;

18 (ii) contests of determinations regarding
19 whether votes are counted in such elections; and

20 (iii) standards that define what will con-
21 stitute a vote on each type of voting equipment
22 used in the State to conduct elections for Fed-
23 eral office.

1 (B) The best practices (as identified by the
2 Commission) that are used by States with respect to
3 the recounts and contests described in clause (i).

4 (C) Whether or not there is a need for more
5 consistency among State recount and contest proce-
6 dures used with respect to elections for Federal of-
7 fice.

8 (14) The technical feasibility of providing vot-
9 ing materials in 8 or more languages for voters who
10 speak those languages and who are limited English
11 proficient.

12 (15) Matters particularly relevant to voting and
13 administering elections in rural and urban areas.

14 (16) Such other matters as the Commission de-
15 termines are appropriate.

16 (c) REPORTS.—The Commission shall submit to the
17 President and to the Committee on House Administration
18 of the House of Representatives and the Committee on
19 Rules and Administration of the Senate a report on each
20 study conducted under subsection (a) together with such
21 recommendations for administrative and legislative action
22 as the Commission determines is appropriate.

23 (d) CONSULTATION WITH STANDARDS BOARD AND
24 BOARD OF ADVISORS.—The Commission shall carry out

1 its duties under this subtitle in consultation with the
2 Standards Board and the Board of Advisors.

3 **SEC. 222. REPORT ON HUMAN FACTOR RESEARCH.**

4 Not later than 1 year after the date of the enactment
5 of this Act, the Commission, in consultation with the Di-
6 rector of the National Institute of Standards and Tech-
7 nology, shall submit a report to Congress which assesses
8 the areas of human factor research, including usability en-
9 gineering and human-computer and human-machine inter-
10 action, which feasibly could be applied to voting products
11 and systems design to ensure the usability and accuracy
12 of voting products and systems, including methods to im-
13 prove access for individuals with disabilities (including
14 blindness) and to reduce voter error and the number of
15 spoiled ballots in elections.

16 **SEC. 223. STUDY OF VOTERS WHO REGISTER BY MAIL AND**
17 **USE OF SOCIAL SECURITY INFORMATION.**

18 (a) REGISTRATION BY MAIL.—

19 (1) STUDY.—

20 (A) IN GENERAL.—The Commission shall
21 conduct a study of the impact of section 303(b)
22 on voters who register by mail.

23 (B) SPECIFIC ISSUES STUDIED.—The
24 study conducted under subparagraph (A) shall
25 include—

1 (i) an examination of the impact of
2 section 303(b) on first time mail registrant
3 voters who vote in person, including the
4 impact of such section on voter registra-
5 tion;

6 (ii) an examination of the impact of
7 such section on the accuracy of voter rolls,
8 including preventing ineligible names from
9 being placed on voter rolls and ensuring
10 that all eligible names are placed on voter
11 rolls; and

12 (iii) an analysis of the impact of such
13 section on existing State practices, such as
14 the use of signature verification or attesta-
15 tion procedures to verify the identity of
16 voters in elections for Federal office, and
17 an analysis of other changes that may be
18 made to improve the voter registration
19 process, such as verification or additional
20 information on the registration card.

21 (2) REPORT.—Not later than 18 months after
22 the date on which section 303(b)(2) takes effect, the
23 Commission shall submit a report to the President
24 and Congress on the study conducted under para-
25 graph (1)(A) together with such recommendations

1 for administrative and legislative action as the Com-
2 mission determines is appropriate.

3 (b) USE OF SOCIAL SECURITY INFORMATION.—Not
4 later than 18 months after the date of enactment of this
5 Act, the Commission, in consultation with the Commis-
6 sioner of Social Security, shall study and report to Con-
7 gress on the feasibility and advisability of using Social Se-
8 curity identification numbers or other information com-
9 piled by the Social Security Administration to establish
10 voter registration or other election law eligibility or identi-
11 fication requirements, including the matching of relevant
12 information specific to an individual voter, the impact of
13 such use on national security issues, and whether adequate
14 safeguards or waiver procedures exist to protect the pri-
15 vacy of an individual voter.

16 **SEC. 224. STUDY AND REPORT ON ELECTRONIC VOTING**
17 **AND THE ELECTORAL PROCESS.**

18 (a) STUDY.—

19 (1) IN GENERAL.—The Commission shall con-
20 duct a thorough study of issues and challenges, spe-
21 cifically to include the potential for election fraud,
22 presented by incorporating communications and
23 Internet technologies in the Federal, State, and local
24 electoral process.

1 (2) ISSUES TO BE STUDIED.—The Commission
2 may include in the study conducted under paragraph
3 (1) an examination of—

4 (A) the appropriate security measures re-
5 quired and minimum standards for certification
6 of systems or technologies in order to minimize
7 the potential for fraud in voting or in the reg-
8 istration of qualified citizens to register and
9 vote;

10 (B) the possible methods, such as Internet
11 or other communications technologies, that may
12 be utilized in the electoral process, including the
13 use of those technologies to register voters and
14 enable citizens to vote online, and recommenda-
15 tions concerning statutes and rules to be adopt-
16 ed in order to implement an online or Internet
17 system in the electoral process;

18 (C) the impact that new communications
19 or Internet technology systems for use in the
20 electoral process could have on voter participa-
21 tion rates, voter education, public accessibility,
22 potential external influences during the elec-
23 tions process, voter privacy and anonymity, and
24 other issues related to the conduct and adminis-
25 tration of elections;

1 (D) whether other aspects of the electoral
2 process, such as public availability of candidate
3 information and citizen communication with
4 candidates, could benefit from the increased use
5 of online or Internet technologies;

6 (E) the requirements for authorization of
7 collection, storage, and processing of electroni-
8 cally generated and transmitted digital mes-
9 sages to permit any eligible person to register
10 to vote or vote in an election, including applying
11 for and casting an absentee ballot;

12 (F) the implementation cost of an online
13 or Internet voting or voter registration system
14 and the costs of elections after implementation
15 (including a comparison of total cost savings for
16 the administration of the electoral process by
17 using Internet technologies or systems);

18 (G) identification of current and foresee-
19 able online and Internet technologies for use in
20 the registration of voters, for voting, or for the
21 purpose of reducing election fraud, currently
22 available or in use by election authorities;

23 (H) the means by which to ensure and
24 achieve equity of access to online or Internet

1 voting or voter registration systems and address
2 the fairness of such systems to all citizens; and

3 (I) the impact of technology on the speed,
4 timeliness, and accuracy of vote counts in Fed-
5 eral, State, and local elections.

6 (b) REPORT.—

7 (1) SUBMISSION.—Not later than 20 months
8 after the date of enactment of this Act, the Commis-
9 sion shall transmit to Congress a report on the re-
10 sults of the study conducted under subsection (a),
11 including such legislative recommendations or model
12 State laws as are required to address the findings of
13 the Commission.

14 (2) INTERNET POSTING.—In addition to the
15 dissemination requirements under chapter 19 of title
16 44, United States Code, the Election Administration
17 Commission shall post the report transmitted under
18 paragraph (1) on an Internet website.

19 **SEC. 225. STUDY AND REPORT ON FREE ABSENTEE BALLOT**
20 **POSTAGE.**

21 (a) STUDY ON THE ESTABLISHMENT OF A FREE AB-
22 SENTEE BALLOT POSTAGE PROGRAM.—

23 (1) IN GENERAL.—The Commission, in con-
24 sultation with the Postal Service, shall conduct a
25 study on the feasibility and advisability of the estab-

1 lishment of a program under which the Postal Serv-
2 ice shall waive the amount of postage applicable with
3 respect to absentee ballots submitted by voters in
4 general elections for Federal office (other than bal-
5 loting materials mailed under section 3406 of title
6 39, United States Code) that does not apply with re-
7 spect to the postage required to send the absentee
8 ballots to voters.

