

107TH CONGRESS
1ST SESSION

H. R. 775

To establish a program to provide funds to State and local governments to replace punch card voting systems, to establish the Election Administration Commission to make grants to State and local governments to assist in the administration of Federal elections, to develop a model election code, and otherwise provide assistance with the administration of certain Federal election laws and programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2001

Mr. HOYER (for himself, Mr. HORN, Mr. PRICE of North Carolina, Mr. FATTAH, Mr. DAVIS of Florida, Mr. FROST, Mr. MENENDEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Mr. DINGELL, Mr. STENHOLM, Mr. LANTOS, Mr. ABERCROMBIE, Mr. BLAGOJEVICH, Mr. BROWN of Ohio, Mr. LANGEVIN, Mr. BACA, Mr. BAIRD, Mr. BENTSEN, Ms. BROWN of Florida, Mr. BOYD, Mr. CARSON of Oklahoma, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CROWLEY, Mr. DEUTSCH, Mr. DOOLEY of California, Mr. ETHERIDGE, Mr. FORD, Mr. GONZALEZ, Mr. GORDON, Mr. HALL of Ohio, Mr. HASTINGS of Florida, Mr. HILL, Mr. HINOJOSA, Mr. HOLT, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. LIPINSKI, Mrs. MALONEY of New York, Mr. MATHESON, Ms. MCCOLLUM, Mr. MCGOVERN, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MOORE, Mr. PASTOR, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. THOMPSON of Mississippi, Mrs. THURMAN, Mr. TOWNS, Mr. WATT of North Carolina, Mr. WEXLER, and Mr. WYNN) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a program to provide funds to State and local

governments to replace punch card voting systems, to establish the Election Administration Commission to make grants to State and local governments to assist in the administration of Federal elections, to develop a model election code, and otherwise provide assistance with the administration of certain Federal election laws and programs, and for other purposes.

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Voting Improvement Act”.

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

Sec. 1. Short title; table of contents.

**TITLE I—BUY OUT PROGRAM FOR PUNCH CARD VOTING
 MACHINES**

Sec. 101. Establishment of program.
 Sec. 102. Eligibility.
 Sec. 103. Amount of payment.
 Sec. 104. Audit and repayment of funds.
 Sec. 105. Punch card voting system defined.
 Sec. 106. Authorization of appropriations.

TITLE II—ELECTION ADMINISTRATION COMMISSION

Subtitle A—Establishment and General Organization

Sec. 201. Establishment.
 Sec. 202. Duties.
 Sec. 203. Membership and appointment.
 Sec. 204. Election Administration Commission Advisory Group.
 Sec. 205. Staff.
 Sec. 206. Powers of the Commission.

Subtitle B—Election Administration Office

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

Subtitle C—Grant Administration Office

Sec. 221. Establishment.
 Sec. 222. Grant program.
 Sec. 223. Eligibility.
 Sec. 224. Program guidelines.
 Sec. 225. Other requirements for recipients.
 Sec. 226. Approval by members of Commission required for grants.
 Sec. 227. Reports.
 Sec. 228. Authorization of appropriations.

Subtitle D—Model Election Code

Sec. 231. Development of model election code.
 Sec. 232. Options for method of development.

TITLE III—LEAVE FOR FEDERAL EMPLOYEES SERVING AS VOLUNTEER POLL WORKERS

Sec. 301. Election day leave for Federal employees serving as poll workers.

TITLE IV—TRANSITION PROVISIONS

Subtitle A—Transfer to Election Administration Commission of Functions Under Certain Laws

Sec. 401. Federal Election Campaign Act of 1971.
 Sec. 402. Uniformed and Overseas Citizens Absentee Voting Act.
 Sec. 403. National Voter Registration Act of 1993.
 Sec. 404. Transfer of property, records, and personnel.
 Sec. 405. Effective date; transition.

Subtitle B—Coverage of Election Administration Commission Under Certain Laws and Programs

Sec. 411. Treatment of Commission personnel under certain civil service laws.
 Sec. 412. Coverage under Inspector General Act of 1978.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. State defined.
 Sec. 502. No effect on other laws.

1 **TITLE I—BUY OUT PROGRAM** 2 **FOR PUNCH CARD VOTING** 3 **MACHINES**

4 **SEC. 101. ESTABLISHMENT OF PROGRAM.**

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

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

6 (b) USE OF FUNDS.—A State or unit of local govern-
7 ment shall use the funds provided under a payment under
8 this title (either directly or as reimbursement) to replace
9 its punch card voting system with a voting system which
10 does not use punch cards (by purchase, lease, or such
11 other arrangement as may be appropriate) in time for the
12 regularly scheduled general election for Federal office to
13 be held in November 2002.

