

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION
IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD
AND LEVER VOTING MACHINES

Sec. 101. Payments to States for activities to improve administration of elections.

Sec. 102. Replacement of punch card or lever voting machines.

Sec. 103. Guaranteed minimum payment amount.

Sec. 104. Authorization of appropriations.

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Subtitle B—Testing, Certification, Decertification, and Recertification of
Voting System Hardware and Software

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Sec. 241. Periodic studies of election administration issues.

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Sec. 245. Study and report on electronic voting and the electoral process.

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Subtitle D—Election Assistance

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Sec. 251. Requirements payments.

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Sec. 254. State plan.

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PART 5—PROTECTION AND ADVOCACY SYSTEMS

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- Sec. 302. Provisional voting and voting information requirements.
- Sec. 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail.
- Sec. 304. Minimum requirements.
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- Sec. 906. No effect on other laws.

1 **TITLE I—PAYMENTS TO STATES**
 2 **FOR ELECTION ADMINISTRATION**
 3 **IMPROVEMENTS AND**
 4 **REPLACEMENT OF PUNCH**
 5 **CARD AND LEVER VOTING**
 6 **MACHINES**

7 **SEC. 101. PAYMENTS TO STATES FOR ACTIVITIES TO IMPROVE**
 8 **ADMINISTRATION OF ELECTIONS.**

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 (in this title referred to as the “Adminis-
 12 trator”) shall establish a program under which the Admin-
 13 istrator shall make a payment to each State in which the
 14 chief executive officer of the State, or designee, in con-
 15 sultation and coordination with the chief State election of-
 16 ficial, notifies the Administrator not later than 6 months
 17 after the date of the enactment of this Act that the State



1 intends to use the payment in accordance with this sec-
2 tion.

3 (b) USE OF PAYMENT.—

4 (1) IN GENERAL.—A State shall use the funds
5 provided under a payment made under this section
6 to carry out 1 or more of the following activities:

7 (A) Complying with the requirements
8 under title III.

9 (B) Improving the administration of elec-
10 tions for Federal office.

11 (C) Educating voters concerning voting
12 procedures, voting rights, and voting tech-
13 nology.

14 (D) Training election officials, poll work-
15 ers, and election volunteers.

16 (E) Developing the State plan for require-
17 ments payments to be submitted under part 1
18 of subtitle D of title II.

19 (F) Improving, acquiring, leasing, modi-
20 fying, or replacing voting systems and tech-
21 nology and methods for casting and counting
22 votes.

23 (G) Improving the accessibility and quan-
24 tity of polling places, including providing phys-
25 ical access for individuals with disabilities, pro-



1 viding nonvisual access for individuals with vis-
2 ual impairments, and providing assistance to
3 Native Americans, Alaska Native citizens, and
4 to individuals with limited proficiency in the
5 English language.

6 (H) Establishing toll-free telephone hot-
7 lines that voters may use to report possible vot-
8 ing fraud and voting rights violations, to obtain
9 general election information, and to access de-
10 tailed automated information on their own voter
11 registration status, specific polling place loca-
12 tions, and other relevant information.

13 (2) LIMITATION.—A State may not use the
14 funds provided under a payment made under this
15 section—

16 (A) to pay costs associated with any litiga-
17 tion, except to the extent that such costs other-
18 wise constitute permitted uses of a payment
19 under this section; or

20 (B) for the payment of any judgment.

21 (c) USE OF FUNDS TO BE CONSISTENT WITH
22 OTHER LAWS AND REQUIREMENTS.—In order to receive
23 a payment under the program under this section, the State
24 shall provide the Administrator with certifications that—



1 (1) the State will use the funds provided under
2 the payment in a manner that is consistent with
3 each of the laws described in section 906, as such
4 laws relate to the provisions of this Act; and

5 (2) the proposed uses of the funds are not in-
6 consistent with the requirements of title III.

7 (d) AMOUNT OF PAYMENT.—

8 (1) IN GENERAL.—Subject to section 103(b),
9 the amount of payment made to a State under this
10 section shall be the minimum payment amount de-
11 scribed in paragraph (2) plus the voting age popu-
12 lation proportion amount described in paragraph
13 (3).

14 (2) MINIMUM PAYMENT AMOUNT.—The min-
15 imum payment amount described in this paragraph
16 is—

17 (A) in the case of any of the several States
18 or the District of Columbia, $\frac{1}{2}$ of 1 percent of
19 the aggregate amount made available for pay-
20 ments under this section; and

21 (B) in the case of the Commonwealth of
22 Puerto Rico, Guam, American Samoa, or the
23 United States Virgin Islands, $\frac{1}{10}$ of 1 percent
24 of such aggregate amount.



1 (3) VOTING AGE POPULATION PROPORTION
2 AMOUNT.—The voting age population proportion
3 amount described in this paragraph is the product
4 of—

5 (A) the aggregate amount made available
6 for payments under this section minus the total
7 of all of the minimum payment amounts deter-
8 mined under paragraph (2); and

9 (B) the voting age population proportion
10 for the State (as defined in paragraph (4)).

11 (4) VOTING AGE POPULATION PROPORTION DE-
12 FINED.—The term “voting age population propor-
13 tion” means, with respect to a State, the amount
14 equal to the quotient of—

15 (A) the voting age population of the State
16 (as reported in the most recent decennial cen-
17 sus); and

18 (B) the total voting age population of all
19 States (as reported in the most recent decennial
20 census).

21 **SEC. 102. REPLACEMENT OF PUNCH CARD OR LEVER VOT-**
22 **ING MACHINES.**

23 (a) ESTABLISHMENT OF PROGRAM.—

24 (1) IN GENERAL.—Not later than 45 days after
25 the date of the enactment of this Act, the Adminis-



1 trator shall establish a program under which the Ad-
2 ministrators shall make a payment to each State eli-
3 gible under subsection (b) in which a precinct within
4 that State used a punch card voting system or a
5 lever voting system to administer the regularly
6 scheduled general election for Federal office held in
7 November 2000 (in this section referred to as a
8 “qualifying precinct”).

9 (2) USE OF FUNDS.—A State shall use the
10 funds provided under a payment under this section
11 (either directly or as reimbursement, including as re-
12 imbursement for costs incurred on or after January
13 1, 2001, under multiyear contracts) to replace punch
14 card voting systems or lever voting systems (as the
15 case may be) in qualifying precincts within that
16 State with a voting system (by purchase, lease, or
17 such other arrangement as may be appropriate)
18 that—

19 (A) does not use punch cards or levers;

20 (B) is not inconsistent with the require-
21 ments of the laws described in section 906; and

22 (C) meets the requirements of section 301.

23 (3) DEADLINE.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), a State receiving a payment



1 under the program under this section shall en-
2 sure that all of the punch card voting systems
3 or lever voting systems in the qualifying pre-
4 cincts within that State have been replaced in
5 time for the regularly scheduled general election
6 for Federal office to be held in November 2004.

7 (B) WAIVER.—If a State certifies to the
8 Administrator not later than January 1, 2004,
9 that the State will not meet the deadline de-
10 scribed in subparagraph (A) for good cause and
11 includes in the certification the reasons for the
12 failure to meet such deadline, the State shall
13 ensure that all of the punch card voting sys-
14 tems or lever voting systems in the qualifying
15 precincts within that State will be replaced in
16 time for the first election for Federal office held
17 after January 1, 2006.

18 (b) ELIGIBILITY.—

19 (1) IN GENERAL.—A State is eligible to receive
20 a payment under the program under this section if
21 it submits to the Administrator a notice not later
22 than the date that is 6 months after the date of the
23 enactment of this Act (in such form as the Adminis-
24 trator may require) that contains—



1 (A) certifications that the State will use
2 the payment (either directly or as reimburse-
3 ment, including as reimbursement for costs in-
4 curred on or after January 1, 2001, under
5 multiyear contracts) to replace punch card vot-
6 ing systems or lever voting systems (as the case
7 may be) in the qualifying precincts within the
8 State by the deadline described in subsection
9 (a)(3);

10 (B) certifications that the State will con-
11 tinue to comply with the laws described in sec-
12 tion 906;

13 (C) certifications that the replacement vot-
14 ing systems will meet the requirements of sec-
15 tion 301; and

16 (D) such other information and certifi-
17 cations as the Administrator may require which
18 are necessary for the administration of the pro-
19 gram.

20 (2) COMPLIANCE OF STATES THAT REQUIRE
21 CHANGES TO STATE LAW.—In the case of a State
22 that requires State legislation to carry out an activ-
23 ity covered by any certification submitted under this
24 subsection, the State shall be permitted to make the
25 certification notwithstanding that the legislation has



1 not been enacted at the time the certification is sub-
2 mitted and such State shall submit an additional
3 certification once such legislation is enacted.

4 (c) AMOUNT OF PAYMENT.—

5 (1) IN GENERAL.—Subject to paragraph (2)
6 and section 103(b), the amount of payment made to
7 a State under the program under this section shall
8 be equal to the product of—

9 (A) the number of the qualifying precincts
10 within the State; and

11 (B) \$4,000.

12 (2) REDUCTION.—If the amount of funds ap-
13 propriated pursuant to the authority of section
14 104(a)(2) is insufficient to ensure that each State
15 receives the amount of payment calculated under
16 paragraph (1), the Administrator shall reduce the
17 amount specified in paragraph (1)(B) to ensure that
18 the entire amount appropriated under such section is
19 distributed to the States.

20 (d) REPAYMENT OF FUNDS FOR FAILURE TO MEET
21 DEADLINES.—

22 (1) IN GENERAL.—If a State receiving funds
23 under the program under this section fails to meet
24 the deadline applicable to the State under subsection
25 (a)(3), the State shall pay to the Administrator an



1 amount equal to the noncompliant precinct percent-
2 age of the amount of the funds provided to the State
3 under the program.

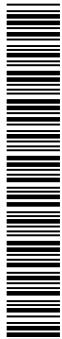
4 (2) NONCOMPLIANT PRECINCT PERCENTAGE
5 DEFINED.—In this subsection, the term “noncompli-
6 ant precinct percentage” means, with respect to a
7 State, the amount (expressed as a percentage) equal
8 to the quotient of—

9 (A) the number of qualifying precincts
10 within the State for which the State failed to
11 meet the applicable deadline; and

12 (B) the total number of qualifying pre-
13 cincts in the State.

14 (e) PUNCH CARD VOTING SYSTEM DEFINED.—For
15 purposes of this section, a “punch card voting system”
16 includes any of the following voting systems:

- 17 (1) C.E.S.
- 18 (2) Datavote.
- 19 (3) PBC Counter.
- 20 (4) Pollstar.
- 21 (5) Punch Card.
- 22 (6) Vote Recorder.
- 23 (7) Votomatic.



1 **SEC. 103. GUARANTEED MINIMUM PAYMENT AMOUNT.**

2 (a) IN GENERAL.—In addition to any other payments
3 made under this title, the Administrator shall make a pay-
4 ment to each State to which a payment is made under
5 either section 101 or 102 and with respect to which the
6 aggregate amount paid under such sections is less than
7 \$5,000,000 in an amount equal to the difference between
8 the aggregate amount paid to the State under sections 101
9 and 102 and \$5,000,000. In the case of the Common-
10 wealth of Puerto Rico, Guam, American Samoa, and the
11 United States Virgin Islands, the previous sentence shall
12 be applied as if each reference to “\$5,000,000” were a
13 reference to “\$1,000,000”.

14 (b) PRO RATA REDUCTIONS.—The Administrator
15 shall make such pro rata reductions to the amounts de-
16 scribed in sections 101(d) and 102(c) as are necessary to
17 comply with the requirements of subsection (a).

18 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) IN GENERAL.—There are authorized to be appro-
20 priated for payments under this title \$650,000,000, of
21 which—

22 (1) 50 percent shall be for payments under sec-
23 tion 101; and

24 (2) 50 percent shall be for payments under sec-
25 tion 102.



1 (b) CONTINUING AVAILABILITY OF FUNDS AFTER
2 APPROPRIATION.—Any payment made to a State under
3 this title shall be available to the State without fiscal year
4 limitation (subject to subsection (c)(2)(B)).

5 (c) USE OF RETURNED FUNDS AND FUNDS REMAIN-
6 ING UNEXPENDED FOR REQUIREMENTS PAYMENTS.—

7 (1) IN GENERAL.—The amounts described in
8 paragraph (2) shall be transferred to the Election
9 Assistance Commission (established under title II)
10 and used by the Commission to make requirements
11 payments under part 1 of subtitle D of title II.

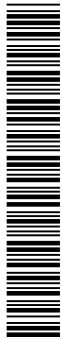
12 (2) AMOUNTS DESCRIBED.—The amounts re-
13 ferred to in this paragraph are as follows:

14 (A) Any amounts paid to the Adminis-
15 trator by a State under section 102(d)(1).

16 (B) Any amounts appropriated for pay-
17 ments under this title which remain unobligated
18 as of September 1, 2003.

19 (d) DEPOSIT OF AMOUNTS IN STATE ELECTION
20 FUND.—When a State has established an election fund
21 described in section 254(b), the State shall ensure that
22 any funds provided to the State under this title are depos-
23 ited and maintained in such fund.

24 (e) AUTHORIZATION OF APPROPRIATIONS FOR AD-
25 MINISTRATOR.—In addition to the amounts authorized



1 under subsection (a), there are authorized to be appro-
2 priated to the Administrator such sums as may be nec-
3 essary to administer the programs under this title.

4 **SEC. 105. ADMINISTRATION OF PROGRAMS.**

5 In administering the programs under this title, the
6 Administrator shall take such actions as the Adminis-
7 trator considers appropriate to expedite the payment of
8 funds to States.

9 **SEC. 106. EFFECTIVE DATE.**

10 The Administrator shall implement the programs es-
11 tablished under this title 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 entity
21 the Election Assistance Commission (hereafter in this title
22 referred to as the “Commission”), consisting of the mem-
23 bers appointed under this part. Additionally, there is es-
24 tablished the Election Assistance Commission Standards
25 Board (including the Executive Board of such Board) and



1 the Election Assistance Commission Board of Advisors
2 under part 2 (hereafter in this part referred to as the
3 “Standards Board” and the “Board of Advisors”, respec-
4 tively) and the Technical Guidelines Development Com-
5 mittee under part 3.

6 **SEC. 202. DUTIES.**

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

11 (1) carrying out the duties described in part 3
12 (relating to the adoption of voluntary voting system
13 guidelines), including the maintenance of a clearing-
14 house of information on the experiences of State and
15 local governments in implementing the guidelines
16 and in operating voting systems in general;

17 (2) carrying out the duties described in subtitle
18 B (relating to the testing, certification, decertifica-
19 tion, and recertification of voting system hardware
20 and software);

21 (3) carrying out the duties described in subtitle
22 C (relating to conducting studies and carrying out
23 other activities to promote the effective administra-
24 tion of Federal elections);



1 (4) carrying out the duties described in subtitle
2 D (relating to election assistance), and providing in-
3 formation and training on the management of the
4 payments and grants provided under such subtitle;

5 (5) carrying out the duties described in subtitle
6 B of title III (relating to the adoption of voluntary
7 guidance); and

8 (6) developing and carrying out the Help Amer-
9 ica Vote College Program under title V.