9 (2) PUBLIC SURVEY.—As part of the study con-
10 ducted under paragraph (1), the Commission shall
11 conduct a survey of potential beneficiaries under the
12 program described in such paragraph, including the
13 elderly and disabled, and shall take into account the
14 results of such survey in determining the feasibility
15 and advisability of establishing such a program.

16 (b) REPORT.—

17 (1) SUBMISSION.—Not later than the date that
18 is 1 year after the date of enactment of this Act, the
19 Commission shall submit to Congress a report on
20 the study conducted under subsection (a)(1) to-
21 gether with recommendations for such legislative
22 and administrative action as the Commission deter-
23 mines appropriate.

24 (2) COSTS.—The report submitted under para-
25 graph (1) shall contain an estimate of the costs of

1 establishing the program described in subsection
2 (a)(1).

3 (3) IMPLEMENTATION.—The report submitted
4 under paragraph (1) shall contain an analysis of the
5 feasibility of implementing the program described in
6 subsection (a)(1) with respect to the absentee ballots
7 submitted in the general election for Federal office
8 held in 2004.

9 (4) RECOMMENDATIONS REGARDING THE EL-
10 DERLY AND DISABLED.—The report submitted
11 under paragraph (1) shall—

12 (A) include recommendations on ways that
13 program described in subsection (a)(1) would
14 target elderly individuals and individuals with
15 disabilities; and

16 (B) identify methods to increase the num-
17 ber of such individuals who vote in elections for
18 Federal office.

19 (c) POSTAL SERVICE DEFINED.—The term “Postal
20 Service” means the United States Postal Service estab-
21 lished under section 201 of title 39, United States Code.

22 **SEC. 226. TECHNICAL STANDARDS DEVELOPMENT COM-**
23 **MITTEE.**

24 (a) ESTABLISHMENT.—There is hereby established
25 the Technical Standards Development Committee (here-

1 after in this subtitle referred to as the “Development Com-
2 mittee”).

3 (b) DUTIES.—

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

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

17 (c) MEMBERSHIP.—

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

1 (A) An equal number of each of the fol-
2 lowing:

3 (i) Members of the Standards Board.

4 (ii) Members of the Board of Advi-
5 sors.

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

10 (B) A representative of the American Na-
11 tional Standards Institute.

12 (C) A representative of the Institute of
13 Electrical and Electronics Engineers.

14 (D) 2 representatives of the National Asso-
15 ciation of State Election Directors selected by
16 such Association who are not members of the
17 Standards Board or Board of Advisors, and
18 who are not of the same political party.

19 (E) Four representatives of the Internet
20 and information technology industries (at least
21 2 of whom shall represent a company that is
22 engaged in the provision of electronic voting
23 services on the date on which the representative
24 is appointed, and at least 2 of whom shall pos-

1 sess special expertise in Internet or communica-
2 tions systems security).

3 (F) Other individuals with technical and
4 scientific expertise relating to voting systems
5 and voting equipment.

6 (2) QUORUM.—A majority of the members of
7 the Development Committee shall constitute a
8 quorum, except that the Development Committee
9 may not conduct any business prior to the appoint-
10 ment of all of its members.

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

19 (e) TECHNICAL SUPPORT FROM NATIONAL INSTI-
20 TUTE OF STANDARDS AND TECHNOLOGY.—At the request
21 of the Development Committee, the Director of the Na-
22 tional Institute of Standards and Technology shall provide
23 the Development Committee with technical support nec-
24 essary for the Development Committee to carry out its du-
25 ties under this subtitle.

1 (f) PUBLICATION OF RECOMMENDATIONS IN FED-
2 ERAL REGISTER.—At the time the Commission adopts any
3 standard pursuant to section 227, the Development Com-
4 mittee shall cause to have published in the Federal Reg-
5 ister the recommendations it provided under this section
6 to the Executive Director of the Commission concerning
7 the standard adopted.

8 **SEC. 227. PROCESS FOR ADOPTION OF VOLUNTARY STAND-**
9 **ARDS.**

10 (a) CONSIDERATION OF RECOMMENDATIONS OF DE-
11 VELOPMENT COMMITTEE; SUBMISSION OF PROPOSED
12 VOLUNTARY STANDARDS TO BOARD OF ADVISORS AND
13 STANDARDS BOARD.—

14 (1) CONSIDERATION OF RECOMMENDATIONS OF
15 DEVELOPMENT COMMITTEE.—In developing stand-
16 ards and modifications for purposes of this section,
17 the Executive Director of the Commission shall take
18 into consideration the recommendations provided by
19 the Technical Standards Development Committee
20 under section 226.

21 (2) BOARD OF ADVISORS.—The Executive Di-
22 rector of the Commission shall submit each of the
23 voluntary engineering and procedural performance
24 standards (described in section 221(a)(1)), each of
25 the voluntary standards included in the periodic

1 studies described in section 221(a)(4), and each of
2 the voluntary election management practice stand-
3 ards (described in section 221(a)(5)) developed by
4 the Executive Director (or any modifications to such
5 standards) to the Board of Advisors.

6 (3) STANDARDS BOARD.—The Executive Direc-
7 tor of the Commission shall submit each of the vol-
8 untary engineering and procedural performance
9 standards (described in section 221(a)(1)), each of
10 the voluntary standards included in the periodic
11 studies described in section 221(a)(4), and each of
12 the voluntary election management practice stand-
13 ards (described in section 221(a)(5)) developed by
14 the Executive Director (or any modifications to such
15 standards) to the Executive Board of the Standards
16 Board, who shall review the standard (or modifica-
17 tion) and forward its recommendations to the Stand-
18 ards Board.

19 (b) REVIEW.—Upon receipt of a voluntary standard
20 described in subsection (a) (or modification of such a
21 standard) from the Executive Director of the Commission,
22 the Board of Advisors and the Standards Board shall each
23 review and submit comments and recommendations re-
24 garding the standard (or modification) to the Commission.

25 (c) FINAL APPROVAL.—

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

10 (2) MINIMUM PERIOD FOR CONSIDERATION OF
11 COMMENTS AND RECOMMENDATIONS.—The Commis-
12 sion may not vote on the final adoption of a vol-
13 untary standard described in subsection (a) (or
14 modification of such a standard) until the expiration
15 of the 90-day period which begins on the date the
16 Executive Director of the Commission submits the
17 standard (or modification) to the Board of Advisors
18 and the Standards Board under subsection (a).

19 **SEC. 228. CERTIFICATION AND TESTING OF VOTING SYS-**
20 **TEMS.**

21 (a) CERTIFICATION AND TESTING.—

22 (1) IN GENERAL.—The Commission shall pro-
23 vide for the testing, certification, decertification, and
24 recertification of voting system hardware and soft-
25 ware by accredited laboratories.

1 (2) OPTIONAL USE BY STATES.—At the option
2 of a State, the State may provide for the testing,
3 certification, decertification, or recertification of its
4 voting system hardware and software by the labora-
5 tories accredited by the Commission under this sec-
6 tion.

7 (b) LABORATORY ACCREDITATION.—

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

20 (2) APPROVAL BY COMMISSION.—The Commis-
21 sion shall vote on the proposed accreditation of each
22 laboratory on the list submitted under paragraph
23 (1), and no laboratory may be accredited for pur-
24 poses of this section unless its accreditation is ap-

1 proved by a majority vote of the members of the
2 Commission.

3 (c) CONTINUING REVIEW BY NATIONAL INSTITUTE
4 OF STANDARDS AND TECHNOLOGY.—

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

16 (2) APPROVAL BY COMMISSION REQUIRED FOR
17 REVOCATION.—The accreditation of a laboratory for
18 purposes of this section may not be revoked unless
19 the revocation is approved by a majority vote of the
20 members of the Commission.

