

107TH CONGRESS  
1ST SESSION

# S. 565

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 19, 2001

Mr. DODD (for himself, Mr. DASCHLE, Mr. INOUE, Mr. DAYTON, Mr. KERRY, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

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

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        “Equal Protection of Voting Rights Act of 2001”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—ESTABLISHMENT OF COMMISSION ON VOTING RIGHTS  
AND PROCEDURES

Sec. 101. Establishment.

Sec. 102. Membership of the Commission.

Sec. 103. Duties of the Commission.

Sec. 104. Powers of the Commission.

Sec. 105. Commission personnel matters.

Sec. 106. Termination of the Commission.

Sec. 107. Authorization of appropriations for the Commission.

TITLE II—ELECTION TECHNOLOGY AND ADMINISTRATION  
IMPROVEMENT GRANT PROGRAM

Sec. 201. Establishment of grant program.

Sec. 202. Authorized activities.

Sec. 203. General policies and criteria for the approval of applications of States  
and localities; requirements of State plans.

Sec. 204. Submission of applications of States and localities.

Sec. 205. Approval of applications of States and localities.

Sec. 206. Federal matching funds.

Sec. 207. Audits and examinations of States and localities.

Sec. 208. Reports to Congress and the Attorney General.

Sec. 209. Definitions of State and locality.

Sec. 210. Authorization of appropriations.

TITLE III—REQUIREMENTS FOR ELECTION TECHNOLOGY AND  
ADMINISTRATION

Sec. 301. Uniform and nondiscriminatory requirements for election technology  
and administration.

Sec. 302. Guidelines and technical specifications.

Sec. 303. Requiring States to meet requirements.

Sec. 304. Enforcement by Attorney General.

TITLE IV—MISCELLANEOUS

Sec. 401. Relationship to other laws.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The right to vote is a fundamental and in-  
4 controvertible right under the Constitution.

5 (2) There is a need for Congress to encourage  
6 and enable every eligible American to vote by re-  
7 affirming that the right to vote is a fundamental  
8 right under the Constitution.

9 (3) There is a need for Congress to encourage  
10 and enable every eligible American to vote by re-  
11 affirming that the United States is a democratic  
12 Government “of the people, by the people, and for  
13 the people” where every vote counts.

14 (4) There is a need for Congress to encourage  
15 and enable every eligible American to vote by elimi-  
16 nating procedural, physical, and technological obsta-  
17 cles to voting.

18 (5) There is a need to counter discrimination in  
19 voting by removing barriers to the exercise of the  
20 constitutionally protected right to vote.

21 (6) There is a concern that persons with dis-  
22 abilities and impairments face difficulties in voting.

23 (7) There are practices designed to purge illegal  
24 voters from voter rolls which result in the elimi-  
25 nation of legal voters as well.

1           (8) State governments have already begun to  
2       examine ways to improve the administration of elec-  
3       tions and to modernize mechanisms and machinery  
4       for voting.

5           (9) Congress has authority under section 4 of  
6       article I of the Constitution of the United States,  
7       section 5 of the 14th amendment to the Constitution  
8       of the United States, and section 2 of the 15th  
9       amendment to the Constitution of the United States  
10      to enact legislation to address the equal protection  
11      violations that may be caused by outdated voting  
12      systems.

13          (10) Congress has an obligation to ensure that  
14      the necessary resources are available to States and  
15      localities to improve election technology and election  
16      administration and to ensure the integrity of and  
17      full participation of all Americans in the democratic  
18      elections process.

19 **TITLE I—ESTABLISHMENT OF**  
20 **COMMISSION ON VOTING**  
21 **RIGHTS AND PROCEDURES**

22 **SEC. 101. ESTABLISHMENT.**

23       There is established the Commission on Voting  
24      Rights and Procedures (in this title referred to as the  
25      “Commission”).

1 **SEC. 102. MEMBERSHIP OF THE COMMISSION.**

2 (a) NUMBER AND APPOINTMENT.—The Commission  
3 shall be composed of 12 members of whom—

4 (1) 6 members shall be appointed by the Presi-  
5 dent;

6 (2) 3 members shall be appointed by the Minor-  
7 ity Leader of the Senate (or, if the Minority Leader  
8 is a member of the same political party as the Presi-  
9 dent, by the Majority Leader of the Senate); and

10 (3) 3 members shall be appointed by the Minor-  
11 ity Leader of the House of Representatives (or, if  
12 the Minority Leader is a member of the same polit-  
13 ical party as the President, by the Majority Leader  
14 of the House of Representatives).

15 (b) QUALIFICATIONS.—Each member appointed  
16 under subsection (a) shall be chosen on the basis of—

17 (1) experience with, and knowledge of—

18 (A) election law;

19 (B) election technology;

20 (C) Federal, State, or local election admin-  
21 istration;

22 (D) the Constitution; or

23 (E) the history of the United States; and

24 (2) integrity, impartiality, and good judgment.

25 (c) PERIOD OF APPOINTMENT; VACANCIES.—

1           (1) PERIOD OF APPOINTMENT.—Each member  
2 shall be appointed for the life of the Commission.

3           (2) VACANCIES.—

4                 (A) IN GENERAL.—A vacancy in the Com-  
5 mission shall not affect its powers.