14 **SEC. 102. ELIGIBILITY.**

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

20 (1) assurances that the State will use the pay-
21 ment (either directly or as reimbursement) to re-
22 place punch card voting systems in all jurisdictions
23 within the State which used such systems to carry
24 out the general Federal election held in November
25 2000;

1 (2) assurances that in replacing punch card vot-
2 ing systems the State will continue to meet its duties
3 under the Voting Accessibility for the Elderly and
4 Handicapped Act (42 U.S.C. 1973ee et seq.); and

5 (3) such other information and assurances as
6 the Administrator may require.

7 (b) UNITS OF LOCAL GOVERNMENT.—A unit of local
8 government is eligible to receive a payment under the pro-
9 gram under this title if it submits to the Administrator
10 an application (at such time and in such form as the Ad-
11 ministrator may require) which contains assurances that
12 the State in which the unit of local government is located
13 failed to submit an application under subsection (a) within
14 the deadline specified under such subsection, or is other-
15 wise not eligible to receive a payment under the program,
16 together with such other information and assurances as
17 the Administrator may require.

18 **SEC. 103. AMOUNT OF PAYMENT.**

19 The amount of payment made to a State or unit of
20 local government under the program under this title shall
21 be equal to the cost to the State or unit of local govern-
22 ment (as the case may be) of replacing its punch card vot-
23 ing systems, except that in no case may the amount of
24 the payment exceed the product of—

1 (1) the number of voting precincts administered
2 by the State or unit of local government which use
3 a punch card voting system; and

4 (2) \$6,000.

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

6 (a) AUDIT.—Funds provided under the program
7 under this title shall be subject to audit by the Adminis-
8 trator.

9 (b) REPAYMENT FOR FAILURE TO MEET REQUIRE-
10 MENTS.—If a State or unit of local government (as the
11 case may be) receiving funds under the program under
12 this title fails to replace all of the punch card voting sys-
13 tems under its jurisdiction in time for the regularly sched-
14 uled general Federal election to be held in November
15 2002, the State or unit of local government shall pay to
16 the Administrator an amount equal to the amount of the
17 funds provided to the State or unit of local government
18 under the program.

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

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

22 (1) C.E.S.

23 (2) Datavote.

24 (3) PBC Counter.

25 (4) Punch Card.

1 (5) Vote Recorder.

2 (6) Votomatic.

3 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-
5 priated for payments under this title \$432,000,000, to re-
6 main available until expended (subject to subsection (b)).

7 (b) USE OF RETURNED FUNDS AND FUNDS REMAIN-
8 ING UNEXPENDED FOR ELECTION ADMINISTRATION
9 GRANTS.—

10 (1) IN GENERAL.—The amounts referred to in
11 paragraph (2) shall be transferred to the Election
12 Administration Commission (established under title
13 II) and used by the Grant Administration Office of
14 such Commission to make grants under the program
15 described in subtitle C of title II.

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

18 (A) Any amounts appropriated pursuant to
19 the authorization under this section which re-
20 main unobligated as of the date of the regularly
21 scheduled general election for Federal office
22 held in November 2002.

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

1 **TITLE II—ELECTION**
2 **ADMINISTRATION COMMISSION**
3 **Subtitle A—Establishment and**
4 **General Organization**

5 **SEC. 201. ESTABLISHMENT.**

6 There is hereby established as an independent entity
7 in the executive branch the Election Administration Com-
8 mission (hereafter in this title referred to as the “Commis-
9 sion”).

10 **SEC. 202. DUTIES.**

11 The Commission shall serve as a national clearing-
12 house and resource for the compilation of information and
13 review of procedures with respect to the administration of
14 Federal elections by—

15 (1) carrying out the duties described in subtitle
16 B (acting through the Election Administration Of-
17 fice described in such subtitle);

18 (2) carrying out the duties described in subtitle
19 C (acting through the Grant Administration Office
20 described in such subtitle); and

21 (3) developing the model election code described
22 in subtitle D.