21 **SEC. 229. DISSEMINATION OF INFORMATION.**

22 On an ongoing basis, and in addition to the dissemi-
23 nation requirements under chapter 19 of title 44, United
24 States Code, the Commission shall disseminate to the pub-
25 lic (through the Internet, published reports, and such

1 other methods as the Commission considers appropriate)
2 information on the activities carried out under this sub-
3 title, including—

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

8 (2) the list of laboratories accredited to carry
9 out testing, certification, decertification, and recer-
10 tification of voting system hardware and software
11 under section 228; and

12 (3) a list of voting system hardware and soft-
13 ware products which have been certified pursuant to
14 section 228 as meeting the applicable voluntary
15 standards adopted by the Commission under this
16 subtitle.

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

3 (D) Improving equipment and methods for
4 casting and counting votes.

5 (E) Recruiting and training election offi-
6 cial and poll workers.

7 (F) Improving the quantity and quality of
8 available polling places.

9 (G) Educating voters about their rights
10 and responsibilities.

11 (c) RETROACTIVE PAYMENTS.—The Commission
12 may make retroactive payments to States having an appli-
13 cation approved under this part for any costs for election
14 technology or administration that meets a requirement of
15 section 301, 302, or 303 that were incurred during the
16 period beginning on January 1, 2001, and ending on the
17 date on which such application was approved under this
18 part. A State that is engaged in a multiyear contract en-
19 tered into prior to January 1, 2001, is eligible to apply
20 for a grant under this part for payments made on or after
21 January 1, 2001, pursuant to that contract.

22 (d) ADOPTION OF COMMISSION STANDARDS NOT RE-
23 QUIRED TO RECEIVE PAYMENT.—Nothing in this part
24 may be construed to require a State to implement any of
25 the voluntary standards adopted by the Commission with

1 respect to any matter as a condition for receiving an Elec-
2 tion Fund payment.

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

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

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

12 (2) for the payment of any judgment; or

13 (3) to pay for administrative costs in excess of
14 1 percent of the total amount paid to the State
15 under this subtitle.

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

17 (a) IN GENERAL.—Subject to subsections (b) and (c),
18 the Commission shall pay to each State having an applica-
19 tion approved under this part the cost of the activities de-
20 scribed in that application.

21 (b) MINIMUM AMOUNT OF PAYMENT.—The amount
22 of an Election Fund payment made to a State for a year
23 may not be less than—

24 (1) in the case of any of the several States or
25 the District of Columbia, $\frac{1}{2}$ of 1 percent of the total

1 amount appropriated for Election Fund payments
2 for the year under section 236; or

3 (2) in the case of the Commonwealth of Puerto
4 Rico, Guam, American Samoa, or the United States
5 Virgin Islands, 20 percent of the amount described
6 in paragraph (1).

7 (c) PRO RATA REDUCTIONS.—The Administrator
8 shall make such pro rata reductions to the allocations de-
9 termined under subsection (a) as are necessary to comply
10 with the requirements of subsection (c).

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

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

16 (a) IN GENERAL.—Each State that desires to receive
17 a grant under this part shall submit an application to the
18 Commission at such time and in such manner as the Com-
19 mission may require, and containing the information re-
20 quired under subsection (b) and such other information
21 as the Commission may require.

22 (b) CONTENTS.—The application submitted under
23 subsection (a) shall contain—

24 (1) a State plan that meets the requirements of
25 section 234;

1 (2) a description of the purposes and activities
2 for which the State will use the funds made available
3 under the program under this part;

4 (3) a certification executed by the chief execu-
5 tive officer that consents, on behalf of the State and
6 such officer, to accept jurisdiction of the Federal
7 courts for the purposes of enforcement of this Act;

8 (4) a certification that any payment will supple-
9 ment and not supplant funds provided under exist-
10 ing programs funded in the State for carrying out
11 the activities for which the payment is made; and

12 (5) a certification that funds made available
13 under the program established under this part will
14 not be used—

15 (A) to pay costs associated with any litiga-
16 tion;

17 (B) for the payment of any judgment; or

18 (C) to pay for administrative costs to the
19 extent that such costs exceed 1 percent of the
20 total amount paid to the State under the pro-
21 gram established under this part.

22 **SEC. 234. STATE PLANS.**

23 (a) IN GENERAL.—Each State that desires to receive
24 a grant under this part shall develop a State plan, in con-

1 sultation with State and local election officials of that
2 State, that provides for each of the following:

3 (1) UNIFORM AND NONDISCRIMINATORY ELEC-
4 TION TECHNOLOGY AND ADMINISTRATION REQUIRE-
5 MENTS.—A description of how the State will use the
6 funds made available under this part to meet, in a
7 uniform and nondiscriminatory manner, each of the
8 following requirements:

9 (A) The voting system standards under
10 section 301.

11 (B) The provisional voting requirements
12 and voting information requirements under sec-
13 tion 302.

14 (C) The computerized statewide voter reg-
15 istration list requirements under section 303(a),
16 including a description of—

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

22 (ii) the precautions that the State will
23 take to prevent the removal of eligible vot-
24 ers from the list.

1 (D) The requirements for voters who reg-
2 ister by mail under section 303(b), including
3 the steps that the State will take to ensure—

4 (i) the accuracy of mail-in and absen-
5 tee ballots; and

6 (ii) that the use of mail-in and absen-
7 tee ballots does not result in duplicate
8 votes.

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

15 (3) COMPLIANCE WITH EXISTING FEDERAL
16 LAW.—A certification executed by the chief executive
17 officer of the State that the State will comply with
18 existing Federal laws, as such laws relate to the pro-
19 visions of this Act, including the following:

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

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

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

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

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

10 (F) The Americans with Disabilities Act of
11 1990 (42 U.S.C. 12101 et seq.).

12 (4) TIMETABLE.—A timetable for meeting the
13 elements of the State plan.

14 (b) AVAILABILITY OF STATE PLANS FOR REVIEW
15 AND COMMENT.—A State shall make the State plan devel-
16 oped under subsection (a) available for public review and
17 comment before the submission of an application under
18 section 233.

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

23 (d) CHIEF STATE ELECTION OFFICIAL DEFINED.—
24 In this subtitle, the “chief State election official” of a
25 State is the individual designated by the State under sec-

1 tion 10 of the National Voter Registration Act of 1993
2 (42 U.S.C. 1973gg-8) to be responsible for coordination
3 of the State's responsibilities under such Act.

4 (e) REQUIREMENTS FOR ELECTION FUND.—

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

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

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

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

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

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

1 (1) STATES.—Each application submitted by a
2 State shall contain the State plan developed under
3 section 234 and a description of how the State pro-
4 poses to use funds made available under this part to
5 implement such State plan.

6 (2) APPROVAL BY ATTORNEY GENERAL.—The
7 Attorney General, acting through the Assistant At-
8 torney General for Civil Rights, shall establish gen-
9 eral policies and criteria with respect to the approval
10 of State plans developed by a State under this part.

11 **SEC. 236. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to carry out
13 the provisions of this part the following amounts:

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

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

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

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

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

20 **SEC. 237. REPORTS.**

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

1 (1) a list of expenditures made with respect to
2 each category of activities described in section
3 231(b);

4 (2) the number and type of articles of voting
5 equipment obtained with the funds; and

6 (3) an analysis and description of the activities
7 funded under this part to meet the requirements of
8 this Act and an analysis and description of how such
9 activities conform to the State plan under section
10 234.

11 **PART 2—PAYMENTS TO STATES AND UNITS OF**
12 **LOCAL GOVERNMENT TO ASSURE ACCESS**
13 **FOR DISABLED VOTERS**

14 **SEC. 241. PAYMENTS TO STATES AND UNITS OF LOCAL GOV-**
15 **ERNMENT TO ASSURE ACCESS FOR DISABLED**
16 **VOTERS.**

17 (a) IN GENERAL.—The Secretary of Health and
18 Human Services shall make a payment to each eligible
19 State and each eligible unit of local government (as de-
20 scribed in section 243).