6                 (B) MANNER OF REPLACEMENT.—Not  
7 later than 60 days after the date of the va-  
8 cancy, a vacancy on the Commission shall be  
9 filled in the same manner as the original ap-  
10 pointment was made and shall be subject to any  
11 conditions which applied with respect to the  
12 original appointment.

13         (d) CHAIRPERSON; VICE CHAIRPERSON.—

14                 (1) IN GENERAL.—The Commission shall elect  
15 a chairperson and vice chairperson from among its  
16 members.

17                 (2) POLITICAL AFFILIATION.—The chairperson  
18 and vice chairperson may not be affiliated with the  
19 same political party.

20         (e) DATE OF APPOINTMENT.—The appointments of  
21 the members of the Commission shall be made not later  
22 than 45 days after the date of enactment of this Act.

23         (f) MEETINGS.—

24                 (1) IN GENERAL.—The Commission shall meet  
25 at the call of the chairperson.

1           (2) INITIAL MEETING.—Not later than 20 days  
 2           after the date on which all members of the Commis-  
 3           sion have been appointed, the Commission shall hold  
 4           its first meeting.

5           (3) QUORUM.—A majority of the members of  
 6           the Commission shall constitute a quorum, but a  
 7           lesser number of members may hold hearings.

8           (g) VOTING.—Each action of the Commission shall  
 9           be approved by a majority vote of the entire Commission.  
 10          Each member shall have 1 vote.

11   **SEC. 103. DUTIES OF THE COMMISSION.**

12          (a) STUDY.—

13           (1) IN GENERAL.—The Commission shall con-  
 14          duct a thorough study of—

15                   (A) election technology and systems;

16                   (B) designs of ballots and the uniformity  
 17                   of ballots;

18                   (C) access to ballots and polling places, in-  
 19                   cluding timely notice of voting locations and  
 20                   matters relating to access for—

21                           (i) voters with disabilities;

22                           (ii) voters with visual impairments;

23                           (iii) voters with limited English lan-  
 24                           guage proficiency;

1 (iv) voters who need assistance in  
 2 order to understand the voting process or  
 3 how to cast a ballot; and

4 (v) other voters with special needs;

5 (D) the effect of the capacity of voting sys-  
 6 tems on the efficiency of election administra-  
 7 tion, including how the number of ballots which  
 8 may be processed by a single machine over a  
 9 period of time affects the number of machines  
 10 needed to carry out an election at a particular  
 11 polling place and the number of polling places  
 12 and other facilities necessary to serve the vot-  
 13 ers;

14 (E) voter registration and maintenance of  
 15 voter rolls, including the use of provisional vot-  
 16 ing and standards for reenfranchisement of vot-  
 17 ers;

18 (F) alternative voting methods;

19 (G) voter intimidation, both real and per-  
 20 ceived;

21 (H) accuracy of voting, election proce-  
 22 dures, and election technology;

23 (I) voter education;

24 (J) election personnel and volunteer train-  
 25 ing;



1 (K)(i) the implementation of title I of the  
2 Uniformed and Overseas Citizens Absentee Vot-  
3 ing Act (42 U.S.C. 1973ff et seq.) and the  
4 amendments made by title II of that Act by—

5 (I) the Secretary of Defense, acting as  
6 the Presidential designee under section  
7 101 of that Act (42 U.S.C. 1973ff);

8 (II) each other Federal Government  
9 official having responsibilities under that  
10 Act; and

11 (III) each State; and

12 (ii) whether any legislative or administra-  
13 tive action is necessary to provide a meaningful  
14 opportunity for each absent uniformed services  
15 voter (as defined in section 107(1) of that Act  
16 (42 U.S.C. 1973ff–6(1))) and each overseas  
17 voter (as defined in section 107(5) of that Act  
18 (42 U.S.C. 1973ff–6(5))) to register to vote  
19 and vote in elections for Federal office;

20 (L) the feasibility and advisability of estab-  
21 lishing the date on which elections for Federal  
22 office are held as a Federal or State holiday;

23 (M) the feasibility and advisability of es-  
24 tablishing modified polling place hours, and the  
25 effects thereof; and

1 (N)(i) how the Federal Government can,  
 2 on a permanent basis, best provide ongoing as-  
 3 sistance to State and local authorities to im-  
 4 prove the administration of elections for Fed-  
 5 eral office;

6 (ii) how the requirements for voting sys-  
 7 tems, provisional voting, and sample ballots de-  
 8 scribed in section 301 can, on a permanent  
 9 basis, best be administered; and

10 (iii) whether an existing or a new Federal  
 11 agency should provide such assistance.

12 (2) WEBSITE.—In addition to any other publi-  
 13 cation activities the Commission may be required to  
 14 carry out, for purposes of conducting the study  
 15 under this subsection the Commission shall establish  
 16 an Internet website to facilitate public comment and  
 17 participation.