23 **SEC. 203. MEMBERSHIP AND APPOINTMENT.**

24 (a) COMPOSITION.—

1 (1) IN GENERAL.—The Commission shall be
2 composed of 4 members appointed by the President,
3 by and with the consent of the Senate, of whom—

4 (A) 1 shall be appointed from among a list
5 of nominees submitted by the President Pro
6 Tempore of the Senate (or, if the President Pro
7 Tempore is a member of the same political
8 party as the President, by the minority leader
9 of the Senate); and

10 (B) 1 shall be appointed from among a list
11 of nominees submitted by the speaker of the
12 House of Representatives (or, if the Speaker is
13 a member of the same political party as the
14 President, by the minority leader of the House
15 of Representatives).

16 (2) PARTY AFFILIATION.—Not more than 2 of
17 the members of the Commission may be affiliated
18 with the same political party.

19 (3) QUALIFICATIONS.—Each member of the
20 Commission shall have experience with or expertise
21 in election administration or the study of elections,
22 except that no individual may serve as a member of
23 the Commission if the individual is an officer or em-
24 ployee of the Federal Government at any time dur-
25 ing the period of service on the Commission.

1 (4) DATE OF APPOINTMENT.—the appointments
2 of the members of the Commission shall be made not
3 later than 30 days after the date of enactment of
4 this Act.

5 (b) TERM OF SERVICE.—

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

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

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

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

20 (3) VACANCIES.—

21 (A) IN GENERAL.—A vacancy on the Com-
22 mission shall be filled in the manner in which
23 the original appointment was made and shall be
24 subject to any conditions which applied with re-
25 spect to the original appointment.

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

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

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

13 (d) COMPENSATION OF MEMBERS.—Each member of
14 the Commission shall be compensated at a rate equal to
15 the daily equivalent of the annual rate of basic pay pre-
16 scribed for level IV of the Executive Schedule under sec-
17 tion 5315 of title 5, United States Code.

18 **SEC. 204. ELECTION ADMINISTRATION COMMISSION ADVI-**
19 **SORY GROUP.**

20 (a) ESTABLISHMENT.—There is hereby established
21 the Election Administration Commission Advisory Group
22 (hereafter in this title referred to as the “Advisory
23 Group”).

24 (b) MEMBERSHIP.—

1 (1) IN GENERAL.—The Advisory Group shall be
2 composed of 15 members appointed as follows:

3 (A) 2 members appointed by the United
4 States Commission on Civil Rights.

5 (B) 2 members appointed by the National
6 Accessibility Board.

7 (C) 2 members appointed by the National
8 Governors Association.

9 (D) 2 members appointed by the National
10 Association of Secretaries of State.

11 (E) 2 members appointed by the National
12 Association of State Election Directors.

13 (F) 2 members appointed by the National
14 Association of County Recorders, Election Ad-
15 ministrators, and Clerks.

16 (G) 1 member appointed by the Election
17 Center.

18 (H) 2 members appointed by the Inter-
19 national Association of County Recorders, Elec-
20 tion Officials, and Treasurers.

21 (2) ENCOURAGING DIVERSITY IN APPOINT-
22 MENTS.—The entities described in paragraph (1) are
23 encouraged to make appointments to the Advisory
24 Group in a manner which ensures that the Advisory

1 Group will be bipartisan in nature and will reflect
2 the various geographic regions of the United States.

3 (3) TERM OF SERVICE; VACANCY.—Members of
4 the Advisory Group shall serve for a term of 4 years,
5 and may be reappointed. Any vacancy in the Advisory
6 Group shall be filled in the manner in which the
7 original appointment was made.

8 (4) NO COMPENSATION FOR SERVICE.—Members
9 of the Advisory Group shall not receive any
10 compensation for their service, but shall be allowed
11 travel expenses, including per diem in lieu of subsistence,
12 at rates authorized for employees of agencies
13 under subchapter I of chapter 57 of title 5, United
14 States Code, while away from their homes or regular
15 places of business in the performance of services for
16 the Advisory Group.

17 (5) CHAIR.—The Advisory Group shall appoint
18 a Chair from among its members.

19 (6) MEETINGS.—The Advisory Group shall
20 meet at the call of its Chair.

21 (c) DUTIES.—In addition to such other functions as
22 may be provided in this Act, the Advisory Group shall advise
23 the Commission in carrying out its duties under this
24 Act, and shall hold not fewer than 2 meetings with the
25 Commission every year for such purpose.

1 **SEC. 205. STAFF.**

2 (a) EXECUTIVE DIRECTOR.—The Commission shall
3 have an Executive Director who shall be appointed by the
4 Chair. The Executive Director shall be paid at a rate not
5 to exceed the rate of basic pay for level V of the Executive
6 Schedule.