10 **SEC. 203. MEMBERSHIP AND APPOINTMENT.**

11 (a) MEMBERSHIP.—

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

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



1 (3) QUALIFICATIONS.—Each member of the
2 Commission shall have experience with or expertise
3 in election administration or the study of elections.

4 (4) DATE OF APPOINTMENT.—The appoint-
5 ments of the members of the Commission shall be
6 made not later than 120 days after the date of the
7 enactment of this Act.

8 (b) TERM OF SERVICE.—

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

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

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

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

23 (3) VACANCIES.—

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



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

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

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

12 (c) CHAIR AND VICE CHAIR.—

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

18 (2) NUMBER OF TERMS.—A member of the
19 Commission may serve as the chairperson and vice
20 chairperson for only 1 term each during the term of
21 office to which such member is appointed.

22 (d) COMPENSATION.—

23 (1) IN GENERAL.—Each member of the Com-
24 mission shall be compensated at the annual rate of
25 basic pay prescribed for level IV of the Executive



1 Schedule under section 5315 of title 5, United
2 States Code.

3 (2) OTHER ACTIVITIES.—No member appointed
4 to the Commission under subsection (a) may engage
5 in any other business, vocation, or employment while
6 serving as a member of the Commission and shall
7 terminate or liquidate such business, vocation, or
8 employment before sitting as a member of the Com-
9 mission.

10 **SEC. 204. STAFF.**

11 (a) EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND
12 OTHER STAFF.—

13 (1) EXECUTIVE DIRECTOR.—The Commission
14 shall have an Executive Director, who shall be paid
15 at a rate not to exceed the rate of basic pay for level
16 V of the Executive Schedule under section 5316 of
17 title 5, United States Code.

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

23 (3) PROCEDURE FOR APPOINTMENT.—

24 (A) IN GENERAL.—When a vacancy exists
25 in the position of the Executive Director, the



1 Standards Board and the Board of Advisors
2 shall each appoint a search committee to rec-
3 ommend at least 3 nominees for the position.

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

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

17 (D) SPECIAL RULES FOR INTERIM EXECU-
18 TIVE DIRECTOR.—

19 (i) CONVENING OF SEARCH COMMIT-
20 TEES.—The Standards Board and the
21 Board of Advisors shall each appoint a
22 search committee and recommend nomi-
23 nees for the position of Executive Director
24 in accordance with subparagraph (A) as

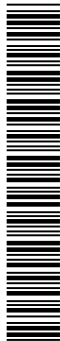


1 soon as practicable after the appointment
2 of their members.

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

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

23 (5) OTHER STAFF.—Subject to rules prescribed
24 by the Commission, the Executive Director may ap-



1 point and fix the pay of such additional personnel as
2 the Executive Director considers appropriate.

3 (6) APPLICABILITY OF CERTAIN CIVIL SERVICE
4 LAWS.—The Executive Director, General Counsel,
5 and staff of the Commission may be appointed with-
6 out regard to the provisions of title 5, United States
7 Code, governing appointments in the competitive
8 service, and may be paid without regard to the pro-
9 visions of chapter 51 and subchapter III of chapter
10 53 of that title relating to classification and General
11 Schedule pay rates, except that an individual so ap-
12 pointed may not receive pay in excess of the annual
13 rate of basic pay for level V of the Executive Sched-
14 ule under section 5316 of that title.

15 (b) EXPERTS AND CONSULTANTS.—Subject to rules
16 prescribed by the Commission, the Executive Director may
17 procure temporary and intermittent services under section
18 3109(b) of title 5, United States Code, by a vote of the
19 Commission.

20 (c) STAFF OF FEDERAL AGENCIES.—Upon request
21 of the Commission, the head of any Federal department
22 or agency may detail, on a reimbursable basis, any of the
23 personnel of that department or agency to the Commission
24 to assist it in carrying out its duties under this Act.



1 (d) ARRANGING FOR ASSISTANCE FOR BOARD OF AD-
2 VISORS AND STANDARDS BOARD.—At the request of the
3 Board of Advisors or the Standards Board, the Commis-
4 sion may enter into such arrangements as the Commission
5 considers appropriate to make personnel available to assist
6 the Boards with carrying out their duties under this title
7 (including contracts with private individuals for providing
8 temporary personnel services or the temporary detailing
9 of personnel of the Commission).

10 (e) CONSULTATION WITH BOARD OF ADVISORS AND
11 STANDARDS BOARD ON CERTAIN MATTERS.—In pre-
12 paring the program goals, long-term plans, mission state-
13 ments, and related matters for the Commission, the Exec-
14 utive Director and staff of the Commission shall consult
15 with the Board of Advisors and the Standards Board.

16 **SEC. 205. POWERS.**

17 (a) HEARINGS AND SESSIONS.—The Commission
18 may hold such hearings for the purpose of carrying out
19 this Act, sit and act at such times and places, take such
20 testimony, and receive such evidence as the Commission
21 considers advisable to carry out this Act. The Commission
22 may administer oaths and affirmations to witnesses ap-
23 pearing before the Commission.

24 (b) INFORMATION FROM FEDERAL AGENCIES.—The
25 Commission may secure directly from any Federal depart-



1 ment or agency such information as the Commission con-
2 siders necessary to carry out this Act. Upon request of
3 the Commission, the head of such department or agency
4 shall furnish such information to the Commission.

5 (c) **POSTAL SERVICES.**—The Commission may use
6 the United States mails in the same manner and under
7 the same conditions as other departments and agencies of
8 the Federal Government.

9 (d) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon
10 the request of the Commission, the Administrator of Gen-
11 eral Services shall provide to the Commission, on a reim-
12 bursable basis, the administrative support services that
13 are necessary to enable the Commission to carry out its
14 duties under this Act.

15 (e) **CONTRACTS.**—The Commission may contract
16 with and compensate persons and Federal agencies for
17 supplies and services without regard to section 3709 of
18 the Revised Statutes of the United States (41 U.S.C. 5).

19 **SEC. 206. DISSEMINATION OF INFORMATION.**

20 In carrying out its duties, the Commission shall, on
21 an ongoing basis, disseminate to the public (through the
22 Internet, published reports, and such other methods as the
23 Commission considers appropriate) in a manner that is
24 consistent with the requirements of chapter 19 of title 44,



1 United States Code, information on the activities carried
2 out under this Act.

3 **SEC. 207. ANNUAL REPORT.**

4 Not later than January 31 of each year (beginning
5 with 2004), the Commission shall submit a report to the
6 Committee on House Administration of the House of Rep-
7 resentatives and the Committee on Rules and Administra-
8 tion of the Senate detailing its activities during the fiscal
9 year which ended on September 30 of the previous cal-
10 endar year, and shall include in the report the following
11 information:

12 (1) A detailed description of activities con-
13 ducted with respect to each program carried out by
14 the Commission under this Act, including informa-
15 tion on each grant or other payment made under
16 such programs.

17 (2) A copy of each report submitted to the
18 Commission by a recipient of such grants or pay-
19 ments which is required under such a program, in-
20 cluding reports submitted by States receiving re-
21 quirements payments under part 1 of subtitle D,
22 and each other report submitted to the Commission
23 under this Act.

24 (3) Information on the voluntary voting system
25 guidelines adopted or modified by the Commission



1 under part 3 and information on the voluntary guid-
2 ance adopted under subtitle B of title III.

3 (4) All votes taken by the Commission.

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

6 **SEC. 208. REQUIRING MAJORITY APPROVAL FOR ACTIONS.**

7 Any action which the Commission is authorized to
8 carry out under this Act may be carried out only with the
9 approval of at least 3 of its members.

10 **SEC. 209. LIMITATION ON RULEMAKING AUTHORITY.**

11 The Commission shall not have any authority to issue
12 any rule, promulgate any regulation, or take any other ac-
13 tion which imposes any requirement on any State or unit
14 of local government, except to the extent permitted under
15 section 9(a) of the National Voter Registration Act of
16 1993 (42 U.S.C. 1973gg-7(a)).

17 **SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

18 In addition to the amounts authorized for payments
19 and grants under this title and the amounts authorized
20 to be appropriated for the program under section 503,
21 there are authorized to be appropriated for each of the
22 fiscal years 2003 through 2005 such sums as may be nec-
23 essary (but not to exceed \$10,000,000 for each such year)
24 for the Commission to carry out this title.



1 **PART 2—ELECTION ASSISTANCE COMMISSION**

2 **STANDARDS BOARD AND BOARD OF ADVISORS**

3 **SEC. 211. ESTABLISHMENT.**

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

9 **SEC. 212. DUTIES.**

10 The Standards Board and the Board of Advisors
11 shall each, in accordance with the procedures described in
12 part 3, review the voluntary voting system guidelines
13 under such part, the voluntary guidance under title III,
14 and the best practices recommendations contained in the
15 report submitted under section 242(b).

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

17 (a) COMPOSITION.—

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

22 (A) 55 shall be State election officials se-
23 lected by the chief State election official of each
24 State.

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



1 (2) LIST OF LOCAL ELECTION OFFICIALS.—

2 Each State's local election officials, including the
3 local election officials of Puerto Rico and the United
4 States Virgin Islands, shall select (under a process
5 supervised by the chief election official of the State)
6 a representative local election official from the State
7 for purposes of paragraph (1)(B). In the case of the
8 District of Columbia, Guam, and American Samoa,
9 the chief election official shall establish a procedure
10 for selecting an individual to serve as a local election
11 official for purposes of such paragraph, except that
12 under such a procedure the individual selected may
13 not be a member of the same political party as the
14 chief election official.

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

19 (b) PROCEDURES FOR NOTICE AND CERTIFICATION
20 OF APPOINTMENT.—

21 (1) NOTICE TO CHAIR OF FEDERAL ELECTION
22 COMMISSION.—Not later than 90 days after the date
23 of the enactment of this Act, the chief State election
24 official of the State shall transmit a notice to the



1 chair of the Federal Election Commission
2 containing—

3 (A) the name of the State election official
4 who agrees to serve on the Standards Board
5 under this title; and

6 (B) the name of the representative local
7 election official from the State selected under
8 subsection (a)(2) who agrees to serve on the
9 Standards Board under this title.

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

17 (3) EFFECT OF FAILURE TO PROVIDE NO-
18 TICE.—If a State does not transmit a notice to the
19 chair of the Federal Election Commission under
20 paragraph (1) within the deadline described in such
21 paragraph, no representative from the State may
22 participate in the selection of the initial Executive
23 Board under subsection (c).

24 (4) ROLE OF COMMISSION.—Upon the appoint-
25 ment of the members of the Election Assistance



1 Commission, the Election Assistance Commission
2 shall carry out the duties of the Federal Election
3 Commission under this subsection.

4 (c) EXECUTIVE BOARD.—

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

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

13 (B) not more than 5 may be local election
14 officials; and

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

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

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

24 (A) 3 shall serve for 1 term;



1 (B) 3 shall serve for 2 consecutive terms;
2 and

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

6 (4) DUTIES.—In addition to any other duties
7 assigned under this title, the Executive Board of the
8 Standards Board may carry out such duties of the
9 Standards Board as the Standards Board may dele-
10 gate.

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

12 (a) IN GENERAL.—The Board of Advisors shall be
13 composed of 37 members appointed as follows:

14 (1) 2 members appointed by the National Gov-
15 ernors Association.

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

18 (3) 2 members appointed by the National Asso-
19 ciation of Secretaries of State.

20 (4) 2 members appointed by the National Asso-
21 ciation of State Election Directors.

22 (5) 2 members appointed by the National Asso-
23 ciation of Counties.



1 (6) 2 members appointed by the National Asso-
2 ciation of County Recorders, Election Administra-
3 tors, and Clerks.

4 (7) 2 members appointed by the United States
5 Conference of Mayors.

6 (8) 2 members appointed by the Election Cen-
7 ter.

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

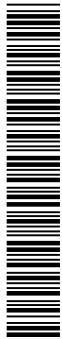
11 (10) 2 members appointed by the United States
12 Commission on Civil Rights.

13 (11) 2 members appointed by the Architectural
14 and Transportation Barrier Compliance Board
15 under section 502 of the Rehabilitation Act of 1973
16 (29 U.S.C. 792).

17 (12) The chief of the Office of Public Integrity
18 of the Department of Justice, or the chief's des-
19 ignee.

20 (13) The chief of the Voting Section of the Civil
21 Rights Division of the Department of Justice or the
22 chief's designee.

23 (14) The director of the Federal Voting Assist-
24 ance Program of the Department of Defense.



1 (15) 4 members representing professionals in
2 the field of science and technology, of whom—

3 (A) 1 each shall be appointed by the
4 Speaker and the Minority Leader of the House
5 of Representatives; and

6 (B) 1 each shall be appointed by the Ma-
7 jority Leader and the Minority Leader of the
8 Senate.

9 (16) 8 members representing voter interests, of
10 whom—

11 (A) 4 members shall be appointed by the
12 Committee on House Administration of the
13 House of Representatives, of whom 2 shall be
14 appointed by the chair and 2 shall be appointed
15 by the ranking minority member; and

16 (B) 4 members shall be appointed by the
17 Committee on Rules and Administration of the
18 Senate, of whom 2 shall be appointed by the
19 chair and 2 shall be appointed by the ranking
20 minority member.

21 (b) MANNER OF APPOINTMENTS.—Appointments
22 shall be made to the Board of Advisors under subsection
23 (a) in a manner which ensures that the Board of Advisors
24 will be bipartisan in nature and will reflect the various
25 geographic regions of the United States.



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

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

8 **SEC. 215. POWERS OF BOARDS; NO COMPENSATION FOR**
9 **SERVICE.**

10 (a) HEARINGS AND SESSIONS.—

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

22 (2) MEETINGS.—The Standards Board and the
23 Board of Advisors shall each hold a meeting of its
24 members—



1 (A) not less frequently than once every
2 year for purposes of voting on the voluntary
3 voting system guidelines referred to it under
4 section 222;

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

8 (C) at such other times as it considers ap-
9 propriate for purposes of conducting such other
10 business as it considers appropriate consistent
11 with this title.

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

20 (c) POSTAL SERVICES.—The Standards Board and
21 the Board of Advisors may use the United States mails
22 in the same manner and under the same conditions as a
23 department or agency of the Federal Government.

24 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
25 the request of the Executive Board (in the case of the



1 Standards Board) or the Chair (in the case of the Board
2 of Advisors), the Administrator of the General Services
3 Administration shall provide to the Board, on a reimburs-
4 able basis, the administrative support services that are
5 necessary to enable the Board to carry out its duties under
6 this title.

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

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

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

24 (b) EXCEPTION FOR CRIMINAL ACTS AND OTHER
25 WILLFUL CONDUCT.—Subsection (a) may not be con-



1 strued to limit personal liability for criminal acts or omis-
2 sions, willful or malicious misconduct, acts or omissions
3 for private gain, or any other act or omission outside the
4 scope of the service of a member of the Standards Board
5 or the Board of Advisors.

6 **PART 3—TECHNICAL GUIDELINES**

7 **DEVELOPMENT COMMITTEE**

8 **SEC. 221. TECHNICAL GUIDELINES DEVELOPMENT COM-**
9 **MITTEE.**

10 (a) ESTABLISHMENT.—There is hereby established
11 the Technical Guidelines Development Committee (here-
12 after in this part referred to as the “Development Com-
13 mittee”).