18 (b) RECOMMENDATIONS.—

19 (1) RECOMMENDATIONS OF BEST PRACTICES IN  
 20 VOTING AND ELECTION ADMINISTRATION.—The  
 21 Commission shall develop specific recommendations  
 22 with respect to the matters studied under subsection  
 23 (a) that identify those methods of voting and admin-  
 24 istering elections studied by the Commission that  
 25 would—

(A) be convenient, accessible, nondiscriminatory, and easy to use for voters in elections for Federal office, including voters with disabilities, voters with visual impairments, absent uniformed services voters, overseas voters, and other voters with special needs, including voters with limited English language proficiency or who otherwise need assistance in order to understand the voting process or to cast a ballot;

(B) yield the broadest participation; and

(C) produce accurate results.

(2) RECOMMENDATIONS FOR PROVIDING ASSISTANCE IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a)(1)(N) on how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office, and identify whether an existing or a new Federal agency should provide such assistance.

(3) RECOMMENDATIONS FOR VOTER PARTICIPATION IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect

to the matters studied under subsection (a) on methods—

(A) to increase voter registration;

(B) to increase the accuracy of voter rolls and participation and inclusion of legal voters;

(C) to improve voter education; and

(D) to improve the training of election personnel and volunteers.

(4) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—

The Commission shall ensure that the specific recommendations developed under this subsection are consistent with the uniform and nondiscriminatory election technology and administration requirements under section 301.

(c) REPORTS.—

(1) INTERIM REPORTS.—Not later than the date on which the Commission submits the final report under paragraph (2), the Commission may submit to the President and Congress such interim reports as a majority of the members of the Commission determine appropriate.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the

1 Commission shall submit to the President and  
2 Congress a final report that has received the  
3 approval of a majority of the members of the  
4 Commission.

5 (B) CONTENT.—The final report shall con-  
6 tain—

7 (i) a detailed statement of the find-  
8 ings and conclusions of the Commission on  
9 the matters studied under subsection (a);

10 (ii) a detailed statement of the rec-  
11 ommendations developed under subsection  
12 (b) which received a majority vote of the  
13 members of the Commission; and

14 (iii) any dissenting or minority opin-  
15 ions of the members of the Commission.

16 **SEC. 104. POWERS OF THE COMMISSION.**

17 (a) HEARINGS.—The Commission or, at its direction,  
18 any subcommittee or member of the Commission, may, for  
19 the purpose of carrying out this title—

20 (1) hold such hearings, sit and act at such  
21 times and places, take such testimony, receive such  
22 evidence, and administer such oaths; and

23 (2) require, by subpoena or otherwise, the at-  
24 tendance and testimony of such witnesses and the  
25 production of such books, records, correspondence,

1 memoranda, papers, documents, tapes, and materials  
2 as the Commission or such subcommittee or member  
3 considers advisable.

4 (b) ISSUANCE AND ENFORCEMENT OF SUB-  
5 POENAS.—

6 (1) ISSUANCE.—Any subpoena issued under  
7 subsection (a) shall be issued by the chairperson and  
8 vice chairperson of the Commission acting jointly.  
9 Each subpoena shall bear the signature of the chair-  
10 person of the Commission and shall be served by any  
11 person or class of persons designated by the chair-  
12 person for that purpose.

13 (2) ENFORCEMENT.—In the case of contumacy  
14 or failure to obey a subpoena issued under sub-  
15 section (a), the United States district court for the  
16 judicial district in which the subpoenaed person re-  
17 sides, is served, or may be found may issue an order  
18 requiring such person to appear at any designated  
19 place to testify or to produce documentary or other  
20 evidence. Any failure to obey the order of the court  
21 may be punished by the court as a contempt of that  
22 court.

23 (c) WITNESS ALLOWANCES AND FEES.—Section  
24 1821 of title 28, United States Code, shall apply to wit-  
25 nesses requested or subpoenaed to appear at any hearing

1 of the Commission. The per diem and mileage allowances  
2 for witnesses shall be paid from funds available to pay the  
3 expenses of the Commission.

4 (d) INFORMATION FROM FEDERAL AGENCIES.—The  
5 Commission may secure directly from any Federal depart-  
6 ment or agency such information as the Commission con-  
7 siderers necessary to carry out this title. Upon request of  
8 the chairperson and vice chairperson of the Commission  
9 acting jointly, the head of such department or agency shall  
10 furnish such information to the Commission.

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

15 (f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the  
16 request of the chairperson and vice chairperson of the  
17 Commission acting jointly, the Administrator of the Gen-  
18 eral Services Administration shall provide to the Commis-  
19 sion, on a reimbursable basis, the administrative support  
20 services that are necessary to enable the Commission to  
21 carry out its duties under this title.

22 (g) GIFTS AND DONATIONS.—The Commission may  
23 accept, use, and dispose of gifts or donations of services  
24 or property to carry out this title.

1       (h) APPLICATION OF FEDERAL ADVISORY COM-  
 2 MITTEE ACT.—Except as otherwise provided in this Act,  
 3 the Commission shall be subject to the requirements of  
 4 the Federal Advisory Committee Act (5 U.S.C. App.).

5 **SEC. 105. COMMISSION PERSONNEL MATTERS.**

6       (a) COMPENSATION OF MEMBERS.—Each member of  
 7 the Commission who is not an officer or employee of the  
 8 Federal Government shall be compensated at a rate equal  
 9 to the daily equivalent of the annual rate of basic pay pre-  
 10 scribed for level IV of the Executive Schedule under sec-  
 11 tion 5315 of title 5, United States Code, for each day (in-  
 12 cluding travel time) during which such member is engaged  
 13 in the performance of the duties of the Commission. All  
 14 members of the Commission who are officers or employees  
 15 of the United States shall serve without compensation in  
 16 addition to that received for their services as officers or  
 17 employees of the United States.