21 (b) USE OF FUNDS.—An eligible State and eligible
22 unit of local government shall use the payment received
23 under this part for—

24 (1) making polling places, including the path of
25 travel, entrances, exits, and voting areas of each

1 polling facility, accessible to individuals with disabili-
2 ties, including the blind and visually impaired, in a
3 manner that provides the same opportunity for ac-
4 cess and participation (including privacy and inde-
5 pendence) as for other voters; and

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

15 (c) ADOPTION OF COMMISSION STANDARDS NOT RE-
16 QUIRED TO RECEIVE PAYMENT.—Nothing in this part
17 may be construed to require a State or a unit of local gov-
18 ernment to implement any of the voluntary standards
19 adopted by the Commission with respect to any matter
20 as a condition for receiving a payment under this part.

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

1 **SEC. 242. AMOUNT OF PAYMENT.**

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

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

10 **SEC. 243. REQUIREMENTS FOR ELIGIBILITY.**

11 (a) APPLICATION.—Each State or unit of local gov-
12 ernment that desires to receive a payment under this part
13 for a fiscal year shall submit an application for the pay-
14 ment to the Secretary at such time and in such manner
15 and containing such information as the Secretary shall re-
16 quire.

17 (b) CONTENTS OF APPLICATION.—Each application
18 submitted under subsection (a) shall—

19 (1) describe the activities for which assistance
20 under this section is sought;

21 (2) provide assurances that the State or unit of
22 local government will pay the non-Federal share of
23 the cost of the activities for which assistance is
24 sought from non-Federal sources; and

25 (3) provide such additional information and as-
26 surances as the Secretary determines to be essential

1 to ensure compliance with the requirements of this
2 part.

3 (c) SAFE HARBOR.—No action may be brought under
4 this Act against a State or unit of local government on
5 the basis of any information contained in the application
6 submitted under subsection (a).

7 **SEC. 244. AUTHORIZATION OF APPROPRIATIONS.**

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

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

14 **SEC. 245. REPORTS.**

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

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

1 report on the activities carried out under this part to the
2 Committee on House Administration of the House of Rep-
3 resentatives and the Committee on Rules and Administra-
4 tion of the Senate.

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
2 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—PROTECTION AND ADVOCACY SYSTEMS**

22 **SEC. 281. PAYMENTS FOR PROTECTION AND ADVOCACY**
23 **SYSTEMS.**

24 (a) IN GENERAL.—In addition to any other payments
25 made under this subtitle, the Secretary of Health and

1 Human Services shall pay the protection and advocacy
2 system (as defined in section 102 of the Developmental
3 Disabilities Assistance and Bill of Rights Act of 2000 (42
4 U.S.C. 15002)) of each State or such other disability ad-
5 vocacy entity of the State as determined by the Secretary
6 to ensure full participation in the electoral process for in-
7 dividuals with disabilities, including registering to vote,
8 casting a vote and accessing polling places. In providing
9 such services, protection and advocacy systems shall have
10 the same general authorities as they are afforded under
11 part C of the Developmental Disabilities Assistance and
12 Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

13 (b) MINIMUM GRANT AMOUNT.—The minimum
14 amount of each grant to a protection and advocacy system
15 shall be determined and allocated as set forth in sub-
16 sections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509
17 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except
18 that the amount of the grants to systems referred to in
19 subsections (c)(3)(B) and (c)(4)(B) of that section shall
20 be not less than \$70,000 and \$35,000, respectively.

21 **SEC. 282. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) IN GENERAL.—In addition to any other amounts
23 authorized to be appropriated under this subtitle, there
24 are authorized to be appropriated \$10,000,000 for each
25 of the fiscal years 2003, 2004, 2005, and 2006, and for

1 each subsequent fiscal year such sums as may be nec-
2 essary, for the purpose of making payments under section
3 281(a); except that none of the funds provided by this sub-
4 section shall be used to initiate or otherwise participate
5 in any litigation related to election-related disability ac-
6 cess, notwithstanding the general authorities that the pro-
7 tection and advocacy systems are otherwise afforded under
8 part C of the Developmental Disabilities Assistance and
9 Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

10 (b) AVAILABILITY.—Any amounts appropriated pur-
11 suant to the authority of this section shall remain avail-
12 able until expended.

13 **TITLE III—UNIFORM AND NON-**
14 **DISCRIMINATORY ELECTION**
15 **TECHNOLOGY AND ADMINIS-**
16 **TRATION REQUIREMENTS**

17 **SEC. 301. VOTING SYSTEMS STANDARDS.**

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

21 (1) IN GENERAL.—

22 (A) Except as provided in subparagraph

23 (B), the voting system (including any lever vot-
24 ing system, optical scanning voting system, or
25 direct recording electronic system) shall—

- 1 (i) permit the voter to verify the votes
2 selected by the voter on the ballot before
3 the ballot is cast and counted;
- 4 (ii) provide the voter with the oppor-
5 tunity to change the ballot or correct any
6 error before the ballot is cast and counted
7 (including the opportunity to correct the
8 error through the issuance of a replace-
9 ment ballot if the voter was otherwise un-
10 able to change the ballot or correct any
11 error); and
- 12 (iii) if the voter selects votes for more
13 than 1 candidate for a single office, the
14 voting system shall—
- 15 (I) notify the voter that the voter
16 has selected more than 1 candidate
17 for a single office on the ballot;
- 18 (II) notify the voter before the
19 ballot is cast and counted of the effect
20 of casting multiple votes for the office;
21 and
- 22 (III) provide the voter with the
23 opportunity to correct the ballot be-
24 fore the ballot is cast and counted.

1 (B) A State or jurisdiction that uses a
2 paper ballot voting system, a punch card voting
3 system, or a central count voting system (with
4 respect to mail-in absentee ballots or mail-in
5 ballots), may meet the requirements of subpara-
6 graph (A)(iii) by—

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

11 (ii) providing the voter with instruc-
12 tions on how to correct the ballot before it
13 is cast and counted (including instructions
14 on how to correct the error through the
15 issuance of a replacement ballot if the
16 voter was otherwise unable to change the
17 ballot or correct any error).

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

22 (2) AUDIT CAPACITY.—

23 (A) IN GENERAL.—The voting system shall
24 produce a record with an audit capacity for
25 such system.

1 (B) MANUAL AUDIT CAPACITY.—

2 (i) The voting system shall produce a
3 permanent paper record with a manual
4 audit capacity for such system.

5 (ii) The voting system shall provide
6 the voter with an opportunity to change
7 the ballot or correct any error before the
8 permanent paper record is produced.

9 (iii) The paper record produced under
10 subparagraph (A) shall be available as an
11 official record for any recount conducted
12 with respect to any election in which the
13 system is used.

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

16 (A) be accessible for individuals with dis-
17 abilities, including nonvisual accessibility for the
18 blind and visually impaired, in a manner that
19 provides the same opportunity for access and
20 participation (including privacy and independ-
21 ence) as for other voters;

22 (B) satisfy the requirement of subpara-
23 graph (A) through the use of at least 1 direct
24 recording electronic voting system or other vot-

1 ing system equipped for individuals with disabil-
2 ities at each polling place; and

3 (C) if purchased with funds made available
4 under title II on or after January 1, 2007, meet
5 the voting system standards for disability ac-
6 cess.

7 (4) ALTERNATIVE LANGUAGE ACCESSIBILITY.—
8 The voting system shall provide alternative language
9 accessibility that meets the requirements of section
10 203 of the Voting Rights Act of 1965 (42 U.S.C.
11 1973aa-1a).