7 (b) STAFF.—Subject to rules prescribed by the Com-
8 mission, the Executive Director may appoint and fix the
9 pay of such additional personnel as the Executive Director
10 considers appropriate.

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

21 (d) EXPERTS AND CONSULTANTS.—Subject to rules
22 prescribed by the Commission, the Executive Director may
23 procure temporary and intermittent services under section
24 3109(b) of title 5, United States Code.

25 (e) STAFF OF FEDERAL AGENCIES.—Upon request
26 of the Chair, the head of any Federal department or agen-

1 cy may detail, on a reimbursable basis, any of the per-
2 sonnel of that department or agency to the Commission
3 to assist it in carrying out its duties under this Act.

4 **SEC. 206. POWERS OF THE COMMISSION.**

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

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

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

23 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
24 the request of the Chair of the Commission, the Adminis-
25 trator of the General Services Administration shall provide

1 to the Commission, on a reimbursable basis, the adminis-
2 trative support services that are necessary to enable the
3 Commission to carry out its duties under this Act.

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

8 (f) GIFTS AND DONATIONS.—The Commission may
9 accept, use, and dispose of gifts or donations of services
10 or property to carry out this Act.

11 **Subtitle B—Election** 12 **Administration Office**

13 **SEC. 211. ESTABLISHMENT.**

14 There shall be established within the Commission an
15 office to be known as the “Election Administration Of-
16 fice”.

17 **SEC. 212. DUTIES.**

18 (a) IN GENERAL.—The Election Administration Of-
19 fice shall:

20 (1) By vote of the Commission, develop, adopt,
21 and update (not less often than every 2 years) vol-
22 untary engineering and procedural performance
23 standards for voting systems used in Federal local
24 elections.

1 (2) Advise States and units of local government
2 regarding compliance with the requirements of the
3 Voting Accessibility for the Elderly and Handi-
4 capped Act (42 U.S.C. 1973ee et seq.) and compli-
5 ance with other Federal laws regarding accessibility
6 of registration facilities and polling places, and by
7 vote of the Commission, develop, adopt, and update
8 (not less often than every 4 years) voluntary proce-
9 dures for maintaining and enhancing the accessi-
10 bility and privacy of registration facilities, polling
11 places, and voting methods for voters, including dis-
12 abled voters.

13 (3) Carry out Federal functions under title I of
14 the Uniformed and Overseas Citizens Absentee Vot-
15 ing Act (42 U.S.C. 1973ff et seq.) as the Presi-
16 dential designee.

17 (4) Make periodic studies available to the public
18 regarding issues related to the administration of
19 elections, including an assessment of the procedures
20 which represent the best practices in election admin-
21 istration, including practices relating to—

22 (A) election equipment technology and sys-
23 tems;

24 (B) ballot design;

1 (C) voter registration and the verification
2 and maintenance of voter rolls;

3 (D) alternative voting methods;

4 (E) the accuracy of election procedures
5 and vote counting procedures; and

6 (F) voter education materials, including
7 sample ballots and instructions for the use of
8 voting equipment.

9 (5) By vote of the Commission, develop, adopt,
10 and update (not less often than every 4 years) vol-
11 untary election management practice standards for
12 State and local election officials to maintain and en-
13 hance the administration of Federal elections which
14 include the best practices described in paragraph
15 (4).

16 (6) Carry out the provisions of section 9 of the
17 National Voter Registration Act of 1993 (42 U.S.C.
18 1973gg-7) regarding mail voter registration.

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

21 (8) At the request of State officials, assist such
22 officials in the review of election or vote counting
23 procedures in Federal elections, through bipartisan
24 panels of election professionals assembled by the Of-
25 fice for such purpose.

12 **Subtitle C—Grant Administration**
13 **Office**

15 There shall be established within the Commission an
16 office to be known as the “Grant Administration Office”
17 (hereafter in this subtitle referred to as the “Office”).

(a) IN GENERAL.—The Office shall carry out a program for making grants to eligible States and units of local government and eligible manufacturers of voting equipment in accordance with this subtitle.

(1) STATE AND LOCAL GOVERNMENTS.—A
State or unit of local government receiving funds

1 under a grant under this subtitle shall use the funds
2 to improve or replace voting equipment or tech-
3 nology or to implement any of the best practices in
4 election administration developed by the Election
5 Administration Office under section 212(a)(4), ex-
6 cept that the State or unit of local government shall
7 use not less than 20 percent of the funds provided
8 to carry out projects to educate voters and train
9 election officials and poll workers.