18       (b) TRAVEL EXPENSES.—The members of the Com-  
 19 mission shall be allowed travel expenses, including per  
 20 diem in lieu of subsistence, at rates authorized for employ-  
 21 ees of agencies under subchapter I of chapter 57 of title  
 22 5, United States Code, while away from their homes or  
 23 regular places of business in the performance of services  
 24 for the Commission.

25       (c) STAFF.—



1           (1) IN GENERAL.—The chairperson and vice  
2           chairperson of the Commission, acting jointly, may,  
3           without regard to the civil service laws and regula-  
4           tions, appoint and terminate an executive director  
5           and such other additional personnel as may be nec-  
6           essary to enable the Commission to perform its du-  
7           ties. The employment of an executive director shall  
8           be subject to confirmation by the Commission.

9           (2) COMPENSATION.—The chairperson and vice  
10          chairperson of the Commission, acting jointly, may  
11          fix the compensation of the executive director and  
12          other personnel without regard to chapter 51 and  
13          subchapter III of chapter 53 of title 5, United  
14          States Code, relating to classification of positions  
15          and General Schedule pay rates, except that the rate  
16          of pay for the executive director and other personnel  
17          may not exceed the rate payable for level V of the  
18          Executive Schedule under section 5316 of such title.

19          (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
20          Federal Government employee may be detailed to the  
21          Commission without reimbursement, and such detail shall  
22          be without interruption or loss of civil service status or  
23          privilege.

24          (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
25          TENT SERVICES.—The chairperson and vice chairperson

1 of the Commission, acting jointly, may procure temporary  
 2 and intermittent services under section 3109(b) of title 5,  
 3 United States Code, at rates for individuals which do not  
 4 exceed the daily equivalent of the annual rate of basic pay  
 5 prescribed for level V of the Executive Schedule under sec-  
 6 tion 5316 of such title.

7 **SEC. 106. TERMINATION OF THE COMMISSION.**

8 The Commission shall terminate 45 days after the  
 9 date on which the Commission submits its final report and  
 10 recommendations under section 103(c)(2).

11 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
 12 **COMMISSION.**

13 (a) IN GENERAL.—There are authorized to be appro-  
 14 priated such sums as may be necessary to carry out the  
 15 purposes of this title.

16 (b) AVAILABILITY.—Any sums appropriated under  
 17 the authorization contained in this section shall remain  
 18 available, without fiscal year limitation, until expended.

19 **TITLE II—ELECTION TECH-**  
 20 **NOLOGY AND ADMINISTRA-**  
 21 **TION IMPROVEMENT GRANT**  
 22 **PROGRAM**

23 **SEC. 201. ESTABLISHMENT OF GRANT PROGRAM.**

24 (a) IN GENERAL.—The Attorney General, subject to  
 25 the general policies and criteria for the approval of appli-

1 cations established under section 203 and in consultation  
 2 with the Federal Election Commission, is authorized to  
 3 make grants to States and localities to pay the Federal  
 4 share of the costs of the activities described in section 202.

5 (b) ACTION THROUGH OFFICE OF JUSTICE PRO-  
 6 GRAMS AND ASSISTANT ATTORNEY GENERAL FOR CIVIL  
 7 RIGHTS.—In carrying out this title, the Attorney General  
 8 shall act through the Assistant Attorney General for the  
 9 Office of Justice Programs and the Assistant Attorney  
 10 General for the Civil Rights Division.

11 **SEC. 202. AUTHORIZED ACTIVITIES.**

12 (a) IN GENERAL.—A State or locality may use grant  
 13 payments received under this title—

14 (1) to improve, acquire, or replace voting equip-  
 15 ment or technology and improve the accessibility of  
 16 polling places, including providing physical access for  
 17 persons with disabilities and to other individuals  
 18 with special needs, and nonvisual access for voters  
 19 with visual impairments, and assistance to voters  
 20 with limited proficiency in the English language;

21 (2) to implement new election administration  
 22 procedures to increase voter participation and reduce  
 23 disenfranchisement, such as “same-day” voter reg-  
 24 istration procedures;

1           (3) to educate voters concerning voting proce-  
2           dures, voting rights or voting technology, and to  
3           train election personnel; or

4           (4) upon completion of the final report under  
5           section 103(c)(2), to implement recommendations  
6           contained in such report under section  
7           103(c)(2)(B)(ii).

8           (b) REQUIREMENTS FOR ELECTION TECHNOLOGY  
9           AND ADMINISTRATION.—A State or locality may use grant  
10          payments received under this title—

11          (1) on or after the date on which the voting  
12          system requirements specifications are issued under  
13          section 302(a), to implement the requirements under  
14          section 301(a);

15          (2) on or after the date on which the provi-  
16          sional voting requirements guidelines are issued  
17          under section 302(b), to implement the requirements  
18          under section 301(b); and

19          (3) on or after the date on which the sample  
20          ballot requirements guidelines are issued under sec-  
21          tion 302(c), to implement the requirements under  
22          section 301(c).