12 (5) ERROR RATES.—The error rate of the vot-
13 ing system in counting ballots (determined by taking
14 into account only those errors which are attributable
15 to the voting system and not attributable to an act
16 of the voter) shall not exceed the error rate stand-
17 ards established under the voting systems standards
18 issued and maintained by the Office of Election Ad-
19 ministration of the Federal Election Commission (as
20 revised by the Executive Director of the Commission
21 under subsection (d)).

22 (6) UNIFORM DEFINITION OF WHAT CON-
23 STITUTES A VOTE.—Each State shall adopt uniform
24 and nondiscriminatory standards that define what

1 constitutes a vote and what will be counted as a vote
2 for each category of voting system used in the State.

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

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

10 (A) to define ballots;

11 (B) to cast and count votes;

12 (C) to report or display election results;

13 and

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

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

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

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

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

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

4 (d) ADMINISTRATION BY THE COMMISSION.—

5 (1) IN GENERAL.—Not later than January 1,
6 2004, the Executive Director of the Commission, in
7 consultation with the Director of the National Insti-
8 tute of Standards and Technology and the Architec-
9 tural and Transportation Barriers Compliance
10 Board (as established under section 502 of the Re-
11 habilitation Act of 1973 (29 U.S.C. 792)), shall pro-
12 mulgate voting systems standards in accordance
13 with subsection (a) and consistent with section 206.

14 (2) QUADRENNIAL REVIEW.—The Executive Di-
15 rector of the Commission, in consultation with the
16 Director of the National Institute of Standards and
17 Technology and the Architectural and Transpor-
18 tation Barriers Compliance Board, shall review the
19 voting systems standards revised under paragraph
20 (1) no less frequently than once every 4 years.

21 (e) CONSTRUCTION.—Nothing in this section shall re-
22 quire a jurisdiction to replace the voting system or systems
23 (including paper ballot voting systems, whether the voting
24 is done in person or by absentee or mail, lever machine
25 voting systems, punch card voting systems, optical scan-

1 ning voting systems, and direct recording electronic voting
2 systems) used in an election in order to be in compliance
3 with this Act, so long as the voting system meets the re-
4 quirements of section 301.

5 (f) EFFECTIVE DATE.—Each State and jurisdiction
6 shall be required to comply with the requirements of this
7 section on and after January 1, 2006.

8 **SEC. 302. PROVISIONAL VOTING AND VOTING INFORMA-**
9 **TION REQUIREMENTS.**

10 (a) PROVISIONAL VOTING REQUIREMENTS.—If an
11 individual declares that such individual is a registered
12 voter in the jurisdiction in which the individual desires to
13 vote and that the individual is eligible to vote in an election
14 for Federal office, but the name of the individual does not
15 appear on the official list of eligible voters for the polling
16 place, or an election official asserts that the individual is
17 not eligible to vote or that the individual does not meet
18 the requirements of section 303(b), such individual shall
19 be permitted to cast a provisional ballot as follows:

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

23 (2) The individual shall be permitted to cast a
24 provisional ballot at that polling place upon the exe-
25 cution of a written affirmation by the individual be-

1 fore an election official at the polling place stating
2 that the individual is—

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

5 (B) eligible to vote in that election.

6 (3) An election official at the polling place shall
7 transmit the ballot cast by the individual or the
8 voter information contained in the written affirma-
9 tion executed by the individual under paragraph (2)
10 to an appropriate State or local election official for
11 prompt verification under paragraph (4).

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

19 (5)(A) At the time that an individual casts a
20 provisional ballot, the appropriate State or local elec-
21 tion official shall give the individual written informa-
22 tion that states how any individual who casts a pro-
23 visional ballot will be able to ascertain whether the
24 vote was counted, and, if the vote was not counted,
25 the reason that the vote was not counted.

1 (B) The appropriate State or local election offi-
2 cial shall—

3 (i) establish a free access system (such as
4 a toll-free telephone number or an Internet
5 website) that any individual who casts a provi-
6 sional ballot may access to discover whether the
7 vote of that individual was counted, and, if the
8 vote was not counted, the reason that the vote
9 was not counted; or

10 (ii) mail a notice to each individual who
11 casts a provisional ballot that states whether
12 the vote of that individual was counted, and, if
13 the vote was not counted, the reason that the
14 vote was not counted.

15 States described in section 4(b) of the National Voter Reg-
16 istration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet
17 the requirements of this subsection using voter registra-
18 tion procedures established under applicable State law.
19 The appropriate State or local election official shall estab-
20 lish and maintain reasonable procedures necessary to pro-
21 tect the security, confidentiality, and integrity of personal
22 information collected, stored, or otherwise used by the free
23 access system established under paragraph (5)(B)(i). Ac-
24 cess to information about an individual provisional ballot
25 shall be restricted to the individual who cast the ballot.

1 (b) VOTING INFORMATION REQUIREMENTS.—

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

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

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

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

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

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

19 (E) general information on voting rights
20 under applicable Federal and State laws, in-
21 cluding information on the right of an indi-
22 vidual to cast a provisional ballot and instruc-
23 tions on how to contact the appropriate officials
24 if these rights are alleged to have been violated;
25 and

1 (F) general information on Federal and
2 State laws regarding prohibitions on acts of
3 fraud and misrepresentation.

4 (c) VOTERS WHO VOTE AFTER THE POLLS CLOSE.—
5 Any individual who votes in an election for Federal office
6 as a result of a Federal or State court order extending
7 the time established for closing the polls by a State law
8 in effect 10 days before the date of that election may only
9 vote in that election by casting a provisional ballot under
10 subsection (a).

11 (d) ADMINISTRATION BY THE COMMISSION.—Not
12 later than January 1, 2003, the Executive Director of the
13 Commission shall promulgate such guidelines as are nec-
14 essary to implement the requirements of this section con-
15 sistent with section 206.

16 (e) EFFECTIVE DATE FOR PROVISIONAL VOTING
17 AND VOTING INFORMATION.—Each State and jurisdiction
18 shall be required to comply with the requirements of sub-
19 sections (a), (b), and (c) on and after January 1, 2004.

20 **SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRA-**
21 **TION LIST REQUIREMENTS AND REQUIRE-**
22 **MENTS FOR VOTERS WHO REGISTER BY**
23 **MAIL.**

24 (a) COMPUTERIZED STATEWIDE VOTER REGISTRA-
25 TION LIST REQUIREMENTS.—

1 (1) IMPLEMENTATION.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), each State, acting through
4 the chief State election official, shall implement,
5 in a uniform and nondiscriminatory manner, a
6 single, uniform, official, interactive computer-
7 ized statewide voter registration list defined,
8 maintained, and administered at the State level
9 that contains the name and registration infor-
10 mation of every legally registered voter in the
11 State and assigns a unique identifier to each le-
12 gally registered voter in the State (in this sub-
13 section referred to as the “computerized list”).

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

21 (2) ACCESS.—The computerized list shall be—

22 (A) accessible to each State and local elec-
23 tion official in the State; and

24 (B) coordinated with other databases with-
25 in the State.

1 (3) COMPUTERIZED LIST MAINTENANCE.—

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

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

14 (ii) For purposes of removing names
15 of ineligible voters from the official list of
16 eligible voters—

17 (I) under section 8(a)(3)(B) of
18 such Act (42 U.S.C. 1973gg-
19 6(a)(3)(B)), the State shall coordinate
20 the computerized list with State agen-
21 cy records on felony status; and

22 (II) by reason of the death of the
23 registrant under section 8(a)(4)(A) of
24 such Act (42 U.S.C. 1973gg-
25 6(a)(4)(A)), the State shall coordinate

1 the computerized list with State agen-
2 cy records on death.

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

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

13 (i) the name of each registered voter
14 appears in the computerized list;

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

18 (iii) duplicate names are eliminated
19 from the computerized list.