10 (2) MANUFACTURERS OF VOTING EQUIP-
11 MENT.—A manufacturer of voting equipment receiv-
12 ing funds under a grant under this subtitle shall use
13 the funds to carry out research and development of
14 improved and modernized voting equipment.

15 (c) SCHEDULE OF SOLICITATION OF PROPOSALS.—
16 Not later than 1 year after all members of the Commission
17 are appointed, and not less frequently than once each cal-
18 endar year thereafter, the Office shall solicit and review
19 applications for grants under the program under this sub-
20 title.

21 **SEC. 223. ELIGIBILITY.**

22 (a) IN GENERAL.—Subject to section 226, a State,
23 unit of local government, or manufacturer of voting equip-
24 ment is eligible to receive a grant under this subtitle if

1 it submits to the Office (in such form and manner as the
2 Office may require) an application containing—

3 (1) information and assurances that the appli-
4 cant meets the criteria established by the Office
5 under section 224(b);

6 (2) information and assurances that the appli-
7 cant meets the requirements of section 225; and

8 (3) such other information and assurances as
9 the Office may require.

10 (b) DEADLINE FOR APPLICATION BY STATES.—A
11 State may not receive a grant under this subtitle during
12 a year unless it submits its application under subsection
13 (a) prior to the expiration of the 120-day period which
14 begins on the date the Office first solicits applications for
15 grants during the year under section 222(c).

16 (c) SPECIAL RULE FOR PARTICIPATION OF LOCAL
17 GOVERNMENTS.—A unit of local government may receive
18 a grant under this subtitle during a calendar year only
19 if the State in which the unit of local government is lo-
20 cated does not submit an application under subsection (a)
21 within the deadline specified under subsection (b) for the
22 year.

23 **SEC. 224. PROGRAM GUIDELINES.**

24 (a) ESTABLISHMENT OF GUIDELINES.—The Office
25 shall establish guidelines for the awarding of grants under

1 this subtitle and for the use of the funds provided under
2 such grants.

3 (b) MINIMUM CRITERIA FOR ELIGIBILITY.—

4 (1) STATE AND LOCAL GOVERNMENTS.—The
5 guidelines established by the Office under subsection
6 (a) shall require a State or unit of local government
7 to meet the following criteria to receive a grant
8 under this subtitle:

9 (A) The State or unit shall provide assur-
10 ances that it is in compliance with the applica-
11 ble requirements of the National Voter Reg-
12 istration Act of 1993, and that all registrants
13 who register with an appropriate State motor
14 vehicle authority or designated voter registra-
15 tion agency under such Act are entered on the
16 official list of eligible registered voters.

17 (B) If the State or unit carries out a pro-
18 gram for the removal of individuals from the of-
19 ficial list of eligible registered voters, the State
20 or unit shall provide assurances that the pro-
21 gram contains adequate safeguards to protect
22 against the removal of any individual who is le-
23 gally eligible to remain on the list.

24 (C) The State or unit shall provide assur-
25 ances that it is in compliance with the applica-

1 ble requirements of the Voting Accessibility for
2 the Elderly and Handicapped Act and that vot-
3 ers with special needs are provided the oppor-
4 tunity for access and participation in elections
5 in each jurisdiction in a manner which protects
6 their privacy and independence in voting.

7 (D) The State or unit shall provide assur-
8 ances that absent uniformed services voters (as
9 defined in section 107(1) of the Uniformed and
10 Overseas Citizens Absentee Voting Act) and
11 overseas voters (as defined in section 107(5) of
12 such Act) in the jurisdiction are provided the
13 adequate opportunity to participate in elections.

14 (E) The State or unit shall meet such
15 other criteria as the Office may by regulation
16 require.

17 (2) MANUFACTURERS OF VOTING EQUIP-
18 MENT.—The guidelines established by the Office
19 under subsection (a) shall require a manufacturer of
20 voting equipment to meet the following criteria to re-
21 ceive a grant under this subtitle:

22 (A) The manufacturer shall provide assur-
23 ances that the research and development funded
24 with the grant will take into account the need
25 to make voting equipment fully accessible for

1 individuals with disabilities and blind individ-
2 uals.

3 (B) The manufacturer shall meet such other criteria
4 as the Office may by regulation require.