1 **SEC. 203. GENERAL POLICIES AND CRITERIA FOR THE AP-**  
2 **PROVAL OF APPLICATIONS OF STATES AND**  
3 **LOCALITIES; REQUIREMENTS OF STATE**  
4 **PLANS.**

5 (a) GENERAL POLICIES.—The Attorney General shall  
6 establish general policies with respect to the approval of  
7 applications of States and localities, the awarding of  
8 grants, and the use of assistance made available under this  
9 title.

10 (b) CRITERIA.—

11 (1) IN GENERAL.—The Attorney General shall  
12 establish criteria with respect to the approval of ap-  
13 plications of States and localities submitted under  
14 section 204, including the requirements for State  
15 plans under paragraph (2).

16 (2) REQUIREMENTS OF STATE PLANS.—The  
17 Attorney General shall not approve an application of  
18 a State unless the State plan of that State provides  
19 for each of the following:

20 (A) Uniform nondiscriminatory voting  
21 standards within the State for election adminis-  
22 tration and technology that—

23 (i) meet the requirements for voting  
24 systems, provisional voting, and sample  
25 ballots described in section 301;

1 (ii) provide for ease and convenience  
2 of voting for all voters, including accuracy,  
3 nonintimidation, and nondiscrimination;

4 (iii) ensure conditions for voters with  
5 disabilities, including nonvisual access for  
6 voters with visual impairments, provide the  
7 same opportunity for access and participa-  
8 tion by such voters, including privacy and  
9 independence;

10 (iv) ensure access for voters with lim-  
11 ited English language proficiency, voters  
12 who need assistance in order to understand  
13 the voting process or how to cast a ballot,  
14 and other voters with special needs;

15 (v) ensure compliance with the Voting  
16 Accessibility for the Elderly and Handi-  
17 capped Act (42 U.S.C. 1973ee et seq.);

18 (vi) ensure compliance with the Voting  
19 Rights Act of 1965 (42 U.S.C. 1973 et  
20 seq.), including sections 4(f)(4) and 203 of  
21 such Act (42 U.S.C. 1973b(f)(4) and  
22 1973aa–1a);

23 (vii) ensure compliance with the Na-  
24 tional Voter Registration Act of 1993 (42  
25 U.S.C. 1973gg et seq.); and

1 (viii) ensure that overseas voters and  
2 absent uniformed service voters (as such  
3 terms are defined in section 107 of the  
4 Uniformed and Overseas Citizens Absentee  
5 Voting Act (42 U.S.C. 1973ff-6)) have a  
6 meaningful opportunity to exercise their  
7 voting rights as citizens of the United  
8 States.

9 (B) Accuracy of the records of eligible vot-  
10 ers in the States to ensure that legally reg-  
11 istered voters appear in such records and pre-  
12 vent any purging of such records to remove ille-  
13 gal voters that result in the elimination of legal  
14 voters as well.

15 (C) Voter education programs regarding  
16 the right to vote and methodology and proce-  
17 dures for participating in elections and training  
18 programs for election personnel and volunteers,  
19 including procedures to carry out subparagraph  
20 (D).

21 (D) An effective method of notifying voters  
22 at polling places on the day of election of basic  
23 voting procedures to effectuate their vote as  
24 provided for in State and Federal law.

1 (E) A timetable for meeting the elements  
2 of the plan.

3 (3) CONSISTENCY WITH ELECTION TECH-  
4 NOLOGY AND ADMINISTRATION REQUIREMENTS.—

5 The criteria established by the Attorney General  
6 under this subsection and the State plans required  
7 under this subsection shall be consistent with the  
8 uniform and nondiscriminatory election technology  
9 and administration requirements under section 301.

10 (c) CONSULTATION.—In establishing the general poli-  
11 cies and criteria under this section, the Attorney General  
12 shall consult with the Federal Election Commission.

13 **SEC. 204. SUBMISSION OF APPLICATIONS OF STATES AND**  
14 **LOCALITIES.**

15 (a) SUBMISSION OF APPLICATIONS BY STATES.—

16 (1) IN GENERAL.—Subject to paragraph (3),  
17 the chief executive officer of each State desiring to  
18 receive a grant under this title shall submit an appli-  
19 cation to the Attorney General at such time, in such  
20 manner, and accompanied by such additional infor-  
21 mation as the Attorney General, in consultation with  
22 the Federal Election Commission, may reasonably  
23 require.



1           (2) CONTENTS OF APPLICATIONS.—Each appli-  
2           cation submitted under paragraph (1) shall include  
3           the following:

4                   (A) STATE PLAN.—A State plan that—

5                           (i) is developed in consultation with  
6                           State and local election officials;

7                           (ii) describes the activities authorized  
8                           under section 202 for which assistance  
9                           under this title is sought; and

10                          (iii) contains a detailed explanation of  
11                          how the State will comply with the require-  
12                          ments described in section 203(b).

13                   (B) COMPLIANCE WITH FEDERAL MATCH-  
14                   ING REQUIREMENTS.—An assurance that the  
15                   State will pay the non-Federal share of the  
16                   costs of the activities for which assistance is  
17                   sought from non-Federal sources that may be  
18                   accompanied by a request for a waiver of the  
19                   matching requirements under section 206(b)(2).