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

1 (b) REQUIREMENTS FOR VOTERS WHO REGISTER BY
2 MAIL.—

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

9 (A) the individual registered to vote in a
10 jurisdiction by mail; and

11 (B)(i) the individual has not previously
12 voted in an election for Federal office in the
13 State; and

14 (ii) the State has implemented a computer-
15 ized list that complies with the requirements of
16 section 303(a).

17 (2) REQUIREMENTS.—

18 (A) IN GENERAL.—An individual meets the
19 requirements of this paragraph if the
20 individual—

21 (i) in the case of an individual who
22 votes in person—

23 (I) presents to the appropriate
24 State or local election official a cur-
25 rent and valid photo identification;

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

8 (III) presents to the appropriate
9 State or local election official an at-
10 testation of the individual's identity
11 on a standard State-issued form
12 which shall be provided at the polling
13 place to each individual who does not
14 present identification under subclause
15 (I) or (II); or

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

18 (I) a copy of a current and valid
19 photo identification;

20 (II) a copy of a current utility
21 bill, bank statement, government
22 check, paycheck, or other government
23 document that shows the name and
24 address of the voter; or

1 (III) a standard form issued by
2 the State which contains an attesta-
3 tion of the individual's identity.

4 (B) FAIL-SAFE VOTING.—

5 (i) IN PERSON.—An individual who
6 desires to vote in person, but who does not
7 meet the requirements of subparagraph
8 (A)(i), may cast a provisional ballot under
9 section 302(a).

10 (ii) BY MAIL.—An individual who de-
11 sires to vote by mail but who does not
12 meet the requirements of subparagraph
13 (A)(ii) may cast such a ballot by mail and
14 the ballot shall be counted as a provisional
15 ballot in accordance with section 302(a).

16 (C) NOTICE.—The appropriate State or
17 local election official shall provide written notice
18 to individual voters who must meet the require-
19 ments of paragraph (2) at least 14 days before
20 each Federal election for which such require-
21 ment applies to that voter, on how to comply
22 with the requirements.

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

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

5 (i) a copy of a current and valid photo
6 identification;

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

11 (iii) a standard form issued by the
12 State which contains an attestation of the
13 individual's identity.

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

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

19 (II) the last 4 digits of the individ-
20 ual's social security number; and

21 (ii) with respect to whom a State or local
22 election official certifies that the information
23 submitted under clause (i) matches an existing
24 State identification record bearing the same

1 number, name and date of birth as provided in
2 such registration; or

3 (C) who is—

4 (i) entitled to vote by absentee ballot
5 under the Uniformed and Overseas Citi-
6 zens Absentee Voting Act (42 U.S.C.
7 1973ff-1 et seq.);

8 (ii) provided the right to vote other-
9 wise than in person under section
10 3(b)(2)(B)(ii) of the Voting Accessibility
11 for the Elderly and Handicapped Act (42
12 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

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

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

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

24 (B) The question “Will you be 18 years of
25 age on or before election day?” and boxes for

1 the applicant to check to indicate whether or
2 not the applicant will be 18 years of age or
3 older on election day.

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

7 (D) A statement informing the individual
8 that if the form is submitted by mail and the
9 individual is registering for the first time, the
10 appropriate information required under this
11 section must be submitted with the mail-in reg-
12 istration form in order to avoid the additional
13 identification requirements upon voting for the
14 first time.

15 (5) CONSTRUCTION.—Nothing in this sub-
16 section shall be construed to require a State that
17 was not required to comply with a provision of the
18 National Voter Registration Act of 1993 (42 U.S.C.
19 1973gg et seq.) before the date of enactment of this
20 Act to comply with such a provision after such date.

21 (c) EFFECTIVE DATE.—

22 (1) COMPUTERIZED STATEWIDE VOTER REG-
23 ISTRATION LIST REQUIREMENTS.—Each State and
24 jurisdiction shall be required to comply with the re-

1 requirements of subsection (a) on and after January
2 1, 2006.

3 (2) REQUIREMENT FOR VOTERS WHO REGISTER
4 BY MAIL.—

5 (A) IN GENERAL.—Each State and jurisdic-
6 tion shall be required to comply with the re-
7 quirements of subsection (b) on and after Janu-
8 ary 1, 2006, and shall be prepared to receive
9 registration materials submitted by individuals
10 described in subparagraph (B) on and after the
11 date described in such subparagraph.

12 (B) APPLICABILITY WITH RESPECT TO IN-
13 DIVIDUALS.—The provisions of section (b) shall
14 apply to any individual who registers to vote on
15 or after January 1, 2005.

16 (d) ADMINISTRATION BY THE COMMISSION.—Not
17 later than January 1, 2003, the Executive Director of the
18 Commission shall promulgate such guidelines as are nec-
19 essary to implement the requirements of this section con-
20 sistent with section 206.

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 905.

5 **SEC. 305. METHODS OF IMPLEMENTATION LEFT TO DIS-**
6 **CRETION OF STATE.**

7 The specific choices on the methods of complying
8 with the requirements enacted pursuant to subsection (a)
9 shall be left to the discretion of the State.

10 **TITLE IV—ENFORCEMENT**

11 **SEC. 401. ACTIONS BY THE ATTORNEY GENERAL FOR DE-**
12 **CLARATORY AND INJUNCTIVE RELIEF.**

13 (a) CIVIL AUTHORITY.—The Attorney General may
14 bring a civil action against any State or jurisdiction in
15 an appropriate United States District Court for such de-
16 claratory and injunctive relief (including a temporary re-
17 straining order, a permanent or temporary injunction, or
18 other order) as may be necessary to carry out the uniform
19 and nondiscriminatory election technology and administra-
20 tion requirements under sections 301, 302, and 303.

21 (b) ENFORCEMENT BY PRIVATE PERSONS.—

22 (1) NOTICE OF VIOLATION.—A person who is
23 aggrieved by a violation of any of the uniform and
24 nondiscriminatory election technology and adminis-
25 tration requirements under sections 301, 302, and

1 303 (including any citizen of voting age and any of-
2 ficial of a State or locality) may provide written no-
3 tice of the violation to the chief election official of
4 the State involved.

5 (B) CIVIL ACTION.—If the violation is not cor-
6 rected within 90 days after receipt of a notice under
7 paragraph (1), or within 20 days after receipt of the
8 notice if the violation occurred within 120 days be-
9 fore the date of an election for Federal office, the
10 aggrieved person may bring a civil action for such
11 declaratory and injunctive relief in an appropriate
12 United States district court to obtain relief with re-
13 spect to the violation.

14 (3) SPECIAL RULE.—If the violation occurred
15 within 30 days before the date of an election for
16 Federal office, the aggrieved person need not provide
17 notice to the chief election official of the State under
18 paragraph (1) before bringing a civil action under
19 paragraph (2).

20 (c) ATTORNEY'S FEES.—In a civil action under this
21 section, the court may allow the prevailing party (other
22 than the United States or State or unit of local govern-
23 ment) reasonable attorney fees, including litigation ex-
24 penses, and costs.

1 (d) RELATION TO OTHER LAWS.—The rights and
2 remedies established by this section are in addition to all
3 other rights and remedies provided by law.

4 **TITLE V—HELP AMERICA VOTE**
5 **COLLEGE PROGRAM**

6 **SEC. 501. ESTABLISHMENT OF PROGRAM.**

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

12 (b) PURPOSES OF PROGRAM.—The purpose of the
13 Program shall be—

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

19 (2) to encourage State and local governments to
20 use the services of the students participating in the
21 Program.

22 **SEC. 502. ACTIVITIES UNDER PROGRAM.**

23 (a) IN GENERAL.—In carrying out the Program, the
24 Commission (in consultation with the chief election official
25 of each State) shall develop materials, sponsor seminars

1 and workshops, engage in advertising targeted at stu-
2 dents, make grants, and take such other actions as it con-
3 siders appropriate to meet the purposes described in sec-
4 tion 501(b).