5 (c) PRIORITIES IN ALLOCATION OF STATE AND
6 LOCAL GOVERNMENT FUNDS.—The criteria established
7 by the Office under subsection (a) shall include criteria
8 for the allocation of funds under this subtitle to eligible
9 States and units of local government which give priority
10 to jurisdictions with higher ballot error and ballot rejec-
11 tion rates and lower per capita income rates.

12 **SEC. 225. OTHER REQUIREMENTS FOR RECIPIENTS.**

13 (a) MATCHING.—

14 (1) IN GENERAL.—The amount of a grant pro-
15 vided to a State, unit of local government, or manu-
16 facturer of voting equipment under the program
17 under this subtitle shall be equal to the Federal
18 share of the total cost of the project or activity to
19 be funded with the grant.

20 (2) FEDERAL SHARE.—In paragraph (1), the
21 “Federal share” means—

22 (A) 75 percent, in the case of a grant pro-
23 vided to a State or unit of local government; or

24 (B) 50 percent, in the case of a grant pro-
25 vided to a manufacturer or voting equipment.

1 (b) AUDIT.—As a condition of receiving funds under
2 a grant under the program under this subtitle, a State
3 unit of local government, or manufacturer of voting equip-
4 ment shall agree that such funds shall be subject to audit
5 if a majority of the members of the Commission vote to
6 require an audit.

7 **SEC. 226. APPROVAL BY MEMBERS OF COMMISSION RE-**
8 **QUIRED FOR GRANTS.**

9 (a) RECOMMENDATION.—If the Office approves an
10 application of a State, unit of local government, or manu-
11 facturer of voting equipment for a grant under this sub-
12 title, the Office shall forward a recommendation to the
13 members of the Commission that the State, unit of local
14 government, or manufacturer receive the grant.

15 (b) APPROVAL.—A State, unit of local government,
16 or manufacturer of voting equipment shall receive a grant
17 under this subtitle if, after consulting with the Advisory
18 Group, the majority of the members of the Commission
19 vote to approve the recommendation of the Office.

20 **SEC. 227. REPORTS.**

21 Not later than 90 days after the end of each fiscal
22 year, the Commission shall submit a report to the Com-
23 mittee on House Administration of the House of Rep-
24 resentatives and the Committee on Rules and Administra-

tion of the Senate on the activities carried out by the Office during the previous fiscal year.

SEC. 228. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grants under this subtitle—

(1) \$150,000,000 for fiscal year 2002, of which—

(A) \$140,000,000 shall be used for grants to State and local governments, and

(B) \$10,000,000 shall be used for grants to manufacturers of voting equipment; and

(2) such sums as may be necessary for fiscal year 2003 and each succeeding fiscal year.

Subtitle D—Model Election Code

SEC. 231. DEVELOPMENT OF MODEL ELECTION CODE.

(a) IN GENERAL.—Not later than 2 years after the appointment of its members, the Commission shall develop a model election code.

(b) PROCESS.—The Commission shall—

(1) develop the model election code under this subtitle through a collaborative effort;

(2) create a nonpartisan analysis of legal issues affecting the administration of elections with the goal of promoting the clarification and simplification of election law; and

1 (3) publish and provide the code to States to
2 serve as a set of comprehensive election laws which
3 may be used by States and units of local government
4 to revise their election laws and procedures.

5 (c) OTHER PROCEDURAL REQUIREMENTS.—In devel-
6 oping the model election code under this subtitle, the Com-
7 mission shall—

8 (1) undertake a complete review of existing
9 State election laws;

10 (2) solicit comment from the public; and

11 (3) consult with the Advisory Group.

12 **SEC. 232. OPTIONS FOR METHOD OF DEVELOPMENT.**

13 (a) IN GENERAL.—To carry out its responsibilities
14 under this subtitle, the Commission may—

15 (1) enter into a contract with an appropriate
16 entity with experience in drafting uniform State leg-
17 islation; or

18 (2) appoint a Model Election Code Task Force
19 pursuant to subsection (b) to prepare the model elec-
20 tion code and submit it to the Commission for its
21 approval.

22 (b) MODEL ELECTION CODE TASK FORCE.—

23 (1) IN GENERAL.—If the Commission chooses
24 the option described in subsection (a)(2), not later
25 than 60 days after the appointment of all of its

1 members, the Commission shall appoint 8 individ-
2 uals to serve on a Model election Code Task Force
3 (hereafter in this section referred to as the “Task
4 Force”).