14 (b) DUTIES.—

15 (1) IN GENERAL.—The Development Committee
16 shall assist the Executive Director of the Commis-
17 sion in the development of the voluntary voting sys-
18 tem guidelines.

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

25 (c) MEMBERSHIP.—



1 (1) IN GENERAL.—The Development Committee
2 shall be composed of the Director of the National
3 Institute of Standards and Technology (who shall
4 serve as its chair), together with a group of 14 other
5 individuals appointed jointly by the Commission and
6 the Director of the National Institute of Standards
7 and Technology, consisting of the following:

8 (A) An equal number of each of the fol-
9 lowing:

10 (i) Members of the Standards Board.

11 (ii) Members of the Board of Advi-
12 sors.

13 (iii) Members of the Architectural and
14 Transportation Barrier Compliance Board
15 under section 502 of the Rehabilitation Act
16 of 1973 (29 U.S.C. 792).

17 (B) A representative of the American Na-
18 tional Standards Institute.

19 (C) A representative of the Institute of
20 Electrical and Electronics Engineers.

21 (D) 2 representatives of the National Asso-
22 ciation of State Election Directors selected by
23 such Association who are not members of the
24 Standards Board or Board of Advisors, and
25 who are not of the same political party.



1 (E) Other individuals with technical and
2 scientific expertise relating to voting systems
3 and voting equipment.

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

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

17 (e) TECHNICAL SUPPORT FROM NATIONAL INSTI-
18 TUTE OF STANDARDS AND TECHNOLOGY.—

19 (1) IN GENERAL.—At the request of the Devel-
20 opment Committee, the Director of the National In-
21 stitute of Standards and Technology shall provide
22 the Development Committee with technical support
23 necessary for the Development Committee to carry
24 out its duties under this subtitle.



1 (2) TECHNICAL SUPPORT.—The technical sup-
2 port provided under paragraph (1) shall include in-
3 tramural research and development in areas to sup-
4 port the development of the voluntary voting system
5 guidelines under this part, including—

6 (A) the security of computers, computer
7 networks, and computer data storage used in
8 voting systems, including the computerized list
9 required under section 303(a);

10 (B) methods to detect and prevent fraud;

11 (C) the protection of voter privacy;

12 (D) the role of human factors in the design
13 and application of voting systems, including as-
14 sistive technologies for individuals with disabil-
15 ities (including blindness) and varying levels of
16 literacy; and

17 (E) remote access voting, including voting
18 through the Internet.

19 (3) NO PRIVATE SECTOR INTELLECTUAL PROP-
20 ERTY RIGHTS IN GUIDELINES.—No private sector in-
21 dividual or entity shall obtain any intellectual prop-
22 erty rights to any guideline or the contents of any
23 guideline (or any modification to any guideline)
24 adopted by the Commission under this Act.



1 (f) PUBLICATION OF RECOMMENDATIONS IN FED-
2 ERAL REGISTER.—At the time the Commission adopts any
3 voluntary voting system guideline pursuant to section 222,
4 the Development Committee shall cause to have published
5 in the Federal Register the recommendations it provided
6 under this section to the Executive Director of the Com-
7 mission concerning the guideline adopted.

8 **SEC. 222. PROCESS FOR ADOPTION.**

9 (a) GENERAL REQUIREMENT FOR NOTICE AND COM-
10 MENT.—Consistent with the requirements of this section,
11 the final adoption of the voluntary voting system guide-
12 lines (or modification of such a guideline) shall be carried
13 out by the Commission in a manner that provides for each
14 of the following:

15 (1) Publication of notice of the proposed guide-
16 lines in the Federal Register.

17 (2) An opportunity for public comment on the
18 proposed guidelines.

19 (3) An opportunity for a public hearing on the
20 record.

21 (4) Publication of the final guidelines in the
22 Federal Register.

23 (b) CONSIDERATION OF RECOMMENDATIONS OF DE-
24 VELOPMENT COMMITTEE; SUBMISSION OF PROPOSED



1 GUIDELINES TO BOARD OF ADVISORS AND STANDARDS
2 BOARD.—

3 (1) CONSIDERATION OF RECOMMENDATIONS OF
4 DEVELOPMENT COMMITTEE.—In developing the vol-
5 untary voting system guidelines and modifications of
6 such guidelines under this section, the Executive Di-
7 rector of the Commission shall take into consider-
8 ation the recommendations provided by the Tech-
9 nical Guidelines Development Committee under sec-
10 tion 221.

11 (2) BOARD OF ADVISORS.—The Executive Di-
12 rector of the Commission shall submit the guidelines
13 proposed to be adopted under this part (or any
14 modifications to such guidelines) to the Board of
15 Advisors.

16 (3) STANDARDS BOARD.—The Executive Direc-
17 tor of the Commission shall submit the guidelines
18 proposed to be adopted under this part (or any
19 modifications to such guidelines) to the Executive
20 Board of the Standards Board, which shall review
21 the guidelines (or modifications) and forward its rec-
22 ommendations to the Standards Board.

23 (c) REVIEW.—Upon receipt of voluntary voting sys-
24 tem guidelines described in subsection (b) (or a modifica-
25 tion of such guidelines) from the Executive Director of the



1 Commission, the Board of Advisors and the Standards
2 Board shall each review and submit comments and rec-
3 ommendations regarding the guideline (or modification) to
4 the Commission.

5 (d) FINAL ADOPTION.—

6 (1) IN GENERAL.—A voluntary voting system
7 guideline described in subsection (b) (or modification
8 of such a guideline) shall not be considered to be fi-
9 nally adopted by the Commission unless the Com-
10 mission votes to approve the final adoption of the
11 guideline (or modification), taking into consideration
12 the comments and recommendations submitted by
13 the Board of Advisors and the Standards Board
14 under subsection (c).

15 (2) MINIMUM PERIOD FOR CONSIDERATION OF
16 COMMENTS AND RECOMMENDATIONS.—The Commis-
17 sion may not vote on the final adoption of a guide-
18 line described in subsection (b) (or modification of
19 such a guideline) until the expiration of the 90-day
20 period which begins on the date the Executive Direc-
21 tor of the Commission submits the proposed guide-
22 line (or modification) to the Board of Advisors and
23 the Standards Board under subsection (b).

24 (e) SPECIAL RULE FOR INITIAL SET OF GUIDE-
25 LINES.—Notwithstanding any other provision of this part,



1 the most recent set of voting system standards adopted
2 by the Federal Election Commission prior to the date of
3 the enactment of this Act shall be deemed to have been
4 adopted by the Commission as of the date of the enact-
5 ment of this Act as the first set of voluntary voting system
6 guidelines adopted under this part.

7 **Subtitle B—Testing, Certification,**
8 **Decertification, and Recertifi-**
9 **cation of Voting System Hard-**
10 **ware and Software**

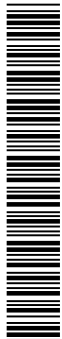
11 **SEC. 231. CERTIFICATION AND TESTING OF VOTING SYS-**
12 **TEMS.**

13 (a) CERTIFICATION AND TESTING.—

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

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

24 (b) LABORATORY ACCREDITATION.—



1 (1) RECOMMENDATIONS BY NATIONAL INSTI-
2 TUTE OF STANDARDS AND TECHNOLOGY.—Not later
3 than 6 months after the Commission first adopts
4 voluntary voting system guidelines under part 3 of
5 subtitle A, the Director of the National Institute of
6 Standards and Technology shall conduct an evalua-
7 tion of independent, non-Federal laboratories and
8 shall submit to the Commission a list of those lab-
9 oratories the Director proposes to be accredited to
10 carry out the testing, certification, decertification,
11 and recertification provided for under this section.

12 (2) APPROVAL BY COMMISSION.—

13 (A) IN GENERAL.—The Commission shall
14 vote on the accreditation of any laboratory
15 under this section, taking into consideration the
16 list submitted under paragraph (1), and no lab-
17 oratory may be accredited for purposes of this
18 section unless its accreditation is approved by a
19 vote of the Commission.

20 (B) ACCREDITATION OF LABORATORIES
21 NOT ON DIRECTOR LIST.—The Commission
22 shall publish an explanation for the accredita-
23 tion of any laboratory not included on the list
24 submitted by the Director of the National Insti-



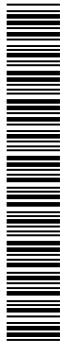
1 tute of Standards and Technology under para-
2 graph (1).

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 vote of the Commis-
20 sion.

21 (d) TRANSITION.—Until such time as the Commis-
22 sion provides for the testing, certification, decertification,
23 and recertification of voting system hardware and software
24 by accredited laboratories under this section, the accredi-
25 tation of laboratories and the procedure for the testing,



1 certification, decertification, and recertification of voting
2 system hardware and software used as of the date of the
3 enactment of this Act shall remain in effect.

4 **Subtitle C—Studies and Other Ac-**
5 **tivities To Promote Effective**
6 **Administration of Federal Elec-**
7 **tions**

8 **SEC. 241. PERIODIC STUDIES OF ELECTION ADMINISTRA-**
9 **TION ISSUES.**

10 (a) IN GENERAL.—On such periodic basis as the
11 Commission may determine, the Commission shall conduct
12 and make available to the public studies regarding the
13 election administration issues described in subsection (b),
14 with the goal of promoting methods of voting and admin-
15 istering elections which—

16 (1) will be the most convenient, accessible, and
17 easy to use for voters, including members of the uni-
18 formed services and overseas voters, individuals with
19 disabilities, including the blind and visually im-
20 paired, and voters with limited proficiency in the
21 English language;

22 (2) will yield the most accurate, secure, and ex-
23 peditious system for voting and tabulating election
24 results;



1 (3) will be nondiscriminatory and afford each
2 registered and eligible voter an equal opportunity to
3 vote and to have that vote counted; and

4 (4) will be efficient and cost-effective for use.

5 (b) ELECTION ADMINISTRATION ISSUES DE-
6 SCRIBED.—For purposes of subsection (a), the election ad-
7 ministration issues described in this subsection are as fol-
8 lows:

9 (1) Methods and mechanisms of election tech-
10 nology and voting systems used in voting and count-
11 ing votes in elections for Federal office, including
12 the over-vote and under-vote notification capabilities
13 of such technology and systems.

14 (2) Ballot designs for elections for Federal of-
15 fice.

16 (3) Methods of voter registration, maintaining
17 secure and accurate lists of registered voters (includ-
18 ing the establishment of a centralized, interactive,
19 statewide voter registration list linked to relevant
20 agencies and all polling sites), and ensuring that
21 registered voters appear on the voter registration list
22 at the appropriate polling site.

23 (4) Methods of conducting provisional voting.

24 (5) Methods of ensuring the accessibility of vot-
25 ing, registration, polling places, and voting equip-



1 ment to all voters, including individuals with disabil-
2 ities (including the blind and visually impaired), Na-
3 tive American or Alaska Native citizens, and voters
4 with limited proficiency in the English language.

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

8 (7) Identifying, deterring, and investigating
9 methods of voter intimidation.

10 (8) Methods of recruiting, training, and improv-
11 ing the performance of poll workers.

12 (9) Methods of educating voters about the proc-
13 ess of registering to vote and voting, the operation
14 of voting mechanisms, the location of polling places,
15 and all other aspects of participating in elections.

16 (10) The feasibility and advisability of con-
17 ducting elections for Federal office on different days,
18 at different places, and during different hours, in-
19 cluding the advisability of establishing a uniform poll
20 closing time and establishing—

21 (A) a legal public holiday under section
22 6103 of title 5, United States Code, as the date
23 on which general elections for Federal office are
24 held;



1 (B) the Tuesday next after the 1st Monday
2 in November, in every even numbered year, as
3 a legal public holiday under such section;

4 (C) a date other than the Tuesday next
5 after the 1st Monday in November, in every
6 even numbered year as the date on which gen-
7 eral elections for Federal office are held; and

8 (D) any date described in subparagraph
9 (C) as a legal public holiday under such section.

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

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

17 (13)(A) The laws and procedures used by each
18 State that govern—

19 (i) recounts of ballots cast in elections for
20 Federal office;

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

23 (iii) standards that define what will con-
24 stitute a vote on each type of voting equipment



1 used in the State to conduct elections for Fed-
2 eral office.

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

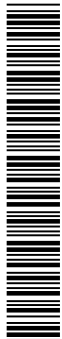
6 (C) Whether or not there is a need for more
7 consistency among State recount and contest proce-
8 dures used with respect to elections for Federal of-
9 fice.

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

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

16 (16) Methods of voter registration for members
17 of the uniformed services and overseas voters, and
18 methods of ensuring that such voters receive timely
19 ballots that will be properly and expeditiously han-
20 dled and counted.

21 (17) The best methods for establishing voting
22 system performance benchmarks, expressed as a per-
23 centage of residual vote in the Federal contest at the
24 top of the ballot.



1 (18) Broadcasting practices that may result in
2 the broadcast of false information concerning the lo-
3 cation or time of operation of a polling place.

4 (19) Such other matters as the Commission de-
5 termines are appropriate.

6 (c) REPORTS.—The Commission shall submit to the
7 President and to the Committee on House Administration
8 of the House of Representatives and the Committee on
9 Rules and Administration of the Senate a report on each
10 study conducted under subsection (a) together with such
11 recommendations for administrative and legislative action
12 as the Commission determines is appropriate.

13 **SEC. 242. STUDY, REPORT, AND RECOMMENDATIONS ON**
14 **BEST PRACTICES FOR FACILITATING MILI-**
15 **TARY AND OVERSEAS VOTING.**

16 (a) STUDY.—

17 (1) IN GENERAL.—The Commission, in con-
18 sultation with the Secretary of Defense, shall con-
19 duct a study on the best practices for facilitating
20 voting by absent uniformed services voters (as de-
21 fined in section 107(1) of the Uniformed and Over-
22 seas Citizens Absentee Voting Act) and overseas vot-
23 ers (as defined in section 107(5) of such Act).



1 (2) ISSUES CONSIDERED.—In conducting the
2 study under paragraph (1) the Commission shall
3 consider the following issues:

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

6 (B) The rights of absent uniformed serv-
7 ices voters and overseas voters to register to
8 vote and cast absentee ballots, including the
9 right of such voters to cast a secret ballot.

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

14 (D) The appropriate preelection deadline
15 for mailing absentee ballots to absent uniformed
16 services voters and overseas voters.

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

21 (F) The timely transmission of balloting
22 materials to absent uniformed services voters
23 and overseas voters.

24 (G) Security and privacy concerns in the
25 transmission, receipt, and processing of ballots



1 from absent uniformed services voters and over-
2 seas voters, including the need to protect
3 against fraud.

4 (H) The use of a single application by ab-
5 sent uniformed services voters and overseas vot-
6 ers for absentee ballots for all Federal elections
7 occurring during a year.

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

11 (J) The use of facsimile machines and elec-
12 tronic means of transmission of absentee ballot
13 applications and absentee ballots to absent uni-
14 formed services voters and overseas voters.

15 (K) Other issues related to the rights of
16 absent uniformed services voters and overseas
17 voters to participate in elections.

18 (b) REPORT AND RECOMMENDATIONS.—Not later
19 than the date that is 18 months after the date of the en-
20 actment of this Act, the Commission shall submit to the
21 President and Congress a report on the study conducted
22 under subsection (a)(1) together with recommendations
23 identifying the best practices used with respect to the
24 issues considered under subsection (a)(2).