20                   (C) ADDITIONAL ASSURANCES.—Such ad-  
21                   ditional assurances as the Attorney General, in  
22                   consultation with the Federal Election Commis-  
23                   sion, determines to be essential to ensure com-  
24                   pliance with the requirements of this title.

1           (3) AVAILABILITY OF STATE PLANS FOR RE-  
 2       VIEW AND COMMENT.—A State submitting an appli-  
 3       cation under this section shall make the State plan  
 4       proposed to be included in that application available  
 5       to the public for review and comment prior to the  
 6       submission of the application.

7       (b) SUBMISSION OF APPLICATIONS BY LOCAL-  
 8       ITIES.—

9           (1) IN GENERAL.—If a State has submitted an  
 10      application under subsection (a), a locality of that  
 11      State may submit an application for assistance to  
 12      the Attorney General at such time, in such manner,  
 13      and accompanied by such additional information as  
 14      the Attorney General, in consultation with the Fed-  
 15      eral Election Commission, may reasonably require.

16          (2) CONTENTS OF APPLICATIONS.—Each appli-  
 17      cation submitted by a locality under paragraph (1)  
 18      shall include the following:

19           (A) CONSISTENCY WITH STATE PLAN.—In-  
 20      formation similar to the information required to  
 21      be submitted under the State plan under sub-  
 22      section (a)(2)(A) that is not inconsistent with  
 23      that plan.

24           (B) NONDUPLICATION OF EFFORT.—As-  
 25      surances that any assistance directly provided

to the locality under this title is not available to that locality through the State.

(C) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—A description of how the locality will pay the non-Federal share from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section 206(b)(2).

(D) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this title.

**SEC. 205. APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES.**

(a) APPROVAL OF STATE APPLICATIONS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Federal Election Commission, shall approve applications in accordance with the general policies and criteria for the approval of applications established under section 203.

(2) PUBLICATION OF STATE PLANS AND SOLICITATION OF COMMENTS.—After receiving an application of a State submitted under section 204(a)(1), the Attorney General shall publish the State plan

1 contained in that application in the Federal Register  
 2 and solicit comments on the plan from the public.  
 3 The publication of and the solicitation of comments  
 4 on such a plan pursuant to this subsection shall not  
 5 be treated as an exercise of rulemaking authority by  
 6 the Attorney General for purposes of subchapter II  
 7 of chapter 5 of title 5, United States Code.

8 (3) APPROVAL.—At any time after the expira-  
 9 tion of the 30-day period which begins on the date  
 10 the State plan is published in the Federal Register  
 11 under subsection (a), and taking into consideration  
 12 any comments received under such subsection, the  
 13 Attorney General, in consultation with the Federal  
 14 Election Commission, shall approve or disapprove  
 15 the application that contains the State plan pub-  
 16 lished under paragraph (2) in accordance with the  
 17 general policies and criteria established under sec-  
 18 tion 203.

19 (b) APPROVAL OF APPLICATIONS OF LOCALITIES.—  
 20 If the Attorney General has approved the application of  
 21 a State under subsection (a), the Attorney General, in con-  
 22 sultation with the Federal Election Commission, may ap-  
 23 prove an application submitted by a locality of that State  
 24 under section 204(b) in accordance with the general poli-  
 25 cies and criteria established under section 203.

1 **SEC. 206. FEDERAL MATCHING FUNDS.**

2 (a) PAYMENTS.—The Attorney General shall pay to  
3 each State or locality having an application approved  
4 under section 205 the Federal share of the cost of the  
5 activities described in that application.

6 (b) FEDERAL SHARE.—

7 (1) IN GENERAL.—Subject to paragraphs (2),  
8 (3), and (4), for purposes of subsection (a), the Fed-  
9 eral share shall be 80 percent.

10 (2) WAIVER.—The Attorney General may speci-  
11 fy a Federal share greater than 80 percent under  
12 terms and conditions consistent with this title.

13 (3) INCENTIVE FOR EARLY ACTION.—For any  
14 recipient of a grant whose application was received  
15 prior to March 1, 2002, the Federal share shall be  
16 90 percent.

17 (4) REIMBURSEMENT FOR COST OF MEETING  
18 REQUIREMENTS.—With respect to the authorized ac-  
19 tivities described in section 202(b) insofar as a State  
20 or locality incurs expenses to meet the requirements  
21 of section 301, the Federal share shall be 100 per-  
22 cent.

23 (c) NON-FEDERAL SHARE.—The non-Federal share  
24 of payments under this title may be in cash or in kind  
25 fairly evaluated, including planned equipment or services.

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

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

7 (b) AUDIT AND EXAMINATION.—The Attorney Gen-  
 8 eral and the Comptroller General, or any authorized rep-  
 9 resentative of the Attorney General or the Comptroller  
 10 General, shall audit any recipient of a grant under this  
 11 title and shall have access to any record of a recipient of  
 12 a grant under this title that the Attorney General or the  
 13 Comptroller General determines may be related to a grant  
 14 received under this title for the purpose of conducting an  
 15 audit or examination.