5 (2) QUALIFICATIONS.—Members of the Task
6 Force shall be chosen from among individuals who
7 are scholars in the area of elections and election re-
8 form, state legislators with experience in overseeing
9 election law, and legal practitioners and judges with
10 expertise in the practice of election law.

11 (3) TREATMENT OF INDIVIDUALS SERVING ON
12 TASK FORCE.—

13 (A) NO COMPENSATION PROVIDED.—Indi-
14 viduals serving on the Task Force shall not re-
15 ceive any compensation for their service, but
16 shall be allowed travel expenses, including per
17 diem in lieu of subsistence, at rates authorized
18 for employees of agencies under subchapter I of
19 chapter 57 of title 5, United States Code, while
20 away from their homes or regular places of
21 business in the performance of services for the
22 Task Force.

23 (B) DELEGATION OF POWERS OF COMMIS-
24 SION.—Individuals serving on the Task Force
25 shall not be considered to be employees of the

1 Commission, but the Commission may delegate
2 any of its powers under section 206 to the Task
3 Force and its members.

4 **TITLE III—LEAVE FOR FEDERAL**
5 **EMPLOYEES SERVING AS**
6 **VOLUNTEER POLL WORKERS**

7 **SEC. 301. ELECTION DAY LEAVE FOR FEDERAL EMPLOYEES**
8 **SERVING AS POLL WORKERS.**

9 (a) IN GENERAL.—Subchapter II of chapter 63 of
10 title 5, United States Code, is amended by adding at the
11 end the following:

12 **“§ 6328. Absence in connection with serving as an un-**
13 **compensated poll worker**

14 “(a) An employee is entitled to leave without loss of
15 or reduction in pay, leave to which otherwise entitled,
16 credit for time or service, or performance or efficiency rat-
17 ing, in order to serve as an uncompensated poll worker
18 on the day of any general election for Federal office.

19 “(b) For purposes of this section—

20 “(1) the term ‘poll worker’ means any indi-
21 vidual who acts in a nonpartisan capacity as an em-
22 ployee or representative of a unit of local govern-
23 ment to aid in the administration of an election at
24 a polling place;

1 “(2) the term ‘Federal office’ shall have the
2 meaning given such term by section 301 of the Fed-
3 eral Election Campaign Act of 1971; and

4 “(3) any determination as to whether or not an
5 individual has been ‘compensated’ for any particular
6 services shall be made disregarding any benefits that
7 are of only de minimis value (such as for meals or
8 travel).

9 “(c) Nothing in this section shall be considered to au-
10 thorize an employee to engage in any conduct that is pro-
11 hibited by subchapter III of chapter 73 or any other provi-
12 sion of law.

13 “(d) The Office of Personnel Management may pre-
14 scribe regulations for the administration of this section.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 63 of title 5, United States Code, is amended
17 by inserting after the item relating to section 6327 the
18 following:

 “6328. Absence in connection with serving as an uncompensated poll worker.”.

1 **TITLE IV—TRANSITION**
2 **PROVISIONS**
3 **Subtitle A—Transfer to election**
4 **Administration Commission of**
5 **Functions Under Certain Laws**

6 **SEC. 401. FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

7 (a) TRANSFER OF FUNCTIONS OF OFFICE OF ELEC-
8 TION ADMINISTRATION OF FEDERAL ELECTION COMMIS-
9 SION.—There are transferred to the Election Administra-
10 tion Commission established under section 201 all func-
11 tions which the Office of the Election Administration, es-
12 tablished within the Federal Election Commission, exer-
13 cised before the date of enactment of this Act.

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

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

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

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

1 **SEC. 402. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE**
2 **VOTING ACT.**

3 (a) TRANSFER OF FUNCTIONS.—There are trans-
4 ferred to the Election Administration Commission estab-
5 lished under section 201 all functions which the Presi-
6 dential designee under title I of the Uniformed and Over-
7 seas Citizens Absentee Voting Act (42 U.S.C. 1973ff et
8 seq.) exercised before the date of enactment of this Act.

9 (b) CONFORMING AMENDMENT.—Section 101 of the
10 Uniformed and Overseas Citizens Absentee Voting Act (42
11 U.S.C. 1973ff) is amended by striking subsection (a) and
12 inserting the following:

13 “(a) PRESIDENTIAL DESIGNEE.—The Election Ad-
14 ministration Commission shall have primary responsibility
15 for Federal functions under this title as the Presidential
16 designee.”.