1 **SEC. 243. REPORT ON HUMAN FACTOR RESEARCH.**

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

15 **SEC. 244. STUDY AND REPORT ON VOTERS WHO REGISTER**
16 **BY MAIL AND USE OF SOCIAL SECURITY IN-**
17 **FORMATION.**

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 on which section
5 303(a)(5) takes effect, the Commission, in consultation
6 with the Commissioner of Social Security, shall study and
7 report to Congress on the feasibility and advisability of
8 using Social Security identification numbers or other in-
9 formation compiled by the Social Security Administration
10 to establish voter registration or other election law eligi-
11 bility or identification requirements, including the match-
12 ing of relevant information specific to an individual voter,
13 the impact of such use on national security issues, and
14 whether adequate safeguards or waiver procedures exist
15 to protect the privacy of an individual voter.

16 **SEC. 245. 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 the enactment of this Act, the
9 Commission shall transmit to the Committee on
10 House Administration of the House of Representa-
11 tives and the Committee on Rules and Administra-
12 tion of the Senate a report on the results of the
13 study conducted under subsection (a), including such
14 legislative recommendations or model State laws as
15 are required to address the findings of the Commis-
16 sion.

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

22 **SEC. 246. STUDY AND REPORT ON FREE ABSENTEE BALLOT**
23 **POSTAGE.**

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



1 (1) IN GENERAL.—The Commission, in con-
2 sultation with the Postal Service, shall conduct a
3 study on the feasibility and advisability of the estab-
4 lishment of a program under which the Postal Serv-
5 ice shall waive or otherwise reduce the amount of
6 postage applicable with respect to absentee ballots
7 submitted by voters in general elections for Federal
8 office (other than balloting materials mailed under
9 section 3406 of title 39, United States Code) that
10 does not apply with respect to the postage required
11 to send the absentee ballots to voters.

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

19 (b) REPORT.—

20 (1) SUBMISSION.—Not later than the date that
21 is 1 year after the date of the enactment of this Act,
22 the Commission shall submit to Congress a report
23 on the study conducted under subsection (a)(1) to-
24 gether with recommendations for such legislative



1 and administrative action as the Commission deter-
2 mines appropriate.

3 (2) COSTS.—The report submitted under para-
4 graph (1) shall contain an estimate of the costs of
5 establishing the program described in subsection
6 (a)(1).

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

13 (4) RECOMMENDATIONS REGARDING THE EL-
14 DERLY AND DISABLED.—The report submitted
15 under paragraph (1) shall—

16 (A) include recommendations on ways that
17 program described in subsection (a)(1) would
18 target elderly individuals and individuals with
19 disabilities; and

20 (B) identify methods to increase the num-
21 ber of such individuals who vote in elections for
22 Federal office.

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



1 **SEC. 247. CONSULTATION WITH STANDARDS BOARD AND**
2 **BOARD OF ADVISORS.**

3 The Commission shall carry out its duties under this
4 subtitle in consultation with the Standards Board and the
5 Board of Advisors.

6 **Subtitle D—Election Assistance**

7 **PART 1—REQUIREMENTS PAYMENTS**

8 **SEC. 251. REQUIREMENTS PAYMENTS.**

9 (a) **IN GENERAL.**—The Commission shall make a re-
10 quirements payment each year in an amount determined
11 under section 252 to each State which meets the condi-
12 tions described in section 253 for the year.

13 (b) **USE OF FUNDS.**—

14 (1) **IN GENERAL.**—Except as provided in para-
15 graph (2), a State receiving a requirements payment
16 shall use the payment only to meet the requirements
17 of title III.

18 (2) **OTHER ACTIVITIES.**—A State may use a re-
19 quirements payment to carry out other activities to
20 improve the administration of elections for Federal
21 office if the State certifies to the Commission that—

22 (A) the State has implemented the require-
23 ments of title III; or

24 (B) the amount expended with respect to
25 such other activities does not exceed an amount



1 equal to the minimum payment amount applica-
2 ble to the State under section 252(c).

3 (c) RETROACTIVE PAYMENTS.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of this subtitle, including the maintenance
6 of effort requirements of section 254(a)(7), a State
7 may use a requirements payment as a reimburse-
8 ment for costs incurred in obtaining voting equip-
9 ment which meets the requirements of section 301
10 if the State obtains the equipment after the regu-
11 larly scheduled general election for Federal office
12 held in November 2000.

13 (2) SPECIAL RULE REGARDING MULTIYEAR
14 CONTRACTS.—A State may use a requirements pay-
15 ment for any costs for voting equipment which meets
16 the requirements of section 301 that, pursuant to a
17 multiyear contract, were incurred on or after Janu-
18 ary 1, 2001, except that the amount that the State
19 is otherwise required to contribute under the mainte-
20 nance of effort requirements of section 254(a)(7)
21 shall be increased by the amount of the payment
22 made with respect to such multiyear contract.

23 (d) ADOPTION OF COMMISSION GUIDELINES AND
24 GUIDANCE NOT REQUIRED TO RECEIVE PAYMENT.—

25 Nothing in this part may be construed to require a State



1 to implement any of the voluntary voting system guide-
2 lines or any of the voluntary guidance adopted by the
3 Commission with respect to any matter as a condition for
4 receiving a requirements payment.

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

11 (f) LIMITATION.—A State may not use any portion
12 of a requirements payment—

13 (1) to pay costs associated with any litigation,
14 except to the extent that such costs otherwise con-
15 stitute permitted uses of a requirements payment
16 under this part; or

17 (2) for the payment of any judgment.

18 **SEC. 252. ALLOCATION OF FUNDS.**

19 (a) IN GENERAL.—Subject to subsection (c), the
20 amount of a requirements payment made to a State for
21 a year shall be equal to the product of—

22 (1) the total amount appropriated for require-
23 ments payments for the year pursuant to the au-
24 thorization under section 257; and



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

3 (b) STATE ALLOCATION PERCENTAGE DEFINED.—

4 The “State allocation percentage” for a State is the
5 amount (expressed as a percentage) equal to the quotient
6 of—

7 (1) the voting age population of the State (as
8 reported in the most recent decennial census); and

9 (2) the total voting age population of all States
10 (as reported in the most recent decennial census).

11 (c) MINIMUM AMOUNT OF PAYMENT.—The amount
12 of a requirements payment made to a State for a year
13 may not be less than—

14 (1) in the case of any of the several States or
15 the District of Columbia, $\frac{1}{2}$ of 1 percent of the total
16 amount appropriated for requirements payments for
17 the year under section 257; or

18 (2) in the case of the Commonwealth of Puerto
19 Rico, Guam, American Samoa, or the United States
20 Virgin Islands, $\frac{1}{10}$ of 1 percent of such total
21 amount.

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



1 (e) CONTINUING AVAILABILITY OF FUNDS AFTER
2 APPROPRIATION.—A requirements payment made to a
3 State under this part shall be available to the State with-
4 out fiscal year limitation.

5 **SEC. 253. CONDITION FOR RECEIPT OF FUNDS.**

6 (a) IN GENERAL.—A State is eligible to receive a re-
7 quirements payment for a fiscal year if the chief executive
8 officer of the State, or designee, in consultation and co-
9 ordination with the chief State election official, has filed
10 with the Commission a statement certifying that the State
11 is in compliance with the requirements referred to in sub-
12 section (b). A State may meet the requirement of the pre-
13 vious sentence by filing with the Commission a statement
14 which reads as follows: “_____ hereby certifies
15 that it is in compliance with the requirements referred to
16 in section 253(b) of the Help America Vote Act of 2002.”
17 (with the blank to be filled in with the name of the State
18 involved).

19 (b) STATE PLAN REQUIREMENT; CERTIFICATION OF
20 COMPLIANCE WITH APPLICABLE LAWS AND REQUIRE-
21 MENTS.—The requirements referred to in this subsection
22 are as follows:

23 (1) The State has filed with the Commission a
24 State plan covering the fiscal year which the State
25 certifies—



1 (A) contains each of the elements described
2 in section 254 with respect to the fiscal year;

3 (B) is developed in accordance with section
4 255; and

5 (C) meets the public notice and comment
6 requirements of section 256.

7 (2) The State has filed with the Commission a
8 plan for the implementation of the uniform, non-
9 discriminatory administrative complaint procedures
10 required under section 402 (or has included such a
11 plan in the State plan filed under paragraph (1)),
12 and has such procedures in place for purposes of
13 meeting the requirements of such section. If the
14 State does not include such an implementation plan
15 in the State plan filed under paragraph (1), the re-
16 quirements of sections 255(b) and 256 shall apply to
17 the implementation plan in the same manner as such
18 requirements apply to the State plan.

19 (3) The State is in compliance with each of the
20 laws described in section 906, as such laws apply
21 with respect to this Act.

22 (4) To the extent that any portion of the re-
23 quirements payment is used for activities other than
24 meeting the requirements of title III—



1 (A) the State's proposed uses of the re-
2 quirements payment are not inconsistent with
3 the requirements of title III; and

4 (B) the use of the funds under this para-
5 graph is consistent with the requirements of
6 section 251(b).

7 (5) The State has appropriated funds for car-
8 rying out the activities for which the requirements
9 payment is made in an amount equal to 5 percent
10 of the total amount to be spent for such activities
11 (taking into account the requirements payment and
12 the amount spent by the State) and, in the case of
13 a State that uses a requirements payment as a reim-
14 bursement under section 251(c)(2), an additional
15 amount equal to the amount of such reimbursement.

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

20 (d) TIMING FOR FILING OF CERTIFICATION.—A
21 State may not file a statement of certification under sub-
22 section (a) until the expiration of the 45-day period (or,
23 in the case of a fiscal year other than the first fiscal year
24 for which a requirements payment is made to the State
25 under this subtitle, the 30-day period) which begins on



1 the date the State plan under this subtitle is published
2 in the Federal Register pursuant to section 255(b).

3 (e) CHIEF STATE ELECTION OFFICIAL DEFINED.—

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

9 **SEC. 254. STATE PLAN.**

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

12 (1) How the State will use the requirements
13 payment to meet the requirements of title III, and,
14 if applicable under section 251(a)(2), to carry out
15 other activities to improve the administration of elec-
16 tions.

17 (2) How the State will distribute and monitor
18 the distribution of the requirements payment to
19 units of local government or other entities in the
20 State for carrying out the activities described in
21 paragraph (1), including a description of—

22 (A) the criteria to be used to determine the
23 eligibility of such units or entities for receiving
24 the payment; and



1 (B) the methods to be used by the State
2 to monitor the performance of the units or enti-
3 ties to whom the payment is distributed, con-
4 sistent with the performance goals and meas-
5 ures adopted under paragraph (8).

6 (3) How the State will provide for programs for
7 voter education, election official education and train-
8 ing, and poll worker training which will assist the
9 State in meeting the requirements of title III.

10 (4) How the State will adopt voting system
11 guidelines and processes which are consistent with
12 the requirements of section 301.

13 (5) How the State will establish a fund de-
14 scribed in subsection (b) for purposes of admin-
15 istering the State's activities under this part, includ-
16 ing information on fund management.

17 (6) The State's proposed budget for activities
18 under this part, based on the State's best estimates
19 of the costs of such activities and the amount of
20 funds to be made available, including specific infor-
21 mation on—

22 (A) the costs of the activities required to
23 be carried out to meet the requirements of title
24 III;



1 (B) the portion of the requirements pay-
2 ment which will be used to carry out activities
3 to meet such requirements; and

4 (C) the portion of the requirements pay-
5 ment which will be used to carry out other ac-
6 tivities.

7 (7) How the State, in using the requirements
8 payment, will maintain the expenditures of the State
9 for activities funded by the payment at a level that
10 is not less than the level of such expenditures main-
11 tained by the State for the fiscal year ending prior
12 to November 2000.

13 (8) How the State will adopt performance goals
14 and measures that will be used by the State to de-
15 termine its success and the success of units of local
16 government in the State in carrying out the plan, in-
17 cluding timetables for meeting each of the elements
18 of the plan, descriptions of the criteria the State will
19 use to measure performance and the process used to
20 develop such criteria, and a description of which offi-
21 cial is to be held responsible for ensuring that each
22 performance goal is met.

23 (9) A description of the uniform, nondiscrim-
24 inatory State-based administrative complaint proce-
25 dures in effect under section 402.



1 (10) If the State received any payment under
2 title I, a description of how such payment will affect
3 the activities proposed to be carried out under the
4 plan, including the amount of funds available for
5 such activities.

6 (11) How the State will conduct ongoing man-
7 agement of the plan, except that the State may not
8 make any material change in the administration of
9 the plan unless the change—

10 (A) is developed and published in the Fed-
11 eral Register in accordance with section 255 in
12 the same manner as the State plan;

13 (B) is subject to public notice and com-
14 ment in accordance with section 256 in the
15 same manner as the State plan; and

16 (C) takes effect only after the expiration of
17 the 30-day period which begins on the date the
18 change is published in the Federal Register in
19 accordance with subparagraph (A).

20 (12) In the case of a State with a State plan
21 in effect under this subtitle during the previous fis-
22 cal year, a description of how the plan reflects
23 changes from the State plan for the previous fiscal
24 year and of how the State succeeded in carrying out
25 the State plan for such previous fiscal year.



1 (13) A description of the committee which par-
2 ticipated in the development of the State plan in ac-
3 cordance with section 255 and the procedures fol-
4 lowed by the committee under such section and sec-
5 tion 256.

6 (b) REQUIREMENTS FOR ELECTION FUND.—

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

13 (A) Amounts appropriated or otherwise
14 made available by the State for carrying out the
15 activities for which the requirements payment is
16 made to the State under this part.

17 (B) The requirements payment made to
18 the State under this part.

19 (C) Such other amounts as may be appro-
20 priated under law.

21 (D) Interest earned on deposits of the
22 fund.

23 (2) USE OF FUND.—Amounts in the fund shall
24 be used by the State exclusively to carry out the ac-



1 in the States, other local election officials, stake holders
2 (including representatives of groups of individuals with
3 disabilities), and other citizens, appointed for such pur-
4 pose by the chief State election official.

5 (b) PUBLICATION OF PLAN BY COMMISSION.—After
6 receiving the State plan of a State under this subtitle, the
7 Commission shall cause to have the plan published in the
8 Federal Register.

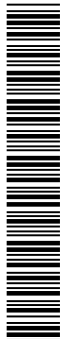
9 **SEC. 256. REQUIREMENT FOR PUBLIC NOTICE AND COM-**
10 **MENT.**

11 For purposes of section 251(a)(1)(C), a State plan
12 meets the public notice and comment requirements of this
13 section if—

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

18 (2) the State publishes notice that the prelimi-
19 nary version of the plan is so available; and

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



1 **SEC. 257. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—In addition to amounts trans-
3 ferred under section 104(c), there are authorized to be ap-
4 propriated for requirements payments under this part the
5 following amounts:

6 (1) For fiscal year 2003, \$1,400,000,000.

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

8 (3) For fiscal year 2005, \$600,000,000.