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

18 (a) REPORTS TO CONGRESS.—Not later than Janu-  
 19 ary 31, 2003, and each year thereafter, the Attorney Gen-  
 20 eral shall submit to the President and Congress a report  
 21 on the program under this title for the preceding year.  
 22 Each report shall contain the following:

23 (1) A description and analysis of any activities  
 24 funded by a grant awarded under this title.

1           (2) Any recommendation for legislative or ad-  
 2           ministrative action that the Attorney General con-  
 3           siders appropriate.

4           (b) REPORTS TO THE ATTORNEY GENERAL.—The  
 5           Attorney General shall require each recipient of a grant  
 6           under this title to submit reports to the Attorney General,  
 7           at such time, in such manner, and containing such infor-  
 8           mation as the Attorney General considers appropriate.

9   **SEC. 209. DEFINITIONS OF STATE AND LOCALITY.**

10          In this title:

11           (1) STATE.—The term “State” means each of  
 12           the several States, the District of Columbia, the  
 13           Commonwealth of Puerto Rico, American Samoa,  
 14           Guam, and the United States Virgin Islands.

15           (2) LOCALITY.—The term “locality” means a  
 16           political subdivision of a State.

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

18           (a) AUTHORIZATION.—

19           (1) IN GENERAL.—There are authorized to be  
 20           appropriated to the Department of Justice such  
 21           sums as may be necessary for each of fiscal years  
 22           2002, 2003, 2004, 2005, and 2006.

23           (2) USE OF AMOUNTS.—Amounts appropriated  
 24           under paragraph (1) shall be for the purpose of—

25                   (A) awarding grants under this Act; and

1                   (B) paying for the costs of administering  
2                   the program to award such grants.

3                   (3) FEDERAL ELECTION COMMISSION.—There  
4                   are authorized to be appropriated to the Federal  
5                   Election Commission for each of fiscal years 2002,  
6                   2003, 2004, 2005, and 2006 such sums as may be  
7                   necessary for the purpose of carrying out the provi-  
8                   sions of this Act.

9                   (b) LIMITATION.—Not more than 1 percent of any  
10                  sums appropriated under paragraph (1) of subsection (a)  
11                  may be used to pay for the administrative costs described  
12                  in paragraph (2)(B) of such subsection.

13                  (c) SUPPLEMENTAL APPROPRIATIONS.—There are  
14                  authorized to be appropriated as supplemental appropria-  
15                  tions for fiscal year 2001, such sums as the Department  
16                  of Justice and the Federal Election Commission consider  
17                  necessary to carry out the provisions of this Act.



1 **TITLE III—REQUIREMENTS FOR**  
2 **ELECTION TECHNOLOGY AND**  
3 **ADMINISTRATION**

4 **SEC. 301. UNIFORM AND NONDISCRIMINATORY REQUIRE-**  
5 **MENTS FOR ELECTION TECHNOLOGY AND**  
6 **ADMINISTRATION.**

7 (a) VOTING SYSTEMS.—Each voting system used in  
8 an election for Federal office shall meet the following re-  
9 quirements:

10 (1) The voting system shall permit the voter to  
11 verify the votes selected by the voter on a ballot be-  
12 fore the ballot is cast and tabulated, and shall pro-  
13 vide the voter with the opportunity to correct any  
14 error before the ballot is cast and tabulated.

15 (2) If the voter selects votes for more than one  
16 candidate for a single office, the voting system shall  
17 notify the voter before the ballot is cast and tab-  
18 ulated of the effect of casting multiple votes for the  
19 office, and shall provide the voter with the oppor-  
20 tunity to correct the ballot before the ballot is cast  
21 and tabulated.

22 (3) If the voter selects votes for fewer than the  
23 number of candidates for which votes may be cast,  
24 the voting system shall notify the voter before the  
25 ballot is cast and tabulated of the effect of such se-

1       lection, and shall provide the voter with the oppor-  
2       tunity to correct the ballot before the ballot is cast  
3       and tabulated.

4           (4) The voting system shall produce a record  
5       with an audit capacity for each ballot cast.

6           (5) The voting system shall be accessible for in-  
7       dividuals with disabilities and other individuals with  
8       special needs, including providing nonvisual accessi-  
9       bility for the blind and visually impaired, which pro-  
10      vides the same opportunity for access and participa-  
11      tion (including privacy and independence) as for  
12      other voters, and shall provide alternative language  
13      accessibility for individuals with limited proficiency  
14      in the English language.

15          (6) The error rate of a voting system in count-  
16      ing and tabulating ballots (determined by taking  
17      into account only those errors which are attributable  
18      to the voting system and not attributable to the act  
19      of the voter) shall not exceed the error rate stand-  
20      ards as established in the national Voting Systems  
21      Standards issued and maintained by the Office of  
22      Election Administration of the Federal Election  
23      Commission in effect on the date of enactment of  
24      this Act and shall not be inconsistent with respect  
25      to the requirements under section 301.