17 **SEC. 403. NATIONAL VOTER REGISTRATION ACT OF 1993.**

18 (a) TRANSFER OF FUNCTIONS.—There are trans-
19 ferred to the Election Administration Commission estab-
20 lished under section 201 all functions which the Federal
21 Election Commission exercised under the National Voter
22 Registration Act of 1993 before the date of enactment of
23 this Act.

24 (b) CONFORMING AMENDMENT.—Section 9(a) of the
25 National Voter Registration Act of 1993 (42 U.S.C.
26 1973gg–7(a)) is amended by striking “Federal Election

1 Commission” and inserting “Election Administration
2 Commission”.

3 **SEC. 404. TRANSFER OF PROPERTY, RECORDS, AND PER-**
4 **SONNEL.**

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

11 (b) PERSONNEL.—

12 (1) IN GENERAL.—The personnel employed in
13 connection with the offices and functions of the Fed-
14 eral Election Commission which are transferred by
15 this subtitle are transferred to the Election Adminis-
16 tration Commission.

17 (2) EFFECT.—Any full-time or part-time per-
18 sonnel employed in permanent positions shall not be
19 separated or reduced in grade or compensation be-
20 cause of the transfer under this subsection during
21 the 1-year period beginning on the date of the enact-
22 ment of this Act.

23 **SEC. 405. EFFECTIVE DATE; TRANSITION.**

24 (a) EFFECTIVE DATE.—This title and the amend-
25 ments made by this title shall take effect upon the ap-

1 pointment of all members of the Election Administration
 2 Commission under section 203(a).

3 (b) TRANSITION.—With the consent of the entity in-
 4 volved, the Election Administration Commission is author-
 5 ized to utilize the services of such officers, employees, and
 6 other personnel of the entities from which functions have
 7 been transferred to the Commission under this title or the
 8 amendments made by this title for such period of time
 9 as may reasonably be needed to facilitate the orderly
 10 transfer of such functions.

11 **Subtitle B—Coverage of Election**
 12 **Administration Commission**
 13 **Under Certain Laws and Pro-**
 14 **grams**

15 **SEC. 411. TREATMENT OF COMMISSION PERSONNEL UNDER**
 16 **CERTAIN CIVIL SERVICE LAWS.**

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

21 (b) EXCLUSION FROM SENIOR EXECUTIVE SERV-
 22 ICE.—Section 3132(a)(1)(C) of title 5, United States
 23 Code, is amended by inserting “or the Election Adminis-
 24 tration Commission” after “Commission”.

1 **SEC. 412. COVERAGE UNDER INSPECTOR GENERAL ACT OF**
 2 **1978.**

3 (a) IN GENERAL.—Section 8G(a)(2) of the Inspector
 4 General Act of 1978 (5 U.S.C. App.) is amended by insert-
 5 ing “, the Election Administration Commission,” after
 6 “Federal Election Commission,”.

7 (b) EFFECTIVE DATE.—The amendment made by
 8 subsection (a) shall take effect 180 days after the appoint-
 9 ment of all members of the Election Administration Com-
 10 mission under section 203(a).

11 **TITLE V—MISCELLANEOUS**
 12 **PROVISIONS**

13 **SEC. 501. STATE DEFINED.**

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

17 **SEC. 502. NO EFFECT ON OTHER LAWS.**

18 (a) IN GENERAL.—Nothing in this Act and no action
 19 taken pursuant to this Act shall supersede, restrict, or
 20 limit the application of the Voting Rights Act of 1965,
 21 the National Voter Registration Act of 1993, or the Amer-
 22 icans with Disabilities Act of 1990.

23 (b) NO CONDUCT AUTHORIZED WHICH IS PROHIB-
 24 ITED UNDER OTHER LAWS.—Nothing in this Act author-
 25 izes or requires any conduct which is prohibited by the
 26 Voting Rights Act of 1965, the National Voter Registra-

1 tion Act of 1993, or the Americans with Disabilities Act
2 of 1990.

3 (c) APPLICATION TO STATES, LOCAL GOVERNMENTS,
4 AND COMMISSION.—Nothing in this Act may be construed
5 to affect the application of the Voting Rights Act of 1965,
6 the National Voter Registration Act of 1993, or the Amer-
7 icans with Disabilities Act of 1990 to any State, unit of
8 local government, or other person, or to grant to the Com-
9 mission the authority to carry out activities inconsistent
10 with such Acts.

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