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

12 **SEC. 258. REPORTS.**

13 Not later than 6 months after the end of each fiscal
14 year for which a State received a requirements payment
15 under this part, the State shall submit a report to the
16 Commission on the activities conducted with the funds
17 provided during the year, and shall include in the report—

18 (1) a list of expenditures made with respect to
19 each category of activities described in section
20 251(b);

21 (2) the number and type of articles of voting
22 equipment obtained with the funds; and

23 (3) an analysis and description of the activities
24 funded under this part to meet the requirements of
25 this Act and an analysis and description of how such



1 activities conform to the State plan under section
2 254.

3 **PART 2—PAYMENTS TO STATES AND UNITS OF**
4 **LOCAL GOVERNMENT TO ASSURE ACCESS**
5 **FOR INDIVIDUALS WITH DISABILITIES**

6 **SEC. 261. PAYMENTS TO STATES AND UNITS OF LOCAL GOV-**
7 **ERNMENT TO ASSURE ACCESS FOR INDIVID-**
8 **UALS WITH DISABILITIES.**

9 (a) IN GENERAL.—The Secretary of Health and
10 Human Services shall make a payment to each eligible
11 State and each eligible unit of local government (as de-
12 scribed in section 263).

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

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

23 (2) providing individuals with disabilities and
24 the other individuals described in paragraph (1) with
25 information about the accessibility of polling places,



1 including outreach programs to inform the individ-
2 uals about the availability of accessible polling places
3 and training election officials, poll workers, and elec-
4 tion volunteers on how best to promote the access
5 and participation of individuals with disabilities in
6 elections for Federal office.

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

12 **SEC. 262. AMOUNT OF PAYMENT.**

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

17 (b) CONTINUING AVAILABILITY OF FUNDS AFTER
18 APPROPRIATION.—A payment made to an eligible State
19 or eligible unit of local government under this part shall
20 be available without fiscal year limitation.

21 **SEC. 263. REQUIREMENTS FOR ELIGIBILITY.**

22 (a) APPLICATION.—Each State or unit of local gov-
23 ernment that desires to receive a payment under this part
24 for a fiscal year shall submit an application for the pay-
25 ment to the Secretary at such time and in such manner



1 and containing such information as the Secretary shall re-
2 quire.

3 (b) CONTENTS OF APPLICATION.—Each application
4 submitted under subsection (a) shall—

5 (1) describe the activities for which assistance
6 under this section is sought; and

7 (2) provide such additional information and cer-
8 tifications as the Secretary determines to be essen-
9 tial to ensure compliance with the requirements of
10 this part.

11 (c) PROTECTION AGAINST ACTIONS BASED ON IN-
12 FORMATION IN APPLICATION.—

13 (1) IN GENERAL.—No action may be brought
14 under this Act against a State or unit of local gov-
15 ernment on the basis of any information contained
16 in the application submitted under subsection (a).

17 (2) EXCEPTION FOR CRIMINAL ACTS.—Para-
18 graph (1) may not be construed to limit the liability
19 of a State or unit of local government for criminal
20 acts or omissions.

21 **SEC. 264. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) IN GENERAL.—There are authorized to be appro-
23 priated to carry out the provisions of this part the fol-
24 lowing amounts:

25 (1) For fiscal year 2003, \$50,000,000.



1 (1) For fiscal year 2004, \$25,000,000.

2 (1) For fiscal year 2005, \$25,000,000.

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

6 **SEC. 265. REPORTS.**

7 (a) REPORTS BY RECIPIENTS.—Not later than the 6
8 months after the end of each fiscal year for which an eligi-
9 ble State or eligible unit of local government received a
10 payment under this part, the State or unit shall submit
11 a report to the Secretary on the activities conducted with
12 the funds provided during the year, and shall include in
13 the report a list of expenditures made with respect to each
14 category of activities described in section 261(b).

15 (b) REPORT BY SECRETARY TO COMMITTEES.—With
16 respect to each fiscal year for which the Secretary makes
17 payments under this part, the Secretary shall submit a
18 report on the activities carried out under this part to the
19 Committee on House Administration of the House of Rep-
20 resentatives and the Committee on Rules and Administra-
21 tion of the Senate.



1 **PART 3—GRANTS FOR RESEARCH ON VOTING**
2 **TECHNOLOGY IMPROVEMENTS**
3 **SEC. 271. GRANTS FOR RESEARCH ON VOTING TECH-**
4 **NOLOGY IMPROVEMENTS.**

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

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

14 (1) certifications that the research and develop-
15 ment funded with the grant will take into account
16 the need to make voting equipment fully accessible
17 for individuals with disabilities, including the blind
18 and visually impaired, the need to ensure that such
19 individuals can vote independently and with privacy,
20 and the need to provide alternative language accessi-
21 bility for individuals with limited proficiency in the
22 English language (consistent with the requirements
23 of the Voting Rights Act of 1965); and

24 (2) such other information and certifications as
25 the Commission may require.



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

8 (d) RECOMMENDATION OF TOPICS FOR RE-
9 SEARCH.—

10 (1) IN GENERAL.—The Director of the National
11 Institute of Standards and Technology (hereafter in
12 this section referred to as the “Director”) shall sub-
13 mit to the Commission an annual list of the Direc-
14 tor’s suggestions for issues which may be the subject
15 of research funded with grants awarded under this
16 part during the year.

17 (2) REVIEW OF GRANT APPLICATIONS RE-
18 CEIVED BY COMMISSION.—The Commission shall
19 submit each application it receives for a grant under
20 this part to the Director, who shall review the appli-
21 cation and provide the Commission with such com-
22 ments as the Director considers appropriate.

23 (3) MONITORING AND ADJUSTMENT OF GRANT
24 ACTIVITIES AT REQUEST OF COMMISSION.—After the
25 Commission has awarded a grant under this part,



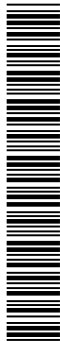
1 the Commission may request that the Director mon-
2 itor the grant, and (to the extent permitted under
3 the terms of the grant as awarded) the Director may
4 recommend to the Commission that the recipient of
5 the grant modify and adjust the activities carried
6 out under the grant.

7 (4) EVALUATION OF GRANTS AT REQUEST OF
8 COMMISSION.—

9 (A) IN GENERAL.—In the case of a grant
10 for which the Commission submits the applica-
11 tion to the Director under paragraph (2) or re-
12 quests that the Director monitor the grant
13 under paragraph (3), the Director shall prepare
14 and submit to the Commission an evaluation of
15 the grant and the activities carried out under
16 the grant.

17 (B) INCLUSION IN REPORTS.—The Com-
18 mission shall include the evaluations submitted
19 under subparagraph (A) for a year in the re-
20 port submitted for the year under section 207.

21 (e) PROVISION OF INFORMATION ON PROJECTS.—
22 The Commission may provide to the Technical Guidelines
23 Development Committee under part 3 of subtitle A such
24 information regarding the activities funded under this part



1 as the Commission deems necessary to assist the Com-
2 mittee in carrying out its duties.

3 **SEC. 272. REPORT.**

4 (a) IN GENERAL.—Each entity which receives a
5 grant under this part shall submit to the Commission a
6 report describing the activities carried out with the funds
7 provided under the grant.

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

12 **SEC. 273. AUTHORIZATION OF APPROPRIATIONS.**

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

16 (b) AVAILABILITY OF FUNDS.—Amounts appro-
17 priated pursuant to the authorization under this section
18 shall remain available, without fiscal year limitation, until
19 expended.

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

22 **SEC. 281. PILOT PROGRAM.**

23 (a) IN GENERAL.—The Commission shall make
24 grants to carry out pilot programs under which new tech-
25 nologies in voting systems and equipment are tested and



1 implemented on a trial basis so that the results of such
2 tests and trials are reported to Congress.

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

7 (1) certifications that the pilot programs funded
8 with the grant will take into account the need to
9 make voting equipment fully accessible for individ-
10 uals with disabilities, including the blind and visually
11 impaired, the need to ensure that such individuals
12 can vote independently and with privacy, and the
13 need to provide alternative language accessibility for
14 individuals with limited proficiency in the English
15 language (consistent with the requirements of the
16 Voting Rights Act of 1965 and the requirements of
17 this Act); and

18 (2) such other information and certifications as
19 the Commission may require.

20 (c) RECOMMENDATION OF TOPICS FOR PILOT PRO-
21 GRAMS.—

22 (1) IN GENERAL.—The Director of the National
23 Institute of Standards and Technology (hereafter in
24 this section referred to as the “Director”) shall sub-
25 mit to the Commission an annual list of the Direc-



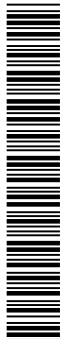
1 tor's suggestions for issues which may be the subject
2 of pilot programs funded with grants awarded under
3 this part during the year.

4 (2) REVIEW OF GRANT APPLICATIONS RE-
5 CEIVED BY COMMISSION.—The Commission shall
6 submit each application it receives for a grant under
7 this part to the Director, who shall review the appli-
8 cation and provide the Commission with such com-
9 ments as the Director considers appropriate.

10 (3) MONITORING AND ADJUSTMENT OF GRANT
11 ACTIVITIES AT REQUEST OF COMMISSION.—After the
12 Commission has awarded a grant under this part,
13 the Commission may request that the Director mon-
14 itor the grant, and (to the extent permitted under
15 the terms of the grant as awarded) the Director may
16 recommend to the Commission that the recipient of
17 the grant modify and adjust the activities carried
18 out under the grant.

19 (4) EVALUATION OF GRANTS AT REQUEST OF
20 COMMISSION.—

21 (A) IN GENERAL.—In the case of a grant
22 for which the Commission submits the applica-
23 tion to the Director under paragraph (2) or re-
24 quests that the Director monitor the grant
25 under paragraph (3), the Director shall prepare



1 and submit to the Commission an evaluation of
2 the grant and the activities carried out under
3 the grant.

4 (B) INCLUSION IN REPORTS.—The Com-
5 mission shall include the evaluations submitted
6 under subparagraph (A) for a year in the re-
7 port submitted for the year under section 207.

8 (d) PROVISION OF INFORMATION ON PROJECTS.—
9 The Commission may provide to the Technical Guidelines
10 Development Committee under part 3 of subtitle A such
11 information regarding the activities funded under this part
12 as the Commission deems necessary to assist the Com-
13 mittee in carrying out its duties.

14 **SEC. 282. REPORT.**

15 (a) IN GENERAL.—Each entity which receives a
16 grant under this part shall submit to the Commission a
17 report describing the activities carried out with the funds
18 provided under the grant.

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



1 **SEC. 283. AUTHORIZATION OF APPROPRIATIONS.**

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

5 (b) AVAILABILITY OF FUNDS.—Amounts appro-
6 priated pursuant to the authorization under this section
7 shall remain available, without fiscal year limitation, until
8 expended.

9 **PART 5—PROTECTION AND ADVOCACY SYSTEMS**

10 **SEC. 291. PAYMENTS FOR PROTECTION AND ADVOCACY**
11 **SYSTEMS.**

12 (a) IN GENERAL.—In addition to any other payments
13 made under this subtitle, the Secretary of Health and
14 Human Services shall pay the protection and advocacy
15 system (as defined in section 102 of the Developmental
16 Disabilities Assistance and Bill of Rights Act of 2000 (42
17 U.S.C. 15002)) of each State to ensure full participation
18 in the electoral process for individuals with disabilities, in-
19 cluding registering to vote, casting a vote and accessing
20 polling places. In providing such services, protection and
21 advocacy systems shall have the same general authorities
22 as they are afforded under subtitle C of title I of the De-
23 velopmental Disabilities Assistance and Bill of Rights Act
24 of 2000 (42 U.S.C. 15041 et seq.).

25 (b) MINIMUM GRANT AMOUNT.—The minimum
26 amount of each grant to a protection and advocacy system



1 shall be determined and allocated as set forth in sub-
2 sections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509
3 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except
4 that the amount of the grants to systems referred to in
5 subsections (c)(3)(B) and (c)(4)(B) of that section shall
6 be not less than \$70,000 and \$35,000, respectively.

7 (c) TRAINING AND TECHNICAL ASSISTANCE PRO-
8 GRAM.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date on which the initial appropriation of funds
11 for a fiscal year is made pursuant to the authoriza-
12 tion under section 292, the Secretary shall set aside
13 7 percent of the amount appropriated under such
14 section and use such portion to make payments to
15 eligible entities to provide training and technical as-
16 sistance with respect to the activities carried out
17 under this section.

18 (2) USE OF FUNDS.—A recipient of a payment
19 under this subsection may use the payment to sup-
20 port training in the use of voting systems and tech-
21 nologies, and to demonstrate and evaluate the use of
22 such systems and technologies, by individuals with
23 disabilities (including blindness) in order to assess
24 the availability and use of such systems and tech-
25 nologies for such individuals. At least 1 of the recipi-



1 ents under this subsection shall use the payment to
2 provide training and technical assistance for non-
3 visual access.

4 (3) ELIGIBILITY.—An entity is eligible to re-
5 ceive a payment under this subsection if the entity—

6 (A) is a public or private nonprofit entity
7 with demonstrated experience in voting issues
8 for individuals with disabilities;

9 (B) is governed by a board with respect to
10 which the majority of its members are individ-
11 uals with disabilities or family members of such
12 individuals or individuals who are blind; and

13 (C) submits to the Secretary an application
14 at such time, in such manner, and containing
15 such information as the Secretary may require.

16 **SEC. 292. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—In addition to any other amounts
18 authorized to be appropriated under this subtitle, there
19 are authorized to be appropriated \$10,000,000 for each
20 of the fiscal years 2003, 2004, 2005, and 2006, and for
21 each subsequent fiscal year such sums as may be nec-
22 essary, for the purpose of making payments under section
23 291(a); except that none of the funds provided by this sub-
24 section shall be used to initiate or otherwise participate
25 in any litigation related to election-related disability ac-



1 cess, notwithstanding the general authorities that the pro-
2 tection and advocacy systems are otherwise afforded under
3 subtitle C of title I of the Developmental Disabilities As-
4 sistance and Bill of Rights Act of 2000 (42 U.S.C. 15041
5 et seq.).

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

9 **PART 6—NATIONAL STUDENT AND PARENT**

10 **MOCK ELECTION**

11 **SEC. 295. NATIONAL STUDENT AND PARENT MOCK ELEC-**
12 **TION.**

13 (a) IN GENERAL.—The Election Assistance Commis-
14 sion is authorized to award grants to the National Student
15 and Parent Mock Election, a national nonprofit, non-
16 partisan organization that works to promote voter partici-
17 pation in American elections to enable it to carry out voter
18 education activities for students and their parents. Such
19 activities may—

20 (1) include simulated national elections at least
21 5 days before the actual election that permit partici-
22 pation by students and parents from each of the 50
23 States in the United States, its territories, the Dis-
24 trict of Columbia, and United States schools over-
25 seas; and



1 (2) consist of—

2 (A) school forums and local cable call-in
3 shows on the national issues to be voted upon
4 in an “issues forum”;

5 (B) speeches and debates before students
6 and parents by local candidates or stand-ins for
7 such candidates;

8 (C) quiz team competitions, mock press
9 conferences, and speech writing competitions;

10 (D) weekly meetings to follow the course of
11 the campaign; or

12 (E) school and neighborhood campaigns to
13 increase voter turnout, including newsletters,
14 posters, telephone chains, and transportation.