1 (b) PROVISIONAL VOTING.—If the name of an indi-  
2 vidual who declares to be a registrant eligible to vote at  
3 a polling place in an election for Federal office does not  
4 appear on the official list of registrants eligible to vote  
5 at the polling place, or it is otherwise asserted by an elec-  
6 tion official that the individual is not eligible to vote at  
7 the polling place—

8 (1) an election official at the polling place shall  
9 notify the individual that the individual may cast a  
10 provisional ballot in the election;

11 (2) the individual shall be permitted to cast a  
12 vote at that polling place upon written affirmation  
13 by the individual before an election official at that  
14 polling place that the individual is so eligible;

15 (3) an election official at the polling place shall  
16 transfer the ballot cast by the individual to an ap-  
17 propriate State or local election official for prompt  
18 verification of the declaration made by the individual  
19 in the affirmation required under paragraph (2);

20 (4) if the appropriate State or local election of-  
21 ficial verifies the declaration made by the individual  
22 in the affirmation, the individual's vote shall be tab-  
23 ulated; and

24 (5) the appropriate State or local election offi-  
25 cial shall notify the individual in writing of the final

1 disposition of the individual's affirmation and the  
2 treatment of the individual's vote.

3 (c) SAMPLE BALLOT.—

4 (1) MAILINGS TO VOTERS.—Not later than 10  
5 days prior to the date of an election for Federal of-  
6 fice, the appropriate election official shall mail to  
7 each individual who is registered to vote in such  
8 election a sample version of the ballot which will be  
9 used for the election together with—

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

13 (B) instructions on how to cast a vote on  
14 the ballot; and

15 (C) general information on voting rights  
16 under Federal and applicable State laws and in-  
17 structions on how to contact the appropriate of-  
18 ficials if these rights are alleged to be violated.

19 (2) PUBLICATION AND POSTING.—The sample  
20 version of the ballot which will be used for an elec-  
21 tion for Federal office and which is mailed under  
22 paragraph (1) shall be published in a newspaper of  
23 general circulation in the applicable geographic area  
24 not later than 10 days prior to the date of the elec-

1       tion, and shall be posted publicly at each polling  
2       place on the date of the election.

3   **SEC. 302. GUIDELINES AND TECHNICAL SPECIFICATIONS.**

4       (a) VOTING SYSTEMS REQUIREMENT SPECIFICA-  
5   TIONS.—In accordance with the requirements of this title  
6   regarding technical specifications, the Office of Election  
7   Administration of the Federal Election Commission shall  
8   develop national Voting Systems Specifications with re-  
9   spect to the voting systems requirement provided under  
10  section 301(a).

11      (b) PROVISIONAL VOTING GUIDELINES.—In accord-  
12  ance with the requirements of this title regarding provi-  
13  sional voting, the Civil Rights Division of the Department  
14  of Justice shall develop initial guidelines with respect to  
15  the provisional voting requirement provided for under sec-  
16  tion 301(b).

17      (c) SAMPLE BALLOT GUIDELINES.—In accordance  
18  with the requirements of this title regarding sample bal-  
19  lots, the Civil Rights Division of the Department of Jus-  
20  tice shall develop initial guidelines with respect to the sam-  
21  ple ballot requirement provided for under section 301(c).

22   **SEC. 303. REQUIRING STATES TO MEET REQUIREMENTS.**

23      (a) IN GENERAL.—Subject to subsection (b), a State  
24   or locality shall meet the requirements of section 301 with  
25   respect to the regularly scheduled election for Federal of-

1    fice held in the State in 2004 and each subsequent election  
 2    for Federal office held in the State, except that a State  
 3    is not required to meet the guidelines and technical speci-  
 4    fications under section 302 prior to the publication of such  
 5    guidelines and specifications.

6            (b) TREATMENT OF ACTIVITIES RELATING TO VOT-  
 7    ING SYSTEMS UNDER GRANT PROGRAM.—To the extent  
 8    that a State has used funds provided under the Election  
 9    Technology and Administration Improvement grant pro-  
 10   gram under section 202(a) to purchase or modify voting  
 11   systems in accordance with the State plan contained in  
 12   its approved application under such program, the State  
 13   shall be deemed to meet the requirements of section  
 14   301(a).

15    **SEC. 304. ENFORCEMENT BY ATTORNEY GENERAL.**

16            (a) IN GENERAL.—The Attorney General may bring  
 17   a civil action in an appropriate district court for such relief  
 18   (including declaratory or injunctive relief) as may be nec-  
 19   essary to carry out this title.

20            (b) ACTION THROUGH OFFICE OF CIVIL RIGHTS.—  
 21   The Attorney General shall carry out this section through  
 22   the Office of Civil Rights of the Department of Justice.

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

# 1       **TITLE IV—MISCELLANEOUS**

## 2   **SEC. 401. RELATIONSHIP TO OTHER LAWS.**

3       (a) IN GENERAL.—Nothing in this Act may be con-  
 4   strued to authorize or require conduct prohibited under  
 5   the following laws, or supersede, restrict, or limit such  
 6   laws:

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

9           (2) The Voting Rights Act of 1965 (42 U.S.C.  
 10      1973 et seq.).

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

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

15          (5) The Americans with Disabilities Act of  
 16      1990 (42 U.S.C. 1994 et seq.).

17      (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-  
 18   QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-  
 19   proval by the Attorney General of a State’s application  
 20   for a grant under title II, or any other action taken by  
 21   the Attorney General or a State under such title, shall not  
 22   be considered to have any effect on requirements for  
 23   preclearance under section 5 of the Voting Rights Act of  
 24   1965 or any other requirements of such Act.