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

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

21 **SEC. 503. AUTHORIZATION OF APPROPRIATIONS.**

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

25 (1) \$5,000,000 for fiscal year 2002; and

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

3 **TITLE VI—HELP AMERICA VOTE**
 4 **FOUNDATION**

5 **SEC. 601. HELP AMERICA VOTE FOUNDATION.**

6 (a) IN GENERAL.—Part B of subtitle II of title 36,
 7 United States Code, is amended by inserting after chapter
 8 1525 the following:

9 **“CHAPTER 1526—HELP AMERICA VOTE**
 10 **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.

11 **“§ 152601. Organization**

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

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

18 “(c) PERPETUAL EXISTENCE.—Except as otherwise
 19 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 siderers appropriate to carry out its purposes.

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

12 **“§ 152606. Principal office**

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

18 **“§ 152607. Service of process**

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

1 **“§ 152608. Annual audit**

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

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

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

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

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

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

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

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

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

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

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

1 **“§ 152612. Annual report**

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

13 (b) CLERICAL AMENDMENT.—The table of chapters
14 for part B of subtitle II of title 36, United States Code,
15 is amended by inserting after the item relating to chapter
16 1525 the following new item:

“1526. Help America Vote Foundation152601”.

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

20 **SEC. 701. DELIVERY OF MAIL FROM OVERSEAS PRECEDING**
21 **FEDERAL ELECTIONS.**

22 (a) RESPONSIBILITIES OF SECRETARY OF DE-
23 FENSE.—

1 (1) ADDITIONAL DUTIES.—Section 1566(g) of
2 title 10, United States Code, as added by section
3 1602(a)(1) of the National Defense Authorization
4 Act for Fiscal Year 2002 (Public Law 107–107; 115
5 Stat. 1274), is amended—

6 (A) by redesignating paragraph (3) as
7 paragraph (4); and

8 (B) by striking paragraph (2) and insert-
9 ing the following new paragraphs:

10 “(2) The Secretary shall ensure that voting materials
11 are transmitted expeditiously by military postal authorities
12 at all times. The Secretary shall, to the maximum extent
13 practicable, implement measures to ensure that a post-
14 mark or other official proof of mailing date is provided
15 on each absentee ballot collected at any overseas location
16 or vessel at sea whenever the Department of Defense is
17 responsible for collecting mail for return shipment to the
18 United States. The Secretary shall ensure that the meas-
19 ures implemented under the preceding sentence do not re-
20 sult in the delivery of absentee ballots to the final destina-
21 tion of such ballots after the date on which the election
22 for Federal office is held.

23 “(3) The Secretary of each military department shall,
24 to the maximum extent practicable, provide notice to mem-
25 bers of the armed forces stationed at that installation of

1 the last date before a general Federal election for which
2 absentee ballots mailed from a postal facility located at
3 that installation can reasonably be expected to be timely
4 delivered to the appropriate State and local election offi-
5 cials.”.

6 (2) REPORT.—The Secretary of Defense shall
7 submit to Congress a report describing the measures
8 to be implemented under section 1566(g)(2) of title
9 10, United States Code (as added by paragraph
10 (1)), to ensure the timely transmittal and
11 postmarking of voting materials and identifying the
12 persons responsible for implementing such measures.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect with respect to elections for
15 Federal office held after the date of the next regularly
16 scheduled election for Federal office.

17 **SEC. 702. DESIGNATION OF SINGLE STATE OFFICE TO PRO-**
18 **VIDE INFORMATION ON REGISTRATION AND**
19 **ABSENTEE BALLOTS FOR ALL VOTERS IN**
20 **STATE.**

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

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

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

3 “(b) DESIGNATION OF SINGLE STATE OFFICE TO
4 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-
5 TEE BALLOT PROCEDURES FOR ALL VOTERS IN
6 STATE.—

7 “(1) IN GENERAL.—Each State shall designate
8 a single office which shall be responsible for pro-
9 viding information regarding voter registration pro-
10 cedures and absentee ballot procedures to be used by
11 absent uniformed services voters and overseas voters
12 with respect to elections for Federal office (including
13 procedures relating to the use of the Federal write-
14 in absentee ballot) to all absent uniformed services
15 voters and overseas voters who wish to register to
16 vote or vote in any jurisdiction in the State.

17 “(2) RECOMMENDATION REGARDING USE OF
18 OFFICE TO ACCEPT AND PROCESS MATERIALS.—
19 Congress recommends that the State office des-
20 ignated under paragraph (1) be responsible for car-
21 rying out the State’s duties under this Act, including
22 accepting valid voter registration applications, absen-
23 tee ballot applications, and absentee ballots (includ-
24 ing Federal write-in absentee ballots) from all absent
25 uniformed services voters and overseas voters who

1 wish to register to vote or vote in any jurisdiction
2 in the State.”.

3 **SEC. 703. EXTENSION OF PERIOD COVERED BY SINGLE AB-**
4 **SENTEE BALLOT APPLICATION.**

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

16 **SEC. 704. ADDITIONAL DUTIES OF PRESIDENTIAL DES-**
17 **IGNEE UNDER UNIFORMED AND OVERSEAS**
18 **CITIZENS ABSENTEE VOTING ACT.**

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

1 (b) DEVELOPMENT OF STANDARD OATH FOR USE
2 WITH MATERIALS.—

3 (1) IN GENERAL.—Section 101(b) of such Act
4 (42 U.S.C. 1973ff(b)) is amended—

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

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

9 (C) by adding at the end the following new
10 paragraph:

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

16 (2) REQUIRING STATES TO USE STANDARD
17 OATH.—Section 102(a) of such Act (42 U.S.C.
18 1973ff–1(b)), as amended by section 702, is
19 amended—

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

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

24 (C) by adding at the end the following new
25 paragraph:

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

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

11 **SEC. 705. PROHIBITION OF REFUSAL OF VOTER REGISTRA-**
12 **TION AND ABSENTEE BALLOT APPLICATIONS**
13 **ON GROUNDS OF EARLY SUBMISSION.**

14 (a) IN GENERAL.—Section 104 of the Uniformed and
15 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-
16 3), as amended by section 1606(b) of the National De-
17 fense Authorization Act for Fiscal Year 2002 (Public Law
18 107–107; 115 Stat. 1279), is amended by adding at the
19 end the following new subsection:

20 “(e) PROHIBITION OF REFUSAL OF APPLICATIONS
21 ON GROUNDS OF EARLY SUBMISSION.—A State may not
22 refuse to accept or process, with respect to any election
23 for Federal office, any otherwise valid voter registration
24 application or absentee ballot application (including the
25 postcard form prescribed under section 101) submitted by

1 an absent uniformed services voter during a year on the
2 grounds that the voter submitted the application before
3 the first date on which the State otherwise accepts or
4 processes such applications for that year submitted by ab-
5 sentee voters who are not members of the uniformed serv-
6 ices.”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 subsection (a) shall apply with respect to elections for
9 Federal office that occur after January 1, 2003.

10 **SEC. 706. OTHER REQUIREMENTS TO PROMOTE PARTICIPA-**
11 **TION OF OVERSEAS AND ABSENT UNI-**
12 **FORMED SERVICES VOTERS.**

13 Section 102 of the Uniformed and Overseas Citizens
14 Absentee Voting Act (42 U.S.C. 1973ff–1), as amended
15 by the preceding provisions of this title, is amended by
16 adding at the end the following new subsection:

17 “(c) REGISTRATION NOTIFICATION.—With respect to
18 each absent uniformed services voter and each overseas
19 voter who submits a voter registration application or an
20 absentee ballot request, if the State rejects the application
21 or request, the State shall provide the voter with the rea-
22 sons for the rejection.”.

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

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

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

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

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

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

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

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

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

1 under section 201 all functions which the Federal Election
2 Commission exercised under section 9(a) of the National
3 Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(a))
4 before the date of enactment of this Act.