15 (b) REQUIREMENT.—The National Student and Par-
16 ent Mock Election shall present awards to outstanding
17 student and parent mock election projects.

18 **SEC. 296. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to carry out
20 the provisions of this subtitle \$200,000 for fiscal year
21 2003 and such sums as may be necessary for each of the
22 6 succeeding fiscal years.



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

5 **Subtitle A—Requirements**

6 **SEC. 301. VOTING SYSTEMS STANDARDS.**

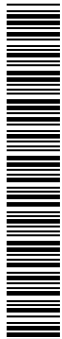
7 (a) **REQUIREMENTS.**—Each voting system used in an
8 election for Federal office shall meet the following require-
9 ments:

10 (1) **IN GENERAL.**—

11 (A) Except as provided in subparagraph
12 (B), the voting system (including any lever vot-
13 ing system, optical scanning voting system, or
14 direct recording electronic system) shall—

15 (i) permit the voter to verify (in a pri-
16 vate and independent manner) the votes
17 selected by the voter on the ballot before
18 the ballot is cast and counted;

19 (ii) provide the voter with the oppor-
20 tunity (in a private and independent man-
21 ner) to change the ballot or correct any
22 error before the ballot is cast and counted
23 (including the opportunity to correct the
24 error through the issuance of a replace-
25 ment ballot if the voter was otherwise un-



1 able to change the ballot or correct any
2 error); and

3 (iii) if the voter selects votes for more
4 than 1 candidate for a single office—

5 (I) notify the voter that the voter
6 has selected more than 1 candidate
7 for a single office on the ballot;

8 (II) notify the voter before the
9 ballot is cast and counted of the effect
10 of casting multiple votes for the office;
11 and

12 (III) provide the voter with the
13 opportunity to correct the ballot be-
14 fore the ballot is cast and counted.

15 (B) A State or jurisdiction that uses a
16 paper ballot voting system, a punch card voting
17 system, or a central count voting system (in-
18 cluding mail-in absentee ballots and mail-in bal-
19 lots), may meet the requirements of subpara-
20 graph (A)(iii) by—

21 (i) establishing a voter education pro-
22 gram specific to that voting system that
23 notifies each voter of the effect of casting
24 multiple votes for an office; and



1 (ii) providing the voter with instruc-
2 tions on how to correct the ballot before it
3 is cast and counted (including instructions
4 on how to correct the error through the
5 issuance of a replacement ballot if the
6 voter was otherwise unable to change the
7 ballot or correct any error).

8 (C) The voting system shall ensure that
9 any notification required under this paragraph
10 preserves the privacy of the voter and the con-
11 fidentiality of the ballot.

12 (2) AUDIT CAPACITY.—

13 (A) IN GENERAL.—The voting system shall
14 produce a record with an audit capacity for
15 such system.

16 (B) MANUAL AUDIT CAPACITY.—

17 (i) The voting system shall produce a
18 permanent paper record with a manual
19 audit capacity for such system.

20 (ii) The voting system shall provide
21 the voter with an opportunity to change
22 the ballot or correct any error before the
23 permanent paper record is produced.

24 (iii) The paper record produced under
25 subparagraph (A) shall be available as an



1 official record for any recount conducted
2 with respect to any election in which the
3 system is used.

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

6 (A) be accessible for individuals with dis-
7 abilities, including nonvisual accessibility for the
8 blind and visually impaired, in a manner that
9 provides the same opportunity for access and
10 participation (including privacy and independ-
11 ence) as for other voters;

12 (B) satisfy the requirement of subpara-
13 graph (A) through the use of at least 1 direct
14 recording electronic voting system or other vot-
15 ing system equipped for individuals with disabili-
16 ties at each polling place; and

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

21 (4) ALTERNATIVE LANGUAGE ACCESSIBILITY.—

22 The voting system shall provide alternative language
23 accessibility pursuant to the requirements of section
24 203 of the Voting Rights Act of 1965 (42 U.S.C.
25 1973aa-1a).



1 (5) ERROR RATES.—The error rate of the vot-
2 ing system in counting ballots (determined by taking
3 into account only those errors which are attributable
4 to the voting system and not attributable to an act
5 of the voter) shall comply with the error rate stand-
6 ards established under section 3.2.1 of the voting
7 systems standards issued by the Federal Election
8 Commission which are in effect on the date of the
9 enactment of this Act.

10 (6) UNIFORM DEFINITION OF WHAT CON-
11 STITUTES A VOTE.—Each State shall adopt uniform
12 and nondiscriminatory standards that define what
13 constitutes a vote and what will be counted as a vote
14 for each category of voting system used in the State.

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

17 (1) the total combination of mechanical,
18 electromechanical, or electronic equipment (including
19 the software, firmware, and documentation required
20 to program, control, and support the equipment)
21 that is used—

22 (A) to define ballots;

23 (B) to cast and count votes;

24 (C) to report or display election results;

25 and



1 (D) to maintain and produce any audit
2 trail information; and

3 (2) the practices and associated documentation
4 used—

5 (A) to identify system components and ver-
6 sions of such components;

7 (B) to test the system during its develop-
8 ment and maintenance;

9 (C) to maintain records of system errors
10 and defects;

11 (D) to determine specific system changes
12 to be made to a system after the initial quali-
13 fication of the system; and

14 (E) to make available any materials to the
15 voter (such as notices, instructions, forms, or
16 paper ballots).

17 (c) CONSTRUCTION.—

18 (1) IN GENERAL.—Nothing in this section shall
19 be construed to prohibit a State or jurisdiction
20 which used a particular type of voting system in the
21 elections for Federal office held in November 2000
22 from using the same type of system after the effec-
23 tive date of this section, so long as the system meets
24 or is modified to meet the requirements of this sec-
25 tion.



1 (2) PROTECTION OF PAPER BALLOT VOTING
2 SYSTEMS.—For purposes of subsection (a)(1)(A)(i),
3 the term “verify” may not be defined in a manner
4 that makes it impossible for a paper ballot voting
5 system to meet the requirements of such subsection
6 or to be modified to meet such requirements.

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

10 **SEC. 302. PROVISIONAL VOTING AND VOTING INFORMA-**
11 **TION REQUIREMENTS.**

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

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

24 (2) The individual shall be permitted to cast a
25 provisional ballot at that polling place upon the exe-



1 cution of a written affirmation by the individual be-
2 fore an election official at the polling place stating
3 that the individual is—

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

6 (B) eligible to vote in that election.

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

13 (4) If the appropriate State or local election of-
14 ficial to whom the ballot or voter information is
15 transmitted under paragraph (3) determines that
16 the individual is eligible under State law to vote, the
17 individual's provisional ballot shall be counted as a
18 vote in that election in accordance 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 that any individual who casts a pro-
23 visional ballot will be able to ascertain under the sys-
24 tem established under subparagraph (B) whether the



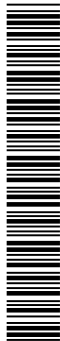
1 vote was counted, and, if the vote was not counted,
2 the reason that the vote was not counted.

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

10 States described in section 4(b) of the National Voter Reg-
11 istration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet
12 the requirements of this subsection using voter registra-
13 tion procedures established under applicable State law.
14 The appropriate State or local official shall establish and
15 maintain reasonable procedures necessary to protect the
16 security, confidentiality, and integrity of personal informa-
17 tion collected, stored, or otherwise used by the free access
18 system established under paragraph (5)(B). Access to in-
19 formation about an individual provisional ballot shall be
20 restricted to the individual who cast the ballot.

21 (b) VOTING INFORMATION REQUIREMENTS.—

22 (1) PUBLIC POSTING ON ELECTION DAY.—The
23 appropriate State or local election official shall cause
24 voting information to be publicly posted at each poll-



1 ing place on the day of each election for Federal of-
2 fice.

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

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

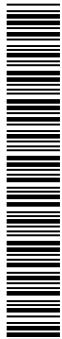
7 (B) information regarding the date of the
8 election and the hours during which polling
9 places will be open;

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

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

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

22 (F) general information on Federal and
23 State laws regarding prohibitions on acts of
24 fraud and misrepresentation.



1 (c) VOTERS WHO VOTE AFTER THE POLLS CLOSE.—
2 Any individual who votes in an election for Federal office
3 as a result of a Federal or State court order or any other
4 order extending the time established for closing the polls
5 by a State law in effect 10 days before the date of that
6 election may only vote in that election by casting a provi-
7 sional ballot under subsection (a). Any such ballot cast
8 under the preceding sentence shall be separated and held
9 apart from other provisional ballots cast by those not af-
10 fected by the order.

11 (d) EFFECTIVE DATE FOR PROVISIONAL VOTING
12 AND VOTING INFORMATION.—Each State and jurisdiction
13 shall be required to comply with the requirements of this
14 section on and after January 1, 2004.

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

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

21 (1) IMPLEMENTATION.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), each State, acting through
24 the chief State election official, shall implement,
25 in a uniform and nondiscriminatory manner, a



1 single, uniform, official, centralized, interactive
2 computerized statewide voter registration list
3 defined, maintained, and administered at the
4 State level that contains the name and registra-
5 tion information of every legally registered voter
6 in the State and assigns a unique identifier to
7 each legally registered voter in the State (in
8 this subsection referred to as the “computerized
9 list”), and includes the following:

10 (i) The computerized list shall serve
11 as the single system for storing and man-
12 aging the official list of registered voters
13 throughout the State.

14 (ii) The computerized list contains the
15 name and registration information of every
16 legally registered voter in the State.

17 (iii) Under the computerized list, a
18 unique identifier is assigned to each legally
19 registered voter in the State.

20 (iv) The computerized list shall be co-
21 ordinated with other agency databases
22 within the State.

23 (v) Any election official in the State,
24 including any local election official, may
25 obtain immediate electronic access to the



1 information contained in the computerized
2 list.

3 (vi) All voter registration information
4 obtained by any local election official in the
5 State shall be electronically entered into
6 the computerized list on an expedited basis
7 at the time the information is provided to
8 the local official.

9 (vii) The chief State election official
10 shall provide such support as may be re-
11 quired so that local election officials are
12 able to enter information as described in
13 clause (vi).

14 (viii) The computerized list shall serve
15 as the official voter registration list for the
16 conduct of all elections for Federal office
17 in the State.

18 (B) EXCEPTION.—The requirement under
19 subparagraph (A) shall not apply to a State in
20 which, under a State law in effect continuously
21 on and after the date of the enactment of this
22 Act, there is no voter registration requirement
23 for individuals in the State with respect to elec-
24 tions for Federal office.

25 (2) COMPUTERIZED LIST MAINTENANCE.—



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

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

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

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

21 (II) by reason of the death of the
22 registrant under section 8(a)(4)(A) of
23 such Act (42 U.S.C. 1973gg–
24 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 (3) 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 (4) MINIMUM STANDARD FOR ACCURACY OF
2 STATE VOTER REGISTRATION RECORDS.—The State
3 election system shall include provisions to ensure
4 that voter registration records in the State are accu-
5 rate and are updated regularly, including the fol-
6 lowing:

7 (A) A system of file maintenance that
8 makes a reasonable effort to remove registrants
9 who are ineligible to vote from the official list
10 of eligible voters. Under such system, consistent
11 with the National Voter Registration Act of
12 1993 (42 U.S.C. 1973gg et seq.), registrants
13 who have not responded to a notice and who
14 have not voted in 2 consecutive general elec-
15 tions for Federal office shall be removed from
16 the official list of eligible voters, except that no
17 registrant may be removed solely by reason of
18 a failure to vote.

19 (B) Safeguards to ensure that eligible vot-
20 ers are not removed in error from the official
21 list of eligible voters.

22 (5) VERIFICATION OF VOTER REGISTRATION IN-
23 FORMATION.—

24 (A) REQUIRING PROVISION OF CERTAIN
25 INFORMATION BY APPLICANTS.—



1 (i) IN GENERAL.—Except as provided
2 in clause (ii), notwithstanding any other
3 provision of law, an application for voter
4 registration for an election for Federal of-
5 fice may not be accepted or processed by
6 a State unless the application includes—

7 (I) in the case of an applicant
8 who has been issued a current and
9 valid driver’s license, the applicant’s
10 driver’s license number; or

11 (II) in the case of any other ap-
12 plicant (other than an applicant to
13 whom clause (ii) applies), the last 4
14 digits of the applicant’s social security
15 number.

16 (ii) SPECIAL RULE FOR APPLICANTS
17 WITHOUT DRIVER’S LICENSE OR SOCIAL
18 SECURITY NUMBER.—If an applicant for
19 voter registration for an election for Fed-
20 eral office has not been issued a current
21 and valid driver’s license or a social secu-
22 rity number, the State shall assign the ap-
23 plicant a number which will serve to iden-
24 tify the applicant for voter registration
25 purposes. To the extent that the State has



1 a computerized list in effect under this
2 subsection and the list assigns unique iden-
3 tifying numbers to registrants, the number
4 assigned under this clause shall be the
5 unique identifying number assigned under
6 the list.

7 (iii) DETERMINATION OF VALIDITY OF
8 NUMBERS PROVIDED.—The State shall de-
9 termine whether the information provided
10 by an individual is sufficient to meet the
11 requirements of this subparagraph, in ac-
12 cordance with State law.

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

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



1 tion provided on applications for voter reg-
2 istration.

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

10 (C) ACCESS TO FEDERAL INFORMATION.—
11 Section 205(r) of the Social Security Act (42
12 U.S.C. 405(r)) is amended by adding at the end
13 the following new paragraph:

14 “(8)(A) The Commissioner of Social Security shall,
15 upon the request of the official responsible for a State
16 driver’s license agency pursuant to the Help America Vote
17 Act of 2002—

18 “(i) enter into an agreement with such official
19 for the purpose of verifying applicable information,
20 so long as the requirements of subparagraphs (A)
21 and (B) of paragraph (3) are met; and

22 “(ii) include in such agreement safeguards to
23 assure the maintenance of the confidentiality of any
24 applicable information disclosed and procedures to



1 permit such agency to use the applicable information
2 for the purpose of maintaining its records.

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

7 “(C) The Commissioner shall develop methods to ver-
8 ify the accuracy of information provided by the agency
9 with respect to applications for voter registration, for
10 whom the last 4 digits of a social security number are pro-
11 vided instead of a driver’s license number.

12 “(D) For purposes of this paragraph—

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

15 “(I) the name (including the first name
16 and any family forename or surname), the date
17 of birth (including the month, day, and year),
18 and social security number of an individual pro-
19 vided to the Commissioner match the informa-
20 tion contained in the Commissioner’s records,
21 and

22 “(II) such individual is shown on the
23 records of the Commissioner as being deceased;
24 and



1 “(ii) the term ‘State driver’s license agency’
2 means the State agency which issues driver’s li-
3 censes to individuals within the State and maintains
4 records relating to such licensure.

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

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



1 (D) SPECIAL RULE FOR CERTAIN
2 STATES.—In the case of a State which is per-
3 mitted to use social security numbers, and pro-
4 vides for the use of social security numbers, on
5 applications for voter registration, in accord-
6 ance with section 7 of the Privacy Act of 1974
7 (5 U.S.C. 552a note), the provisions of this
8 paragraph shall be optional.