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

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

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

18 (b) PERSONNEL.—

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

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

1 separated or reduced in grade or compensation be-
2 cause of the transfer under this subsection during
3 the 1-year period beginning on the date of the enact-
4 ment of this Act.

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

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

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

18 (c) **NO EFFECT ON AUTHORITIES OF OFFICE OF**
19 **ELECTION ADMINISTRATION PRIOR TO APPOINTMENT OF**
20 **MEMBERS OF COMMISSION.**—During the period which be-
21 gins on the date of the enactment of this Act and ends
22 on the effective date described in subsection (a), the Office
23 of Election Administration of the Federal Election Com-
24 mission shall continue to have the authority to carry out
25 any of the functions (including the development of vol-

1 untary standards for voting systems and procedures for
2 the certification of voting systems) which it has the au-
3 thority to carry out as of the date of the enactment of
4 this Act.

5 **Subtitle B—Coverage of Commis-**
6 **sion Under Certain Laws and**
7 **Programs**

8 **SEC. 811. TREATMENT OF COMMISSION PERSONNEL UNDER**
9 **CERTAIN CIVIL SERVICE LAWS.**

10 (a) **COVERAGE UNDER HATCH ACT.**—Section
11 7323(b)(2)(B)(i)(I) of title 5, United States Code, is
12 amended by inserting “or the Election Assistance Com-
13 mission” after “Commission”.

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

18 **SEC. 812. COVERAGE UNDER INSPECTOR GENERAL ACT OF**
19 **1978.**

20 (a) **IN GENERAL.**—Section 8G(a)(2) of the Inspector
21 General Act of 1978 (5 U.S.C. App.) is amended by insert-
22 ing “the Election Assistance Commission,” after “Federal
23 Election Commission,”.

24 (b) **EFFECTIVE DATE.**—The amendment made by
25 subsection (a) shall take effect 180 days after the appoint-

1 ment of all members of the Election Assistance Commis-
2 sion under section 203.

3 **TITLE IX—MISCELLANEOUS**
4 **PROVISIONS**

5 **SEC. 901. STATE DEFINED.**

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

9 **SEC. 902. AUDITS AND REPAYMENT OF FUNDS.**

10 (a) **RECORDKEEPING REQUIREMENT.**—Each recipi-
11 ent of a grant or other payment made under this Act shall
12 keep such records with respect to the payment as are con-
13 sistent with sound accounting principles, including records
14 which fully disclose the amount and disposition by such
15 recipient of funds, the total cost of the project or under-
16 taking for which such funds are used, and the amount of
17 that portion of the cost of the project or undertaking sup-
18 plied by other sources, and such other records as will fa-
19 cilitate an effective audit.

20 (b) **AUDITS AND EXAMINATIONS.**—

21 (1) **AUDIT AND EXAMINATION.**—Except as pro-
22 vided in paragraph (5), each office making a grant
23 or other payment under this Act, or any duly au-
24 thorized representative of such office, may audit or
25 examine any recipient of the grant or payment and

1 shall have access for the purpose of audit and exam-
2 ination to any books, documents, papers, and
3 records of the recipient which in the opinion of the
4 entity may be related or pertinent to the grant or
5 payment.

6 (2) RECIPIENTS OF ASSISTANCE SUBJECT TO
7 PROVISIONS OF SECTION.—The provisions of this
8 section shall apply to all recipients of grants or other
9 payments under this Act, whether by direct grant,
10 cooperative agreement, or contract under this Act or
11 by subgrant or subcontract from primary grantees
12 or contractors under this Act.

13 (3) MANDATORY AUDIT.—In addition to audits
14 conducted pursuant to subsection (a), all funds pro-
15 vided under this Act shall be subject to mandatory
16 audit by the Comptroller General at least once dur-
17 ing the lifetime of the program involved. For pur-
18 poses of an audit under this paragraph, the Comp-
19 troller General shall have access to books, docu-
20 ments, papers, and records of recipients of funds in
21 the same manner as the office making the grant or
22 payment involved has access to such books, docu-
23 ments, papers, and records under paragraph (1).

24 (4) SPECIAL RULE FOR PAYMENTS BY GENERAL
25 SERVICES ADMINISTRATION.—With respect to any

1 grant or payment made under this Act by the Ad-
2 ministrator of General Services, the Election Assist-
3 ance Commission shall be deemed to be the office
4 making the grant or payment for purposes of this
5 section.

6 (5) SPECIAL RULE.—In the case of grants or
7 payments made under section 231, audits and ex-
8 aminations conducted under paragraph (1) shall be
9 performed in each fiscal year in which a recipient re-
10 ceives funds.

11 (c) RECOUPMENT OF FUNDS.—If the Comptroller
12 General determines as a result of an audit conducted
13 under subsection (b) that—

14 (1) a recipient of funds under this Act is not
15 in compliance with each of the requirements of the
16 program under which the funds are provided; or

17 (2) an excess payment has been made to the re-
18 cipient under the program,

19 the recipient shall pay to the office which made the grant
20 or payment involved a portion of the funds provided which
21 reflects the proportion of the requirements with which the
22 recipient is not in compliance, or the extent to which the
23 payment is in excess, under the program involved.

1 **SEC. 903. REVIEW AND REPORT ON ADEQUACY OF EXIST-**
2 **ING ELECTORAL FRAUD STATUTES AND PEN-**
3 **ALTIES.**

4 (a) REVIEW.—The Attorney General shall conduct a
5 review of existing criminal statutes concerning election of-
6 fenses to determine—

7 (1) whether additional statutory offenses are
8 needed to secure the use of the Internet for election
9 purposes; and

10 (2) whether existing penalties provide adequate
11 punishment and deterrence with respect to such of-
12 fenses.

13 (b) REPORT.—The Attorney General shall submit a
14 report to the Committees on the Judiciary of the Senate
15 and House of Representatives, the Committee on Rules
16 and Administration of the Senate, and the Committee on
17 House Administration of the House of Representatives on
18 the review conducted under subsection (a) together with
19 such recommendations for legislative and administrative
20 action as the Attorney General determines appropriate.

21 **SEC. 904. OTHER CRIMINAL PENALTIES.**

22 (a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR
23 ELECTION.—Any individual who knowingly and willfully
24 gives false information in registering or voting in violation
25 of section 11(c) of the National Voting Rights Act of 1965
26 (42 U.S.C. 1973i(c)), or conspires with another to violate

1 such section, shall be fined or imprisoned, or both, in ac-
2 cordance with such section.

3 (b) FALSE INFORMATION IN REGISTERING AND VOT-
4 ING.—Any individual who knowingly commits fraud or
5 knowingly makes a false statement with respect to the nat-
6 uralization, citizenry, or alien registry of such individual
7 in violation of section 1015 of title 18, United States
8 Code, shall be fined or imprisoned, or both, in accordance
9 with such section.

10 **SEC. 905. NO EFFECT ON OTHER LAWS.**

11 (a) IN GENERAL.—Except as specifically provided in
12 section 303(b) of this Act with regard to the National
13 Voter Registration Act of 1993 (42 U.S.C. 1973gg et
14 seq.), nothing in this Act may be construed to authorize
15 or require conduct prohibited under any of the following
16 laws, or to supersede, restrict, or limit the application of
17 such laws:

18 (1) The Voting Rights Act of 1965 (42 U.S.C.
19 1973 et seq.).

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

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

24 (4) The National Voter Registration Act of
25 1993 (42 U.S.C. 1973gg et seq.).

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

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

5 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-
6 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-
7 proval by the Administrator or the Commission of a pay-
8 ment or grant application under title I or title II, or any
9 other action taken by the Commission or a State under
10 such title, shall not be considered to have any effect on
11 requirements for preclearance under section 5 of the Vot-
12 ing Rights Act of 1965 (42 U.S.C. 1973c) or any other
13 requirements of such Act.