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

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

17 (A) the individual registered to vote in a
18 jurisdiction by mail; and

19 (B)(i) the individual has not previously
20 voted in an election for Federal office in the
21 State; or

22 (ii) the individual has not previously voted
23 in such an election in the jurisdiction and the
24 jurisdiction is located in a State that does not



1 have a computerized list that complies with the
2 requirements of subsection (a).

3 (2) REQUIREMENTS.—

4 (A) IN GENERAL.—An individual meets the
5 requirements of this paragraph if the
6 individual—

7 (i) in the case of an individual who
8 votes in person—

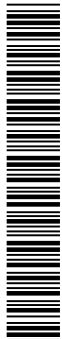
9 (I) presents to the appropriate
10 State or local election official a cur-
11 rent and valid photo identification; or

12 (II) presents to the appropriate
13 State or local election official a copy
14 of a current utility bill, bank state-
15 ment, government check, paycheck, or
16 other government document that
17 shows the name and address of the
18 voter; or

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

21 (I) a copy of a current and valid
22 photo identification; or

23 (II) a copy of a current utility
24 bill, bank statement, government
25 check, paycheck, or other government



1 document that shows the name and
2 address of the voter.

3 (B) FAIL-SAFE VOTING.—

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

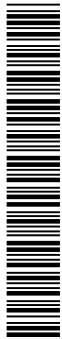
9 (ii) BY MAIL.—An individual who de-
10 sires to vote by mail but who does not
11 meet the requirements of subparagraph
12 (A)(ii) may cast such a ballot by mail and
13 the ballot shall be counted as a provisional
14 ballot in accordance with section 302(a).

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

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

21 (i) a copy of a current and valid photo
22 identification; or

23 (ii) a copy of a current utility bill,
24 bank statement, government check, pay-



1 check, or government document that shows
2 the name and address of the voter;

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

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

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

10 (ii) with respect to whom a State or local
11 election official matches the information sub-
12 mitted under clause (i) with an existing State
13 identification record bearing the same number,
14 name and date of birth as provided in such reg-
15 istration; or

16 (C) who is—

17 (i) entitled to vote by absentee ballot
18 under the Uniformed and Overseas Citi-
19 zens Absentee Voting Act (42 U.S.C.
20 1973ff-1 et seq.);

21 (ii) provided the right to vote other-
22 wise than in person under section
23 3(b)(2)(B)(ii) of the Voting Accessibility
24 for the Elderly and Handicapped Act (42
25 U.S.C. 1973ee-1(b)(2)(B)(ii)); or



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

3 (4) CONTENTS OF MAIL-IN REGISTRATION
4 FORM.—

5 (A) IN GENERAL.—The mail voter reg-
6 istration form developed under section 6 of the
7 National Voter Registration Act of 1993 (42
8 U.S.C. 1973gg-4) shall include the following:

9 (i) The question “Are you a citizen of
10 the United States of America?” and boxes
11 for the applicant to check to indicate
12 whether the applicant is or is not a citizen
13 of the United States.

14 (ii) The question “Will you be 18
15 years of age on or before election day?”
16 and boxes for the applicant to check to in-
17 dicate whether or not the applicant will be
18 18 years of age or older on election day.

19 (iii) The statement “If you checked
20 ‘no’ in response to either of these ques-
21 tions, do not complete this form.”.

22 (iv) A statement informing the indi-
23 vidual that if the form is submitted by
24 mail and the individual is registering for
25 the first time, the appropriate information



1 required under this section must be sub-
2 mitted with the mail-in registration form
3 in order to avoid the additional identifica-
4 tion requirements upon voting for the first
5 time.

6 (B) INCOMPLETE FORMS.—If an applicant
7 for voter registration fails to answer the ques-
8 tion included on the mail voter registration
9 form pursuant to subparagraph (A)(i), the reg-
10 istrar shall notify the applicant of the failure
11 and provide the applicant with an opportunity
12 to complete the form in a timely manner to
13 allow for the completion of the registration
14 form prior to the next election for Federal of-
15 fice (subject to State law).

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

23 (c) PERMITTED USE OF LAST 4 DIGITS OF SOCIAL
24 SECURITY NUMBERS.—The last 4 digits of a social secu-
25 rity number described in subsections (a)(5)(A)(i)(II) and



1 (b)(3)(B)(i)(II) shall not be considered to be a social secu-
2 rity number for purposes of section 7 of the Privacy Act
3 of 1974 (5 U.S.C. 552a note).

4 (d) EFFECTIVE DATE.—

5 (1) COMPUTERIZED STATEWIDE VOTER REG-
6 ISTRATION LIST REQUIREMENTS.—

7 (A) IN GENERAL.—Except as provided in
8 subparagraph (B), each State and jurisdiction
9 shall be required to comply with the require-
10 ments of subsection (a) on and after January 1,
11 2004.

12 (B) WAIVER.—If a State or jurisdiction
13 certifies to the Commission not later than Jan-
14 uary 1, 2004, that the State or jurisdiction will
15 not meet the deadline described in subpara-
16 graph (A) for good cause and includes in the
17 certification the reasons for the failure to meet
18 such deadline, subparagraph (A) shall apply to
19 the State or jurisdiction as if the reference in
20 such subparagraph to “January 1, 2004” were
21 a reference to “January 1, 2006”.

22 (2) REQUIREMENT FOR VOTERS WHO REGISTER
23 BY MAIL.—

24 (A) IN GENERAL.—Each State and juris-
25 diction shall be required to comply with the re-



1 requirements of subsection (b) on and after Janu-
2 ary 1, 2004, and shall be prepared to receive
3 registration materials submitted by individuals
4 described in subparagraph (B) on and after the
5 date described in such subparagraph.

6 (B) APPLICABILITY WITH RESPECT TO IN-
7 DIVIDUALS.—The provisions of subsection (b)
8 shall apply to any individual who registers to
9 vote on or after January 1, 2003.

10 **SEC. 304. MINIMUM REQUIREMENTS.**

11 The requirements established by this title are min-
12 imum requirements and nothing in this title shall be con-
13 strued to prevent a State from establishing election tech-
14 nology and administration requirements that are more
15 strict than the requirements established under this title
16 so long as such State requirements are not inconsistent
17 with the Federal requirements under this title or any law
18 described in section 906.

19 **SEC. 305. METHODS OF IMPLEMENTATION LEFT TO DIS-**
20 **CRETION OF STATE.**

21 The specific choices on the methods of complying
22 with the requirements of this title shall be left to the dis-
23 cretion of the State.



1 **Subtitle B—Voluntary Guidance**

2 **SEC. 311. ADOPTION OF VOLUNTARY GUIDANCE BY COM-**
3 **MISSION.**

4 (a) **IN GENERAL.**—To assist States in meeting the
5 requirements of subtitle A, the Commission shall adopt
6 voluntary guidance consistent with such requirements in
7 accordance with the procedures described in section 312.

8 (b) **DEADLINES.**—The Commission shall adopt the
9 recommendations under this section not later than—

10 (1) in the case of the recommendations with re-
11 spect to section 301, January 1, 2004;

12 (2) in the case of the recommendations with re-
13 spect to section 302, October 1, 2003; and

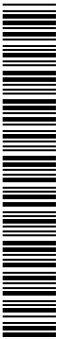
14 (3) in the case of the recommendations with re-
15 spect to section 303, October 1, 2003.

16 (c) **QUADRENNIAL UPDATE.**—The Commission shall
17 review and update recommendations adopted with respect
18 to section 301 no less frequently than once every 4 years.

19 **SEC. 312. PROCESS FOR ADOPTION.**

20 The adoption of the voluntary guidance under this
21 subtitle shall be carried out by the Commission in a man-
22 ner that provides for each of the following:

23 (1) Publication of notice of the proposed rec-
24 ommendations in the Federal Register.



1 (2) An opportunity for public comment on the
2 proposed recommendations.

3 (3) An opportunity for a public hearing on the
4 record.

5 (4) Publication of the final recommendations in
6 the Federal Register.

7 **TITLE IV—ENFORCEMENT**

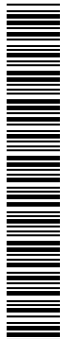
8 **SEC. 401. ACTIONS BY THE ATTORNEY GENERAL FOR DE-**
9 **CLARATORY AND INJUNCTIVE RELIEF.**

10 The Attorney General may bring a civil action against
11 any State or jurisdiction in an appropriate United States
12 District Court for such declaratory and injunctive relief
13 (including a temporary restraining order, a permanent or
14 temporary injunction, or other order) as may be necessary
15 to carry out the uniform and nondiscriminatory election
16 technology and administration requirements under sec-
17 tions 301, 302, and 303.

18 **SEC. 402. ESTABLISHMENT OF STATE-BASED ADMINISTRA-**
19 **TIVE COMPLAINT PROCEDURES TO REMEDY**
20 **GRIEVANCES.**

21 (a) ESTABLISHMENT OF STATE-BASED ADMINISTRA-
22 TIVE COMPLAINT PROCEDURES TO REMEDY GRIEV-
23 ANCES.—

24 (1) ESTABLISHMENT OF PROCEDURES AS CON-
25 DITION OF RECEIVING FUNDS.—If a State receives



1 any payment under a program under this Act, the
2 State shall be required to establish and maintain
3 State-based administrative complaint procedures
4 which meet the requirements of paragraph (2).

5 (2) REQUIREMENTS FOR PROCEDURES.—The
6 requirements of this paragraph are as follows:

7 (A) The procedures shall be uniform and
8 nondiscriminatory.

9 (B) Under the procedures, any person who
10 believes that there is a violation of any provi-
11 sion of title III (including a violation which has
12 occurred, is occurring, or is about to occur)
13 may file a complaint.

14 (C) Any complaint filed under the proce-
15 dures shall be in writing and notarized, and
16 signed and sworn by the person filing the com-
17 plaint.

18 (D) The State may consolidate complaints
19 filed under subparagraph (B).

20 (E) At the request of the complainant,
21 there shall be a hearing on the record.

22 (F) If, under the procedures, the State de-
23 termines that there is a violation of any provi-
24 sion of title III, the State shall provide the ap-
25 propriate remedy.



1 (G) If, under the procedures, the State de-
2 termines that there is no violation, the State
3 shall dismiss the complaint and publish the re-
4 sults of the procedures.

5 (H) The State shall make a final deter-
6 mination with respect to a complaint prior to
7 the expiration of the 90-day period which be-
8 gins on the date the complaint is filed, unless
9 the complainant consents to a longer period for
10 making such a determination.

11 (I) If the State fails to meet the deadline
12 applicable under subparagraph (H), the com-
13 plaint shall be resolved within 60 days under al-
14 ternative dispute resolution procedures estab-
15 lished for purposes of this section. The record
16 and other materials from any proceedings con-
17 ducted under the complaint procedures estab-
18 lished under this section shall be made available
19 for use under the alternative dispute resolution
20 procedures.

21 (b) REQUIRING ATTORNEY GENERAL APPROVAL OF
22 COMPLIANCE PLAN FOR STATES NOT RECEIVING
23 FUNDS.—

24 (1) IN GENERAL.—Not later than January 1,
25 2004, each nonparticipating State shall elect—



1 (A) to certify to the Commission that the
2 State meets the requirements of subsection (a)
3 in the same manner as a State receiving a pay-
4 ment under this Act; or

5 (B) to submit a compliance plan to the At-
6 torney General which provides detailed informa-
7 tion on the steps the State will take to ensure
8 that it meets the requirements of title III.

9 (2) STATES WITHOUT APPROVED PLAN DEEMED
10 OUT OF COMPLIANCE.—A nonparticipating State
11 (other than a State which makes the election de-
12 scribed in paragraph (1)(A)) shall be deemed to not
13 meet the requirements of title III if the Attorney
14 General has not approved a compliance plan sub-
15 mitted by the State under this subsection.

16 (3) NONPARTICIPATING STATE DEFINED.—In
17 this section, a “nonparticipating State” is a State
18 which, during 2003, does not notify any office which
19 is responsible for making payments to States under
20 any program under this Act of its intent to partici-
21 pate in, and receive funds under, the program.



1 **TITLE V—HELP AMERICA VOTE**
2 **COLLEGE PROGRAM**

3 **SEC. 501. ESTABLISHMENT OF PROGRAM.**

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

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

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

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

19 **SEC. 502. ACTIVITIES UNDER PROGRAM.**

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



1 siders appropriate to meet the purposes described in sec-
2 tion 501(b).

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

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

19 **SEC. 503. AUTHORIZATION OF APPROPRIATIONS.**

20 In addition to any funds authorized to be appro-
21 priated to the Commission under section 210, there are
22 authorized to be appropriated to carry out this title—

23 (1) \$5,000,000 for fiscal year 2003; and

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



1 **TITLE VI—HELP AMERICA VOTE**
2 **FOUNDATION**

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

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

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

“Sec.

“152601. Organization.

“152602. Purposes.

“152603. Board of directors.

“152604. Officers and employees.

“152605. Powers.

“152606. Principal office.

“152607. Service of process.

“152608. Annual audit.

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

“152610. Immunity of United States Government.

“152611. Authorization of appropriations.

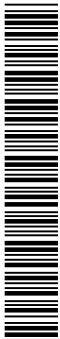
“152612. Annual report.

9 **“§ 152601. Organization**

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

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

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



1 **“§ 152602. Purposes**

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

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

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

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

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



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

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

11 “§ 152603. Board of directors

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

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

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

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

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



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

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

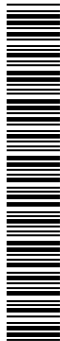
5 “(2) In addition to the directors described in para-
6 graph (1), the chair and ranking minority member of the
7 Committee on House Administration of the House of Rep-
8 resentatives (or their designees) and the chair and ranking
9 minority member of the Committee on Rules and Adminis-
10 tration of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

12 “(3) A director is not an employee of the Federal
13 Government and appointment to the board does not con-
14 stitute appointment as an officer or employee of the
15 United States Government for the purpose of any law of
16 the United States (except as may otherwise be provided
17 in this 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 1 of the direc-
22 tors as the chair of the board. The individual selected may
23 not be a current or former holder of any partisan elected
24 office or a current or former officer of any national com-
25 mittee 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
22 Government (except as may otherwise be pro-
23 vided 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
11 Government who travel on official business, officers
12 and 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) IN GENERAL.—The foundation may—

18 “(1) adopt a constitution and bylaws;

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

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

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



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

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

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

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

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

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

18 “(6) to sue and be sued; and

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

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



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

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

12 **“§ 152606. Principal office**

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

18 **“§ 152607. Service of process**

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



1 **“§ 152608. Annual audit**

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

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

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

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

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

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

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

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

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

23 “(1) \$5,000,000 for fiscal year 2003; 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. VOTING ASSISTANCE PROGRAMS.**

21 (a) VOTING ASSISTANCE OFFICERS.—Subsection (f)
22 of section 1566 of title 10, United States Code, as added
23 by section 1602(a) of the National Defense Authorization



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

3 (1) by striking “Voting assistance” in the first
4 sentence and inserting “(1) Voting assistance”; and

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

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

16 (b) POSTMARKING OF OVERSEAS VOTING MATE-
17 RIALS.—Subsection (g)(2) of such section is amended by
18 adding at the end the following: “The Secretary shall, to
19 the maximum extent practicable, implement measures to
20 ensure that a postmark or other official proof of mailing
21 date is provided on each absentee ballot collected at any
22 overseas location or vessel at sea whenever the Depart-
23 ment of Defense is responsible for collecting mail for re-
24 turn shipment to the United States. The Secretary shall
25 ensure that the measures implemented under the pre-



1 ceding sentence do not result in the delivery of absentee
2 ballots to the final destination of such ballots after the
3 date on which the election for Federal office is held. Not
4 later than the date that is 6 months after the date of the
5 enactment of the Help America Vote Act of 2002, the Sec-
6 retary shall submit to Congress a report describing the
7 measures to be implemented to ensure the timely trans-
8 mittal and postmarking of voting materials and identifying
9 the persons responsible for implementing such measures.”.

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

13 “(h) NOTICE OF DEADLINES AND REQUIREMENTS.—
14 The Secretary of each military department, utilizing the
15 voting assistance officer network established for each mili-
16 tary installation, shall, to the maximum extent practicable,
17 provide notice to members of the Armed Forces stationed
18 at that installation of the last date before a general Fed-
19 eral election for which absentee ballots mailed from a post-
20 al facility located at that installation can reasonably be
21 expected to be timely delivered to the appropriate State
22 and local election officials.”.

23 (d) REGISTRATION AND VOTING INFORMATION FOR
24 MEMBERS AND DEPENDENTS.—Such section is further



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

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

15 “(2) The Secretary of each military department shall
16 make the national voter registration form prepared for
17 purposes of the Uniformed and Overseas Citizens Absen-
18 tee Voting Act by the Federal Election Commission avail-
19 able so that each person who enlists shall receive such
20 form at the time of the enlistment, or as soon thereafter
21 as practicable.

22 “(3) Where practicable, a special day or days shall
23 be designated at each military installation for the purpose
24 of informing members of the Armed Forces and their de-



1 pendants of election timing, registration requirements, and
2 voting procedures.”.

3 **SEC. 702. DESIGNATION OF SINGLE STATE OFFICE TO PRO-**
4 **VIDE INFORMATION ON REGISTRATION AND**
5 **ABSENTEE BALLOTS FOR ALL VOTERS IN**
6 **STATE.**

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

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

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

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

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



1 voters and overseas voters who wish to register to
2 vote or vote in any jurisdiction in the State.

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

14 **SEC. 703. REPORT ON ABSENTEE BALLOTS TRANSMITTED**
15 **AND RECEIVED AFTER GENERAL ELECTIONS.**

16 (a) IN GENERAL.—Section 102 of the Uniformed and
17 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–
18 1), as amended by section 702, is amended by adding at
19 the end the following new subsection:

20 “(c) REPORT ON NUMBER OF ABSENTEE BALLOTS
21 TRANSMITTED AND RECEIVED.—Not later than 90 days
22 after the date of each regularly scheduled general election
23 for Federal office, each State and unit of local government
24 which administered the election shall (through the State,
25 in the case of a unit of local government) submit a report



1 to the Election Assistance Commission (established under
2 the Help America Vote Act of 2002) on the combined
3 number of absentee ballots transmitted to absent uni-
4 formed services voters and overseas voters for the election
5 and the combined number of such ballots which were re-
6 turned by such voters and cast in the election, and shall
7 make such report available to the general public.”.

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

18 **SEC. 704. EXTENSION OF PERIOD COVERED BY SINGLE AB-**
19 **SENTEE BALLOT APPLICATION.**

20 Section 104(a) of the Uniformed and Overseas Citi-
21 zens Absentee Voting Act (42 U.S.C. 1973ff-1), as
22 amended by section 1606(b) of the National Defense Au-
23 thorization Act for Fiscal Year 2002 (Public Law 107-
24 107; 115 Stat. 1279), is amended by striking “during that
25 year,” and all that follows and inserting the following:



1 “through the next 2 regularly scheduled general elections
2 for Federal office (including any runoff elections which
3 may occur as a result of the outcome of such general elec-
4 tions), the State shall provide an absentee ballot to the
5 voter for each such subsequent election.”.

6 **SEC. 705. ADDITIONAL DUTIES OF PRESIDENTIAL DES-**
7 **IGNEE UNDER UNIFORMED AND OVERSEAS**
8 **CITIZENS ABSENTEE VOTING ACT.**

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

15 (b) DEVELOPMENT OF STANDARD OATH FOR USE
16 WITH MATERIALS.—

17 (1) IN GENERAL.—Section 101(b) of such Act
18 (42 U.S.C. 1973ff(b)) is amended—

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

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

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



1 “(7) prescribe a standard oath for use with any
2 document under this title affirming that a material
3 misstatement of fact in the completion of such a
4 document may constitute grounds for a conviction
5 for perjury.”.

6 (2) REQUIRING STATES TO USE STANDARD
7 OATH.—Section 102(a) of such Act (42 U.S.C.
8 1973ff–1(b)), as amended by section 702, is
9 amended—

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

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

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

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

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



1 **SEC. 706. PROHIBITION OF REFUSAL OF VOTER REGISTRA-**
2 **TION AND ABSENTEE BALLOT APPLICATIONS**
3 **ON GROUNDS OF EARLY SUBMISSION.**

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

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

22 (b) **EFFECTIVE DATE.**—The amendment made by
23 subsection (a) shall apply with respect to elections for
24 Federal office that occur after January 1, 2004.



1 **SEC. 707. OTHER REQUIREMENTS TO PROMOTE PARTICIPA-**
2 **TION OF OVERSEAS AND ABSENT UNI-**
3 **FORMED SERVICES VOTERS.**

4 Section 102 of the Uniformed and Overseas Citizens
5 Absentee Voting Act (42 U.S.C. 1973ff-1), as amended
6 by the preceding provisions of this title, is amended by
7 adding at the end the following new subsection:

8 “(d) REGISTRATION NOTIFICATION.—With respect to
9 each absent uniformed services voter and each overseas
10 voter who submits a voter registration application or an
11 absentee ballot request, if the State rejects the application
12 or request, the State shall provide the voter with the rea-
13 sons for the rejection.”.

14 **TITLE VIII—TRANSITION**
15 **PROVISIONS**
16 **Subtitle A—Transfer to Commis-**
17 **sion of Functions Under Certain**
18 **Laws**

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

20 (a) TRANSFER OF FUNCTIONS OF OFFICE OF ELEC-
21 TION ADMINISTRATION OF FEDERAL ELECTION COMMIS-
22 SION.—There are transferred to the Election Assistance
23 Commission established under section 201 all functions
24 which the Office of Election Administration, established
25 within the Federal Election Commission, exercised before
26 the date of the enactment of this Act.



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

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

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

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

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

11 (a) TRANSFER OF FUNCTIONS.—There are trans-
12 ferred to the Election Assistance Commission established
13 under section 201 all functions which the Federal Election
14 Commission exercised under section 9(a) of the National
15 Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(a))
16 before the date of the enactment of this Act.

17 (b) CONFORMING AMENDMENT.—Section 9(a) of the
18 National Voter Registration Act of 1993 (42 U.S.C.
19 1973gg-7(a)) is amended by striking “Federal Election
20 Commission” and inserting “Election Assistance Commis-
21 sion”.

22 **SEC. 803. TRANSFER OF PROPERTY, RECORDS, AND PER-**
23 **SONNEL.**

24 (a) PROPERTY AND RECORDS.—The contracts, liabil-
25 ities, records, property, and other assets and interests of,



1 or made available in connection with, the offices and func-
2 tions of the Federal Election Commission which are trans-
3 ferred by this subtitle are transferred to the Election As-
4 sistance Commission for appropriate allocation.

5 (b) PERSONNEL.—

6 (1) IN GENERAL.—The personnel employed in
7 connection with the offices and functions of the Fed-
8 eral Election Commission which are transferred by
9 this subtitle are transferred to the Election Assist-
10 ance Commission.

11 (2) EFFECT.—Any full-time or part-time per-
12 sonnel employed in permanent positions shall not be
13 separated or reduced in grade or compensation be-
14 cause of the transfer under this subsection during
15 the 1-year period beginning on the date of the enact-
16 ment of this Act.

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

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

22 (b) TRANSITION.—With the consent of the entity in-
23 volved, the Election Assistance Commission is authorized
24 to utilize the services of such officers, employees, and
25 other personnel of the entities from which functions have



1 been transferred to the Election Assistance Commission
2 under this title or the amendments made by this title for
3 such period of time as may reasonably be needed to facili-
4 tate the orderly transfer of such functions.

5 (c) NO EFFECT ON AUTHORITIES OF OFFICE OF
6 ELECTION ADMINISTRATION PRIOR TO APPOINTMENT OF
7 MEMBERS OF COMMISSION.—During the period which be-
8 gins on the date of the enactment of this Act and ends
9 on the effective date described in subsection (a), the Office
10 of Election Administration of the Federal Election Com-
11 mission shall continue to have the authority to carry out
12 any of the functions (including the development of vol-
13 untary standards for voting systems and procedures for
14 the certification of voting systems) which it has the au-
15 thority to carry out as of the date of the enactment of
16 this Act.

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

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

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



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

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

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

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

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

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

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

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

22 (a) RECORDKEEPING REQUIREMENT.—Each recipi-
23 ent of a grant or other payment made under this Act shall
24 keep such records with respect to the payment as are con-
25 sistent with sound accounting principles, including records



1 which fully disclose the amount and disposition by such
2 recipient of funds, the total cost of the project or under-
3 taking for which such funds are used, and the amount of
4 that portion of the cost of the project or undertaking sup-
5 plied by other sources, and such other records as will fa-
6 cilitate an effective audit.

7 (b) AUDITS AND EXAMINATIONS.—

8 (1) AUDITS AND EXAMINATIONS.—Except as
9 provided in paragraph (5), each office making a
10 grant or other payment under this Act, or any duly
11 authorized representative of such office, may audit
12 or examine any recipient of the grant or payment
13 and shall have access for the purpose of audit and
14 examination to any books, documents, papers, and
15 records of the recipient which in the opinion of the
16 entity may be related or pertinent to the grant or
17 payment.

18 (2) RECIPIENTS OF ASSISTANCE SUBJECT TO
19 PROVISIONS OF SECTION.—The provisions of this
20 section shall apply to all recipients of grants or other
21 payments under this Act, whether by direct grant,
22 cooperative agreement, or contract under this Act or
23 by subgrant or subcontract from primary grantees
24 or contractors under this Act.



1 (3) MANDATORY AUDIT.—In addition to audits
2 conducted pursuant to paragraph (1), all funds pro-
3 vided under this Act shall be subject to mandatory
4 audit by the Comptroller General at least once dur-
5 ing the lifetime of the program involved. For pur-
6 poses of an audit under this paragraph, the Comp-
7 troller General shall have access to books, docu-
8 ments, papers, and records of recipients of funds in
9 the same manner as the office making the grant or
10 payment involved has access to such books, docu-
11 ments, papers, and records under paragraph (1).

12 (4) SPECIAL RULE FOR PAYMENTS BY GENERAL
13 SERVICES ADMINISTRATION.—With respect to any
14 grant or payment made under this Act by the Ad-
15 ministrator of General Services, the Election Assist-
16 ance Commission shall be deemed to be the office
17 making the grant or payment for purposes of this
18 section.

19 (5) SPECIAL RULE.—In the case of grants or
20 payments made under section 251, audits and ex-
21 aminations conducted under paragraph (1) shall be
22 performed on a regular basis (as determined by the
23 Commission).

24 (6) SPECIAL RULES FOR AUDITS BY THE COM-
25 MISSION.—In addition to the audits described in



1 paragraph (1), the Election Assistance Commission
2 may conduct a special audit or special examination
3 of a recipient described in paragraph (1) upon a vote
4 of the Commission.

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

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

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

13 the recipient shall pay to the office which made the grant
14 or payment involved a portion of the funds provided which
15 reflects the proportion of the requirements with which the
16 recipient is not in compliance, or the extent to which the
17 payment is in excess, under the program involved.

18 **SEC. 903. CLARIFICATION OF ABILITY OF ELECTION OFFI-**
19 **CIALS TO REMOVE REGISTRANTS FROM OFFI-**
20 **CIAL LIST OF VOTERS ON GROUNDS OF**
21 **CHANGE OF RESIDENCE.**

22 Section 8(b)(2) of the National Voter Registration
23 Act of 1993 (42 U.S.C. 1973gg-6(b)(2)) is amended by
24 striking the period at the end and inserting the following:
25 “, except that nothing in this paragraph may be construed



1 to prohibit a State from using the procedures described
2 in subsections (c) and (d) to remove an individual from
3 the official list of eligible voters if the individual—

4 “(A) has not either notified the applicable
5 registrar (in person or in writing) or responded
6 during the period described in subparagraph
7 (B) to the notice sent by the applicable reg-
8 istrar; and then

9 “(B) has not voted or appeared to vote in
10 2 or more consecutive general elections for Fed-
11 eral office.”.

12 **SEC. 904. REVIEW AND REPORT ON ADEQUACY OF EXIST-**
13 **ING ELECTORAL FRAUD STATUTES AND PEN-**
14 **ALTIES.**

15 (a) REVIEW.—The Attorney General shall conduct a
16 review of existing criminal statutes concerning election of-
17 fenses to determine—

18 (1) whether additional statutory offenses are
19 needed to secure the use of the Internet for election
20 purposes; and

21 (2) whether existing penalties provide adequate
22 punishment and deterrence with respect to such of-
23 fenses.

24 (b) REPORT.—The Attorney General shall submit a
25 report to the Committees on the Judiciary of the Senate



1 and House of Representatives, the Committee on Rules
2 and Administration of the Senate, and the Committee on
3 House Administration of the House of Representatives on
4 the review conducted under subsection (a) together with
5 such recommendations for legislative and administrative
6 action as the Attorney General determines appropriate.

7 **SEC. 905. OTHER CRIMINAL PENALTIES.**

8 (a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR
9 ELECTION.—Any individual who knowingly and willfully
10 gives false information in registering or voting in violation
11 of section 11(c) of the National Voting Rights Act of 1965
12 (42 U.S.C. 1973i(e)), or conspires with another to violate
13 such section, shall be fined or imprisoned, or both, in ac-
14 cordance with such section.

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

22 **SEC. 906. NO EFFECT ON OTHER LAWS.**

23 (a) IN GENERAL.—Except as specifically provided in
24 section 303(b) of this Act with regard to the National
25 Voter Registration Act of 1993 (42 U.S.C. 1973gg et



1 seq.), nothing in this Act may be construed to authorize
2 or require conduct prohibited under any of the following
3 laws, or to supersede, restrict, or limit the application of
4 such laws:

5 (1) The Voting Rights Act of 1965 (42 U.S.C.
6 1973 et seq.).

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

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

11 (4) The National Voter Registration Act of
12 1993 (42 U.S.C. 1973gg et seq.).

13 (5) The Americans with Disabilities Act of
14 1990 (42 U.S.C. 12101 et seq.).

15 (6) The Rehabilitation Act of 1973 (29 U.S.C.
16 701 et seq.).

17 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-
18 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-
19 proval by the Administrator or the Commission of a pay-
20 ment or grant application under title I or title II, or any
21 other action taken by the Commission or a State under
22 such title, shall not be considered to have any effect on
23 requirements for preclearance under section 5 of the Vot-
24 ing Rights Act of 1965 (42 U.S.C. 1973c) or any other
25 requirements of such Act.

